



An
Bord
Pleanála

Inspector's Report ABP-301307-18

Development	Change of use from retail to café/restaurant
Location	Unit 8, Redmond Shopping Centre, Redmond Road, Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20180083
Applicant(s)	Melcorpo Commercial Properties ULC
Type of Application	Permission
Planning Authority Decision	To Grant Permission subject to conditions
Type of Appeal	Third Party
Appellant(s)	Victor Bridges
Observer(s)	No observers
Date of Site Inspection	26.06.2018
Inspector	Erika Casey

1.0 Site Location and Description

1.1. The subject site comprises a vacant retail unit within an existing two storey commercial development adjacent to Wexford Town Train Station. Other uses within the development comprise a Chinese restaurant, an optician, estate agent driving test centre as well as a number of vacant units. The unit has a floor area of 162 sq. metres.

2.0 Proposed Development

2.1. The development comprises:

- The change of use of an existing retail unit to café/restaurant use;
- New shopfront;
- New internally lit illuminated fascia signage;
- New fire escape door on the north east elevation;
- New retractable canvas awning to the front elevation.

3.0 Planning Authority Decision

3.1. Decision

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

Condition 2: The canopy should be recessed within the area of the windows so as not to disrupt the proportions of the shopfront.

Condition 3: Permission is not granted through this permission for the use of the premises as a hot food takeaway or for any external lighting or illumination of the fascia signage.

Condition 4: Details of boundary treatment adjacent to the rear access door and railway to be submitted for written agreement. The exact location and details of this boundary should be established in consultation with Iarnrod Eireann Infrastructure Office.

3.2. Planning Authority Reports

3.2.1. Planning Report (15.03.2018)

- The proposed restaurant is open for consideration within the retail core area. Notes the policy to restrict non retail uses within this zoning. However, having regard to the location directly adjacent to a public transportation hub serving the town and hinterlands, consider that on balance, a café/restaurant facility directly adjacent to the train station, bus station and taxi rank would provide a much needed respite area for passengers and bus/train staff and taxi drivers in the immediate vicinity while providing additional accessible welfare facilities.
- The existing retail premises has been vacant for a considerable time as have the existing restaurant uses permitted in Unit 4 and 6.
- Notes that there is only one café in proximity within the Redmond Square area and one at the corner of North Main Street both across a busy road. Considers that one additional café/restaurant would provide an additional choice to the customer and would not be considered a proliferation of restaurants in the area.
- States that the current retail core was introduced in the 2009 plan to protect against the loss of retail floor space and to ensure that the retail function remained the dominant use in the town centre. Notes that this policy is due for review and a smaller core area will be considered in the New Wexford LAP given the changes and shift towards South Main Street.
- Considers that the proposed shop front is acceptable having regard to the setting within a modern building and the existing timber shop front is pastiche. The proposed shop front would provide a modern face lift to the existing structure. The internally illuminated fascia signage is considered unacceptable. This can be conditioned to provide an alternative fascia sign design.

3.2.2. Other Technical Reports

Disability Access Officer (06.02.2018): DAC required.

Chief Fire Officer (15.02.2018): Fire Safety Certificate is required in respect of the development

3.3. Prescribed Bodies

Iarnrod Eireann (05.02.2018):

- Notes that lights from the development should not cause glare.
- A suitably designed 2.4 metre boundary treatment should be erected adjacent to the new rear access door. Provision should be made for maintaining the security of the railway boundary during the course of the works and the boundary treatment should be completed before any major development works begin on site.
- Development should be designed to withstand noise and vibrations emanating from railway operations and maintenance.

3.4. Third Party Observations

3.4.1 2 no. third party observations were made in respect of the application. Issues raised can be summarised as follows:

- Consider that the proposal to provide a café/restaurant use at this location is in direct contravention of the Wexford Town and Environs Development Plan 2009 – 2015, in particular Policy R1.
- The Redmond Shopping Centre complex has the benefit of planning use for restaurant, pizzeria/fast food takeaway use at 3 units within the complex. To provide for an additional similar use will reduce the retail floor area availability at street level within the Core Retail Area and set a precedent for similar change of use applications.
- The proposed illuminated signage is inappropriate and negatively affects the visual amenity of the area.

4.0 Planning History

4.1 There has been one recent significant application pertaining to the site.

Planning Authority Reference 20180359

- 4.2 Permission granted on the 16th May 2018 for a development at Redmond Square Shopping Centre, Redmond Square, Wexford. The development comprises (a) Change of use of units 4 and 6 from existing restaurant use to retail use (b) Amalgamation of existing units 3 to 7B to form enlarged retail unit (c) Amalgamation of existing rear store area of unit no. 8 into proposed new enlarged retail unit (d) Proposed new shopfronts to units No. 3 – 7B and proposed new internally illuminated signage to 3 no. fascias at units 3 – 7B.
- 4.3 There was an application in 2017 for signage at the subject site – application reference 20170578. A split decision was made where permission was granted for a new totem signage panel in the car park and permission refused for above ground floor illuminated signage.

5.0 Policy Context

5.1. Development Plan

- 5.1.1 The operative Development Plan is the Wexford Town and Environs Development Plan 2009- 2015 (as extended to 2019). The site is located within the Town Retail Core area and is zoned Objective J: Core Retail Area. It is stated in the plan: *“The primary objective of the zoning is to restrict development of non retail use at street level within the core retail area. Normal Town Centre uses will be permitted above and below ground floor level.”*

Under the zoning matrix, restaurant use is open for consideration.

- 5.1.2 Objective R1 states: *“Development of non retail uses at street level within the Core Retail Area will not be permitted.”*

The Plan notes that Wexford has a well defined retail core based primarily around a central spine formed by Main Street with secondary activity along the lanes and side streets radiating off Main Street.

- 5.1.3 Section 11.10.1 of the Plan sets out guidance regarding shop front design:

“The guidance notes that the design of shop fronts should relate to the architectural character of the area of the building of which it forms part. Developers and designers

are advised to consult the design guide 'Shop Fronts and Streetscapes in County Wexford'.

5.2. Other Policy

Guidelines for Planning Authorities - Retail Planning 2012

5.2.1 The guidelines are aimed at ensuring that the planning system continues to play its role in supporting competitiveness and choice in the retail sector commensurate with promoting the vitality and viability of city and town centres.

Wexford Town Retail Strategy 2009 – 2015

5.2.2 This strategy forms part of the current town plan which has been extended to 2019. Section 4.4 and Figure 4.1 of the strategy defines the retail core of the town. It states:

“The principal shopping area of the town is centred on Main Street and the series of side streets and laneways that radiate from the street. Main Street itself is divided into North and South Main Street. This area can be said to comprise the primary retail core.”

5.2.3 The strategy further notes:

“Core shopping areas are normally characterised by a mix of factors including prime retail units, low vacancies, a predominance of multiples and well-established family run stores, few non retail uses and high pedestrian foot flow.”

5.2.4 The strategy also identifies a secondary retail core and states that secondary shopping frontages identified in Figure 4.1 are currently occupied by a wide range of functions such as professional services, retail, restaurants, bars, offices etc. The subject site is located within this defined secondary retail core.

5.2.5 The strategy identifies the train station lands (including Redmond Square, the Cineplex and associated parade of shops, the current surface car parking to the north of these properties and an adjacent area of brownfield disused railway lands on the opposite site of the rail line) as a potential new urban quarter for significant retail and mixed use development.

5.3. Natural Heritage Designations

5.3.1 The nearest Natura 2000 sites are the Wexford Harbour and Slobs SPA and Slaney River Valley SAC located c. 0.1 km to the east of the site.

6.0 The Appeal

6.1. Grounds of Appeal

- Consider that the proposal to provide a café/restaurant use at this location is in direct contravention of the Wexford Town and Environs Development Plan 2009 – 2015, in particular Policy R1 which states that the development of non retail uses at street level within the Core Retail Area will not be permitted and the zoning objective pertaining to the site which seeks to restrict non retail uses such as bars, cafes, fast food takeaways etc. in the core retail area.
- It would appear that the decision to grant permission for this application is based solely on proximity to the train station. It does not represent reasonable grounds to overrule the objectives of the Development Plan. The location is not removed from the main retail thoroughfare.
- The Redmond Shopping Centre complex, which the applicant has a majority legal interest/ownership, has the benefit of planning use for restaurant, pizzeria/fast food takeaway at 3 units within the complex. It is considered that the immediate area of the site has an excessive number of café/restaurant type units. It would be prudent to utilise the existing vacant units which have the benefit of similar use to establish a new café/restaurant business. To provide for an additional similar use will reduce the retail floor area availability at street level within the Core Retail Area and set a precedent for similar change of use applications resulting in a Retail Core that is defined by a plethora of units with café/restaurant use.
- The development fails to diversify the Town's retail profile but is a continuation of what appears to be, at this location, a failed policy of providing non retail uses, namely café/restaurant/takeaway uses, that are unsustainable and non viable from a business perspective. Whilst units 4 and 6 are currently

unoccupied, this does not form a reliable basis to grant permission for another café at this location. Furthermore, to suggest that Units 4 & 6 are not attractive due to their location around the corner from the station, is not sufficient reason to grant permission. Wexford Bus operates their main hub from directly outside Units 4 and 6 and carries substantially more passengers than the railway service. These units are more attractive from a café business viability perspective. The Dragon Heen restaurant is currently available within 20 metres of the train station.

6.2. Planning Authority Response

- Restaurant use is open for consideration within the retail core area under the Wexford Town and Environs Development Plan and, therefore, not a material contravention of the land use policies of the plan.
- The existing premises has been vacant for a considerable time. The location restricts direct passing footfall and, therefore, the location is best served to make the public transport hub a more attractive choice to tourists and other potential train/bus travellers.
- The proposed unit adjacent and visible to persons exiting the station will serve as an easily accessible and obvious respite area. The other vacant restaurant units are around the corner and have not been as attractive or visible to persons exiting the station and hence have failed and remain vacant.
- It is noted that an application has been submitted after the determination of the current application for a development comprising the change of use and unit no.s 4 and 5 from restaurant to retail use and the amalgamation of units 3 to 7B and new shop fronts and signage.

6.3. Observations

- No observations.

7.0 Assessment

7.1 The main issues in this appeal are those raised in the grounds of appeal.

Appropriate Assessment also needs to be addressed. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Principle of Development and Compliance with the Wexford Town and Environs Development Plan.
- Appropriate Assessment.

7.2 Principle of Development and compliance with the Wexford Town and Environs Development Plan

7.2.1 The proposed development comprises the change of use of a modest retail unit adjacent to the existing train station in Wexford Town to restaurant use. The principal concerns raised by the appellant are that the development is not compliant with the policies and objectives of the Town Development Plan and that the development will result in the over proliferation of restaurant units at this location. It is also considered by the appellant that as there are already 2 vacant restaurant units within the Redmond Centre, that the proposed restaurant should locate within one of these units.

7.2.2 The subject site is zoned Objective J and is located within the defined core retail area in the town plan zoning map. Restaurant use is open for consideration under this zoning objective. The appellant refers specifically to objective R1 of the Plan which seeks to prevent the development of non-retail uses at street level within the retail core.

7.2.3 It is noted however, whilst the town plan delineates the site as being within the core retail area, the Town Retail Strategy which forms part of the Plan, provides greater clarity on this issue and distinguishes between the primary retail core area and a secondary retail core. The subject site is located in the latter. It is detailed that the retail core is centred on Main Street and the series of side streets and laneways that radiate from it. It is further noted that the secondary retail core is characterised by professional services, retail, restaurants, bars, offices etc.

7.2.4 Having regard to this guidance and the accompanying map in the strategy defining these areas, I do not consider the subject site to be located within the prime retail core of the town. The site is functionally and geographically separated from the primary shopping streets. Whilst objective R1 is noted, I am satisfied that this policy is applicable to the primary retail core and its intention is to prevent the loss of prime retail uses from this area. This is confirmed in the Planner's Report which notes that the retailing has shifted to south Main Street. I consider that the subject site, due to its more peripheral location, in proximity to a public transport hub is appropriate for retail service use such as a restaurant. It is also noted, as outlined in the planner's report, that the subject site has been vacant for some time which detracts from the amenities of the area. The redevelopment of the site, particularly due to its proximity to existing bus and train services in this context is welcomed.

7.2.5 It is noted by the appellant that there are currently 2 vacant restaurant units within the development and that the proposed restaurant would be better suited in one of these units. As highlighted by the Planning Authority in their response to the appeal, permission has recently been granted under application reference 20190359 for the redevelopment of the Redmond Centre to amalgamate a number of the existing shop units to create a new larger unit. This permission includes the existing vacant restaurant units (units 4 and 6). It was observed during the site visit that these units as well as a number of other units within the development are vacant. It is evident that it is the intent of the owner of the centre to upgrade its appearance and to address the issues of long term vacancy. In this context, having regard to the fact that these units have not been active restaurant use for some time and that permission has been granted for their redevelopment, that the subject proposal is acceptable.

7.2.6 With regard to the concerns of the appellant that are sufficient café/restaurant premises in the vicinity to cater for demand, regard must be had to the guidance in the Retail Planning Guidelines that it is a national policy objective to ensure that the planning system continues to play its part in ensuring an effective range for the consumer, thereby promoting a competitive market place. Cafes and restaurants form an important part of the overall mix of uses in town centres, create diversity and

are an important part of the evening economy. The subject site is located in a close proximity to the train station and local bus services and will provide an additional service facility for those utilising these facilities. It was noted on site that there was no over concentration of restaurant or café units in the vicinity of the site. Having regard to the foregoing, I am satisfied that the proposed restaurant use is acceptable at this location, will not result in the overconcentration of such facilities, will add to diversity of offer thus enhancing choice for consumers and having regard to its secondary location, will have no material impact on the vitality and viability of the retail core. I consider the proposed development to be in accordance with the proper planning and sustainable development of the area.

7.3 Appropriate Assessment

7.3.1 Having regard to the nature and scale of the proposed development, the change of use of an existing retail unit to restaurant use 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 to 2019 and the location of the site within the defined secondary retail core under the County Retail Strategy, the long term vacancy of the unit, the planning history of the overall development and to the nature and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area nor result in an over proliferation of restaurant units in this area and would have no material impact on the vitality and viability of Wexford

Town Centre. 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. The opening hours of the restaurant shall be restricted to closing not later than 24:00 hours Monday to Sunday. No ancillary food delivery or collection services shall operate from the premises after these closing times.

Reason: In the interest of orderly development.

3. The development hereby permitted shall be used solely as a restaurant, and shall not be used for the sale of hot food for consumption off the premises (that is, as a takeaway).

Reason: To restrict the nature and extent of the development to that applied for, and in order to protect amenities of property in the vicinity.

4. Details of signage on the proposed shopfront, including method of illumination, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

(b) No roller shutters shall be erected on the exterior of the development.

(c) No advertisements shall be placed on the proposed awning, and no advertisements or signage of any kind shall be erected on the side elevation of the existing building.

Reason: To protect the visual amenities of the area.

5. Apart from the shopfront signage agreed under condition 4 (a) of this permission, and notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no further advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area, and to allow the planning authority to assess any such further signage or advertisements through the statutory planning process.

6. 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 commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

Reason: In the interest of visual amenity.

7. The developer shall control odour emissions from the premises in accordance with measures, including ducting, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

8. A plan containing details for the management of waste/recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste/recyclable materials including waste oil 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/recyclable materials in the interest of protecting the environment.

9. 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.

Reason: In the interest of public health.

10. Details of the materials, colours and textures of all the external finishes to the proposed development, including the windows, canopies and doors, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

11. 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 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 amenities of property in the vicinity.

12. Prior to the commencement of development, the applicant shall liaise with the Iarnrod Eireann Infrastructure office to determine the required boundary treatment adjacent to the rear access door and railway. Details of the boundary treatment shall be submitted for the written agreement of the Planning Authority.

Reason: In the interest of public safety.

Erika Casey

Senior Planning Inspector

24th July 2018