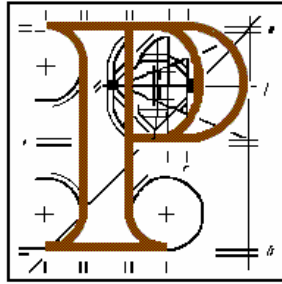


## An Bord Pleanála



## Inspector's Report

**PL 39.233862**

**Development:**

Surface car park with 81No. marked parking spaces; tolled barrier system; lighting and boundary treatment; and using existing entry point onto public road 58-59 Strand Road. Victoria Ave, Bray Co. Wicklow.

### Planning Application

Planning Authority:	Bray Town Council
Planning Authority	Reg. Ref: 08/229
Applicant:	Colin Stanley
Type of Application:	Permission
Planning Authority Decision:	To grant permission

### Planning Appeal

Appellant(s):	Colm Jones - Ulysses Guest House Esplanade Bray.
Type of Appeal:	3 <sup>rd</sup> party
Date of Site Inspection:	13 <sup>th</sup> September 2009
Inspector	Patricia Devlin
Appendices	Extracts from Development Plan Photographs of the site

### SITE DESCRIPTION

The location of the site affords significant opportunities for development. The locality is characterised by the seafront esplanade, leisure and amusement facilities, bars, restaurants and hotels. The range of amenities caters for informal family recreation to café society life styles.

The site is located on the north western sector of the junction of Strand Road and Victoria Avenue. The Bray esplanade is located opposite (east) the site. To the north of the site is located Ulysses Guest House, a two storey end of terrace dwelling, identified as Montebello Terrace, which operates as a Bed and Breakfast establishment and is the home of the appellant. The rail line is located to the west of the site. To the south west of the site, two dwellings are located; Seafield House and cottage, and on the southern side of Victoria Avenue semi-detached dwellings, Grosvenor Cottage and Martello Manor.

The site is currently vacant. It is screened along the road boundary from public view and secured from unauthorised access by hoardings, which advertise the site for sale. A stone boundary wall to the rail line is circa 2.5m constructed over a retaining wall, circa 1.5m height. This wall is continued to the rear of the adjoining dwellings to the south west.

The DART station and Dublin Bus routes Nos 84, 184 and 185 are located circa 500m (3 blocks) from the site while the No45 service travels along the Strand adjoining the site. A public car park of circa 200 spaces is located opposite the DART station on the esplanade. Parallel and right angle parking on-street parking is also provided along Strand Road.

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

## **PROPOSED DEVELOPMENT**

Planning permission, as amended in response to further information and clarification of further information, is being sought to:

- Construct a surface carpark with porous compacted limestone and tarmac at the entrance only
- Provide 81No. car parking spaces including 5No. disabled spaces (none of which are sealed)
- Erect tolled barriers at the entrance and a single ticket machine.
- Dish the footpath to construct a 7m wide entrance onto a one-way public road within circa 10 metres of a zebra crossing
- Erect 8No. 5 or 6 metre high( 5 metres on layout plans; 6metres on lux spill plans), 4No. of which to be located on the rear or side boundaries with adjoining residential properties and 3No. located circa 12 metres from the boundary to the DART rail line, which is at circa 2m to 3m above the level of the proposed car park
- 1.5 metre front boundary wall with 1.2m sliding steel gate and landscape planting
- Provision of 4No. on street parking spaces on 2no on either side of the entrance.
- Hours of operation 6.00am and 1.00am (19 hours).

It is noted that:

- Plans do not include contours or cross sections showing the existing and proposed ground levels
- Elevations do not show the 5/6m light stands, in particular in relation to the rail line
- Drawing No.29117/01 B Lighting Layout Proposed Locations (response to request for clarification of Further Information) includes a note "that the lamp position is not the default position in the evolvo standard so may need to be changes on site".

Thus there is no certainty regarding the ground levels, the height of the light stands nor the location of the light stands.

#### **PLANNING AUTHORITY'S DECISION**

On foot for receipt of clarification of further information, the planning authority granted permission subject to 9No.conditions regarding contributions, lighting, underground cabling, and storage on site and construction management.

#### **TECHNICAL REPORTS**

- Planning Authority Report:  
Planning officer's report reflects the decision of the planning authority.

External Consultants Referrals:

Senior Executive Engineer;	No report on file
Stephen Fox (planning department);	No report on file

- Prescribed Bodies:  
No referrals
- Objectors:  
An observation from an adjacent property owner/resident regarding:
  - hours of operation;
  - noise; disturbance;
  - exacerbating late night uses (night clubs) in the vicinity;
  - proximity to bedroom/s;
  - previous uses on the site including: site works for railway, compound during St Patrick's day and other carnivals with generators running 24 hours;
  - adverse effects on the established B&B business;
  - light pollution

#### **APPEAL GROUNDS**

- The Ulysses Guest House is the last remaining fulltime B&B in an area formerly characterised by seafront guest house accommodation.
- Over time the character of the area has changed where now bars, restaurants and night club activities prevail with seasonal carnivals on the seafront esplanade; these recreational uses in combination with the temporary uses on the adjoining vacant site have significantly degraded the environment, formerly conducive to guest accommodation at the sea front.

- Customers of bars and restaurants will be attracted to use the proposed car park rather than the existing public car park facilities in the vicinity which are further away, thus exacerbating the existing late night disturbance.
- The hours of operation have not been restricted in the grant of permission thereby enabling 24 hour use of the facility.
- Bray Town Council (road works compound), Iarnrod Eireann (site works compound) and Bray Chamber of Commerce (biannual carnivals) have all used this vacant site in the recent past.
- There has been no consultation regarding the impact of the proposed use on the amenity of the adjacent residents/landowners.
- The appellant agrees that a car park would improve the current visual amenity of the vacant site but considers that the development should be subject to conditions which protect the accommodation amenity of the guest house.

## **RESPONSES**

- No response on file from the planning authority.
- A summary of applicant's response to 3rd party grounds of appeal:
  - The use is appropriate for the zoning objective and is cited by the planning authority as being in accordance with the proper planning and sustainable development of the area.
  - The use would represent a significant improvement on the existing state of the vacant site.
  - The proposal would provide a park and ride for DART commuters during business hours and a secure and convenient facility for hotels, bars restaurants and other like activities in the evening.
  - The physical design i.e. surface lighting landscaping barriers boundary treatment, would meet criteria for such a facility in this location.
  - Light spillage onto adjacent properties would be at a very low level (between 2.5. to 10 lux).
  - The noise generated by the proposed use would be appropriate in this zoning which caters for night time leisure uses and would be less than that generated by a 99 bed hotel which was granted permission on this site.
  - The applicant proposes that a condition could be included by the Board to erect a notice reminding patrons to respect the amenity of the adjacent residents.
  - A letter of support from the Bray Chamber of Commerce

## **PLANNING HISTORY**

- Subject site:
 

69/97	Permission refused to demolish hotel and replace with 24No. apartments in a 4 storey block and retain outbuildings
42/99	Permission refused to demolish hotel and outbuildings replace with 99No bed hotel including ancillary services and parking.
00/210	Permission granted to demolish hotel, outbuildings and adjoining dwelling and replace with hotel of 48 suites

- 01/88 Permission granted to demolish hotel, outbuildings and adjoining dwelling and replace with hotel of 48 suites
- 03/50 Permission granted for underground car park hotel to approved 48 suites
- 03/71 Withdrawn
- 05/227 ABP grant permission 41No. apartments and 128sqm of retail use  
ABP  
reference  
not on file
- 07/12 Permission refused for mixed use development- 3No. apartment blocks (51No. units) 1No. retail unit and 61No. basement car parks.

**DEVELOPMENT PLAN:**

Bray Town Council Development Plan 2005 -2011

Table 4.1 Opportunity Sites

No	Location	Zone	Proposed Opportunity
4	Bray DART Station Car park	B2 Primarily seafront uses	Mixed use development comprising multi-storey car park...

4.4.13 Opportunity Sites

7.4.2 Integrating Land Use and Transportation Policies

7.4.3 Bray and Environs Transportation Study

7.4.5 Car Parking Control

It is the policy of the Council to discourage commuter parking and to provide adequate public parking facilities to meet the short term parking requirements of local residents for shopping, business and leisure use.

11.2 Development Zone Objectives

In the B2 and B3 zoned seafront areas a proposed development will only be permitted where it does not negatively impinge on:

- amenity and character of the area
- natural and built heritage

B3 Zone

To protect and enhance the character of the seafront area and to provide for mixed use development including appropriate tourism, leisure and residential uses. The seafront area shall be promoted as the primary tourist recreational and leisure centre of the town.

Table 13.2.3

Permitted in Principle

Bed & Breakfast  
Guest House  
Hotel

Open for Consideration

Car park

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

**NATIONAL AND REGIONAL POLICIES**

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.

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.

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.

**ASSESSMENT**

The main issues for assessment relate to:

- (i) Compliance of the proposed use, a public car park, with regional planning guidelines regarding transportation policies for the greater metropolitan area of Dublin and the development plan for the area
- (ii) The impact of the proposed use in terms of late night noise and disturbance on the amenity of adjacent residences including tourist accommodation.
- (iii) Location of the entrance in proximity to a zebra crossing;
- (iv) Surface water drainage issues arising from the proposed sub pavement finish to the surface of the car park
- (iv) Impact of light glare on rail safety
- (V) Amenity of the car park

The nature of the first issue concerns compliance with strategic land use/transportation planning policy while the subsequent issues are material matters and have arisen largely through a dearth of technical comment on the proposal in particular, I noted that there are no responses from the external consultant engineer, nor was the application circulated to the DTO and Iarnrod Eireann for comment.

**(i) Compliance of the proposed use with land use planning guidelines**

The applicant proposes that the car park would provide a park and ride facility for commuters of the DART during the day and services for adjacent bars and restaurants

during the evening. I consider that this proposal would be contrary to regional land use policies as set out in the Regional Planning Guidelines Greater Dublin Area 2004 – 2016 (RPGs) and the Strategy 2006 -2016 A Platform for Change.

Strategic Policies, Section 8.4 Public Transport of the RPGs include (inter alia) that local authorities should, in consultation with the DTO, the NRA and public transport operators:

- prepare integrated plans for their main settlements, including land use and transport aspects, for the provision of adequate and sustainable public transport services and public transport related facilities such as park and ride facilities;
- provide parking and parking management frameworks that are appropriately scaled to the land use planning context.
- set the appropriate criteria, including land use designation scale and impact which will determine the need for such plans.

The planning authority of the area has complied with this guidance through its development plan, in particular Chapter 7, Transport, development management standards, the identification of an opportunity site for a multi storey car park at the Bray DART station and other strategically located public car parks, in addition the plan states that special financial contributions will be imposed in lieu of shortfalls of on site parking in association with development.

- The subject site is not identified in the development plan for a car parking facility and there is no justification provided in the documents that show compliance with the public car parking strategy of the Council. Even though the scale of the car park is limited to 81 No. spaces, in my opinion, a grant of permission would jeopardise the timely development of the opportunity site identified in the town development plan for a park and ride facility approximately 500 metres to the north of the subject site. In addition, granting permission for speculative infrastructure outside the strategy as set out in the development plan for the town would of itself and by precedent for similar proposed developments undermine the achievement of the strategic approach to the provision of a transportation network for the area.

*Platform for Change* (2001) states that Park and Ride facilities will integrate the car with public transport. There will be Park and Ride facilities for commuters at strategic locations where the national road network meets the public transport networks. All proposed Park and Ride sites will be assessed to ensure that cars accessing them do not unduly add to congestion.

- In this case there has been no assessment of the location of the proposed site with respect to the strategy for the national road nor public transport networks.

The guidance on parking policies contained in *Platform for Change* (2001) includes (inter alia) that parking policies should complement the provision of public transport and should be considered in the overall development of areas; parking policies and standards should ensure that they reflect the provision of public transport services and are consistent with the DTO policy of reducing car dependency; where possible local authorities should maintain control of all public parking. The DTO promotes mobility management plans as a method of managing the concentrated movement of large numbers of people (e.g. to and from large employment sites, national events, sporting fixtures and concerts).

- The decision of the planning authority does not indicate how the proposal is consistent with these policies

Bray Town Council Development Plan 2005 -2011 includes a strategic approach to the provision of public parking as outlined above and in particular as stated in its policy on Car Parking Control (7.4.5)

*It is the policy of the Council to discourage commuter parking and to provide adequate public parking facilities to meet the short term parking requirements of local residents for shopping, business and leisure use.*

- I consider that the proposed use would be contrary to the policies and objectives for public parking as set out in the Bray Town Council Development Plan 2005 -2011 and inconsistent with the policies of regional authorities for strategic land use and integrated transportation planning for the greater metropolitan area of Dublin and on this basis alone should be refused planning permission.

**(ii) The impact on the amenity of adjacent tourist/residential accommodation.**

The site is subject to the B3 zoning objective, 'to protect and enhance the character of the seafront area and to provide for mixed use development including appropriate tourism, leisure and residential uses. The seafront shall be promoted as the primary tourist recreational and leisure centre of the town'. Car parking is classed as a land use which is 'open for consideration', while 'Bed & Breakfast' and 'Guest House' uses are 'permitted in principle'. This indicates that, in assessing achievement of the zoning objective, tourist accommodation is prioritised. Thus I interpret that car park use, where such a use would be in compliance with the Council's strategy for public parking, would only be granted subject to conditions which would protect the viability of uses which are permitted in principle.

I do not accept the opinion of the applicant that the noise and disturbance of a surface car park would be the same as that generated by a hotel (of 48 No. suites granted by the planning authority not 99No. bed as stated in the applicant. Hotel activities generating comparable noise and light disturbance to neighbouring accommodation uses, such as outdoor terraces, would be unlikely to be granted in proximity to adjacent to residential use. Research on noise nuisance has concluded that sleeping humans cannot adapt to the random loud noises, such as car doors slamming, car horns and raised voices, which would be characteristic of late night car park use. in the event that the Board grants permission, I recommend that conditions be included to ensure an appropriate amenity for adjacent guest accommodation and existing residential use.

**(iii) Location of the entrance in proximity to a zebra crossing**

Plans show that the entrance onto the public one way street from the car park accommodating 81No. car parking spaces (i.e. potential for 162No. continuous vehicle movements to and from the site) would be located circa 10m from a zebra crossing. This requires that drivers negotiate safe passage into a densely trafficked road looking left, while pedestrians cross the street to the right of the vehicle within 10 metres and out of sight of the driver.



No traffic safety audit nor traffic impact statement has been submitted to confirm the proposal for vehicles movements into and from the proposed car park onto an urban street where:

- (i) traffic congestion and demand for pedestrian crossings has required a one way system to be installed;
  - (ii) where an entrance would be within 10 metres of an uncontrolled pedestrian crossing, and
  - (iii) where 2No. on street car parks are proposed between the exit and the crossing reducing the sight lines from the exit to zero metres.
- I consider that on the basis of the information provided with the application that the Board would not be satisfied that the proposal would not endanger public safety by reason of a traffic hazard.

#### **(iv) Surface water drainage issues**

The applicant has proposed a porous surface to the car park which where surface water would soak into the ground rather than a connection to the public drainage network. No cross section of the proposed compacted limestone base nor detailed calculations to demonstrate that the site would have the capacity to contain the surface water within the site have been submitted.

The design of the car park also includes dishing the footpath at the entrance thus potentially creating a channel for excess water, finding its lowest level, to flow onto the public road, in the event that the soakage capacity is inadequate for rainstorm conditions or prolonged wet periods.

- I consider that on the basis of the information provided with the application that the Board would not be satisfied that the proposal would not endanger public safety by reason of a traffic hazard.

#### **(v) Impact of light glare on rail safety**

In response to a request for clarification on the impact of light spill on habitable rooms adjacent to the car park and of potential dazzle to vehicle drivers from the proposed 5/6m light stands, the applicant submitted a light spill plan, details of the proposed lamps and the effects of louvers to further reduce the lux levels from the lamps. The light (isolux) contours at 10.0 and 2.5 lux, shown on Drawing No. 29117/01 B indicate the lux readings presumably at a uniform ground level. However, the contours on the western boundary exceed the site boundary which would be approximately 2m to 3m higher than the car park level and would appear impact onto the rail line. The issue of the lighting impact where there is a difference in ground levels is not addressed on the plans. No information was provided nor sought regarding the impact of dazzle on train drivers and thus the safety of the DART service.

- I consider that on the basis of the information provided with the application that the Board would not be satisfied that the proposal would not endanger public safety by reason of hazard to the adjacent DART passenger service.

### **(v) Amenity of the proposed car park**

While the current condition of the site may be untidy, I consider that the proposed quality of the design and materials of the car park, in particular the surface treatment and landscaping and 5/6m lighting stands, to be of poor quality on this highly visible site opposite the esplanade. The proposed visual amenity would detract from the existing high quality of the public realm in the vicinity. The proposed surface treatment would detract from functional amenity of users of the car park, particularly disabled persons. The lighting stands would be incongruous in the streetscape when compared to those on the esplanade. These factors would not contribute to the achievement of the zoning objective which seeks to protect the character of the area for tourism.

#### **RECOMMENDATION:**

I recommend that the Board refuse permission for the proposed development of an 81No. space car park for the considerations and reasons below. However, in the event that the Board considers that the scale of the proposed development would not be contrary to the policies of the development plan regarding transportation and grants permission for the car park, I would recommend that following conditions be included to address material issues:

1. The hours of the operation be reduced Sunday to Wednesday from 1.00am to 11.00 pm.

**Reason:** To protect the amenity of adjacent tourist accommodation and appropriate amenity for residents in the area including residents who maintain guest/B&B accommodation.

2. Prior to commencement of development the developer shall submit for the written agreement of the planning authority:
  - a traffic safety audit, including recommendations regarding the location and design of the entrance to the site;
  - a report, including recommendations from an appropriately qualified engineer regarding the surface water drainage arrangements;
  - a revised landscape plan including appropriate surfaces for the amenity of users of the facility in particular disabled persons using the car park;
  - a revised lighting plan which takes account of the safety of rail users and the visual impact of 5/6 metre light stands on the character of the existing streetscape.

**Reason:** To ensure public safety and amenity in particular the safety of traffic, pedestrians using the zebra crossing and rail users, and to retain the existing character of the area.

## REASONS AND CONSIDERATIONS

1. Having regard to policies as set out in the Regional Planning Guidelines Greater Dublin Area 2004 – 2016 and Strategy 2006 -2016 A Platform for Change which provide a framework for strategic land use and integrated transportation planning for the greater metropolitan area of Dublin and the transportation provisions of the Bray Town Council Development Plan 2005 -2011, in particular (i) Section 7.4.5, Car Parking Control, which discourages commuter parking, (ii) Section 12.11, Parking and Loading, which provides for on-site parking in association with development and (iii) which also provides for financial contributions to publicly funded car parking where shortfalls in parking provision may occur, it is considered that the proposed development of a car park in an urban location provided with a public transport network and existing provision for public car parking would be contrary to the proper planning and sustainable development of the area.
2. On the basis of the information provided with the application regarding (i) the proposed location of the site entrance in proximity to an uncontrolled pedestrian crossing, (ii) impact of the proposed surface water management on traffic safety and (iii) impact of proposed lighting on the safety of rail service, the Board is not satisfied that the proposal would not endanger public safety.

Patricia Devlin  
Inspector

17<sup>th</sup> September 2009