



An  
Bord  
Pleanála

## Inspector's Report PL27.248112

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<b>Development</b>	Retention of extension, smoking areas, overflow car park, 2 no. staff accommodation buildings, change of use of house to staff accommodation, permission for demolition of stores and electric gates.
<b>Location</b>	The Wicklow Heather Restaurant, Brockagh, Laragh, Co. Wicklow.
<b>Planning Authority</b>	Wicklow Co. Council.
<b>Planning Authority Reg. Ref.</b>	16/676
<b>Applicants</b>	John & Betty Kenny
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Caroline McCoy
<b>Observers</b>	None
<b>Date of Site Inspection</b>	24 <sup>th</sup> of May 2017
<b>Inspector</b>	Siobhan Carroll

## 1.0 Site Location and Description

- 1.1. The site is located within the village of Laragh, Co. Wicklow. The village lies at the junction of three roads the R115, R755, and R756 which run through the Wicklow Mountains. It is situated 3km to the east of the monastic settlement of Glendalough and its' location within a highly scenic and historic landscape therefore makes it a popular tourist destination.
- 1.2. The stated site area is 0.579 hectares and it lies on the southern side of the R756. The site contains the Wicklow Heather restaurant a detached and single storey building. The restaurant is served by three car parking areas to the front and the south-eastern and south-western corners of the site. Overall the car parking areas provide parking for circa 84 no. cars.
- 1.3. To the southern area of the site there are three separate single storey units which are in use as staff accommodation. The site is bounded by Mountainview housing estate to the south and two residential properties to the west. There is a laneway which extends for 100m and runs along the eastern boundary of the site. The laneway serves 4 no. residential properties. There is an existing gated access to the site from the laneway.

## 2.0 Proposed Development

- 2.1. Retention is sought for;
- 2.2. (a) extension to the eastern elevation (b) smoking areas to the northern and eastern elevations (c) overflow carpark (d) 2 no. staff accommodation buildings (e) change of use of existing dwelling to staff accommodation.
- 2.3. Permission is sought for; (f) library room extension to the northern elevation (g) demolish existing stores and replace same with new stores and ancillary use building attached to east and rear of main building (h) WC extension to western elevation (i) general internal alterations to the existing building, the provision of electric gates and associated works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Following the submission of further information, permission was granted subject to 8 no. conditions.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- No objections in principle further information was required in relation to a number of issues including the proposed staff accommodation, car parking and the information regarding the proposed use of the electronic gates at the laneway.

#### **3.2.2. Other Technical Reports**

Municipal District Engineer – no objection

Roads Department – bicycle parking should be provided

### **3.3. Third Party Observations**

- 3.3.1. The Planning Authority received two objections/submission in relation to the proposed development. The main issues raised are similar to those set out in the appeal.

## **4.0 Planning History**

There is an extensive planning history pertaining to the site which is detailed in the Planner's Report on file. A change of use was granted under Reg. Ref. 78/2137 to restaurant.

## 5.0 Policy Context

### 5.1. Development Plan

**The operative plan for the area is the Wicklow County Council Development Plan 2016 - 2022.**

- Chapter 4 – refers to Housing
- Chapter 7 – refers to Tourism and Recreation  
Objective T2 – To ensure that all tourism and recreation developments are designed to the highest quality and standards.
- Volume 3 – Appendix 1 - Development and Design Standards

#### **Laragh – Glendalough Settlement & Tourism Plan**

The site is located within the settlement boundary of Laragh it is zoned ‘Primary Development Area – Village Centre’ where it is an Objective to;

‘To create a consolidated and vibrant mixed use settlement centre that is the focal point for the delivery of the retail, commercial, social service and activity needs of the local population and its hinterland; and to promote this settlement centre as a tourism hub which is the prime gathering place for visitors to stay the night, to dine, shop and to organise visits to Glendalough and the other attractions of the area. These lands should have some residential use and should have an animated and high quality streetscape, whilst ensuring the protection of the special character and heritage of this area.’

- Objective LG5 – Increase the length and quality of the stay of visitors to the area through promoting the development of new and improved tourist infrastructure (including for example tourist information, tourist accommodation, tourist shops ('tourist retail'), cafes, restaurants, public houses, tourist attractions and public infrastructure), facilities and attractions.

### 5.2. Natural Heritage Designations

5.2.1. Wicklow Mountains SAC is located 113m from the site.

5.2.2. Wicklow Mountains SPA is located 840m from the site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A third party appeal was submitted by Prendiville Planning on behalf of Caroline McCoy on the 3<sup>rd</sup> of March 2017. The main issues raised are as follows;

- Concern has been raised in relation to traffic and access. The appeal specifically refers to the use of the laneway which adjoins the site to the east.
- It is noted that the laneway provides access to a number of residential properties including the appellants home. There is a gated access of the lane to the appeal site.
- Condition no. 6 of the permission issued by the Planning Authority states, “the gated access to and from the adjacent laneway shall be used for delivery vehicles only.”
- The Planner’s report refers to the laneway and acknowledges its’ condition, however it was considered that the use of the lane was acceptable due to the low level of traffic.
- Policy LG16 of the Laragh – Glendalough Settlement & Tourism Plan seeks to promote the development of safe and accessible pedestrian and traffic routes and policies LR1 and LR3 of the County Development Plan aim to road standards and make provision for public lighting, foot and cycleways. It is considered that the proposed development does not comply with these objectives.
- The appellant does not consider the wording of condition no. 6 satisfactorily addresses the restriction on usage of the gate as it does not stipulate that the gate should remain closed.
- It is contended that the existing laneway is not of sufficient width to facilitate the proposed development.
- The design and location of the proposed staff accommodation is of concern.

- Concern is raised in relation to the increase in car parking and the matter of light pollution and noise arising from the restaurant, pub and staff accommodation.
- The appellant requests that permission be refused for the reasons set out in the appeal.

## 6.2. Applicant Response

A first party response to the appeal was submitted by Frank Ó'Gallachóir Associates Ltd. on behalf of the applicants John & Betty Kenny on the 31<sup>st</sup> of March 2017 the main issues raised concern the following;

- In relation to the use of the laneway, it is proposed to install electric gates which will restrict and reduce the use of the entrance. The electric gates are proposed for security purposes to restrict the use only for 'particular deliveries'. Condition no. 6 restricts the use to deliveries only and this therefore reduces potential traffic usage.
- Regarding the use of the car park the application is a retention application and the existing car park provides for 84 car spaces. In relation to condition no. 5 the applicant is amenable to providing the demarcation of car parking spaces as required by the Planning Authority.
- The issue of the width of the laneway is raised and the appellant refers to the intensification of usage. The only new floor areas proposed are the library to accommodate the collection of rare books and the extension to the WC. There is no increase in dining area and therefore no intensification of the restaurant.
- In relation to the matter of sightlines at the entrance the site is located within the 50kph speed limit area and the Planning Authority have no issues in relation to visibility at the laneway junction with the public road or the site entrance.
- Regarding staff accommodation, it is essential to the applicants that the staff accommodation be provided in order to retain staff. Unit 2 has a floor area of 86sq m and three bedrooms each with en-suite. Unit 3 has a floor area of

65sq m and has two double bedrooms. The existing house granted permission under Reg. Ref. 76/422 is a conventional bungalow. It is stated that the standard of accommodation provided is not out of keeping with residential accommodation standards.

- As there are no proposals to intensify the use of the restaurant there will be no increased loading on the Laragh wastewater treatment plant.
- In relation to potential lighting and noise impacts raised, as dealt with in the Planner's report the existing tree screening surrounding the car park provides that there would be no increase in light pollution. The restricted access to the rear of the site from the laneway will also reduce light and noise from traffic on the laneway.

### 6.3. Planning Authority Response

- None received

## 7.0 Assessment

- 7.1. The proposed scheme involves the retention of extensions to the eastern elevation of the restaurant and the smoking areas to the northern and eastern elevations and the overflow carpark to the southern and western section of the site. It is also proposed to retain the 2 no. staff accommodation buildings located to the south of the restaurant and retention of the change of use of existing dwelling to staff accommodation. Permission is sought for extensions to the restaurant along with alterations to the internal layout and permission is sought for electric gates at the entrance onto the laneway to the east.
- 7.2. The areas proposed for retention at the restaurant comprise storage rooms with a floor area of 30sq m and the smoking/outdoor seating areas with a total area of 69sq m. This represents a relatively limited floor area and its usage would be dependent on the time of year and weather conditions. Therefore, I consider the retention of these elements of the proposal would be acceptable.
- 7.3. It is proposed to demolish a storage shed and a small freezer room and cold store to the rear of the restaurant to facilitate the provision of improved storage rooms, staff

area including a small canteen and changing area. Alterations to the internal layout include the provision of new customer toilets. To the front (northern) elevation a 45sq m extension is proposed to provide a separate library room to accommodate the existing rare book collection which is housed in the restaurant. As indicated on the proposed layout plan Drawing No: 05 P1 the room would not contain dining tables. Having regard to the limited nature of the proposed extensions which would primarily serve to improve servicing and storage arrangements and also improve customer and staff toilet facilities, I consider the proposed extensions and alterations to the floor plan and layout are acceptable.

- 7.4. The premises is served by car parking areas to the east, south and south-west of the restaurant. The main vehicular access is off the R756. The site is within the village of Laragh where a speed limit of 50kph is in operation. The site entrance is located at a straight section of road where good visibility is available in both directions. Furthermore, the Planning Authority in their assessment of the proposed development had no objections to usage of the existing site entrance.
- 7.5. As indicated on the Site Layout Plan Drawing No: 05 P1 a total of 84 no. car parking spaces are provided within the three car parking areas. Currently there is no demarcation of car parking spaces within the areas. Condition no. 5 as attached by the Planning Authority specified that each car parking space in the car park shall be lined and demarcated with stone cobbles. Should the Board decide to grant permission, I would recommend the attachment of a similarly worded condition to ensure that that adequate off-street parking is clearly provided and is available to serve development.
- 7.6. In relation to the location of the car parking the appellant raised concern regarding noise and light pollution. On inspection of the site, I observed that there is mature hedging along the eastern site boundary which adjoins the laneway which serves four dwellings and also the southern site boundary which adjoins dwellings in the Mountainview housing estate. There is a boundary wall between the site and the adjacent residential property to the west and a low hedgerow runs along the remaining section of the western site boundary. Accordingly, the existing boundary treatment including the extensive hedging satisfactorily protects the residential amenities of neighbouring properties.



- 7.7. It is proposed to retain two staff accommodation units to the south of the restaurant and retain the change of use of an existing dwelling to staff accommodation. The Planning Authority in their assessment of the proposed scheme sought further information on a number of matters including the subject staff accommodation units. The Planning Authority requested that the applicants submit proposals to provide private amenity space for each unit in accordance with Section 5.4.5 of the Development Plan. Appendix 1 of Volume 3 of the current Wicklow County Development 2016-2022 refers to Development and Design Standards. In relation to private open space provision for dwellings it is required that a minimum of 50sq m is provided for 1-2 bedroom units and that 60-75sq m is provided for units with 3+ bedrooms.
- 7.8. As indicated on the Site Layout Plan Drawing No: 01 P2 private open space areas are proposed to serve each of the staff accommodation units. An area of 98sq m is proposed to serve unit no. 1 which has 4 no. bedrooms. An area of 90sq m is proposed to serve unit no. 2 which has 3 no. bedrooms and an area of 50sq m is proposed to serve unit no. 3 which has 2 no. bedrooms. Accordingly, I consider that private amenity space has been provided in accordance with development plan standards. 5 no. car parking spaces are provided adjacent to units 1 and 2 which would provide satisfactory provision for staff parking.
- 7.9. The Planning Authority attached condition no. 4 in relation to the usage of the units which specified that the residential units shall be used for staff accommodation for employees of 'The Wicklow Heather Restaurant' or for short-term holiday accommodation. Having regard to the location of the units within the curtilage of the restaurant I consider that should the Board decide to grant permission it would be appropriate to attach a similarly worded condition to ensure that they are solely provided for staff accommodation or for short-term tourist accommodation as the occupation of the residential units on a permanent basis is not appropriate having regard to their location and layout.
- 7.10. The appellant has expressed specific concern at the use of the existing laneway to serve the premises. The laneway runs along the eastern boundary of the site for circa 100m and has a width of circa 4.5m. It serves 4 no. dwellings and there is a gated access to the lower car park of the restaurant. As set out in the further information response and also in the first party response to the appeal it is proposed

to use this vehicular access to the site for 'particular deliveries'. It is stated in the first party response that the installation of electric gates will restrict and reduce the use of the entrance. Having regard to the details provided with the application and appeal response I am satisfied that the applicants propose very limited use of this existing access only for some deliveries to the site. Accordingly, subject to the attachment of a similarly worded condition as attached by the Planning Authority in relation to the restriction of use to deliveries I consider that the proposed installation of electric gates is acceptable.

- 7.11. In relation to the matter of appropriate assessment, I consider, having regard to the nature and scale of the proposed development, nature of the receiving environment and proximity to the nearest European site, I am satisfied that 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.

## **8.0 Recommendation**

- 8.1. Having read the submissions on file, visited the site, had due regard to the provisions of the Development Plan and all other matters arising, I recommend that permission should be granted for the following reasons.

## **9.0 Reasons and Considerations**

Having regard to the established permitted use on the appeal site, the nature of the development proposed to be retained and which is proposed in this instance, the existing established pattern and character of development in the immediate vicinity of the site, it is considered that, subject to compliance with the condition set out below, the proposed development would not detract from the existing visual amenities of the area, would not impact on the safety of road users would, therefore not, be contrary to the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 18<sup>th</sup> day of January 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions required details to be agreed with the planning authority, the developer shall agree such detail in writing with the planning authority and the development shall be retained and completed with the agreed plans.

**Reason:** In the interest of clarity.

2. The gated access to and from the adjacent laneway shall be used for delivery vehicles only.

**Reason:** In the interests of traffic safety and the amenities of the area.

3. The 3 no. residential units shall be used for staff accommodation for the employees of 'the Wicklow Heather Restaurant' or for short-term tourist accommodation only, and shall not be used as a place of permanent residence.

**Reason:** The occupation of the residential units on a permanent basis is unsustainable having regard to their location and layout.

4. 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.

**Reason:** In the interest of public health.

5. Within six months of date of this order, each car parking space in the car park shall be lined and demarcated with stone cobbles.

**Reason:** To ensure that adequate off-street parking provision is available to serve the proposed development.

6. Within six months of date of this order, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security for the satisfactory compliance with the conditions of this permission. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

7. 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 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.

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Siobhan Carroll  
Planning Inspector

6<sup>th</sup> of June 2017