



An
Bord
Pleanála

Inspector's Report

ABP-313574-22

Development	Change of use from vacant retail warehouse to motor showroom, on a site area of 696.6m2.
Location	Unit 18, Ashbourne Retail Park, Ashbourne, Co. Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	22251.
Applicant(s)	Pargo One Properties Ltd.
Type of Application	Planning Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party.
Appellant(s)	Pargo One Properties Ltd.
Observer(s)	None.
Date of Site Inspection	31 st day of August, 2022 and the 2 nd day of December, 2022.
Inspector	Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. Unit 18 is a vacant retail unit containing 696.6m² of commercial retail floor space and contains no dedicated outdoor space. It forms part of the purpose-built Ashbourne Retail Park, which is located at No. 1 Ballybin Road on the northern fringes of Ashbourne in County Meath, c1.5km to the north west of its town centre.
- 1.2. The subject unit is accessible from the pedestrian footpath to the front and has access to a service area to the rear. It is situated just over 90m to the west of the shared entrance onto the L5018-16 (Ballybin Road) which serves this retail park. The Ballybin Road entrance is located c100m to the south of the L5018-16 T-junction with the heavily trafficked R135. To the immediate east of the unit is Vue Cinema/Showtime Cinemas and to the immediate west are vacant retail units.
- 1.3. Ashbourne Retail Park contains a number of key tenants including Argos, Des Kelly Interiors, Mr. Price, Jysk through to Screwfix as well as a diner, chemists, and vet practice. It contains over 1,000 car parking spaces as well as dedicated bicycle parking spaces. The latter are located at points along the pedestrian footpath that wraps around the main L-shape group of retail/ware house units. Altogether they serve the c200,000 sq. ft. of retail, leisure and medical enterprises contained within this park.
- 1.4. Ashbourne Retail Park was constructed over two phases with the first phase completed in c2007 and the second c2009. It is located within easy reach of the M2 corridor which is situated c288m to the west as the bird would fly. With the subject Unit located c708m by road to Junction 4 which provides connection onto the M2 to the north of the site via the R135. The Ashbourne Retail Park is located c23km from Dublin City Centre via Junction 4 of the M2. The retail park is bound by agricultural land to the south and west with the area having an edge of settlement character that accommodates a variety of different land uses.

2.0 Proposed Development

- 2.1. Planning permission is sought for the change of use from vacant retail warehouse to motor showroom, on a site area of 696.6m². The proposed development includes for internal alterations to existing floor layout to provide for car showroom, customer

reception, offices, pre-delivery inspection/valeting, toilets, and staff canteen. No increase in gross floor area arises and there are no changes to the elevations as part of the proposed development for the subject unit. The development includes all ancillary works to facilitate the development sought under this application and the site is served by existing connections to the public mains water and foul drainage.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 19th day of April, 2022, the Planning Authority **refused** permission for the following two stated reasons:

“1. It is considered that the proposed development by virtue of its nature as a proposed motor showroom to be located in Ashbourne Retail Park which is zoned B2 ‘Retail Warehouse Park’ in the Ashbourne Written Statement, which forms part of the Meath County Development Plan, 2021 to 2027, would materially contravene the B2 Retail Warehouse zoning objective ‘to provide for the development of a retail warehouse park’ as the proposed motor showroom (car sales) use does not fall within the definitions of a Retail Warehousing as set out in the Retail Planning Guidelines, 2012. The proposed development would therefore materially contravene the B2 Retail Warehouse Park objective indicated in the Meath County Development Plan, 2021 to 2027 and would set an undesirable precedent for other similar developments, which would in themselves and cumulatively not be in the interest of the proper planning and sustainable development of the area.

2. The proposed development by virtue of its nature for a motor showroom (car sales) in an area zoned B2 ‘Retail Warehouse Park’ in the Ashbourne Written Statement with the zoning objective for B2 ‘to provide for the development of a retail warehouse park’ would be contrary to the Retail Planning Guidelines 2012 guidance in relation to the types of goods permitted to be sold in retail warehouses. Said guidelines require that ‘the goods being sold are consistent with the definition of non-portable bulky goods in order to promote and protect the vitality and viability of city and town centres’. It is considered that the proposed development for a motor showroom (car sales) use would not be compliant with the definition of non-portable

bulky goods and would therefore result in the proposed development being contrary to the Retail Planning, Guidelines for Planning Authorities ministerial guidance issued to Planning Authorities under Section 28 of the Planning and Development Acts 2000-2021.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's Report is the basis of the Planning Authority's decision. It contains the following comments:

- The proposed change of use does not comply with the '*B2 Retail Warehouse*' zoning objective for a number of reasons including the local planning provisions; planning history of the site; the Retail Planning Guidelines provisions including the definitions given to bulky goods and retail warehousing; through to the pattern of development established in this area.
- The design changes are internal and are noted.
- No EIA or AA issues arise.
- Concludes with a recommendation to refuse permission.

3.2.2. Other Technical Reports

Transportation: Included but was not limited to the following comments:

- Applicant has not shown any additional vehicle storage/display facilities outside of that indicated in the proposed showroom.
- Storage/Display of vehicles in the car park adjoining through to the servicing the proposed car dealership would create a significant traffic hazard.
- Recommends that no additional advertising be allowed. Advertising be restricted to the signage already in place for the retail park, including no additional roadside signage.

N2 Rath Roundabout to Kilmoon Cross Project Team: Seeks that the applicant have due cognisance to the fact that the red line area of the site is within the '*Preferred Option Corridor*'.

Public lighting: No comment.

Water: No objection.

Fire Officer: Fire Safety Certificate and compliance with Building Regulations required.

3.3. Prescribed Bodies

3.3.1. **Irish Water:** No objection.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1. Site – Ashbourne Retail Park

- **P.A. Ref. No. DA901603:**

Retention permission was **granted** for amendments to the internal layout and elevations of Units 14, 15, 16, 17 and 18 (Formerly Units 1 and 2) previously approved under P.A. Ref. No. DA70117 with Unit 18 decreased from 776m² to 704m². Granted in December, 2009.

- **P.A. Ref. No. DA901192:** Planning permission was **refused** for amendments to the internal layout and elevations of Units 14, 15, 16, 17 and 18 (formerly food units 1, 2 and 3) as previously approved under P.A. Ref. No. DA70117. Under this application the area of Unit 18 was decreased from 776m² to 636m². Refused in September, 2009. The first stated reason for refusal considered that this proposal would have an adverse impact on the vitality and viability of Ashbourne Town. In addition, the second reason for refusal considered that the proposed development would result in a type of development that not permissible or open for consideration under the land use zoning objective for the site and to permit the proposed development would materially contravene the land use zoning.

- **P.A. Ref. No. DA70117:** Permission was **granted** for a development consisting of a proposed extension to the existing retail warehouse park, with a total gross floor

area of 7,486m² comprising of the construction of 4 additional double height retail warehouse units with a total gross floor area of 4,604m², ranging in size from 872m² to 1,987m², units 3 & 4 include mezzanine levels, 2 food and beverage outlets with a total gross floor area of 906 sq.m and a 1000 seater cinema with a gross floor area of 1814m² at first floor level above units 1, 2 & 3 respectively and a 162m² ground floor entrance foyer. Units 1, 2, 3 will be two-storey units with a maximum ridge height of 15m. Development works also include alterations to the existing car parking layout to provide an additional 210 spaces, associated signage, hard and soft landscaping, and all associated site works. Granted in September, 2007.

4.2. Other Recent - Ashbourne Retail Park not including Unit 18

- **P.A. Ref. No. 21227:** Planning permission was **granted** for a development at Unit 21, known as “Fun Galaxy” Ashbourne Retail Park, Ashbourne, Co. Meath, which comprises of an indoor recreational facility, including children’s play area, bowling, and crazy golf. The site is bound by agricultural fields to the west and south, car parking to the north associated with the Ashbourne Retail Park and by Unit 20 to the east. In addition, planning permission was **granted** for extension of the mezzanine floor area to provide additional indoor recreational facilities of c. 310.6m² including “Quasar” Game Area and an “Escape Room”; reconfiguration of internal layout of mezzanine floor to provide for reception area and ancillary services; provision of an additional covered escape stairs on the southern elevation of the building. Retention permission was **granted** for: existing mezzanine floor with a gross floor area of c. 504m². The proposed development also includes all ancillary works necessary to facilitate the development. The proposed development will increase the floor area of the unit by c. 814.6m², increasing the total area from c. 2,200m² to c. 3,014.6m². Granted in May, 2021.

- **P.A. Ref. No. AA201442:** Planning permission was granted for the provision of 1 no. restaurant with takeaway services and drive-through (c.248m² and unroofed service yard (c.44 m²) including cold room of (c. 13.4m²)), provision of 1 no. cafe with takeaway services and drive-through (c.127m²) and unroofed service yard (c.21.4m²), provision of outdoor seating associated with both the restaurant and cafe buildings, amendments to the surface car park resulting in a reduction of 50 no. of car parking spaces from 957 no. spaces to 907 no. spaces and revised layout of the car parking area to provide for new access and egress points to the proposed cafe and restaurant,

provision of new internal road layout to accommodate the proposed cafe and restaurant, relocation of existing wastewater pumping station and proposed new culvert drainage system. The development also includes hard and soft landscaping, pedestrian crossing points and associated traffic calming measures, bin stores, 11 no. cycle parking spaces and all other associated site development works necessary to facilitate the development. Granted in December, 2020.

- **P.A. Ref. No. AA190646:** Planning permission was **refused** for the change of use of a 1328m² existing vacant retail warehousing unit (Unit 1) to a frozen food convenience retail unit. Refused in July, 2019.

- **P.A. Ref. No. AA180452:** Permission was **granted** for the change of use of a gym at Unit 20. Granted, August, 2018.

4.3. Note: The Planning Authority's Planning Officer's report sets out a detailed overview of the significant planning history of the site and its context as part of the Ashbourne Retail Park. This report is attached to file.

5.0 Policy Context

5.1. Local Planning Context

5.1.1. The Meath County Development Plan, 2021-2027, is applicable. The site is situated on a larger parcel of land zoned '*B2 – Retail Warehouse Park*'. The stated zoning objective is: "*to provide for the development of a retail warehouse park*". This is reiterated in the guidance for 'B2' land use zones. '*Open for consideration*' land uses include '*motor sales / repair*'.

5.1.2. Under Chapter 2 of the Development Plan, Ashbourne is defined as a '*Self-Sustaining Growth Town*', in line with RSES. Such towns are defined as having: "*a moderate level of jobs and services – includes sub-county market and commuter towns with good transport links and capacity for continued commensurate growth to become more self-sustaining*", under its Settlement Strategy. In addition, Section 2.20.2 sets out for such towns that there will be a focus on consolidation and the provision of employment opportunities.

- 5.1.3. Section 2.11 of the Development Plan sets out that Ashbourne is one of the five strategic centres of employment in the Economic Strategy for the County.
- 5.1.4. Section 2.14.2 of the Development Plan sets out under CS OBJ 9 to prepare a new local area plan for Ashbourne under its lifetime.
- 5.1.5. Section 4.7.3.1 of the Development Plan in relation to Ashbourne sets out that it is one of the fastest growing towns in the County with retailing and wholesaling being important sectors for the town reflecting its favourable location and excellent transport links. It is an objective of the Council to: *“continue to attract new employment development to Ashbourne which capitalises on the quality of road infrastructure at this location and its proximity to the M50, Dublin Airport and Dublin Port”*.
- 5.1.6. Section 4.12.1 of the Development Plan recognises the importance of the retail sector to the national economy and that a strong retail sector plays a pivotal role in the growth of the domestic economy. It states that: *“a strong retail sector has the multiple benefits of drawing people into centres to interact with their community (thereby reducing social isolation), supporting local employment, and obviating the need for people to travel long distances”*. It is also set out that it is the intention of the Council to undertake a review of the Meath County Retail Strategy 2020-2026 over its lifetime.
- 5.1.7. Section 4.14 of the Development Plan sets out that: *“the overriding aim of the retail strategy for the County is to create the appropriate conditions to foster a healthy and vibrant retail environment in the County over the life of the Plan and beyond. The in-depth review of the current situation and consideration of future environmental improvements, to include public realm improvements and floor space provision will be framed within the national and regional context to ensure appropriate and optimal retail activity throughout the County”*.
- 5.1.8. Section 4.15 of the Development Plan sets out the Retail Strategy for Meath. It sets out that the: *“strategy aims to sustain and improve the retail competitiveness of the County, address retail expenditure leakage and ensure an equitable, efficient, and sustainable spatial distribution of retail floorspace across the County. The emphasis of the Retail Strategy is on ensuring that the County sustains its role and importance in the shopping patterns of local people, the region and nationally. This should be largely driven by the continuing improvement of the County’s comparison shopping offer particularly in its main centres”*.

- 5.1.9. In relation to Ashbourne, it sets out the comparison (Clothes & Footwear) it retains 27% comparison goods expenditure in its own catchment area which is a significant improvement from the previous retail strategy where it only retained c.11%; and Bulky Goods Shopping (Furniture and Electrical Goods) that 57.5% of bulky goods takes place outside the County.
- 5.1.10. Section 4.17 of the Development Plan sets out the Retail Hierarchy with Ashbourne being identified as a Level 3 (Town and/or District Centres and Sub County Town Centres) with the type of service being defined as these centres *“will vary in terms of scale of provision and the size of catchment. Generally, where the town is not close to a major town such as Ashbourne/Dunboyne and there is a large catchment there should be a good range of comparison shopping with a mix of uses and services”*.
- 5.1.11. Section 4.22 of the Development Plan sets out the criteria for the Assessment of Retail Development and indicates that these shall accord with the Retail Planning Guidelines with new development directed into the town centres of Level 2 and 3 settlements. In relation to retail development in Level 3 centres it states that these: *“should be located within the core retail areas identified for these centres. Retail development outside of the identified core areas will only be considered in exceptional circumstances where the Planning Authority is satisfied that there are no other sites available and the development is necessary to serve the needs of the area”*. Further it states: *“in all instances when assessing new retail developments, the sequential approach shall be applied. This will maintain the retail importance of the town centre and protect the viability and vitality of our town centres. Promotion of an appropriate mix of day and night time uses to include residential, civic, cultural, recreational, commercial, and social uses is a critical aspect in this regard. Developments which make a positive contribution to the area in terms of adding value and diversity will be encouraged by the Planning Authority”* and that: *“the Council will require a high standard of design in all retail developments. This is of particular importance due to the visual role which retail plays in a town or village streetscape”*.
- 5.1.12. Chapter 11 of the Development Plan sets out the Development Management Standards and Land Use Zoning Objectives as well as provide guidance for Retail Development.

5.2. Volume 2 of the Development Plan contains Ashbourne Written Statement & associated Maps

- 5.2.1. Under Section 2 it states that: *“Ashbourne is an important centre for retail, services and employment providing jobs and services to a wide catchment population in the south of the County. Employment is concentrated in the northern part of the town where there is a cluster of Business and Industrial Parks that host a broad range of businesses including manufacturing, engineering, construction, and wholesale retail operations. The town centre is also an important location for employment, providing jobs in the retail and professional services sectors”* and that: *“in addition to its function as an employment and service centre, Ashbourne is also a commuter settlement for the Dublin Region”*.
- 5.2.2. Section 3 sets out the vision for Ashbourne as follows: *“to develop as a vibrant, modern and integrated town around a strong employment and service centre, where future growth buildings upon the town’s expansion and investment to support a sustainable, diverse and attractive settlement”*.
- 5.2.3. Section 4 sets out that: *“opportunities exist for the redevelopment of vacant units in the town centre and the employment areas in the northern part of the town”*.
- 5.2.4. Section 5 sets out the Land Use Strategy as: *“the primary focus of the development strategy for Ashbourne is to strengthen the employment base and raise the economic profile of the town. There will be a focus on consolidating development in the centre of the town and improving connectivity and permeability”*.
- 5.2.5. Section 5.2 deals with Economy and Employment and sets out that: *“in order to ensure sufficient lands are available to meet the future economic growth of the town and to provide investment options for potential investors, an additional nine hectares of employment land have been identified between Ashbourne Retail Park and the M2”*.
- 5.2.6. Section 5.3 sets out that Ashbourne is the second largest retail centre in the County and that this is recognised in its designation as a Level 3 Centre in the Retail Hierarchy for the County.
- 5.2.7. Section 7 sets out that it is a policy of the Council under ASH POL 1: *“to support the consolidation of development of Ashbourne which facilitates the provision of*

residential development and employment, retail, community, and recreational facilities in order to create a more compact and self-sufficient settlement”.

5.3. Regional Planning Context

- 5.3.1. Regional Spatial and Economic Strategy, (RSES), 2019 – 2031. This strategy acknowledges that retail is a significant contributor to economic activity and employment in the region and Regional Policy Objective 6:10 states that the: “*EMRA will support the preparation of a Retail Strategy/Strategies for the Region in accordance with the Retail Planning Guidelines for Planning Authorities 2012, or any subsequent updates, to update the retail hierarchy and apply floorspace requirements for the Region”*. Under RSES Ashbourne is designated as a Level 3 centre.

5.4. National Planning Context

- Project Ireland 2040 - National Planning Framework (NPF).
- Guidelines for Planning Authorities: Retail Planning (DECLG), 2012. These guidelines are accompanied by the Retail Design Manual (April 2012). The manual provides evidence-based quality principles to ensure that future Planning for the retail sector is focussed on the creation of vibrant and quality places.
- Retail Strategy for the Greater Dublin Area, (2008-2016). This strategy provides guidance and policies for retail development at a strategic level and aims to ensure a co-ordinated and sustainable approach to the assessment and provision of retail development in the Greater Dublin Area.
- Climate Action Plan, 2021.
- National Development Plan, 2021 to 2030.

5.5. Natural Heritage Designations

- 5.5.1. Not relevant. The nearest European Site, i.e., Special Area of Conservation: Rogerstown Estuary SAC (Site Code: 000208), is located c14.9km to the east of the site.

5.6. EIA Screening

- 5.6.1. Having regard to the nature, scale and extent of the proposed development, the significant separation distance of the site from European Site and other designated sites, the existing connection of the site which is an existing vacant retail warehouse unit to public water and foul drainage connections, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The First Party grounds of appeal can be summarised as follows:

- There is no increase in floor area and no changes to the exterior elevations.
- Motor Sales and Motor Repairs are land uses that are open for consideration at this site under its 'B2' land use zoning objective. It is therefore not considered that the proposal represents a material contravention of the Development Plan.
- The subject unit is currently vacant, and this proposal provides an opportunity to reduce the vacancy rate at the subject retail park.
- This unit has been vacant since 2007.
- This proposal would provide a complementary use to the retail warehouse and would add to the variety of land uses present.
- This use is similar to that of a retail warehouse.
- The proposed use does not come under the definition of 'bulky goods' as provided for under the Retail Planning Guidelines, therefore this application was made.
- No external car storage or car servicing is proposed.
- The unit would operate solely as a motor showroom and will operate in similar manners to other retail warehouse units where such uses are present. Reference is given the M1 Retail Park in Drogheda, Airside Retail Park in Swords, and Briarhill

in Galway. At these locations they are also in proximity to major motor corridors with such corridors providing easy access for vehicles transported from Dublin Port.

- The proposed change of use should be considered on its merits.
- Other units within this retail park have been permitted to change their use since this retail park was opened. These changes include the use of an indoor recreational facility, a minor accident and emergency health facility and a gym.
- The Board is requested to overturn the Planning Authority's decision in this case.

6.2. Planning Authority Response

6.2.1. The Planning Authority's response can be summarised as follows:

- An overview of their reasons for refusal is given.
- The Board should have regard to the first reason of refusal which sets out that the site and surrounding lands are zoned 'B2' Retail Warehouse Park in the Ashbourne Written Statement, and the relevant zoning objective is to provide for the development of a retail warehouse park.
- This proposal seeks permission for a motor sales/showroom and does not fall under within the definitions of a retail warehousing use as set out under the retail Planning Guidelines, 2012.
- To permit the proposed development would materially contravene the relevant zoning objective for the site and would give rise to an undesirable precedent for other similar developments.
- The proposed motor show room and car sales use would not be compliant with the definition of non-portable bulky goods contained in the Retail Planning Guidelines.
- They are satisfied that all matters outlined in the appeal submission have been addressed during their determination of this application.
- The proposed development is not consistent with the proper planning and sustainable development of the area.
- The Board is requested to uphold its decision.

7.0 Assessment

- 7.1. The First Party Appellant by way of this appeal seeks that the Board overturn the Planning Authority's decision to refuse planning permission for the development sought under this application. This is on the basis that the change of use sought would act as a complementary use to the existing units present within a retail park and noting that this retail park has since it was completed suffered from vacancy issues. In addition, the appellant contends that the proposed use, if permitted, would provide a greater variety of uses within this retail park. Alongside the retail park's location being in their view ideal for a motor sales showroom presence due to its proximity to the M2 which would provide it with excellent links to Dublin Port, Dublin City, the northeast of Ireland and Northern Ireland. Overall, the proposed development is a type of development that is in their opinion consistent with all relevant planning provisions and guidance.
- 7.2. By way of this planning application, the First Party sought planning permission for a development consisting of the change of use of Unit 18 at the Ashbourne Retail Park from a vacant retail warehouse to motor showroom, on a given site area of 696.6m² with the said site area relating in its entirety to the internal floor space of the subject unit. As part of the proposed development planning permission is also sought for the reconfiguration of the internal floor layout of this unit so that it can provide for a car showroom, customer reception, staff offices, pre-delivery inspection/valeting area, a staff canteen as well as customer and staff toilets. This proposed internal reconfiguration of the subject unit is deemed necessary to accommodate the proposed change of use to a motor showroom as sought under this application. It is contended that no external modifications are proposed to facilitate the proposed development.
- 7.3. On the 19th day of April, 2022, the Planning Authority decided to refuse planning permission for the proposed development for two stated reasons. These reasons I have set out in full under Section 3.1.1 of my report above. In summary I note to the Board that the first given reason for refusal considered that the showroom would '*materially contravene*' the land use zoning objective for the site due to the proposed change of use not falling within the definitions of a retail warehouse as set out in the Retail Planning Guidelines.

- 7.4. For this reason, it was considered by the Planning Authority that to permit the proposed change of use sought under this application would not only materially contravene the Development Plan land use objective for 'B2' zoned lands but would also create an undesirable precedent for other similar developments that cumulatively would not be in the interests of the proper planning and sustainable development of the area.
- 7.5. For clarity I note to the Board that I propose to deal specifically with the matter of material contravention separately at the end of this assessment under the broad heading of 'Other Matters Arising'.
- 7.6. In relation to the second given reason for refusal, in summary the Planning Authority considered that the proposed change of use related to the sale of goods that did not meet the guidelines for goods that are consistent with the type of goods permitted to be sold in retail warehouse under the said guidelines.
- 7.7. In addition, they considered that these guidelines require that the goods being sold at such locations be consistent with the definition of 'non-portable bulky goods' in order to promote and protect the vitality and viability of city as well as town centres.
- 7.8. For these reasons it was considered by the Planning Authority that the motor room (car sales) use would not be compliant with the definition of bulky goods and would be contrary to the said guidelines.
- 7.9. As said the subject unit forms part of the Ashbourne Retail Park development which was constructed over two phases with the first completed in 2007 and the second completed in 2009. Unit 18 formed part of the first phase of development that was completed and despite the planning history indicating that it was subject to a number of planning application since this time it would appear from all available information it has remained vacant since its completion.
- 7.10. In the intervening years the planning context local, regional, and national have been subject to significant changes and also becoming more robust in the intervening years.
- 7.11. In relation to local planning provisions there have been significant changes with a number of intervening Development Plans for County Meath as well as local area plans for the settlement of Ashbourne through to more robust regional and national planning provisions including the Retail Planning Guidelines, 2012, which is of

particular relevance to the development sought as well as the site's location subject of this application.

- 7.12. At the time I am assessing this appeal the applicable Development Plan is the Meath County Development Plan, 2021 to 2027. I note that this plan includes under Volume 2 a Written Statement for Ashbourne as well as accompanying zoning maps for this settlement.
- 7.13. I note that under the said Development Plan policy ED POL 38 promotes the reuse or reactivation of vacant and under-utilised properties and shop units in order to assist with the regeneration of streets and settlements in the County. At the time of my site inspection, it was evident that a number of the units within the Ashbourne Retail Park were vacant and therefore these units did not contribute positively to its overall sense of vitality as well as vibrancy. It would; however, appear that retail vibrancy within the settlement of Ashbourne is improving with Section 4 of the Development Plan recognising this trend alongside indicating that there is an issue with bulky goods retail with 57.5% of this type of retail occurring outside the County. As such I consider that the general principle of finding a viable use for the subject unit is acceptable subject to safeguards.
- 7.14. The Written Statement for Ashbourne sets out that the Ashbourne Retail Park is subject to the land use zoning '*B2 – Retail Warehouse Park*'. Under which the land use zoning objective is: "*to provide for the development of a retail warehouse park*" and under which it lists '**motor sales / repair**' as being '*open for consideration*'.
- 7.15. Section 11.14.4 of the Development Plan sets out that '*open for consideration uses*': "*is one which may be permitted where the Council is satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects on any permitted uses, and would otherwise be consistent with the proper planning and sustainable development of the area*".
- 7.16. In addition, Section 11.6.6 of the Development Plan sets out: "*that any retail warehousing development shall be restricted to 'bulky goods' or goods which are not easily portable by customers travelling by foot, bicycle, or bus*". With it also referring in this regard to Annex 1 of the Retail Planning Guidelines 2012 for the definitions of bulky goods. It further sets out that: "*otherwise these developments could have a damaging material impact on the commercial viability of town centres*". Moreover, in

relation to ancillary products it sets out that these should not exceed 20% of the total net floor space of the relevant retail unit and with this reinforced by Development Plan objective DM OBJ 60 which states: *“any retail warehousing development shall be restricted to ‘bulky goods’ as defined by Annex 1 of the Retail Planning Guidelines 2012, this Development Plan and the Retail Strategy”*.

7.17. Of note, Section 4.11.2 of the said Guidelines in relation to ‘Retail Parks’ and ‘Retail Warehouses’ sets out that these comprise of: *“an agglomeration of retail warehouses grouped around a common car park selling mainly bulky household goods, requiring extensive areas of showroom space, often with minimal storage requirements. There is an expectation that most of the goods purchased can be transported off-site by the customer. Home delivery services may also be available”*.

7.18. In relation to the type of goods sold it sets out that in order to minimise potential adverse impacts on central areas it is important that the goods for sale in existing retail parks are tightly controlled and limited to *“truly bulky household goods or goods which are not portable by customers travelling by foot, cycle or bus”*.

7.19. It refers to the definition contained within Annex 1 for bulky goods which I note reads as follows:

“Goods generally sold from retail warehouses where DIY goods or goods such as flatpack furniture are of such size that they would normally be taken away by car and not be portable by customers travelling by foot, cycle or bus, or that large floorspace would be required to display them e.g.

- Repair and maintenance materials.*
- Furniture and furnishings.*
- Carpets and other floor coverings.*
- Household appliances.*
- Tools and equipment for the house and garden.*
- Bulky nursery furniture and equipment including perambulators.*
- Bulky pet products such as kennels and aquariums.*
- Audio-visual, photographic and information processing equipment.*
- Catalogue shops and other bulky durables for recreation and leisure”*.

The guidelines set out that this list is not exhaustive and that bulky goods not mentioned in the list should be dealt with on their merits in the context of the definition of bulky good.

- 7.20. Of further relevance to this definition are the definitions provided within the said Guidelines for 'Retail Parks' which are defined as: *"a single development of a least three retail warehouses with associated car parking"* and 'Retail Warehouse' which are defined as: *"a large single-level store specialising in the sale of bulky household goods such as carpets, furniture and electrical goods, and bulky DIY items, catering mainly for car-borne customers"*.
- 7.21. Having regards to the above while the reversal of the vacant use of the subject unit would represent a positive improvement to the function, vibrancy and vitality of the Ashbourne Retail Park. Notwithstanding, of concern the type of retail change of use proposed, i.e., retail warehouse to motor show room, is not one that is consistent with Section 11.6.6 of the Development Plan which seeks to restrict development at retail warehousing locations to 'bulky goods' as defined under Annex 1 of the Retail Planning Guidelines. The motor show room is not a type of retail land use that is consistent with the definition given for bulky goods nor is it a type of land use that could reasonably be considered as complimentary to adjoining and neighbouring land uses already present within this retail park. Moreover, it is a type of retail use that would in itself and by the precedent it would create give rise to cumulative erosion of the primary function of this permitted retail warehouse park which is for the sale of bulk goods within a setting where the retail strategy for the county seeks to limit further expansion of such out of centre units below 700m² through to reversing the leakage of bulky good sales outside of the County.
- 7.22. Of further concern, to permit the proposed change of use would not be consistent with Development Plan Objective DM OBJ 60 which reiterates Section 11.6.6 requirement that any retail warehousing development shall be restricted to bulky goods as defined under Annex 1 of the Retail Planning Guidelines and arguably the ancillary products that would be for sale, i.e., motor vehicles would exceed the 20% of the total net retail floorspace of the relevant unit having regards to the floor layout drawings submitted.
- 7.23. I also consider that the documentation provided with this application and on appeal does not demonstrate compliance with Development Plan objective DM OBJ 59 which

seeks that such applications clearly set out how they comply with the Retail Planning Guidelines through to the Retail Strategy set out in the Development Plan or that they have provided exceptional circumstances to justify the proposed development at this location.

7.24. Based on the above considerations I concur with the two reasons given by the Planning Authority to refuse permission for the development sought under this application.

7.25. Other Matters Arising

7.25.1. Material Contravention/Section 37(2)(b) Provisions

As the Planning Authority has decided to refuse permission on the grounds that the development materially contravenes the Development Plan I am cognisant that the Board may only grant permission where it considers one or more of four specified criteria are met. In this regard I submit that the proposed development is not of strategic or national importance, that the objectives in the Development Plan are clearly stated and are not conflicting, that there is no imperative in the regional planning guidelines for the area or other guidelines or Government policy which would support the proposed development and that the pattern of development and permissions granted in the area since the making of the plan has not altered. In my opinion, therefore, the Board is precluded from a grant of permission in this instance.

7.26. Impact on the Site Setting

7.26.1. I am not satisfied on the basis of the information provided that this application would not result in any overspill onto the car parking area. Including the mobility impaired and parent parking spaces that are located immediately alongside the subject unit or the service area to the rear of the subject unit.

7.26.2. Further, the documentation does not make it clear the access and egress arrangement for vehicles to be accommodated internally through to where any additional parking of cars would be provided to accommodate any overspill of vehicles that can not be accommodated within the red line area of the site.

7.26.3. Moreover, limited details are provided with this application in relation to operations of the proposed motor sales room, hours of operation, staffing levels and the like.

7.26.4. The details also provide no assurance that no obstruction or any additional inconvenience would arise in its immediate vicinity with its principal elevation addressing a pedestrian footpath, specialised car parking, bicycle parking and a vehicle access way with car parking on the opposite side of this access way.

7.26.5. As such I am not convinced on the basis of information provided with this application and on appeal that the proposed development, if permitted, would not give rise to a less qualitative environment for vulnerable road users, that it would not additional obstruction to vehicle movements in its immediate vicinity through to that it would not give rise to a significant reliance on the car parking and services areas associated with this retail park.

7.27. Advertising

7.27.1. Should the Board be minded to grant permission I recommend that it restricts advertising and signage as recommended by the Planning Authority's Transportation Departments report in the interest of protecting and safeguarding the visual amenities of the area from undue visual clutter.

7.28. Undesirable Precedent

7.28.1. I consider that the granting of this proposal would set an undesirable precedent that would cumulatively especially when considered with other such developments would result in an adverse impact on the vitality, viability, and principal function of Ashbourne Retail Park. I consider that the development proposed for retention would not be in the interests of the proper planning and sustainable development of the area.

7.29. Development Contribution

7.29.1. According to the applicable Development Contribution Scheme the proposed change of use proposed under this application is exempt from the payment of development contributions.

7.30. Services

7.30.1. The site is served by an existing water and foul drainage supply. Notwithstanding, of concern the documentation provided with this application and on appeal provides no details as to what measures would be put in place to deal with fuel interception measures through to the measures associated with the valeting of cars. Any grant of permission should provide appropriate conditions that deal with this lack of detail to

ensure that the development is carried and operated to appropriate standards and does not give rise to any undue additional pressure on water supply through to unacceptable discharges into public mains drainage. In addition, whether any sustainable climate resilient measures would be put in place such as rain water harvesting and the like to reduce the demands the proposed development would give rise to on potable water supply.

7.31. **Appropriate Assessment**

- 7.31.1. Having regard to the nature, scale, and extent of the proposed development and to the nature of the receiving environment, namely an urban and fully serviced location and the proximity to the nearest European site, it is considered that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

- 8.1. I recommend that permission be **refused**.

9.0 **Reasons and Considerations**

1. Having regard to this out of centre location in Ashbourne Retail Park, it is considered that the development proposed which seeks permission for the change of use from vacant retail warehouse to a motor showroom, is not in accordance with planning policy as per the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment and Local Government in 2012. The development proposed would conflict and not be harmonious with the types of goods permitted to be sold within retail parks and retail warehouse units like Ashbourne Retail Park and would be a type of development that would conflict with Section 11.6.6, Objective DM OBJ 59 and DM OBJ 60 of the Meath County Development Plan, 2021 to 2027. The proposed use of this unit for the sale of motor vehicles, which do not meet the definition set out under the said Guidelines for non-bulky goods would cumulatively lead to the erosion of this Retail Park's function and would impact adversely on the vitality, viability, and ability of Meath County to reverse the trend of the majority of bulky goods sales occurring outside

of the county boundaries. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Patricia-Marie Young
Planning Inspector

6th day of December, 2022.