



An
Bord
Pleanála

Inspector's Report ABP311923-21

Development	Retention for Change of Use of Private Yard to sale of Food from Mobile Waffle Van and ancillary site development works on town centre zoned lands.
Location	Victoria Road, Greystones, Co. Wicklow.
Planning Authority	Wicklow County Council.
Planning Authority Reg. Ref.	21719.
Applicant(s)	The Social Guys Limited.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party.
Appellant(s)	The Social Guys Limited.
Observer(s)	1.Barbara Connolly; 2. Rebecca Lynch and Brian Wilson.
Date of Site Inspection	04.05.2022.
Inspector	Mary Mac Mahon.

1.0 Site Location and Description

- 1.1. The site is located in Greystones, Wicklow. Victoria Road is the main access road to Greystones Harbour. In Greystones Harbour, there are a number of establishments serving takeaway food, coffee and ice cream. There are also a number of car parks in the vicinity of the harbour.
- 1.2. Access to this section of Victoria Road is under a viaduct. The site is at the junction of Victoria Road and The Bawn, proximate to the arch. The entrance to the site is from Victoria Road. The site is wedge shaped. The buildings on site house storage and staff facilities.
- 1.3. The Bawn is a cul-de-sac of single storey dwellings on the left hand side of the road on entry. Unusually, the sheds associated with the dwelling houses are on the right hand side of the road. There is limited parking space in the Bawn.
- 1.4. The site area is stated as 0.012 ha. The gross floor area is stated as existing buildings 3.75 square metres and mobile van of 7.1 square metres. On the day I visited the site, it was not in operation.

2.0 Proposed Development

- 2.1. The proposed development is for the use of the site to the sale of waffles form a mobile van, with ancillary facilities for the van in the existing structures. The menu provided is essentially waffles, ice cream and coffee. The hours of operation are stated as:
1400 to 2100 Monday to Friday and 1200 to 2100, weekends.

3.0 Planning Authority Decision

3.1. Decision

Refusal for one reason:

“The proposed development would endanger public safety by reason of serious traffic hazard because the development would lead to unwarranted illegal parking on the public footpath and on the road carriageway at a location close to a tight bend, a

restriction of a narrow bridge and opposite a solid white line. Illegal parking poses a hazard to persons using the footpath and the road.”

3.2. Planning Authority Reports

Planning Report

The report notes that the previous use was as a donkey's yard and shed. The commercial use is in accordance with the town centre zoning. The site does not impact on the visual amenities of the area or the character of the Harbour Architectural Conservation Area. Observations in relation to noise and odour emissions have been received. No additional parking is required for this development. Concerns have been raised in relation to illegal parking. The issue of illegal parking can be dealt with through enforcement, road markings, signage, etc. Further Information was requested.

The Further Information Response noted that noise from the generator was limited and there is the option to connect to mains electricity, to mitigate noise. A chipper van is in operation in close proximity so there are odours in the area. An infiltration system can be installed to mitigate odour. The Planning Officer considered these a reasonable response.

In relation to parking, an accompanying report from Traffic Insights finds that 75% of customers arrive and depart on foot and the majority of the haphazard car parking does not arise from customers. Mitigation measures are proposed – signage for car parking, provision of double yellow lines or bollarding. Car parking locations in the vicinity of the site are identified. The use of bollarding to prevent illegal parking in the vicinity of the site is identified.

The planner's report considered that the issue is illegal car parking and that these measures are unlikely to be effective. They would also add to visual clutter in the area.

Other Technical Reports

Irish Water – conditions recommended. Question of need for Section 16 licence raised (discharge of trade effluent to sewer).

Roads – No observation.

Municipal District Engineer – the existing operation has led to unwanted illegal parking on the road carriage way and footpath, on a solid white line, just after a tight bend in road, in proximity to a railway bridge. The illegal parking gives rise to traffic hazard for persons using the footpath and road.

4.0 Planning History

12/6648 (10.01.2013) – permission granted for change of use of private car park to the sale of food from a vehicle at Watson and Johnson Centre, Mill Road, Greystones.

5.0 Policy and Context

5.1. Development Plan

Wicklow County Development Plan 2016-2022 applies. It requires that lighting, noise and air emissions from commercial development be minimised. In relation to takeaways, the plan states:

“In order to maintain an appropriate mix of uses and protect the amenities in a particular area, the Planning Authority will prevent an excessive concentration of the above uses, particularly within smaller centres, and will ensure that the quantum of these uses is not disproportionate to the overall size and character of the area.”

5.3 The *Greystones Delgany and Kilcoole 2013-2019* is the Local Area Plan. It should be noted that this Local Area Plan has expired. The site is zoned TC, town centre. No land use matrix is provided.

5.2. Natural Heritage Designations

5.3. Having regard to minor scale and the foreseeable emissions from the proposed development 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.

5.4. **EIA Screening**

5.5. Having regard to the minor scale of the proposed development, its location on a brownfield site in a built-up urban area where public water supply and public sewerage are available and in light of the foreseeable emissions therefrom it is possible to exclude the requirement for submission of an EIAR at a preliminary stage.

6.0 **The Appeal**

The First Party appeal is submitted by PD Lane Associates.

6.1. **Grounds of Appeal**

- The change of use is consistent with the zoning.
- There is widespread support for the development in the area, as evidenced by letters of support.
- The Café-culture, with no car parking, encourages walking, cycling and outdoor dining.
- The Transport Statement which accompanied the application, identified solutions to the illegal parking in the area. A financial contribution to improve the road and footpaths in the immediate area is offered – new double yellow lines, renew existing demarcations and provision of bollards. This approach has been implemented in the vicinity of the site.

6.2. **Planning Authority Response**

No response received.

6.3. Observations

A joint observation has been received from Barbara Connolly of 9, The Bawn, and Rebecca Lynch and Brian Wilson of 1, The Bawn. The observation includes photographs. The issues raised are:

- The area is residential in nature and is a cul-de-sac.
- Proximity of the development to their properties.
- Traffic hazard due to railway bridge and congestion.
- Impact on limited parking and poor parking by customers.
- Noise and nuisance from customers.
- Odour and litter.

7.0 Assessment

- 7.1. The proposed development is for a small, commercial development of takeaway waffles, coffee and ice cream. Having regard to the size of the site and the structures located thereon, the development proposed for retention would appear to be a good fit for the site.
- 7.2. There is no parking directly associated with the development. I note the photographs on file show that there has been illegal parking in the vicinity of the site. On the day I visited the site, it was not operational and there was no parking taking place in the vicinity of the site. The harbour area to the east, which is an Architectural Conservation Area, has utilised bollards to prevent on-street car parking in the vicinity of the area and appears to be successful.
- 7.3. Having regard to the proximity of the site to the railway arch and the limited forward visibility for drivers heading to the harbour, I can understand the desire to prevent car parking in this location. However, I do not consider the refusal to implement bollarding at this location reasonable. The site is less visually sensitive than the Harbour Conservation Area, where they have been employed.

7.4. In relation to the impact of the proposed development on residential amenities, I would accept that there are impacts in terms of residential amenities from noise, arising from customers and the generator. The First Party has offered to use mains electricity instead of relying the generator. This can be conditioned. Odours from cooked foods can be minimised by appropriate equipment. Given the town centre zoning of the site, and the hours of operation, I do not consider that the proposed development would give rise to serious injury to residential amenity.

8.0 Recommendation

8.1. I recommend that permission be granted.

9.0 Reasons and Considerations

Having regard to the town centre zoning of the site, the policies of the *Wicklow County Development Plan, 2016-2022*, the limited hours of operation and the proposals to prevent illegal car parking in the vicinity of the railway bridge, it is considered that the development to be retained, would not give rise to traffic hazard and would be acceptable in terms of traffic safety. The proposed development would not seriously injure the residential amenities in the vicinity of the site. The development to be retained would therefore be in accordance with the proper planning and development of the site.

10.0 Conditions

1.	<p>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 submitted on the 21st day of September 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 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>
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2.	<p>The hours of operation will be limited to 1400 to 2100 Monday to Friday and 1200 to 2100, weekends and bank holidays.</p> <p>Reason: In the interest of residential amenity</p>
3.	<p>The developer shall control odour emissions from the premises in accordance with measures which shall be submitted to, and agreed in writing with, the planning authority prior to the re-commencement of development.</p> <p>Reason: In the interest of public health and to protect the amenities of the area.</p>
4.	<p>Power for the development to be retained shall be via mains electricity.</p> <p>Reason: In the interest of residential amenity, to reduce noise.</p>
5.	<p>The developer will submit drawings to be agreed with the planning authority for measures to prevent illegal car parking in the vicinity of the site, prior to the re-commencement of development.</p> <p>Reason: In the interest of traffic safety</p>
6.	<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 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. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning</p>

	<p>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 the Board 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 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>
7.	<p>The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of measures to prevent illegal car parking, in the vicinity of the site. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board for determination. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.</p> <p>Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.</p>

Mary Mac Mahon
Planning Inspector

16 May 2022