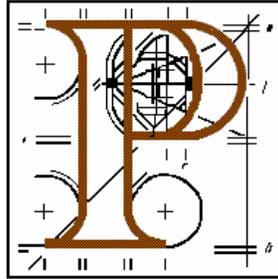


An Bord Pleanála



Inspector's Report

PL 86. 233844

Development:

Demolition of retail warehouse unit, construction of a four storey mixed use development comprising retail. 10 apartments and parking.
South Quay Wicklow, Co Wicklow

Planning Application

Planning Authority:	Wicklow County Council
Planning Authority	Reg. Ref. 08/3292
Applicant:	Charles Stanley .
Type of Application:	Permission
Objections to the Planning Application:	2No. objections
Planning Authority Decision:	To grant

Planning Appeal

Appellant(s):	Joseph and Noreen Vize
Type of Appeal:	3rd party
Date of Site Inspection:	14 th September 2009

Inspector

Patricia Devlin

Appendices

Photographs
Extracts:
Wicklow Town Development Plan 2007-2013
Wicklow Town Public Realm Plan 2008

1 SITE DESCRIPTION

The site, with a stated area of c.570sqm containing a retail warehouse unit, is a narrow property between the quayside and the cliff face formation at the harbour mouth. This topography has been terraced to accommodate buildings along the Mall, the main street of the town centre. Because of its position in relation to the topography, there is little or no southerly aspect to the site.

Buildings along South Quay show an area in transition with fishing boats using the seaward (eastern) end of the quay, older industrial buildings between the wharf operations and the bridge to the east, interspersed with dwellings. Two contemporary apartment blocks of apartments form part of this streetscape. A four storey block is located east of the site and a three storey block is sited west of the site. These developments pre-date the current development plan. Single storey vintage industrial buildings dominate the North Quay opposite the south quay. The character of the "quays" is framed by the sea to the north, a rugged undeveloped headland to the east, the Leitrim River Bridge to the west and to the south the rear elevations and gardens of terrace dwellings stepped down the incline from the Mall.

Retail and residential development front onto the Mall. At the corner of the Mall and Salt House Lane a redevelopment, with retail fronting the Mall and apartments to the rear, adjoins the southern boundary of the site.

Photographs and maps attached to this report describe the site and location.

2 PROPOSED DEVELOPMENT

Planning permission, as amended in response to further information (number of proposed units reduced from 12 to 10) is being sought to:

- Demolish a double height retail warehouse with a stated area of 460sqm and a height of c.8m;
- Construct a 4No storey building (c. 15m in height) with a decorative dome in the north east corner accommodating:
 - Ground level:
 - 2no retail units – Retail Unit 1 (east) @ 83.4sqm and Retail Unit 1 (west) @ 86.1sqm, provided with staff toilets and bin store to each unit;
 - 2No street accesses on either side of a central car park to the residential units above and communal waste storage;
 - 10no. car parking spaces and 10No. cycle parks;
 - An access from the public road to a gated car park in association with residential development on site;
 - A footpath (increased by condition from c.1.5m to 1.8m) along the front and to the eastern corner of the building
- 1st Floor level: 4No. X 2 bed apartments
 - Units Nos. 1,2 and 6
Winter garden to northern aspect (c.6.7sqm) with balcony to rear 22sqm, 24.2sqm and 22.2sqm respectively.
 - Unit 7
Balconies to north (2.5sqm) on western elevation and (1.5sqm) on eastern elevation with rear balcony (17.2sqm)
- 2nd/3rd Floor levels: 6No Duplex units –
 - Unit Nos. 4 and 9
2bed unit- wintergarden (7sqm) single aspect north facing

- Unit Nos.3,5,8
3 bed unit- winter garden (6.7sqm) northern elevation and rear balconies (c.7.7sqm)
- No.10
3 bed unit- balconies as for Unit 7 to the front elevation at both levels of the duplex and a rear balcony (12.10sqm) at 2nd level.
- Front (northern) Elevation External Materials
 - Ground level arched opes to retail units and car park in reconstituted stone finish with railings to car park
 - Signage over retail
 - Curtain wall glass treatment to north east circular corner topped with glass block dome feature
 - 1st and 2nd levels brick walls; arched stone feature over entrance and windows above with timber panels between the windows; painted galvanised railings to balconies; double glazed powder coated aluminium windows and doors
 - 3rd level copper colour roof cladding to “wavy” parapet.
- Sand and cement render to side and rear walls.
- internal areas comply with minimum DOE standards

3 PLANNING AUTHORITY'S DECISION

On foot of receipt of further information, the planning authority granted permission subject to 28No.conditions including standard conditions and site specific conditions regarding a financial contribution in lieu of a shortfall in the provision of on site car parking; potential for archaeology on the site; and widening of footpath to 1.8m.

3.1 Technical reports

3.1.1 Planning Authority Report:

The planning officer's report comments on:

- Design and appearance including compliance with the DOE minimum standards for internal areas.
- Access, roads and footpaths
- Rear boundary wall including citing an engineering report of the applicant which includes recommendations to protect the integrity of the retaining wall.
- Compliance with the development plan standards regarding site coverage, plot ratio and residential density.
- Building height (lift shafts were omitted in the revisions submitted with further information)
- Overlooking and overshadowing
- Flooding
- Archaeology
- Public lighting
- Shopfronts
- Signage
- Refuse and recycling storage

Planning officer's report reflects the decision of the planning authority.

3.1.2 Internal Referrals:

Environmental Health Officer	No objections subject provision of drinking water to the commercial units (report on file).
Roads	No report on file. Comments from the roads engineer in the request for further information are included in the planning report i.e. <ul style="list-style-type: none">• Demonstration of safe turning access into and from the car park “given the reduction in the size (width) of the road at this location”• Footpath to be provided <i>However, this requirement is contrary to the public realm plan which includes shared paved surfaces along the South Quay and which was proposed in the original submissions.</i>

3.2 Prescribed bodies:

No referrals

3.3 Objectors:

An observation from an adjacent property owner/resident to the rear of the site regarding:

- Overlooking of rear yard and windows
- Loss of natural light and privacy
- Impact of noise from car parking on the site in close proximity to the boundary
- Loss of ventilation
- Risks from demolition and construction to the retaining on the rear boundary
- Area prone to flooding

4 APPEAL

The ground of the appeal are summarised below:

- The proposal does not meet the quantitative standards of the Wicklow Town Development Plan (WT development plan) regarding site coverage; plot ratio, building heights and parking.
- Non compliance with minimum standards for separation distances between opposing first floor windows and width of footpaths.
- Significant loss of residential amenity regarding overlooking, loss of natural light, noise disturbance, loss of aspect, loss of private use of rear garden.
- Two (2No) north facing apartments are single aspect.
- Inconsistent with aspirations of the Wicklow Town Public Realm Plan (2008) regarding the protection of views of the town in its geographic setting.
- The development is premature and piecemeal and would prejudice the achievement of the public realm plan.
- The proposed front building line and turning movements into the proposed car park would directly impact on the safety and comfort of pedestrians and car occupants in the area as the façade of the building is proposed c.7metres from the waters edge, which does not have barriers.
- The area is prone to flooding.
- The decision is inconsistent with an earlier refusal on the site (07/3185) for a three storey building including a reason citing non compliance with site coverage, plot ratio and density. Thus a 4th storey would exacerbate these conditions.

5 RESPONSES

5.1 No response on file from the planning authority.

5.2 Applicant's response

A summary of applicant's response to 3rd party grounds of appeal is summarised below:

- The applicant's agent outlines the statutory context of the site, argues that the development management standards should be relaxed to take account of the locational characteristics of the site and the strategy of the public realm plan, with which the scale of the development is consistent.
- Cites precedents in the vicinity for multi-storey buildings.
- Quotes from the ABP inspector's report (07/8182 PL86.225708) on an adjacent site to support contemporary tall buildings in this location.
- The plot ratio is calculated to demonstrate compliance within the required range of 1: 1.5 -2.5.
- Car parking was considered to be adequate by the planning authority.
- The scale and redesign is considered suitable for a site in this waterside setting, and is consistent with previous grants on adjacent sites.
- Screening of balconies and high level windows in the southern elevation of the 3rd storey would address issues of overlooking and loss of privacy.
- Overshadowing of north facing rear gardens to residences fronting the Mall occurs from these buildings and not from a building on the subject site. Thus loss of natural daylight and sunlight would not be reduced from the proposed development.
- The separation distance between the proposed rear elevation and the appellants' property ranges between 11m and 6m. There are no open spaces proposed directly opposing the appellant's dwelling. The infill developments permitted to the rear of the Mall have been constructed closer to the boundary than the original buildings. The new build does not propose windows in the sections closest to the rear boundary.
- The proposal will not give rise to excessive noise disturbance from the ground level commercial development.
- The 1st floor would be screened from view of the appellants by the existing rear boundary wall. At 2nd and 3rd level, visibility from the appellant's site is limited. Diagrams in the submission from the applicant demonstrate these relationships.

6 PLANNING HISTORY

6.1 Subject site:

07/3185 Permission was refused by the planning authority for demolition of existing retail warehouse and 3No storey building containing 5no. commercial retail units at ground floor (106sqm) and 12No X 2bed units at 1st and 2nd floor with ancillary works.

Reasons for refusal included:

1. Inadequate provision of on-site car parking facilities
2. The proposal would contravene the Wicklow Town Council Development Plan 2007-2013 regarding site coverage (Cf Sections 5.5 and 5.6) plot ratio and density (Cf Sections 16.6 and 16.8).
3. The proposed private open does not provide private open commensurate with the size of the dwelling units (Cf Sections 16.14).

6.2 Adjacent Site at Nos 5,6.&7 The Mall

- 07/3182
PL86.225708
- Permission was refused by the planning authority and confirmed by the decision of ABP for demolition of all structures on site (except façade of No. 6) and construct a mixed use development in two linked blocks. The southern block (to the Mall) – 2 storeys) would consist of a retail unit with offices above. The northern block would consist of a retail unit with 3No. 2-bed apartments above.
- Reasons for refusal by ABP referred to:
- 1 Loss of existing buildings would be contrary to policies of the WT development plan to reserve built heritage.
 - 2 Inadequate private open space, poor orientation and layout and poor internal residential amenity and facilities contrary to policies of the development plan and ministerial guidelines.

7 DEVELOPMENT PLAN

Wicklow Town Development Plan 2007-2010

The Wicklow Town is identified on Map 1 of the Wicklow County Development Plan as a primary hinterland development centre.

Zoning objective

Town Centre - "To provide for commercial, retail and community services as the primary uses. There will be a presumption in favour of higher order retail rather than convenience retail. Residential uses are open for consideration where they complement the primary function of the Town Centre. The role of the Town Centre as the service centre of the town and its environs will be supported."

Land Use Matrix

Retail	Normally acceptable subject to the planning process of policies and objectives outlined in the development plan
Residential	Open for consideration: generally acceptable except where specific considerations associated with a given proposal would be unacceptable

Relevant Town Centre Policies

Key considerations regarding retail in the Town Centre include:

- The continuation of the "identity" Wicklow town centre in a positive manner.
- The use and re-use of existing infrastructure of streets and underground services to maintain the vitality of the town centre.
 - Policy TC 8: Residential development within the Town Centre shall be limited to the upper floors of the buildings.
 - Policy TC 9: Where new residential development is proposed the ground floor shall be reserved for non-residential/retail use.

7.8 Infill development

- Policy H18 Proposals ...where it can be clearly demonstrated that the proposal respects the existing character of the area and would not harm the amenity value of the adjoining properties.
- Policy H8 It is an objective of Wicklow Town to promote the intensification of residential uses...

- Objective H9 ... Promote higher density residential infill development primarily in the following areas...the town centre particularly at South Quay

13.8 Urban Design:

It is the intention of the Council to build on the strengths of the Town Centre's fabric and to improve the quality of the public realm, during the course of this plan.

- Policy TC 11
The existing streetscape will be protected and enhanced. New or re developed buildings shall respect the height of the existing streetscape except in stances where the Town Council consider there are valid urban design reasons for increased height, for example where a building would add definition to an urban space or key junction/corner site.
- Objective TC4:
The Town Council; will implement environmental improvement works for the entire South Quay involving improved paving, street furniture and tree planting.

13.9:Traffic and Transport

It is an objective of the Council to provide a multi-storey car park at Wentworth Place.

Chapter 14 Port and Quayside

Relevant development management standards

Qualitative standards:

- 16.3 -5 Layout, Mix of uses and Landscaping

Quantitative Standards

- 16.6 Density, 16.7 Plot ratio, 16.8 Site Coverage, 16.9 Building heights, 16.13 Parking Standards 16.14 Residential amenity, 16.15 Retail & commercial development

Wicklow Town Public Realm Plan 2008

5.2 Aims and Objectives

7.8 Harbour and Bay Area

Extracts from the plans are included in an appendix to this report

8 NATIONAL AND REGIONAL POLICIES

8.1 National Spatial Strategy 2002-2020

The NSS sets out a national planning framework to co-ordinate future development and planning throughout the country in a sustainable manner and to consolidate the physical growth of Dublin while recognising its national and international importance.

8.2 Regional Planning Guidelines Greater Dublin Area 2004 – 2016 (2004)

These guidelines set out an integrated land use planning framework for development in the greater metropolitan area of Dublin.

8.3 Strategy 2006 -2016 A Platform for Change (2001)

This integrated transportation strategy for the greater Dublin Area seeks to supplement and complement the strategic land use planning framework set out in the Strategic Planning Guidelines for the greater Dublin Area.

8.4 Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2007)

These ministerial guidelines set out guidance for standards for communal facilities and areas, private open space, children's needs, daylight/sunlight, access, safety/security and minimum floor areas for internal spaces.

9 ASSESSMENT

Having reviewed the file and inspected the site I consider that the main issues for assessment of this proposal relate to:

- (i) Compliance with the objectives and policies for the Town Centre zone.
- (ii) Relevance of Wicklow Town Public Realm Plan to the proposal for a multi-storey building on South Quay.
- (iii) Compliance with standards for residential development in the Town Centre
- (iv) Access traffic and car parking

9.1 Compliance with the objectives and policies for the Town Centre zone.

9.1.2 Land use

The proposed land use includes replacing a retail warehouse of 460sqm with 2No. retail/commercial units of c.190sqm (i.e. 83.4sqm 86.1sqm respectively) at ground floor level and residential use in the upper floors (c.1177sqm).

The layout of the proposal complies with Policies TC 8 & TC9 regarding the location of uses (i.e. retail at ground floor and residential in upper floors).

However, this proposal appears to be contrary to the PolicyTC2 which seeks to facilitate the development of floorspace within the Town Centre for comparison or non-food retail use. The plan provides an explanation which states that the relatively small plot widths of buildings particularly on Main Street (The Mall) puts the town centre at a competitive disadvantage, makes it difficult to attract large high street chains and concludes that "the assembly of floor plates within the town centre...should be encouraged".

This policy is consistent with the zoning objective which states, inter alia, that "[T]here will be a presumption in favour of higher order retail..." and that residential uses are open for consideration where they complement the primary function of the Town Centre. In this instance, retail floor space, a primary function of the town centre, is proposed to be significantly reduced to accommodate residential use, which is open for consideration only where it complements a primary function.

While the architecture of the existing warehouse is uninspiring, its function is compliant with the retail strategy for the town centre. Neither the applicant nor the planning report has sought to justify the reduction of retail/commercial floorspace.

The existing large, retail floor plate would be replaced with two small retail floor plates. Thus I conclude that the proposed use would be contrary to the zoning objective and policies which support the achievement of the objective and which is considered to be reasonable.

9.1.3 Urban design and retention of the character of the Town Centre

Retention and enhancement of the existing character of the Wicklow town is a significant theme throughout the WT development plan. Policies seek to provide for and promote development while ensuring that new development is complementary to and enhances the existing streetscape and historic fabric of the town centre. In attempting to balance these often conflicting objectives

when assessing a site specific proposal, the primary context of the town as a rural hinterland centre should be kept as central focus.

The South Quay of Wicklow town is not an urban dockland, and thus I am of the opinion that, as a method of judging the relationships between new build and the established pattern of development in the area, the density and scale of any proposal should reinforce the function of the town in the national spatial hierarchy. Section 13.8 addresses urban design issues in the Town Centre, Policy TC 11 states that 'new or re-developed buildings shall respect the height of the existing streetscape except in stances where the Town Council consider that there are valid reasons for increased height for example where a building would add definition to an urban space or a key corner'.

The visual character of the area is determined by views from the bridge created by the river, existing warehouses along the quays and topography of narrow built plots stepping from the Mall to the quayside. In considering the issue of appropriate height along the southern quayside in the context of this policy, I have taken the following factors into account:

- density and scale of development appropriate to the character and functions of a primary hinterland coastal town
- retention of the public views of the historic fabric of the town, in this case the stepping of buildings in response to the topography and the scale and materials of the historic industrial buildings on both sides of the quay
- retention of the potential to realise the aspirations of the public realm plan

In compiling the elements of the proposal, the applicant has largely relied on policy flexibility and precedents in the vicinity, including citing excerpts from a planning inspector's report (PL86.225705) to justify the height and proportions of the proposed building on this site. One of the precedent sites, a 4No. storey block of apartments, is located at the junction of South Quay and Salt House Lane and the other, a three storey apartment block, is located to the west of the subject site. The inspector comments (PL86.225705) include that South Quay offers significant opportunity for the introduction of high quality contemporary architecture. In commenting on the urban design merits of these additions to the streetscape, he concludes that "... recent developments...have represented somewhat lacklustre response to this opportunity." I agree with this assessment. Thus I do not consider that referencing these precedents promotes a case for tall buildings per se in this location.

While the applicant has made a case for flexibility in accordance with Policy TC11 of the development plan and considers the height, design and materials as complementary to the existing streetscape, it seems to me that the characteristics of the site do not identify it as a landmark location, nor does architectural design merit a departure from the stated policy of the Council regarding the established height in the area, which is two to three storey dwellings and single height industrial buildings (i.e. between 8m and 11m in height). The proposed height, c. 15m, would represent a significant increase in the context of the quays.

9.2 Relevance of Wicklow Town Public Realm Plan

The applicant submitted a matrix with the application which compared the proposed development against WT and DOE development policies to demonstrate compliance and/or mitigation. However, this exercise did not outline guidance in the public realm plan with corresponding compliances or mitigation, even though the applicant has relied on this plan as the primary planning document in appeal submissions.

The proposal does not include meaningful attempts is to address the quayside interface with the public realm, as set out in the public realm plan, including microclimate such as an assessment of frost or ice on the road in winter from shading created by the building on the safety of public road which may exacerbate hazards in close proximity to the water's edge; nor were proposals

considered to facilitate pedestrian access through a right of way on the eastern boundary of the site, as identified in the Figure 39 of the public realm plan.

The applicant has cited aims and objectives and Section 7.8, Harbour and Bay Area, of the WT Public Realm plan to justify the height, scale and massing of the building in this location. However, I reject the two conclusions of the applicant drawn from this planning document: (i) that the public realm plan indicates multi-storey buildings along the quayside and (ii) that provisions of the public realm plan should be prioritised over policies and standards of the WT development plan.

The public realm plan was prepared as part of the county heritage plan in accordance with objectives of the county development plan. It is a supplementary plan to the statutory plans prepared under Part 11 of the Planning and Development Act (as amended). It provides directions for environmental improvement works to public spaces in the control of the Council and outlines aspirations for the refurbishment or development/redevelopment of privately own sites adjacent to public spaces. With respect to guidance for future private development, Section 7.8 of the public realm plan states:

Significant potential exists for buildings ...to be redeveloped to create an exciting and dynamic waterfront area....However, it is vital that the substantial opportunities for development are proactively guided to ensure developments are beneficial to the area and the town as a whole. This would include establishing an overall masterplan and determining as appropriate mix of uses as well as the scale and character of buildings and public spaces.

Thus, in the absence of a masterplan, which would identify policies and methods to define and retain the character of the South Quay area, I consider that granting permission for the redevelopment of this site, as proposed, would be premature and may significantly obstruct the achievement of the aims and objectives to create a leisure and tourist environment in the this section of the quay as indicated in the public realm plan.

9.3 Compliance with standards for residential development in the Town Centre

The residential amenity of the proposal is assessed first in terms of on-site amenity and second in terms of the impacts from the proposed development on the amenity of the adjacent dwellings to the rear.

The internal areas of the residential units comply with the quantitative minimum standards of the WT development plan and the DOE recommendations as set out in *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2007)* for internal areas. However, the proposed development fails to comply with the following quantitative criteria of the WT development plan.

Criterion	Required	Proposed	Assessment
Site Coverage	TC: 60% to 80%	87%	This shortfall is considered to be unacceptable on a site which (i) fronts onto public space identified for environmental improvement works (ii) where the width of the road is narrowed by the encroachment of the existing building into the established building line and (iii) where the proposed private balconies to 1 st floor units, with a depth of c.3.5m, would be in constant shading from the adjoining retaining wall and buildings to the rear.

Criterion	Required	Proposed	Assessment
Plot ratio	1.5 – 2.0	2.1: 1	This range is generous for a rural town centre with a predominate streetscape of 2 to 2 1/2 storeys. The upper limit plot ratio could be justified only on sites which would meet or exceed amenity standards and would retain the existing character of the town centre. Given the constraints on this site, regarding its narrow depth against south facing topography and quayside location, attempting to fulfil and exceed the maximum plot ratio has been justified.
Density*	50 -70 units per ha	210 per ha	This represents approximately 3 times (300%) the maximum number of units considered acceptable by the Council.

** The application of all three quantitative parameters in a town centre zoning creates anomalies. I acknowledge that satisfying the density parameter would probably not be possible with the maximum plot ratio on any site. Thus I consider the quantitative measures (now superseded by DOE guidance on urban residential development) to be indicative only as tools of assessment. However, these factors do represent the expected outcomes of the development plan by the elected representatives and must be recognised and taken into account.*

9.3.1 Open Space Amenity

No communal/public open space is proposed and a levy towards public provision in lieu of on-site provision has been imposed by the planning authority. Given the zoning and small number of apartments proposed this would be acceptable where a high qualitative standard of private open space was provided.

However two of the proposed units are single aspect north facing, which is not permissible in accordance with Section 16.14 which states that 'where single aspect dwellings are deemed unavoidable, single aspect units with north facing elevations will not be permitted'. The applicant deems the proposed view over the harbour as mitigation for relaxing this restriction. However the proposed area of 6.7sqm of the wintergarden would encroach significantly into the internal amenity of the kitchen/dining/living area of the unit thereby discounting its functional residential amenity value; and the view could subsequently be built out by future development adjacent to the site, as demonstrated in this application. For these reasons, I do not recommend that the standard be waived.

In addition, as commented previously, balconies on the southern elevation at 1st and possibly 2nd level would be constantly overshadowed and would not realise benefit from this elevation by virtue of the built out steep topography to the rear of the site. The amenity from proposed balconies to the front elevation western units in terms of useable area (i.e., 2.5sqm and 1.5sqm) is problematic.

Thus I conclude that the quality of the private open space proposed for most of the units would be substandard.

9.3.4 Building height

Section 16.9 reinforces the Town Centre policies and states that appropriate building height depends on the prevailing and dominant buildings heights and on the grain and character of the surrounding area, thus assessment should consider:

- likely impact on surrounding structures (e.g. overshadowing and overlooking) public spaces or vista, ...streetscapes
- the purpose, civic importance ...
- ...any microclimate impacts...
- ...proposed height impacts adversely on vehicular or pedestrian traffic or access."

In this case the applicant has taken the heights of the existing multi-storey buildings in the vicinity as a benchmark. In principle, I have no problem with this approach, however the proposed massing of the building on the site demonstrates that on-site amenity and off-site impacts have not been adequately addressed. Thus cumulatively the proposed height contributes to the overall adverse impact of the building at this location.

9.3.5 Residential Amenity of adjoining properties

While the development plan provides for a relaxation of separation distances between adjoining residential developments in the Town Centre such relaxation must 'demonstrate that proposal respects the existing character of the area and would not harm the amenity value of the adjoining properties' (s.7.8).

Notwithstanding modifications to the rear elevation to improve the impact of overlooking, the impact on the amenity of residences to the rear of replacing unobstructed access to daylight/sunlight and views across the harbour with the rear wall within 1m of the adjoining private terrace of the apartments (to the rear of corner of Salt House Lane and The Mall) at the south eastern corner of the proposed block and c.4m from the its rear wall including a balcony, would be totally unacceptable from the perspective of loss of visual amenity, overhearing conversations; noise from the proposed bathrooms and the visual impact of a virtual flank at this distance. The amenity of the appellants' property, where the elevation of the dwelling is set back to c.6m would be compromised to lesser though significant degree.

Currently the roof ridge of the existing warehouse with height of c.8m is parallel to the ground floor level of the Salt House Lane apartments. This relationship may indicate the maximum available height for development on the subject site at the eastern corner without significantly adversely impacting on the residential amenity of these apartments which appear to have a single north facing aspect.

9.4 Access, Traffic and Parking

Section 13.3 Retail of the WT Development Plan lists the following factors as constraints on the ability of the Town Centre to compete for customers and retailers:

- Traffic congestion,
- Lack of car parking space and
- Small individual floor plate sizes

The provision, by condition, of a 1.8m footpath in this location and turning movements into and from the proposed car park will impact on traffic congestion at the narrowed width of the public road at this section of South Quay.

No on-site parking is proposed in association with the retail/commercial units. In fact, the incorporation of the car parking at ground floor in association with the proposed residential use would eliminate the existing c.6No.on-street parking spaces to the front the existing warehouse.

According to Section 16.13 of the development plan, 21No. car parking spaces (i.e. 1.5 spaces per unit X 10 + 2 visitor parks + 2 per retail unit X 2) and 8 cycle spaces are required. 10No. car parking spaces and 10No. cycle spaces are proposed on-site in a gated car park with access restricted to residents. This arrangement would remove at least c. 6No. existing parallel parks from the street, leaving a shortfall 17No.spaces.

There is a proposed multi-storey public car park notified in the WT development plan at Wentworth Place. Presumably with this infrastructure in mind, though not stated in the planning report, the planning authority imposed a special financial contribution in lieu of provision within the curtilage of the site.

The subject site is c. 500m from the proposed public car park which is a problematic walking distance for both future residents and customers to the retail units, as the walk would include a steep gradient. 1No. car park space on-site per residential unit where public transport is provided may be acceptable in principle. In this instance, (i) the parking arrangements would remove on street parking (ii) would not provide for retail/commercial parking in area whose primary function is retail, and (iii) would not provide access into the proposed car park to facilitate complementary day/night parking. Thus I conclude that the shortfall in parking would directly impact negatively on the primary retail function of the Town Centre.

9.5 Other Issues

9.5.1 Stability of the retaining wall

A structural engineering report submitted with the application set out a construction methodology to protect the structure. Recommendations are included in the report and assumed as part of the application.

9.5.2 Flooding

The site is located in an area identified on the planning maps as prone to flooding. Mitigation measures are not addressed directly in the application and planning report but could be assumed through the ground floor uses i.e. not residential, and through a building regulations regarding the finished floor level of retail/commercial uses on a flood prone site.

9.5.3 Archaeology

The site is identified within a zone of archaeological potential. In the event of a grant of permission, a condition should be included to monitor excavation on site.

9.5 Summary

The site clearly affords opportunity for redevelopment as set out in policies for the Town Centre and Port and Quayside of the WT development plan and in the WT public realm plan, Harbour and South Quay. The orientation of the existing building to the road, its design and materials are not an asset to the aspirations for the regeneration of South Quay, as envisaged by the development plan, and its demolition and replacement with an appropriate development should be welcomed.

The concept for retail use at ground level with residential apartments above and the building style and materials proposed at ground floor would significantly enhance the location. The application has attempted to capitalise on the advantages of the site and to mitigate some of the adverse effects identified by the planning authority in its request for further information. However, I consider that the following factors constitute major flaws:

- The proposed proportion of retail to residential use would be contrary to the Town Centre zoning objective.
- Absence of setbacks to the front elevation to provide for environmental improvement works and a setback, or appropriate elevational treatment, such as passive surveillance, on the eastern site boundary to retain the capacity for a pedestrian access through to Salt House Lane, as indicated in the public realm plan.
- The proximity of the proposed development at 4 storeys to the rear boundary with steep topography would result in poor open space amenity for future residents and would significantly adversely affect the amenity of adjacent residents by virtue of overwhelming massing and interference at an unacceptable level to the privacy and amenity of existing residences.
- The balconies in the western corner of the front elevation and the single aspect north facing winter gardens would represent inadequate private outdoor amenity.
- The proposal by virtue of its mix of uses, scale, massing and gated car parking may be premature pending a master plan for the South Quay as indicated in the public realm plan.

RECOMMENDATION:

I recommend that the Board refuse permission for the proposed development.

REASONS AND CONSIDERATIONS

1. Having regard to the proposal to demolish a retail warehouse with floor plate of c.460sqm and replace it with 2No. retail units with floor plates of c.86.1sqm and c.83.4sqm respectively and 1177sqm of residential use, it is considered that proposed development would be materially contrary to the achievement of the Town Centre zoning objective of the Wicklow Town Development Plan 2007 - 2013, which states: "To provide for commercial, retail and community services as the primary uses. There will be a presumption in favour of higher order retail rather than convenience retail. Residential uses are open for consideration where they complement the primary function of the Town Centre", which is considered to be reasonable and therefore would be contrary to the proper planning and sustainable development of the area.
2. Having regard to:
 - (i) the proximity of the proposed southern elevation of the building within c 1metre of the private outdoor space of apartments to the rear of the subject site;
 - (ii) the impact of severe overshadowing from the steep topography and structures on the southern boundary of the site on the amenity of proposed private outdoor balconies policies,
 - (iii) two single aspect north facing units and
 - (iv) the standards, as set out in Chapter 16, Development Management, of the Wicklow Town Development Plan 2007 - -2013 regarding residential amenity, it is considered that the proposed residential development on the upper floors would constitute substandard accommodation with respect to private outdoor amenity, and would be seriously injurious to the residential amenities of adjacent residences and would depreciate value of property in the vicinity.
3. It is considered that the layout at ground level in relation to appropriate site coverage, height, massing and mix of uses of the proposed development may significantly compromise the achievement of policies and objectives for South Quay as set out in Chapter 13 Town Centre and Chapter 14, Port and Quayside, of the Wicklow Town Development Plan 2007 - -2013, and the Wicklow Town Pubic Realm Plan 2008 regarding opportunities for leisure and tourism, retention of the existing character of the area, environmental improvement works, traffic management and car parking thus granting permission may be premature pending a masterplan for the South Quay an would be contrary to the proper planning and sustainable development of the area.

Patricia Devlin
Inspector

19 October 2009