



An
Bord
Pleanála

Inspector's Report

ABP-304273-19

Development	Extension of the existing single storey discount foodstore, including off-licence use
Location	Carricklawn, Newtown Road, Wexford, Co. Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20181447
Applicant(s)	Aldi Stores (Ireland) Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	RGDATA
Observer(s)	None
Date of Site Inspection	11/07/2019
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1. The subject site refers to an existing Aldi store and car park, to the south of Wexford town, in an area known as Carricklawns. The site, on the northern side of the Newtown Road is approx. 4km walking distance from the main retail core of the town centre.
- 1.2. The site currently comprises a single storey Aldi store, with surface car parking to the front (south) and side (east). To the south of the site is the Wexford Racecourse, to the north are the offices of Wexford County Council. To the east, there are commercial premises and to the west are agricultural lands.

2.0 Proposed Development

- 2.1. On the 19th October 2018 planning permission was sought for the extension of the existing single storey Aldi on the eastern and western elevations. The proposed increase of 325sq.m. will bring the existing 1453sq.m. store to 1778sq.m. The proposed development includes a replacement canopy, new entrance lobby, new illuminated and non-illuminated signage, decrease in car parking from 95 to 94 no., all on a site of 0.7ha.
- 2.2. The application was accompanied an Engineering Services Report.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 27th March 2019, the Planning Authority issued notification of their intention to GRANT permission subject to 4 no. standard conditions.

3.2. Planning Authority Reports

- 3.2.1. **Engineering Report:** One condition recommended: that the extension surface water run-off be attenuated in accordance with SuDS.
- 3.2.2. **Chief Fire Officer:** Fire Safety Cert required.
- 3.2.3. **Disability Access Certificate:** Items regarding Part M will require further consideration when an application for a DAC is made.
- 3.2.4. **Planning Report:** Principle of proposed development is acceptable. Retail Strategy states that there is no headroom for additional convenience retail floor space until

2022. Applicant should be requested to provide information on the impact of the proposed increase.

3.3. Further Information:

3.3.1. On the 7th December 2018, the applicant was requested to address the following:

- 1 While the Planning Authority has no objection in principle to the proposed extension to this existing supermarket, you are requested to demonstrate by means of a Retail Impact Assessment that there is sufficient capacity / headroom within the Wexford Town catchment area to accommodate this additional convenience floor space without adversely impacting the primary retail area.

3.3.2. The applicant responded to the request on the 4th March 2019. The response notes that such a small-scale extension would not generally require an RIA but provides a quantitative assessment Retail Impact Assessment. The impact of the proposed extension is stated to represent 1.08% of the total convenience expenditure turnover. The assessment concludes that there is more than adequate capacity in 2021 for the proposed extension to the existing store and that there is a significant shortfall in convenience retail floorspace in Wexford.

3.3.3. **Planning Report:** Applicant has identified available headroom up to 2021. Recommendation to grant permission.

3.4. Prescribed Bodies

None on file.

3.5. Third Party Observations

3.5.1. One objection to the proposed development, by RGDATA. Submission largely as per the third-party appeal.

4.0 Planning History

4.1.1. Planning Authority reg. ref. **W2012030**: Planning permission was granted for the construction of a 1453sq.m. single storey discount foodstore with 94 no. car parking spaces, subject to 16 no. standard conditions.

5.0 Policy Context

5.1. Wexford Town Development Plan 2009-2015 (extended to 2019)

- 5.1.1. The subject site is zoned “Commercial / Mixed Use – C1” in the extended Wexford town development plan. The zoning objective for such areas is to “make provision for commercial and mixed uses”. Convenience retailing is listed as a use that is “open for consideration”.

5.2. Natural Heritage Designations

- 5.2.1. The subject site is 0.8km from the Slaney River Valley SAC (000781) and 0.9km from the Wexford Harbour and Slobs SPA (004076).

5.3. EIA Screening

- 5.3.1. Having regard to nature and scale of the development and the location of the site 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

- 6.1.1. An agent for RGDATA has submitted an appeal against the decision of the Planning Authority to grant permission. It is submitted that the proposed development is contrary to general objectives, retail objectives and town centre objectives of the Wexford Town and Environs Development Plan 2015. The appeal notes that the subject site is outside the town centre and the designated retail core. The site-specific nature of the commercial designation is noted. It is submitted that there is no synergy between the application site and the town core.
- 6.1.2. It is submitted that the Planning Authority failed to adequately assess the concerns of RGDATA such as validity of the application and the need for a traffic assessment. It is noted that the Planning Authority’s report fails to consider the comparison shopping offered by Aldi, which is contrary to the C1 commercial zoning. It is submitted that the Planning Authority should have conditioned the additional floorspace to be for convenience retailing only.

6.1.3. The grounds of the appeal can be summarised as follows:

Land Use Zoning

- Convenience retailing is only “open for consideration” and comparison retailing is not permitted on C1 lands. There are three other zoning categories where both uses are permitted in principle, including town centre and district centre.
- The objective of C1 lands is to provide commercial and office space. The proposed development would materially contravene the zoning objective for the site.
- At over 1,000 sq.m. the proposed development exceeds what could reasonably be expected to provide for local shopping needs. The proposed piece-meal ad-hoc development would set an undesirable precedent that could negatively impact the vitality and viability of the town centre.
- The proposed 33% increase in floor space would result in the store being a “draw-away” from the town centre. The proposed development would become a dominant rather than a complementary use in the zone.
- Para. 4.7 of the Wexford town plan states that priority should be to facilitate retail development in the town centre. The Plan zones land for district centres and neighbourhood centres, establishing a sequential approach to retail development. As the proposed development is outside these areas, there is no policy base for the significant extension of the store.
- The Park, Carcur and Carricklawn Masterplan requires that retail development be limited to local demands. It is submitted that the extension of the existing store by 33% is not serving a local need.
- The proposed development falls short of the sequential approach required by paragraph 11.10 of the development plan due to scale, lack of need demonstrated, lack of public equal accessible toilets, no recycling bring centre and that with only 4 no. covered bicycle stands, the development is entirely dependent on vehicular trips.
- The Wexford Town Retail Strategy 2009-2015 requires a sequential approach. The proposed development should be subject to a full sequential test.

- It is submitted that the Applicant's Assessment greatly over-estimated convenience floorspace requirements. The subject application has not demonstrated that capacity exists in line with the retail strategy.
- The proposed development is premature pending the preparation of a new up-to-date Retail Strategy.
- The proposed development being over 1000sq.m has not been subject to a comprehensive Retail Impact Assessment which includes a sequential test, or an assessment of existing vacancy levels in the town.

Traffic Impact

- The Traffic Management Guidelines recommend that traffic impact assessments be carried out for all developments over 1000sq.m. No such assessment has been submitted for the proposed development.

Retail Impact Assessment

- Paragraph 4.4. of the national retail planning guidelines require development to undertake a sequential test. The location of the subject site requires that such an assessment should have been undertaken. The absence of such an assessment is contrary to the Wexford town development plan.
- The applicant's assessment is a capacity assessment rather than a retail impact assessment. The assessment overstates the capacity of the area to accommodate the proposed development and underestimates the impact of the proposed development on the area.
- The validity of the applicant's assessment is questioned given that it relies on a study that is at the end of its life (Wexford Retail Strategy 2013-2019) and noting that shopping trends have changed significantly in the intervening years. A more objective and up-to-date catchment area is required.
- The applicant's figure of €3,836 convenience expenditure is significantly in excess of the €2,687 figure used by the Retail Strategy for the Mid-West region 2010-2016. It is submitted that the applicant has grossly overestimated available convenience expenditure.
- It is noted that "discount foodstore" is no longer distinguished from other convenience retail shopping in the national Retail Planning Guidelines. The

applicants estimated turnover of €8000 per sq.m. is underestimated and that the justification for it being a discount foodstore is not accepted.

Conclusion

- The Board is requested to refuse permission for the proposed development.

6.2. Applicant Response

6.2.1. The applicant responded to the third-party appeal. The response to the issues raised in the appeal can be summarised as follows:

- Having regard to the proposed development being an extension to an existing store, it does not contravene the land use zoning. This was acknowledged by the Planning Authority in their report.
- The modest scale of the proposed extension to an existing store does not require a sequential test. Section 4.6 of the retail planning guidelines requires a sequential test where the proposed development is of a scale which could have a significant impact on the role and function of the city / town centre.
- The quantitative analysis carried out for the Planning Authority's further information request confirmed that the proposed extension would have no material impact on the role and function of the town centre.
- Paragraph 4.7 of the Wexford development plan requires a sequential test for major retail schemes. The proposed extension is not of a scale that would require a test. The purpose of a sequential test is to assess the impact of a new store. The location of the proposed extension is limited to the existing site.
- The proposed extension will enhance an existing store and provide an improved service to customers in the area, in accordance with chapter 4 of the Wexford town development plan.
- Objective 9 of the Wexford County Retail Strategy requires a RIA for proposals of 1000sq.m. The proposed extension of 325sq.m. is substantially below this threshold. The capacity assessment carried out demonstrated that the proposed extension would account for approx. 1.08% of the total available convenience capacity in 2021.

- The Applicants robust quantitative retail impact assessment, based on conservative assumption found that there is a surplus of expenditure within the catchment.
- The shopping habits and overarching findings of the 2013 Wexford Retail Strategy are still valid, particularly for a modest extension.
- The Annual Services Inquiry, published by the CSO of considered the most reliable source of data on retail expenditure. A growth rate of 1% per annum is assumed between 2013 and the design year 2021.
- The Applicant's analysis set out the following: target year of 2021, population projections based on the settlement hierarchy of the development plan, conservative population growth of 1%, 2016 Census population figures, turnover of proposed extended store at €2million, an increase in convenience expenditure between 2016 and 2021 at €22.9million. The analysis concluded that the proposed extension would account for 1.08% of total available convenience expenditure within the catchment area in 2021 or 11.3% of the increase in capacity in the catchment between 2016-2021. The applicant's report estimates that there will be an available surplus of almost €92.5million in 2021. No significant retail developments have planning permission.
- The Planning Authority was satisfied with the analysis. It is submitted that there is significant capacity within the town and catchment and that the proposed development complies with the relevant policies and objectives.
- A Traffic Impact Assessment is not required for a small store extension. The TII publication "Traffic and Transport Assessment Guidelines" May 2014 states that a TIA is only required where a proposed new store or store extension is over 1,000sq.m. or generating traffic that would have a 10% increase on traffic on the adjacent road links. It is submitted that neither is the case in the subject application. It is noted that the Transportation Department of the Planning Authority did not request a TIA.
- The use of the term discount foodstore clearly describes the nature and extent of the existing and proposed development.

6.3. **Planning Authority Response**

6.3.1. No comment to make on the appeal.

7.0 **Assessment**

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Retail Impact
- Traffic

7.2. **Principle of the Proposed Development**

7.2.1. The subject site is zoned for commercial and office development. The appellant submits that the proposed development is contrary to the zoning objective as the stated objective for such zones is to provide commercial and office developments. They note that convenience retailing is only 'open for consideration' in the subject zone whilst being permitted in principle within other areas such as the town centre.

7.2.2. As a starting point, it must be noted that the store to be extended is existing. It was assessed through the planning process and found to be acceptable. Assessing an extension to that store does not require an assessment of first principles. The principal of the use at that location has been accepted and established. I am therefore satisfied that the proposed development of an extension to an existing store is acceptable in principle.

7.2.3. The appellant states that a distinction was not made between comparison and convenience retailing within the proposed extension. They note that the store contains an element of comparison retailing and that such uses are not permitted in C1 zones. They request of the Board that a condition be attached requiring the extended floor space be for convenience retailing only.

7.2.4. I am not convinced that allocating the floorspace in the extended area to only convenience retailing would be realistic or reasonable. Without evidence to the contrary it is unlikely that the nature of the "specials" and other such deals within Aldi

are truly comparison retailing. I acknowledge that the Retail Planning Guidelines classify convenience and comparison retailing by the nature of the goods rather than the type of shopping trip they generate, however the nature of the 'specials' and 'deals' available in discount foodstores is generally to entice the existing customer into buying goods they had not anticipated buying. The retail planning guidelines acknowledge that "scrambled merchandising" occurs. If extending the existing store is acceptable in principle, then by inference, an extension of the goods it currently sells is acceptable.

- 7.2.5. Underpinning all of this reasoning however, is that the scale of the proposed extension is not considered to be significant or material. According to the details provided in the application form, the proposed increase of 325sq.m. gross retail floorspace will bring the existing gross floor space of 1453sq.m. store to 1778sq.m. This equates to a 22% increase in gross floorspace. This is not considered to be significant.

7.3. **Retail Impact**

- 7.3.1. The appellant states that the proposed development should be subject to a sequential test, in accordance with the Wexford Town Retail Strategy. Given that sequential tests are used to identify the most appropriate locations for new retail development, it is not considered relevant to an application for extension to an existing store. The location of the store is established, it cannot be changed by granting or refusing the subject extension. Further, I draw the Board attention to section 4.4 of the Retail Planning Guidelines which states that where the location of a proposed retail development submitted on a planning application has demonstrated to the satisfaction of the planning authority that it complies with the policies and objectives of a development plan and/or relevant retail strategy to support city and town centre, additional supporting background studies such as a demonstration of compliance with the sequential approach, or additional retail impact studies are not required.
- 7.3.2. Notwithstanding the above, the incremental extension of a store cannot be used as a means to avoid carrying out a sequential test. The intent of the retail planning guidelines was to avoid out-of-town retailing harming the retail core of a town or village. Assessing the impact of the proposed extension on the town centre of Wexford, as requested by the Planning Authority is justified.

- 7.3.3. The applicant was requested to provide an evidence base that the proposed development would not harm the vitality or vibrancy of the town centre. The applicant responded with a 'Retail Impact Assessment (Quantitative Assessment)'. Using a target year of 2021, a predicted turnover of €2million and a population growth of 1%, the assessment reports that there will be an increase in convenience expenditure between 2016 and 2021 at €22.9million. The analysis concluded that the proposed extension would account for 1.08% of total available convenience expenditure within the catchment area in 2021 or 11.3% of the increase in capacity in the catchment between 2016-2021. The applicant's report estimates that there will be an available surplus of almost €92.5million in 2021.
- 7.3.4. The appellant queried the findings of the assessment, stating that the strategies on which the report was based (Wexford Town Retail Strategy 2009 – 2015 and Wexford Retail Strategy 2013-2019) are out-of-date. Given that the proposed development is for an extension to an existing store, it would be unreasonable to request the applicant to carry out the required population counts, expenditure surveys etc necessary to bring the county and town retail strategy up to date.
- 7.3.5. Notwithstanding the above, I note that section 2.20 of the applicant's assessment states that the catchment area was based on a drivetime from the existing store, using population figures from the 2016 census. The appellants submission that the assessment is based on out-of-date surveys does not appear to be correct.
- 7.3.6. The appellant states that the applicants 'per capita expenditure' figures for convenience goods are overestimated. They state that the figure of €3,836 does not compare to the figure of €2,687 used for the mid-west retail strategy (2010-2016). The applicant's quantitative assessment provides a comprehensive explanation of the method and resources used to arrive at that figure. I am satisfied that the methodology and data presented have arrived at a robust finding.
- 7.3.7. The appellant submits that the turnover for the proposed store is underestimated and based on a false premise of a lower turnover being expected due to the 'discount foodstore' nature of the subject store. The appellant notes that the classification of discount foodstore is not used in the Retail Planning Guidelines. I note that the applicant's quantitative assessment does not provide evidence for its "assumption" of a turnover figure of €8,000 per sq.m. Given that the store has been operational for a number of years, one presumes data exists about actual turnover. It is not clear why

such information was not used in the assessment. It is also not clear why the same 2011 assumed turnover was used for the target year of 2021 (section 2.35 of the assessment refers). Is the inference that turnover will not increase in the 10-year period?

- 7.3.8. I note that section 2.36 of the applicant's quantitative assessment states that the turnover of the *store* in 2021 is estimated to be €2.6million. This is not correct. The turnover of the proposed 325sq.m. *extension* would be €2.6million. I note however, that this error is rectified in section 2.37 of the assessment. The assessment finds that this €2.6million increase in convenience spending represents just over 1% of the €241million total available convenience expenditure in 2021.
- 7.3.9. I note that the assessment does not address the fact that an element of comparison retailing (notwithstanding that I do not consider it to be the commonly accepted comparison retailing) is available in the store. The breakdown of floorspace allocated to convenience and other retailing within the existing store and within the proposed extension would lend greater robustness to the assessment.
- 7.3.10. On balance, the quantitative assessment submitted by the applicant is comprehensive, based on verifiable sources and notwithstanding some minor criticisms, reasonable. The scale of the proposed extension is not considered significant, in the context of the existing store or the wider retail environment of Wexford. I am satisfied that it has been demonstrated that the proposed development will not negatively impact the vitality or vibrancy of the retail core of Wexford town.

7.4. Traffic

- 7.4.1. The appellant states that the proposed development was not subject to a traffic impact assessment as required by the development management guidelines. The applicant has responded stating that TII guidance for traffic impact assessments is that they are necessary for a new store or store extensions over 1,000sq.m. or where the traffic generated would be greater than 10% on the adjacent road links.
- 7.4.2. The applicant did not provide details of the likely traffic to be generated by the proposed extension. Nor did they provide details of any traffic assessment carried out for the parent permission. Having regard to the scale of the proposed extension,

and the guidance provided by national policy however, it is not considered necessary to request the applicant to carry out a traffic impact assessment.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development in a fully serviced built-up area, no appropriate assessment issues arise, and it is considered that the proposed development would not 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 for the following reasons

9.0 **Reasons and Considerations**

- 9.1.1. Having regard to the nature and scale of the proposed development, to the zoning of the site for commercial and office uses, to the existing store and to the existing pattern of development in the vicinity, it is considered that the proposed development, subject to compliance with the conditions set out below, would be in accordance with national guidance on retailing and with the provisions of the retail strategy of the Wexford Town & Environs Development Plan 2009 (extended) and the Wexford County Development Plan 2013-2019, would not seriously injure the amenity of the area, would not have an adverse impact upon the vitality and viability of the Town Centre, and would be generally be acceptable in terms of pedestrian and traffic safety. 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, 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, including samples of the materials, colours and textures of all the external finishes to the proposed buildings and related structures 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.

3. 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 and environmental protection.

4. 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.

5. Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type only, and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity, and to allow the planning authority to assess any such development through the statutory planning process.

6. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity, and to allow the planning authority to assess any such development through the statutory planning process.

Gillian Kane

Senior Planning Inspector

19 July 2019