



An
Bord
Pleanála

Inspector's Report ABP-321585-25

Development	Change of use from commercial to residential, installation of staircase, balcony, new windows and doors.
Location	Ryland Road, Bunclody, Co. Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20241248
Applicant(s)	Eddie Morrissey
Type of Application	Planning Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Eddie Morrissey
Date of Site Inspection	20 th March 2025
Inspector	Sarah O'Mahony

1.0 Site Location and Description

- 1.1. The 0.092ha site comprises part of the first floor of a two-storey commercial structure. The existing building is situated at the southeast of Bunclody with vehicular access to the N80 at the east.
- 1.2. The detached building accommodates 3no. occupied commercial and retail units on the ground floor and 2no. vacant commercial units on the first floor. Permission is sought to convert the western portion of the first floor which was permitted for office use and which is stated to be vacant since construction commenced.
- 1.3. The southern elevation of the building contains shopfronts for the 3no. units and faces into the car park of an adjacent grocery store. The adjoining property to the north is an industrial grain merchants premises.
- 1.4. The N80 forms the eastern boundary to the site while the River Slaney is situated 75m to the east of the road. The river and immediate banks form part of the Slaney River Valley Special Area of Conservation however there is a linear narrow field situated between the river and the road which, together with the river, forms part of the Slaney River Valley proposed Natural Heritage Area.

2.0 Proposed Development

- 2.1. Planning permission is sought for development which comprises the following:
 - change of use from commercial use (permission granted in 2011 pl. reg. no. 20110277) to residential use
 - installation of a staircase and balcony to the rear elevation on the first floor, and new windows and door to the rear elevation on the first floor.
- 2.2. The development description as advertised on the statutory notices goes on to state the following:

‘This application may also be considered by the County Council under the Planning and Development (Amendment) (No 2) Regulations 2018 (S.I. No. 30 of 2018) - providing an exemption for a period of time, for the change of use, and related works, of vacant commercial premises for residential purposes.’

3.0 Planning Authority Decision

3.1. Decision

3.2. A notification of decision to REFUSE planning permission was issued by Wexford County Council (the Planning Authority) on 29th November 2024 for 1no. reason as follows:

1. *The proposed development of a residential unit on land that is zoned 'commercial' in the Bunclody Settlement Plan as part of the Wexford County Development Plan 2022-2028 is contrary to the zoning matrix table as contained therein, where residential use is specified as not permitted in such zoned areas. The proposed development is therefore considered contrary to the proper planning and sustainable development of the area.*

3.3. Planning Authority Reports

3.3.1. Planning Reports

- The Planners report recommendation to refuse permission is consistent with the notification of decision which issued.
- The report noted that policy support for this type of development and that there is also an exemption also available, however it concluded that permission should be refused as the zoning objective excludes residential uses on the commercially zoned lands. It also considered the sites location and context within a restricted access car park, in third party ownership, as well as proximity to a grain depot and the nature of the original building's construction as a commercial unit would '*not be ideal in terms of quality accommodation to such a degree as to warrant a deviation from the CDP Zoning Matrix.*'
- Appropriate Assessment (AA) and Environmental Impact Assessment (EIA) issues are both screened out.

3.3.2. Other Technical Reports

- Roads Department: Further information sought regarding car parking proposals and wayleaves.

- Disability Access Officer: Note received stating that a Disability Access Certificate may be required for the proposed works.

3.4. Prescribed Bodies

- Transport Infrastructure Ireland: Report received requesting the Planning Authority to have regard to relevant policy relating to proposals impacting national roads.

3.5. Third Party Observations

- None received.

4.0 Planning History

The following planning history is noted on the subject site:

- EXD01055: Section 5 exempted development declaration sought to change the use of existing first floor from commercial to residential use. The development was considered not exempt as works had been carried out prior to the commencement of Article 10(6) of the Planning and Development Regulations 2001 (As amended).
- 20221292: Retention permission refused for (1) subdivision of units 2 & 3 granted under planning no. 20110277 to create units 2, 3 & 4 on the ground floor and retention for change of use from commercial use to residential use, including the installation of a balcony to the front elevation on the first floor and alterations to the elevations and relocation of staircase. (2) Permission for the change of use from commercial use to residential use and for the installation of a balcony to the rear elevation on the first floor, and (3) the installation of a photovoltaic panel on the roof of the same building. Permission was refused for the following reasons:

1. *The proposed development of residential units on land that is zoned 'commercial' under the County Development Plan 2022 - 2028 is contrary to the zoning matrix table where residential is specified as not normally permitted. The proposed development is therefore considered contrary to the proper planning and sustainable development of the area.*

2. *The application site is partly located within a flood zone. The applicant has not provided a site-specific flood risk assessment for the proposed development, which is a requirement for all developments incorporating (or partly incorporating) a zone of medium to high risk flooding. In the absence of such an assessment the proposed development of residential units in this location is likely to be prejudicial to public health and safety, and would be contrary to section 9.11 and Objective FRM07 and FRM08 of the Wexford County Development Plan 2022- 2028 and would, therefore, be contrary to the proper planning and the sustainable development of the area.*
 3. *The application has failed to demonstrate the agreement from Irish Water for connection of the two number residential units to the public sewer and water. In the absence of this information the Planning Authority is unable to make a full and detailed assessment of the subject application and therefore the proposed development is considered contrary to the proper planning and sustainable development of the area.*
 4. *The application has failed to demonstrate adequate access and car parking arrangements on site and is considered deficient in design and layout which fails to demonstrate adequate provision of secure covered bicycle parking and secure screened bin storage for the proposed apartments and therefore the proposed development is considered contrary to traffic safety, residential amenity and the proper planning and sustainable development of the area.*
- 20110277: Planning permission granted for extension and alteration to an existing two-storey commercial retail unit with 1st floor offices (ref. No. 20062537) as part of the above development, planning permission is sought for the subdivision of the existing commercial unit into 3 no. Separate units; with a new 26.2m² extension area to the front ground floor level, including balcony area to existing 1st floor office above; and the provision of additional first floor areas to the middle and end units, with a 30m² two-storey extension to the end unit; external signage; enclosed delivery yard with refuse storage; connection to existing public water mains; use of existing car park, and all associated site works.

- 20110066: Planning permission refused for extension and alteration to an existing two storey commercial retail unit with 1st floor offices (ref. No. 2006/2537). As part of the above development, planning permission is sought for the subdivision of the existing commercial unit into 3 no. Separate units; to include a change of use from original ground floor retail unit to a restaurant with new covered seating area to front, including balcony area to existing 1st floor offices above; and sub division of existing commercial unit into 2 and additional first floor area in both, with a 30m² two-storey extension to one unit; external signage; enclosed delivery yard with refuse storage; connection to existing public water mains; use of existing car park, and all associated site works. Permission was refused for the following reason:

1. *The subject site is located within an area with a land use zoning of 'Enterprise and Industry' under the Land Use Zoning Matrix in the Bunclody Local Area Plan 2009-2015, a restaurant use is 'generally not permitted' within areas with this land use zoning. The proposed restaurant use would materially contravene this part of the Local Area Plan and, therefore, would be contrary to the proper planning and the sustainable development of the area.*

- 20062537: Planning permission granted to erect an industrial/commercial unit.
- Enforcement case 0225-2022. The Planners Report notes an enforcement notice was issued in May 2024 to:
 - Cease the unauthorised change of use of the first-floor office space to living accommodation.
 - Reinstate the ground floor commercial units to their original layouts as granted in Planning Register Number 20110277.
 - Reinstate the northeast balcony area to its original profile as granted in Planning Register Number 20110277.
 - Reinstate the windows on the southeast elevation of the building to their original profile as granted in Planning Register Number 20110277.

5.0 Policy Context

5.1. Development Plan

5.1.1. The site is governed by the policies and provisions contained in the Wexford County Development Plan 2022-2028 (referred to hereafter as the CDP).

5.1.2. Section 5.10.1 states:

The Council will encourage the reuse of vacant buildings and the use of the upper stories in towns and villages for either the same use or alternative uses including more intensive uses subject to the development meeting performance standards and protecting amenities of adjoining occupants.

With regard to both the reuse of vacant buildings and the use of upper floors in central areas, the Council will be flexible in the application of development management standards and will consider the introduction of schemes to incentivise such reuse.

5.1.3. Objective TV36 seeks to:

pursue a variety of methods to increase the number of people living and working in our towns and villages in terms of investment decisions, local authority own projects and in the assessment of planning applications. Such activities and methods will include, but are not limited to:

- The creation of street networks, streets, buildings and blocks and places which is both an appropriate form of development in terms of permeability and also an effective means of achieving compact growth.*
- Utilising opportunities to develop infill, backland and brownfield development.*
- Active land management including site assembly and the use of CPOs.*
- Appropriate zoning of new land and matters such as density and building heights in local area plans.*
- Applying a more flexible approach to development management standards such as separation distances, open space provision and parking subject to performance criteria and design quality being achieved.*
- Reusing or redeveloping existing sites including building more intensively.*

- *Developing institutional lands.*

- 5.1.4. Objective TV45 seeks to support and facilitate the reuse of older/vacant buildings in our towns and villages for residential use in accordance with Bringing Back Homes – Manual for Reuse of Existing Buildings (Department of Housing, Planning and Local Government, 2018).
- 5.1.5. Objective TV46 seeks to promote and encourage residential uses on upper floors of appropriate buildings located in town and village centres and to require that independent street access to the upper floors of shops / commercial units is retained to ensure use of the upper floors of buildings for residential accommodation or commercial development.
- 5.1.6. The Bunclody Town Settlement Plan is set out in Section 1 of Volume 3 of the Plan. Map no. 1 outlines the land use zoning for the town and it identifies the subject site as zoned for commercial uses, the objective of which is to *‘provide for a mix of commercial uses’*. It goes on to state that these lands are situated along the N80 and provides for a range of *‘commercial and other uses’*. This is expanded to say *‘It will allow for a mix of business and employment related uses including offices, light industry and warehousing.’*
- 5.1.7. The zoning matrix set out in Section 1.5.2 of the settlement plan states that residential uses are not permitted on commercial lands. It goes on to state that exceptions to uses not normally permissible in the zoning matrix will be considered where:
- *the Planning Authority is satisfied that the use or extension would not conflict with the land use zoning*
 - *the use or extension would not negatively impact on the amenity of the area*
 - *the use or extension would not give rise to additional planning considerations above those for the existing/previous use.*
- 5.1.8. Objective B15 seeks to prioritise the development of vacant, infill and under-utilised brownfield sites in the settlement plan area to achieve compact growth and sustainable development.

- 5.1.9. Objective B19 seeks to encourage and facilitate the reuse of existing vacant properties for appropriate uses subject to normal planning and environmental criteria and the proper planning and sustainable development of the area.
- 5.1.10. Objective B24 seeks to encourage the use of upper floors in retail premises for commercial use or for living above the shop accommodation.

5.2. Section 28 Guidelines for Planning Authorities: Design Standards for New Apartments, 2023

- 5.2.1. The guidelines provide quantitative and qualitative standards for apartment development across a range of thresholds depending on the number of units proposed and the site's context. It also sets out Specific Planning Policy Requirements (SPPRs) to be adhered to across a range of parameters including unit mix, car parking and minimum floor areas.

5.3. Natural Heritage Designations

The Slaney River Valley Special Area of Conservation is situated 70m northeast of the site. The Slaney River proposed Natural Heritage Area is situated 12m northeast of the site.

5.4. EIA Screening

- 5.4.1. See EIA Pre-Screening Form 1 in Appendix 1. The development is not a class of development requiring mandatory or sub-threshold EIA and therefore there is no EIA Screening requirement.

6.0 The Appeal

6.1. Grounds of Appeal

One first party appeal is received which raises the following matters:

- The site is situated within an informal neighbourhood centre close to the town centre. The appeal suggests that the reuse of upper floors and mixed-use development is supported in national policy and in locations such as this site.

- The 'not permitted' language of the zoning matrix is overly restrictive and unnecessarily inflexible. The settlement strategy makes no provision for mixed use development and there is little reference in the plan to mixed use. The appeal suggests that best practice with wording zoning matrixes is to use the language 'not normally permitted' in order to afford flexibility.
- The appeal suggests that policy set out in the County Development Plan such as Objective B24 which seeks to encourage living above the shop, Section 1.4.6 which refers to the reuse of vacant properties and Objective SHO8 regarding compact growth all conflict with the segregated land use policy. The settlement strategy for Bunclody is overly restrictive and contrary to the recommendations and provisions of the Compact Settlement Guidelines as it promotes segregated land uses and unsustainable travel patterns.
- The Planning Authority's assessment does not provide a reasoned or informed decision and is not based on any policies.
- It is submitted that altering the character of the building should be given the least consideration in an assessment and more emphasis placed on policy support for the proposal. It suggests that *'on the whole and in the context and spirit of government guidance and nation (sic) policy, the proposed development does not contravene the CDP and should be granted accordingly.'*
- The nature of the building, its construction and original intended use is irrelevant and the appeal highlights how the Case Planner considered the layout to comply with residential standards.
- The location of the site adjacent to the Aldi car park is not relevant as on street parking is provided to the front of the site within the Applicants ownership.
- It also submits that undue weight was placed on the previous refusals, and that the previous refusal reasons have been addressed.
- The reason for refusal is based solely on the zoning matrix of the settlement strategy which contains no justification as to why it conflicts with compact growth and living above the shop type policies. The appeal submits that such policies, together with the concept of proper planning and sustainable development, should take precedent over the zoning matrix and permission should be granted accordingly.

- The exemption for such development as provided under Article 10(6) of the Planning and Development Regulations 2001 (as amended) establishes '*the principle of general acceptance*' for the subject proposal.
- The appeal states '*The Environmental Health Officer recommended that the development be granted subject to conditions*'. There is, however, no report from the EHO within the file nor is there any reference to it in the Case Planners report.
- It also states '*The applicants are building a dwelling on family owned lands adjacent to parents. They currently live in the family home and as such the proposed development will not increase traffic turning movements to and from the associated lane. The proposed bungalow can be easily conditioned to include for the minor design alterations highlighted by the council.*' In my opinion, this paragraph, together with the previous point regarding the EHO report, are typographical errors with no relevance to the subject appeal.

6.2. Planning Authority Response

- No response received.

7.0 Assessment

7.1. Scope of the assessment

- 7.1.1. The Applicant sought planning permission to change the use of part of an existing structure as well as some internal and external works to accommodate that change from commercial to residential use. The statutory development description as advertised by the Applicant on the public notices goes on to state that the proposed development is exempt under Article 10(6) of the Planning and Development Regulations 2001 (as amended).
- 7.1.2. In my opinion references to exempted development are outside of the scope of the assessment which relates to a planning application only and not an exempt development declaration. The assessment will therefore be restricted to the following elements of the development description:

- change of use from commercial use (permission granted in 2011 pl. reg. no. 20110277) to residential use
- installation of a staircase and balcony to the rear elevation on the first floor, and new windows and door to the rear elevation on the first floor.

7.2. Appeal topics

7.2.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal therefore are as follows:

- Restrictive zoning matrix
- Language of 'not permitted'
- Conflicting policy and concept of 'proper planning and sustainable development'
- Planning Authority's Decision
- Principle of Development
- Other Matters

7.3. Restrictive zoning matrix

7.3.1. As outlined above in Section 5 of this report as well as by the Applicant in the appeal document, there is much policy support for the principle of the proposed development set out in the County Development Plan (CDP) and in this regard, I consider the high level principle of the development to be acceptable. This is however subject to further analysis of planning policy as well as characteristics and the context of the site.

7.3.2. The Bunclody Settlement Plan zones the land for commercial purposes. The settlement plan is not a standalone document like a Local Area Plan but forms part of the CDP. The commercial zoning objective highlights how this parcel of land is the only commercially zoned land in the Bunclody settlement plan area by describing its context fronting onto the N80 and is therefore in my opinion, a site-specific objective and not one which applies to all commercial lands identified in the CDP.

- 7.3.3. I note other settlement plans within the same CDP set out different objectives for commercially zoned lands and also provide additional zonings for neighbourhood centre and village centre lands. Further, I note that the Bunclody plan provides for mixed use development in town centre zoned lands.
- 7.3.4. Section 1.3.5 of the Plan states '*There is also a concentration of other commercial/industrial uses off Ryland Road and out the N80*' while section 1.4.10 states '*Future economic and employment uses in the settlement plan area will be focused on the town centre and the commercial and industrial zoned lands along the N80.*'
- 7.3.5. In this context, I do not agree with the Applicant's argument that the zoning objective or zoning matrix in the Bunclody plan are inappropriately restrictive. In my opinion it is clear that compact settlement policies and principles have been considered in the CDP and, in that the case of this particular parcel of commercial lands, the Local Authority decided to omit residential uses to focus on employment uses in this area of the town. The site-specific wording of the objective together with the provision of mixed uses at other locations within Bunclody is sufficient in my opinion to clearly identify this rationale. I do not agree that the Bunclody settlement plan restricts mixed use development.

7.4. Language of 'not permitted'

- 7.4.1. The Applicant submits that the language set out in the land use zoning section of the Bunclody settlement plan is overly restrictive and inflexible. Section 1.5.2 of the plan is titled 'Change of Use and Extensions of Existing Buildings' where the following is stated:

'Change of use and extensions to existing buildings will generally be required to be consistent with the zoning matrix. Exceptions to uses not normally permissible in the zoning matrix will be considered where:

- a. the Planning Authority is satisfied that the use or extension would not conflict with the land use zoning*
- b. the use or extension would not negatively impact on the amenity of the area*

- c. *the use or extension would not give rise to additional planning considerations above those for the existing/previous use.'*

7.4.2. I consider that the above text provides flexibility and exemptions to the zoning matrix and therefore do not agree that the language is restrictive. I will assess the merits of this exemption in the context of the proposed development later in the report.

7.5. **Conflicting policy and concept of 'Proper Planning and Sustainable Development'**

7.5.1. The appeal suggests that policies and objectives supporting the principle of the development, mixed use developments and compact settlements etc, as found in local and national policy, should take precedent over the zoning matrix and that permission should be granted accordingly. The Applicant submits that the proper planning and sustainable development of Bunclody would be better supported by this rationale. The appeal is silent on the characteristics and context of the site beyond suggesting that it is a neighbourhood centre. It does not engage with the industrial use on adjacent lands or the lack of amenity space for residents.

7.5.2. The strategic aim of the Bunclody settlement plan is stated to '*create and sustain a vibrant settlement with a strong sense of place, an attractive public realm, a mix of uses and a high quality residential environment while maximising to the fullest potential the role of Bunclody as a strategic service and employment centre and develop its tourism and leisure potential related to its cultural heritage.*' The plan has, in my opinion, demonstrated a desire to adhere to the compact settlement principles set out in the CDP. It has also demonstrated an understanding of mixed-use developments and compact settlement principles through the adoption of the many policies supporting this type of development.

7.5.3. As the settlement plan was adopted at the same time as the CDP, I consider it reasonable to assume that the plan was written in full cognisance of the policies contained therein however the Board should note that this is my opinion and I am not aware of references in the CDP to unequivocally state the same. The site-specific commercial zoning for the site and adjacent lands, in my opinion, takes account of both the CDP policies as well as the characteristics and context of the site and therefore should not be readily disregarded.

7.5.4. I consider that neither the zoning nor the policies take precedence over the other, but that a balanced approach should be taken of both considerations and it is this balanced approach which results in the concept of proper planning and sustainable development.

7.6. Planning Authority's Decision

7.6.1. The appeal submits that the Local Authority assessment erred and was irrational for a number of reasons including the matters already assessed above. The residual matters include the following:

- Undue weight placed on previous refusals on the site
- The nature of the existing structure, its construction and original intended use, and
- Its location within a restricted access car park.

7.6.2. Each planning application is assessed on its own merits however I consider it prudent to have regard to previous refusals on the site as it is often the case that the same issues need addressing. The case planner in this case made reference to the previous refusal and decided to omit three of the previous reasons for refusal which in my opinion demonstrates that undue weight was not placed on the planning history but a balanced assessment was made on the merits of the proposed development.

7.6.3. I consider it relevant to have regard to the full planning history and original intention for the site, i.e. that it was permitted for commercial purposes. The development description makes reference to this permitted use and therefore it is necessary to discuss this permitted use and the impact which removing it would have.

7.6.4. I consider the construction and character of any building is a relevant element in change of use applications to have regard to, but particularly when the proposed use is for residential purposes and additional amenity considerations are required.

7.6.5. The Case Planners report notes how the Transport Department recommended further information to demonstrate the location of car parking on a revised site layout drawing specifically to serve the residential unit. The Applicant notes in the appeal that there is on-street car parking provided which is within the ownership of the

Applicant and outside of the restricted access car park and I therefore consider this matter to be addressed.

- 7.6.6. In conclusion, I do not agree with the Applicant's case that the Local Authority had regard to irrelevant considerations when carrying out the assessment.

7.7. Principle of Development

- 7.7.1. Following on from the high level matters outlined above demonstrating that regard should be had to the zoning objective on the site, which is not overly restrictive in my opinion and which is site specific, it is now necessary to determine if the principle of development is established.
- 7.7.2. The site is zoned for commercial purposes and the zoning matrix excludes residential uses. Exceptions may be considered in three limited circumstances as set out previously.
- 7.7.3. The first exception permits a derogation from the zoning matrix if the use would not conflict with the zoning, while the third permits the derogation once it would not give rise to any additional planning considerations.
- 7.7.4. The site is situated adjacent to an industrial premises operating as a grain merchants and therefore has noise and dust emissions as well as high numbers of HGV movements during peak harvest season. In my opinion, a residential use would not necessarily conflict with a commercial zoning however it would conflict with the adjacent industrial zoning giving rise to additional planning considerations such as a potential requirement to limit noise and light at nighttime in order to uphold residential amenity. I note the strategic aim in the Bunclody plan includes maximising potential of Bunclody to become a strategic service and employment centre. In my opinion, changing the use from commercial to residential uses would conflict with existing zonings in the area and would lead to additional planning considerations. Therefore, I do not consider the proposed development to be a candidate to qualify for any exceptions.
- 7.7.5. The second exception permits a derogation from the zoning matrix if the use or extension would not impact on the amenity of the area and I consider a residential use is unlikely to cause any impacts on amenity, mainly as the area is of limited amenity value in the first place. The site is commercial with little landscaping of

value. There are also no buildings of high architectural merit in the area however I note there is some limited landscape related amenity value in the river and agricultural land opposite the site which appears to be private property. I do not consider the proposal would impact this.

7.7.6. The appeal states:

On the whole and in the context and spirit of government guidance and nation (sic) policy, the proposed development does not contravene the CDP and should be granted accordingly.

7.7.7. In my opinion, permitting the development would materially contravene the zoning objective for the site and, given the characteristics and context of the site, I consider that the justification to provide compact settlements and to reuse upper floors of vacant commercial buildings is not sufficient to instigate the material contravention process as the commercial zone is not suitable for residential uses due to its proximity to the adjacent industrial site and impacts to residential amenity arising thereon. I also consider that, notwithstanding the longstanding vacancy of the unit, removing commercial uses from an area designated for strategic employment within that settlement is inappropriate.

7.7.8. In conclusion, I consider that the proposed use of the site would contravene the zoning objective for the lands and I do not recommend that a material contravention is initiated under Section 37 (2)(a) of the Planning and Development Act 2000 (as amended) in this circumstance. The Applicant considers a material contravention is the correct approach due to alleged conflict between CDP policies and a restrictive land use zoning however as I have outlined earlier, I do not agree that there are conflicting policies or a restrictive zoning. Therefore, there are no grounds to materially contravene the plan in my opinion.

7.8. Other Matters

7.8.1. I have assessed the proposed development in the context of adherence to residential standards and consider that the 3-bed unit triple aspect unit meets the required internal standards set out in the Apartment Guidelines. A minimum of 90m² is required for a 3-bed unit and the current proposal is to provide 192m². 6.35m² storage would be provided internally, 5no. new windows installed on the northwest

elevation overlooking the industrial site and a 28.75m² balcony and new staircase on the southwest elevation, overlooking a small yard, the car park and the adjacent industrial premises. Access was not gained to the yard however it appears to be a storage or service/delivery yard associated with the main commercial building, possibly a bin storage yard.

7.8.2. The drawings received are not particularly clear in this regard however it appears that part if not all of that yard would be removed in order to accommodate the new balcony and staircase and the only access to the unit would be via this staircase. No information is provided about bicycle and bin storage for the proposed unit or how bin storage would be managed for the existing units when the yard is removed. Wayleave information is also not provided to demonstrate how vehicular access to this location at the rear of the building would be achieved outside of the Aldi opening hours, or how a private car parking space would be managed within the Applicants parking area at the roadside.

7.8.3. The scale of works proposed are acceptable and would not detract from the existing character of the area, however I have concerns regarding the quality of residential amenity for future occupants, particularly due to noise and dust from the industrial premises as well as noise from the existing commercial premises within the building as I noted a number of refrigeration units on the northwest elevation. I am also concerned regarding the poor-quality outward views from the unit which would overlook an industrial premises and commercial car park. Again, the detail of the drawings received is not sufficient to clearly demonstrate the relationship between existing and proposed development, however it appears that the proposed balcony would extend northwest as far as, or within 1m of the property boundary with the industrial premises, therefore giving rise to additional dust and light overspill issues. For context, there is a large warehouse situated immediately adjacent the property boundary and silos situated less than 50m from proposed bedroom windows and new terrace.

7.8.4. I note there are derogations available in the apartment guidelines regarding the provision of public open space for retrofit schemes such as this proposal, however given the lack of public open space in close proximity to the site as well as the poor-quality amenity value available at the proposed terrace, I consider residential amenity for future occupants would be poor.

- 7.8.5. In my opinion, the poor amenity levels afforded to new occupants is sufficient to underpin the recommendation not to materially contravene the plan and permit residential uses on the site.

8.0 AA Screening

- 8.1. Please refer to the screening report in Appendix 2 which concludes that that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the **Slaney River Valley SAC** or any other European site, in view of the Conservation Objectives of those site and Appropriate Assessment (and submission of a NIS) is not therefore required.

9.0 Recommendation

I recommend that planning permission is refused in accordance with the reason set out below:

1. The proposed development of a residential unit on land that is zoned 'commercial' in the Bunclody Settlement Plan as part of the Wexford County Development Plan 2022-2028 is contrary to the zoning matrix table as contained therein, where residential use is specified as not permitted in such zoned areas. The proposed development is therefore considered 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.

Sarah O'Mahony
Planning Inspector

26th March 2025

Appendix 1

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	321585-25		
Proposed Development Summary	Change of use of partial first floor from commercial to residential uses together with the installation of an external staircase and new balcony as well as revised fenestration.		
Development Address	Ryland Road, Bunclody, Co. Wexford		
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	The change of use is not a project however the proposed balcony, staircase and fenestration works are.
		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			Proceed to Q3.
No	X		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		N/A	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	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Appendix 2

Screening for Appropriate Assessment Test for likely significant effects

Step 1: Description of the project and local site characteristics	
Case File: ABP 321585-25	
Brief description of project	<ul style="list-style-type: none"> • change of use from commercial use (permission granted in 2011 pl. reg. no. 20110277) to residential use • installation of a staircase and balcony to the rear elevation on the first floor, and new windows and door to the rear elevation on the first floor. <p>First party appeal against a refusal related to zoning matters.</p>
Brief description of development site characteristics and potential impact mechanisms.	<p>The 0.092ha site comprises part of the first floor of a two-storey commercial structure situated at the southeast of Bunclody with vehicular access to the N80 at the east.</p> <p>The southern elevation of the building contains shopfronts for 3no. commercial units and faces into the car park of an adjacent grocery store. The adjoining property to the north is an industrial grain merchants premises.</p> <p>The N80 forms the eastern boundary to the site while the River Slaney is situated 75m to the east with a field situated in between. The river and immediate banks form part of the Slaney River Valley Special Area of Conservation with a 70m separation between the SAC boundary and the site.</p>
Screening report	No
Natura Impact Statement	No

Relevant submissions	No
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Step 2: Identification of relevant European sites using the Source-pathway-receptor model.

Three European sites are potentially situated within a zone of influence of the proposed development.

European Site (code)	Qualifying Interests Link to Conservation Objectives (NPWS, date)	Distance from proposed development	Ecological connections	Consider further screening Y/N
Slaney River Valley SAC (000781)	7no. water based and woodland habitats as well as 8no. salt and freshwater species. Slaney River Valley SAC National Parks & Wildlife Service NPWS 2011	70m	Indirect via Slaney River - surface water discharge	Y
Wexford Harbour and Slobs SPA (004076)	32 no. specific bird species and 1no. general 'wetland and waterbirds' objective. Wexford Harbour and Slobs SPA National Parks &	>20km	Indirect via Slaney River - surface water discharge	N

	Wildlife Service NPWS 2012			
Blackstairs Mountains SAC (000770)	2no. heath habitats Blackstairs Mountains SAC National Parks & Wildlife Service NPWS 2019	>8km	Indirect via Clody stream – surface water discharge	N

Step 3: Describe the likely effects of the project (if any, alone or in combination) on European Sites.

AA Screening Matrix

Site Name	Possibility of significant effects (alone) in view of the conservation objectives of the site	
	Impacts	Effects
Slaney River Valley SAC (000781) Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410]	No direct impacts and no risk of habitat loss, fragmentation or any other direct impact. No loss of grassland/ agricultural land. Indirect: Low risk of surface water runoff with increased sedimentation from construction could potentially enter the Slaney River. Intervening habitat provides buffer in	Conservation objectives related to maintaining and restoring the favourable conservation condition of habitats and species will not be undermined. Low risk of surface water borne pollutants reaching the wetland habitats of the SAC. No significant changes in ecological functions due to any

<p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twait Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p>	<p>the unlikely event of a failure of existing surface systems within the site and on the adjacent road network before entering the agricultural buffer zone.</p> <p>Operational: surface water will be discharged to the existing surface water system.</p>	<p>minor construction related emissions are predicted for the aquatic environment.</p>
	<p>Likelihood of significant effects from proposed development (alone): No</p>	

	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</p> <p>Other plans and projects were examined and no other effects of magnitude were identified that could add to other plans and project.</p>
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Step 4: Conclude if the proposed development could result in likely significant effects on a European site.

I conclude that the proposed development (alone or in combination with other plans and projects) would not result in likely significant effects on European sites. No further assessment is required for the project.

No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the **Slaney River Valley SAC** or any other European site, in view of the Conservation Objectives of those site and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- Scientific information provided in the Screening report
- The scale of the development on fully serviced lands
- Distance from and weak indirect connections to the European sites

- Possible impacts identified would not be significant in terms of site-specific conservation objectives for the Slaney River Valley SAC and would not undermine the maintenance of favourable conservation condition or delay or undermine the achievement of restoring favourable conservation status for those qualifying interest features of unfavourable conservation status.

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

Inspector: _____

Date: _____