



An
Bord
Pleanála

Inspector's Report

ABP-311560

Development	Change of use from retail to 4 apartments with bin and bike shed and associated site works.
Location	No.9 Main Street, Rathdrum, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	21812
Applicant(s)	Tommy Nolan
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First v. Grant
Appellant(s)	Tommy Nolan
Observer(s)	None
Date of Site Inspection	29 th January 2021
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. The site is located at the north end of the town centre on the western side of the Main Street. The area is characterised by a mix of residential and commercial premises some of which were not open during regular business hours. It is predominantly residential – some of the traditional retail units have been converted to residential use but have retained shopfronts. This is in contrast to the southern end of the Main Street where there is more active commercial presence.
- 1.2. The subject site of .4 ha relates to a vacant retail/car showroom premises and incorporates a stable entrance to the side which provides access to the lands to the rear. The curtilage to the rear includes a small yard and shed and is fairly open . The land rises steeply to the rear where there are apartments set in an open landscape. This is identified as an opportunity site in the current development plan.
- 1.3. The Main Street is narrowly and steeply aligned in the vicinity of the site and has on-street parking which partly serves the dwellings opening directly onto the footpath. This parking along both sides, notwithstanding the partial mounting of the footpaths, inhibits a free flow of two-way traffic.
- 1.4. The site is c. 1km from Rathdrum train station.

2.0 Proposed Development

- 2.1. The proposed development seeks to convert retail premises and provision of a total of 4 apartments by way of:
 - change of use of ground floor retail to residential to provide 2 no. two-bed apartments of 66 and 68 sq.m. with amenity space of 9.4sq.m. in Flat A and 9.7sq.m. in Flat B.
 - Extension of first floor and provision of 2 no. one-bed apartments of 56.5sqm and 58.5sq.m with amenity space in terraces of 5.8sq.m. in Flat C and 7.4sq.m. in Flat D. These units are externally accessed from external steps to the rear.
- 2.2. Other works to facilitate the development include:

- Construction of amenity building proposed to the rear 5.7 x 3.229m with 3 separately accessed areas each for storage, bike parking and bins. (As amended in grounds of appeal.)
- Alterations to elevations include blocking up of shopfront openings at ground floor and inserting traditional sash windows with rendered façade. The upper floor windows are proposed to be replaced with sash windows. The existing side access is to be retained.
- The site layout shows parking for 4 cars to the rear of the site.
- The proposed works involve partial demolition to the rear – of the existing roof terrace and upper rear wall of original premises. Other demolition relates to the mechanic shed to the rear. The oil tank and boiler /housing will also be removed.

2.3. Supplementary drawings submitted include:

- Planning report with appended drawings and schedule of floor area for apartments.

2.4. **Decision**

- To **refuse permission** for reasons based on **loss of retail** on a Main Street and material contravention in this regard and **poor standard of residential amenity**.

2.4.1. The stated reasons are:

- 1) Having regard to the:
 - (i) The location of the developemtn within the Core Retail Area as defined in the Wicklow County Development Plan 2016-2022.
 - (ii) The Town Centre Zone as set out in the Rathdrum Town Plan in which it is located and which seeks: to provide for the development and improvement of appropriate town centre uses including retail, commercial, office and civic use and to provide 'living over the shop' residential accommodation or other ancillary accommodation.
 - (iii) Objective RT14 which seeks to: control the provision of non-retail uses at ground floor level in the principal shopping streets of centres in order to protect the retail viability of centres and to maintain the visual character of

streets. This objective aims to prevent the proliferation of dead frontages of key street. In particular active use of corner sites, particularly within larger centres is considered pivotal in creating a sense of vibrancy.

It is considered that the change of this commercial unit to a dwelling would materially contravene the zoning objective for this area, would be contrary to the retail strategy for Rathdrum Town which seeks to direct commercial development to this Core Area, would set a precedent for similar conversions within this core retail area and would therefore be contrary to the long-term development strategy for Rathdrum would, would result in pressure for retail development outside this central area and would impact on the long-term on the fabric of the town and would be contrary to proper planning and sustainable development .

2) Having Regard to:

- The location of the ground floor apartment bedrooms directly abutting the Main Street,
- The removal of the shopfront along the Main Street,
- The retention of the existing shed to the rear of the building
- The orientation of the building and
- The location of the access stairs to the first floor apartments

It is considered that the ground floor apartment would be provided with poor privacy for future occupants; would have inadequate natural light for the living areas; and would have poor quality private amenity space. The overall development would result in inactive frontage along the Main Street; would set a precedent for similar unsuitable development and would therefore be contrary to the proper planning and sustainable development of the area.

2.5. Planning Authority Reports

2.5.1. Planning Report (24/8/21):

- The report refers to development plan policies and objectives and notably:
 - the CDP policy in regard to revitalising town centres (RT13), apartment provision generally (HD13) and control of non-retail uses in principal shopping street in town centres (RT14).

- The LAP Town centre zoning and policies for this area and retailing and also to the objective to provide for development of land and improvement of appropriate town centre uses including retail, commercial , office and civic use and to provide for living over the shop residential accommodation or other ancillary accommodation.
- While acknowledging compliance generally with RT13, the loss of retail is considered to undermine the retail objective and set an undesirable precedent for further changes of use in the area.
- It is considered the street frontage offers little privacy for the proposed ground floor residential units and the overall layout for these units also provides insufficient access to natural light.
- The first-floor units are acceptable.
- Overlooking is not considered a significant issue having regard to separation distances and vegetation.
- Parking arrangements are acceptable.
- No Part V exemption certificate has been submitted.
- AA and EAI are not considered to warrant further analysis.
- The site is in flood risk C zone.

2.5.2. **Other Technical Reports**

Roads Section: No observations

Municipal District Engineer: No objections subject to conditions

2.6. **Prescribed Bodies**

Irish Water: (7/8/21) No objections.

2.7. **Third Party Observations**

3.4.1 None

3.0 Planning History

None

4.0 Local and National Policy Context

4.1. Wicklow County Development Plan 2016-2022

4.1.1. Rathdrum is classed as a small growth town (Level 5) in the settlement strategy for the county. It is however elevated in this category given its potential for growth subject to improvement in the rail services in line with Regional Planning Guidelines.

4.1.2. Retail strategy is in chapter 6 and the following objectives apply:

- **RT13** To promote the revitalisation of vacant / derelict properties / shop units. Where no viable retail use can be sustained, alternative uses will be assessed on their own merits against the requirements of the proper planning and sustainable development of the areas within which they are located. This objective will be used to ensure that all proposals for the reuse of existing retail floorspace can be evaluated against the proportion of overall vacancy and to reduce the possibility of dereliction.
- **RT14** To control the provision of non retail uses at ground floor level in the principal shopping streets of centres, in order to protect the retail viability of centres and to maintain the visual character of streets. This objective aims to prevent the proliferation of 'dead frontages' on key streets. In particular, active use of corner sites, particularly within larger centres, is considered pivotal in creating a sense of vibrancy.
- **RT15** To promote the 'active' use of above ground floor levels, and in particular to promote the concept of 'living over the shop' in centres. Where a 'living over the shop' use is proposed, a relaxation in density, car parking and open space standards will be considered, where the development meets very high quality of design and accommodation.

4.1.3. Chapter 3 sets out the housing policies and objectives.

- **HD13** Apartments generally will only be permitted within the designated centres in settlements (i.e. designated town, village or neighbourhood centres), on mixed

use designated lands (that are suitable for residential uses as part of the mix component) or within 10 minutes walking distance of a train or light rail station.

4.2. The Rathdrum Local Area Plan 2017-2023

4.2.1. Rathdrum has population a of 1638 (2011) and is projected to grow to 3500 by 2028 with a housing growth requirement for 1045 unit.

4.2.2. The frontage of the site is in the Main Street Architectural Conservation Area

4.2.3. This site is zoned Town Centre. The objective is: To provide for the development and improvement of appropriate town centre uses including retail, commercial, office and civic use, and to provide for 'Living Over the Shop' residential accommodation, or other ancillary residential accommodation.

Aim: To develop and consolidate the existing town centre to improve its vibrancy and vitality with the densification of appropriate commercial and residential developments ensuring a mix of commercial, recreational, civic, cultural, leisure, residential uses, and urban streets, while delivering a quality urban environment which will enhance the quality of life of resident, visitor and workers alike. The zone will strengthen retail provision in accordance with the County Retail Strategy, emphasise town centre conservation, ensure priority for public transport where applicable, pedestrians and cyclists while minimising the impact of private car-based traffic and enhance and develop the existing centre's fabric.

4.2.4. Section 1.4 refers to town centre and retail objectives : 'To ensure the continued vibrancy and life of Rathdrum, the provision of a mix of residential, business, retail, leisure, entertainment and cultural uses will be encouraged in the town centre. The priority shall be for the regeneration of under-utilised or derelict sites in the town core, followed by the development of new streets and squares, visually and functionally linked to the historic centre.'

4.2.5. The retail function of Rathdrum is as set out in the County Retail Strategy, and it is considered to fulfil the role of a 'sub County' town centre, serving a wide district. Retail is a key function of Rathdrum and a thriving retail sector is essential to maintain vitality and vibrancy in the core areas of the town and to maintain the town as the focal point for the wider rural area in which it is located. The retail provision in Rathdrum would be expected to include one / two supermarkets and a range of

convenience and comparison shops. The County Retail Strategy allocates a growth in convenience floor space of 1,500sqm and comparison floor space of 1,500-2,000sqm in Rathdrum up to 2031.

Town Centre and Retail Objectives

- Encourage the redevelopment and regeneration of vacant, underutilised and derelict sites.
- To protect features that contributes to the town's overall appearance and heritage value.
- To encourage higher residential densities in the town centre / village centre zones and the concept of 'living over the shop'.
- To allow a relaxation in certain development standards in the town centre / village centre zones in the interest of achieving the best development possible, both visually and functionally.
- Provide for an expansion in the variety of retail and retail service facilities so that the town includes a range of retail outlets that provide for the day to day needs of the local population and the needs of other businesses and tourists, in accordance with the provisions of the "Retail Planning Guidelines for Planning Authorities" (DOEHLG 2012), and any subsequent Ministerial Guidelines or directives and the Wicklow County Retail Strategy.
- The redevelopment of lands within the town / village core areas, particularly those sites with frontage onto the main streets and squares of the town, shall provide for a street fronting building of a high quality design or for a high quality urban space, including hard and soft landscaping, and appropriate street fixtures and furniture, in order to enhance and create a more attractive streetscape.

4.2.6. Section 3.2 sets out the overall visual and development strategy which focuses on a high-quality living environment and to revitalise the economy of the town. Part of the development strategy is 'To reinforce and improve the visual appearance of the central area of the town and encourage development that will enhance the town's vitality and vibrancy;

- To identify key sites suitable for development in the town centre and set out design criteria capable of meeting the overall vision for the town core area;
- To support and encourage actions to address congestion on the Main Street; in particular the development of alternative car parking arrangements around the

town core and the development of alternative routes through the town, particularly from existing or planned new residential areas that avoid the need to use the Main Street to access essential services and to enter / exit the town;

4.3. Regional Planning Guidelines for the Greater Dublin Area 2010-2022

4.3.1. Wicklow strategy: The recommended examination of possible improvements to the Wicklow rail route by the RPGs will assist in supporting economic and housing activity in the key towns of Greystones, Wicklow and Arklow; as well as the smaller rail served towns of Rathdrum and Kilcoole, and support the continued delivery of a strong defined settlement pattern for the County.

4.4. National Planning Framework (2018)

4.4.1. This document sets out the overall policy framework for development in a national context. A key focus is the consolidation of population and employment centres in a sustainable manner. NPO 35 refers to increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

4.5. Statutory Guidance:

- Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (including the associated ‘Urban Design Manual’) (2009). S. 6.10 states: ‘The emphasis in designing and considering new proposals should be on achieving good quality development that reinforces the existing urban form, makes effective use of premium centrally located land and contributes to a sense of place by strengthening for example the street pattern or creating new streets.
- Sustainable Urban Housing: Design Standards for New Apartments (2018 and 2020)
- Design Manual for Urban Roads and Streets (2013). The use of this document is mandatory. This provides detailed design criteria for street layout and movement.

4.6. Natural Heritage Designations

4.6.1. The Special Area of Conservation: Vale of Clara (Rathdrum Wood) - Site Code 000733 is 800km north of the site at its nearest point. The Avonmore River which is

about 300m east of the development site at a point downstream of the SAC through which it flows.

5.0 Environmental Impact Assessment - Preliminary Examination

5.1. Having regard to the limited nature and scale of the proposed development and absence of structural works and the absence therefore 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

- The proposal is a positive development and in compliance with town centre regeneration policies (section 1.4) of the Rathdrum LAP, National Planning Framework regarding re-use of vacant sites, regional guidelines and design guidance for both housing and conservation standards. Through investment and redevelopment of the site, the proposed development will sustainably consolidate town housing while contributing to the vitality and vibrancy of the town centre.
- The units meet with standards in 2018 Apartment Guidelines. They benefit from dual aspect and south west facing living rooms to rear. Private space is provided and the town is well served by amenities/open space/walks. Each unit will have a car park space and visitor parking is available in a nearby public car park. There are no technical objections raised by the engineering divisions.
- There is no loss of retail use by permitting the development. The site has been vacant for 22 years and the buildings falling into disrepair and dereliction – it is arguably an abandoned use by reference to case law such as DCC v Tallaght Block Ltd wherein the ceasing of use for a considerable time was judged to constitute abandonment. Furthermore, by reference to the judgment in MCC v

Daly wherein the recommencement of commercial use was deemed a material change of use, permission for a retail use would be now required.

- This stretch of Main Street is predominantly residential – the hotel and holiday accommodation being the commercial uses. While historic shop fronts are retained, they relate to residential uses.
- The adjacent buildings are in residential use and there are many older buildings that feature low height windows at first floor level. Photos attached.
- The refusal conflicts with regeneration aims and does not service the interest of the town. The LAP is not so inflexible to prevent the development – and effectively maintain semi-derelict premises.
- The decision reflects a disproportionate emphasis on the CDP (RT14) rather than the LAP - the aims of which seek to densify a development comprising a mix of uses and also enhance the quality of life for residents as set out in section 2.
 - It is submitted that the LAP clearly anticipated residential development within the TC zone.
 - Section 1.4 of the LAP seeks to encourage redevelopment and regeneration of vacant underutilised and derelict sites and also to allow a relaxation in certain development standards in the town centre in the interest of achieving the best development possible both visually and functionally.
- Material contravention is disputed as:
 - The unit is not a retail unit at present
 - The development is not a material contravention of the LAP which allows for a relaxing of standards in achieving best development possible.
 - The proposal accords with RT 13 which seeks to promote revitalisation of vacant/derelict properties.
 - The assessment fails to take account of the vacancy /dereliction in the town – photos attached.
- Retail Demand is low and the retail objectives are out of touch:
 - Rathdrum is a level 3 retail centre and close to Arklow and Wicklow towns and retail demand is accordingly low in Rathdrum.

- The projected retail growth for the town is unrealistic and the applicant cannot be forced to occupy the unit for retail use when there is no demand and particularly at the northern of the town centre which has been predominantly residential for decades.
- There are 3 large vacant units in the retail core - 2 opposite the supermarket and 1 is a public house – these are more central and if they cannot be occupied then the expectations for retail use in the subject site are unrealistic.
- The retail core in the plan excludes the actual location of retailing on Back Lane and Brewery and the LAP is disconnected from reality.
- Residential amenity issues. These could be addressed by FI but no opportunity.
- Privacy issues of ground floor accommodation can be addressed by obscured glazing – as proposed in revised plans and in addition to curtain screen etc. as traditional used. Example of louvered blinds and curtains are shown along the Main Street.
- There is no basis to conclude the development is contrary to the streetscape character. The removal of the shopfront is a positive aspect of the development as the frontage is derelict and not traditional whereas the replacement elevation is sensitive .
- Concerns about shed to the rear have been addressed in the grounds of appeal. The shed is to be now set back further in revised plans. Revised drawings 2104-006/7/8/9 and 10 attached. IT is an amenity for the residents and its reduction is of benefit to neighbours to south.
- The dual aspect ensures access to significant sunlight light in all windows and private space. It is not a marginal case to warrant an full BRE daylight and sunlight assessment. No revision in this regard.
- The access is in accordance with Part M Building Regulations – as it is an existing old building with certain building and contextual constraints, this is considered reasonable.
- The access offer privacy, independent convenient access from the car park.
- Poor quality open space: This is disputed as the private open space is considered adequate and augmented by nearby public open space.

- Inactive frontage: This is a regeneration scheme of a site that presently detracts from the streetscape and is in area from which retail activity has shifted to the other end of Main Street.

6.2. **Planning Authority Response**

6.2.1. No further comments are made.

6.3. **Observations**

6.3.1. None

7.0 **Assessment**

7.1. **Introduction**

7.1.1. This proposal relates to a modest development involving the change of use from a former ground floor car showroom with overhead residential accommodation to 4 apartment units in vacant Main Street premises in Rathdrum. The appeal is by the applicant against the decision to refuse permission.

7.1.2. The issues can be dealt with under the following headings:

- Principle of development – loss of retail
- Streetscape
- Residential amenity.
- Appropriate Assessment.

7.2. **Principle of use**

7.2.1. National policy advocates utilising of existing buildings as part of a strategy to achieve compact growth in serviced areas and primarily in towns that are rail-based. In this case the site is located in the Rathdrum town centre which permits residential development in principle. However the policies for consolidating retail along the Main Street at ground level units raises potentially conflicting issues regarding the future use of this central but vacant site.

7.2.2. The planning authority has concerns about the loss of a ground floor use along the Main Street by itself and in its capacity to undermine the consolidation of the

commercial town core which serves the town and its hinterland. The policies of the LAP support this strategy. However the appellant points out that the unit has been already lost in that it has been vacant for 22 years and that the car showroom has relocated. It is also argued that the retail impact is negligible even over the longer term as the larger towns (Arklow and Wicklow) have grown and serve as the major retail areas. It is further pointed out that the immediate context is substantially residential as compared to other parts of the town centre where commercial/retail uses and services are concentrated. The nearest commercial use relates to a hotel and other guest accommodation. Ultimately it is argued that the adoption and reuse of the vacant premises and the associated upgrading of the façade will contribute to the vitality of the street.

- 7.2.3. I consider the points made by the appellant about the loss of a vacant unit are reasonable, particularly having regard to the duration of vacancy of over 20 years. I also note the conversion of small-scale traditional units opposite the site to residential use together with the general pattern of commercial activity. Retailing/commercial and services uses are concentrated at the other end of the Main Street, whereas the vicinity of the site has limited commercial activity and, in such circumstances, additional residential accommodation would not be out of character. Nor do I not consider the proposed development would be of a scale that would undermine the consolidation of retailing in the town centre where other vacancies exist in a more concentrated commercial context.
- 7.2.4. I further note that the former commercial uses in the terraced premises in the vicinity of the site relate to historic houses that are likely to have changed from residential to commercial as the town expanded and that the premises lend themselves to changing to residential uses albeit in a layout to reflect current residential standards. In this case, the 4 separate units and segregated accesses could potentially allow for change of use to commercial uses in the short term. Accordingly, in this way, over the longer term it has the capacity to respond to the property needs of the town.
- 7.2.5. In view of the particular circumstances of the site and context, I do not consider additional residential use in place of a vacant unit to be either incompatible in terms of use nor to undermine the retailing function of the town.

7.2.6. The other factor in considering the principle of the uses relates to the historic architectural character. In this regard I note that the proposal seeks to reinstate a more solid facade with replacement windows that are traditional in character. This is I consider a positive aspect to the development in terms visually enhancing the streetscape in addition to adding to vitality in accordance with the heritage objectives of the town.

7.3. **Streetscape character**

7.3.1. The removal of the shopfront is part of the reason for refusal in reason 2 and is on the basis of the resulting inactive frontage. In this regard I note that there will be no direct street access as all entrances are proposed from the rear via the original stable entrance owned by the applicant and part of the site.

7.3.2. While the bedroom windows and occupancy together with the adjacent stable entrance allow for some street presence and activity, it would, I consider, be more appropriate to have some access from the street. I note the layout maximises space and permits two bedrooms and a more private living area, however, if one of the units is revised to a one bed unit, a street entrance could be provided without compromising amenities. This could be addressed by condition.

7.3.3. In terms of the impact on the historic architectural character and traditional shopfronts, I do not consider there to be any undue impacts. In this case the shopfront is not original and lacks any noteworthy architectural features other than its general building form. I consider the proposal, which retains the essential form, builds up the large shop windows in a traditional style with rendered façade and timber sash windows to be overall more in keeping than the existing facade with the indigenous architectural streetscape character .

7.3.4. On balance I consider the proposed development would make a positive contribution to the amenities of the town and will not unduly detract from the visual amenities or character of the area. Accordingly I consider there to no substantial basis to object to the removal of the shopfront and alterations to the facades on grounds of visual amenity.

7.4. **Residential Amenities**

- 7.4.1. The floor areas for the units all exceed the minimum standards for apartments as set out in the statutory guidance. There are however a number of aspects raised by the planning and as set in reason 2 which relate to residential amenity
- The location of the ground floor apartment bedrooms directly abutting the Main Street,
 - The retention of the existing shed to the rear of the building
 - The orientation of the building and
 - The location of the access stairs to the first floor apartments
- 7.4.2. It is considered by the planning authority that the ground floor apartments would be provided with poor privacy for future occupants. The applicant disputes this having particular regard to the location of the living space to the rear, the use of curtains and opaque screening – the opaque glass being proposed in the grounds of appeal - and the residential context of the vicinity of the street which already includes residences with ground floor windows along the street frontage as is typical for traditional Irish urban streetscapes. I consider the applicant makes a reasonable case that lack of privacy is not a reasonable grounds for refusal.
- 7.4.3. With respect to light and aspect I note the rear elevations of all units faces west. The open plan kitchen living areas are proposed on this side and each unit has a pair of windows/patio doors and separate entrance door servicing this area. The first floor is stepped back so there is no overhang over the ground floor terrace. I note the comment by the applicant with respect to the orientation and access to sunlight and concur that the full shadow analysis is not warranted. The reduced bulk of the shed to the rear and increased separation also enhances access to natural light in the existing premises. The windows in the rear elevation could however be enlarged to permit greater levels of light. This option could be provided for by condition.
- 7.4.4. I consider the shed at 2.85m in height around 4.8-5m as is shown in the amended drawings to have a minimal impact. I do however consider this space to the rear could be improved in terms of layout, parking and amenity.
- 7.4.5. I note the car parking spaces for 4 cars is about 8.4m in width and almost 5m in depth. This is a little narrow for 4 space which are by current standards ideally 2.4m at a minimum. As tis a retrofit in an tight urban setting I consider a degree of latitude

is appropriate particular in the context of the extremely restricted on-street parking space.

- 7.4.6. If the store was split with the bins in a long shallow shed along the southern boundary to the proposed parking area and if the stairway was repositioned to run perpendicular to the rear elevation rather parallel and with integrated storage underneath this would improve parking and increase separation between bins and units. I consider this could be addressed by condition.
- 7.4.7. The planning authority is also concerned about the quality of private amenity space. I note that the proposed terraces and balconies comply with the residential guidelines and I also note the open aspect to the rear. This is further enhanced by the proximity to the public open space and amenities of the village. I consider this to be acceptable.

7.5. **Material Contravention**

- 7.5.1. The planning authority's reason 1 for refusal is based, in part, on what is described as a material contravention of the town centre zoning objective as set out in the Rathdrum Town Plan and which seeks: to provide for the development and improvement of appropriate town centre uses including retail, commercial, office and civic use and to provide 'living over the shop' residential accommodation or other ancillary accommodation. This is stated by reference to the CDP and objective RT14 which seeks to: control the provision of non-retail uses at ground floor level in the principal shopping streets of centres in order to protect the retail viability of centres and to maintain the visual character of streets. This objective aims to prevent the proliferation of dead frontages of key street. In particular active use of corner sites, particularly within larger centres is considered pivotal in creating a sense of vibrancy.
- 7.5.2. As it is stated in the reason that the change of use to residential would materially contravene the zoning objective for this area, the provisions of section 37 apply in the Board's consideration of this matter. Having regard to these provisions it is my opinion that:
- The provision of 4 apartment units in a vacant premises of over 20 years is a cumulative measure in achieving the objectives in the Government's

Rebuilding Ireland Action Plan for Housing and Homelessness 2016 and in achieving higher densities in brownfield sites as advocated in NPO 35 (to increase residential density in settlements through a range of measure) of the national Planning Framework and is of strategic or national importance,

- The development plan objectives as contained in the Rathdrum LAP and Wicklow County Development Plan 2016-2022 for the site clearly support commercial uses along the main street at ground level but also seek to promote the vitality and vibrancy of the town centre. While the policies lean toward restricting non retail uses the objective do not prohibit residential use.
- Having regard to the nature and scale of the proposal which seeks to re-use a vacant car show room building by way of modest interventions I consider there is sufficient policy basis to support the proposed development. Furthermore, having regard to the pattern of development which includes a concentration of residential uses surrounding the site I consider the proposed development will be in accordance with the proper planning and sustainable development of the area.

Accordingly I consider, in this case, that permission for the proposed development would not constitute a material contravention of the development plan and the Board, in such circumstances, is not therefore precluded from granting permission.

7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposed development – modest works for a change of use in premises on serviced land 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. I recommend that permission be GRANTED for the proposed development in accordance with the submitted plans and particulars as amended based on the

following reasoned consideration based on the following reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the location of the proposed development in a serviced and vacant site at the northern end of the Main Street in Rathdrum, the pattern of development in the area and the nature and scale of the proposed development as amended, it is considered that subject to compliance with the conditions set out below, the proposed development would constitute an acceptable form of development in this location, would not undermine the retail strategy of the town, would not detract from the character of the town or streetscape amenities, and would be acceptable in terms of residential amenities for future occupants. 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, as amended by the further plans and particulars received by An Bord Pleanála on the 4th day of October 2021 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 the 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 proposed development shall be modified as follows:
 - (a) The proposed ground floor unit denoted as 'Flat A' in the submitted drawings shall be revised to a one bed unit and the entrance door shall be from the street frontage.

(b) The proposed shed shall be reconfigured/split with the bin store relocated to the south end of the proposed carparking area in the submitted layout plan.

(c) The car parking/staircase and bicycle and storage facilities shall be revised so that perpendicular spaces of at least 2.2m x 4.8m in dimension are provided.

(d) The glazed windows in the rear elevation of the ground floor units shall be increased by up to 10% so as to improve access to daylight and sunlight.

Revised drawings shall be submitted to the planning authority for prior written agreement.

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

3. Prior to the commencement of development, details of all materials, colours and textures of the external finishes to the proposed development shall be submitted to and agreed in writing with the planning authority. In this regard the following shall apply:

(b)The windows in the front elevation shall be of painted timber finish.

Details including samples shall be submitted to the planning authority (or arranged for inspection on site) for prior written agreement.

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

4. Prior to commencement of development, the developer shall submit and agree in writing with the planning authority a final landscape plan to include the following:

(d) Full details of all proposed hard surface finishes, including samples of proposed paving slabs/materials;

(e) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

All such works shall be complete prior to occupancy of dwelling.

Reason: In the interest of residential amenity and visual amenity.

5. All of the communal parking areas serving the residential units shall be provided with functional electrical vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

6. The construction of the development shall be managed in accordance with the construction management plan, which shall be submitted to, and agreed in writing with, the planning authority, prior to the commencement of development. The plan shall provide details of the intended construction practice for the development, noise management measures and the location of site compounds.

Reason: In the interest of public safety and residential amenity.

7. The developer shall comply with the following requirements:
 - (a) No dwelling shall be occupied until all services have been connected and are operational.
 - (b) Each proposed residential unit shall be used as a single dwelling unit.

Reason: In the interest of residential amenity.

8. Proposals for naming and numbering of the proposed scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Thereafter all estate and street signs and house/apartment numbers shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features or other alternatives acceptable to the planning authority. No advertisement. Marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s.)

Reason: To protect the character of the area.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. This plan shall be prepared in accordance with best practice on the Preparation of Waste Management Plans for the Construction and Demolition Projects published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during any site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation

Reason: In the interest of sustainable waste management.

11. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

12. 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 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. The application of any indexation required by this condition 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.

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.

Suzanne Kehely

Senior Planning Inspector

18th February 2022