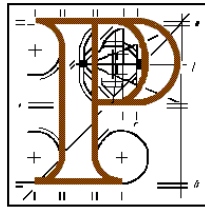


An Bord Pleanála



Inspector's Report

PL26.245562

DEVELOPMENT:-

Permission to make permanent the present temporary use of the car park and provide for ancillary works for the operation of the car park at Stonebridge Lane/South Main Street, Wexford Town.

PLANNING APPLICATION

Planning Authority: Wexford County Council

Planning Authority Reg. No: 20150021

Applicant: Alut Limited

Application Type: Permission

Planning Authority Decision: Grant

APPEAL

Appellant: Ropewalk Carpark Limited

Type of Appeal: 3rd-V-Grant

DATE OF SITE INSPECTION: 14th December 2015

Inspector: Colin McBride

1. SITE DESCRIPTION

1. The appeal site, which has a stated area of 0.14 hectares, is located on backlands to the rear of properties on South Main Street, Bride Street and King Street in Wexford town. The site is currently in use as a car park and includes a hard surfaced area laid out with 35 car parking bays. Access to the car park is on a one-way down ramp located along the western boundary of the site that is itself accessed through an existing car park to the south west of the site off Bride Street. The exit for the car park is through Stonebridge Lane, which runs north from the site onto South Main Street and is an existing laneway between commercial properties on South Main Street. Adjoining uses to the north include a motor factors store and public house, which back onto the site and are located on either side of Stonebridge Lane. To the east is commercial development including a furniture store. To the west are properties fronting Bride Street that back onto the site, with such being at a higher ground floor level than the site. To the south is an existing car park accessed from King Street. There is what appears to be some boundary treatment between the two car parks in the form of metal hoarding.

2. PROPOSED DEVELOPMENT

- 2.1 Permission is sought to make permanent the present temporary authorised use of the car park and to provide for ancillary works for the smooth and secure operation of the customer friendly car park. The ancillary works include the provision of gates/barriers at the exit and the entrance, the restoration/reinstatement of the site boundary walls, the siting of pay stations, enhancement of existing public lighting, installation of CCTV monitoring and the provision of electric car port, together with associated and ancillary site works.

3. LOCAL AND EXTERNAL AUTHORITY REPORTS

3.1

- (a) An Taisce (04/02/15): Any permission should be a temporary permission and should also exclude the area straddling the town walls.
- (b) Development Applications Unit (10/02/15): Further information required including an archaeological impact assessment.
- (c) Planning Report (25/02/15): Further information required including an archaeological impact assessment and visual impact statement.
- (d) Planning Report (03/09/15): It is considered that the car park is well established use at the town centre location. It is noted that the site is identified as an Opportunity site (site no. 3) and that in this regard it is

appropriate to grant permission on a temporary basis of 2 years. A grant of permission was recommended subject to the conditions outlined below.

4. DECISION OF THE PLANNING AUTHORITY

4.1 Permission granted subject to 5 conditions. Of note are the following conditions...

Condition no. 2: Car parking use restricted to temporary permission of two years.

5. PLANNING HISTORY

5.1 Ref 2010041: Permission granted to for retention of car park. This included the appeal site and the appellants' site adjacent to the south.

5.2 PL26.244676: Temporary permission of two years granted for use as a car park on the adjacent site to the south.

5.3 Ref. 2011052: permission was granted to Ropewalk Car Park Limited for a change of use of car park spaces to car wash/valet area at Ropewalk Car Park, King Street, Wexford.

5.4 Ref. 2011002: permission was refused to Ropewalk Car Park Limited for a change of use of car park spaces to car wash/valet area at Ropewalk Car Park, King Street, Wexford.

5.5 Ref. 2010041: Permission was granted to Seamus Cullimore & Michael Wright for retention of car park and associated works on a site which included the current application site and the appellant's site at South Main Street/King Street, Wexford.

6. PLANNING POLICY

6.1 The relevant plan is the Wexford Town & Environs Development Plan 2009-2019. The site is zoned 'Town Centre', with a stated objective

6.2 The site was identified as an opportunity site in the Wexford Retail Strategy which was incorporated into the Wexford Town & Environs Development Plan 2009 – 2019.

7. GROUNDS OF APPEAL

7.1 A third party appeal has been lodged by Peter Thomson Planning Solutions on behalf of Ropewalk Car Park Limited. The grounds of appeal are as follows...

- The appellants note the proposal is a traffic hazard with it noted that that ramp access is narrower than originally proposed providing for one way traffic. It is noted that there is conflict between traffic and pedestrians due to the width and alignment of Stonebridge Lane, which is used to exit the site. It is noted that there is a lack of separation between vehicular traffic and pedestrians using the lane. There is currently no vehicle barrier at the top of the ramp allowing for a vehicular rat run through the site between Bride Street and South Main Street. The appellants question the proposals for a barrier noting that there is also a proposal for pay stations within the car park.
- The appellants note they have a right of way along Stonebridge Lane as well as noting that the applicant does not have sufficient interest regarding Stonebridge Lane.
- The existing ramp access is substandard in design and width and does not facilitate pedestrian access.
- The appellant expresses concerns regarding the proposed boundary wall in that it fails to provide for the appellants right way to South Main Street. It is noted that such will block access to a section of Town Wall on the appellants' site and that such would be contrary Development Plan strategy.
- It is noted in light of the temporary permission there is no justification for a permanent boundary wall.
- The appellants note that the terms of permission for the existing car park on their property (PL26.244676) is for a temporary permission for two years. It is noted that in event of permission being granted in this case the same limitation should apply.

8. RESPONSES

8.1 Response by the applicant Alut Limited.

- The applicant refutes the claims of the appellant that they have right of way from their property adjacent the site over Stonebridge Lane to South Main Street. The applicant provides information to demonstrate his case regarding this matter.
- The applicant also refutes claims by the appellants that the proposal is a traffic hazard. It is noted that the ramp is authorised and constructed with the consultation and input of the Council who requested it be one way rather than

a two way ramp originally proposed. It is noted that the proposal was considered acceptable in regard to traffic safety by the Council.

- In regards to length of permission the applicant notes that it is envisaged to redevelop the site for appropriate commercial development in the future, however the current time is not opportune for such development and the proposal provides a beneficial facility for the existing town centre. It is suggested by the applicant in their response that a 5 year time period for permission would be more appropriate.

8.2 Response by Wexford County Council.

- It is noted that the planning system is not a mechanism for resolving disputes about title to land or rights of way and the Council refer to Section 34(13) of the Planning Act. The Council requests that the Board uphold the decision to grant permission.

9. ASSESSMENT

9.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development/Development Plan policy
Traffic
Amenity of adjoining properties/archaeology
Right of way/landownership
Appropriate Assessment

9.2 **Principle of the proposed development/Development Plan policy:**

9.2.1 The relevant plan is the Wexford Town & Environs Development Plan 2009-2015. The site is zoned Town Centre (TC) with a stated objective 'to protect and enhance the special physical and social character of the existing Town centre and to provide for new and improved Town centre facilities and uses'. The proposed use as a car park is identified as being 'open for consideration' under the Zoning Matrix Table (Table 11.03) of the Development Plan.

9.2.2 There has been operation of a car park at this location for a number of years and there has been a recent decision to grant permission for a temporary permission for two years for use of the land immediately the south for use as a car park under PL.26.244676. The site is a backland site that is part of a designated opportunity site and may have future development potential. I would consider that the proposal if permitted should be on a temporary basis as it would allow revaluation of the development potential of the site in the context of future development plans, and in the context of a more co-ordinated approach with adjoining landowners to facilitate future

redevelopment in keeping with the town centre and full potential of the lands at this location. I would consider that a temporary permission as per the proposal on the site to south would be acceptable in that the existence of the car park does not undermine the plan making process – the planning authority’s objective is to adopt a new plan in 2019. Nor does the surface car park prevent an application for retail or other development since the site is zoned for retail development in the current plan. I would consider that the principle of the proposed development is acceptable subject to the physical impact of the proposal in regards to traffic impact and adjoining amenity being satisfactory. I would consider in the event of such been satisfactory that the grant of permission should be confined to two years.

9.3 Traffic:

9.3.1 The car park subject to this appeal, is accessed through an existing Council car park to the south west (Bride Street) with a one way ramp access down to the car park along the western boundary. The down ramp is 4.22m wide for most of its width and is 3.145m wide at its narrowest near top of the ramp. It is proposed to provide a 0.75m wide shared surface to facilitate pedestrian movements along the ramp. Exit from the site is through Stonebridge Lane to the north and onto South Main Street. Stonebridge Lane varies in width from 4.8m at its widest point where it meets the parking area to 3.274m in width at its narrowest. The appellant raises concerns regarding traffic safety and the suitability of the ramp access and exit laneway for the traffic movements generated.

9.3.2 In regards to traffic impact the access ramp down is wide enough to facilitate traffic movements and there is a proposal to provide for pedestrian movements in the form of marked surface. I would question given the low speed of traffic using the ramp whether there is likely to be an issue regarding traffic hazard. It is notable that the proposal entails the provision of a barrier at the top of the ramp to control access as well as a pay and go vehicle barrier at the exit to the laneway providing egress. I would consider that the provision such barriers would be acceptable and provide for degree of traffic control and restriction of speed. I would recommend in the event of grant of permission that such barriers be implemented along with provision of a pay station. The appellant also raises issue regarding the exit laneway in terms of its width and alignment. In regards to such the laneway is wide enough to facilitate the traffic movements out of the site. Although there is no separation between pedestrian and vehicular traffic using the laneway, I would consider that the town centre context and low traffic speed are such that I do not envisage any significant level of traffic hazard in regards to use of the existing laneway for vehicular exit. Sightlines at the exit point are also of a good standard. I am satisfied subject to adequate provision of barriers and a pay station that the proposed development would be acceptable in the context of traffic safety.

9.4 Amenity of adjoining properties/archaeology:

- 9.4.1 The car park has been in operation for a number of years at this location and provides car parking on an underutilised backland site. Given the town centre context and the nature of the use I would consider that such would have no significant or adverse impact on the amenities of the adjoining properties and is very much a low impact use in terms of actual physical structures. The main alterations in terms of physical development is in the form of a 2.4m high stone wall to separate the site from the car park to the south with the drawings indicating that it is reinstatement of a boundary. In terms of physical impact the wall would have no significant or adverse impact on the amenities of adjoining properties. The proposal also entails the provision of new barriers, which are modest in scale and would allow for better operation of the car park and management of traffic.
- 9.4.2 The appeal site is located in the historic town centre and in close proximity of the line of the old town wall with some intact sections located in close proximity to the south within the car park on the adjoining site. These sections of town wall are not on the appeal site so the proposal would have no significant impact on such. It is notable that Development Applications Unit required the submission of an Archaeological Impact Assessment and such was requested and submitted in response to further information. It is notable that the Development Applications Unit did not respond to the Council regarding the contents of the Archaeological Assessment. The Archeological Impact Assessment outlines excavations carried out on site and archaeological material uncovered including 1.9m wide section of wall that was part of the old town wall or of a structure related to it. It is noted that the new 2.4m high wall is 3m south of this section uncovered and it is recommended that archaeological monitoring be carried out under license. I am satisfied with the scope of the report submitted and that the proposal has no significant of adverse impact upon the existing remains of the town wall. I would recommend a condition requiring the carrying out of archaeological monitoring on site.
- 9.4.3 Having regard to the town centre context of the site, future development potential and the presence of archaeology and existing sections of the town wall in the vicinity of the site, I would consider that the provision of a 2.4m high stone wall is excessive and unnecessary. I would recommend that a condition be attached replacing this with 1.2m high railing, which will be a lower impact boundary in terms of visibility and physical impact. I recommend that a condition be attached requiring agreement of the details of such prior to the commencement of works proposed.

9.5 Right of way/landownership:

9.5.1 One of the main objections raised is that the appellant's claim to have a right of way from their property to the south through the site and across Stonebridge Lane to South Main Street north of the site. The appellants also claim that the applicants do not have sufficient control over Stonebridge Lane to operate the proposed development. The applicants refute this claim with both submitting details or information to demonstrate their positions on this matter.

9.5.2 In regards to the issue of rights of way, I would note that this is not a matter than can adjudicated by the Board and is legal matter than needs to be addressed in appropriate forum. It is therefore not a planning matter and will not be assessed in this report. In regards to the issue of land ownership the appellant questions the applicant's interest in Stonebridge Lane. The applicant has indicated such is within the site boundary and has been operating a car park here in recent years using the laneway. I would note that disputes over landownership are not a planning matter and would refer to Section 34(13) of the Planning and Development Act, 2000 (as amended) on this matter.

9.6 Appropriate Assessment:

9.6.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be unlikely to have a significant effect individually or in combination with other plans or projects on a European site.

RECOMMENDATION

I recommend a grant of permission subject to the following conditions.

REASONS AND CONSIDERATIONS

The Wexford and Environs Development Plan 2009-2019 identifies the subject site as a main area within the town centre (Masterplan Zone 13B) where it will be possible to develop or enhance the public realm and fully realise the development potential of the site. It is also located partly within a key opportunity site, as identified in the Wexford Town Retail Strategy, which forms part of the Development Plan. Having regard to the said provisions of the Development Plan, and to the previously permitted use of the site as a car park on a temporary basis, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable for a two year period, and accordingly would not compromise

the future development potential of an underutilised town centre site close to the retail core. The proposed development would not, therefore, be detrimental to the vitality and vibrancy of Wexford town centre, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, and would 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 car parking use hereby permitted shall cease within two years of the date of this Order, unless prior to the end of the period, planning permission shall have been granted for their retention for a further period.

Reason: Having regard to the unsuitability of the subject use of these opportunity lands on a long term basis.

3. The proposed development shall be amended as follows:

- a) The proposed boundary wall along the southern boundary shall be replaced by a metal railing with a height no more than 1.2m.
- b) Full details regarding the provision of a ticket operated barrier at entrance and exit point and the location of the pay station on site. Provision shall be made for a pedestrian access to the side of the barrier at the exit point onto Stonebridge Lane.
- c) Details of the location of the electric charging station is also to be provided

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

Reason: In the interests of visual amenity and orderly development.

4. Surface water from the site shall not be permitted to drain onto the public road or to neighbouring properties.

Reason: In the interest of orderly development.

5. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site or on

adjoining lands under the control of the developer unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area and of the significant number of heritage properties in the vicinity.

6. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

Colin McBride
11th January 2016