



An
Bord
Pleanála

Inspector's Report PL 26.248933

Development	Change of use of a retail unit to use as a family entertainment centre with all associated works.
Location	Unit No. 3, Stonebridge Centre, Oyster Lane, Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20170580
Applicant(s)	Oyster Lane Limited
Type of Application	Permission
Planning Authority Decision	To Grant Permission subject to conditions
Type of Appeal	Third Party
Appellant(s)	Aileen O' Connor
Observer(s)	Playzone
Date of Site Inspection	13 th October 2017
Inspector	Erika Casey

1.0 Site Location and Description

- 1.1. The subject site is located in Wexford Town Centre. The unit forms part of the Stonebridge Centre which is a 5 storey mixed use development comprising retail, commercial, office and residential uses. The development is also served by a large multi storey car park with 320 spaces.
- 1.2. The centre is located in close proximity to the retail core and has frontage to Paul Quay to the east, Oyster Lane to the north and Sinnott Place to the south. A pedestrian access to the site is provided via Oyster Lane. Access to the unit is also provided from within the Stonebridge Centre via the multi storey car park.
- 1.3 Unit 3 is located at ground floor and has an area of 1,564 sq. metres. It is one of 3 retail units fronting Oyster Lane, one of which is vacant and another which is occupied by TK Maxx.

2.0 Proposed Development

- 2.1. The proposed development comprises the change of use of Unit 3 from its permitted retail use to that of a family entertainment centre comprising bowling, children's play area and ancillary restaurant/café area.
- 2.2. The development also provides for internal amendments to facilitate the change of use and minor elevational amendments including new fascia signage to Oyster Lane.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 To Grant Permission subject to conditions. Conditions of note include:

Condition 2: precise details of signage for the northern elevation of the building to be submitted for the written agreement of the Planning Authority.

Condition 5: Opening hours shall be between 1000 hours to 2200 hours Monday to Saturday and between 1230 hours and 2200 hours on Sundays and Bank Holidays.

3.2. Planning Authority Reports

3.2.1. Planning Reports (02/07/2017)

- Unit has been empty since the redevelopment of this site and proposed development would bring welcome activity to this part of Wexford Town.
- Site whilst located in the town centre, is not within the retail core.

3.2.2. Other Technical Reports

Disability Access Officer (07/06/2017): No objection subject to DAC requirements.

Chief Fire Officer (31/05/2017): No objection subject to Fire Certificate requirements.

3.3. Prescribed Bodies

- No reports received.

3.4. Third Party Observations

Aileen O' Connor, Leisure Max, Sinnottstown Lane, Drinagh, Wexford

- Development description is misleading. The development is a leisure centre.
- Proposed pedestrian access is unsafe as it is a shared surface and would constitute an endangerment to public safety.
- Oyster Lane is subject to antisocial behaviour and is unsatisfactory for access to a family entertainment centre.
- Inaccuracies in application drawings and no details of fascia signage submitted.

Playzone, Clonard Retail Park, Wexford

- A third leisure facility would compete with their business and make survival unsustainable.

4.0 Planning History

- 4.1 There have been a number of previous applications pertaining to the site, the majority of which relate to amendments to the overall permitted Stonebridge Centre, and are not pertinent to the subject development. The relevant reference no.s are W0005461, W0005878, W0006140, W2008031, W2008155, W2008164, W2008177.
- 4.2 The most recent application pertaining to the site is W2014012: Modifications to development permitted under W0006140 including provision of external individual backlit internally illuminated letters fascia signage on the Oyster Lane elevation granted in May 2014. This signage relates to the unit occupied by TK Maxx.

5.0 Policy Context

5.1. Development Plan

- 5.1.1 The operative development plan for the area is the Wexford Town and Environs Plan 2009 extended to 2019. The site is zoned Town Centre, with the specific 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 uses culture, recreation, leisure and restaurant are all permitted in principle under this zoning objective.

Section 11.02 states: *“The purpose of this zoning is to protect and enhance the special character of Wexford Town Centre and to provide for and improve retailing, commercial, office, cultural and other uses appropriate to the Town Centre which complement its historic setting. It will be the objective of the Council to encourage the full use of buildings and back lands especially full use of upper floors, preferably for residential purposes. Certain uses are best located away from principal shopping streets because of their extensive character and their need for large scale building forms and space requirements.”*

- 5.1.2 The plan identifies 20 master zones within the town. The subject site is located within Zone 13B – Town Centre. The plan acknowledges that are many lanes within the town centre that offer opportunities for secure safe linkages between established public spaces.

5.1.3 Section 6.1 of the Plan states: *“The Planning Authority remains committed to providing adequate community, recreational and cultural facilities to serve the needs and expectations of the growing population of Wexford”.*

Section 11.10.01: provides guidance on shopfront design.

Section 11.10.04: provides guidance on pubs/nightclubs and amusement centres.

Section 11.16.1: provides guidance regarding signage.

5.2. Natural Heritage Designations

5.2.1 The Slaney River Valley SAC (Site Code 000781) is located c. 100 metres to the east of the site. The Wexford Harbour and Slobbs SPA (site code 004076) is located approximately 450 metres to the east.

6.0 The Appeal

6.1. Grounds of Appeal

Frank O' Gallachoir on behalf of Aileen O' Connor, Leisure Max, Sinnotstown Lane, Drinagh, Wexford.

- It is contended that the development would constitute a serious traffic hazard and endangerment of public safety especially for pedestrians. It notes that Oyster Lane is not pedestrianised as cars can access the lane to utilise car parking areas located to the rear of properties at Main Street and the Quays. It is also used as loading bays for shops on Main Street. As Oyster Lane is a shared surface with no footpaths, it is not suitable for pedestrians to access the development.
- Oyster Lane is subject to antisocial behaviour and thus this makes it an unsatisfactory public access for a family entertainment centre which would cater largely for children.
- It is submitted that the development description is misleading and does not give comprehensive details of the nature and extent of development proposed as required by the Planning Regulations. The development is not a family

entertainment centre as more than 50% of the area would be used for bowling alleys and restaurant uses. In the appellant's opinion, it is a leisure centre not a family entertainment centre. Contends that opening hours should be limited if it is a family focussed centre.

- Concerns that as the internal configuration is subject to approval, that the unit could be used for other purposes such as a roller derby rink or ice rink which would have different planning impacts. Notes inaccuracies in the planning drawings.
- States that inadequate details regarding the elevational signage have been submitted. It is not considered appropriate to address this issue by way of condition.

6.2. Applicant Response

- Notes that appellant is a competitor. Requests that appeal be dismissed on the basis that its sole intent is to delay the application.
- The proposed development is fully compatible with the zoning objective for the area.
- The development is complementary to the primary retail function of the town centre and will increase footfall in the area. It will add to the range of uses within the town centre and represents a significant enhancement to the night time economy.
- No evidence presented that the development would endanger public safety by reason of a traffic hazard. To suggest that a shared surface is not suitable for pedestrians is contrary to the principles of good urban design. The objective of such shared surfaces is to give greater priority to pedestrians and reduce dominance of vehicular traffic.
- No evidence provided to demonstrate that anti-social activities occur on Oyster Lane. It is a well lit and frequently used pedestrian thoroughfare. The occupation of the vacant unit and its use in the early evening would increase footfall. It is an entirely appropriate land use for a town centre.

- The everyday understanding of leisure centre has a distinct emphasis on sport and uses such as swimming and gymnasium. The public notices fully detail the nature of the intended use and are considered accurate. The applicant rejects that a family entertainment centre is focussed primarily on the activities of children as families encompass a range of age groups from young children to teenagers.
- The proposed uses are explicitly detailed in the development description. Any material change that might alter the character or nature of the permitted development or involve an intensification of use would require a separate planning permission.
- It is considered inappropriate that the opening hours of the entertainment centre should be limited. The development will enhance evening uses and provide activity to the laneway.
- It is common practice that details of signage are addressed by way of condition. Section 34 (4) (o) of the Act specifically facilitates this.

6.3. Planning Authority Response

- The provisions of the 'Guidelines for Planning Authorities – Retail Planning' apply here: *"The planning system should not be used to inhibit competition, preserve existing commercial interests or prevent innovation. In interpreting and implementing these Guidelines, planning authorities and An Bord Pleanála should avoid taking actions which would adversely affect competition in the retail market (Ref: p. 15 'Guidelines for Planning Authorities – Retail Planning DoECLG 2012).* This guidance is relevant for this type of leisure business also.
- It is respectfully requested to uphold the Council's decision to grant permission in this instance.

6.4. Observations

Playzone, Clonard Retail Park, Wexford.

- Concern that the proposed development will impact on the financial viability of their business.

- Note traffic congestion on Wexford Quay between 3 and 6 in the evening.

7.0 **Assessment**

7.1 The main issues in this appeal are those raised in the grounds of appeal and observation and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Access and Traffic
- Signage
- Appropriate Assessment

7.2 **Principle of Development**

7.2.1 The subject retail unit is located within Wexford Town Centre. It abuts the town centre core but does not form part of the prime retail area. The unit is substantial in area and has been vacant since the scheme was constructed. Its ongoing vacancy and obsolescence detracts from the streetscape.

7.2.2 The proposed development comprises the change of use of the unit to a family entertainment centre. It is detailed that the primary uses will be bowling with ancillary children's play area and café/restaurant use. Recreation and leisure uses are permitted under the 'Town Centre' zoning objective pertaining to the site, as is restaurant use.

7.2.3 It is considered that the proposed family entertainment centre is a sustainable and appropriate use for the subject site. It will be a complementary facility for Wexford town centre, enhancing the overall attractions and offering of the town centre. It is important for the vitality and viability of town centres that a range of retail, social, community, recreational and leisure facilities are provided. This is necessary to enhance the overall customer experience, length of customer stay and to create possibilities for linked trips. The proposed development will contribute to the mix of town centre uses and attractions.

7.2.4 Furthermore, the importance of the night time economy to the vitality of town centre is increasingly recognised through initiatives such as 'Purple Flag'. Purple Flag is the international accreditation for town centres in the evening and at night from 5pm to 5am. Purple Flag destinations distinguish themselves by being vibrant and well-managed. Wexford Town is part of this initiative. It is considered that the entertainment centre, which will open after normal shopping hours, will contribute to the evening economy in a positive manner. In this regard, it is not considered necessary to restrict the hours of opening. It is considered, therefore, that the proposed development is entirely consistent with the zoning objective, is an appropriate location for such a facility and is in accordance with the proper planning and sustainable development of the area.

7.2.4 It is noted that concerns have been raised by the appellant regarding the nature and extent of development and the accuracy of the description provided in the planning notices. It is contended that the development should be described as a leisure centre. The intended use of the facility is clearly stated on the site notice and the planning application documentation. The site layout plan (drawing no. 251) clearly indicates the internal floor plan and areas dedicated to the intended uses including bowling aisles, play areas and café/restaurant. I am satisfied that the nature and extent of the development is sufficiently detailed in the application documentation to accord with the requirements of the Planning and Development Regulations 2001 as amended.

7.2.5 With regard to potential future changes of use of the unit to an ice rink or roller derby rink, I concur with the applicant's response that any significant change of use or intensification of use would require planning permission which would be considered on its own merits.

7.3 Access and Traffic

7.3.1 Concerns have been raised by the appellants regarding the safety of Oyster Lane as the pedestrian access to the development. Oyster Lane is a narrow laneway with a shared surface, characteristic of a number of such lanes within the town centre which link to the core retail area. Vehicular traffic is generally very limited and I noted no parking or congestion during the site visit. I am satisfied, having regard to the town centre location of the site and ease of connection of the development to

Main Street and the nearby multi storey car park, that no adverse impacts to pedestrian safety are likely to occur.

7.3.2 With regard to anti-social behaviour, no evidence of such has been submitted by the appellant and the comments appear to be anecdotal. It is considered that the regeneration of this long vacant unit as an entertainment centre will improve footfall, enhance activity and provide passive surveillance of the streetscape. The occupation of the unit is particularly welcome as there is blank façade directly opposite the site with no animation. It is thus considered that the development would be a deterrent to any antisocial behaviour that may exist. I have no concerns regarding the safety of patrons to the facility from this perspective.

7.4 **Signage**

7.4.1 The elevations as submitted indicate signage zones within the fascia of the existing shopfronts. The Planning Authority have imposed a condition requiring the detail of the signage to be agreed in writing prior to the commencement of development. Having regard to the extent of signage proposed, I consider this to be reasonable and it is not considered that this approach is likely to give rise to a negative impact on the visual amenities of the area as contended by the appellant.

7.5 **Appropriate Assessment**

7.5.1 Having regard to the nature and scale of the proposed development, the change of use to an existing retail unit fully served by existing infrastructure within an established urban area, and the distance 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 It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1 Having regard to the provisions of the current Wexford Town and Environs Development Plan 2009 and the town centre location of the development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of pedestrian safety and convenience and that it would not have an adverse impact on the amenities of the area. The proposed development would 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 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 all signage including method of illumination shall be submitted to the Planning Authority and agreed in writing prior to the commencement of development.

Reason: To protect the visual amenities of the area.

3. No advertising structures/advertisements, adhesive window stickers, security shutters, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

Erika Casey
Senior Planning Inspector

17th October 2017