



An
Bord
Pleanála

Inspector's Report

ABP-316064-23

Development	Change of use from offices to childcare and adultcare together with all associated and ancillary site works
Location	Whitemill Industrial Estate, Whitemill North, Wexford Town, Co. Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20221719
Applicant(s)	Gerard Heaney of An Breacadh Nua T/A Ard Aoibhinn Services
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Mr. Gerard Heaney
Observer(s)	None
Date of Site Inspection	7 th July 2023
Inspector	Catherine Dillon

1.0 Site Location and Description

- 1.1. The site is occupied by a vacant two storey building (gross floor area stated as 624m²) on the northern side of White Mill Road and is located within the Whitemill Industrial Estate in Clonard in the western suburbs of Wexford Town. The subject building is attached to an occupied single storey building on its eastern elevation, that also fronts White Mill Road. This building and the subject building formed part of a larger site (former ESB depot) with a rear yard area which has access onto an inner road known as Clonard Road to the north that accommodates the industrial estate. The building to the east and the yard area do not form part of the appeal site. The appeal site has a stated area of 0.192 hectares.
- 1.2. There is an existing vehicular access off White Mill Road with access to 20 marked car parking spaces along the frontage of the appeal site with a low wooden fence along the White Mill Road frontage. The building to the east has a separate vehicular entrance off White Mill Road and is currently being used by a property management business.
- 1.3. There is a wide variety and diversity of uses and building typologies within the Whitemill Industrial estate. Immediately to the west of the appeal premises is a large commercial unit used by a variety of businesses including a print and design unit, Industrial Welding, and Wexford Trade Electric. Beyond this site to the west includes Wexford Training Centre and an engineering company all fronting White Mill Road. To the rear of the site along Clonard Road there are a variety of commercial businesses including Sulzer, An Post Delivery Service Unit and a Rehab Centre. To the east is a neighbourhood centre with several shops including Lidl on the corner of White Mill Road and Clonard Avenue.
- 1.4. Opposite the site along the southern side of White Mill Road, is predominantly residential. There is a high boundary wall along the southern stretch of White Mill road which serves the rear gardens of the residential properties, which is directly opposite the subject site.

- 1.5. The subject site is approximately 2km south west of the town centre and to the east of the N25. There is a bus stop on the northern side of White Mill Road close to the entrance of the site.

2.0 Proposed Development

- 2.1. The proposed development comprises the change of use of the existing premises from office to childcare and adult care, including alterations to provide internal lift, accessible entrance ramp and steps, an external fire escape stairs, rearrangement of the car park with a set down area and minor elevational changes together with all associated and ancillary site works.
- 2.2. The proposed ground floor layout indicates toilets, reception office, a kitchen and a dining room, two activity rooms, a group room and break out room, lobby, a store and communications room. The first floor would be accessed via an internal stairwell and lift and a new external staircase on the western elevation. The proposed first floor layout indicates one music, art, and computer room, 2 activity rooms, a breakout room, therapy room and 2 separate office rooms.
- 2.3. An accessibility ramp would be provided along the frontage of the building with access into the lobby/entrance. It is proposed to provide a canopy at the entrance to the building and a projection above the roof plane to accommodate the lift shaft to the rear of the building. The site layout indicates the existing vehicular entrance into the site would remain and the parking layout would be rearranged to provide a bus parking/drop off area and 14 car parking spaces.
- 2.4. The building would be connected to the existing water supply and public sewer.
- 2.5. No further details have been submitted with the proposal regarding the operation of the proposed use.

3.0 Planning Authority Decision

3.1. Decision

3.2. On 17th February 2023, Wexford County Council refused planning permission to Gerard Heaney of An Breacadh Nua T/A Ard Aoibhinn Services for the change of use of offices to childcare and adultcare, on the following grounds:

‘The use of the industrial premises for day services would result in the development of a non-conforming use on industrial land. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.’

3.3. Planning Authority Reports

3.3.1. Planning Reports

The Planning report concludes the proposed use is not suitable for the site as it would introduce a non-conforming use on industrial lands in the Whitemill Industrial estate which was originally managed by the IDA for industrial manufacturing purposes. The industrial estate is one of the few areas in Wexford Town that is fully serviced for these uses and offers the opportunity for medium range manufacturing. There are also a number of larger manufacturing units which have emissions, particularly noise pollution, that require set back from residential or more sensitive receptors. In this case the proposed use could undermine the continued function of the area as a manufacturing industrial estate.

An Appropriate Assessment screening report and determination was carried out by the Planning Authority which concluded significant impacts can be ruled out and a Stage 2 Appropriate Assessment was not required.

Reference was made in the planning report to a pre planning discussion (Reference P20220215). Advice in relation to the change of use as a day care centre was it would set an undesirable precedent to provide care or

health care facilities in manufacturing areas. The Planning Authority has sought to protect the Whitemill Industrial Estate in the past with the refusal of a Dialysis Unit at the western side of the industrial estate and the refusal of the expansion of the Lidl retail unit into the land behind the subject building.

3.3.2. Other Technical Reports

Senior Environmental Scientist (Environment): No objection subject to conditions.

Executive Technician: No technical observations.

3.4. Prescribed Bodies

HSE: Report dated 24/1/22, recommended conditions, regarding drinking water points, drainage, ventilation, storage, dust and noise controls during construction and waste collection.

3.5. Third Party Observations

None

4.0 Planning History

4.1. **P.A Ref: 20212021:** Planning Permission refused by Wexford County Council in 16th February 2022 for permission for a change of use from office to day services including alterations to provide internal lift, accessible entrance ramp and steps, an external fire escape stairs, rearrangement of car park with set down area and associated site works on the following grounds:

1. The use of the industrial premises as for day services would result in the development of a non-conforming use on industrial zoned land and would be contrary to Section 11.02 Land Use Zoning of the Wexford Town and Environs Development Plan 2009-15 (extended 2019). The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

- 4.2. **P.A Ref: 940780:** Planning Permission granted to Telecom Eireann by Wexford County Council to erect palisade fence around the perimeter of the site including the adjoining site at WhiteMill, North Wexford.
- 4.3 There is no record of planning permission for the attached building immediately to the east of the appeal premises.
- 4.4 **P.A Ref: 20210437:** Planning permission was refused to Lidl by Wexford County Council in May 2021, to extend to the east rear of the lands of the attached building to the east of the appeal premises. One of the two reasons for refusal was the retail use was a non-conforming use and would conflict with the industrial land use zoning.

5.0 **Policy Context**

5.1. **County Development Plan**

Wexford County Development Plan 2022-2028

The current Development Plan came into effect on 25th July 2022. The current appeal was submitted under the provisions of this Plan.

5.1.1. **Volume 1- Chapter 6 Economic Strategy**

Relevant Objectives include the following:

Objective ED39 seeks to protect land zoned for economic development, industry and employment related uses from inappropriate development that would undermine future economic activity or the sustainable development of such areas.

Objective ED40 seeks to continue to audit and monitor the availability of the different types of property required to facilitate appropriate economic development and, where deficits are identified, make appropriate interventions. Priority will be given to high employment generating interventions, those which utilise brownfield sites and improve the public realm and those which provide solutions for start-ups and in areas where disadvantage militates against opportunities for entrepreneurship.

Objective ED42 seeks to facilitate and participate in works to regenerate and revitalise existing business parks and industrial estates within towns and promote the regeneration of obsolete and/or under-utilised buildings and lands that could yield economic benefits, with appropriate uses subject to the proper planning and sustainable development of the area.

Objective ED46 requires the scale of a commercial development shall be commensurate with the scale of the settlement. In general large scale employers, that is, those employing more than 50 employees should be located on serviced zoned land in the county's four main towns - Wexford Town, Enniscorthy Town, Gorey Town and New Ross Town.

Objective ED51 seeks to ensure that, where economic development uses bound sensitive uses such as residences, natural and built heritage assets or community and education uses, that an appropriate buffer is maintained to protect the sensitive use.

Objective ED53 of the Development Plan seeks to promote the re-use and regeneration of vacant buildings and the regeneration of obsolete and/or under-utilised buildings and lands that could yield economic benefits with appropriate uses, subject to the proper planning and sustainable development of the area.

5.1.2. **Chapter 15: Sustainable Communities and Social Infrastructure Strategy**

Objective SC01 seeks to facilitate the development of healthy sustainable communities where people can live, work and enjoy access to a wide range of community, health and educational facilities suitable for all ages, needs and abilities.

Objective SC04 seeks to ensure the balanced and equitable provision of social and community facilities including education and health services throughout the county and ensure that these facilities are located in areas that are easy to get to by either public or private transport, and are universally accessible.

5.1.3. **Volume 2- Development Management Manual**

Section 4 Community Infrastructure, Facilities and Services

This section of the Plan includes the assessment of proposal for childcare and educational facilities on a number of issues including the suitability of the site, local traffic conditions, intended hours of operation, number of children to be catered for and impact on residential amenity.

Section 5 Enterprise & Employment

This section of the Plan states it is important to avoid abrupt transitions in scale and use in the boundary areas of adjoining land uses, for instance in zones abutting residential areas, and particular attention must be paid to use, scale and density to protect the amenities of residential properties.

5.1.4. **National Policy**

5.1.5. **National Planning Framework (NPF) - Project Ireland 2040**

National Policy Objectives 2a, 4, 5 and 6 the NPF seeks to provide compact and sustainable growth and create more attractive places where people can live and work and places that can foster enterprise, innovation and employment growth. In planning for strategic employment growth, the NPF emphasizes it is important to identify locations where enterprise can inter alia, access competitively priced development lands, utilities, density of workers, land-take and resource/infrastructure dependency, including town centres, business parks, industrial estates and significant single enterprises.

The NPF, through NSO 10, seeks to ensure access to quality childcare, education and health services. Good access to a range of quality education and health services, relative to the scale of a town, neighbourhood or community is a defining characteristic of attractive, successful and competitive places.

5.2. Natural Heritage Designations

The closest Natura 2000 sites are Slaney River Valley SAC (Site Code: 000781) and Wexford Harbour and Slobs SPA (Site Code: 004076) both located circa 2.2km to the east of the subject site.

6.0 The Appeal

6.1. Grounds of Appeal

- The applicants state the reason for refusal refers to 'day services' and the application was made for childcare/adultcare and not day services, and this is an error of the Planning Authority based on a pre planning discussion which took place after submission of the planning application.
- Childcare, Education and Offices (forming the collective uses within this application) are all open for consideration/allowable under the zoning matrix contained in the Wexford Town & Environs Development Plan 2009-2015 (extended). The Senior Planner for WCC has stated in Planning Ref: No.20212021 that '*Education and childcare are permitted currently within this zoning.*'
- Zone 11 of the Wexford Town & Environs Development Plan 2009-2015 (extended) recognises that the urban quality and future development of the 'Whitemill Industrial estate has undergone changes with a gradual shift away from manufacturing to more office and storage uses'. 'New office units will be encouraged within the industrial zone to reduce the impact on the adjoining residential properties. New manufacturing and extensions will only be permitted where it is shown that disturbance to adjoining residential dwellings would be within acceptable levels.'
- The proposed site is one of the more predominant sites adjacent to a high density residential area and accessed from a residential road, granting a childcare/adultcare/office/education type use here at this location protects the existing adjacent high level residential zone and reduces the impact that an industrial/manufacturing use would have.

- The applicants argue that the site is actually not suitable for manufacturing /industrial type use as outlined in Zone 11 guide. An existing use survey shows that manufacturing and industrial type development is more suited to the main arterial/spine road that services industrial use developments off the Whitemill Industrial estate. The applicants have submitted a map which indicates there are 4 vacant sites/units (including the subject site) which are vacant within Zone 11: Whitemill Industrial estate on Map 11 of the Wexford Town & Environs Development Plan 2009-2015 map.
- The applicants provide a list of relevant/similar uses as the appeal proposal within Whitemill Industrial Estate on industrial zoned lands including the following:

WWETB: Waterford & Wexford Training Services providing training and apprenticeships in the south east of Ireland, 3-4 separate locations (Plan Reg. No. 20150262, 20180454).

Rehab Care: Community based resource centre assisting people with disabilities to achieve their full potential and a better quality of life, offering a day service to primary adults with learning disabilities.

Youth Train: An effective support to young people and a support for future employment in Wexford.

Educate Together National School (Planning Reg.No. W2010053, W2010108, 20191363) education is open for consideration (applicant's emphasis) under this zoning.

Allied Training: Provides Health and Safety Training courses.

Rainbow Childcare: Full day care services for children (Plan Reg.No. 20023041). Childcare is open for consideration (applicant's emphasis) under this zoning.

Pitman Training: Training/Resource Centre.

Wexford Christian Community Church

Planning permission to note W2008067 material change of use from manufacturing/warehousing to recreation go-karting track. Granted. Culture,

recreation and leisure are not allowable (applicant's emphasis) under this zoning.

An Post: Civic buildings are Open for Consideration in this zoning. An Post was granted under this premises 2008008.

- In conclusion the applicant's state:

The building was never set up for industrial use and its last use, in excess of 10 years ago, was offices. The building is currently vacant and falling into disrepair.

The site has no zoning and if a decision was to be made cognitive of the previous Wexford Town & Environs Development Plan 2009-2015 (as extended) childcare would have been allowable.

There are a number of more suitable vacant lands previously zoned as industrial use more suited for manufacturing/industrial type development away from high density residential areas than the subject site, and the proposed development is more sympathetic to its surroundings.

6.2. **Planning Authority Response**

- None

6.3. **Observations**

- None

7.0 **Assessment**

- 7.1. The main issues are those raised in the Planning Authority decision and the applicant's grounds for appeal. Overall, I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The main issues under consideration are as follows:

1. The principle of the proposed use in this location, and
2. The compatibility of the proposed use with existing uses in the vicinity.

7.2. Principle of the use in this location:

- 7.2.1. The applicants refer to the Wexford Town & Environs Development Plan 2009-2015 (as extended) and the site's former industrial zoning, where childcare, education and offices (forming the collective uses within this application) were all open for consideration. However, the current County Development Plan 2022-2028, has superseded the Town Plan. The site is not zoned within the current Plan and the Wexford Town Local Area Plan is pending. There is therefore no specific zoning objective for the site, and the principle of the development shall therefore be considered on its own merits, and in accordance with the current Development Plan.
- 7.2.2. The applicants have not provided any supporting documentation regarding the exact nature of the proposed use other than to clarify it is for a childcare/adultcare/office/education type use and not day services. The proposed layout of the building would suggest there may be an element of educational training, therapy and administrative work on the site. The level of visitors/users and staff to the premises and hours of operation has not been specified. The applicant's grounds of appeal provide little clarity on the exact nature of the proposed use but provides a list of 9 relevant/similar uses as the appeal proposal currently within the industrial estate, without clearly specifying why this is the case. Nevertheless, the examples provided shall be examined in the following paragraphs.
- 7.2.3. Firstly, I can find no record of the planning status/permission for the Church or Rehab centre referred to by the applicant. I would agree both uses are not considered to be typical uses within an industrial estate.
- 7.2.4. The remaining uses outlined were all granted prior to the adoption of the current Development Plan and would fall within the criteria of either 'open for consideration' or 'permitted uses' within the zoning matrix at that time. However, it is worth noting four of the specified uses refer to training facilities which are considered to be affiliated with employment training (i.e WWETB, Youth Train, Allied Training and Pitman Training), and compatible uses for an employment/enterprise estate, to allow for the development of future skills to meet and adapt to technological change. It would appear based on the

information submitted a childcare/adultcare use would not be a compatible use within the immediate locale of the site as it would not affiliate with the existing industrial uses and could prejudice the existing and future development of these uses, where noise and disturbance, smells or the use of machinery could become an issue with the proposed use. Given the lack of supporting information with the appeal regarding the intended use of the proposal, I do not see how it can be considered as offering a training facility which could be considered to affiliate with an industrial location falling within the remit of childcare/adultcare/office/education.

- 7.2.5. The Rainbow Childcare example provided by the applicant was granted planning permission in 2002, as it was considered in the planning report to be an appropriate use to provide childcare for employees in the area. The applicants, from the information submitted, suggest the proposal is not a childcare facility and would not be providing 'day services'.
- 7.2.6. The indoor go-kart facility was granted in 2008 as a material contravention to the Development Plan at that time. The grounds for the material contravention are not specified in the planning report.
- 7.2.7. The An Post development was for a distribution and storage centre which is considered an appropriate use within an industrial area and the school, an educational use was 'open for consideration' within the zoning matrix at the time of the decision. The examples provided in the Grounds of Appeal which are considered to be relevant/similar uses to the current proposal were all granted prior to the adoption of the current Plan and were generally consistent with the zoning objectives of the Plan in place at the time.
- 7.2.8. Although not referred to by the applicants planning permission was refused in 2021 to the rear of the appeal site for the expansion of the neighbourhood site to the east on the grounds the use was a non-conforming use within the industrial land use zoning. It is therefore considered there has been a consistent approach by the Planning Authority to retain the appeal site and adjoining lands for industrial use.

- 7.2.9. There are policies within the current Development Plan which encourage the provision of social and community facilities including education and health services throughout the county, and Objective SC04 in particular seeks to ensure such facilities are located in areas that are easy to get to by either public or private transport and are universally accessible. This policy, however, must be counterbalanced with the need to protect already established industrial sites which may not be available elsewhere in the county.
- 7.2.10. The northern side of White Mill Road and the lands to the rear of the subject site are predominantly industrial in character. It was noted there is a neighbourhood centre to the east of the appeal site, which includes a Lidl and a number of retail units. However, this neighbourhood centre was zoned as a neighbourhood centre in the previous Town Plan and has been implemented accordingly.
- 7.2.11. Objective ED42 of the Development Plan promotes the regeneration of obsolete and or/underutilised buildings and lands in industrial estates. The applicant states the building and grounds have been vacant 'in excess of 10 years', and the building is in a poor state of repair. However, no evidence or verification has been submitted to reinforce this statement by way of letting agents, utility bills, affidavits, evidence of marketing, viability assessment of the building for industrial purposes or a structural survey etc., for example. From a site inspection the building appeared weatherproof and in good condition, and it was noted the attached building to the east is currently in use. Although Objective ED42 promotes the regeneration of obsolete and or/underutilised buildings and the applicants are proposing to utilise the building, there is no evidence to suggest that the building has been marketed for a considerable period of time for industrial purposes, or for start-up units etc.. The vacancy of a building does not automatically mean the building is unviable or unsuitable to retain for its original intended use.
- 7.2.12. Objective ED40 of the Development Plan specifies the Local Authority will continue to monitor and audit the availability of different types of property required to facilitate appropriate economic development, and where deficits

are identified, make appropriate interventions. The planner's report made no reference to any auditing or monitoring of the White Mill industrial estate. The applicants have identified 4 vacant sites (including the appeal premises) close to the site that are currently vacant plots of land which are accessed off the arterial road (Clonard Road) to the rear of the premises and would be more suitable for industrial use. The appeal premises fronts onto White Mill Road, and therefore provides a good transition from the predominantly industrial type uses immediately to the rear of the site and the adjoining commercial units either side along White Mill Road. From a site inspection of the site, I noted the number of vacant units near to the appeal premises was low, and there was a strong industrial and commercial uptake within the industrial estate.

7.2.13. Serviced industrial sites close to town centres, such as the appeal site are an important economic resource. Both local and national policy acknowledge the importance of maintaining a strong economic base within and close to towns, and fostering a clustering approach to similar type enterprises in a geographical location where businesses can interrelate with similar enterprises and suppliers. It is important to retain sites in the correct location to meet the needs of businesses and employers and to reverse the decline or stagnation of such employment centres and allow for the future development of the next cycle of technological or industrial enterprise. Objective ED60 of the current Development Plan seeks to further develop manufacturing industries in Wexford Town, and it is considered it is therefore important to protect and maintain existing industrial sites such as the appeal premises in close proximity to the town centre, which may not be acceptable elsewhere.

7.2.14. The Development Plan states that Wexford has higher than average rates than the State for occupational groups for skilled trades occupations, process plant and machine operatives and elementary occupations (40% of the population) and there is therefore a demand and need to retain sites and premises to accommodate these occupational groups which may not be available or unaffordable in a town centre or other location. Industrial and warehousing uses require larger sites such as the subject site to accommodate deliveries and storage which tend not to be available within the

town centre for example, or in particular, with regard to the relationship of an industrial use with its surroundings. It is considered there is a need to protect the subject site, given its size, brownfield nature and proximity to neighbouring industrial and associated uses in this location, and prevent the decline of larger sites suitable for industrial development or industrial enterprise which are not available elsewhere. Failure to do so will result in the location of such uses being located on unserviced lands or conflicting with sensitive uses.

7.2.15. I therefore consider the proposed use would result in the loss of an existing industrial/enterprise site, with access to a bus route and in close proximity to the town centre, and the proposed use could prejudice the adjoining industrial users. There are industrial uses next to the appeal site and I consider that the proposed development would compromise the existing pattern of development in the vicinity. To permit the proposed use would undermine the future economic activity of this industrial area.

7.3. Compatibility with existing uses in the vicinity

7.3.1. There are no residential properties on either side of the site. The closest residential properties are on the southern side of White Mill Road. The appeal premises is set back a minimum distance of 25m from the road edge, and approximately 45m from the dwellings on the opposite side of the road, segregated by a relatively busy road which acts as a buffer to the residential properties. Any future use of the appeal building would be subject to the normal development management standards and would be conditioned accordingly.

7.3.2. The appellants have not provided any detail of the nature of the proposed use, in terms of number of users and staff, hours of operation or parking requirements. The proposal may result in an increase in vehicular activity to the premises as indicated by the 'bus drop' off area. Nevertheless, I do not consider that the proposed development would impact on residential amenity, subject to hours of operation, level and activity of users being conditioned, and adequate parking provision on site. The proposed use, however, could prejudice the continued use of the industrial premises to the west and rear of

the site, due to conflicts arising from vehicular movements, noise and smells from the existing uses.

- 7.3.3. The applicants state there are more vacant lands previously zoned as industrial use more suited for manufacturing/industrial type development away from high density residential areas than the subject site, and the proposed development is more sympathetic to its surroundings. However, I consider that the appeal site is in an appropriate location for a light industrial use which is defined within the Planning and Development Act as 'one which the processes carried out on or the machinery installed are such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot ash, dust or grit'. I do not, therefore, consider the site as not being suitable for a future light industrial use that could coexist with the residential properties on the opposite side of the road and the existing uses in the immediate vicinity.

7.4. Appropriate Assessment:

The closest Natura 2000 sites are Slaney River Valley SAC (Site Code: 000781) and Wexford Harbour and Slobbs SPA (Site Code: 004076) located circa 2.2km to the east of the subject site. Given the distances involved, and as the site is an established urban area on serviced lands, the nature and scale of the proposed development, the nature of the receiving environment and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on Natura 2000 sites.

8.0 Recommendation

- 8.1. I recommend that permission be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

9.1. The proposed development based on the documentation submitted would result in the introduction of an incompatible use within an existing industrial estate and would prejudice the future and existing viability of the industrial estate, and would be contrary to policies and objectives ED39, ED40, ED42 and ED53 of the County Development Plan 2022-2028, which acknowledges the importance of maintaining a strong economic base within and close to Wexford Town, and fostering a clustering approach to similar type enterprises in a geographical location where businesses can interrelate with similar enterprises and suppliers. As such the proposed development would undermine the role and function of the industrial estate and would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Catherine Dillon
Planning Inspector
8th August 2023