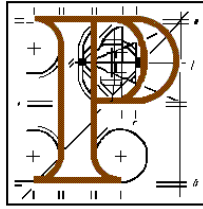


An Bord Pleanála



Inspector's Report

Appeal Reference No:

PL26.245427

Development:

Permission for 1) a 3 storey, 24 bedroom, extension to the existing Hotel; 2) a 92m² extension to the bar, including changes to the front (east) elevation of the existing hotel and an external circulation structure with signage. The development which is in the curtilage of a protected structure (Millhouse Bar, Salthouse Lane – RPS No. E084), will include the provision of new car parking spaces under the proposed bedroom block extension, with new access onto Salthouse Lane, and associated site works.

Planning Authority:

Wexford County Council

Planning Authority Reg. Ref.:

20150600

Applicant:

Riverside Park Hotel

Planning Authority Decision:

Grant permission

Planning Appeal

Appellant(s):

Michael Doyle, Noel and Ruby James, Charlie Kavanagh and Lloyd Spendlove and Cindy Spendlove.

Type of Appeal:

Third Party

Observers:

None

Date of Site Inspection:

16th November 2015

Inspector:

Emer Doyle

1.0 SITE LOCATION AND DESCRIPTION

The application site is located adjacent to the River Slaney in the town centre of Enniscorthy, Co. Wexford. There is an existing hotel on the site known as the Riverside Park Hotel. The 'Millhouse Bar' is an old stone millhouse currently used as part of the hotel bar and is a protected structure of local importance within the site (E084). Part of the site is located within the Enniscorthy Town Historic Core Architectural Conservation Area.

The existing hotel is three storeys in height with basement car parking. The site is bounded by a road and the River Slaney to the south east, by Salthouse Lane to the north east and by a private road known as Gurteen/Sawmill Lane to the north west. A playground, car park, pumping station and a walk along the promenade are located adjacent to the River Slaney to the south west of the site. Two dwellings indicated on the Ordnance Survey map in the corner of the site to the rear of the protected structure have been demolished in recent years. This area is now covered in stone.

A set of photographs of the site and its environs taken during the course of the site inspection is attached.

2.0 PROPOSED DEVELOPMENT

The proposed development comprises of the following:

- Extension to hotel comprising of 24 No. bedrooms.
- Extension to upper ground floor to provide for an extended bar area of 92 square metres.
- External circulation structure with signage.
- Construction of basement car park with new entrance to Salthouse Lane.
- An 'Architects Report' consisting of one page only was submitted with the application documentation. This refers to the following: massing, fenestration, new plant, exterior finishes, flooding, and protected structure.

3.0 PLANNING HISTORY

PA T.P. 1174 / ABP PL59.1004946)

Permission granted by Planning Authority and by the Board on appeal for erection of hotel.

PA T.P 1245

Permission granted for alterations to previously granted permission T.P. 1174.

PA T.P.1246 / ABP PL 59.105667

Permission granted by Planning Authority and by the Board on appeal for erection of restaurant and change of use from first floor meeting room to kitchen facilities.

PA T.P. 1397 / ABP PL 59.128176

Permission granted by Planning Authority for extension to hotel. Appeal to Board withdrawn.

PA T.P. 1433 / ABP PL 59.200400

Board overturned Planning Authority decision to refuse permission for extension to hotel.

PA T.P 1595

Permission granted by Planning Authority for smoking balcony extension.

PA T.P. 1663

Permission granted by Planning Authority to develop existing attic space into a bedroom suite.

PA T.P. 1796/ ABP PL 59.231568

Permission granted by Planning Authority and by the Board on appeal for (i) the demolition of existing dwelling at number 6 Gurteen Lane, (ii) the erection of a four storey extension to existing hotel.

PA T.P. 1803/ ABP PL 59.232749

Permission refused by Planning Authority and granted on appeal to the Board for the demolition of existing house and the erection of a new four story building comprising car parking on ground floor and nine number apartments on the upper floors (site adjoins a protected structure E084).

4.0 PLANNING AUTHORITY DECISION

4.1 TECHNICAL REPORTS

Planning Report

The planner's report noted that 5 No. submissions were received. It noted that it was in OPW Flood Map Category B/A and that finished floor levels

match that of the existing structure which are raised to avoid risk of flooding. The planner considered that there was sufficient car parking and that the height of the extension does not exceed the existing ridge heights.

Fire Report

The Chief Fire Officer advised that a Fire Safety Certificate is required for the proposed development.

Appropriate Assessment Screening Report

This report states that there are no potential for significant effects to Natura 2000 sites.

Disability Access Officer

This report listed a number of items that would require further consideration when applying for a Disability Access Certificate.

4.2 Planning Authority Decision

Wexford County Council issued a notification of decision to grant permission subject to 9 No. conditions.

Condition 9 is as follows:

If as a consequence of a Disability Access Certificate the external/ internal elevations or site layout as hereby granted should be required to be amended, the revised plans shall be submitted within 3 months of the grant of the Disability Access Certificate, for the written agreement of the Planning Authority.

Reason: To ensure access for all.

All other conditions are of a standard nature.

5.0 GROUNDS OF APPEAL

A third party appeal against the Council's decision was submitted on behalf of Michael Doyle and others. The grounds of appeal can be summarised as follows:

- Newspaper and site notices do not adequately describe the development, description in application form is incomplete.
- Drawings do not show how the proposed development would impact on the protected structure.
- No flood risk assessment included.

- Impact on residential amenity - overshadowing, overlooking and overbearing impacts.
- Concern regarding balconies in bedroom Nos. 47, 147, and 247.
- Concern regarding height, mass, and bulk.
- The proposed development will have a dramatic adverse impact on the setting and character of the Protected Structure.
- No architectural heritage impact assessment was submitted with the application or sought by the Planning Authority.
- Shortfall of car parking spaces.
- Impact of increase in traffic activity.
- Concern regarding noise from external condensing unit.
- In the event of a grant of permission it is considered that a condition in relation to a construction management plan should be extended to include additional matters.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority Response

The Planning Authority response can be summarised as follows:

- The Planning Authority are satisfied that the site, newspaper notices, application form and drawings are acceptable.
- A flood risk assessment was not deemed necessary.
- The site is zoned as 'Town Centre' and slightly higher levels of activity are to be expected in a town centre.
- Overlooking and loss of residential amenity is avoided through the omission of windows facing onto Gurteen Lane and the stepback of upper floor facing onto Salthouse Lane.
- The 22 metre separation distance may be reduced in the town centre.
- The overall design will not adversely affect the character of the area.
- The Planning Authority is satisfied that proposed car parking is adequate.
- The exit from the car park would not give rise to significant negative impacts.
- Air conditioning units are part of the urban landscape and can be expected to be found in all urban areas.

6.2 First Party Response

The response submitted on behalf of the applicants can be summarised as follows:

- The attention of the Board is drawn to history applications PL59.232749 and PL59.231568 where similar issues were raised.

- A comparative section shows that the proposed building does not exceed the height of the apartment building granted under PL59.232749.
- The notices and drawings submitted are not misleading.
- The applicants are making the same provisions as previously in relation to the lower ground floor and as such there is no 'serious gap' in the information provided for the assessment in respect of flood risk.
- Work has commenced on the Enniscorthy Flood Defence Scheme and are due for completion in 2019.
- The 22 metre rule does not apply in this case as the existing dwellings at Salthouse Lane do not meet the 11 metre standard.
- Intervention to the protected structure will be minimal and beneficial to the protected structure. A method statement can be dealt with by condition.
- The car parking provision exceeds the standards set out in the current Development Plan.
- Reference is made in the application to provisional arrangements to air conditioning units, which, if required, would be accommodated in a more central area on the roof of the hotel and would be screened and acoustically buffered.

6.3 Observations

None.

7.0 POLICY CONTEXT

Wexford County Council Development Plan 2013- 2019

Chaper 12 deals with Flood Risk Management.

Section 14.6.1 deals with Protected Structures and Section 14.6.2 deals with Architectural Conservation Areas.

Enniscorthy Town and Environs Development Plan 2008-2019

The site is zoned TC- 'Town Centre'. The site is in 'Zone 6' where the main goal will be to facilitate the regeneration of this area on a co-ordinated orderly basis and to ensure that development is sustainable and is properly integrated into the town centre. Part of the site is within the Enniscorthy Town Historic Core ACA. Table 5 sets our car parking standards. Appendix 1 contains a list of protected structures and the Millhouse Bar is E084 and of local importance. Chapter 9 sets out policy for conservation and heritage.

ASSESSMENT

Having examined the file and having visited the site I consider that the main issues in this case relate to:

1. Principle of Proposed Development
2. Design and Impact on the Character of the Area
3. Impact on Residential Amenities
4. Other Matters

Principle of Proposed Development

The subject site is located within lands zoned 'Objective TC' of the operative Enniscorthy Town and Environs Development Plan, which seeks to protect and enhance the special physical and social character of the existing town centre and to provide for new and improved town centre facilities and uses. The purpose of the zone is to protect and enhance the special character of Enniscorthy town centre and to provide for and improve retailing, commercial, office, cultural and other uses appropriate to the town centre which compliment its historic setting. Under the zoning matrix set out in Table 10.3, hotel use is permitted in principle. There is an existing hotel on the site and having regard to the established use and the town centre objective for the area, the principle of a hotel extension at this location is acceptable.

Design and Impact on the Character of the Area

The proposed development is located within the curtilage of a protected structure (Millhouse Bar, Salthouse Lane – RPS No. E084, 'Local' rating Appendix 1 of the Development Plan. Concern has been raised regarding the height and scale of the proposed building and the impact on the protected structure.

Part of the site is located within the Enniscorthy Town Historic Core Architectural Conservation Area – Map No. 11 of the Development Plan.

It is stated in the letter submitted with the planning application that 'the proposed extension has been designed to have minimal impact on the fabric of the protected structure. The modern staircase which was added to the rear of the original building will be removed and made good. All materials used will be in keeping with the fabric of the existing stone wall construction. The proposed extension will abut the rear of the protected structure, however this will not compromise the fabric of the building.'

I note that there are no reports from a Conservation Officer on the file and no architectural heritage impact assessment was submitted with the

application. The proposed extension to the bar adjoins a part of the bar that is in the modern part of the hotel and adjoins the existing smoking balcony. The proposed bedroom block directly adjoins the protected structure. In my view, the proposed development reverses earlier unsympathetic interventions and the design is similar in style to the existing hotel and similar to that previously granted by the Planning Authority and the Board. Should the Board be minded to grant permission I consider that a detailed method statement should be submitted showing how the extension will integrate with the protected structure and including details of the junction of the extension with the protected structure, treatment of window and door openings in the protected structure, and proposals for the collection and disposal of surface water from the protected structure.

The scale, height, bulk and visual prominence of the building are satisfactory and are in line with previously permitted development. Condition 2 of the Board decision under PL59.232749 required that the height of the building was reduced by one floor. The appeal response includes a comparative section which shows that both the previously permitted development, modified to be compliant with the permission, and the proposed development are of similar height. I note that this is the last remaining site within the ownership of the applicants and according to the information submitted with the appeal 'completes the potential for extension of the hotel.' I consider that the scale and design is appropriate for the area and would not be unduly detrimental to the architectural integrity and character of the protected structure.

Impact on Residential Amenity

Concerns have been raised by the appellants regarding overlooking and loss of privacy, overshadowing and overbearing impact on properties to the north and west of the site.

Particular concerns are raised in relation to the impact of bedrooms No. 47, 147 and 247. There are no overlooking windows at this location as a 'blind' window has been designed within a balcony for each of these bedrooms. It is stated in the appeal that these balconies may be used as smoking areas and would facilitate overlooking of adjacent properties. Whilst the balconies would face into properties on Sawmill Lane, they would not overlook any private space as these properties are urban type developments and face the lane with private space located to the rear. Concern is also expressed in relation to overlooking of the properties on Salthouse Lane. It is stated that the clearance required for residential properties with back to back dwellings is 22 metres and in this case the degree of separation is only 10 metres. I am of the view that the 22 metre separation distance does not apply in this case as the properties within the Rivercourt Development on Salthouse Lane are predominantly two storey properties in an urban development with very limited rear garden sizes. I note that the gardens are separated from the proposed development by a

road and by a high stone wall. I also note that the second floor plan is set back by approximately 1 metre to reduce potential overlooking.

Having regard to the urban location within Enniscorthy town centre and the design and layout of existing residential properties at this location both to the north and west of the site, in terms of overlooking and impact on privacy, I am of the view that the proposed development will have minimal impact on existing development in the area. As such, I am of the view that the proposed development would not unduly impact upon the residential amenity of the neighbouring properties.

Having regard to the orientation and height of the development, and the separation of residential development from the proposed extension, I do not consider that the proposed development will adversely affect the residential amenity of neighbouring properties by overshadowing or loss of light.

Other Matters

Validity of Application

A number of issues were raised regarding validity of the application including the description in the public notices, the response to question 9 of the application form and the scale of the drawing for the lower ground floor. I consider that the description of the development is clear and describes the intent of the development. I consider that whilst question 9 should have included reference to the protected structure, there is no intention to mislead as reference to same was included in the site and newspaper notices. I consider that the plans submitted for the basement car park in the lower ground floor are of a satisfactory scale having regard to the type of development proposed at this location.

Flood Risk

I note that there is a long history of flooding associated with this site and the town of Enniscorthy and the site is located in a Flood Zone where there is a high risk of flooding. The original history file on the site Planning Ref. T.P. 1174 identified that the site was formerly owned by Wexford County Council as a machinery yard and one of the main factors effecting the site was that it was liable to flooding. The highest flood level recorded was reached during the 1940's when the height of the River Slaney extended to 1.8 metres above the existing ground level. The existing hotel was designed with a car park at basement level to take account of the risk of flooding. I note that no flood risk assessment is submitted with the application.

The response from the Planning Authority states that *'the proposed extension is located a further distance from the River Slaney than the*

existing hotel and the proposed development will have a finished floor level that is higher than the potential flood level. Car parking is located at lower ground floor level with accommodation above. As such a flood risk assessment was not deemed necessary. The appeal response states that work has commenced on the Enniscorthy Flood Defence Scheme and works are due to be completed in 2019.

I am of the view that the applicants were fully aware that this site was liable to flooding and the extension has been designed so that habitable areas are raised above ground level with car parking at the basement. This area can be flooded in a flooding event if necessary thereby avoiding the displacement of flood waters onto adjacent properties. The site could be described as an exceptional site in line with 'The Planning System and Flood Risk Management' Guidelines as it is located in a town centre and has already been developed taking the flood risk into account and the proposal involves an extension to an existing commercial enterprise. The key principles set out in the guidelines include avoiding development in areas of flood risk although exceptions are made for some sites and the substitution of other land uses less vulnerable to flooding. I consider that the proposed development has been designed with a basement car park which is less vulnerable to flooding and that the flood risk has been taken into account.

Air Conditioning Unit

In the 'Architects Report' on the application, reference is made to the location of an external condensing unit for the proposed air conditioning system in the hotel extension on the roof of the bedroom block. It is stated that the appellants are concerned about the environmental impact of noise and that if permission is to be granted, strict controls should be imposed on the likely noise emissions from this plant.

The appeal response states that all bedrooms will be naturally ventilated and that the reference above relates to provisional arrangements for air conditioning units, which, if required, would be accommodated in a more central area on the roof of the hotel and would be screened and acoustically buffered to ensure no injury to the amenities of residential properties in the neighbouring. Should the Board be minded to grant permission, I am satisfied that this matter can be conditioned to address issues that may impact on neighbouring dwellings including noise and screening.

Car Parking

The car parking standards set out in the Development Plan require 1 space per bedroom and 1 space per 25m² bar space. The proposed development provides for an additional 24 bedrooms and 92m² of bar space. The total number of spaces required is 27-28. A total of 12 No.

additional spaces are proposed. These will served by a new access onto Salthouse Lane.

I note from the appeal that the hotel already provides 187 spaces for the existing 78 bedrooms. The additional spaces proposed would increase the number of spaces to 199 for a total of 102 bedrooms. Other than the additional bar space proposed, there is no increase in existing conference or restaurant facilities. I note that the Planning Authority response to the appeal stated that it was satisfied that the proposed parking is adequate to deal with the existing hotel and the proposed extension having regard to peak and non peak car parking requirements. Having regard to existing and permitted development and the town centre location where additional public car parking is available, I am satisfied that adequate car parking is available at this location.

Appropriate Assessment

The development proposed provides for the extension of an existing hotel on serviced land within the town centre of Enniscorthy, Co. Wexford. Having regard to the nature and scale of the development and proximity to the nearest Natura 2000 sites (Slaney Valley SAC and Wexford Harbour and Slobbs SPA), I am satisfied that the proposed development either individually or in combination with other plans and projects would not be likely to have a significant effect on any designated Natura 2000 site and should not be subject to appropriate assessment.

RECOMMENDATION

Based on the above assessment, I recommend that permission be granted for the proposed development for the reasons and considerations set out below:

REASONS AND CONSIDERATIONS

Having regard to the nature, scale and design of the proposed development, to the town centre zoning of the site as set out in the current Development Plan for the area and to the character of the general area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not impact on the character and setting of the protected structure would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. (a) Prior to the commencement of development the applicant shall submit to, and agree in writing with, the planning authority a detailed Method Statement for works proposed to the protected structure ('Millhouse Bar') which shall include, *inter alia*, the following: details of the junction of the extension with the protected structure; treatment of the window and door openings in the protected structure; proposals for the collection and disposal of surface water from the structure, and details of materials to be used.

(b) All works to the protected structure shall be designed to cause minimum interference to the building's structure and fabric and shall be reversible. A suitably qualified conservation expert shall be employed to monitor and implement the works on the site and to ensure adequate protection of the historic fabric of the mill house during the works. All works shall be carried out in accordance with the best conservation practice as detailed in the Architectural Heritage Protection Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local Government in December 2004.

Reason: In the interest of architectural heritage protection.

4. Final locations, and screening proposals, for any mechanical plant proposed at roof level shall be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: To protect the amenities of properties in the vicinity of the site.

5. During the operational phase of the proposed development, the noise level from within the premises, measured at noise sensitive locations in the vicinity, shall not exceed-
- (a) an $L_{Ar}T$ value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday (inclusive), and
 - (b) an $L_{Aeq}T$ value of 45 dB(A) at any other time.

Reason: To protect the amenities of properties in the vicinity of the site.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

7. Car and bicycle parking provision and the vehicular entrance layout shall be in accordance with the detailed requirements of the planning authority for such works.

Reason: In the interests of amenities and public safety.

8. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

9. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of waste and, in particular, recyclable materials and for the ongoing operation of these facilities, shall be submitted to, and agreed in writing with the Planning Authority prior to commencement of development.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

10. Prior to commencement of development, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction and demolition.

Reason: In order to safeguard the residential amenities of property in the vicinity.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Emer Doyle
Inspector

8th December, 2015.