



An
Bord
Pleanála

Inspector's Report

ABP-321941-25

Development

Change the use of the existing two-storey retail warehouse use to two-storey gymnasium use, including removal of interior partitions, providing additional sanitary accommodation and connecting into existing services.

Location

Drumindoo Westport , Co. Mayo.

Planning Authority

Mayo County Council.

Planning Authority Reg. Ref.

2460735.

Applicant

Daniel Cooley.

Type of Application

Permission.

Planning Authority Decision

Refuse Permission.

Type of Appeal

First Party v Refusal.

Appellant(s)

Daniel Cooley.

Observer(s)

Matthew Boccaccio.

Date of Site Inspection

8th May 2025.

Inspector

Ciarán Daly

1.0 Site Location and Description

- 1.1. The subject site is part of a two storey existing retail warehouse building which accommodates a number of commercial units consisting of retail warehouse type units. The site area is 0.22ha. The site is c.2km, as the crow flies, from the town centre of Westport and is c.1km from the existing urban edge of the town.
- 1.2. The site is located in a rural area although there a number of detached rural dwellings in the vicinity, particularly to the north and south. The site is located off the R309 regional road and the retail warehouse building is fronted by a surface car park with deliveries catered for to the side and rear. There is a bungalow located adjacent on one side and on the other side and to the rear are grass fields.

2.0 Proposed Development

- 2.1. The proposed development, in summary, consists of the following:
 - Change of use from retail warehouse use to gym use and internal changes.

3.0 Planning Authority Decision

3.1. Decision

Mayo County Council decided to refuse permission for 4 no. reasons which related to:

- material contravention of the town centre first policy (DSO9) of the Westport LAP given the location on unzoned land outside of the town boundary,
- (2) traffic hazard given no additional on site parking,
- (3) lack of sufficient car parking and scale of residential development in the vicinity would seriously injure the amenities of the area, and
- (4) material contravention of Objective DSO4 of the LAP which prioritises the town centre as the primary location for retail and services.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Council's Planner's Report noted the location outside the Westport LAP area on an unzoned site. It noted in the context of the prioritisation of the town centre as the primary location for retail and services and the town centre first policy, that the development of a large gym would be contrary to these LAP objectives.

In relation to parking and access, it noted no proposals for car parking and concerns in relation to intensification of use. It noted the restricted site size without sufficient area to increase parking provision. Concerns in relation to traffic hazard from cars parking on the hard shoulder were noted. Concerns in relation to noise pollution, traffic, parking and safety concerns were noted in relation to impact on residential amenity.

3.2.2. Other Technical Reports

- MCC National Roads Office: No objection.
- MCC Road Design: Requested further information in relation to a revised site layout plan showing traffic signs and road markings and site access visibility. Provide an audit of parking requirements and the existing access width at 10m is considered excessive.

3.3. Prescribed Bodies

- Transport Infrastructure Ireland: No objection.
- Uisce Éireann: No response received.

3.4. Third Party Observations

None.

4.0 Planning History

Subject Site

16/141: Permission granted at rear of eastern section of building by the P.A. for rear extension with one floor level for new store to existing retail outlet of existing building.

95/1023: Permission granted by the P.A. to complete and retain two shop signs and a roadside sign.

94/475: Permission granted for the erection of two warehouses and retail units, septic tanks and parking space.

Other Sites

24/60333: Permission granted by the P.A. at Unit 8C & 8D Moyvalley Retail Park, Primrose Hill., Ballina, for change of use of first floor warehouse storage / office space to gym.

22/808: Permission granted by the P.A. at Unit no. 2 Commercial/Retail Park, Knockrawer, Castlebar, for retention of part of first floor commercial area and permission for change of use of part of ground floor and entire first floor of unit no.2 to fitness gym.

20/888: Permission granted by the P.A. at Unit 15b, Castlebar Retail Park, for change of use of unit from warehouse to gym.

5.0 Policy Context

5.1. Mayo County Development Plan 2022-2028 (the CDP)

Chapter 2 – Core and Settlement Strategy

Section 2.7.8 Retail Strategy

...The sequential approach to development will be applied to proposals for retail development in accordance with the Retail Planning Guidelines for Planning Authorities (DoEHLG 2012). The land use maps for Tiers I to III, inclusive, identifies inner (town centre) and outer (edge of town centre) town centre areas to assist in the application of the sequential approach, whilst ensuring edge of-centre sites are within easy walking distance of the identified primary retail area of each town.

Per Table 2.5 Retail Hierarchy, Westport is classified as a sub-regional/district centre (tier 3) level town.

Section 2.7.10 Core Strategy Policies and Objectives

CSP 2 To support the implementation of the Core Strategy for Mayo in a manner that

is consistent with policies at a national and regional level, in particular population targets and distribution.

Section 2.8.1.6 Key Towns and Strategic Growth Towns (Tier I (a) and Tier I (b))

SSP 2 Support the continued growth and sustainable development of Ballina, Castlebar and Westport, as designated Tier I towns (Key Towns and Strategic Growth Town) in the Settlement Strategy, capitalising on Ballina's designation as a Key Town in the context of the Sligo Regional Growth Centre and Castlebar/Westport as a linked growth driver in the region.

SSP 4 Promote commensurate population and employment growth in the designated Self-Sustaining Towns, providing for natural increases and to become more economically self-sustaining, in line with the quality and capacity of public transport, services and infrastructure available.

SSO 2 To facilitate the development of Ballina, Castlebar and Westport to underpin their role as designated Tier I Key Towns and a Strategic Growth Town, respectively, in the Settlement Hierarchy and to ensure that the growth of these towns takes place in an orderly and sustainable fashion that will not detract from the vitality and viability of their town centres.

SSO 7 To promote measures to reduce vacancy and the underuse of existing building stock and support initiatives that promote the reuse, refurbishment and retrofitting of existing buildings and the regeneration of under-utilised lands within all settlements in the Settlement Hierarchy and the rural countryside.

Chapter 8 – Sustainable Communities

Section 8.4.6 Recreation Facilities and Provision

SCP 24 To promote the improvement of health and wellbeing services throughout the county, in particular to encourage the integration of health and wellbeing services and facilities with new and existing community facilities, where feasible.

Volume 2

Section 5.2.1 Retail and Commercial Uses

Retail/Commercial development should be in accordance with the role and function of the retail centre and accord with the scale and type of retailing identified for that location. Retail/Commercial development should be in accordance with the fundamental objective to support the vitality and viability of the retail centre and must demonstrate compliance with the sequential approach. Proposals to amalgamate retail units will be carefully considered. Proposal shall:

- Provide safe and easy access for pedestrians, cyclists and people with specific design needs.*
- Be accessible by public and private transport.*
- Be of a high design standard and satisfactorily integrated with the surrounding built environment.*
- not negatively impact on the flow of vehicular traffic either in the immediate vicinity or the wider area of the development.*
- Be designed to ensure access for all, including parking, level access and internal layout.*

Section 7.12 Parking Standards and Dimensions

Table 7 Car Parking Standards

Swimming Pool/Sports Centre/Gym/Sports Centre/Gym

1 space/person based on capacity of facility plus 1 space/employee/shift

5.2. **Westport Local Area Plan 2024**

The subject unzoned site is located outside the Local Area Plan area but I have listed the below two policies as they are referenced in the refusal reasons.

DSO 4: *Promote sustainable economic development, enterprise and employment opportunities and prioritise the town centre as the primary location for retail and services.*

DSO 9: *Guide the future development of Westport in accordance the Town Centre First policy approach seeking to bring people and appropriate business/services back into the heart of Westport through place-making, good quality urban design,*

sustainable mobility and control of development in other locations which might undermine this objective.

5.3. Natural Heritage Designations

In relation to designated sites, the subject site is located:

- c.1.59m north-west of Ardogommon Wood Proposed Natural Heritage Area (PNHA) (site code 001470).
- c.3.2km north-west of Kinlooe Lough PNHA (site code 001518).
- c.3.4km east of Clew Bay Complex Special Area of Conservation (SAC) and PNHA (site code 001482).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal by the 1st party, on behalf of Daniel Cooley, can be summarised as follows:

- Peak use will be between 5am to 9am and 5pm to 8pm daily but a 24 hour service is a necessary and reasonable element. A noise related condition can be used.
- Flexible opening hours are required given the prevalence of shift work in the area of Westport.
- The peak hours would be complementary and would not coincide with the adjoining permitted retail warehousing use.
- Peak occupancy is estimated at 10 to 25 persons excluding 1 to 2 staff and no group classes are proposed. Not all visitors would require a parking space.
- A large floor plate is necessary to accommodate the ratio of equipment to users.
- The premises has access to 38 no. parking spaces on a shared basis and another 32 spaces can be accommodated to the rear of the premises.
- There are societal wellbeing and health benefits from the development.

- The P.A. approach of funnelling all services within the town centre fails to prioritise by service function.
- The subject proposal is not suited to the town centre by reason of scale and function.
- There are a number of precedent cases which were granted permission.
- The existing site is an established use such that it cannot reasonably be considered that it would give rise to physical planning considerations of a scale that justify refusal of permission.
- The concerns of the Roads Design Section could have been dealt with via compliance with a proportionate condition recommended.
- The decision relies heavily on the Local Area Plan which has not jurisdiction over the site and there is a lack of reasonable rationale to the decision.
- The Planner's Report confirms that the site is located outside the LAP area and the refusal reasons are wholly inappropriate with the County Development Plan applicable in relation to such issues.
- In relation to retail, the LAP refers to higher order services which the proposal is not.
- No issues of material contravention of policy arise but should the Board consider otherwise it is noted that policy in relation to the site is not clearly stated and there are conflicting policies with the CDP particularly in relation to the allowance for such development in rural areas.
- Section 28 guidelines support the development including National Planning Framework NPO 6 in relation to public health and similarly RPO 7.11 of the Regional Spatial and Economic Strategy; and the Healthy Ireland Strategic Action Plan to achieve the criteria of Section 37(2)(b)(iii) in relation to material contravention.
- Per Section 37(2)(b)(iv) a pattern of decisions is noted for grants of permission for similar changes of use.

- In relation to the P.A.'s decisions to grant similar changes of use elsewhere no concerns were noted by the P.A. in relation to town centre issues, car parking where reliant on share parking and extended opening hours.
- Existing gym operations in the town are well distributed from out of town, edge of town to town centre locations and with no competition issues arising.
- A town centre location would be likely to remove a higher order retail occupant from the location.
- The site is not in a residential area and no residential amenity concerns arise.
- There is no basis for a traffic hazard given that there would be ample parking.
- Suggested condition in relation to access and parking only if required.
- Having a choice of gyms in the area would be more likely to increase property values than decrease them and refusal of permission for a compatible land use would not be conducive to safeguarding land values.
- There will be 20mm thick rubber floor tiles on the gym floor to absorb vibration/impact and noise. Full control of the music system will be maintained at a certain level.

6.2. Planning Authority Response

None received.

6.3. Observations

One third party observation from Matthew Boccaccio has been received. This can be summarised as follows:

- The gym would be located 90m from the turn off the R309 leading to the observer's gym, Republic of Fitness, which is a further 90m away.
- The two gyms in close proximity would create confusion for customers with the proposal being at a huge advantage given its prominence on the road where the observer is not allowed have signage.
- The two gyms will offer a very similar service with the proposal having a significant advertising advantage.

- Based on their other facilities they will be a high volume/low price service and the observer is already struggling to make a profit and this could result in the closure of the observer's business.
- Westport does not have the population to warrant a gym of this size with many gyms in the town, hotel and Councils gyms included.

6.4. **Further Responses**

A further response on behalf of the applicant was received. This can be summarised as follows:

- Commercial competition considerations are not relevant.
- The submission highlights the existing pattern of use in the area includes a gym and this supports the principle of development.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Strategic Issues.
- Parking and Access.
- Residential Amenity.
- Commercial Issues.

7.2. **Strategic Issues**

7.2.1. In refusal reason no.s 1 and 4, the P.A. referenced material contravention of the LAP town centre first policy and the promotion of the town centre at the primary location for retail and services. While the LAP does not strictly apply to this area, the strategic issues in relation to the location of retail services type development between the town and its hinterland are relevant and these issues can be assessed

by reference to the relevant strategic CDP policies and national policy where applicable.

7.2.2. I note that the proposed gym would result in the change of use from an existing retail unit and that gym use is not retailing but can be considered to be related to retail services and/or leisure services type use. I also note that the subject site is unzoned and that the P.A. has granted permission for similar changes of use in urban zoned areas. While I consider that gym use is a complimentary type of use in the context of the retail warehousing type development on the site, I note the rural location in the hinterland of Westport. The Retail Planning Guidelines advocate the sequential approach and I note that retailing services / leisure services should be generally directed to existing settlements but that there may be exceptional circumstances where certain types of retail development can be acceptable in rural areas such as a retail unit that serves recreational facilities. However, I also note that the sequential approach would first give preference to urban locations off-centre, in neighbourhood type centres and edge of centre locations.

7.2.3. I note the appellant's case that higher order retail uses should be prioritized in town centres and that the requirement for a large gym to be limited to the town centre would effectively result in the loss of a higher order retail space. I also note the case put forward in relation to the history of the site and the established retail use of the site. In this context, I must consider the merits of alternative uses for an existing building or part thereof given CDP policy on avoiding vacancy of such units. In this context, I must also consider broader sustainability issues and I note the LAP and CDP advocate a sequential approach to urban development such that urban related development should generally be located in urban areas and not just the town centre. For example, having regard to sustainable travel considerations such that gym patrons would at least have the option of not using a car to get to the gym and to locating such a facility adjacent to existing urban development/customer base, I consider the sustainable travel considerations to significantly outweigh policy concerns in relation to potential vacancy of this unit.

7.2.4. Noting Section 5.2.1 of the CDP where retail and commercial uses should support the vitality and viability of the town centre and demonstrate compliance with the sequential approach and SSO 2 which seeks to facilitate the orderly development of Westport within the settlement hierarchy in a sustainable fashion that does not

detract from the vitality and viability of the town centres, I consider that there would be significant planning advantages to locating the development within the urban area of Westport although not necessarily within the very centre of the town. Accordingly, I consider the location for the proposed development outside the urban area of Westport in a rural area that would be unsustainable in terms of travel patterns required to access the facility. This approach would also support the settlement strategy and the sequential approach, where the development and revitalisation of Westport town is encouraged. Accordingly, I recommend that permission be refused in relation to these strategic planning issues.

7.3. Parking and Access

- 7.3.1. Refusal reason no. 3 relates to insufficient car parking for the proposal. I note the appellant's submission that 38 no. parking spaces are available on a shared basis and another 32 spaces can be accommodated to the rear of the premises. While the 32 spaces to the front of the building are marked on the plans, I note that the overflow spaces (38) are not shown. I am satisfied that at least 20 more spaces can be accommodated to the rear/side and I note the Site Layout Plan shows 15 spaces in front of the adjacent unit with the remaining 17 spaces in front of the subject unit.
- 7.3.2. I also note the observer's submission that the business model suggests a high demand for spaces if successful. However, I concur with the appellant's contention that in order to provide a useful facility and to avoid queuing for exercise machines, that there would be far less than a one to one ratio in relation to machines to service users.
- 7.3.3. Noting the 62 exercise stations, I consider it reasonable to provide for a maximum use ratio of 1 in 2 such that the likely maximum capacity would be 31 users plus 2 staff. I note the CDP parking standard for gyms is 1 space/person based on the capacity of the facility plus 1 space/employee/shift. This results in a requirement for 33 car parking spaces for the gym.
- 7.3.4. I note the appellant's argument that the peak times would be early morning and early evening such that there would be no significant issues with sharing the spaces with the adjacent retail unit while noting that there would likely be at least some crossover, particularly between 7am and 9am as well as in the evening peak. I note that no parking audit has been submitted as requested by the Council's Roads

Department. While it has not been specifically demonstrated that the required parking provision can be provided on the site, it appears there is space for another 20 spaces to the rear/side of the building and in this context I consider that a significant intensification of parking / trips over current bulky retail use could arise.

- 7.3.5. I also note the rural location such that access by active travel means would be severely limited such that I consider this to be an unsustainable car dependent development in a rural area. I note that adequate parking would need to be provided were it to be permitted and that for travel sustainability related reasons in Section 7.2 above the development should be refused permission.
- 7.3.6. Refusal reason no. 2 related to a traffic hazard as a result of the failure to demonstrate additional on-site parking provision. Given that I have found above that additional parking provision can be provided to the rear/side of the building on lands in the control of the applicant, I am satisfied that there would be no parking on the regional route R309 and no potential for a traffic hazard to arise. However, I note the significant intensification of the site arising from the number of car parking spaces and the proposed gym would constitute a car dependent form of development remote from the existing built-up urban area from where the majority of the customer base would be drawn and this is contrary to the sustainable development policies of the CDP.
- 7.3.7. I note the report of the Council's Road Design section noted issues in relation to the access arrangements to the site. Given the significant trip intensification that would result, the opportunity to improve the entrances in line with current CDP standards arises. Accordingly, should permission be granted I recommend that a condition be applied to require the items raised by the Roads Design section, except the parking audit, be addressed to the satisfaction of the P.A.. Accordingly, I recommend that refusal reason no. 2 be overturned.

7.4. Residential Amenity

- 7.4.1. In relation to impacts on residential amenity and refusal reason no.3, the P.A. raised the issue of the 24-hour opening hours proposed, the scale of development, parking shortfall and the impact on residences in the vicinity. I have already addressed the parking issue and I note the scale of development could give rise to a significant intensification of use. I concur with the appellant that the site is in a rural area with a

dispersed settlement pattern where impacts on residential amenity are unlikely to arise except in relation to the adjacent bungalow dwelling given its close proximity to the subject site. Noting this, given the proposed 24-hour opening hours, and noting the location of the gym on the site away from the adjacent dwelling, I recommend, should permission be granted, a noise control condition be attached similar to that attached by the P.A. under reg. ref. 24/60333 in order to protect residential amenity in the vicinity.

- 7.4.2. I note the P.A. considered the impacts on amenities of the area would depreciate the value of property in the vicinity. I note this finding was made in the absence of any expert property valuation submissions. I note the appellant considers that the provision of a gym could enhance property values. I consider that the P.A. has advanced no robust rationale and any identifiable impact from this change of use in relation to the impacts on property values and I recommend that refusal reason no. 3 not be upheld as concerns in relation to residential amenity can be controlled by way of condition.

7.5. Commercial Issues

- 7.5.1. A third party observer who owns a gym in the vicinity has raised concerns in relation to the negative impact on his business that could arise including from loss of custom and that it could result in the closure of his business. While I note the arguments put forward in this regard, I note that no significant planning issue has been raised, and issues in relation to competition between businesses are not matters for planning.
- 7.5.2. In relation to whether the population can support the proposal, I have already assessed matters in relation to sequential spatial planning in Section 7.2 above. Whether or not the business can be supported will be demonstrated by the market and this is not a relevant planning consideration. I consider the issues raised by the third party observer to be irrelevant to the consideration of the appeal. I also note no signage is proposed.

8.0 EIA Screening

- 8.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory

requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

9.0 AA Screening

9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Clew Bay Complex Special Area of Conservation (SAC) in view of the conservation objectives of this site and is therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based on:

- the nature of the works with no impacts on the natural surroundings.
- the distance from the nearest European site and lack of connections.
- the screening determination of the Planning Authority.

10.0 Recommendation

10.1. I recommend that planning permission be refused for the reasons and considerations set out below.

11.0 Reasons and Considerations

1. The location of the proposed development on unzoned land outside the Westport town boundary in a rural area remote from areas of population and at a significant distance from existing housing and service centres would be contrary to Section 5.2.1 and SSO2 of the Mayo County Development Plan 2022-2028 where the orderly development of Westport in a sustainable manner that does not detract from the vitality and viability of the town centre's retail and commercial uses is sought. In this regard the proposed use would constitute an unsustainable form of development dependent on car borne journeys as it would be remote from the existing built up urban area from where the majority of the customer base would be drawn. The location of development would fail to adhere to a sequential approach where town

centre, off centre and edge of centre locations should first be considered. The proposed development, therefore, would be contrary to the proper planning and sustainable development of the area.

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.

Ciarán Daly

Planning Inspector

30th May 2025

Appendix 1

Form 1 – EIA Pre-Screening

Case Reference	ABP-321941-25
Proposed Development Summary	Change of use from retail warehouse use to gym use.
Development Address	Drummindoo Westport , Co. Mayo.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1 . EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.	

No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____