



An
Bord
Pleanála

Inspector's Report PL27.247221

Development	Neighbourhood centre to consist of crèche, retail units, offices, community hall, parking, link road and ancillary development works.
Location	Ballynerrin (E.D. Wicklow Rural), Co. Wicklow.
Planning Authority	Wicklow County Council.
Planning Authority Reg. Ref.	15/1304
Applicant(s)	Lusra Teoranta
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-v-Grant
Appellant(s)	Paddy Lavelle & Others
Observer(s)	
Date of Site Inspection	09 th November 2016
Inspector	Colin McBride

1.0 Site Location and Description

1.1. The appeal site is located to the west of Wicklow Town and on the eastern side of the Wicklow Town Relief Road. The site is a triangular shaped field currently in use as agricultural grazing lands. Levels on site increase moving from the south east corner to the north west corner of the site. Immediately to the south are agricultural lands similar in nature to the appeal site and to the north east are two-storey dwellings in Marlton Hall that back onto the site. Existing boundary treatment consists of hedgerow along the western boundary, a post and wire fence along the southern boundary and a 2m high block wall along the north eastern boundary.

2.0 Proposed Development

2.1. Permission is sought to construct a neighbourhood centre which will consist of the following: a) the construction of a single storey creche/childcare facility with associated works & outdoor play areas, b) the construction of a two storey structure consisting of 2 no. retail units & office spaces at ground floor level with community hall at first floor, c) communal car parking, landscaping works & drop off area, d) ancillary boundary treatment works, e) access from the proposed link road lodged under a concurrent application and f) connection to public services to construct a neighbourhood centre which will consist of the following: a) the construction of a single storey creche/childcare facility with associated works & outdoor play areas, b) the construction of a two storey structure consisting of 2 no. retail units & office spaces at ground floor level with community hall at first floor, c) communal car parking, landscaping works & drop off area, d) ancillary boundary treatment works, e) access from the proposed link road lodged under a concurrent application and f) connection to public services. The development was altered as a result of request for further information with the main change being omission of the detached single-storey crèche building with permission granted for two shop units and a community hall.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 24 conditions. Of note are the following conditions...

Condition no. 6: Development not to be occupied until link road between Marlton estate road and Relief Road is completed.

3.2. Local Authority and External reports

3.2.1. Irish Water (19/01/16): No objection.

3.2.2. Roads Engineer 27/01/16): Cycle parking to be provided, footpath and cycleway to be continuous across entrance, on street parking is not desirable at this location.

3.2.3. Planning report (11/02/16): Further information required including revisions to plans with concerns regarding overdevelopment of the site, clarification of the red line boundary in regards to a concurrent application (15/1116), proposals to retain a mature tree on site, justification for capacity of the crèche, details regarding parking and drop off for the crèche, sections through the site and development, revisions to windows due to concerns regarding separation distances, clarification of boundary treatment and proposals for surface water attenuation.

3.2.4. Planning Report (05/08/16): The further information response was noted, it was considered that the proposal was consistent with the zoning objective of the site, it was considered that the applicant had addressed all issues raised in the further information request and the proposal would have no significant or adverse impact on adjoining residential amenities, and would be satisfactory in regards to traffic impact. A grant of permission was recommended subject to the conditions outlined above.

4.0 Planning History

4.1 No planning history on site.

4.2 15/1116: Permission granted to construct a public roadway (link road) with associated footpaths, road markings and services within. The roadway shall connect

the existing Marlton Road with the Wicklow Town Inner relief road. This development is located to the south of the site and will have access off the completed road.

5.0 Development Plan

5.1.1 The relevant Development Plan is the Wicklow-Rathnew Development Plan. The site is zoned R2 with a stated objective 'to provide for new residential development at densities up to 28 units per hectare'.

5.1.2 The site is also part of Marlton Action Area Plan. There is an Marlton Action Area Plan 2006-2012 document. The current Wicklow-Rathnew Development Plan now incorporates the Marlton Action Area Plan into Section 12.3.

6.0 The Appeal

6.1 Grounds of Appeal

6.1.1 A third party appeal has been lodged by Planning Resource Planning Consultancy Services on behalf of...

Paddy Lavelle, 6 Marlton Hall, Ballynerrin, Wicklow, Co. Wicklow.

Anne & Leslie Coughlan, 10 Marlton Hall, Ballynerrin, Wicklow, Co. Wicklow.

Kris & Eimear O'Moloney, 12 Marlton Hall, Ballynerrin, Wicklow, Co. Wicklow.

KellyAnn Cody & Neil Doyle, 13 Marlton Hall, Ballynerrin, Wicklow, Co. Wicklow.

Liam & Valerie Theobald, 14 Marlton Hall, Ballynerrin, Wicklow, Co. Wicklow.

Claire Byrne & Billy Cuddihy, 15 Marlton Hall, Ballynerrin, Wicklow, Co. Wicklow.

Amanda Spalding, 16 Marlton Hall, Ballynerrin, Wicklow, Co. Wicklow.

The grounds of appeal are as follows...

- The proposal represents piecemeal approach to the provision of community facilities with inadequate consideration of the needs in the area and contrary

to the objectives of the Action Area Plan for the Marlton Area and the recommendations of Sustainable Residential Development in Urban Areas.

- The location of the site just off the Inner Relief Road and the nature of uses proposed will increase the traffic movements and taken in conjunction with other uses permitted and under construction would result in traffic congestion and a traffic hazard.
- The proposal is lacking in detail regarding expected volumes of traffic along the distributor road and an assessment of the cumulative impact of the proposal in conjunction with other development. The appellants reiterate concerns regarding traffic congestion and traffic hazard.
- The location of retail facilities to the rear of residential properties will have a negative impact upon the residential amenities of existing dwellings.
- The applicants have failed to justify the level of retail development at this location or demonstrate that it would not have an adverse impact on the vitality and viability of the existing retail core of Wicklow.

7.0 Planning Authority Response

7.1 No response.

8.0 Assessment

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

Principle of the proposed Development Plan policy

Design, scale, adjoining amenity

Traffic impact

Retail Impact

Other Issues

8.2 **Principle of the proposed Development Plan policy:**

8.2.1 The proposal is for a neighbourhood centre with the approved development consisting of a two-storey structure with two retail units at ground floor level and a community hall at first floor level. The retail units have a floor area of 150sqm and 57sqm (net retail space) and 24 car parking spaces are provided within the curtilage of the neighbourhood centre. The site is zoned R2 with a stated objective 'to provide for new residential development at densities up to 28 units per hectare'. The proposal is a neighbourhood centre and I would consider based on the Table 13.2 (Zoning Use Table), that such would be an acceptable use within this zoning objective. In addition to the Development Plan, the site is part of the Marlton Action Area Plan and under Section 3.1 of the 2006-2012 document (land use zoning) both crèche and shop local uses are identified as being permitted in principle on lands zoned for residential use. I would consider that uses proposed originally and approved would all be permissible uses under land use zoning policy of the Development Plan and Action Area Plan for the area.

8.2.2 The third party appeal notes that the proposal would represent piecemeal development and would be contrary the objectives outlined under the Marlton Action Area Plan and the recommendations of the Sustainable Residential Development

and Urban Areas guidelines. There was a Marlton Action Area Plan 2006-2012 in place and this appears to have been superseded by an Action Area Plan that is incorporated under Section 12.3 of the Development Plan there are a number of objectives indicated in relation to the Marlton Action Area Plan and such include the following...

“A neighbourhood centre shall be developed at the northern end of the action area, in proximity to the TRR, at a location that is easily accessible by foot and vehicle from the surrounding area. This neighbourhood centre shall not exceed 1,000sqm GFA, with not more than 500sqm GFA being devoted to retail / retail services uses. No single retail unit shall exceed 200sqm GFA. The remainder of the neighbourhood centre shall be designed so as to be useable by a variety of community uses such as crèches / preschools, community spaces / community meeting rooms, health centre etc. The delivery of this centre may be on a phased basis, but no more than 40% of the residential development will be permitted in advance of the full completion of the community elements of the centre”.

8.2.3 The proposal is for a neighbourhood centre adjacent the TRR (town relief road) at the junction with a proposed road that runs on an east west access from the TRR to link into an existing service road to the east that provides access to existing housing to the east (Marlton housing development). The link road is part of separate application under ref no. 15/116 granted recently. The original proposal was for a neighbourhood centre with retail units, community hall with a separate crèche building. The approved proposal omitted the crèche, which is now proposed as part of separate application 600m from the appeal site. I would consider that the proposal as granted is consistent with the objective set out under Section 12.3 of the Development Plan noted above due to its location in proximity to the TRR. The provision of the link road would facilitate access to the neighbourhood centre, which would be a short distance from existing residential development and future residential development. The link road between the Marlton Housing development and the TRR is indicated on the Action Area Plan map indicated under Section 12.3 of the Development Plan and it appears that an entrance has been provided on the relief road to facilitate such future development. Under Section 12.3 it is noted that

“no development may be occupied until such a time as the link between the existing Marlton estate road and the TRR is completed”.

8.2.4 I would consider that the approved proposal for two retail units and a community would be consistent with the objectives of the Action Area and Plan and Development Plan in terms of its location, overall scale and type of development proposed. The appellants are critical that the proposal represents piecemeal development. I would disagree with this view based on the fact that a link road is proposed along the southern limit of the site and is part of Action Area Plan, the site itself would be very self-contained due to it having the TRR along its western boundary, existing residential development backing onto the north eastern boundary of the site and the link road running to south of the site. The site is not part of a larger landholding that may need a masterplan and is a relatively small site already defined by existing roads, development and future infrastructure. As noted above the location of a neighbourhood centre at this location is consistent with the objectives of the Action Area Plan contained in the Wicklow-Rathnew Development Plan. Based on future infrastructure provision (link) the location of the neighbourhood centre is likely to be very accessible to existing and future residential development.

8.3 Design, scale and adjoining amenity:

8.3.1 The approved development is a neighbourhood centre, which includes a two-storey building containing two shop units at ground floor level and a community hall at first floor level. The appeal submission raises concern regarding the impact of such development on adjoining amenity and the devaluation of property. The site adjoins existing residential development (Marlton Hall) with existing two-storey dwellings backing onto the north eastern boundary of the site. This boundary of the site is defined by a 2m high block wall (rear boundary of the existing dwellings).

8.3.2 The approved structure is part two-storey and part single-storey with a ridge height of 9.13m. Levels on site currently increase moving in a southeast to northwest direction on site. The levels on site are to be lowered with the finished floor area of the building equating approximately to the lowest level on the site currently. The height of the structure will not exceed the height of any of the dwellings located along

the boundary of the site and the majority of the adjoining dwellings are higher in finished floor level and ridge height than the proposed structure. In regards to orientation and windows proposed, the proposal was revised in response to further information to remove two windows at first floor level on the northern elevation. The approved structure has no windows at first floor level on either the northern or eastern elevations, which face towards the adjoining dwellings. In terms of overall physical impact, the design and scale of the proposed/approved development would be acceptable in regards to the amenities of adjoining residential properties. The structure is of a scale in keeping with the character of adjoining development and in no way would have an overbearing impact or result in a loss of light or privacy in regards to the existing adjoining dwellings.

8.3.3 In regards to the nature of use, the proposal is a neighbourhood centre with a commercial element in the form of two shops units. The shop units are small scale units in keeping with low level neighbourhood centre with the units having a floor area of 150 and 57sqm (net retail space) respectively. The appellants appear concerned regarding the impact of such commercial development adjacent to residential development. I would consider the nature or the proposed uses to be a type of development that does not conflict with residential development and is the type of development that is fairly common adjacent residential. The proposal is for a neighbourhood centre and I would consider the provision of such development in close proximity to residential development (walking/cycling distance) to be beneficial to the existing and future residential development in this area. The proposal also includes a community hall, which would also be a positive factor. I would consider that having regard to nature and scale of the proposal, taken in conjunction with existing boundary treatment, which is of a good standard, that the proposed/approved development would be acceptable in the context of existing residential amenities.

8.4 Traffic Impact/Car Parking:

8.4.1 The appellants raise concerns regard the potential to create traffic congestion and the potential for traffic hazard as a result of the proposal. The proposal is contingent on the provision of a link road between the existing Marlton housing development

and the TRR. This link road is subject to a separate application (ref no. 15/116) that has been granted recently and such is referred to in the Action Area Plan for the area. As noted above the scale of development proposed is modest and approved development is reduced in scale with the omission of the crèche element that is subject to an application at nearby location. Subject to the provision of the proposed link road, the site will be accessible from the TRR and from the existing service road in the Marlton housing development. I would consider that the site will be well serviced by the proposed and existing road network that also includes good quality pedestrian and cycling facilities. I would consider that the proposed and existing road network would be of a standard more than capable of dealing with the levels of traffic generated by the proposed development.

8.4.2 There is an existing entrance in place off the TRR to facilitate the proposed link road and a right hand turning lane in place for traffic (northbound on TRR) that would access the permitted link road and proposed development. As noted above the scale of development is modest and unlikely to generate an excess level of traffic at this location. Notwithstanding such I would consider that the road network (existing and proposed) would be of an acceptable standard to deal with the turning movements likely to be generated and would not generate traffic congestion or a traffic hazard. I would consider that the completion of the planned link road joining the TRR would enhance permeability within the area.

8.4.3 The approved proposal entails the provision of 24 car parking spaces on site. Table 9.2 of the Development Plan outline the required parking standards. For retail use (<500sqm) the requirement is 1 space per 100sqm of gross floor space. Gross retail floor space is 391sqm giving requirement of 16 spaces. There is 216sqm of community space on first floor level with no clear category in the parking standards for such. I would be satisfied that that sufficient car parking is provided for on site. Table 9.2 also has a requirement for the provision of cycling parking with figures set down for the different categories of use. I would recommend a condition be attached requiring cycling parking to be provided on site as per Development Plan standards in the event of a grant of permission.

8.5 **Retail Impact:**

8.5.1 The appeal submission raises concerns regarding the impact of the proposed retail development on existing retail development within Wicklow town and notes that it should be subject some sort of retail impact assessment. The proposal is for two shop units with a gross floor area of 319sqm and net retail spaces of 150sqm and 57sqm. The proposal is consistent with the objective for a neighbourhood centre in terms of retail floor space as set down under Section 12.3 of the Wicklow-Rathnew Development Plan in relation to the Marlton Action Area.

8.5.2 Under the Retail Planning Guidelines (April 2012) a Local Centre or Neighbourhood Centre is defined as being “a small group of shops, typically comprising newsagent, small supermarket/ general grocery store, sub-post office and other small shops of a local nature serving a small, localised catchment population”. I am satisfied that what is proposed would be consistent with this definition in that the proposal entails the provision of small shop units design to cater for local demand. The size and scale of the development is also consistent with a specific objective for such development under Section 12.3 of the Development Plan in regards to the Action Area Plan. I would consider the type and scale of retail development would be satisfactory in the context of its overall retail impact within Wicklow Town and would have no significant or adverse impact on the established retail core of the Town. In this regard I am satisfied that the proposal can be permitted without recourse to a retail impact assessment.

8.6 Other Issues:

8.6.1 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 likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

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

10.0 Reasons and Considerations

Having regard to the zoning objectives for the site and the policies and objectives for as set out in the current development plan for the area including the Marlton Action Area Plan, it is considered that the proposed development, having particular regard to the scale, design and mix of uses and proposed vehicular and pedestrian links between development and adjoining lands, and subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would not impact on the vitality and viability of Wicklow Town centre and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The proposed development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by the planning authority on 20th day of April 2016, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The neighbourhood centre shall not be occupied until the link road permitted under ref no. 15/1116 has been fully completed.

Reason: In the interests of orderly development.

3. The proposed development shall be amended as follows:

(a) Cycle parking in compliance with the standards set down under Table 9.2 of the Wicklow-Rathnew Development Plan are to be provided on site.

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 interest of orderly development.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: In the interest of public health and to ensure a proper standard of development.

5. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

6. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development, together with details of the proposed shop fronts, elevation treatments, signage and lighting shall be submitted to the planning authority for agreement.

Reason: In the interest of visual amenity.

7. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

8. 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.

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

9. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities 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 and, in particular recyclable materials, in the interest of protecting the environment.

10. 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. 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Colin McBride
Planning Inspector

06th December 2016