



An
Bord
Pleanála

Inspector's Report

ABP 320905-24

Development

Change of use of the existing ground floor retail area to a Boylesports bookmakers (the existing Boyles Sports bookmakers at 111 Main Street will be relocated to this proposed location subject to a full grant of permission), internal alterations, erection of satellite dishes, new signage, partial demolition and removal of existing rear return, the provision of a new shop front, alterations to the rear elevation, the provision of a new rear access stair and bin storage area and all associated site development works.

Location

4 Quinsborough Road, Bray, Co. Wicklow.

Planning Authority

Wicklow Co. Council

Planning Authority Reg. Ref.

2460206

Applicant(s)

Boylesports

Type of Application

Permission.

Planning Authority Decision

To Grant Permission.

Type of Appeal

Third Party

Appellant(s)

Elaine Boylan

Observer(s)

None

Date of Site Inspection

April 7th 2025

Inspector

Breda Gannon

1.0 Site Location and Description

- 1.1. The site is located at No 4 Quinsborough Road. Bray. It accommodates a mid-terrace two-storey building which is currently vacant. The ground floor was previously used as a shoe shop with residential accommodation at first and second floor level. Access to the ground floor is via a doorway located centrally on the shopfront. There is separate access to the upper floor accommodation.
- 1.2. A laneway at the eastern end of the terrace provides access to the rear of the building and adjacent properties. In addition to facilitating deliveries, it accommodates bicycle parking/bin storage and part of it functions as a smoking area associated with a public house.
- 1.3. Quinsborough Road lies within the town centre area of Bray and to the east of Main Street. It accommodates typical town centre uses including a mix of retail, restaurants, cafes, bars and a post office.

2.0 Proposed Development

- 2.1. The application as advertised in the public notices submitted with the application proposes the following:
 - change of use of the existing ground floor retail area to a Boylesports bookmakers (the existing Boylesports bookmakers at 111 Main Street would be relocated to this proposed location subject to a full grant of planning permission),
 - internal alterations,
 - erection of satellite dishes, new signage, partial demolition and removal of existing rear return, provision of a new shopfront, alterations to the rear elevation, the provision of a new rear access stairs and bin storage area and all associated site works.
- 2.2. Further information on the application was requested on 5/6/24 on the following matters:
 - Potential over concentration of betting offices in close proximity arising from the proposed development.

- Revised plans and elevations showing details of various elements of the proposal including satellite dishes, shop front finishes, lettering, illumination, colour and details of the final size of the proposed roof garden space and control over same.
- Details of hours of operation of the proposed betting office.

The response received by the planning authority on 9/8/24 included the following:

- letter of undertaking from the owners of 111 Main Street confirming that the premises would not be occupied by a betting office operator.
- Revised drawings (Dwg No's GA08, GA14 and GA15) to address the requirements set out in the further information request including details of shopfront, location of satellite dishes, lettering, illumination etc and the expanded size of the roof garden (59.7m²).
- Details of proposed opening hours.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission for the development subject to 5 no. conditions, which includes the following conditions of note:

Condition No 2: Permission for a period of two years only, unless a further permission is granted for a longer period.

Condition No 3: Hours of operation.

Condition No 4: Elevation, signage, external wall finishes and roof shall be as indicated on the plans unless otherwise agreed in writing with the planning authority prior to commencement of the development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report of 29/05/24 notes the location of the site on lands zoned for 'Town Centre Uses', where the provision of a bookmakers would be considered an acceptable use.

It is noted that the street is marred by the appearance of vacant retail units at ground floor level, including the subject site which was previously occupied by a shoe shop. The street adjoins Main Street where there is a predominance of betting offices, charity shops and discount outlets. There is concern that this part of the town may become dominated by lower order retail uses.

The applicants have stated in the application that the existing Boyle Sports bookmakers at 111 Main Street Bray will be relocated to the proposed location subject to a grant of permission. A similar statement was made in an application (19/850) regarding a proposal by Boyle Sports on Main Street, Blessington and it appears that the applicant did move from the original premises after a grant of permission.

As there is permitted bookmakers bearing the same name as that indicated in the application already located within the designated town centre, it could be argued that there a form of retail trade off between the two units and that facilitating the expansion of the 'new' bookmakers would not result in the loss of a significant quantum of retail floorspace within the town centre.

The addition of a new bookmakers shop along this section of Quinsborough Road/Main Street should not be achieved at the expense of a good sized retail unit, which this application could potentially result in, if not appropriately controlled. This could be done through a temporary permission and within this timeframe the existing bookmakers could revert to a retail/commercial use.

3.2.2. Other Technical Reports

CFO: No objection subject to conditions relating to fire safety and disability access certificates for the entire building.

Roads: No observations

3.3. Prescribed Bodies

None

3.4. Third Party Observations

Observations were submitted by Elain Boylan that raised similar issues to those raised in the appeal.

4.0 Planning History

04630234: Permission granted for the installation of new non-illuminated shop fascia sign and projecting sign, installation of new timber moulding and redecoration of shop front on the appeal site.

5.0 Policy Context

5.1. Development Plan

The operational development plan is the **Bray Municipal District Local Area Plan 2018-2024**. The site is located in an area zoned 'TC-Town Centre' with the following objective:

'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'.

Objective RT4: To promote an appropriate mix and balance of different types and styles of retail within centres and to control the number of bookmakers, off-licences (including off licenses in convenience stores), take-aways, 'cash for gold' and 'Pound' type shops, and other uses that can adversely affect the character of a centre. The mix and balance of different type of retail (including retail services) is important to attract people to centres, and to ensure centres remain the main meeting point for the community. Too many of certain types of outlets can destroy the balance of a centre.

Development and Design Standards are contained in Appendix 1 of the Wicklow County Development Plan 2022-2028. Section 6.2 is relevant to the proposed development.

5.2. Natural Heritage Designations

5.2.1. The site is not located within any European site. Designated sites within c 5km include the following:

- Glen of the Downs SAC (site code: 000719),
- Wicklow Mountains SAC (site code: 002122),
- Wicklow Mountains SPA (site code: 004040),
- Ballyman Glen SAC (site code: 000713)
- Bray Head SAC (site code: 000714)

5.3. EIA Screening

5.4. The development is not of a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of this report.

6.0 The Appeal

6.1. Grounds of Appeal

- The area is already over-subscribed with similar establishments.
- The concerns raised in the submission to the planning authority have not been addressed.
- It is proposed that the existing Boylesports bookmakers at 111 Main Street would be relocated following a grant of permission for the development. The

assurances given by the applicant regarding the future use of 111 Main Street have no standing in planning terms nor in planning legislation.

- Under Part 4 of the Planning and Development Regulations, the change of use within defined use classifications is considered exempted development unless it is subverted by a condition appended to a planning permission negating this exemption provision.
- A betting office falls within Class 2 as does the provision of financial services, such as banking, building society, credit union, the provision of professional services other than medical services and any other services where the services are provided principally to visiting members of the public.
- Being within the same use classification and notwithstanding the submission lodged by the applicant by way of further information, the position remains for the existing premises at 111 Main Street Bray to be occupied by another Class 2 type use, including the continued use as a betting office without the obligation to obtain planning permission.
- No condition appended to the grant of permission insures against the applicant or the owner of the premises at 111 Main Street availing of this exempted development provision which would result in further diminution of the local retail offering and potential increase in intensity of low value Class 2 type use offerings.
- There is already a long-established Ladbrokes betting office located at 6 Quinsborough Road. The loss of a retail unit and its replacement with a low value betting office at this location would result in an overconcentration of such low value contributor to the vibrancy and vitality of this pressurised retail throughfare within Bray Town Centre.
- To reinforce this point, a schedule of existing licensed betting offices and similar low value Class 2 developments operating in the general vicinity is provided.
- It is the policy of the planning authority to prevent an excessive concentration of take aways, fast food outlets, amusement centres, night clubs/licensed premises and convenience stores incorporating off-licences etc particularly

within smaller centres and to ensure that the quantum of these uses is not disproportionate to the overall size and character of the area.

- The proposal to relocate the existing Boyle Sports betting office from 111 Main Street, at the loss of a retail unit to No 4 Quinsborough Road, when the future use of the existing premises has not been secured against its continued use as a betting office or similar low value Class 2 type uses by way of a condition appended to a grant of planning permission, will result in the disproportionate concentration of similar low value uses which only serve to devalue the commercial/retail viability of this important Town Centre thoroughfare and the character of the area.
- Request that An Bord Pleanála overturns the decision of the planning authority and refuses permission for the development.

6.2. Applicant Response

- The concerns raised by the appellant are accepted. However, this concern will not be realised as the market catchment for the town will not support the viability of 2 no. betting offices being operated by Boyle Sports in this area.
- The further information response clarifies the position that the existing premises at No. 111 Main Street will not be utilised as a betting office going forward and the application is for a relocation of their existing premises. Therefore, there will be no additional or undue concentration of betting offices in the town.
- The planner's report considered this matter and states that a section 47 agreement or restricted permission shall be conditioned to avoid the concentration of such uses in the area. Going forward a Section 47 agreement is acceptable to the applicant, and this will ensure no net increase in betting offices in the town by Boyle Sports.
- The proposal will provide betterment for the town as it will bring the vacant property at No 4 Quinsborough Road into active use. It will provide better space and operational requirements compared to 111 Main Street. Given Boyle Sports capital investment in the property the business model is not

suited to competing with a separate Boyle Sports premises within walking distance.

- The existing Boyle Sports premises at 111 Main Street is to be occupied by Softworks who will either re-let it as a retail unit or reintegrated it into their existing offices as per the letter attached. It will not be used as a betting office.
- The proposal is consistent with the Town Centre First Policy which aims to create town centres that function as viable, vibrant and attractive locations for people to live, work and visit, while functioning as the service, social, cultural and recreational hub for the community.
- Refers to Condition No 2 of the planning authority's decision which allows for use as a bookmakers for two years only. Notes the guidance provided on the attachment of planning conditions by planning authorities in the 'Development Management Guidelines for Planning Authorities' and in particular that such conditions are necessary and reasonable. Given the capital investment required for this proposal, such a condition is not necessary or reasonable given that the zoning objectives for the site and that the proposal is for a relocation of an existing Boyles Sports from No 111 Main Street to No 4 Quinsborough Road.
- Requests that the Board does not attach such a condition to ensure that the conditions are what the Guidelines require under section 7.3.

6.3. Planning Authority Response

No response to the grounds of appeal were submitted by the planning authority.

6.4. Third Party Response

The Third Party reiterates her concerns regarding the overconcentration of betting offices in the area and the impacts on the town centre.

7.0 Assessment

- 7.1.1. Having examined all the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local policies and guidance, I consider the substantive issue to be considered in this appeal relates to the principle of the proposed development having regard to the provisions of the development plan and the proper planning and sustainable development of the town centre area.
- 7.1.2. There are two components to the proposed development. This includes the proposed change of use of the ground floor to a betting office and the alterations required to facilitate this, including the provision of a new shopfront, signage and satellite dishes. The second element is concerned with the rear of the building involving the part demolition and removal of the rear return, internal alterations, the provision of a rear access stairs and bin storage area.
- 7.1.3. There is an existing betting office operated by Boyle Sports at No 111 Main Street a short distance from the site at the junction of Main Street and Herbert Road. The proposal is to relocate the business to the refurbished unit on the appeal site and to cease the use at the existing unit. While I accept that the development is acceptable in principle in this area zoned for 'Town Centre' uses, I share the concerns expressed by the appellant regarding the concentration of such facilities and the impacts on the town centre.
- 7.1.4. Quinsborough Road is an important shopping street adjoining Main Street. The influx of lower order retail establishments is evident on the street which includes a number of charity shops, phone repair and discount stores. A similar pattern of development has emerged on Main Street. The town centre of Bray is well served by betting offices as documented in the appeal and includes Ladbrokes betting office close to the site on Quinsborough Road in addition to three premises on Main Street.
- 7.1.5. I accept the concerns raised by the appellant regarding the future use of the existing betting office at No 111 Main Street. The applicant is not the owner of the unit and cannot therefore control its future use. Due to the exemptions under Class 2 Schedule 2 Part 4 of the Planning and Development Regulations, 2002 (as amended) the planning authority has no power to prevent its future use as a betting

office, unless the use is extinguished at some stage in the future. Furthermore, the letter submitted from the owner of the building stating that the unit will not be used in the future as a betting office has no legal standing.

- 7.1.6. The development plan seeks to vigorously protect and promote the vitality and viability of the town centre (Objective TC1). It seeks to promote development which will reinforce the role and function of the 'core retail area' as the primary shopping area of the town centre (Objective RT3). While it promotes an appropriate mix and balance of different types and styles of retail within centres, it also seeks to control the number of bookmakers and other uses that have the potential to destroy the balance of the town centre (RT4).
- 7.1.7. Due to the lack of control that the applicant and the planning authority can effectively exercise over the future use of 111 Main Street as a betting office in the future, the proposed development could result in an additional betting facility within the town centre. The attachment of Condition No.2, while it allows the planning authority to reassess the situation in two years, does not in the interim prevent the unit being operated by a different bookmaker.
- 7.1.8. Having regard to the number of existing betting offices within the town centre and the lack of certainty regarding the future use of the premises currently operated by the applicant, I would conclude that the proposed development would result in an overconcentration of bookmakers in the town centre which would be contrary to Objective RT4 of the development plan. I would therefore recommend that permission be refused for this part of the development.
- 7.1.9. The second component of the development essentially involves internal alterations at first/second floor level and works to the rear of the building involving the removal of the first floor rear return, the provision of a new rear access staircase and bin storage area. The removal of the return will open up the rear section of the building allowing more daylight and sunlight to penetrate the rear windows of the accommodation. The increased area of open space will improve the level of amenity afforded to future occupants. It would appear that a section of the rear wall will be retained which would ensure that the privacy of the garden is maintained. The dedicated bin storage area within the site will improve the overall functioning of the dwelling and have positive effects on the laneway.

The proposal is entirely consistent with the zoning objectives for the town centre regarding the provision of 'living over the shop accommodation' which will enhance the vitality of the town centre. I would, therefore, conclude that permission should be granted for this part of the development.

7.2. Appropriate Assessment

Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposal for the change of use of the ground floor retail unit to a bookmakers, internal alterations, erection of satellite dishes, new shopfront, new signage partial removal of existing rear return, alterations to the rear elevation, provision of new rear access stairs, bin storage area and associated site works in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located within the town center of Bray. Co Wicklow.

The proposed development comprises change of use and alterations to an existing building.

No nature conservation matters were raised in the planning appeal

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- The small scale and nature of the works proposed.
- The location of the site within the built-up area of Bray connected to public infrastructure.

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

8.0 Recommendation

- 8.1. On the basis of the above assessment I recommend that the Board issue a split decision as follows:

- i. refuse permission for the change of use of the existing ground floor retail unit, internal alterations, provision of new shopfront, erection of satellite dishes and new signage,
- ii. grant permission for alterations to the rear elevation, internal alterations the provision of a new rear access stairs and bin storage area and all associated site works.

9.0 Reasons and Considerations (1)

Objective RT4 of the Bray Municipal District Local Area Plan 2018-2024, seeks to control the number of bookmakers and other such uses within the town centre in order to achieve a mix and balance of uses to maintain the vitality and vibrancy of the area. Having regard to the number of existing bookmakers within the town centre, it is considered that the proposed development would result in an overconcentration of such facilities in the area, which would be contrary to the provisions of the development plan and the proper planning and sustainable development of the area.

10.0 Reasons and Considerations (2)

- 10.1. Having regard to the 'Town Centre' zoning objectives for the site to provide for 'Living over the Shop' residential accommodation and the established use of the upper floors of the building for residential purposes, it is considered that subject to compliance with the conditions set out below, the alterations to the rear elevations including the partial demolition and removal of existing rear return, alterations to the rear elevation, the provisions of a new rear access stairs and bin storage area and all associated site development works, would not detract from the amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the further plans and

particulars received by the planning authority on the 9th day of August 2024, 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity.

2. Details of the external finishes of the development to include details of materials, texture and colour shall be submitted to and agreed in writing with the planning authority prior to commencement of the development.

Reason: In the interests of visual amenity.

3. All drainage arrangements including the attenuation and disposal of surface water shall be in accordance with details to be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interests of proper and efficient drainage.

4. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: To safeguard the amenities of properties in the vicinity.

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.

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Breda Gannon
Planning Inspector

16th, April 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP 320905-24		
Proposed Development Summary	Change of use of the existing ground floor retail area to a Boylesports bookmakers (the existing Boyles Sports bookmakers at 11Main Street will be relocated to this proposed location subject to a full grant of permission), internal alterations, erection of satellite dishes, new signage, partial demolition and removal of existing rear return, the provision of a new shop front, alterations to the rear elevation, the provision of a new rear access stair and bin storage area and all associated site development works.		
Development Address			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	✓	
	No		
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes		State the Class here.	Proceed to Q3.
No	✓		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	✓		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			

Yes	N/A	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)
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5. Has Schedule 7A information been submitted?		
No	No	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ **Date:** _____