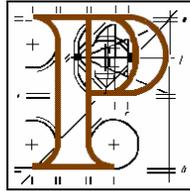


An Bord Pleanála



Inspector's Report

Development: Modifications, change of use to approved development (04/1450) at site previously known as 'La Touche Hotel' (protected structure) to medical centre, office / commercial use, apartments, assoc works at marine terrace, Greystones, Co. Wicklow.

Planning Application

Planning Authority: Wicklow County Council
Planning Authority Reg. Ref.: 10/2561
Applicant: Jim Luby
Type of Application: Permission
Planning Authority Decision: Grant

Planning Appeal

Appellant(s): Leslie Charles Bradley
Martin & Nicola Doyle and Others
Mary & Eamonn O'Raghallaigh

Observers: None

Type of Appeal: Third Party
Date of Site Inspection: 17/11/10 and 24/11/10

Inspector: Gillian Kane

1.0 SITE LOCATION AND DESCRIPTION

The subject site is located between Cliff Road, Trafalgar road and Marine Terrace along the eastern coast of Greystones town. The roughly square shaped site is bound to the east by Cliff Road, to the north by the rear boundaries of two residential properties, to the west by Trafalgar Road and to the south by Marine Terrace and the boundaries of a pair of semi-detached properties currently in use as a Medical centre. The site is south of the large construction site consisting of the Greystones Harbour development.

Currently the site is bound on all sides by 3m high industrial hoarding with a number of locked gates. Within the hoarding, the majority of the site is occupied by the part 3 part 4 storey former La Touche Hotel. This late Victorian Hotel faces west on to Trafalgar Road with a long low two storey extension running along the southern boundary creating a new façade facing Cliff Road. In the north-western corner of the site, the hotel was extended at ground level to adjoin the northern boundary. The hotel is in a state of severe disrepair. Access to the interior of the hotel was strongly advised against by the agent of the applicant. The former car park serving the hotel comprises much of the eastern section of the site, is severely overgrown and contains a significant amount of construction waste.

The site drops in ground level by approx. 2m from the southern boundary along Trafalgar Road to the northern and eastern boundary. The site slopes gradually and imperceptibly, with the existing buildings stepping down from south to east.

Along the southern boundary of the site, adjoining the later extension to the hotel are two part single part two storey cottages known as An Tigin and Eureka. As with other structures on site, access to the buildings was strongly advised against. In the north western corner of the site a single free standing structure is separated from the remainder of the site by a gate and wall.

The northern boundary of the site adjoins the southern boundary of a private residential property called Rosaria. The remainder of the northern boundary adjoins the grounds of a single storey detached cottage which is severely fire damaged.

A number of properties within and surrounding the site are Protected Structures or are recorded on the National Inventory of Architectural Heritage as being of architectural interest or merit. These include La Touche Hotel (also known as the Grand Hotel), St Philomenas House on Trafalgar road and the former Greystones Coastguard Station on Marine Terrace which now serves as the town Garda Station.

In the wider area there are a number of residential properties, a school and a car park. The surrounding road network has formal on street car parking.

2.0 PROPOSED DEVELOPMENT

2.01 Application Lodged 09/06/10

Planning permission was sought for modifications to a previously approved scheme (04/1450) which comprised a mixed use development including a hotel, bar, restaurant, coffee shops, office and 85 no. apartments with 143 car parking spaces.

The current application proposes modifications of the above scheme to include a medical centre (1085sq.m.), retail, coffee shop, office / commercial use (836sq.m.), ESB sub station, 80 no./ apartments with 5 no. duplex units, 146 car parking spaces in a basement, 13 no. car parking spaces at surface level and 97 no. bicycle spaces.

The proposed development is organised in 5 blocks as follows:

- A:** located within part of the original hotel building which is a protected structure: part 3 part 4 storey block with existing retail, new coffee shop and new art gallery at ground floor, 8 no. apartments at upper levels
- B:** demolition of 3 no. buildings to facilitate the refurbishment, redevelopment and change of use of original La Touche Hotel including the erection of a single storey building, all to house a medical centre at ground and first floor and 8 no. apartments at upper level.
- C:** 4 storey over basement block with ground floor commercial and retail use (343sq.m.) and 19 no./ apartments at upper levels
- D:** 4 storey over basement block with ground floor commercial / office use (226sq.m.), ESB sub station (15sq.m.) and 33 no./ apartments at upper levels
- E:** three storey over basement block with 5 no. apartments and 5 no. duplex units
- F:** four storey over basement block with 7 no. apartments

The application was accompanied by a planning statement, conservation report, engineering services report, review of the 2004 transportation assessment, landscape design proposal (2004), daylight and sunlight report (2004), and a waste management strategy. The planning statement states that since the previous planning permission was granted on 15/16/05, the applicant company went into receivership and the current applicant is a Bank who has granted permission to the Receiver to lodge the subject application.

2.1 Reports on File following submission of application

2.1.1 **Iarnrod Eireann:** No objection subject to the imposition of conditions.

2.1.2 **Sanitary Services:** Delete condition no. 2

2.1.3 **Roads:** Further information / revised drawings should be requested.

2.1.5 **Planning Report::** Comments of note include:

- Principle of development is considered acceptable,
- Design of the development is considered acceptable.
- Traffic movements to and from the site will not be significantly increased from that anticipated under the original development.
- No objection to proposals regarding the protected structure.
- Consideration must be given to the fact that this application is for modifications to a previously approved scheme. Recommendations made by the Roads Department are not considered necessary as “this is an existing permission”.
- It is not considered that the amendments will have an adverse impact on the amenities of surrounding residents.
- Recommendation to grant permission.

3.0 PLANNING AUTHORITY DECISION

By order dated 30/07/10 a notification of decision to GRANT permission subject to 31 no. standard conditions. Condition no. 7 required the submission of details of the protected structure to the Planning Authority for agreement.

4.0 PLANNING HISTORY

04/1450: Planning permission was granted for a mixed use development comprising hotel, bar, restaurant, coffee shops, office & 85 no. apartments over with 143 no. basement car parking spaces & 18 no. surface spaces. Permission expired on 14th June 2010.

5.0 NATIONAL POLICY

5.1 Guidelines for Planning Authorities: Architectural Heritage Protection.

This guidance, which is a material consideration in the determination of applications, sets out comprehensive guidance upon development in conservation areas and affecting protected structures. It promotes the principal of minimum intervention (Para.7.7.1) and emphasises that additions and other interventions to protected structures should be sympathetic to the earlier structure and of quality in themselves and should not cause damage to the fabric of the structure, whether in the long or short term (7.2.2).

5.2 Sustainable Residential Development in Urban Areas (2009)

The objective of the guidelines is to produce high quality and sustainable developments through key planning principles such as the provision of community facilities, efficient use of resources, amenity / quality of life issues and conservation of the built and natural environment. The guidelines suggest qualitative and quantitative standards for achieving these goals.

With regard to the subject site, **section 5.9** of the guidelines states that infill development in residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. The guidelines state that the design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area, i.e. views, architectural quality, civic design etc.

5.3 DoEHLG Sustainable Urban Housing: Design Standards. Guidelines for Planning Authorities 2007

The urban housing design standards aim to promote sustainable urban housing by ensuring that the design and layout of new apartments provides satisfactory accommodation for a variety of household types and children. The guidelines provide recommended minimum standards for floor areas, storage spaces, private open space and dimensions of certain rooms.

6.0 LOCAL POLICY

6.1 Wicklow County Council Development Plan 2010 – 2016

The subject application was lodged under the WCC development plan of 2006 -2010. In the interim, the 2010-2016 plan was adopted.

Volume 2 of the County Development Plan lists the La Touche Hotel on the RPS (ref 08-50) . It describes the hotel as a large, H-plan hotel of circa 1900 with painted rough-cast walls and brick lintels to windows, brick ground floor and parallel raised quoins. The central section has an enclosed veranda across the front and Mansard roof while at either end the advanced wings act as towers to terminate the façade.

6.2 Greystones / Delgany LAP

Within the LAP the subject site is zoned T1 which has the stated objective to provide for town centre uses. Policies of note in the LAP include:

6.2.1 Section 3.2.1.1 Town Centre Policies / Objectives:

TC 02 It is Council policy to support and encourage the provision of additional convenience and comparison retail floorspace in Greystones town centre.

TC 03 The Council will seek to diversify and strengthen the tourism, leisure and entertainment attractions of Greystones town centre and will seek to locate facilities of a regional and settlement wide significance within the town centre.

TC 06: New developments including the refurbishment of buildings, within town and village centres, shall be cognisant of existing character and streetscape in terms of massing, rhythm, vertical and / or horizontal emphasis, materials and finishes. New developments including refurbishment of buildings, within the town or village centres, shall not render the building out of character with the existing streetscape. It is important to ensure that existing traditional features and characteristics are retained in existing buildings.

TC07: New developments including the refurbishment of buildings, within town and village centres, shall have particular and careful regard to the setting of and appreciation for adjacent protected structures

TC08: New developments including the refurbishment of buildings, within town and village centres, shall comply with the policies

6.2.2 Section 3.3.4 Infill Residential Development

TC14 Design of any new infill residential development within town and village centres shall have regard to the existing character, scale, massing, rhythm, existing prominent design features, existing density and height of existing buildings. Regard shall be had to adjacent building lines, roof pitches and window proportions.

6.2.3 Density

Table 4.5: For T1 development on the whole, including non-residential uses, a maximum plot ratio of 2 will be permitted while for T2 a maximum plot ratio of 1.5 will be permitted for same.

No upward limit on housing density is set out for Town and Village Centres. The quantum of development on any site will be guided by adherence to appropriate plot ratio and site coverage standards and compliance with other requirements such as open space and car parking. In addition density in Town and Village centres will be guided by: The strategies outlined for each Town and Village Centre, Qualitative design standards and guidance

contained within this chapter and Chapter 3.0., and the policies and objectives of Architectural Conservation Areas.

6.2.4 Retail

RP02: It is the policy of the Council to seek to sustain the vitality and viability of existing retail centres.

RP03: It is the policy of the Council to encourage and facilitate innovation in the retail offer and attraction of Greystones/Delgany; to enhance the variety of products and services available locally.

RP04: It is the policy of the Council to encourage and facilitate the sustainable re-use and regeneration of derelict and brownfield land and buildings in town and village centres for retail uses.

6.2.5 Heritage

HL21: In addition to the views and prospects mentioned in the Development Plan, it shall be Council policy to preserve views and prospects, subject to zoning objectives, as listed below: The view of Bray Head, Little Sugar Loaf and the higher reaches of the Great Sugar Loaf from the eastern parts of harbour area i.e. eastern pier and higher lands immediately south of the pier (location of anchor landmark), with the built up part of Greystones in the foreground

CH08: The Council will ensure that alteration to, or extension of, protected structures will only be permitted if the proposal is in keeping with the character of the structure.

CH09: The Council shall only consider the change of use of protected structures, if it can be shown that the structure character, appearance, and setting will not be adversely affected.

6.2.6 Section 8.3.5 Coastal Greystones - Local Urban Character Area

The portion of Greystones town centre east of the rail-line is recognised as an area of distinct historical and amenity value and is designated within this Local Area Plan as a Local Urban Character Area. This part of Greystones contains an abundance of protected structures encompassing a broad range of styles and functions, from terraces of Victorian seaside houses, to the coast guard station and institutional buildings.

CH10: It is Council policy to preserve and protect the historic and seaside character of Coastal Greystones.

CH11: In determining future planning applications, the Council will carefully consider to what degree proposals for development are sympathetic to the character of this area, the setting of protected structures and the visual amenity of the coastline.

In assessing proposals for development the planning authority will have careful regard to the impacts on non-protected structures of a similar age and style to the (Victorian-Edwardian) protected structures of the area.

6.3 Development Contributions

The appeal site is not located within an area identified by the development plan for the application of supplementary development contributions.

7.0 GROUNDS OF APPEAL

The application was appealed by 3 no. third parties.

7.1 Appeal of Leslie Charles Bradley

The grounds of the third party appeal can be summarised as follows:

- The removal of the protective status of the hotel is contrary to heritage values
- The scale of the proposed development is not in keeping with Kenmare Terrace a collection of semi-detached single storey cottages from 1850.
- 3 and 4 storey apartment blocks will alter the aspect of the area
- Insufficient parking provision will cause further congestion along the adjoining roads.
- Community services in the area are already under strain
- It is not clear how underground rock will be removed.

7.2 Appeal of Martin & Nicola Doyle and Others

The grounds of the third party appeal can be summarised as follows:

7.2.1 Context

- It is submitted that permission for the 2004 application has lapsed and the previous decision is irrelevant. It is noted that the proposal is subject to a new LAP. The previously approved high density development reflects principles of the time. Since then a greater understanding of scarce resources has evolved.

7.2.2 Heritage

- The site has deteriorated but deserves to be developed sensitively and in keeping with the LAP.
- The principle of protecting heritage as contained in the Architectural Heritage Protection guidelines as reflected in section 3.2.7 and policy CH02 of the LAP.
- Section 8.3.5 of the LAP designates the area as a Local Urban Character Area and policy CH10 seeks to preserve and protect this. Notwithstanding these proposals the proposed development does not fit comfortably.
- The Councils intention to grant is in contravention of policy TC06 and TC07 in terms of massing, materials and finish which is out of character with the area.
- The proposed development is also in contravention of policy TC14 which requires infill development to have regard to existing character.
- Submissions from the Development Applications Unit of the DoEHLG regarding the previously approved application state that the development is too large for the established character of the area. The submission states that the demolition of the two dwellings should be justified for reasons other than a mismatch with proposed development. It is submitted that the height and scale of the proposed development is still too great, the limited reduction will not make a significant difference and will still impact negatively.
- It is submitted that the proposed development in the curtilage of a protected structure will close off the view of the structure from Cliff Road. It is submitted that the application does not contain an analysis of visual amenity or a 3D model which would have shown this discrepancy.
- It is noted that Policy PO1 of the LAP contains a protected prospect around the Cove upon which the proposed development will have a negative impact.

- 7.2.3 La Touche Hotel
- It is submitted that the proposal is in contravention of policies CH08 and TC06 regarding protected structures as the design is not in character.
- 7.2.4 Change of Use
- It is submitted that the proposed use is not in keeping with the surrounding low density residential area and therefore is contrary to policy CH07. It is submitted that the proposed development contravenes policy HL18 which seeks to maintain the coastal character of the area. It is submitted that a medical centre does not meet this objective and the lack of a hotel in Greystones is regrettable. The proposed medical centre does not support the policy to strengthen tourism (TC03 and ET01).
 - It is submitted that the proposed retail elements are contrary to section 5.4.1 of the LAP as the subject site is removed from the Core retail area.
 - Concern is raised over the proposal to agree allocation for office and retail at a later stage as this denies neighbours the opportunity to comment. The potential use as a crèche would cause additional issues of traffic and parking that have not been considered
- 7.2.5 Traffic
- The TIA acknowledges the need for traffic lights once the Marina and Blacklion developments are complete. It is submitted that this level of traffic would affect amenity for pedestrians, will detract from residential amenity and will damage the quality of the environment.
 - It is submitted that additional traffic will cause hazard for school children walking the streets, that construction traffic will cause concern, congestion and disruption for a considerable time.
 - It is submitted that it is not acceptable that these matters are left for agreement with the Council as this excludes the public.
- 7.2.6 Parking
- The traffic report was prepared when there was free parking in the area and outside of school hours. Residential permits are now in place. School traffic uses all existing parking capacity and the scale of development proposed would have a significant impact on residential amenity.
- 7.2.7 Density
- It is submitted that a density of 85 apartments is in excess of the norm the development must be considered against the tests of the NSS. It is submitted that community resources in the area have no spare capacity, the proposal will not reinforce a sense of place and character, will not reinforce the integrity and vitality of the local community, and will not provide housing for all sections of the community. It is submitted that the proposed apartments are not suitable for family living contrary to the Housing Report prepared for the Draft Development Plan.
- 7.2.8 Standards of Construction
- There is no evidence that the proposed development is in compliance with section 7.3.1 and 7.4 of the Lap which requires all developments to be low energy performance and to propose water saving measures .
- 7.2.9 Public and Private Open Space
- There is a lack of clarity between public and private open space. It is submitted that the references to public use of the proposed open space is incorrect as condition no. 27 of the previous permission required that open space be dedicated for resident use only. It is submitted that if this space is not included in the calculations of private open space, the development does not meet required standards. It is submitted therefore that there is no planning gain from the proposal as the pedestrian route through the scheme will be cut off and the amenity previously provided by the hotel is

diminished. No space is allocated for children, balconies of 7sq.m. are too small for children and the seaside is not an acceptable compensation.

7.2.10 Residential Amenity of Neighbours

- Photographs taken from neighbouring dwellings are submitted showing the existing view.
- It is submitted that blocks E and F will seriously overshadow and overlook, be out of scale with and affect the views of adjoining neighbours.
- First floor windows of block E will overlook the gardens of property M and P.
- Bedrooms and balconies of the second floor of block E overlook properties M, N and P.
- Windows in block A are 5m from the boundary wall, 10m from property M and will overlook property N.
- It is submitted that translucent glazing is not an adequate response to the problem and that the only way the site can avoid compromising the amenity of neighbours is to develop at a lower scale.
- It is submitted that the applicants shadow plans demonstrate significant overshadowing of properties M, N and P and that this will significantly impact upon residential amenity.

7.2.11 Construction and Excavation

- It is submitted that excavations will come very close to neighbouring properties, particularly property M. Many properties in the area do not have foundations. It is submitted that without a full survey it is not possible to know how far the problem extends. It is submitted that the Local Authority should not have permitted the development without full knowledge of existing conditions as pre development audits would be too late if properties are too insecure to protect.
- It is submitted that it cannot be stated that foundations of existing structures will not be compromised as no studies have been done. This cannot be left to pre-development stage as this does not include neighbours. It is recommended that if permission is granted, neighbours are made party to any pre-development agreements.
- It is recommended that a bond should be placed with a third party to ensure that sufficient funds can cover repairs.
- It is noted that the sea wall along Cliff Road is vulnerable and has already experienced problems. It is submitted that no arrangements have been made to deal with further problems caused by construction of the new surface water outfall.

7.2.12 Development Conditions

- It is submitted that the lack of pre-determined detail will lead to further problems for neighbours and the wider area.
- It is submitted that the waste storage report repeats the 2005 plan but is not updated to include the medical centre. It is submitted that medical waste requires specific treatment. It is submitted that the limited availability of space for bins has already been noted and this does not include compostable waste bins.
- It is submitted that the proposal allows surface water from the basement to enter the main sewers contrary to the Greater Dublin strategic Drainage Study and despite the effect on the already stretched sewage system.

7.2.13 Flood Risk

- It is submitted that even though the area is not within a flood risk area is adjacent to the sea and contains basement accommodation. There is no evidence of precautionary measures as recommended by section 7.3.4.2

or compliance with policy FR05 which requires development along the coast to meet minimum flood design standards.

7.3 Appeal of Mary & Eamonn O'Raghallaigh

The appellant states that documents may have been removed from the file at Planning Authority stage and that the accumulation of copies of the same documents into one box is an attempt to confuse the public.

The grounds of the third party appeal can be summarised as follows:

7.3.1 Rosaria

It is submitted that the inclusion of the name Rosaria in the public notices when it is not part of the site is unacceptable and leaves the appellant open to scrutiny.

7.3.2 General

- It is submitted that the Company the previous permission was granted to was in breach of statutory obligations under the Companies Act.
- Due to the proximity of Blocks A, B and E, the impact of the proposed development on the appellants property is considerable and detrimental. It is submitted that the height, scale and density of the proposed development is over-ambitious, out of proportion with the Victorian character of the appellants and neighbouring properties and at variance with the County Development Plan .
- The character of the proposed buildings are visually imposing and not in compliance with the Urban Development Guide.
- It is submitted that the drilling and tunnelling underground to provide the basement car park will be only 15ft from the appellants property and may compromise the stability of the dwelling.
- The proposed development will cause the diminution and access of natural light into the appellants dwelling and vegetable gardens.
- It is submitted that the gross over development of the site is driven by a desire to maximise profits and ignores proper planning.
- It is submitted that the level of noise during construction would make it impossible for the appellant to stay in his home.

7.3.3 Loss of Amenity

- It is submitted that Blocks A and B would infringe the appellants right to light due to overshadowing. It is submitted that this would impact upon use of the dwelling and garden. The proposed translucent glazing would be unsightly and would be changed by residents as it would not provide any light to the rooms.
- It is submitted that the plans do not accurately reflect the garden area of the appellants property.

7.3.4 Damage to Property

- It is submitted that the demolition of the former bank and walls would leave the appellants property open to intrusion.
- It is submitted that excavations to facilitate the proposed underground car park 150cm from the boundary would undermine the stability of the appellants property.

7.3.5 Other

- It is not clear where materials for the proposed medical centre will be stored, where toxic materials will be stored before disposal and where they will be disposed of. It is submitted that as a medical centre is being provided as part of the Harbour development, one would question the need for one in the proposed development.

- Having regard to the surplus of apartments, it is asked who the developer envisages purchasing the properties.
- It is submitted that the street network in the area is not adequate to cater for the extra traffic and existing congestion. It is submitted that emergency traffic could not access the area due to three schools and two churches in the area.
- It is submitted that future development of other lands in the vicinity of the site would add to over development and congestion.
- It is asked if the Minister when granting permission for effluent discharge into the bay had regard to current and future residents of the area. It is submitted that the effluent from the proposed development will differ to that from the original development.
- It is submitted that there are no indications as to how noise and dust will be controlled during construction and how damage caused during construction will be repaired.

8.0 RESPONSES

8.1 Planning Authority Responses

The Planning Authority responded to the allegations of the third party Eamonn and Mary O'Raghallaigh. The allegations related to the removal of documents from the planning file. The Planning Authority refute these allegations.

8.2 First Party Response to Third Party Appeals

8.3 Response to Appeal of Leslie Charles Bradley

- The proposed development does not propose to demolish the protected structure. The La Touche Hotel will be re-used, refurbished and retained. Greystones has a variety of building heights including the existing La Touche Hotel at 4 stories. It is submitted that the large mass of the building creates a distinctive scale. It is submitted that the proposed design creates a scale and massing appropriate to the site and wider context. Proposed buildings along Trafalgar Road are three storey with set back roof penthouse, the proposed Block A adjoining Kenmare Terrace is set back and respects the boundary to the north. The proposed design is in keeping with the section 3.1 and table 5.2 of the LAP with a plot ratio of 1.5.
- The proposed development is with a town centre zoning and reflects the key location of the site.
- The proposed car park exceeds the requirements of the LAP, with 146 no. spaces, 13 no. surface spaces and 97 bicycle spaces. The TIA which adopted a worst case scenario concluded that there would be no material impact. It is noted that the Residential Density Guidelines recommend a relaxation of standards in brownfield locations.
- It is submitted that the existence of schools, scout hall, surgeries, and vet practice underpins the mixed use development which will further contribute to the town.
- A site investigation report was carried out and submitted as part of the planning application. It is submitted that the majority of rock will be removable by ripping techniques. The Applicant would be willing to submit a method statement to the Planning Authority.

8.4 Response to Appeal of Eamonn & Mary O'Raghallaigh and Martin & Nicola Doyle

8.4.1 Principle of Development

- The proposed development is acceptable in terms of its location, design, relationship with adjoining development and treatment of the protected structure.
- There has been no significant or material change in policy. All of the proposed uses are permitted in principle. The scale of development is not such that would affect the vitality or viability of the core retail area – plot ratio and site coverage show an acceptable density.
- The condition added by the Planning Authority regarding proposed uses of the commercial units will restrict and remove exempted development rights.

8.4.2 Architectural conservation

- The proposed development provides for the sensitive restoration and refurbishment of the original hotel in accordance with best conservation practice. The proposals are almost identical to that previously permitted.
- There have been no material or significant changes in policy towards preservation and redevelopment of protected structures. Extensive consultations have been had with the Council and relevant State bodies.
- The modifications proposed were prepared under the supervision of a Conservation Architect. All recommendations were incorporated into the current scheme.
- The later additions to be demolished have no architectural merit and have the approval of the Council and the Department.
- The loss of the residential buildings is justified in making provision for the overall development of the site.

8.4.3 Overshadowing

- The proposed development will not result in any material additional overshadowing or loss of sunlight. Daylight and shadow analysis has been undertaken twice.
- The existing single storey structure located immediately to the south of Rosaria is to be retained and the existing two storey addition to the hotel is to be demolished and replaced. No new windows are proposed therefore there will be no appreciable reduction in amenities of the adjoining dwelling.
- Adequate separation has been provided to the dwellings to the north to ensure overshadowing is minimised.
- The building located on Cliff Road referred to as Building P is owned by the legal owners of the site.
- The existing properties to the south and west are unlikely to suffer any reduction in light due to location.

8.4.4 Overlooking

- Measures to avoid overlooking have been incorporated into the scheme, including orientating units away from sensitive properties and obscure glazing.

8.4.5 Public and Private Open Space

- Open space has been provided in accordance with national standards.
- Emphasis has been placed on the quality of public open space which will benefit the wider community.

8.4.6 Traffic

- The proposed development will not have any material impact on traffic safety and convenience in the vicinity of the site. Transport studies show that the proposed development would be acceptable with some additional

traffic management measures needed upon the opening of the Harbour Development.

- Adequate car parking has been provided in accordance with relevant standards. Conditions imposed by the Council are acceptable to the applicant.
- 110 car parking spaces are proposed for residential use, 13 spaces are for public use / commercial use and 36 spaces proposed for the medical facility.

8.4.7 Construction Impacts

- Impacts from construction will arise even with mitigation measures. However these impacts will be short lived and cannot be avoided.
- The applicant accepts the conditions imposed by the Council. Best practice management will be undertaken.
- Material underlying the site is shale / slate and can be removed by excavation without the need for blasting.
- The applicant accepts the requirement to carry out pre-development surveys on adjoining properties.

9.0 OBSERVATIONS

None on file

10.0 ASSESSMENT

10.0.1 On reading of all documentation submitted with the appeal, I consider the issues to be:

- Principle of the Appeal
- Site Development Standards
- Overshadowing and Overlooking
- Public and Private Open Space
- Traffic

10.1 Principle of the Appeal

10.1.1 The subject development is described as “modifications to a previously approved mixed use development”. There is no provision in the planning code for the making of an application for modifications to a previously approved scheme. An application made under section 34 or an appeal under section 37 of the Planning and Development Act 2000, as amended is assessed against the proper planning and sustainable development of the area with regard to those provisions as set out in the Act. There can be no presumption of a grant of permission due to the existence of planning permission for a previous scheme on site, notwithstanding the similarity or otherwise of the subject development proposal to that previously approved. The entire scheme as set before the Bord is that which shall be assessed, albeit with regard to the planning history of the site and all other matters arising.

10.1.2 The proposed development involves the redevelopment, refurbishment and restoration of the La Touche Hotel to comprise a medical centre and commercial units at ground and first floor and residential apartments on the upper two floors, the demolition of a number of structures on the site and the construction of three further blocks of residential and one block with commercial and residential. Residential and commercial land uses are permitted in principle with the town centre objective that covers the site. It is

considered that the re-development of the site is welcome and would represent a significant improvement on the current situation.

10.2 Site Development Standards

10.2.1 The subject site has a stated area of 0.66ha. It is proposed to provide 85 no. of residential units which results in a density of approx. 129 units per hectare. Proposed plot ratio is 1.5 and proposed site coverage is 44.3%.

10.2.2 Within the Sustainable Residential development in Urban Areas Guidelines, the subject site would be classified as being an infill residential development site. When re-developing such sites, especially those areas whose character is established by their density or architectural form, the guidelines recommend striking a balance between the reasonable protection of the amenities of the adjoining dwellings and the need to provide residential infill. The guidelines state that there should be no upper limit on the number of dwellings in a town centre site subject to the normal safeguards such as protection of amenities, good internal space, urban form and site development standards. The Greystones LAP states that no upward limit will be placed on density in town centres, with plot ratio and site coverage standards being the appropriate measure. The subject site is zoned T1 and the LAP recommends a maximum plot ratio of 2. The subject site complies with the quantitative standards of the plans.

10.2.3 I share the concern of the appellants however that the density of the proposed scheme represents a significant contrast to the surrounding pattern of development. The development of an infill site must strike a balance between the development site and the surrounding area. The extrapolation of this is that generally there should not be a distinct and abrupt transition at a site boundary. There is a general acceptance that lands over 0.5ha in area are capable of establishing their own sense of identity and place, however there must be a recognition of the established density and architectural character of the surrounding area into which the development must integrate.

10.2.4 The applicant notes that building lines along Trafalgar Road are set back and the upper floors of the proposed blocks are set back to step the development into the site. The applicant also notes that the existing 4 story hotel creates an established building height and scale on the site. This is correct and the mass of the existing building cannot be ignored. However, I retain a concern regarding the overall mass and scale of development proposed on the site. The proposed development proposes to create a new 4 storey streetscape along the entire perimeter of the site. The dwellings and structures immediately surrounding the site are largely two storey, with a number of single storey dwellings. There appears to be little attempt to acknowledge or have regard to the existing built form. It is accepted that the provision of apartments in an area characterised by more traditional forms of housing will represent a stark increase in density and volume / pattern of use within a site. To maximise the scarce resources of centrally located lands there cannot be a replication or duplication of existing development patterns. However it is considered that the proposed development appears to create an entirely stand alone identity, one which does not acknowledge or even have regard to the scale and form of the area in which it is proposed.

10.2.5 I note that the LAP recognises the heritage and amenity value of the coastal area of Greystones. The plan states that proposals will be assessed against

the degree to which they are sympathetic to the character of the area, the setting of protected structures and the visual amenity of the coastline. Due to the height of the existing structures on site, there is no view of the Coastline from Trafalgar Road or much of Marine Terrace. The proposed development does not significantly alter this. As discussed above however, I do not consider that the proposed development is any way sympathetic to the character of the area.

10.2.6 The guidelines require that where densities are greatly increased there must be accompanying high qualitative standards of design and layout. This is discussed in greater detail below.

10.2.4 The scale of the proposed development has implications for the residential amenity of the adjoining landowners. This is also discussed in greater detail below.

10.3 Overshadowing and Overlooking

10.3.1 The residents of Rosaria, (referred to as property M in the shadow diagrams) located to the north of the subject site, submit that the proposed development will overlook and overshadow their home and rear garden. It is submitted that the use of translucent glass is an inadequate response to inadequate separation distances. At ground and first floor level, Block A adjoins the boundary wall with Rosaria, the third floor steps back a distance of 5.2m from the boundary. There are no windows in the gable (north) wall of the first three floors. At the third floor, the living area and bedroom no. 2 of apartment no. 7 have windows on the gable (north) elevation. These windows are 5.2m from the boundary with Rosaria and in my opinion directly overlook the private open space of the dwelling. It is considered that this overlooking, coupled with the blank three storey elevation that continues for a length of approx. 17 would significantly impact upon the amenity of Rosaria.

10.3.2 It is considered that the possibility of overlooking Rosaria also exists from apartment no. 10 in Block E whose kitchen window is approx. 8m from the boundary. The single storey cottage adjoining the remainder of the sites northern boundary is currently vacant due to fire damage. However one must assume that it may be occupied at some future date. I note drawing no. 10-37-P-04 indicates translucent glazing / opaque screening with arrows pointing at the northern elevation of Block E. It is not clear but it must be assumed that all windows along the third floor of the northern elevation will be fitted with translucent glazing. On this matter I agree with the appellant that while this may obviate the potential for overlooking of the adjoining properties it will severely impact upon the residential amenity within the affected apartments. The rectangular form of the apartments results in a single window illuminating the kitchen / dining area (approx depth of 5.5m) of each apartment. It is considered that the light available from a north facing translucently glazed window would be minimal and would compromise the amenity of the rooms.

10.3.3 It is considered that the possibility of overlooking also exists between blocks C and D, particularly those apartments in the eastern section of block C (1, 5, 6, 11, 12, 16 and 17) and the western section of block D (6, 7, 15, 16, 24, 25 and 33). The separation distance between these directly opposing windows and balconies is between 4m and 5m. It is considered that this is insufficient to prevent overlooking and would impact upon the residential amenity of the apartments and their corresponding private open space.

- 10.3.4 It is considered the dwellings adjoining the northern boundary of the site would also be unduly affected by overshadowing as shown by the shadow analysis submitted with the application. I note that the report claims that the diagrams are not as extreme as they appear as the buildings are the same height as an average two storey dwelling. It is considered that this analogy is not comparable however as the proposed buildings are of a considerably deeper profile than an average two storey dwelling and so create a greater shadow impact.
- 10.3.5 It is considered that the concerns raised above combine to provide an environment that is not of sufficiently high quality and design to compensate for the dramatic increase in density proposed. In addition it is considered that the proposed development fails to satisfactorily respect the residential amenity of adjoining properties. It is considered therefore that the proposed development fails to comply with the safeguards recommended in the guidelines for higher density developments.

10.4 Public and Private Open Space

- 10.4.1 Section 4.5.3 of the LAP recommends a minimum of 15% of a site area to be provided as public open space. Two areas of public open space are proposed: a new civic space to the front (east) of the hotel building and an inner courtyard in the central area of the subject site. Blocks B,C,D, E and F all address the inner courtyard with balconies and windows directly overlooking the space. It is considered the interaction with and between the proposed blocks and the inner courtyard is very good and will encourage active recreational use of the space. I consider the proposal to actively encourage public use of the space to be welcome.
- 10.4.2 One of the third party appellants states that the proposed inner courtyard cannot be included in the public open space calculation as condition no. 27 of the previously approved permission required that public open space be reserved for resident use only. As noted above, the previously approved permission for development on this site has expired and the subject development is being assessed entirely on its own merits. Any condition attaching to the previous permission is not binding on the subject development.
- 10.4.3 I note that the two proposed apartments on the third floor of the existing hotel building do not have any private open space. This is not acceptable, particularly with third floor apartments given that they are so far removed from the ground floor public open space.

10.5 Protected Structure Status of La Touche Hotel

- 10.5.1 Section CH09 of the LAP states that the Council will only consider the change of use of a protected structure if the proposal is in keeping with the character of the structure. It is proposed to provide a medical centre at ground and first floor and apartments on the third and fourth of the existing hotel building. I consider this to be in keeping with the character of the existing hotel which provided a commercial lounge / bar and restaurant at ground floor and hotel rooms at the upper levels. It is considered the proposed uses are broadly in line with the services to the public nature of the former hotel. It is welcome that the architectural / heritage features of the hotel which contribute to the overall value are to be retained. I do not consider that the proposed

development will adversely affect the character, appearance or setting of the protected structure.

10.5.2 The issue of the possible demolition of the structure and / or its removal from the RPS in the draft development plan was raised during the application. I note that the hotel was contained in the RPS when the new development plan was adopted. The proposed development does not provide for the demolition of the hotel.

10.6 Traffic

10.6.1 The application was accompanied by a review of the traffic impact assessment (TIA) carried out in 2004 for the previously approved development. The 2004 TIA concluded that the predicted trip generation associated with the development would not have significant impacts on the surrounding road network. It is stated that the 2004 report assumed a worst case scenario and there was no need to update the report given that NRA assumptions will not now be realised due to the economic downturn.

10.6.2 Given the previous commercial use of the site, it is considered likely that road network is capable of dealing with a volume of traffic that is considerably greater than exists currently. I can see no reason not to accept the findings of the traffic impact assessment, albeit acknowledging that they are 5 years old. Notwithstanding this, it is considered that the concerns raised above regarding over development of the site and the impact of a development of this scale on adjoining properties are substantive and this would have an impact on the volume of traffic likely to be generated from a more appropriate development of the site.

10.6.3 I note the concern of the Roads Engineer of the Council regarding the proposed route to the underground car park. Having inspected drawing no.s 10-37-P06 and 10-37-P02 I am unclear about the exact nature of the concern raised. I note that sightlines from the proposed entrance point are not shown. If the Bord decides to grant permission, I consider it reasonable to attach a condition requiring the submission of details regarding same to the Roads Department of the Council, prior to the commencement of development. I also note the concern of the Engineer regarding sightlines from Marine Terrace turning right onto Trafalgar Road. I note that these sightlines are controlled by the existing structures at this junction and this will not be affected by the subject proposal.

11.0 CONCLUSION AND RECOMMENDATION

I have read the submissions on file, visited the site, and have had due regard to the provisions of the Wicklow County Development Plan, the Greystones / Delgany Local Area Plan, the Sustainable Residential Development in Urban Area guidelines, the Sustainable Urban Housing: Design Standards for Local Authorities, the planning history on the site and all other matters arising. It is considered that the proposed mixed use development with high density residential use does not satisfactorily integrate with the surrounding low density area of significant amenity and heritage value. It is considered that the scale, mass and bulk of the proposed development is inappropriate and excessive and would not be in keeping with the pattern of development in the area. It is considered that the proposed development would injure the residential amenity of properties in the vicinity of the site particularly those adjoining the northern boundary of the site and would not provide sufficient

residential amenity to the future residents of the proposed apartment blocks, with regard to overlooking and overshadowing. It is considered that the proposed development is not in accordance with the standards, policies and objectives of the development plan, local area plan and national policy guidance. It is considered therefore that the proposed development is not in accordance with and is contrary to the proper planning and sustainable development of the area. I recommend permission be REFUSED for the following reasons:

1. It is considered that the proposed mixed use development with high density residential use does not satisfactorily integrate with the surrounding low density area of significant amenity and heritage value. It is considered that the scale, mass and bulk of the proposed development is inappropriate and excessive and would not be in keeping with the pattern of development in the area. It is considered that the proposed development would seriously injure the residential amenity of properties in the vicinity of the site particularly those adjoining the northern boundary of the site and would not provide sufficient residential amenity to the future residents of the proposed apartment blocks, with regard to overlooking and overshadowing. It is considered that the proposed development is not in accordance with the policies and objectives of the Greystones / Delgany Local Area Plan, the Wicklow County Development Plan and the Sustainable Residential Development in Urban Area guidelines for Planning Authorities. It is considered therefore that the proposed development is not in accordance with the proper planning and sustainable development of the area.

Gillian Kane
Planning Inspector
09/12/10