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<b>Development</b>	Retention of 2 no. portacabins of 151sqm and 64sqm roofed and single-storey with a total area of 215sqm and associated site works to the side of training pitch.
<b>Location</b>	The Carlisle Grounds, Quinsboro Road, Bray, Co. Wicklow.
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	17/811
<b>Applicant(s)</b>	Bray Wanderers Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	Third-v-Refusal
<b>Appellant(s).</b>	John Corcoran

**Date of Site Inspection**

18<sup>th</sup> December 2017

**Inspector**

Colin McBride

## **1.0 Site Location and Description**

1.1 The appeal site, which has a stated area of 1.73 hectares, is The Carlisle Grounds (Bray Wanderers), to the north of Bray town centre and a short distance from the Strand. The Carlisle Grounds have Seapoint Road running along northern boundary, Seymour Road along the western boundary, Quinsborough Road along the southern boundary and the railway line along the western boundary. To the north of the site is parking area and with two portacabins located at the north western corner of the site. There is an existing vehicular access to this area from Seymour Road a short distance from the junction of it and Seapoint Road. To the south of the parking area is a training pitch and further south is the main pitch, stands and dressing rooms. The existing boundary treatment consist of stone walls along all boundaries of the site.

## **2.0 Proposed Development**

2.1. Permission is sought for the retention of 2 no. portacabins, of 151sqm and 64sqm, flat roofed and single-storey with a total floor area of 215sqm. The structures for retention have a ridge height of 3.72m. The larger structure is used as offices and the smaller one is a meeting room.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission refused based on one reason...

1. Having regard to:
  - i. The town centre location of the site.

- ii. The existing availability of suitably zoned offices within close proximity to the site.
- iii. The zoning of the site to protect and provide for recreation and open space provision and commercial related activities.
- iv. The proposed use of the development as offices.
- v. The substandard nature of the portacabins buildings for retention.
- vi. The lack of information with regard to the proposed users or intended length of time they are to be in place.
- vii. Existing substandard structures on site without the benefit of planning permission.

It is considered that the proposed development would not accord with the zoning of the site set out in the Bray Town Development Plan, would result in substandard development, would undermine the fabric of the town and set a precedent for similar development, would consolidate unauthorised development on the site and would be contrary to the proper planning and development of the area.

**3.1**

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**Local Authority**

**and external reports**

3.1.1. Irish Water (27/07/17): No objection.

3.1.2. Planning Report (21/08/17): It was noted that no justification has been submitted for the proposed office use or demonstration that such is in connection with the existing sport facilities. It was noted that there is more suitable office accommodation within close proximity to the site, the proposal represents substandard development and would set an undesirable precedent. It was noted there are other structures at this location that do not have planning permission and that to grant permission would consolidate unauthorised development. Refusal was recommended based on the reason outlined above.

## **4.0 Planning History**

- 4.1 06/106: Permission granted for 2 single-storey stand covers.
- 4.2 06/29: Permission granted for 113 car parking spaces.
- 4.3 04/160: Permission granted to replace existing floodlight with a 20m high monopole with attached antennae and radio linked dishes.
- 4.4 01/1221: Permission granted for a new clubhouse.
- 4.5 00/163: Permission granted for a new club house.

## **5.0 Policy Context**

### **5.1. Development Plan**

- 5.1.1 The relevant development plan is the Bray Town Development Plan 2011-2017. The appeal site is zoned OS2: Solely Open Space Zone with a stated objective 'to protect and provide for recreation and open space provision and commercial related activities.

## **6.0 The Appeal**

### **6.1 Grounds of appeal**

6.1.1 A third party appeal has been lodged by John Corcoran, Simon Hart Ltd, Unit T25 Rowan Avenue, Stillorgan Industrial Park, Blackrock, Co. Dublin. The grounds of appeal are as follows...

- The appellant notes that they support the decision to refuse permission. The appeal is based on the failure by the Council to order removal of the two unauthorised portacabins and to provide a mechanism to determine whether other structures on site require planning permission.
- The appellant notes that the Planning report indicates that there are other structures on site that do not appear to have planning permission and the appellant wishes the Board to add a second reason for refusal requiring the applicant to clarify with the Council which of the structures on site are unauthorised and that if these are to be retained permission should be sought within 6 months of the Boards decision.

### **6.2 Responses**

6.2.1 No responses.

### **6.3 Submissions to Local Authority:**

6.3.1 3 submissions were received by the Local Authority and the issues raised can be summarised as follows...

- Non-compliance with the open space zoning objective, lack of justification for the structures, unauthorised development.

## 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/development plan policy

Design, scale, visual impact, adjoining amenity

Traffic impact

Appropriate Assessment

Unauthorised development/enforcement

### 7.2 **Principle of the proposed development/development plan policy:**

7.2.1 The proposal entails retention of two poratcabins that are in use as office accommodation and a meeting room. The structures are located within the Carlisle Grounds. They are located to the north of the site within an existing parking area with a training pitch located to the south and the main pitch and stands further to the south. The site is zoned OS2: Solely Open Space Zone with a stated objective 'to protect and provide for recreation and open space provision and commercial related activities' under the Bray Town Development Plan 2011-2017. Under zoning policy activities permitted in principle include advertising structures for sports stadia, associated sports related commercial activities. The larger structure is in office use and the smaller structure is an associated meeting room. The Council's assessment indicated that there was no information indicating whether the office use was associated with the existing sporting use on site and permission.

7.2.2 The larger of the two structures is an office use, however was not in use at the time of the visit. I spoke to the general manager of the club on site and he noted it was

used by the club's charity partners on match days and that the smaller structure was a media room (sign attached to outside). There is little information on file regarding the nature of the activities, however I would consider that the principle of the proposed development within the Open Space zoning is acceptable as it is connected to the sporting activity being carried out on site.

### **7.3 Design, scale, visual impact, adjoining amenity:**

7.3.1 The overall scale of the structures is relatively modest in comparison to existing structures on site and are not significantly higher than the wall located along the northern boundary and Seapoint Road. I would consider that the structures are not significantly visible in the surrounding area and in this regard would not be detrimental to the visual amenities of the area.

7.3.2 The structures for retention are located at the north western corner of the site adjoining Seapoint Road and the railway line. The structures are modest in height and located a good distance away from any adjoining properties so as to have no significant or adverse impact on the amenities of adjoining properties.

7.3.3 There is a lack of information regarding the proposal. The structures are temporary structures however there is no indication of whether such is the intention. There is a failure to provide justification for the proposed structures that are temporary in nature with no clear information regarding their specific use or how they relate to the existing use on site. I would consider that the temporary nature of the structures and the lack of a co-ordinated approach to development on site would mean the proposal constitutes haphazard substandard development that would be contrary to the proper planning and sustainable development of the area and set an undesirable precedent for further development of this type.

### **7.4 Traffic Impact:**

7.4.1 As noted above there is little information provided regarding the nature of activities associated with the structures for retention. Based on my conservation with the



general manager it would appear that the structures are only used on match days. If this is the case they would be unlikely to add to traffic issues as the full intensity of the main use on site would supersede the ancillary nature of the structures. I would have concerns regarding the possibility that the structure would intensify traffic at this location as the existing entrance off Seymour Road is located in such close proximity to Seapoint Road that it is poorly laid out in terms traffic movements into and out of the site clashing with traffic movements at the junction of the two roads. Given the lack of information regarding the nature of use and activity particularly concerning the office structure, I would note that the proposal has potential to intensify traffic using an existing vehicular entrance that is substandard in layout due to its proximity to the junction of Seymour Road and Seapoint Road. The proposal would, therefore, endanger public safety by reason of traffic hazard and obstruction of other road users.

## **7.5 Appropriate Assessment:**

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.

## **7.6 Unauthorised development/enforcement:**

7.6.1 The appeal submission is from one of the original objectors to the proposal. The appeal submission supports the Planning Authority's decision to refuse permission, but appears to be motivated by concerns regarding unauthorised development in terms of the structures proposed for retention as well as other structures on site. The appellant wishes the board to add a reason for refusal that would identify unauthorised development and place a time limit on its removal/permission sought for its retention. There may well be other structures on site that do not have the benefit of planning permission, I would note however that the case concerns retention of two structures and that is what is being assessed, not the permitted status or otherwise of other structures on the site. Such is a matter for the Planning Authority

to deal with. The Board is not an enforcement authority and has no remit or power to deal with unauthorised development or enforcement either concerning the structures subject to the appeal or other structures on site.

## **8.0 Recommendation**

8.1 I recommend a refusal based on the following reasons.

## **9.0 Reason and Considerations**

9.1

1. Having regard to the temporary nature of the proposed structures for retention, the lack of justification for such structures and the lack of information in relation to their connection to the main activity/use on site, the proposal would give rise to haphazard and substandard development with a lack of a co-ordinated approach to development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area and set an undesirable precedent for further substandard development in the area development.
2. Given the lack of information regarding the nature of use and activity particularly concerning the office structure for retention, the proposal has the potential to intensify traffic using an existing vehicular entrance that is substandard in layout due to its proximity to the junction of Seymour Road and Seapoint Road. The proposal would endanger public safety by reason of traffic hazard and obstruction of other road users and would, therefore, be contrary to the proper planning and sustainable development of the area

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Colin McBride  
Planning Inspector

19<sup>th</sup> December 2017