



An
Bord
Pleanála

Inspector's Report ABP 303637-19.

Development	Construction of a restaurant, signage, outdoor seating area, bin store, landscaping, provision of 45 no. car parking spaces resulting in 27 no. net additional parking spaces.
Location	Wexford Retail Park, Clonard Little, Co. Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20181559
Applicants	Eddie Lynch & Others
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellants	Eddie Lynch & Others
Observers	None
Date of Site Inspection	9/5/19
Inspector	Siobhan Carroll

Contents

1.0 Site Location and Description.....	3
2.0 Proposed Development.....	3
3.0 Planning Authority Decision	3
3.1. Decision.....	3
3.2. Planning Authority Reports.....	4
3.3. Prescribed Bodies.....	5
3.4. Third Party Observations.....	5
4.0 Planning History.....	5
5.0 Policy Context.....	5
5.1. Wexford County Development Plan 2013-2019	5
5.2. Wexford Town and Environs Development Plan 2009-2015 (extended to 2019)6	
5.3. Natural Heritage Designations.....	7
5.4. EIA Screening	7
6.0 The Appeal.....	7
6.1. Grounds of Appeal.....	7
6.2. Planning Authority Response	10
7.0 Assessment.....	10
7.1. Principle of Development.....	11
8.0 Recommendation.....	14
9.0 Reasons and Considerations	15
10.0 Conditions	15

1.0 Site Location and Description

- 1.1. The subject site is located within an established retail warehousing park which is located within the build-up area of Wexford situated circa 2.5km to the south-west of the town centre.
- 1.2. The appeal site with an area of approximately 0.18 ha comprises an existing retail warehouse building which contains 8 no. separate retail units and associated surface parking to the front with some parking and delivery areas to the side and rear. Wexford Retail Park is accessed from a local distributor road to the west. The road is served by a roundabout junction onto the R733 to the south.
- 1.3. The retail park contains a mix of retail units which includes provision for convenience, comparison and bulky goods. The layout of the scheme comprises the L shape building, served by a surface carpark located to immediately to the south. There are 8 no. separate retail units within the complex, including Home Focus, Petmania, Home Savers, Dealz, Carpetright, Halfords, Mr Price and EZ Living Interiors.
- 1.4. A separate retail unit accommodating Woodies is located to the west of the main retail warehouse building. There is an Aldi supermarket in separate retail unit to the south of the central car parking area. A 'Drive-Thru' Kentucky Fried Chicken restaurant and take-away is located to the south-west corner of the retail park.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a restaurant, signage, outdoor seating area, bin store, landscaping, provision of 45 no. car parking spaces resulting in 27 no. net additional parking spaces.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for one reason.

1. The proposed development would result in a net loss of 27 car parking spaces to the existing retail park, which is a car dependent development. This is considered excessive and reduces the car parking provision for the overall development below the requirement of the Wexford Town & Environs Development Plan 2013 (extended to 2019). Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Report from the Executive Planner – dated 8/1/19: The principle of the proposed café was considered acceptable having regard to the precedent for restaurant use on the overall site with the presence of the KFC fast food outlet within the retail park. The proposal would result in the loss of 27 no. car parking spaces and the previous application was refused on that basis. Under the current application 45 no. car parking spaces are proposed within the overall site. The Executive Planner concluded that this fully addressed the previous reason for refusal. Permission was recommended on that basis.
- Supplementary Report from the Senior Executive Planner – dated 9/1/19: The Senior Executive Planner concurred with the Planning Officers assessment and had no issue with the principle of the development. However, the issue of loss of car parking remains outstanding. The proposal to address the loss of car parking within the existing surface car park through the proposal to locate an additional 25 no. car parking spaces to the rear of the retail units in the service area is not considered an adequate solution as it would have the potential to create serious traffic hazard as the proposed additional parking could potentially interfere with the ability of the service vehicles to operate in a safe manner. Concern was also expressed at the proposed additional parking to the main public car park that it would impact the ability of emergency vehicles to access the rear of the retail units. It was recommended that permission be refused on that basis.

3.2.2. Other Technical Reports

Chief Fire Officer – Recommends a grant of permission.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

- 3.4.1. The Planning Authority did not receive any observations/submissions in relation to the application.

4.0 Planning History

There are a number of previous applications pertaining to the site which are detailed in the report of the Planning Authority. The most recent relevant decision is PA Reg. Ref. 20180773. Permission was refused for the construction of a standalone café/restaurant unit with an overall height of 7.4m and a gross floor area of 220sq m, to be located within the central section of the car park of Wexford Retail Park.

1. The proposed development would result in a net loss of 27 car parking spaces to the existing retail park, which is a car dependent development. This is considered excessive and reduces the car parking provision for the overall development well below the requirements of the Wexford Town & Environs Development Plan 2013 (extended to 2019). Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Wexford County Development Plan 2013-2019

- Chapter 17 – Design
 - Section 17.6.11 refers to Parking
- Chapter 18 Development Management Standards
 - Section 18.29.7 refers to Car Parking Standards

- Table No. 39 Car Parking Standards

Commercial Car Parking Requirements

Shopping: General Retail Floor space (open to the public) – 1 space per 20sqm open to the public

Retail warehouse/bulky goods retailing – 1 space per 50sqm open to the public

Public Houses/Function rooms/Restaurants/Take Aways – 1 space per 25sq m

- Volume 4 – Retail Strategy
 - Section 8.3.2 – refers to Retail Parks and Retail Warehouses
 - A retail park comprises an agglomeration of retail warehouses grouped around a common car park selling mainly bulky household goods, requiring extensive areas of showroom space, often with minimal storage requirements. There is an expectation that most of the goods purchased can be transported off-site by the customer. Home delivery services may also be available.
 - There are benefits to be gained in grouping retail warehouses in retail parks so that the number of trips by car are minimised. The parks are generally located at out-of centre locations to facilitate access by car. These locations may also provide relief to congested city or town centres.

5.2. Wexford Town and Environs Development Plan 2009-2015 (extended to 2019)

- The site is zoned Objective K ‘Retail Park – Bulky Goods’
The purpose of this zoning objective is to provide for the sale of good generally sold from retail warehouses where DIY goods or goods such as flatpack furniture are of such a size that they would normally be taken away by car and are not manageable by customers travelling by foot, cycle or bus. Other non retail uses which are highly car dependent may be considered if they are deemed to compliment the overall zoning objective.

- Section 4.6 – Retail Strategy

- Chapter 11 – Development Management Standards
 - Section 11.10 refers to Retail Development
 - Section 11.14 Car Parking Requirements, Layout and Design
 - Table 4: Car Parking Standards
 - Shopping: Retail Floorspace – 1 space per 20sq m
 - Public Houses/Restaurant – 1 space per 25sq m

5.3. Natural Heritage Designations

5.3.1. The closest Natura 2000 sites are;

- Slaney River Valley SAC (Site Code: 000781) is located circa 2km to the north.
- Wexford Harbour Slobs SPA (Site Code: 004076) is located circa 2.8km to the east.

5.4. EIA Screening

5.4.1. Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was submitted by John Spain Associates on behalf of the applicants, Eddie Lynch, Shane Lynch, Sean Carey and Kieran Carey. The main issues raised can be summarised as follows;

- It is submitted that the proposed development is appropriate and consistent with the proper planning and sustainable development of the area. The site is zoned Objective K 'Bulky Goods' which seeks 'to provide for the sale of goods generally sold from retail warehouses where DIY goods or goods such as flatpack furniture are of such size that they would normally be taken away by car and are not manageable by customers travelling by foot, cycle or bus. The first party highlights that other non retail uses which complement the zoning objective can be permitted.
- The first party submit that the proposed café will be ancillary to the established retail warehouse use of the Retail Park. They also note that Planning Authority considered the development of the KFC drive-thru restaurant acceptable within Wexford Retail Park as they granted permission for that development under that Reg. Ref. 20052797.
- It is stated standalone café/restaurant units such as the proposed development are an increasingly established feature of retail parks across the county.
- In relation to the matter of car parking it is submitted that there is no shortfall of car parking spaces to serve the existing and proposed floorspace within the Retail Park, having regard to the car parking standards for retail warehouse use contained within the Wexford County Development Plan 2013-2019. The County Development Plan provides for 1 no. space per 50sq m of retail warehouse floorspace. It is noted that there are no corresponding car parking standards for retail warehouse in the Wexford Town and Environs Development Plan 2009-2015 (extended to 2019). The first party submit that it is not appropriate to use the general retail standard of 1 no. space per 20sq m.
- The appellant submits that by applying the standard of 1 no. space per 50sq m of retail warehouse floorspace that the proposed development would not result in a shortfall of parking spaces.
- The appellant submits that the existing and proposed floor space and car parking requirements are as follows;

Retail Warehouse – 12,413sq m @ 1 no. space per 50sq m = 248

Retail Convenience – 1,560sq m @ 1 no. space per 20sq m = 78

Restaurant – 298sq m (existing KFC) and 220sq m (proposed café/restaurant)
@ 1 per 25sq m = 21.

Total – 347

- 347 no. car parking spaces would be required to serve the existing and proposed development based on the car parking standards set out in the Wexford County Development Plan 2013-2019. This is less than the existing provision of 392 no. spaces. It is submitted that the proposed development would therefore not result in a shortfall in parking spaces based on the Development Plan standards.
- The appellant cites a similar example in relation to car parking for a retail warehouse development in Co. Wexford. Under Reg. Ref. 205/2068 permission was granted for 8,786sq m of retail warehouse floorspace with 200 no. car parking spaces, which is equivalent to 1 no. space per 44sq m of floor space.
- It is noted that the Planner's report did not refer to the car parking standard applicable to the site.
- It is proposed to provide 45 no. new car parking spaces with the Retail Park. This includes 30 no. spaces for staff to the rear of the retail warehouse units and 15 no. public spaces to the south of unit no. 8. It is submitted that the proposed additional spaces would address the loss of 18 no. spaces to facilitate the development of the subject café/restaurant and result in a net increase of 27 no. spaces. This would increase the total car parking within the Retail Park to 417 no. spaces.
- Should the Board have any concerns regarding the additional 45 no. car parking spaces proposed, it is suggested that the spaces can be omitted through a condition of a grant of permission, if it is considered necessary.
- In response to the concerns raised in the report of the Senior Executive Planner in relation to traffic hazards as a result of additional parking for staff to the rear service yard, the Board is referred to the traffic and transport report and autotrack drawings prepared by NRB Consulting. It is submitted that

these details demonstrate that there is ample room to accommodate the spaces for staff without impacting on deliveries or safety within the car park. The proposed car parking spaces have been designed in a safe manner to mitigate any potential for accidents or hazards. The autotrack assessment demonstrates that HGV's and/or emergency vehicles can continue to operate safely with the proposed parking layout.

- The Board is referred to the two day car parking occupancy survey carried out by NRB Consulting Engineers and included in the Car Parking Assessment. The survey was carried out on Friday 14th and Saturday 15th of September 2018. The survey results indicate that the maximum demand for the car parking on Friday at 11.30am of 210 no. spaces which represents 53% occupancy. The overall maximum demand for parking was at 1.45pm on Saturday with 242 no. spaces used representing 62% occupancy. It was concluded in the Car Parking Assessment that the proposed restaurant unit and the addition of 27 no. parking spaces can be easily accommodated at Wexford Retail Park.
- It is submitted that the proposed unit will not materially increase traffic generation as the proposed café/restaurant will be ancillary to the established retail warehouse use of the Retail Park and it will be used primarily by visitors and staff of the Retail Park.
- The appellants request that having regard to the details set out in the appeal that the Board overturn the decision of Wexford Co. Council and grant permission for the proposed development.

6.2. Planning Authority Response

- None received

7.0 Assessment

- Principle of Development
- Car parking
- Appropriate Assessment

7.1. Principle of Development

- 7.1.1. In considering the principle of the proposed café/restaurant use I would acknowledge that the Planning Authority were satisfied that the principle of a café/ restaurant in an established retail warehousing park was acceptable on the basis that a precedent for restaurant use was set with the presence of the KFC fast food outlet within the retail park.
- 7.1.2. In relation to the zoning objective in the operative Wexford Town and Environs Development Plan 2009-2015 (extended to 2019) I note that there would appear to be no provision within zoning matrix to give specific guidance as to whether or not a use such as that proposed is appropriate within the 'Retail Park – Bulky Goods' zoning objective.
- 7.1.3. The purpose of the zoning objective is to provide for the sale of good generally sold from retail warehouses where DIY goods or goods such as flatpack furniture are of such a size that they would normally be taken away by car and are not manageable by customers travelling by foot, cycle or bus. It is advised in the plan that other non-retail uses which are highly car dependent may be considered if they are deemed to compliment the overall zoning objective.
- 7.1.4. The proposed café I consider is a use which is primarily predicated on passing customers, i.e. existing visitors to the retail park. This would constitute a casual/ancillary use and would facilitate multi-trip shoppers to the retail park. I would also accept as set out in the appeal submission, that there is a precedent nationwide for this type of café located within retail warehouse parks.
- 7.1.5. I consider that the proposed café/restaurant represents a use which can be considered ancillary to the primary use of the retail warehousing park and that its use in this location would not be contrary to the zoning objective. Accordingly, I would consider that the principle of the proposed development is acceptable.
- 7.1.6. In relation to the proposed design of the subject café/restaurant, the proposed single-storey building is contemporary in design and features primarily a glazed external finish which would integrate well within the context of the existing design approach within the retail park.

7.2. Car parking

- 7.2.1. The proposed development is a standalone café/restaurant within an area of the existing surface car park serving the established retail warehousing park. The Planning Authority refused permission on the basis that the proposed development would result in a net loss of 27 no. car parking spaces. They considered the loss of car parking was excessive and that it would reduce the car parking provision for the overall development below the requirement of the Wexford Town & Environs Development Plan 2013 (extended to 2019).
- 7.2.2. In response to the matter the appellant makes the argument that additional car parking is not required. They submit that the car parking should not be assessed on the basis of the car parking standards set out in the Wexford Town and Environs Development Plan 2009-2015 (extended to 2019) because there is no corresponding car parking standard for retail warehouse and that general retail standard of 1 no. space per 20sq m is not appropriate to the context of a retail warehouse park. Accordingly, the appellants argue that the car parking standards set out in table no. 39 of the Wexford County Development Plan 2013-2019 which requires the provision of 1 no. space per 50sq m of retail warehouse floorspace should apply.
- 7.2.3. The appellant makes the case that by applying the standard of 1 no. space per 50sq m of retail warehouse floorspace that the proposed development would not result in a shortfall of parking spaces. They calculate that the existing retail warehouse floorspace within the retail park is 12,413sq m and based on a requirement of 1 no. car space per 50sq m of floor space a total of 248 space would be required. In relation to the convenience floorspace within the retail park it was calculated as 1,560sq m and based on requirement of 1 no. car space per 20sq m of floor space a total of 78 space would be required. The existing restaurant within the retail park the KFC has floorspace of 298sq m and the proposed café/restaurant has a floor area of 220sq m. Based on a requirement of 1 car parking space per 25sq m of restaurant floorspace that it would generate the requirement for 21 no. car spaces. Therefore, in total the appellant submits that existing and proposed floor area would generate the requirement for 347 no. car parking spaces. The existing provision within Wexford Retail Park is 392 no. spaces. Therefore, the appellant requests that the

Board consider that the proposed development would therefore not result in a shortfall in parking spaces based on the Development Plan standards.

- 7.2.4. Furthermore, the subject proposal provides for 45 no. car parking spaces resulting in 27 no. net additional parking spaces. As indicated on the Proposed Site Layout Plan, drawing no: 1663-002, 15 no. car parking spaces are proposed to the south-east of the existing surface car parking spaces to the front of the main retail building. These spaces are proposed for customer use. A further 5 no. spaces are proposed to the east of retail units no. 7 and no. 8 within the existing servicing area. 20 no. parking spaces are proposed to the northern site boundary within the existing servicing area, with a further 5 no. spaces proposed directly at the rear of the building and beside other existing designated car spaces. The parking spaces to the side and rear of the building are proposed for staff use.
- 7.2.5. I noted at the time of my site inspection which was a midweek day at approximately lunchtime that there was car parking availability within the retail park. Furthermore, the appellant submits that the proposed café/restaurant would attract dual use / cross trips whereby customers using the retail park would also use the proposed café/restaurant. As such I would consider that the proposed use would not generate any significant additional car parking demand based on its location within the retail park and the scale of the proposed premises.
- 7.2.6. Based on the first party submission in relation to the existing provision of car parking within the retail park, I am satisfied that adequate car parking is already available. However, the additional spaces would provide more separate staff parking.
- 7.2.7. The report of the Senior Executive Planner expressed concern that the proposed car parking spaces to the rear of the retail units in the service area is not considered appropriate and would have the potential to interfere with the ability of the service vehicles to operate in a safe manner. Concern was also expressed at the proposed additional parking to the main public car park that it would impact the ability of emergency vehicles to access the rear of the retail units.
- 7.2.8. In response to these specific issues the first party refer the Board to the traffic and transport report and autotrack drawings prepared by NRB Consulting. The Traffic and Transport statement sets out that the additional parking spaces have been located so as to ensure that they do not affect the passage of 16.5m HGV service

vehicles or emergency service vehicles. A TRACK assessment of the passage of HGV's and/or fire tenders past each of the new proposed parking areas was carried out. It is stated that there is a full turning circle for HGV's located to the east of unit 6 and unit 7. This provides that HGV's and service vehicles do not have to reverse apart from at the rear of Aldi which is the common practice for that supermarket.

7.2.9. The Autotrack drawings prepared by NRB Consulting and submitted with the appeal indicate safe passage of turning manoeuvres are available for articulated vehicles to the service area and that fire tender turning manoeuvres to the rear of unit 7 and unit 8 can be carried out safely when the additional car parking is provided. Accordingly, I consider that the submitted autotrack assessment demonstrates that HGV's and/or emergency vehicles can continue to operate safely with the proposed parking layout.

7.2.10. However, should the Board consider that the proposed additional car parking spaces located to the side and rear of the building are not a suitable arrangement, I consider that subject to the existing available car parking within the retail park that permission could be granted for the subject café/restaurant with those spaces omitted through the attachment of a condition.

7.2.11. Accordingly, in conclusion, I would consider that there is sufficient car parking provision within the retail park to accommodate the proposed café/restaurant use and, I would not concur with the decision of the Planning Authority to refuse permission on the basis of loss of car parking.

7.3. Appropriate Assessment

7.3.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

8.1. It is recommended that permission be granted.

9.0 Reasons and Considerations

9.1. Having regard to the location of the proposed café/restaurant use in a retail park area where there is extensive parking already available and to the nature and scale of the development, it is considered that, subject to compliance with the conditions set out below, the proposed single-storey building would not be visually incongruous within the context of the existing pattern of development, would be acceptable in terms of traffic safety and convenience and 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, 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. 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.

3. Lighting shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public safety and to ensure a proper standard of development.

4. The use of the café/restaurant shall be restricted. Details of opening hours for the use hereby permitted shall be submitted to the planning authority for written agreement.

Reason: To protect the amenities of the adjoining properties.

5. Prior to commencement of development, details of the materials, colours and textures of all external finishes inclusive of fascia treatment and signage shall be submitted to the planning authority for written agreement.

Reason: In the interest of visual amenity.

6. No additional signs, symbols, nameplates or advertisements shall be erected on the proposed site without a prior approval of the planning authority whether or not such development would otherwise constitute exempted development.

Reason: In the interest of visual amenity.

7. Prior to the commencement of any works on site, the applicants shall ascertain and comply with all requirements of the Environmental Health Officers Department.

Reason: In the interests of public health.

8. 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 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 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.

Siobhan Carroll
Planning Inspector

12th of July 2019