



An  
Bord  
Pleanála

## Inspector's Report ABP-303625-19

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<b>Development</b>	Change of use of existing workshop and retention of retail unit(s) and stair core and all associated site works
<b>Location</b>	Dublin Road, Stameen, Drogheda, Co. Louth.
<b>Planning Authority</b>	Louth County Council
<b>Planning Authority Reg. Ref.</b>	18570
<b>Applicant(s)</b>	Park Capital Management Ltd.
<b>Type of Application</b>	Permission and Retention
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	1. Brendan Murray. 2. Sean De Grae
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	14 <sup>th</sup> of May 2019.
<b>Inspector</b>	Karen Hamilton

## 1.0 Site Location and Description

- 1.1. The subject site includes a two storey mixed use neighbourhood centre (1,100m<sup>2</sup>), accessed directly off the main Dublin Road, south of Drogheda Town Centre.
- 1.2. The range of uses currently within the building include a butchers, pharmacy, medical centre and offices on the first floor. Car parking is provided along the front of the site, adjoining the Dublin Road, and to the rear of the site.
- 1.3. There are two large sheds (c. 583m<sup>2</sup>) to the rear of the site, adjoining the car park and an enclosed compound to the rear of these sheds enclosed by fencing, c.3m in height. The site is bound by two storey detached dwellings to the north, separated by an internal road, and a residential estate to the east.

## 2.0 Proposed Development

- 2.1. The proposed development would comprise of the following:
  1. Change of use of existing workshop in main building to fitness studio and part retail unit,
  2. Retention of subdivision of single retail unit to 2 no. retail units and relocation of entrance doors (single retail unit proposed as per granted permission Ref No.16298),
  3. Retention of omission of retail unit no.2 and relocation of staircore (as per original granted permission Ref No. 16298),
  4. Retention of omission of stair core in GP surgeries (as per original granted permission Ref No.16298),
  5. Alterations to rear elevation,
  6. New external lighting to existing main building,
  7. All associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Decision to grant permission subject to 11 no. conditions of which the following are of note:

C 2- The existing warehouse shall be demolished and removed from site within 6 months of the grant date of the application and the site developed in accordance with the submitted plans.

C 3-

a) The proposed studio shall be used as specified. Noise levels and disturbance will be kept to a minimum to avoid annoyance/ disturbance to any person in any residence in the vicinity of the site.

b) Hours of operation shall be 9 am to 8pm.

C 4- All measures proposed to reduce noise levels shall be carried out within 6 months of the grant date and applicant shall submit plans for the proposed screening prior to the commencement to the development.

C 5-

a) Submission of a Construction and Demolition Waste Management Plan.

b) Restriction of hours of construction.

C 6- Restriction on sound levels.

C 7- Removal of all unauthorised signage, lighting columns and fencing removed 3 months from the grant date of this application.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission following the submission of further information as summarised below:

### Further Information

- A previous planning permission Reg Ref 16/298 has been implemented although the warehouse and workshop remain on the site, which are unauthorised. It is proposed to demolish these buildings in Feb 2019 and an application has been made to the ESB as there are mains in the building. Asbestos in the building requires health and safety.
- A freeze/cooling unit to the rear of the site has a negative impact on adjoining residential amenity, due to the noise. The applicant states that the decibel levels are less than 45dba. The fans have been replaced with lower air volume fans (850rpm fans) and the unit covered with noise attenuation material. Additional screening is proposed.
- Proposals for the removal of unauthorised signage and public columns and lighting.
- The existing public lighting is to be upgraded to LED lighting and new hoods placed on them to reduce spillage and nuisance.
- The use of the fitness studio will be a yoga studio and noise levels will be kept to a minimum.
- The correct fee was submitted.

#### 3.2.2. Other Technical Reports

Environment Section- No objection subject to conditions.

Infrastructure Department- No objection subject to conditions.

#### 3.3. **Prescribed Bodies**

Irish Water- No objection to proposal.

#### 3.4. **Third Party Observations**

A number of observations were submitted on both the initial application and the significant further information which are detailed in the grounds of appeal and summarised below:

- There have been no details of the screening proposed on the site.
- Impact on residential amenity including noise and privacy.
- Access and traffic.
- Non-compliance with previous permissions.

## 4.0 Planning History

### Reg Ref 16/298

Permission granted for the following:

1. Change of use from office and light industrial to new multi-unit building consisting of retail units, medical centre and office space.
2. Demolition of single storey building to rear of existing building.
3. Demolition of existing warehouse & workshop building.
4. Construction of new staircore to rear of existing building.
5. Provision of additional car parking.
6. New signage to existing building.
7. All associated works.

### Reg Ref 06510127

Permission granted for change of use for a portion of an existing store to office accommodation at ground and 1<sup>st</sup> floor and associated site works.

## 5.0 Policy and Context

### 5.1. Drogheda Development Plan 2011- 2017

The site is located on lands zoned as Residential Existing, RE, where it is an objective *“To protect and enhance the amenity of developed residential communities.”*

Table 5.4: **Car parking standards** (GFA)

Retail- 1 per 30m<sup>2</sup>

Office- 1 per 50m<sup>2</sup>

Clinics and Group Medical Practices- 2 spaces per consulting room

Section 5.9.5- Change of use. Additional parking will not be required where evidence indicates that the proposed use is less intensive than the existing.

## 5.2. Natural Heritage Designations

The site is located c. 1.1km to the south of the River Boyne and River Blackwater SAC (site code 002299) and the Boyne Estuary SPA (site code 004080).

## 6.0 The Appeal

### 6.1. Grounds of Appeal

Two appeals have been received, both from residents in the vicinity of the site. Similar issues have been raised in both submissions, therefore I have summarised these under common themes below:

#### Planning history/ background

- The previous use (Flogas) did not have a negative impact on any residential amenity.
- Reg Ref 16/298 was permitted on the site for a mixed use development.
- The definition of “Light industrial” is included in the Regulations, 2001 as a building in which the process is carried on.
- A appellant submitted an objection to the previous application Reg Ref 16/298
- The planner on the previous application could not assess the impact of the proposal as the uses proposed were hypothetical.
- A condition on the previous permission required compliance with plans and particulars to prevent unauthorised development.
- No conditions were required for the submission of occupants of the units.
- The impact of the opening hours on the residential amenity were not considered.

- Dublin City Council have a more detailed standard condition for compliance with plans and particulars.
- The applicant has failed to comply with the previous permission.

#### Existing Use (Noise)

- The greatest impact from the existing use is from the loading bay for the Dublin Meat Company and the noise associated with the same.
- The concerns of the appellant have not been addressed in the application.
- The planning officer's first report required further information and the second report the planning officer failed to request the original of the noise generated activity.
- The constant noise of the fan and roller shutter doors is significant and not appropriate in a residential area.
- Pictures of delivery vans on site are submitted.
- The retail unit is not simply a shop, but also a factory shop which specialises in the sale of manufactures products direct to the public.
- The size and operation of the butcher shop, in comparison to other standard butcher's shops, should be considered.
- There has been no attempt since the grant of permission to collect any noise data to comply with conditions.

#### Hours of operation

- The current hrs of operation are 08:00 to 22:00. The proposed hours are 06:00 to 22:00.
- These hours of operation are not compatible to a residential area.

#### Fitness Studio

- There is no confidence the fitness studio will comply with the hours of operation proposed.

#### Parking

- 60 spaces where proposed in the original application.

- 37 no. spaces are proposed in the current application.
- The entire area between the appellant's house and the premises should be removed from use for parking and delivery and this can be done as a condition on any grant of permission.

#### Waste Management Plan

- It is requested that the Board investigate if the warehouse has been demolished by Feb 2019, as stated in the application.
- There is concern over the impact of the asbestos removal on the surrounding residential areas.

#### Lights

- The planning authority indicated there was no real impact of the light of residential amenity although there is legitimate concerns over the movement of delivery traffic to the site as late as 23:30.
- The details of the external lighting only reference the wall mounted LED lighting and no other lighting proposals.
- The development includes three new lighting columns and two proposed light fittings which have not been included in the detailed drawings.
- The impact of light pollution cannot be assessed.

#### Air pollution

- The refrigeration units to store meat are not traditionally use for retail units.

#### Drawings

- The drawings submitted fail to illustrate the double doors which face onto the appellants dwelling
- A metal cage is not shown on the submitted plans.

#### Planning Application form.

- Q 6- The name of the applicants is provided, an online search indicates that one of the directors has resigned from the company. This application should have been made invalid.



- Q 21- The date on the public notice is given as 10<sup>th</sup> of July 2018 although appeared on the newspaper on the 17<sup>th</sup> of July 2018.
- Q 22- The fee for the planning application has been calculated as €2,104.96, although has been calculated as €2,544.22.

### Road Safety

- The proposed development is an intensification of the permitted use and the opening hours are extended.
- The use will increase the number of traffic movements on the site and cause noise nuisance for adjoining residential properties.
- There are permanent road markings on the site, one indicating right turning towards Drogheda town centre.
- There is a number of significant residential developments in the vicinity.
- The proposed uses are heavily dependent on traffic movements.
- The initial proposal for Flogas was recommended for refusal by the Roads Department of Drogheda Borough Council (Reg Ref 01510270) as the minimum sight lines were not achievable (Appendix of submission).
- The intensification of the use on the site will exacerbate and already substandard entrance, too close to a bend on the N1 and the entrance of the Boyne Valley Hotel (granted in 2008).
- There is insufficient parking spaces for the overall use on the site.

### Impact of the Change of Use

- a) Existing workshop in main building to fitness studio and part retail unit.

The zoning on the site is residential and the proposed development will seriously injure the residential amenity and therefore not in compliance with the land use zoning.

- b) Sub division of retail unit and relocation of entrance (permitted under Reg Ref 16/298)

The modification is a contravention to the original permission.

- c) Retention of omission of retail unit no. 2 and relocation of stair core

The modification is a contravention to the original permission.

d) Retention of omission of stair core in GP surgery.

It has not been demonstrated that adequate fire escape has been provided.

e) All other works

It has not been demonstrated an additional works proposed.

### Flooding

- The subject site is located 50m from an area along the N1 which floods regularly.
- Extract from OPW submitted.
- No flood risk assessment was carried out.

## **6.2. Applicant Response**

An agent on behalf of the applicant has submitted two responses, to each of the appeal submissions, and I have summarised both of these under common themes below:

### Previous Use

- The site was previously used by Flogas and the warehousing at the rear was used for bottling the gases until 2017.
- A photographic survey of the building is included and indicates the warehousing at the rear extending up to the northern boundary of the site.
- Planning Permission 16/298 established the principle of the uses on the site.
- The appellants are attempting to revisit aspects of a previous permission which has already been granted.
- Should the permission be refused, the applicant is still entitled to rent out the units as permitted.

### Proposed development

- The proposed development is for minor alterations to the previous permission.

- There is a need to apply for permission in order to comply with Part M Building control regulations and Fire certificates (Compliance Report submitted with the response to the appeal).
- The definition of “shop” is provided and the proposal is within the remits of the previous permission.
- Section 7.1 of the development management guidelines, on the use of conditions on any grant of permission, states the number of conditions should be kept to a minimum. The basic criteria for imposition of conditions is included.
- There is no significant changes to the proposal in comparison to the previous permission.

#### Response to the grounds of appeal

- The validity of the application is a matter for the planning authority.
- The applicants have sufficient legal interest to apply for permission.
- The applicant made an observation to the planning application, therefore it is considered the public notices where sufficient.

#### Roads Issues

- The planning authority decision to refuse permission on an application in 2002 is irrelevant.
- In 2002 the Dublin Road was a national road, this is not the case anymore and the M1 bypass removed a significant amount of traffic from this road.
- The development is for a modification of an existing permission and the concerns of the appellant in relation to traffic concerns are a matter for the previous application.
- The level of traffic generated from a change of use from warehouse to yoga studio would be negligible.
- The subdivision of the retail unit into two units would not generate any additional traffic.
- The works on the site do not require a Traffic Impact Assessment (TIA).

- The full allocation of car parking spaces will be provided when the warehouse has been demolished and the previous permission provides 60 spaces, where 47 are required. 5 years are permitted to carry out development.
- A letter of support from the occupant of the butchers “Dublin Meat Company” states that 2-3 deliveries per day are undertaken and they are after 7am.

### Lighting

- There is no need for a full lighting assessment, considering the commercial activity has been in use for many years.
- The applicant is happy to accept any condition relating to lighting on the site.
- The appellants dwelling is separated from the site by over 19m.
- It is proposed to upgrade the lighting and cover hoods (specification attached).

### Proposed Use

- The proposed change of use from warehouse to yoga studio would have a lesser impact on the surrounding area and would reduce the traffic movement throughout the site.
- The size and scale of the development (one room) is very small.
- The application does not contravene a parent permission, it regularises changes which require permission and all proposals are assessed on their own merits.
- The public notices refer to the retention of the increase in the butchers shop.
- A separate application for the hours of operation is not required as these are part of the proposed development.
- There is no contravention of a previous permission and the application is seeking to regularise certain aspects of the development, i.e. matters outstanding.
- A condition requiring the removal of the warehouse within 6 months of the date of permission has been included, although it is questionable if this is required.

### Flooding

- There is no flooding on the site or has there ever been previously.

### Removal of warehouse.

- The removal of the warehouse was permitted under Reg Ref 16.298.
- The applicant is happy to accept a condition relating to the demolition and construction waste.
- A condition relating to the waste management condition is acceptable.

### Noise

- The original fans have been replaced with new fans and integrated noise attenuation measures and Coolrite have returned to the site to confirm that noise reduction has taken place.
- Drawings submitted with the appeal response illustrate possible screening. This includes a 2m high louvered acoustic screen erected on the inside of the existing 1.5m high boundary wall, along the north of the site.
- The delivery of products has always been associated with Flogas and the delivery of goods to the butchers shop does not generate the significant levels of noise.
- There is no wholesale distribution being carried out at this location and the butchers is not a factory shop.
- The condition restricting noise levels on site is acceptable.
- The nearest dwelling is over 15m from the rear of the site.
- The volume of customers is a response to the success of the retail unit.

### Hours of operation

- It is suggested that hours of operation from 9am to 10pm are restrictive and unreasonable to allow for deliveries.
- The planning authority conditioned the yoga operation to close at 8pm and considering the Board may assess the application de novo it is requested that the closing hours are extended to 9pm.

### Air pollution

- The fans are not linked to any industrial units.
- There are no exhausts from the shop and the deliveries are normal.

### **6.3. Planning Authority Response**

A response was received from the planning authority as summarised below:

- Permission was granted on the basis that the site was already in commercial use and allows for the reuse and renovation of an unused and semi-derelict building.

### Noise

- The applicant has carried out substantial works to ensure the decibel levels are below the required 45dba.
- Condition No 3 restricts the hours of operations of the studio from 9am to 8pm.
- Condition No 4 requires all measures to reduce noise to be carried out within 6 months and the submission of proposed screening prior to the commencement of development.
- Condition no 6 requires that the level of noise of the site operation is restricted at difference levels during the day (55db (A)) and at night (45db (A)).

### Demolition

- A construction and demolition waste management plan is required as part of the application which will address the issue of asbestos on the site.
- The applicant has committed to demolition of the warehouse by Feb 2019 and provision of the car parking as per Reg Ref 16/298.

### Lighting

- The proposed new lighting will have cover hoods on them to direct the lighting down towards the ground.

#### 6.4. Observations

None received.

#### 6.5. Further Responses

Drawings for a roller door and a proposal for screening along the northern boundary wall where submitted with the applicants response to the grounds of appeal. These were recirculated to the appellants for comment, under Section 131 of the Act.

Two further responses were received from the appellants in relation to these amended drawings which are summarised under common themes below:

##### Flogas

- Flogas did not operate as an industrial facility, it was primarily office with some gas tanks stored in an area which is not the carpark.
- The main Flogas operations were off site.
- Prior to Flogas the site was used as a car showroom.

##### Proposed development

- The change of use of the warehouse to a fitness studio is not a minor alteration.
- Reference to a Boards division in Cork (PL04.301644) is provided as an example requirement of a change of use from retail to Pizza hut.
- A condition on any grant of permission restricting the use of the premises to a butchers shop is enforceable.
- A condition restricting the use of the premises for shop should be included.

##### Waste Management

- The waste management plan submitted after the permitted development Reg Ref 16/298 did not directly relate to the site and referenced a housing development.

##### Noise

- Coolrite have not provided any evidence as to the nature of the noise readings undertaken, i.e. calibration of machine, recorded location.

- There are fans associated with the pharmacy not included therefore there is a cumulative impact.
- The noise of the fans at night disrupts the sleep of the appellant.
- No normal retail unit operates from 6am in the morning.
- Flogas did not operate at the weekends.

#### Lighting

- No evidence has been submitted to indicate there will be no real impact from the proposed lighting, glare or movement.
- The building is of standard construction, therefore compliance with Part M should have been straightforward.
- Lighting should not shine onto properties in the vicinity of the site.

#### Opening hours

- AT present any deliveries before 8.00 are unauthorised only at the front and not the rear, a condition should be included to prevent deliveries at all entrances.
- Section 7.5 of the development management guidelines state that a condition restricting the hours of use is acceptable where use outside these hours would seriously injure the amenities of property in the vicinity.

#### Boundary Screening

- The proposal is welcomed and a condition should be attached to that effect.

## **7.0 Assessment**

7.1. The main issues of the appeal can be dealt under the following headings:

- Principle of Development
- Impact on the Residential Amenity
- Access and Parking
- Appropriate Assessment



## Principle of Development

- 7.2. The site is located on lands zoned as residential in the development plan, where it is an objective “*To protect and enhance the amenity of developed residential communities*”.
- 7.3. Planning permission was previously granted on the site, Reg Ref 16/298, for the change of use from office and light industrial to a new multi-unit building consisting of 2 no. retail units, medical centre and office space and included the demolition of a warehouse and workshop to the rear of the site to accommodate an extended carpark for the development. The proposed development includes alterations and amendments to the existing multi-unit development which mainly relate to the change of use of part of warehouse for use as a yoga studio, reconfiguration and retention of sub-division of retail units.
- 7.4. The grounds of appeal are submitted from residents in the vicinity, to the north and on the opposite side of the R132, of the site, who raise concern in relation to the proposed operation on the site in particular the butchers shop and the impact of the development on the surrounding residential amenity. I have dealt with specific issues relating to residential amenity separately below.
- 7.5. With regards the proposed use and compatibility with the land use zoning, the current permitted use on the site, Reg Ref 16/298 included 3 no retail units, the existing pharmacy, an empty unit and a larger unit (retail 3) which is partially used by as a butchers. The proposal includes the reconfiguration of the retail units where unit 2 is converted for a stair core to access offices on the first floor, subdivision of the larger unit 3 for the butchers and retention of part conversion of workshop within the site for the butchers previously permitted as a work workshop and extension of Unit 3 into the workshop.
- 7.6. Other associated works on the ground floor include integration of the current GP access for use as retail, internal and external alterations for stair cores, external ramp access and first floor extension of the office use is extension by c. 40m<sup>2</sup>. I consider these alterations are minor and have not been raised as an issue of concern by the grounds of appeal, therefore I do not consider it necessary to assess the impact.

7.7. The overall quantum of retail floor space within the building has increased, Reg Ref 16/298 (297m<sup>2</sup>) and proposed (467m<sup>2</sup>) with the butchers occupying 167m<sup>2</sup>. Retail Unit 3 remains unoccupied. The scale and nature of the butchers is questioned by the appellant with the activity being deemed wholesale. Reference to the definition of “shop” in the Planning and Development Regulations, 2001, is provided by the applicant in response to the grounds of appeal. The grounds of appeal consider a condition restricting the use of the butchers to a “shop” would prevent the building being used as wholesale. I note the plans and particulars detail the units as retail which permits those activities listed in the use Class 1 of Part 4 of the Regulations. I consider a butchers shop currently on the site may be defined as “retail sale of goods” where the sale, display and service associated with this activity is principally to visiting members of the public. There is no evidence either upon site inspection or by the appellant to indicate that any other activity is being undertaken and I do not consider the use may be defined as wholesale. In addition, I do not consider it necessary or reasonable to restrict the activity on site by removing other uses which may be classified as exempted development.

7.8. Having regard to the current use on the site, the previous planning permission, and the nature and scale of the proposed works, I consider the principle of development acceptable, subject to compliance with other planning considerations detailed below.

### **Impact on Residential Amenity**

7.9. The Westwood housing estate is located to the east of the site, separated by mature Leylandi trees along the boundary adjoining the rear car park. A row of detached two storey dwellings run along the north of the site, separated by an internal access road. The impact on the residential amenity is voiced as the main cause of concern by the appellant’s, which I have addressed below.

### Hours of Operation

7.10. Question 10 of the planning application form lists the hours of operation of the proposed development as 06:00 to 22:00, Monday to Sunday. The current hours of operation are not included although I note Question 10 of Reg Ref 16/298 lists the hours of operation as 08:00 to 22:00. Condition No 3 b) of the grant of permission restricts the hours of operation between 9:00 and 20:00, the remainder of condition No. 3 relates to the yoga studio, therefore it is not clear if the hours of operation

solely relate to the use of the yoga studio or the entire proposed development. The grounds of appeal have raised the impact of the deliveries to the butchers shop as excessive and consider they should be restricted. The response on behalf of the applicant states that the butchers use on the site has already been established, although, having regard to the increase in floor space for the butchers shop, I consider there is intensification and therefore conditions relating to this activity may be reasonably included. As stated above, the principle of retail on the site is acceptable and I would consider the main activity, aside from visiting members of the public is the delivery of goods. Access is provided at the rear of the site, c. 15m from dwellings along the north. I would consider the movement of large transport vehicles at 06:00 excessive and would have a significant negative impact on the residential amenity of those existing properties to the north and the hours of operation should remain as currently permitted 08:00 to 22:00.

- 7.11. The proposed fitness studio (yoga) occupies c. 70m<sup>2</sup> of space and the main entrance is along the east adjoining the existing carpark. Due to the nature of the yoga studio and other activities within the site, I consider the main source of potential nuisance is via the movement of members of the public. Further information submitted with the planning application lists classes from 9:00 to 20:15. Having regard to the size of the studio I consider the potential for any negative impact on the surrounding residential area is limited and having regard to my comments on the operation of the retail units above, I consider the opening hours of the entire building should be consistent.

#### Noise

- 7.12. In addition to the traffic generated from the delivery of goods, the noise from the fans along the north of the site have been raised as a cause of concern. The applicant states that the fans have been upgraded to include noise minimising measures and the fan box is fitted with noise attenuation covers.
- 7.13. In response to the grounds of appeal, the applicant proposes to include a 2 m high louvered acoustic screen erected to the inside face of the existing 1.5m high boundary wall, to the north of the site. The length of the screen has not been submitted. The appellant welcomes the inclusion of the screening. I consider the inclusion of the wall will minimise any noise radiating from deliveries at the rear of the site. Aside from one elevation drawing specific details of the proposed screening

have not been included although I consider this can be satisfactory addressed by way of condition on any grant of permission.

- 7.14. Condition No 6 included a restriction on the sound levels generated from activity on the site, which I consider, in addition to the works undertaken and proposed, reasonable to prevent a negative impact on the amenities of the residents in the vicinity.

#### Lighting

- 7.15. There are a number of external lights on the existing building. The proposed development includes the erection of 16 no. additional lights 6 no warm white LED lights along the facade, 5 no 100 watt LED Lights to the rear and north, 2 no photo cell control panels (one along the north and one along the eastern boundary for the car park) and 3 no. LED Lamp posts to the south of the site, adjoining the compound. Detailed specification for each light was submitted with the applicant's response to the grounds of appeal and I note those lights along the northern boundary are 30w wall mounted sensors type lights, which I do not consider excessive at this location.
- 7.16. Therefore, having regard to the location of the site, c.15m from the closest dwelling, the existing development and the nature and scale of the proposed development, I do not consider the extended butchers shop or the use of part of the site for a yoga studio will have a significant negative impact on amenity of those residents of properties in the vicinity of the site.

#### **Access and Parking**

- 7.17. The site currently has direct access onto the R132, Dublin Road, a main route which radiates south from Drogheda Town. Access into the site was permitted under Reg Ref 01510270, Flogas, and reiterated in a more recent development for the current mix of uses, Reg Ref 16/298.
- 7.18. The grounds of appeal have referred to the Roads Department report on the Flogas application, which recommended a refusal based on inadequate site lines onto a national route (2001). Since the opening of the M1 bypass the road along the front of the site has been downgraded from a national route to a regional route. The report of the Infrastructure Section of the Council noted no objection to the proposed development.

- 7.19. 38 no. car parking spaces are proposed on the site where 15 no. are provided for the retail, 12 no. for the GP Surgery, 2 no. for the fitness studio and 5 no. for the office space. Section 5.9.5 of the development plan relates to parking associated with changes of use where additional parking will not be required where evidence indicates that the proposed use is less intensive than the existing and considering the extension to existing use and the limited scale of any additional works I consider the car parking provided with Reg Ref 16/298 sufficient.
- 7.20. Drwg no F1-02 includes 47 no. car parking spaces and is reliant on the removal of the large warehouse to the rear, which was part of the previous permission Reg Ref 16/298. Condition No. 2 required the existing warehouse to be demolished and removed from the site within 6 months from the grant of permission. The applicant submits that the permission remains in force for 5 years (grant date 25<sup>th</sup> of July 2016) therefore there remains more time to remove the warehouse. The provision of car parking should be provided in tandem with any development and or change of activities permitted and I consider in the interest of proper planning and to prevent a negative impact on the traffic and pedestrian movement throughout the site, the car parking should be implemented and a condition on any grant of permission should be included for same.

### **Appropriate Assessment**

- 7.21. Having regard to the nature and scale of the proposed development within a serviced area and separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site.

## **8.0 Recommendation**

- 8.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

## 9.0 Reasons and Considerations

Having regard to the planning history and the current permitted use on the site, the nature and scale of the proposed works, the residential zoning and the policies and objectives in the Drogheda Borough Council Development Plan 2011-2017, the urban location of the site and the pattern of development in the vicinity it is considered that the proposed development would not seriously injure the visual or residential amenity of the area and would not be prejudicial to public safety by reason of traffic hazard . The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:
  - (a) A 2m high louvered acoustic screen shall be erected to the inside face of the existing 1.5m high boundary wall along the northern boundary as indicated on Drwg no REV-ABP07.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of and residential amenity.

3. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on 25<sup>th</sup> of July 2016 under planning register reference number 16298, and any agreements entered into thereunder.

Within 6 months of this grant of permission the warehouse along the east/rear of the site shall be removed and the car parking layout illustrated in the above permission and the proposed development shall be implemented in full.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

4. The multi-use building, and all activities occurring therein, shall only operate between 0800 hours and 2200 hours, Monday to Sunday.

**Reason:** In order to protect the residential amenities of property in the vicinity

5. The floodlights or any equivalent replacement floodlights shall consist of those lights detailed in DRWG REV-ABP-02 and accompanying specification. The floodlights shall be directed onto the surface of the car park and away from adjacent housing. The floodlights shall be directed and cowled such as to reduce, as far as possible, the light scatter over adjacent houses.

The operational hours of the floodlighting shall not extend beyond 22:00 hours with automatic cut-off of floodlighting at that time.

**Reason:** In the interest of residential amenity and traffic safety

6. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to

be visible from outside the building, unless authorised by a further grant of planning permission.

All unauthorised signs shall be removed from the site within 3 months of the grant of permission.

**Reason:** In the interest of visual amenity

7. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity

9. The noise level shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at the nearest noise sensitive location specify this or at any point along the boundary of the site between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed



in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

10. No fans, louvres, ducts or other external plant other than those shown on the drawings hereby permitted shall be installed unless authorised by a prior grant of planning permission.

**Reason:** In the interest of visual amenity

11. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

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Karen Hamilton  
Planning Inspector

22<sup>nd</sup> of May 2019

