



Planning and Development Acts 2000 to 2019

Planning Authority: Wicklow County Council

Planning Register Reference Number: 19/1094

Appeal by Tesco Ireland Limited care of Avison Young of 4th Floor, 2-4 Merion Row, Dublin against the decision made on the 29th day of November, 2019 by Wicklow County Council to refuse permission for the proposed development.

Proposed Development: The demolition (1,300 square metres) of all existing structures including the boundary wall with the adjoining Tesco site and the construction of a café building (232 square metres gross floor area) to be used for the preparation and sale of food and beverages for consumption on and off the premises. The proposal also includes two number elevational signs (measuring 3.34 metres by 0.6 metre on the western and southern elevations); hard and soft landscaping proposals, external seating areas; 111 number car parking spaces integrated with the existing Tesco car park and the reconfiguration of existing spaces to provide for Universal Access Spaces, bicycle parking spaces and all ancillary site services and site development works on a 0.525 hectare site fronting onto the Dublin Road (R750) and Church Hill Road, Wicklow Town, County Wicklow, the Transport Logistics and Warehouse site.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the site location on lands zoned as 'TC: Town Centre' within the defined 'Core Retail Area' of Wicklow town centre, the policies of the planning authority as set out in the Wicklow Town-Rathnew Development Plan 2013-2019 and the Wicklow County Development Plan 2016-2022 for the area generally, the planning history and existing use of the site, the pattern of development in the area, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate form of development at this location, would not have an adverse impact on the vitality and viability of the town centre, would not seriously injure the visual amenities or the character of the area, would be acceptable in terms of traffic safety and convenience, would not have significant adverse effects on the environment and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

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

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

11 number car parking spaces shall be omitted from the area directly to the east of the proposed café and the area of the Plaza to the east of the café shall be extended with hard and soft landscaping.

Details of the revised layout, including a detailed parking layout and a revised landscaping design for the area, shall be submitted to, and agreed in writing, with the planning authority prior to commencement of development.

Reason: To ensure a satisfactory parking layout in the interests of pedestrian and traffic safety, visual amenity, and to comply with the requirements of the County Development Plan.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. A grease trap shall be fitted on the kitchen drain to the satisfaction of the planning authority.

Reason: In the interest of public health.

4. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

5. Prior to commencement of development, details of the materials, colours and textures of all external finishes to the proposed development inclusive of fascia treatment and signage shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of visual amenity.

6. No advertisement or advertisement structure, other than those shown on the drawings submitted with the application, shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

7. Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

8. The permitted premises shall be limited to use as a primary sit-down café with any sale of hot food or beverages for consumption off the premises to be subsidiary. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no change of use of the subject premises from the hereby permitted use as a café shall occur, unless authorised by a further grant of planning permission.

Reason: In the interest of clarity and to allow the planning authority to assess the impact of any subsequent change of use of the subject premises through the statutory planning process.

9. The hours of operation shall be restricted to between 0700 hours and 2200 hours Monday to Sunday.

Reason: To protect the amenities of adjoining properties.

10. The developer shall control odour emissions from the premises in accordance with measures which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

11. Comprehensive details of the proposed lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed lighting system shall be fully implemented and operational before the proposed development is made available for occupation.

Reason: In the interests of public safety and visual amenity.

12. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

13. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste. In particular, the plan shall ensure that, during the construction phase, adequate off-carriageway parking facilities shall be provided for all traffic associated with the development, including delivery and service vehicles/trucks, and parking for all construction workers.

Reason: In the interests of public safety and residential amenity.

14. A plan containing details for the management of waste within the development, including the provision of facilities for its storage, separation and collection shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste, in the interest of protecting the environment.

15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

16. The developer shall pay to the planning authority a financial contribution in respect of the Wicklow Port Access and Town Relief Road in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Michelle Fagan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020.