



An
Bord
Pleanála

Inspector's Report

ABP-306670-20

Development	Demolition of outbuilding and construction of three-storey building with 4 units at ground level, offices and 4 apartments at second level, construction of two-storey restaurant building, reconfiguration of carparking layout and associated site works.
Location	Plucks, Kilmacanogue, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	19/691
Applicant(s)	Clearwater Properties Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Clearwater Properties Ltd.
Observer(s)	None
Date of Site Inspection	15 th June 2020

Inspector

Emer Doyle

1.0 Site Location and Description

- 1.1. The subject site with a stated area of 0.356 hectares is accessed from the R775 in the village of Kilmacanogue, Co. Wicklow.
- 1.2. The site is currently occupied by Plucks Bar and Restaurant. A filling station and shop are located to the east of the site and are accessed from a slip road off the N11. Rockfield Park Road is located to the west of the site which serves a housing estate and Kilmacanogue National School.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of an existing outbuilding and the construction of a three storey building- Building A together with a second building – Building B towards the front of the existing car park. Building A provides for 3 No. retail units together with 1 No. restaurant/ retail unit at ground floor level ranging in size from 64 sqm to 200 sqm. At first floor level, two offices of 64sqm and 100 sqm are proposed. A total of 4 No. apartments are proposed over the first and second floors.
- 2.2. A separate café/ restaurant with a total floor area of 90 sqm is proposed in Building B. The development also proposes the reconfiguration of car parking and layout and associated site works.
- 2.3. A Further Information Response was submitted to the Planning Authority dated the 16th of December 2019 which included the following:
 - Engineering Report examining the Red and Blue Corridor Options currently at public consultation stage.
 - Traffic and Parking Assessment
 - Revisions to the site plan to provide pedestrian linkages through the site to the north east (to the public footpath and bus stops along the N11).
 - Details of boundary treatments.
 - Swept path analysis to demonstrate that refuse lorries, delivery vehicles and a mini bus can negotiate the proposed internal road network.

- Revised drawing indicating sightlines at the entrance.

3.0 Planning Authority Decision

3.1. Decision

Permission refused for one reason as follows:

The site of the proposed development is located within an area considered for a future national road scheme. The proposed development could prejudice plans for the design of this scheme and hence the application is premature pending the determination of this route. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planner's report considers that the principle of development is acceptable and that the proposal is suitably designed for the site. Refusal recommended on the grounds of prematurity pending the final design of the N11/ M11 Junction 4 to Junction 14 Improvement Scheme. This recommendation was overturned by the Senior Engineer Planning and a F.I. Request was issued.
- A second report dated the 16th of January 2020 states that whilst an argument could be made for granting the mixed use extension element and omitting the stand alone café, in the absence of a supporting report from the TII and Roads Section, this is not possible.

3.2.2. Other Technical Reports

Fire Service: No objection subject to conditions.

Road Section: Required Further Information on traffic safety and for the application to be referred to N11/ M11 Project Design Team.

A second report following the Further Information Response stated that 'due to the uncertainties of what is going to emerge for the N11/ M11 upgrade, there is no certainty that the proposed development will not have an adverse/ negative impact on the proposed M11/N11 road project. It is therefore recommended that this application is refused permission.'

3.3. Prescribed Bodies

Irish Water: Required Further Information.

National Roads Design Office: The proposed development is located within the constraints study for the N11/ M11 Junction 4 to Junction 14 Improvement Scheme and is close to Junction 8 (Kilmacanogue/ Roundwood). As options are still under development at this time, any proposed development in this area is deemed premature.

Transport Infrastructure Ireland

A report dated the 9th of January 2020 following the Further Information Response stated that the site of the proposed development was located within an area considered for a future national road scheme and that the application was premature pending the determination of this route.

3.4. Third Party Observations

One objection submitted to the Planning Authority. The main issues raised relate to traffic safety, location of site within the constraints study area for N11/ M11, proximity of takeaway to national school, and impact on character of village.

4.0 Planning History

SH 38/19

Certificate stating that Section 97 of the Planning and Development Act 2000 shall not apply to a grant of permission on this site.

PA 17/852

Permission granted for 584sqm extension to existing public house consisting of bottle store, extended kitchen, bar areas, toilets, seating area, stores, new function space with ancillary storage and service yard, extension of existing fire escape, along with revised parking.

PA 15/300

Permission granted for 202 sqm extension to existing public house consisting of the demolition of existing entrance, smoking area, yard wall and part of storage areas and the construction of new entrance and seating area to existing public house.

5.0 Policy Context

5.1. Development Plan

Wicklow County Development Plan 2016-2022

Kilmacanogue is identified as a 'Rural Town' Level 6.

Relevant Sections include:

Section 4.4 Housing Objectives

Section 5.5 Objectives for Economic Development

Section 6.3 Objectives for Centres and Retail

Section 9.1 Roads and Transportation

Section 9.2 Water Infrastructure and Flooding

Appendix 1 Development and Design Standards

Section 2 Rural Towns and Villages

Kilmacanogue Settlement Plan 2016-2022

The site is zoned as part of the primary development area.

5.2. Natural Heritage Designations

5.2.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- Knocksink Wood SAC – c. 3.9km to north
- Ballyman Glen SAC – c. 3.9km to north
- Bray Head SAC – c. 3km to east
- Glen of the Downs SAC – c. 3km to south

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment, 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

The grounds of appeal can be summarised as follows:

- It is considered that the proposed development subject to the modifications submitted in the Further Information Response would not be prejudicial to the design of the proposed national road scheme.
- The applicant's are willing to omit the detached two storey café building if An Bord Pleanála considers it to be necessary.

6.2. Planning Authority Response

- None.

6.3. Observations

- None.

7.0 Assessment

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

- Traffic Safety
- Appropriate Assessment

7.2. Traffic Safety

7.2.1. It is an objective of the Wicklow County Council Development Plan to upgrade the N11/ M11 between the County boundary and Ashford including road capacity and safety improvements to the main carriageway and all necessary improvements to associated junctions.

7.2.2. A report from the NRO Design Office advises that the proposed development is located within the constraints study area for the N11/M11 Junction 4 to Junction 14 Improvement Scheme and is close to Junction 8 (Kilmacanogue/ Roundwood). The report considered that as options are still under development at this time, any proposed development in this area is deemed premature.

7.2.3. The applicant responded to issues raised in the Further Information Request which acknowledged that the N11/ M11 is at Corridor Options Stage. It noted that there are two options under consideration at present- Red Corridor Option and Blue Corridor Option. The red corridor option provides for the retention of the existing N11/ M11 corridor and the blue corridor option identifies a new N11/M11 corridor to be located on lands east of the existing N11/M11. The red options corridor provides for a new access into the Plucks site directly off the R755/ N11 roundabout. Should the red

corridor option be chosen, the existing Plucks entrance would be closed and a new access would be provided into Plucks off an upgraded roundabout. It is stated that the applicant would willingly work with the N11/M11 design team to facilitate the junction improvements and a new entrance could be readily accommodated on site. The blue corridor option would ultimately result in the N11/M11 being located further away from the site. It is concluded the blue route would have no impact on the N11/M11 improvement scheme and the red route could be readily be accommodated. Overall, it was concluded that the proposed development would not compromise the proposed N11/M11 improvement scheme.

- 7.2.4. A report from Transport Infrastructure Ireland considered that the application was at variance with official policy in relation to control of development on /affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), as the proposed development would adversely affect the operation and safety of the national road network for the following reason:

‘The site of the proposed development is located within an area considered for a future national road scheme. The proposed development could prejudice plans for the design of this scheme and hence the application is premature pending determination of this route. A grant of permission, in this instance, is considered to be at variance with the provisions of the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (January, 2012)’

- 7.2.5. The Roads Section commented that ‘due to the uncertainties of what is going to emerge from the N11/ M11 upgrade, there is no certainty that the proposed development will not have an adverse/ negative impact on the proposed M11/N11 road project’ and recommended that permission be refused.
- 7.2.6. The planner’s report considered that ‘while an argument could be made for granting of the mixed use extension element of the proposal (having regard to the planning history and established commercial use on site and the setback from the N11/roundabout, in the absence of a supporting report from the TII and Roads Section, this is not possible. A refusal is therefore recommended.’
- 7.2.7. The appeal to An Bord Pleanála makes the case that the developer purchased the site when permission had already been granted for extensions under PA 17/852 and PA15/300. The drawing submitted with the Further Information Response

demonstrates that should the red corridor option be chosen (Figure 5) the existing entrance could be closed up and the car parking layout could be reconfigured to accommodate a potential new access location into Plucks as per the N11/M11 Road Improvement Scheme. If deemed necessary by the Board, a revised scheme has been submitted to An Bord Pleanála which provides for the omission of the proposed stand alone café / retail unit.

- 7.2.8. I note the planning history on the site together with the existing use and location of the site in Kilmacanogue. I concur with the appeal response which considers that one of the primary issues affecting Kilmacanogue is the absence of an identifiable commercial village centre and consider that the proposed development with its range of retail units, offices, restaurant/café and residential units would greatly enhance the range of services available in the village and create the nucleus of a village centre.
- 7.2.9. The Junction 4 to Junction 14 Improvement Scheme is close to the start of a lengthy public consultation process. The primary objective of the project is to deliver enhanced multimodal transport links for the south east corridor. In conjunction with the development of feasible options, assessments are also ongoing to determine whether these options should be deployed along the existing N11/M11 corridor, or along new routes away from the current roadway. Information submitted with the appeal and the Further Information Response indicates two route options identified at a public consultation meeting in November 2019. I accept that the proposed development would not compromise the Blue Corridor Option as this is further away from the site. However, I note that from a review of the Red Corridor Option, the improvement scheme demonstrates a new access directly into the Plucks site from the R755/N11 roundabout. Should the Red Corridor option be identified as the preferred route, it is envisaged that the existing Plucks entrance would be closed and a new access would be provided directly into Plucks off an upgraded roundabout.
- 7.2.10. I refer the Board to the drawing submitted with the appeal which demonstrates this scenario. Figure 3 of the Further Information response indicates that the site is in very close proximity to the red corridor option. Whilst the appeal states that the applicant would be willing to omit the standalone unit, I would have concerns that even with the elimination of this unit, the proposal would be premature pending the determination of the route at this location.

- 7.2.11. I note that there is a current permission on the site for a 584m² extension to the existing public house including a new bottle store, extended kitchen and bar areas etc. However, the proposed development provides for a very different and significantly larger type of development with a wide variety of uses including retail, housing, restaurant, café, and office use.
- 7.2.12. The site is located in the constraints study area for the N11/M11 upgrade between the County boundary and Ashford, and I am not satisfied that the site is sufficiently distant from the proposed red corridor. It is an objective of the Wicklow County Council Development Plan to upgrade the N11/ M11 between the County boundary and Ashford including road capacity and safety improvements to the main carriageway and all necessary improvements to associated junctions. As the options are still under development at this time and given the proximity of the proposed development to the existing N11, any proposed development is premature. As such, it is considered that the proposed development would be premature pending the determination of the road layout for the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

7.3. Appropriate Assessment

Having regard to the nature and scale of the proposed development on a brownfield site in an existing urban area and the absence of any hydrological links between the site and any Natura 2000 sites, 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 any plans or projects on a European site.

8.0 Recommendation

- 8.1. It is recommended that permission be refused for the following reasons and considerations:

9.0 Reasons and Considerations

Having regard to the Wicklow County Council Development Plan, 2016-2022 and to the objective to upgrade the N11/M11 between the county boundary and Ashford including road capacity and safety improvements to the main carriageway and all necessary improvements to associated junctions and to the location of the site within the constraints study area for the N1/M11 Junction 4 to Junction 14 Improvement Scheme, it is considered that the proposed development would be premature pending the determination of the road layout for the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Emer Doyle

Inspector

16th July 2020