



An
Bord
Pleanála

Inspector's Report PL27.248178

Development	Change of use to mixed use development consisting of restaurant/café, toilets, storage, shop with takeaway facility, function room, 2 apartments, alterations to facades.
Location	Seafront, Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	16/1349
Applicant(s)	Maurice Sheehy
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-v-Grant
Appellant(s).	Olive Rolstone
Date of Site Inspection	08 th June 2017
Inspector	Colin McBride

1.0 Site Location and Description

1.1 The appeal site, which has a stated area of 0.059 hectares, is located at Wicklow Seafront, to the north east of the town centre. The appeal site is occupied by an existing single-storey building, which is currently vacant and whose last use was as a gym. The structure is located on the edge of the seafront. Adjoining structures include a single storey clubhouse to the north (rowing club) and a three-storey apartment block to the west (The Anchorage) on the opposite side of the public road. Immediately to the south is public car parking and to the east is a gravel beach with steps down from the structure on site.

2.0 Proposed Development

2.1. Permission is sought for a change of use a building currently used as a gym to a mixed use development consisting of (a) licensed restaurant/café with catering kitchen, toilets and enclosed storage facility, (b) beach shop with takeaway food facility, (c) function room, all at ground floor level, (d) 2 no. one bed apartments at first floor level with balconies and changes to the eastern roof profile and (e) alterations to external facades including windows and doors and external wall rendering, and all associated site works. As a result of a further information request the internal layout of the two apartments was revised.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 11 conditions. The conditions are standard in nature.

3.2. Local Authority and External reports

3.2.1. Area Engineer (?/01/17): The report queries the extent of ownership of the path around the perimeter of the building, liability in regards to the steps and the fact no protective railings are proposed on the steps.

3.2.2. Irish Water (23/12/16): No objection.

3.2.3. Planning Report (31/01/17): Further information required including proposal to comply with the requirements of the Sustainable Urban Housing: Design Standards for New Apartments.

3.2.4. Planning Report (20/02/17): The proposal was considered consistent with the zoning objective. The proposal was considered acceptable in the context of adjoining amenities. A grant of permission was recommended subject to the conditions outlined above.

4.0 Planning History

4.1 84/621278: Temporary permission granted for a terrapin unit.

4.2 84/621267: Permission granted for club house, toilets, changing rooms and community hall.

5.0 Policy Context

5.1. Development Plan

5.1.1 The relevant development plan is the Wicklow Town-Rathnew Development Plan 2013-2019. The site is zoned Town Centre with a stated objective 'to preserve, improve and provide for town centre uses'.

6.0 The Appeal

6.1 Grounds of appeal

6.1.1 A third party appeal has been lodged by BPS Planning Consultants on behalf of Olive Rolstone, no. 11, The Anchorage, Wicklow Harbour, Wicklow Town, Co. Wicklow. The grounds of appeal are as follows...

- The appellant resides in the Anchorage apartment development located to the south west of the site.

- The appellant raises concern regarding the provision of a takeaway in regards to potential for people gathering at unsociable times, the potential for litter and its subsequent impact on the residential amenity.
- It is noted the proposed takeaway would be contrary Development Policy RT17 due to proximity to a playground with it noted the proposed takeaway element is inconsistent with the general development objectives for the harbour area.
- The appellant notes the takeaway use is not appropriate as the location, is not a town centre location with a significant amount of residential development and being a quiet seafront location. The appellant has concerns regarding the unsociable hours of such a use and anti-social behaviour associated with such and its subsequent impact on residential amenity.
- The west elevation of the proposal requires revision with concerns that the location of the main entrance opposite the Anchorage would cause noise and disturbance and reduce residential amenity. It is also considered that the new ground floor windows adjacent the residential development would result in reduced privacy to the ground floor terraces and first floor balconies in the existing residential development.
- The appellant wishes that a condition limiting signage is applied in the event of grant of permission.
- The appellant raises concern that the proposal would result in depreciation of value of property and reduced residential amenity.
- The appellant wishes that a number of considerations be applied in the event of a grant of permission such as limited opening hours, litter management measures, control of odour and emissions, traffic control and signage.

6.2 Responses

6.2.1 Response by Alphaplan Design on behalf of the applicant, Maurice Sheehy.

- It is noted that takeaway will operate as part of the beach shop and will only be open in summer months with the same hours of operation as the shop (9am-7pm).
- It is noted that the proposal will enhance the character of the area.
- It is noted that there are no issues of concern regarding vehicular movements at this location.
- The proposal was deemed to be a town centre development and compatible at this location.

6.3 Submissions

6.3.1 A submission was received from Seamus Duffy, 14 The Anchorage, Wicklow Harbour, Wicklow Town, Co. Wicklow.

- The submission raises concern about the level of parking in the area and the potential for disturbance through noise and anti-social behaviour.

6.3.2 A submission was received from BPS Planning Consultants on behalf of Olive Rolstone, no. 11 The Anchorage, Wicklow Town, County Wicklow.

- The submission includes concerns regarding the proposed takeaway in terms of its location in proximity to residential development and a playground in the context of Development Plan objectives.
- The submission raises concerns regarding loss of privacy at the Anchorage due to the new windows on the western elevation.
- Concerns are raised regarding overdevelopment of the site due to no parking being provided.
- It is considered that the proposal would diminish the amenities of adjoining residential properties and depreciate the value of such.

- It is noted that conditions should be applied limiting opening hours and signage.

7.0 Assessment

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

Principle of the proposed development

Design, scale, layout, visual/adjoining amenity

Traffic impact

Other Issues

7.2 Principle of the proposed development:

7.2.1 The proposal is for extension and alteration of an existing vacant structure whose last use was as a gym within an area zoned town centre. It is proposed to provide a restaurant, function room, shop and takeaway at ground floor level and alter the roof profile to accommodate 2 no. one bed apartments. In regards to proposed uses the appeal site is located within the town centre. The proposed uses would be compatible with the zoning objective (all identified as 'typically permitted' under the Development Plan within this zoning) of the site and in keeping with established uses on site and adjoining sites within the town centre.

7.2.2 I would consider that the principle of the proposed development is acceptable on the basis of the nature of uses proposed and the zoning context of the site. Notwithstanding such the acceptability the proposal is contingent on the physical impact of the proposal, its impact on the visual and adjoining amenities of the area, its traffic impact and the quality and layout of the development. These factors are to be assessed in the following sections of this report.

7.3 Design, scale, layout, visual/residential amenity:

7.3.1 The existing structure on site is a single-storey structure with a pitched roof that is currently vacant. The existing structure is not a structure of any significant

architectural merit and is very plain in character. The proposal does not entail significant alteration or changes to the appearance of overall scale of the existing structure. On the western elevation the changes are in the form of additional door and window openings, alterations to the external finish and new signage. In terms of overall visual impact, the changes would be acceptable in the context of the visual amenities of the area and would be an improvement due to providing a more active frontage. The main changes are on the eastern elevation with a dormer projection at first floor level to facilitate the provision of 2 no. one bed apartments with balconies. There are also changes to the eastern elevation at ground floor level with new door and window openings, external finishes and signage with the shop unit/takeaway having their entrance off this frontage. In terms of visual impact, the scale of the dormer extension at first floor level would not be excessive in scale relative to the existing structure and would have no significant or adverse impact on the visual amenities of the area. The changes to the western elevation are also satisfactory and provide for a more active frontage on a structure that has very plain and spartan elevations.

7.3.2 The appeal submission raises concerns regarding the impact of the proposal on the amenities of adjoining residential properties with an existing apartment block located to the east on the opposite side of the (The Anchorage). The appellant's concerns relate to the appropriateness of a takeaway at a location with significant residential development in addition to its proximity to a playground. Concerns are also raised regarding the potential for overlooking or loss of privacy in relation open space due to the additional windows on the eastern elevation. In regards to physical impact, the level of alterations/extension of the existing structure are modest with the only increase in floor area being the dormer projection on the eastern elevation. Otherwise the overall scale of the structure relative to adjoining properties such as the Anchorage apartment development to the west and the Wicklow Rowing clubhouse are unchanged and the structure has no significant physical impact over and above that of the existing structure on site. The appellant notes that the windows on the western elevation overlook or reduce privacy in regards to terraces on the eastern side of The Anchorage. There are small terrace areas on the eastern side of the Anchorage at ground floor level. These terraces are not completely private in that they have a low wall along the public road. I do not consider that the provision of

windows at ground floor level of the western elevation on the opposite side of the road diminishes the privacy of the existing apartment to the west. In regards to other windows provided, there are small roof lights provided in the western roof plane at first floor level, which are high level windows serving kitchens and bathrooms in the apartments and have no impact on adjoining amenity. The majority of new glazing is provided on the eastern elevation and such is orientated out to sea with no existing properties overlooked.

7.3.3 In regards to the nature of uses and their proximity to residential development, as noted earlier the site is at a location zoned town centre. It is acknowledged that the site despite being zoned town centre it is remote from the Main Street, but is within walking distance. The majority of the developments in the vicinity are residential in nature however there are commercial uses in the area including the existing premises, which is a vacant gym. I am satisfied that the proposed restaurant use would be an acceptable use relative to the amenities of the adjoining properties. The proposal includes a function room with the information on file noting that this is for “private functions such as small group parties, exhibitions, or activities such as yoga or club use and will be available on a rental basis”. I would consider that this use is acceptable subject to a number of conditions that should be attached in event of a grant of permission. The function room should have its opening hours limited to the same opening hours as the restaurant on site. I would also consider that a condition be applied prohibiting amplified music to protect the residential amenities of adjoining residential properties and those proposed on site.

7.3.4 According to the information on file the shop and takeaway are to operate during the summer months and the takeaway will only operate when the shop is open. It is notable that the shop and takeaway unit are on the eastern side away from the existing residential development. It is also clear from the layout that such is not independent of the main restaurant use given it is to share the same kitchen area. I would consider that the shop use and in particular the takeaway use would be acceptable but should be subject to restriction in opening hours. The location of the takeaway on the eastern side of the building and at a location that is relatively remote from the town centre area defined by the Main Street would mean that its use is likely to be as described by the applicant, for seasonal use, or in relation to use of

the seafront. Notwithstanding such I do consider some conditions are required in regards to opening hours and litter. It is notable that in the applicant's response that the opening hours of the restaurant are to be from 10am until 11pm. I would recommend that these opening hours (9am-11pm) be applied to the entire development including the takeaway use and function room. I am satisfied subject to such provisions, that the proposal would be acceptable in the context of the amenities of adjoining properties.

7.3.5 Under Objective RT17 it is policy to "exclude any new fast-food/takeaway outlets from being built with 400m of the gates or site boundary of schools or playgrounds, excluding premises zoned town centre". Firstly, the site is an area zoned town centre and secondly there is no playground or school within 400m of the site (the playground mentioned by the appellant is 820m from the site). The proposal would not be contrary Development Plan policy in this regard.

7.3.6 The proposal provides for 2 no. one bed apartment units. The layout of the apartments was revised in response to further information (failure to provide floor to ceiling heights in accordance with the 'Sustainable Urban Housing: Design Standards for New Apartments (Guidelines for Planning Authorities)'). The revised apartment layout provides for 2 no. units that meet the all of relevant standards in regards to layout, dimensions, storage space and private amenity space set down under the national guidance document, 'Sustainable Urban Housing: Design Standards for New Apartments (Guidelines for Planning Authorities)'. In this regard the residential element is satisfactory in overall quality.

7.4 Traffic Impact:

7.4.1 The existing site does not have any parking with the existing structure taking up most of the site. The site is at a location with a significant level of public parking in close proximity and there is an established commercial use on site. The proposal does entail an increase in intensity over the existing use on site. Notwithstanding such I would consider that the proposal would be satisfactory in the context of traffic impact. Firstly, I would note that the site is located in an area zoned town centre and although remote from the Main Street is in walking distance of such. The site is in

walking distance of residential development in the area. The site is located at the seafront and is well served by existing public parking, which is subject to parking control during daytime hours. In this regard I would consider the proposal is unlikely to result in any adverse traffic impact. The proposed apartments on site do not have dedicated parking. Given its location relative to the town centre and its zoning as such, I do not consider that such is an unacceptable arrangement or that parking is necessary in this case.

7.5 Other Issues:

7.5.1 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.

8.0 Recommendation

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

9.0 Reasons and Considerations

9.1 Having regard to the town centre zoning objective for the area, to the pattern of development in the area and to 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 be acceptable having regard to design and would not seriously injure the visual amenities of the area or the amenity of adjoining properties. The proposed development would also be satisfactory in regards to traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the plans

submitted on the 07th day of February 2017, 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. Details of the materials, colours and textures of all external finishes, shall be submitted to, and agreed in writing with the planning authority, prior to the commencement of development.

Reason: In the interests of the visual amenities of the area.

3. Details of all external shopfronts and signage, shall be submitted to, and agreed in writing with the planning authority, prior to the commencement of development.

Reason: In the interests of the visual amenities of the area.

4. The hours of operation of the development on site shall be between 9am and 11pm and includes all aspects of the proposal including the restaurant, function room, shop and takeaway.

Reason: In the interests of the amenities of property in the vicinity.

5. Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

Reason: In the interests of visual amenity.

6. No amplified music shall be permitted in relation the proposed development.

Reason: In the interests of the amenities of property in the vicinity.

7. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

9. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste and a construction stage traffic management plan.

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

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.

11. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of the Wicklow Port Relief Road. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board for determination. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Colin McBride
Planning Inspector

12th June 2017