



An
Bord
Pleanála

Inspector's Report ABP-314424-22

Development	The change of use from manufacturing to for warehouse/distribution/training room and ancillary offices and amenities and use of first floor for religious meetings on Sundays only
Location	Unit 9, Ashbourne Manufacturing Park, Ashbourne, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	212258
Applicant(s)	Prince of Peace Parish Ltd.
Type of Application	Retention.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Prince of Peace Parish Ltd
Observer(s)	Nicholas Lynch and Colin Power.
Date of Site Inspection	24 th March 2023.
Inspector	Lucy Roche

1.0 Site Location and Description

- 1.1. The appeal site is in the Ashbourne Manufacturing Park which is located approximately 1.3km to the northwest of Ashbourne town centre and approximately 0.8km to the southeast of the Junction 4 on the M2 (junction with N2 and R135). The Ashbourne Manufacturing Park forms part of a cluster of business and industrial parks that host a broad range of businesses including manufacturing, engineering, construction, and wholesale retail operations.
- 1.2. The Park comprises 16no industrial units arranged around a central communal car park / circulation area. It is accessed via a cul-de-sac off the Ballybin Road, c0.1km to the east. On the date of inspection, it was noted that the majority of the 16 units in the park were occupied and operational.
- 1.3. The site itself has a stated area of 0.0266ha and comprises Unit 9, a two-storey mid-terraced industrial unit that is currently occupied by the applicants, Prince of Peace Parish Limited. The unit has a stated gross floor area of 480.60sqm. Its front (northern) elevation includes a roller shutter door while the rear (south) elevation incorporates a fire exit at first floor level leading to a narrow strip of open space to the rear of the terraced building.

2.0 Proposed Development

- 2.1. Permission has been sought for the change of use from manufacturing use to use for warehouse /distribution/training room and ancillary offices and amenities and use of first floor for religious meetings on Sundays only.
- 2.2. Table 2.1 below provides a summary of the key development details and statistics associated with this development:

Table 2.1 – Key Development Details and Statistics		
Site Area	0.0266ha	
GFA (Unit 9)	480.60sqm	
Ground Floor	Area	c240sqm

	Use	Operational space for sorting packaging and labelling (c65sqm), storage (c42sqm), office (22.2sqm), kitchen, WC and ancillary circulation space
First Floor Mezzanine	Area	c240sqm
	Use	Large open space for training and religious meetings with additional storage and office (6.7sqm) space
No. of Employees	6 volunteers	
Hours of Operation	Undefined	
Car Parking	No dedicated parking spaces	

3.0 Planning Authority Decision

3.1. Decision

Meath County Council did by order dated the 26th of July 2022 decide to refuse permission for the proposed development for 1 reason as follows:

- It is considered that the proposed development by virtue of its primary nature as a place of worship proposed to be located in Ashbourne Industrial Park which is zoned E2 "General Enterprise and Employment" in the Meath County Development Plan 2021-2027 would materially contravene the zoning objective for E2 "to provide for the creation of enterprise and facilitate opportunities for employment through industrial, manufacturing, distribution, warehousing and other general employment / enterprise uses in a good quality physical environment" as a use of this nature is not a permitted use or use open for consideration on this lands zoning objective indicated in the Development plan for the area, and would set an undesirable precedent for other similar development, which would in themselves and cumulatively not be in the interest of the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial report of the planning authority (Jan 2022) has regard to the locational context and planning history of the site, local and national planning policy, the third-party submission, and interdepartmental reports received. The assessment of the case planner can be summarised as follows:

- Following screening it was determined that neither a Stage 2 Appropriate Assessment nor sub-threshold EIAR are required.
- Regard is had to the E2 zoning and the fact that 'place of worship or religious meeting place' is not listed as a permitted use or as 'open for consideration' within this zoning.
- While 'warehousing' is a permitted use under the E2 zoning, concerns are raised regarding the nature of the warehouse/distribution proposed.
- It was considered necessary to establish the main use on the subject site and to establish if the proposed use is suitable at this location.
- In relation to design, it is noted that no major changes to the external features of the unit are proposed. It was determined that further information was required in relation to the fire escape and its planning status.
- No issues are raised in relation to water services.
- Regard is had to the Parking Report from Watermain Moylan consulting Engineers, however, further information on the number of employees, opening hours, office size etc is required to ensure the proposal complies with the car parking requirements of the MCDP.
- It is noted that an application for change of use shall be exempt from development contributions where contributions have been paid in full for the existing use.
- The report concludes with a request for further information on the issues raised on the report.

The second report of the planning authority (July 2022) has regard to the further information received on the 6th of July 2022. The assessment of the case planner can be summarised as follows:

- Based on the information submitted the applicant has not sufficiently demonstrated that the warehouse / training facility is ancillary to the main purpose of the building as being a place of worship.
- The proposed use does not comply with the 'permitted uses' or 'open for consideration' uses as defined under the E2 General Enterprise and employment zoning. Lands zoned as E2 are defined as an important land bank for employment uses which must be protected.
- The applicant has not clarified the number of people attending the church services, training facility / after school service.
- The report concludes with a recommendation to refuse for 1 reason as per Meath County Council decision.

3.2.2. Other Technical Reports

Water Services: No objection subject to condition

N2 Rath Roundabout Referral Team:

The application site is inside the Planning Referral Corridor Map for the N2 Rath Roundabout to Kilmoon Cross Scheme but outside the emerging preferred route corridor option.

Fire Officer: Fire Certificate required. The report notes that fire safety implications with regard to the proposed development in terms of design, layout and construction, as well as any proposed active and passive Fire Protection systems, will be examined in detail by the fire officer once the certification has been submitted.

3.3. Prescribed Bodies

Irish Water: No objection

3.4. Third Party Observations

Meath County Council received one third-party submission during their determination of the application. This submission was lodged on behalf of Nicholas Lynch and Colin Power, occupiers of Units 13 and 15 Ashbourne Manufacturing Park respectfully. Nicholas Lynch and Colin Power are also observers to this appeal. The issues raised in the submission are similar to those set out in the observation and summarised in Section 6.3 of this report.

4.0 Planning History

4.1. Appeal site

MCC Ref: AA19388	Permission refused (2019) for change of use from manufacturing to use for social / recreational activities of a religious body. The refusal reason of the planning authority is similar to that cited under this current application.
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5.0 Policy Context

5.1. The Meath County Development Plan, 2021-2027

5.1.1. Settlement Hierarchy: Self-sustaining Growth Town

5.1.2. Zoning:

Zoning Category: E2 General Enterprise and Employment

Objective: To provide for the creation of enterprise and facilitate opportunities for employment through industrial, manufacturing, distribution, warehousing, and other general

employment/enterprise uses in a good quality physical environment.

Guidance: E2 lands constitute an important land bank for employment use which must be protected. The development of E2 lands seek to provide for the creation and production of enterprise, and facilitate opportunities for industrial, manufacturing, distribution, warehousing, and other general employment / enterprise uses in a good quality physical environment.

5.1.3. Chapter 4 Economy and Employment:

It is the policy of the Council:

ED POL 2 To support and facilitate the economic development of the County in accordance with the Economic Strategy 2014-2022 or its replacement. There will be a general presumption against development that would prejudice the implementation of the Economic Strategy.

It is an Objective of the Council:

ED OBJ 38 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.

5.1.4. Chapter 7 Community Building strategy

It is the policy of the Council:

SOC POL 2 To support the provision and distribution of a range of community infrastructure facilities in accordance with the Settlement and Core Strategies to meet the needs of the County's population in conjunction with other statutory, voluntary, private sector and community groups.

SOC POL 3 To ensure that, where practicable, community, recreational and open space facilities are clustered, with the community facilities being located in local centres, or combined with school facilities, as appropriate. Community facilities should be located close to or within

walking distance of housing, accessible to all sectors of the community and facilitate multi-use functions through their design and layout.

It is an objective of the Council:

SOC OBJ 1 To assist in the provision of community and resource centres and youth clubs/cafes and other facilities for younger people by the identification and reservation of suitably located sites, including sites within the landbanks of the Local Authorities and by assisting in the provision of finance, where possible. A centrally located youth premises (to accommodate various youth agencies/organisations and services) should be considered, and where viable outreach support centres should also be considered.

5.1.5. Chapter 11 Development Management Standards

Section 11.7.5 Places of Worship

The pattern of religious practice is becoming increasingly diverse in County Meath arising in part from the significant in migration into the County. This Development Plan supports proposals for the regular use of a building as a place of worship or religious instruction in the context of the land use zoning of the site and the amenities of the area.

DM OBJ 75: To require that details in relation to the capacity of the facility (seating capacity), hours of operation and a traffic assessment (including details of the proposed parking provision) accompany any pre-application discussion and/or planning application proposal.

Section 9 Parking standards:

DM OBJ 89: Car parking shall be provided in accordance with Table 11.2 and associated guidance notes.

5.2. Natural Heritage Designations

There are no Natura 2000 sites within or abutting the boundary of the site. The closest Natura 2000 site is the Rogerstown Estuary SAC (Site Code: 000208), which is located c15km to the east of the site.

5.3. EIA Screening

Having regard to the type of development which is not a class of development for the purposes of EIA and the limited nature and scale of the proposed development, which comprises the change of use of an existing building within an established manufacturing park, 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

This is a first party appeal lodged on behalf of the applicant, Prince of Peace Parish Ltd against the decision of the Meath County Council to refuse permission for the change of use of Unit 9 Ashbourne Manufacturing Park, Ashbourne, Co. Meath. The issues raised in the appeal can be summarised as follows:

- It is contended that the stated reason for refusal cannot be substantiated as the originally submitted planning application and the further information response detailed how the primary nature of the proposed development would not be as a place of worship and instead would be the warehouse packaging and distribution of ecclesiastical supplies along with the storage and distribution of food parcels clothing and other warehouse items to those in need. This usage is no different from any other business that engages in warehousing packaging distribution, and it is submitted that it should have been treated in the same manner as any other applicant making a planning application for this type of use in the area.

- The uses proposed are in full compliance with the relevant Zoning - E2 enterprise and employment.
- A training element is also proposed which again is in full compliance with the relevant zoning as the E2 zoning lists 'training center' as a permitted use.
- The use of the first floor for religious meetings on Sundays only is inconsequential in terms of achieving the zoning objective for the premises and the wider area and will not in any way compromise or materially contravene the E2 zoning objective.
- The use of the first floor for religious meetings is limited to a time when there is little or no other activity at the premises or at the Ashburn manufacturing park in general.
- It could be argued that the use of the first floor for meetings per se is also in keeping with the zoning objective and that the introduction of religion as a limiting factor is not warranted in terms of the proper planning and sustainable development of the area.
- Coupling the time limited use of the first floor for religious meetings with the removal of the 'not permitted use' category from the zoning objective ensures the use of the building as proposed is not in material conflict with the development plan.
- The proposed development, including use for religious meetings as proposed, will not cause any parking problems within the manufacturing park will not interfere with the free flow of traffic on the surrounding road network and will not endanger public safety by reason of traffic hazard or otherwise.
- The issues raised in the further information request from Meath County Council were all answered to a satisfactory degree.
- It was made explicitly clear in the planning application, including in the public notices, that the use for religious meetings will be restricted to the first floor and to Sundays only.

- Based on the application details submitted it is illogical for the planning authority to conclude that the primary use of the premises will be as a place of worship the refusal of the development on this basis is unfair and unjustified
- Included with the appeal is:
 - A copy of the enforcement notice served by Meath County Council re. the unauthorised use of an industrial unit as a Church.
 - Parking Report prepared by Waterman Moylan Consulting Engineers Ltd. This report details the likely trip rate and parking demand generated by the proposed development. It anticipates that the trips generated by the change of use will be insignificant and will have no impact on the local road. It states that while the parking area to the front of Unit 9 (and adjoining units) is largely occupied by vans and other commercial vehicles during the working week, at weekends the area is empty with more than adequate capacity to accommodate the expected car parking demand generated by the religious meetings (which is stated as max. 20 cars) and with more than sufficient residual parking for any commercial vehicles that park over Saturday night and into Sunday.
 - A Letter of support from Evertex, occupants of the adjoining industrial unit, Unit 8. It is stated in this letter that most of the units run 5 to 6 days a week and that on Sundays all Units bar 1 are closed.

6.2. Planning Authority Response

The response of the planning authority notes the first party appeal and issues raised in same. The planning authority is satisfied that all matters outlined in the submission were considered in the course of its assessment of the planning application and requests that the Board uphold its decision to refuse permission.

6.3. Observations:

An observation to this appeal was submitted on behalf of Nicholas Lynch and Colin Power. The issues raised can be summarised as follows:

- As this building has been and is currently being used for religious meetings this application should be an application for retention
- Issues raised in their letter of objection to the planning authority are all still relevant and it is requested that they be considered.
- The area is zoned E2 “General Enterprise and Employment” the zoning is clear and self-explanatory – to suggest that the Ashbourne Manufacturing Park is not overwhelmingly manufacturing / industry is not true.
- The provision of a Church is a very laudable development - in the right location. The correct location for the proposed development is in an area Zoned G1 “Community Infrastructure”, there are ample G1 zoned lands in Ashbourne.
- A Church by its nature will attract family gatherings with children of all ages.
- A Church located in the middle of a very busy and tight manufacturing is not a safe mix.
- The applicant began operating a Church without the benefit of planning permission and continued to do so after having received an Enforcement Notice.
- Issues have already arisen with transport companies saying that access has become so restricted because of randomly parked cars on Sunday mornings and at other times and that they are considering no longer delivering to the park.
- There is no management company in the park, the road surface is poor and there is no public lighting in the area.
- The fire escape to the rear of the building does not appear to have planning permission and as such may be unauthorised.
- Including with the observation:
 - Photographs and CCTV stills showing parking / circulation areas on various days in August / September 2022, including Sunday the 4th of September.

- Photographs of the rear fire escape
- Details of the occupiers of the units within the Ashbourne Manufacturing Park, the nature of their operations (which include a mix of manufacturing, food processing, crash repairs) and the number of operating days per week which varies from 5 to 7.
- Letters from each of the two named observers and from two other businesses within the park.
- A screenshot of a message from McElcar Transport regarding attempted to make a delivery to Nick's Fish Seafoods on a Sunday Morning

7.0 **Assessment**

Having examined the application details and all other documentation on file, and having inspected the site, I consider that the main issue for consideration is that cited by the planning authority in their decision to refuse permission. Procedural issues raised by third parties and appropriate assessment also merit consideration. The issues for consideration are to be addressed under the following headings:

- The Principle of Development
- Procedural Issues
- Appropriate Assessment

7.1. **Principle of Development:**

- 7.1.1. The applicants, Prince of Peace Parish Ltd, a charitable organisation, are seeking planning permission for the change of use of Unit 9 Ashbourne Manufacturing Park, from manufacturing use to use for warehouse /distribution/training room and ancillary offices and amenities and use of first floor for religious meetings on Sundays only.
- 7.1.2. The planning authority in their assessment determined that the primary use of the proposed development was that of a 'place of worship', and that such a use would materially contravene the zoning objective for the area. Planning permission was refused on this basis. The applicants however contend the primary nature of the

proposed development would not be as a place of worship that uses proposed are in full compliance with the relevant zoning. In the circumstances, I consider it appropriate to consider each of the proposed uses in turn (i.e., warehousing / packaging and distribution, training and for religious meetings) before determining whether the overall use of the structure as proposed meets with the zoning objective.

- 7.1.3. The appeal site is located on lands zoned 'E2 General Enterprise and Employment', in the Meath County Development Plan 2021-2027 (MCDP). The objective for this area is *'To provide for the creation of enterprise and facilitate opportunities for employment through industrial, manufacturing, distribution, warehousing, and other general employment/enterprise uses in a good quality physical environment.'*
- 7.1.4. The MCDP (Chapter 11, Section 14) provides a list of 'use classes' that are either 'Permitted' or 'Open for Consideration' within each land use zoning category. Any use not listed in the permissible or open for consideration categories is deemed not to be acceptable in principle. Such uses will be considered on their individual merits and will only be permitted if they enhance, complement, are ancillary to, or neutral to the zoning objective.
- 7.1.5. As set out in the grounds of appeal, the warehousing / packaging and distribution element of the proposed development comprises two main components, which are (i) the warehousing, packaging and distribution of ecclesiastical supplies and materials and (ii) the warehousing, packaging and distribution of food parcels, clothing, and other warehouse items to those in need.
- 7.1.6. Warehousing and distribution are both listed as 'Permitted uses' within the E2 zoning category. However, regard is had to the objective for the E2 zoning which seeks *'to provide for the **creation of enterprise and facilitate opportunities for employment** though...distribution, warehousing...'*. The proposed development, relates to a charitable organisation that is run by volunteers, is not a commercial enterprise and due to its nature, is I consider, unlikely to facilitate opportunities for employment as per the zoning objective. Notwithstanding, I am satisfied that this element of the proposed development, as it is described in the documents lodged, is compatible with the E2 zoning.

- 7.1.7. In accordance with the details submitted in support of this appeal, the training element of the proposed development is used in broad terms and covers all aspects of the applicants' activities including mentoring and afterschool activities for youth members and homework clubs. The training element is described as a crucial part of the services provided by the applicant, as many of the younger members can find themselves quite isolated within the communities they live in and are frequently subjected to racial abuse. It is also stated that the training element would enable employment training for the community, dealing with awareness building and capacity building of youth and engaging in youth work and cultural sensitivities.
- 7.1.8. I note that 'Enterprise / Training Centre' is listed as a permitted use within the E2 zoning category; however, in my opinion the 'training' element of the proposed development, as it is described in the application and grounds of appeal, is more akin to a community service, providing outreach and support services to members of the Church community, rather than training in support of enterprise and employment. I therefore consider the relevant class of use to be 'Community Facility /Centre'.
- 7.1.9. A 'Community Facility /Centre' is not listed as a 'permitted use' or as 'open for consideration' within the E2 zone. Furthermore, I am not satisfied that the nature of the proposed use, as it is described in the documents lodged, is compatible with the normal operating activities of a light industrial / manufacturing park. Of particular concern is the potential for this aspect of the proposed development to attract visiting members of the public, including children and young adults, into a busy and potentially hazardous industrial area where heavy/light good vehicles, trucks, and forklifts etc operate. The potential conflict between users of the proposed facility and industrial traffic would I consider represent a public safety hazard.
- 7.1.10. The final aspect of the proposed development relates to the use of the first floor of Unit 9, for religious meetings. This aspect of the proposed development is to be restricted to Sundays only, when, in accordance with the details submitted in support of this appeal, there is little or no activity at the premises or at the Ashbourne Manufacturing Park in general.

- 7.1.11. A religious meeting space or 'place of worship' is not listed as a 'permitted use' or as 'open for consideration' within the 'E2' zone and, as with the training element of the proposed development, it is my opinion that such a use is not compatible with the existing light industrial activities in the manufacturing park.
- 7.1.12. While I accept that there may be a reduced level of industrial activity within the manufacturing park on Sundays, when the proposed religious meetings are to take place, it is evident from the information submitted by both the applicants and third parties that some level activity does occur. Furthermore, given the range of permitted light industrial / manufacturing uses within the park and the potential for change in terms of business ownership, the nature and scale of operations, business practices, etc I think that it would be unreasonable to assume that there is no probability for such activity to increase or to become more prevalent in the future.
- 7.1.13. The MCDP identifies the E2 lands as an important land bank for employment use which must be protected. On this basis, I consider that non-conforming uses, that have the potential to unduly impact the use and operation of light industrial / manufacturing enterprises in such areas, should be avoided. Given the substantial variation in the nature of the proposed use for religious meetings and the permitted light industrial uses, and the potential conflict between users of the proposed facility and industrial traffic, I do not consider the use of Unit 9 for religious meetings, notwithstanding the time limitation proposed, to be appropriate.
- 7.1.14. In conclusion, I consider that the nature of the proposed use as described in the documents lodged is, on balance, more akin to a community facility / place of worship than to the general enterprise and employment uses deemed permissible within the E2 zoning of the Meath County Development Plan 2021-2027. Furthermore, I consider that the nature of the proposed use is not compatible with the existing permitted light industrial activities within the Manufacturing Park and that the proposed use and the precedent it would set for further non-conforming uses, would have an adverse impact on the continued use and operation the manufacturing units. I recommend that permission be refused on this basis.

7.2. Procedural Issues

- 7.2.1. Third parties, in their submission to the planning authority and in their observation to this appeal, have raised concerns regarding the nature of the application, which they consider should be an application for ‘retention permission’ rather than ‘permission’, and in relation to the planning status of the fire escape to the rear of the property.
- 7.2.2. Issues relating to the validation of a planning application and to planning enforcement are matters for the planning authority and do not fall within the remit of An Bord Pleanála. Notwithstanding, I note that the development as described in the public notices was considered acceptable by the planning authority and that the application was deemed to be valid. I also note that the issues raised by third parties were referenced in the report of the planning authority and included in their request for further information. Said issues did not form part of the planning authority’s decision to refuse.

7.3. Appropriate Assessment

- 7.3.1. 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 for this development be refused for the reasons and considerations outlined below.

9.0 Reasons and Considerations

1.	The proposed development is located on lands zoned as ‘E2 – General Enterprise and Employment’ in the Meath County Development Plan 2021
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	<p>– 2027 the objective for this area is to provide for the creation of enterprise and facilitate opportunities for employment through industrial, manufacturing, distribution, warehousing, and other general employment / enterprise uses in a good quality physical environment”.</p> <p>It is considered that the development as described in the documents lodged with the application and appeal is, on balance, akin to a ‘Community Facility / Centre’ and ‘Place of worship’. Neither ‘Community Facility /Centre’ or ‘Places of worship’ are listed as permission uses or as ‘open for consideration’ within the E2 zoning.</p> <p>Furthermore, it is considered that the nature of the development proposed is not compatible with the normal operating activities of existing permitted light industrial development within the Ashbourne Manufacturing Park and that if permitted the proposed use and the precedent it would set for similar non-conforming uses, would have an adverse impact on the continued operation and future use of the light industrial / manufacturing.</p> <p>The proposed development would therefore be contrary to the zoning objective of E2 lands, for general enterprise and employment uses, and to the proper planning and sustainable development of the area.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Lucy Roche
Planning Inspector

12th April 2023