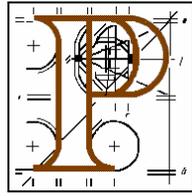


# An Bord Pleanála



## Inspector's Report

**PL75.238942**

**PROPOSED DEVELOPMENT:**

Temporary car park to be sited on the remains of the old hotel site.

**LOCATION:**

North St/John St/Bridge St, New Ross, Co. Wexford.

**PLANNING APPLICATION**

Planning Authority (P.A.):

New Ross Town Council

P.A. Reg. Ref.:

N2011/002

Applicant:

M & T Developments.

Type of Application:

Permission

P.A. Decision:

Refuse

**PLANNING APPEAL**

Appellant:

M & T Developments

Type of Appeal:

First

Site Inspection:

6 July 2011

**Inspector:**

**Una Crosse**

## **1. SITE LOCATION AND DESCRIPTION**

The site which measures 0.138 hectares comprises the former site of the Royal Hotel which addressed North Street/John Street in the centre of New Ross. The hotel has been demolished and the remaining site is currently surrounded with hoarding. The site adjoins High Hill Street to the south with steps from North Street to the higher ground to the rear of the site at the open area in the vicinity of the Chapel/Friary. The site rises steeply from North Street to the east (rear) of the site with a rise of approximately 10/11 metres. The site is adjoined to the north by a three storey property the gable of which is separated from the subject site.

## **2. PROPOSED DEVELOPMENT**

### **2.1 Development as Submitted**

Permission is sought for a temporary car park providing 31 no. spaces with access onto North Street. The car park includes for 4 no. disabled spaces. A landscaped area is proposed at each side of the entrance. A 2.4 metre high chain link steel fence is proposed along the east, south and northern boundaries. The exposed rock face is to be sealed with sprayed concrete and rock bolts. The existing boundary wall is proposed to be made good.

## **3. PLANNING AUTHORITY'S DECISION**

### **3.1 Decision**

The planning authority decided to refuse permission for the following 4 no. reasons:

1. Having regard to the layout and design of the proposed car park, in particular the proposed entry and exit points and the inadequate radii and the absence of a suitably designed pedestrian footpath system within the site, it is considered the proposed development would endanger public safety by reason of a traffic hazard. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. Having regard to the characteristics of the site, the extent of excavation works and resulting ground levels and gradient, the height of the proposed retaining walls and boundary treatment, it is considered that the proposed development would significantly alter the character of the site and detract from the residential amenities of properties in terms of noise levels and vibrations during excavations. It is therefore considered that the proposed development would be contrary to the proper planning and sustainable development of the area.
3. The site of the proposed development adjoins High Hill Street, a protected structure. It has not been demonstrated that the proposed development would not affect the structural integrity of this structure, nor has it been demonstrated that the proposed development would not detract from its visual setting. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
4. Based on the information provided with the planning application, the planning authority is not satisfied that:
  - (a) Issues relating to the disposal of surface water from the site and protection of water mains have been sufficiently addressed;
  - (b) The design of the proposed boundary fence is appropriate;

- (c) The design and layout of the disabled parking bays is adequate, or
- (d) Sufficient public lighting has been proposed.
- (e) The design and finish of the vertical wall at the rear of the sites is structurally and visually appropriate.

### **3.2 Technical Reports**

3.2.1 **Planners report** notes that no indication of how temporary the car park will be or the nature of the car park i.e. private or public. Site is noted to be a key site in the centre of the town and it is stated that it is only since the demolition of the hotel that one fully appreciates the urban design qualities, visual prominence and attractiveness of the site. Location of site would render it logical option for parking but question of acceptability of use centres on appropriateness of the site both in physical and visual terms. Site is steeply sloping and extensive site works required to make it suitable. Site layout plan does not include proposed finished levels for the site; while it is considered that the first section of the site would be suitable for parking the remainder due to the sloping nature of the site provide that the works would unduly alter the character of the site. The excavation required raises serious concerns with no structural report detailing the extent of works or the impacts on the adjoining properties, destabilising concerns and noise. Applicants have failed to demonstrate that the entire site is suitable or fit for use as a car park.

3.2.2 Site directly adjoins the steps on High Hill Street which is a protected structure and included on the NIAH. Impact of works required to the site to destabilise the steps and affect the character/setting with the use of the chain link fence visually inappropriate. No reference in information submitted included with a structural report in respect of the steps required and a report from a suitably quality conservation architect detailing visual impact. Matter of archaeology addressed by way of report from DoEHLG.

3.2.3 The **Town Engineer** sets out a series of issues as follows: not convinced turning circle at entrance is adequate; large volume of rock to be excavated to achieve levels as indicated; Protection to adjoining properties and vibration monitoring queried; Hours rock breaking equipment will be used; Inadequate finished floor levels on drawings with level on eastern side required; details of rock bolts are required; Details of the ACO drain are required with query as to the sufficiency of the proposal to take the surface water draining within and behind the site; surface water finish not prescribed; details required of intended safe walking route for motorists parking at top of the car park; no speed control proposed on site with details required of speed restrictions; height of the boundary walls unclear with elevation of each boundary wall required; chain link fence indicated not adequate and should be palisade to prevent vandalism and to protect against drop; insufficient public lighting.

3.2.4 **Water Services** recommend further particulars in respect of: revised entry/exit layout of suitable radii showing anti-clockwise movement of traffic with a raised central island; elevations and plans showing all traffic signs; size of the disabled parking bays inadequate; suitable designed footpath system required; lighting columns require protection; gully system preferred and design calculations required; method statement for adjacent water mains protection; chain link fence inadequate with revised boundary required;

3.2.5 The **DoEHLG** recommend archaeological monitoring with conditions proposed.

### **3.3 Submissions**

3.3.1 **An Taisce** state that the proposal would constitute an adverse environmental impact in this sensitive location and would prejudice the appropriate redevelopment of the site. It is noted that a student competition for the redevelopment of the site has been initiated by Carlow IT. Archaeological investigation should be carried out on the demolished site in order to facilitate its expeditious redevelopment with a temporary car park prejudicing this.

## **4. GROUNDS OF FIRST PARTY APPEAL**

4.1 The first party grounds of appeal are summarised as follows:

- Grounds of refusal all fall into the realm of further information and never asked for same;
- Site is empty with the hotel completely demolished following order of the Council with owners proposing originally to retain part of the original building;
- Claims about potential lack of concern for neighbouring structures are refuted;
- Proposal is a holding operation until fully approved design for the replacement structure is developed;
- Car park opens onto one way street where traffic travels slowly with radii fully adequate but could have been altered if been pointed out as a problem;
- Cannot see issue with pedestrian access with public safety issue challenged as unproved objection;
- Site is currently a hole in the ground filled with debris akin to a bomb site with proposal to alter same for the better with visual amenities of site non-existent;
- Car park is a temporary proposal while design is progressed to fill this gap in the street with planning approval matter for the Council;
- Plans advanced for site with old structure as element and following demolition new plans required;
- Adjoining properties on native rock and not asked to show that the work on the site would not undermine the adjacent structures with information already taken on foundation levels and theoretical spread of load;
- Generous angle for load spread allowed and usual dilapidation surveys will be carried out with neighbours indemnified as is the normal manner;
- Noise levels and vibration can be regulated by condition and monitored with no opportunity for providing further information;

- High Street Hill is a protected structure as was the Royal Hotel which was demolished by the Council despite appeals from the owners and An Taisce;
- The side of the ramp is unprotected with the edge of ramp falling away, proposal seeks to secure the edge and protect the ground below using up to date engineering techniques;
- Ramp and steps have been allowed to deteriorate with steps loose in many places with intention of appellant to try to preserve High Hill Street;
- More than adequate provision for disposal of surface water from the site which can be demonstrated with the route almost directly to the town main combined sewer in the street with little change from the previous hotel;
- Design of the boundary fence could be any design required by the Council;
- Design and finish of retaining walls can be justified by Chartered Engineer;
- Finish can be any one considered appropriate;
- Design and layout of disabled spaces can be as per Council requirements and could have been requested in further information;
- Public lighting is as per recommendations for site works in housing areas;

## 5. RESPONSES

### 5.1 Planning Authority Response to First Party Appeal

No response on file

## 6. PLANNING HISTORY

The following planning history relates to the site:

**N2010013** – permission to develop a car park to the rear of the Royal Hotel refused for 4 reasons relating to: inadequate radii at entrance and inadequate sightlines; extent of excavation would significantly alter the site and not demonstrated that would not structurally undermine adjoining properties; not demonstrated that proposed development would not affect structural integrity of High Hill Street and detract from visual setting; Inadequate information relating to disposal of surface water, design of proposed boundary fence, design and finish of vertical wall.

**NR03/28** – permission granted to extinguish night club use, retain basement pub and ground floor restaurant use and change 3 no. upper floors from hotel to 12 no one bed apartment and construct two no. three bed, six no. 2-bed and 8 no. one-bed apartments around perimeter of the site at rear in 3-storey format and demolish 2 no. dwellings.

## 7. PLANNING POLICY

### 7.1 New Ross Town and Environs Development plan 2011-2017

The subject site is zoned for Town Centre uses. The purpose of this zoning is to enhance the vitality and viability of the town centre through the development of under-utilised land and brownfield sites and by encouraging a mix of uses to make the town centre an attractive place to visit, shop and live in. Car parks are permitted in principle. The site is no. 5 in the key urban sites in masterplan area 1 and is identified with a statement in the Plan stating that *'the site of the former Royal Hotel is a key site at an important junction in the town centre. Its redevelopment and reuse is a key objective for the planning authority'*. The site is located in proposed

Architectural Conservation Area No. 1 (policy ACA01) Map 7. High Hill Street is a protected structure. The site is located within the Zone of Archaeological potential. Section 15.18 deals with Demolition and Construction Waste and requires that a Waste Management Plan shall accompany planning applications for significant developments where appropriate.

## **8. ASSESSMENT**

### **8.1 Introduction**

Having visited the site and reviewed the documentation on file including the planning history I consider the proposal under the following headings which I address in turn.

- Principle of Use
- Issues Arising in Reasons for Refusal
- Layout and Design of the Proposed Car Park
- Impact on Visual and Residential Amenities of the Area
- Impact on High Hill Street
- Other Matters

### **8.2 Principle of Use**

The subject site previously accommodated the Royal Hotel which was a focal and landmark building in the centre of New Ross. The building was a protected structure and was demolished for reasons which are not set out in any detail in the documentation. While I address the matters relating to the visual impact of the proposal, the matter of the principle of the use of this site is a separate issue. This is a central town centre site which is now a gap site within the streetscape. The appellants state that it is their intention to develop the site and that the car park is an interim measure. Car parks are permitted in principle on town centre sites. In my opinion, I consider that while it would not be appropriate in proper planning terms to facilitate the development of a permanent car park on such a focal town centre site, the use of same as a temporary car park would be acceptable subject to any permission specifying a time limit for same by way of condition.

### **8.3 Issues Arising in Reasons for Refusal**

One of the first statements included in the grounds of appeal states that the matters arising in the grounds of appeal come within the realm of further information. In addition throughout the appeal in response to the refusal reasons the appellant continues to state that the matters are ones which could have been addressed by way of further information but such was not requested. While it may be correct to state that the matters could have been addressed by way of further information I would note that permission was refused under Ref. N2010013 for a car park which is very similar to the proposal herein other than it was not proposed as a temporary measure and was to the rear of the then Royal Hotel structure. The reasons for refusal are similar to those in the current appeal. The appellant however did not, in the current application, submit information to address the reasons for refusal in the previous application. Nor has the appellant submitted information to the Board to respond to the matters raised in the reasons for refusal or those set out in the

reports of the Town Engineer and the A/Senior Executive Engineer which form part of the reasons for refusal.

I do not consider it is reasonable for the appellant to criticise the planning authority for not requesting further information when they were in receipt of a set of refusal reasons from the previous application which set out the primary issues to be addressed in the proposal now before the Board. Furthermore, the appellant rather than addressing the refusal reasons set out in the current Notification from the planning authority have stated the reasons are unproved in some instances and as they were not asked to provide further information they were not afforded proper procedure. For instance in response to Reason No. 1 they state had the radii been pointed up as a problem, they could have been altered suit. This seems a rather unusual response given the first reason for refusal in Ref. N2010013 related to the resulting inadequate turning radius available at the entrance. I therefore would not accept the appellant's argument regarding the need for the Council to request further information in order to ascertain the information deemed necessary in the reasons for refusal.

#### **8.4 Layout and Design of the Proposed Car Park**

The concerns raised by the planning authority are included in the reports of both the A/Senior Executive Engineer and the Town Engineer. They relate to the necessity for a revised entry exit layout which has suitable radii showing anti-clockwise movement of the traffic with a raised central island. It is also noted that long wheel bases may find it difficult to take this turn. There is also concern in respect of pedestrian movements within the car park. The appellants do not address this matter in the grounds of appeal. I consider that the concerns expressed by the planning authority are reasonable. The matters were raised by the relevant engineering sections by way of a request for further information and I consider exploration and clarification of same is reasonable.

#### **8.5 Impact on Visual and Residential Amenities of the Area**

The planning authority considered that the proposal would significantly alter the character of the site and detract from the residential amenities of properties in terms of noise levels and vibrations during excavations. The reasons for this concern related to the characteristics of the site, the extent of excavation works and resulting ground levels and gradient, the height of the proposed retaining walls and boundary treatment. While the impact on the visual amenities of the area is also considered below in respect of the protected structure on High Hill Street, I would consider that the proposal has not been considered from a visual perspective in respect particularly of the rear vertical wall and proposed boundary fence. While I agree that the existing state of the site does not improve the amenity of the area, it is necessary to ensure that any proposal seeks to improve the amenity of the area. The visual impact is, therefore, a reasonable concern particularly given the sites landmark location. There are a number of issues raised by the Town Engineer in respect of excavation details and finished floor levels which require further details. I consider this is reasonable to request. A report in respect of the structural impacts given the level of anticipated excavation should in my opinion have been a mandatory

submission. The potential impact on the structural integrity of the steps adjoining is also considered essential. In this regard there is a wide range of matters which are outstanding in terms of details which the appellant has not addressed.

### **8.6 Visual Impact on High Hill Street**

The site adjoins the steps on High Hill Street which is a protected structure. While I include the matter in the concerns raised in respect of the structural integrity of the steps above, the matter of the visual impact is also important to ascertain. While the hoarding that exists does not lend itself visually to the setting of the steps, it is essential that the proposed boundary treatment and finish proposed, however temporary, do not detract adversely from the protected structure. In this regard, I consider that further assessment is appropriate.

### **8.7 Other Matters**

There are a number of other matters raised in the fourth reason for refusal which the planning authority state they are unsatisfied with due to the information provided. In relation to surface water disposal it is considered that the disposal of surface water from the site and the protection of water mains have not been sufficiently addressed. A gully drainage system is preferred by the planning authority and the design calculations required for same are necessary. Details in relation to the surface finish of the car park are also required. A method statement in relation to how the adjacent water mains on the south boundary of the site can be identified/protected during the proposed works is also required. This is a reasonable request, in my opinion and one which was clearly stated in the previous refusal.

The planning authority has concerns relating to the design of the boundary fence and particularly to the inadequate protection it provides. It is proposed to construct a mild steel chain link face of 2.4 metres in height. This is also considered to be visually inappropriate. I am of the same opinion. The chain link fence particularly given the elevation of the site will be highly visible and is of an industrial nature whose appearance would not be appropriate in this town centre location. The disabled parking layout raises concerns as the spaces are considered to be too small. The development plan requires spaces are 6 metres x 3.7 metres. It is also considered that insufficient public lighting has been proposed. The rear vertical wall into which it is proposed to place rock bolts for stability and onto which the chain link fence is proposed to be placed is likely to have an adverse visual impact. Its structural integrity is also questioned above. The appellant's grounds of appeal are considered inadequate in this regard and it is considered that it would be reasonable to seek alternative solutions to that proposed. Finally, in relation to the hours of construction, use of rock breaking equipment etc and the noise and vibration levels are matters which are subject to standard requirements and conditions and it is not considered necessary to address same herein.

## **9. CONCLUSION and RECOMMENDATION**

This is the second application for a car park proposal on this site with the first one refused for reasons broadly similar to those in the present instance. The appellant has not addressed the previous reasons for refusal in the current application. Nor

have the grounds of appeal in the subject appeal addressed the concerns raised by the planning authority. I consider that the concerns raised by the planning authority are reasonable particularly in light of the appellant's failure to address same following the previous refusal. However rather than recommending refusal on the basis of these concerns I would recommend that further information is sought from the appellant on the matters arising particularly given the appellants contention that this right was not provided in the application process. The matters are set out below.

**A Section 132 Notice as follows is recommended:**

Having regard to the planning history of the site the Board considers that the following information is necessary in order to facilitate its consideration of the proposed development.

1. Please submit details providing for a revised entry exit layout which has suitable radii and showing anti-clockwise movement of the traffic with a raised central island. It is also noted that long wheel bases may find it difficult to take this turn and so this matter should be addressed. Pedestrian movements within the car park should be incorporated and addressed into the revised site plan. Disabled car parking spaces do not comply with the requirements set out in the New Ross Town and Environs Development Plan 2011 – 2017, the revised plan should demonstrate compliance with same.
2. A revised site plan shall provide finished floor levels across the site and along the eastern boundary. In addition levels along each boundary wall as well as elevations of each boundary wall shall be submitted. The gradient proposed across the site shall also be indicated.
3. A structural report prepared by a competent Structural Engineer shall be submitted which includes details of the excavation proposed within the site. In addition a method statement shall be provided for the protection to be afforded to neighbouring properties and structures in the vicinity particularly to High Hill Street.
4. An assessment of the visual impact of the proposal particularly the boundary treatments proposed on the High Street Hill steps is required. This should detail any methods considered necessary to mitigate against any visual impact which may arise. This should be carried out by a suitably qualified Conservation specialist.
5. A gully drainage system is preferred and the design calculations required for same are requested. Details in relation to the surface finish of the car park are also required.
6. In relation to the boundary treatment proposed, revised proposals are sought for the fencing proposed along the site boundary. The chain link fence is not considered to be visually appropriate or structurally sufficient to provide the

protection necessary. Furthermore, further details are necessary in respect of the treatment of the boundary walls particularly in respect of their visual appearance, the design of which is not considered to be appropriate as submitted. Full details are also required, and can be included in the structural report required, of the proposals in respect of the structural stability of this wall, including if proposed rock bolts (embedment, location, type and quantity).

Two months should be provided for receipt of a response to the matters required.

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Una Crosse  
**Senior Planning Inspector**

Date July 2011