



An
Bord
Pleanála

Inspector's Report ABP308530-20

Development	Retain a glazed/steel seating structure
Location	Walsheslough, Rosslare, County Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20201036.
Applicant(s)	Monigle Limited
Type of Application	Retention Permission
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party
Appellant(s)	Ron Walsh.
Observer(s)	None.
Date of Site Inspection	5 th February 2021
Inspector	Hugh Mannion.

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1.0 Site Location and Description

1.1. The application site has a stated area of 57m² and comprises a single storey glass enclosed seating area to the front of a restaurant at Station Road, Walsheslough, Rosslare, County Wexford. The proposed development is along the inner edge of the public footpath. Station Road links Rosslare village centre to the east with the N25 about 6kms to the west. The commercial/tourist related businesses (a mix of retail/cafes, public houses and holiday accommodation with public car parking) are concentrated to the east along the coast road. The application site is the last commercial development within this village centre; opposite it and beside it to the west are residential uses.

2.0 Proposed Development

2.1. The proposed development comprises the retention of a steel framed, glazed seating enclosure to the front of an existing restaurant with a plinth wall, vertical sliding glazed screens and retractable fabric roof in lieu of the boundary wall, glazed screen and canopy permitted under PL26.248931, at Sharky's Restaurant, Station Road, Rosslare, County Wexford.

3.0 Planning Authority Decision

3.1. **Decision** – Grant Permission with 4 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report recommended a grant of permission as set out in the manager's order.

3.2.2. Other Technical Reports

The **Environment Section** recommended a grant of permission with conditions.

The **Disability Access Officer** reported no objection.

4.0 Planning History

4.1. Under PL26.248931 permission was granted to amalgamate to the two units at ground floor level and two apartments at first floor level into 1 overall unit and to change the use from retail to restaurant use. A small single storey extension with a floor area of 15.8 sq. metres is proposed at ground floor level to the east. This is to accommodate additional seating and customer toilets. The total area of the proposed restaurant at ground floor will be 88.1 sq. metres. At first floor level, storage and office space will be provided. The overall gross floor area of the unit will be 158.1 sq. metres. The site area is 166 sq. metres at Walsheslough, Station Road, Rosslare, County Wexford.

5.0 Policy and Context

5.1. Development Plan

5.2. The operative Development Plan is the Wexford County Development Plan 2013 – 2019 (the lifetime of this plan has been extended).

5.3. Objective ED37

5.4. *“On primary retail streets permission will be favourably considered for banks and other professional services, office uses, restaurants, bars, off licenses, takeaways and other cultural uses provided:*

5.5. *i) The proposals would not individually or cumulatively cause demonstrable harm to the function, character or appearance of the street concerned or to the town centre as a whole.*

5.6. *ii) There would be no significant loss of residential accommodation at upper floor levels. While residential use is the preferred use upstairs it is accepted that it is not always possible to accommodate appropriate units in these buildings. Therefore other commercial uses will be considered but the Planning Authority will have regard to the amount of residential uses retained in the area to ensure that a balance of residential and commercial uses are maintained in the town centre. The use, taken together with existing or permitted uses would not result in an unacceptable multiplicity of such uses in any one area.”*

5.7. **Objective TM16**

5.8. *“To improve the visual appearance of towns and villages, protect their inherent character and maximise their tourism potential by the continuance of environmental schemes, design control and the removal/improving dereliction.”*

5.9. 18.14 Infill and Backland Sites in Towns and Villages

5.10. *“The Council will generally facilitate well-designed developments on infill and backland type sites, particularly when such developments bring into use derelict sites. Each case will be considered on its merits having regard to the site’s context and having regard to the following:*

5.11. *The design and finish of the development need not necessarily replicate or imitate the design and finish of the existing dwelling/building; contemporary designs and finishes will be facilitated.”*

5.12. **Objectives for Rosslare Strand include:**

5.13. **Objective RSO01**

5.14. *“To protect and enhance the distinctive character of Rosslare Strand.”*

5.15. **Objective RSO03**

5.16. *“To ensure Rosslare Strand maintains and enhances its role as an important local service centre for its residents and the surrounding rural hinterland whilst maintaining sustainable communities and ensuring a good quality environment.”*

5.17. **Objective RSO04**

5.18. *“To ensure Rosslare Strand maintains and enhances its role as a valuable tourism destination in the county and to facilitate the development of appropriate tourism facilities, subject to normal planning and environment criteria and the development management standards contained in Chapter 18.”*

5.19. **Objective RSO11**

5.20. *“To encourage the provision of appropriate retail services and additional social and communities facilities in the village to serve the resident population, surrounding rural hinterland and visitors, subject to normal planning and environment criteria and the development management standards contained in Chapter 18.”*

5.21. **Natural Heritage Designations**

Not relevant.

5.22. **EIA Screening**

5.23. Having regard to the modest scale and nature of the proposed development it is possible to exclude any likely significant environmental impact at preliminary assessment and I conclude that submission of an EIAR is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The overall development was not carried out in accordance with the permission granted under original application register reference number 20170614/PL26.248931.
- The extension obstructs sightlines from the applicant's house onto Station Road.
- The existing restaurant functions as a takeaway.

6.2. **Applicant Response**

- The sightline to the right onto Station Road have not been impacted by the proposed development.
- The sightline available is 28m and the DMURS recommendation is for 23m from a 2m set back.

6.3. **Planning Authority Response**

- No comments.

6.4. Observations

None

7.0 Assessment

7.1. Background.

7.2. The application site benefitted from a previous grant of planning permission under PL26.248931 for the change of use of shop units with apartments overhead to a restaurant, this change of use has been carried out. The original structure was set back from the inside edge of the public footpath on Station Road and the application site was defined by a boundary wall along this edge. The change of use application maintained that open area between the new restaurant use and the wall along the inside of the public footpath and an 'accordion' type door to the restaurant use was proposed and permitted under the grant of permission.

7.3. Subsequently this open area has been enclosed the steel/glass structure the subject of this appeal now fills the space originally shown as open-air between the original building and the inside edge of the footpath along Station Road.

7.4. The appellant's house ('Emmadale') is accessed over a private lane running along the eastern boundary of the application site. The appeal references an application for permission on the appellant's site (under reference 20063450). This application was for the construction of 4 apartments but appears not to have been implemented.

7.5. Traffic Hazard.

7.6. The appeal states that the proposed development obstructs sightlines at the junction of the appellant's private lane and Station Road to an extent that gives rise to traffic hazard.

7.7. There is no dispute in relation to the sightline to the left (east towards the coast) as this remains unaltered. The application included a submission making the point that the erection of the glazed/steel structure has not altered the sightlines to the west/right available at the junction of the appellant's laneway and Station Road.

7.8. The application makes the case that Station Road should be classified in accordance with the Design Manual for Roads and Streets as a 'link road' for the purposes of

assessing the required sightline available at the junction of the appellant's laneway and Station Road. Applying that criterion, the speed limit would be 30kph and the appropriate sightline is 23m. The application drawings illustrate a sightline of 28m.

- 7.9. The speed limit on Station Road in the vicinity of the application site is 50kph and therefore the appropriate sight line is 45m from a 2m set back applying the DMURS standard.
- 7.10. Notwithstanding the foregoing the application site and the appellant's property are within a built-up urban context where sightlines are dependent on the morphology of the built environment over a long period. Station Road is relatively narrow and has multiple entrances onto it in the vicinity of the application site. The road bridge over the Rosslare/Dublin rail line to the west is a pinch point slowing traffic and there is a stop sign at the junction of Station Road and the coast road in the village centre about 20m away. There was a boundary wall along the inside of the footpath which was removed to facilitate this seating area. This wall has been replaced by the glass/steel structure proposed for retention which has been stepped-in in three sections with the shallowest abutting the appellant's driveway and the deepest at the western end of the façade.
- 7.11. Having regard to the sightlines illustrated in the application and the factors considered above I conclude that the proposed development does not give rise to traffic hazard or obstruction of road users.
- 7.12. **Residential Amenity**
- 7.13. Although not referenced in the grounds of appeal and having regard in particular to the proximity of residential uses I consider it appropriate to attach a condition requiring adherence to the conditions applied to the 'parent' permission under PL26.248931.
- 7.14. **Appropriate Assessment**
- 7.15. Having regard to the nature and scale of the proposed development as a modest extension to permitted restaurant use in an established and fully serviced urban area, and its 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. I recommend a grant of planning permission.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the current Wexford County Development Plan 2013-2019 (as extended), the location of the site in the established village core 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 residential or visual amenities of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be operated in accordance with the conditions (where relevant) of the grant of planning permission made under planning appeal reference number PL26.248931.</p> <p>Reason: In the interests of clarity and the residential amenity of the area.</p>
3.	<p>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</p>

	<p>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 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.</p> <p>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.</p>
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Hugh Mannion
Senior Planning Inspector

12th February 2021