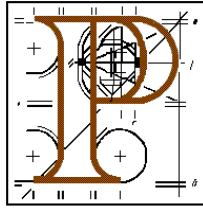


## An Bord Pleanála



### Inspector's Report

**PL06D.245501**

**Development:** 26 no. dwellings including 5 no. townhouses within the retained shell of former Main La Touche Hotel Building, refurbishment, demolition and all associated site works. (Protected Structure)

**Location:** Former La Touche Hotel, Trafalgar road, Marine Terrace and Cliff Road, Greystones, Co. Wicklow.

#### **Planning Application**

Planning Authority: Wicklow County Council

Planning Authority Reg. Ref. No: 15/114

Applicant: Kavcre La Touche Ltd.

Type of Application: Permission

Planning Authority Decision: Grant

#### **Planning Appeal**

Appellants:

- (1) Leslie Bradley
- (2) Stephen Mac Kenzie
- (3) Eamonn & Mary O'Raghallaigh
- (4) Patricia Buckley

Type of Appeal:	Third Party
Observer:	Martin Doyle
<b>Date of Site Inspection</b>	12/1/16
<b>Inspector:</b>	Siobhan Carroll

## **1.0 SITE LOCATION AND DESCRIPTION**

- 1.0.1 The site of the proposed development is the former La Touche Hotel in Greystones. The site is situated circa 300m from the main street in Greystones and approximately 500m from the Dart Station.
- 1.0.2 The La Touche Hotel was constructed in the late Victorian era following the arrival of the railway to Greystones to serve the seaside resort. The appeal site has a stated area of 0.78 hectares. It comprises the site of former hotel and its grounds along with Cliff Bungalow and its garden. The front of the former hotel addresses Trafalgar road and features a low wall and railings and gated entrance. There is a later two-storey extension to the northern side of the hotel and to the east of this there is a single storey building which was formally a bank.
- 1.0.3 A pair of semi-detached properties containing a Medical centre lie to the west of the site on Trafalgar Road. The northern site boundary adjoins a number of residential properties with frontage onto Trafalgar road and Sidmonton Place. The eastern site boundary addresses Cliff Road. The rear of the former hotel faces the coast. There is a large two-storey extension to the hotel in the south-eastern corner of the site which addresses Cliff Road and Marine Terrace.
- 1.0.4 The main car parking area which served the former hotel is located to the east of the original building. There are two gated vehicular entrances into the site from Cliff Road. At the southern section of the site along the boundary adjoining Marine Terrace there are two part single part two storey cottages, An Tigin and Eureka.

## **1.1 THE PROPOSED DEVELOPMENT**

Permission is sought for the development of a total 26 no. dwellings including 5 no. townhouses within the retained shell of former main La Touche Hotel Building, the refurbishment of the building, the demolition of Cliff Bungalow and all associated site works. Features of the scheme include;

- Site area 0.78 hectares,
- Floor area of existing building 4,697sq m,
- Floor area of proposed works 4,596sq m,
- Floor area to be retained 1,648sq m,
- Floor space proposed for demolition 3,049sq m.

## 1.2 THE PLANNING AUTHORITY'S DECISION

### Internal Reports:

Roads Department: Refusal recommended

District Engineer: Refusal recommended

Heritage Officer: Requested further information to establish how the development would positively enhance the character of the ACA and the impact of the development on the neighbouring protected structures.

### Submissions

The Planning Authority received a number of submissions in relation to the application the main issues raised are similar to those set out in the appeals.

### Decision

Following the submission of further information and clarification of further information the Planning Authority decided to grant permission subject to 33 no. conditions.

## 1.3 PLANNING HISTORY

Reg. Ref. 10/2561 & PL27.237334 – Permission was refused for 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, associated works. Permission was refused for the following reason;

- 1. It is considered that the scale, mass and bulk of the new build elements of the proposed development are too proximate to boundaries, would not be in keeping with the pattern of development in the area and would adversely affect the setting of the protected structure. 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. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

Reg. Ref. 04/1450 – 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.

## **2.0 PLANNING POLICY**

### **2.1 Wicklow County Council Development Plan 2010 – 2016**

- Chapter 5 – Urban Development
- Chapter 16 – Built Heritage

### **2.2 Greystones/Delgany and Kilcoole Local Area Plan 2013 - 2019**

The site is zoned: ‘Town Centre’ with the stated objective “to protect, provide for, and improve the development of a mix of town centre uses including retail, commercial, office and civic use, and to provide for ‘Living Over the Shop’ residential accommodation, or other ancillary residential accommodation. To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and promote urban design concepts and linkages between town centre activity areas.’

The La Touche Hotel site is designated an Opportunity site in the LAP

#### **OP3: La Touche Hotel, Trafalgar Road**

- To facilitate the redevelopment of the site for a mix of uses, including commercial, tourist, leisure, office and residential uses, in accordance with the TC zoning objective.
- Any development on the site shall be in accordance with the objective to preserve the character of the Harbour ACA.
- Protect the amenity of existing residential properties in the area.
- HER12 - To protect the character of Architectural Conservation Areas in accordance with Appendix B and Map B
- Proposals involving the demolition of buildings and other structures that contribute to the Special Interest of ACAs will not be permitted. The original structure of the La Touche Hotel contributes to the Special Interest of this ACA.

### 3.0 APPEALS

**4 no. third party appeals have been received by the Board from (1) Leslie Bradley (2) Stephen Mac Kenzie (3) Eamonn & Mary O'Raghallaigh & (4) Patricia Buckley**

(1) A first party appeal was submitted by Leslie Bradley on the 18<sup>th</sup> of September 2015. The content of the appeal submission can be summarised as follows;

- The appellant Mr Bradley is a resident of Trafalgar Road for the past thirty-five years.
- The appellant has raised concerns regarding the capacity of the existing road network in the area to accommodate the additional traffic which would be generated by the proposed scheme.
- There is on-street paid car parking along the three roads surrounding the site. The appellant states that congestion occurs on Trafalgar Road particularly during school opening and closing times of St. Bridgids National School. It is the opinion of the appellant that the existing roads are narrow and are not suitable for significant levels of additional traffic.
- The proposed three and four storey buildings within the scheme are considered out of character with the surrounding area and would form an intrusive feature in the streetscape.
- The appellant requests that the Board overturns the decision of the Planning Authority and refuse permission for the reasons outlined above.

(2) A first party appeal was submitted by Stephen Mac Kenzie on the 5<sup>th</sup> of October 2015. The content of the appeal submission can be summarised as follows;

- The site is located within the Harbour Architectural Conservation Area. The appellant considers that the scale and mass of the proposed development is not appropriate to the location. If the development took place it would form an intrusive feature in the landscape at this location.
- The proposed development along Cliff Road would block the view of the hotel from the coastal walk along Cliff Road.
- The site is zoned objective 'TC' town centre in the Greystones/Delgany and Kilcoole Local Area Plan 2013 – 2019.

The zoning objective states *“To facilitate the redevelopment of the site for a mix of uses, including commercial, tourist, leisure, office and residential uses, in accordance with the TC zoning objective.”*

- The proposed scheme is predominantly residential with a small element of commercial and office. No tourism or leisure uses are proposed. Therefore it is considered that the proposed development is contrary to the zoning objective.
- The height of the proposed buildings along Cliff Road are considered out of character with the surrounding development.
- The proximity of a number of buildings to the existing properties on Sidmonton Place and Cliff Road is of concern.
- It is proposed to demolish Cliff bungalow as part of the scheme. The appellant considers that the property should be refurbished and/or incorporated into a new building.
- The provision of a satisfactory level of car parking within the scheme is of concern.
- The appellant requests that the Board overturns the decision of the Planning Authority and refuse permission for the reasons outlined above.

(3) A first party appeal was submitted by Eamonn & Mary O’Raghallaigh on the 18<sup>th</sup> of September 2015. The content of the appeal submission can be summarised as follows;

- The appellants have raised concerns regarding the proximity of the existing buildings on site to their property ‘Rosaria’ on Trafalgar Road.
- The proposals to demolish these buildings in such close proximity to the appellants’ property of significant concern.
- It is the appellants’ opinion that the demolition of these buildings could not be carried out without intrusion, trespass and possible damage to their property.
- The appellants included a copy of their objection to the revised proposals which they submitted to the Planning Authority on the 21<sup>st</sup> of June 2015.

(4) A first party appeal was submitted by Frank Ó’Gallachoir Associates Ltd. On behalf of the appellant Patricia Buckley on the 6<sup>th</sup> of

October 2015. The content of the appeal submission can be summarised as follows;

- In the Conservation Report submitted with the application it was stated that the modern front extension to be demolished was of little architectural merit.
- It is proposed to construct a three-storey modern detached house with a mono-pitch roof at this location on plot 13. It is considered that the design is out of character with the original hotel and that it would form an obtrusive feature in the streetscape and would be out of character with the existing properties within the Architectural Conservation Area.
- The building Cova forms part of the Victorian architecture within the Architectural Conservation Area and is located immediately to the south of the appeal site. The property is divided into four letting units, three commercial units and one residential. It is considered that the proposed development could significantly reduce the value and letting potential of the premises.
- If the Board decides to grant permission for the proposed dwelling on plot 13 the appellant requests that a construction and noise abatement management plan be prepared and agreed in order to minimise disturbance.
- The proposed scheme would cause a serious traffic hazard due to inadequate road improvement proposals for Marine Terrace. As part of the clarification of further information the Council stated that the originally proposed road improvements to Marine Terrace. The further information request required that the applicants examine the possibility of gaining the consent of the adjoining land owner to remove the gate piers and carry out road widening and sightline improvements. It is stated that the revised roads proposals did not address these issues.
- Regarding the revised roads proposals the appellant considers that the on-street car parking proposals would reduce the provision of on-street parking in the area and also interfere with the existing public footpaths. The proposed end-on or perpendicular car parking would seriously interfere with the movement of traffic in the area.
- The decision of the Planning Authority did not address the issues regarding the inadequate width and provision of footpaths along Marine Terrace.



- The appellant requests that the Board overturns the decision of the Planning Authority and refuse permission for the reasons outlined above.

### **3.1 First Party response**

A response to the third party appeals has been submitted by Kavcre La Touche Ltd. On the 9<sup>th</sup> of November 2015. The main issues raised concern the following;

- In relation to the proposed car parking it is stated that the proposed perpendicular parking spaces on Marine Terrace this aspect of the scheme has been omitted by the Planning Authority in the grant of permission.
- The parking spaces to serve unit no. 18 will be provided in the courtyard area and spaces 23-25 will be allocated as public parking to serve the commercial units.
- The omission of the perpendicular parking spaces on Marine Terrace will allow for the continuation of the path in the northern part of Marine Terrace.
- Concern was raised in the third party appeal submitted by Patricia Buckley in relation to the road width of Marine Terrace. A road width of 5.5m has been proposed along the full road frontage of the site on Marine Terrace. The lands to the north are outside the ownership of the applicants and therefore there is a road wide of 5.1m at this section of the road. There are gate piers at the adjoining property Cova which are outside the applicants ownership also prevent the widening of the road width to 5.5m.
- The applicants submitted as part of the clarification request to the Planning Authority a traffic report using the TRICS database. They state given the town centre location and the limited level of retail development proposed that the overall level of traffic generated by the development could not be considered large.
- The previous permitted development on the site is noted (Reg. Ref. 04/1450) where the scheme included a hotel, bar, restaurant and 85 no. apartments.
- In regard to the specific issues raised in the appeal lodged by Stephen MacKenzie the applicants addressed the following matters. Firstly, regarding compliance with the proper planning of the Harbour

Architectural Conservation Area it is considered that the proposed scheme protects and enhances the Harbour Architectural Conservation Area. A conservation report was submitted with the application which stated that the proposed development would have a positive effect on the historic hotel which is no longer a protected structure.

- The setting and character of the ACA will be enhanced by the demolitions of the existing poor quality extensions to the hotel. In terms of the proposed design particular regard has been given the prevailing heights including the four storey historic hotel building.
- The proposed development is in accordance with the provisions of the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019 particular having regard to the 'TC' zoning as the proposed uses are in accordance with the permitted uses within this zoning. Having regard to the provisions of Objective OP3 which seeks to facilitate the redevelopment of the site for a mix of uses it is noted that the existing use of the site as a hotel has proven unviable in recent times and the redevelopment of the site would revitalise the town centre.
- The appellant also raised the matter of the proposed demolition of Cliff Bungalow. The property has fallen into a state of disrepair and has lost much of its character. It is considered preferable to demolish the property to carry out the comprehensive redevelopment of the overall site.
- In regard to the specific issues raised in the appeal lodged by Eamonn and Mary O'Raghallaigh the applicants addressed the following matters. Firstly, the proximity of buildings on site and the proposals to demolish buildings, this refers to the former 'Pebble Cove' restaurant which is a late twentieth century extension to the north of the hotel and located behind the former bank. Condition no. 5 of the decision of the Planning Authority requires that a detailed Construction Management Plan including details of demolition waste management to be submitted for agreement prior to commencement of development. It is considered that the mitigation measures contained in the plan will ensure the safe demolition of the buildings with minimal impact on the boundary of the appellant's property 'Rosaria'.
- The potential impact on the appellant's property 'Rosaria' has been addressed in the revised design of the scheme at further information stage. Plot no. 11 which adjoins the appellant's property 'Rosaria' was relocated 1.5m from the boundary and the dwelling was reduced in width and the roof terrace omitted in order to minimise potential overlooking and overshadowing.

- In regard to the specific issues raised in the appeal lodged by Patricia Buckley the applicants addressed the development of the house on plot no. 13. It is contended in the third party appeal that the proposed unit would be obtrusive and incongruous in the streetscape.
- A Landscape and Visual Impact Assessment was prepared by Cunnane Stratton Reynolds as part of the further information response. In the assessment, Trafalgar Road is described as having a range of land use, plot and building typologies, size, age and architectural character. There are several existing modern buildings located on Trafalgar Road and it is considered that the proposed scheme would integrate well into the streetscape.
- The plot of no. 13 was reduced in width and a 1.8m high roof terrace screen is proposed to protect the amenity of the adjoining property. Plot no. 13 is set back marginally from the established building line of Cova and this will ensure that views towards Cova are respected.
- Regarding the potential impacts on the amenities of Cova in terms of noise and disturbance cause by construction and demolition works it is considered that the Construction Management and Waste Management Plan which was conditioned by the Planning Authority will satisfactorily address these matters.
- In conclusion the applicants consider that the issues relating to traffic safety and car parking have been addressed in the planning application process including the conditions attached by the Planning Authority.
- The Traffic Impact Assessment indicates that there would be no increase in traffic from the proposed use over and above the previous uses on site.
- The aspects of the design of the scheme has been altered as part of the request for further information and these changes serve to protect the amenities of adjoining properties.
- The proposed development is considered in compliance with the town centre zoning objective and the provisions of the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019.

### **3.2 Planning Authority response**

- None received

### **3.3 Observations**

An observation to the appeals was submitted by Martin Doyle on the 13<sup>th</sup> of October 2015. The main issues raised concern the following;

- The observer states that the redevelopment of this site from its derelict state is welcomed however he objects to several aspects of the proposed scheme.
- The proposed scheme is considered excessive in scale and too dense for the subject site and would be out of character with the design and scale of surrounding development.
- The height and design of proposed dwelling units to be located along Cliff Road are completely out of character with the surrounding properties within the Architectural Conservation Area.
- The height and design proposed buildings along Cliff Road would block the view of the hotel from Cliff Road.
- The observer has expressed concerns regarding the level of traffic the proposed scheme would generate and the impact it would have on the existing road network and particularly having regard to the proximity of the local schools and also the traffic which would be generated by the permitted housing at Greystones Harbour.
- The observer has expressed concern that the proposed development would overlook and overshadow his property St. Philomena's at Trafalgar Road.

### **4.0 ASSESSMENT**

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- History of the La Touche Hotel and Local Area Plan policy
- Design and layout
- Impact upon amenity
- Traffic and car parking
- Appropriate Assessment

## **4.1 History of the La Touche Hotel and Local Area Plan policy**

- 4.1.1 The La Touche Hotel formerly the Grand Hotel was constructed in the late Victoria era and opened in 1894. It was built following the construction of the railway to Greystones between 1854 and 1856 and the establishment of the town as an attractive seaside resort. The La Touche Estate laid out two main roads, one leading from the Greystones pier to the railway station, the other running due north west from the railway station to meet the old road from Blacklion to the harbour.
- 4.1.2 The original hotel as described in the National Inventory of Architectural Heritage comprises a detached multiple-bay part four-storey part three and a half-storey part render part brick eclectic style hotel was designed by McCurdy & Mitchell. The building features four-storey projecting end bays are flat-roofed with decorative parapet walls. The windows to this section of the building are all one over one timber sash and with the exception of the first floor (which is segmental-arched) are flat-headed. The central section of the building features a mansard roof with gabled dormer windows each with paired one over one sash windows with segmental-arched heads. First and second floor rooms access the Regency-style balcony through replacement glazed doors with plain margins and plain fanlights; segmental arch headed decoration to the first floor railings. The ground floor section below the balconies is now filled with replacement multiple paned windows and entrance screen. Pitched roof is finished with artificial slate with uPVC rainwater goods. The former La Touche Hotel is rated of regional significance in the National Inventory of Architectural Heritage.
- 4.1.3 The former La Touche Hotel was removed from the County Wicklow Record of Protected Structures following public consultation and the preparation of a report in 2013 regarding the proposed deletions from and additions to the County Wicklow Record of Protected Structures. The former hotel is afforded protection under the provisions of the Greystones/Delgany and Kilcoole Local Area Plan 2013 – 2019. Specifically, Objective HER 12 of the Plan which refers to the preservation of the character of Architectural Conservation Area's and states that proposals involving the demolition of buildings and other structures that contribute to the special interest of ACAs will not be permitted. It is also stated under this objective that the original structure of the La Touche Hotel contributes to the Special Interest of the Greystones Harbour Area ACA.
- 4.1.4 The subject site is located within the Greystones Harbour Area ACA. The ACA is characterised by two-storey semi-detached and terraced dwellings and the original La Touche Hotel contributes to the Victorian seaside character. The site is also designated an Opportunity site in the LAP. It is a policy of the LAP to facilitate the redevelopment of the site for a mix of uses, including commercial, tourist, leisure, office and

residential uses, in accordance with the 'TC' zoning objective. It is required that any development on the site shall be in accordance with the objective to preserve the character of the Greystones Harbour ACA and that the amenities of existing residential properties in the area shall be protected.

- 4.1.5 The proposed scheme is predominantly residential with some commercial/office use proposed to the two cottages at Marine Terrace. Under the town centre zoning objective residential development is an acceptable use along with commercial uses. It is also a specific policy of the LAP to redevelop the site including residential development. The proposal to retain the original La Touche Hotel building and convert it to provide 5 no. townhouses is also in accordance with the relevant provisions of Greystones/Delgany and Kilcoole Local Area Plan 2013 – 2019.

## **4.2 Design and layout**

- 4.2.1 The proposal provides for the conversion of the original Hotel building to 5 no. townhouses, the demolition of Cliff bungalow and the construction of 19 no. dwellings. In regards to density the proposal has a density of 33 units per hectare. The site is in a town centre location and in relation to appropriate density objective RES 8 of the LAP stated that there is no upward limit for densities in centres subject to the relevant development standards being achieved.
- 4.2.2 A number of the appellants have raised concern regarding the design of the scheme particularly having regard to the site context within the Greystones Harbour ACA and the design and scale of surrounding development. In relation to the existing character of the surrounding streetscape I note that on Trafalgar Road it comprises a mix of two-storey semi-detached and terrace Victorian dwellings. There is a mix of building types and designs along Marine Terrace. Therefore having regard to the relative mix of building design and heights in the surrounding area there is scope for variation in the streetscape character in terms of design of new residential development on this infill site.
- 4.2.3 The proposal entails conversion of the former La Touche Hotel which was previously designated a protected structure on site. The exterior of the building is in a reasonable condition and it retains its original character. The appropriate conversion of the original hotel to 5 no. townhouses would ensure the preservation of this important building within Greystones. It is also proposed to retain the existing former bank building located to the north of the original hotel and also the front

section of the two cottages at Marine Terrace. The retention of these buildings is considered appropriate having regard to the site context. The provision of the new development is concentrated within the centre of the site and also along the eastern boundary. The proposed buildings within the centre of the site are four-storey and the units proposed along the eastern boundary are also predominately four-storey. The upper floors are setback from the front elevations which provides for roof terraces.

- 4.2.4 The proposed new development is contemporary in design comprising a mix of townhouse style dwellings within terrace blocks, two pairs of semi-detached dwellings and a detached dwelling. The modern design of the proposed units includes flat roofs, stone clad external finish, inset front doorways and large floor to ceiling heights windows.
- 4.2.5 As stated previously in the assessment there is variety of building types along the surrounding roads. The infill nature of the appeal site means any development should fully respect the character and context of the area. The height and design of the proposed dwellings particularly along Cliff Road has been raised in the appeals and the matter of the former hotel building being obscured from view from Cliff Road was also raised. While the issue of the view towards the former hotel from Cliff Road is noted, this is not a view which is listed for preservation and the appropriate redevelopment of the overall site from its current disused semi-derelict condition should in my opinion be the overriding consideration.
- 4.2.6 Two separate architectural visualisations were submitted as part of the application process. A series of photomontages have been provided of the existing and proposed streetscape views along Trafalgar Road, Marine Terrace and Cliff Road. The proposed view along Trafalgar Road indicates that the three new dwellings will be setback from the front building lines of the neighbouring properties allowing the former bank building and the refurbished and converted former hotel building retain their character and prominence within the streetscape.
- 4.2.7 The proposed view west along Marine Terrace indicates that the overall character of the streetscape will be maintained through the retention of the two existing cottages and their contemporary extension. The proposed view which would be altered the most is that along Cliff Road. I note that the two-storey extension to the former hotel located in the south-eastern corner is of relatively poor design quality and its replacement with the proposed terrace of four town houses would represent a significant improvement. The other proposed terrace block with frontage onto Cliff Road is located circa 36m to the north of the

terrace of four units. A courtyard is proposed at this location between the two terrace blocks and the rear of the former hotel building addresses the courtyard.

4.2.8 Overall in terms of the visual impact of the proposed scheme on the surrounding streetscape I consider that the development has been designed well to integrate with the existing buildings on site which it is proposed to retain along with the surrounding development.

4.2.9 The public open space area is proposed in the courtyard area to the eastern side of the site and this would be overlooked by the front elevations of all the proposed dwellings in the centre of the site and the rear of the former hotel building. This open space has an area of 560sq m which is roughly 7% of the area of the site which is 8% less than the general requirement for on-site public open space provision as set out in the Development Plan. The site is located adjacent to the coast and within five minutes walk of Greystones Harbour. Therefore, while the on-site provision of public open space is below the Development Plan requirement having regard to the town centre location of the site and also and the recreational amenity provide by the proximity of the site to the coast including the beach and Greystones Harbour I consider the proposed shortfall in public open space provision is acceptable.

4.2.10 Having reviewed the site layout plans, I am satisfied that the rear garden lengths and areas and the balconies and terraces have been provided in accordance with the required standards set out in Section 5.4 Urban Design Standards of the Wicklow County Development Plan 2010 – 2016.

### **4.3 Impact upon amenity**

4.3.1 In relation to the matters of overshadowing and overlooking which are raised in a number of the appeals I note that the applicants were requested to address these issues in the further information request. The closest residential properties to the site are situated to the north of the site located along Trafalgar Road and Sidmonton Place. The closest residential property to the scheme on Sidmonton Place which is Cliff Cottage lies directly to the north of the proposed end of terrace dwelling on plot no. 1. At the closest point the new dwelling would be 4.7m from the rear of the existing dwelling. Drawing no: AI-ps(00)02 which was submitted as part of the further information response illustrates the site plan at first floor. As indicated on the plan there are no first windows proposed to the gable elevation, however a small rear window is proposed to serve the landing. The Planning Authority attached a condition to ensure that the window be glazed with obscure



glass. Should the Board decide to grant permission, I consider that it would be appropriate to attach a similarly worded condition.

- 4.3.2 Having reviewed the proposed site layout of the scheme relative to the existing surrounding properties, I consider having regard to the proposed siting of the new dwellings and the relative separation distances to the existing dwellings to the north of the site that the proposed scheme would not result in any undue overlooking of residential properties.
- 4.3.3 The applicants were also required to address the issue of overshadowing as part of the further information request specifically in relation to the proposed units 1 & 11 and the adjoining property to the north. The property to the north of unit 1 is Cliff Cottage and the property to the north of unit 11 is Rosaria. A shadow assessment was carried out Digital Dimensions which indicates the shadowing from existing buildings on site and also the shadowing which would occur from the originally proposed scheme and then following the revisions to the design particularly in relation to the proposed dwellings on plots 1 & 11. Having reviewed the shadowing diagrams I note that on March 21<sup>st</sup> and September 21<sup>st</sup> at 9am there would be some limited new shadowing of Cliff Cottage. On March 21<sup>st</sup> and September 21<sup>st</sup> at 12 noon there would be some new shadowing of Cliff Cottage and also the dwelling Saint Columbe's. On June 21<sup>st</sup> at 9am following the revisions to the siting and design of the proposed dwellings to plots 1 & 11 there would be some very limited shadowing of the rear garden of the dwelling Rosaria and also to the rear of Cliff Cottage. On December 21<sup>st</sup> at 12 noon there would be some new shadowing of Cliff Cottage. Therefore proposed development would result in some limited new shadowing of Cliff Cottage to the north however the shadowing would not occur in the afternoon and evenings and given the town centre location of the property some limited additional shadowing is considered acceptable.
- 4.3.4 The appellants in the ownership of the property Rosaria have raised the matter of the proximity of unit no. 11 and also the potential impact demolition works to the extension to the hotel would have on their property. The revised proposals submitted to the Planning Authority on the 29<sup>th</sup> of May 2015 include the relocated of unit no. 11 to 1.5m from the boundary with Rosaria. This separation distance would ensure that it would not be necessary to access the neighbouring site during construction works.
- 4.3.5 The appeal submitted on behalf of Patricia Buckley also raises the potential impacts of construction and demolition works and requests that a construction and noise abatement management plan be prepared and agreed in order to minimise disturbance. In order to ensure that construction and demolition works on site would have as limited an impact as possible, I consider that should the Board decide to grant permission that a condition be attached requiring that the

developer shall submit a detailed Construction Management Plan to the Planning Authority for their agreement. The plan should include proposed hours of operation, details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels, off-site disposal of construction/demolition waste and details of the timing and routing of construction traffic.

#### **4.4 Traffic and car parking**

4.4.1 The proposal entails the provision of a total of 26 no. dwellings and a very limited provision of commercial/office buildings. There was previous vehicular access to the hotel on site both from Trafalgar Road and Cliff Road. The proposed layout provides for direct vehicular access off Trafalgar Road to the serve the proposed car parking spaces for the residential units no's 11-18. A parking bay containing 3 no. spaces to serve the commercial/office units is proposed at Marine Terrace. The Planning Authority in their grant of permission conditioned that the parking to serve the commercial units be provide within the site adjacent to the courtyard and omitted from this location.

4.4.2 Along Cliff road direct vehicular access to the serve the proposed car parking spaces to the front of the two terrace blocks is proposed. A new vehicular entrance and exit are proposed to serve the car parking spaces in the centre of the site adjoining the courtyard. Drawing No: N199-C01 indicates the proposed parking and road layout. A one-way systems travelling clockwise from the proposed vehicular entrance is proposed for the internal access road around the courtyard. Should the Board decide to grant permission I would recommend the attachment of a condition requiring that the developer submit for the written agreement of the Planning Authority details of the proposed car parking within the scheme including the omission of the three spaces along Marine Terrace and the provision of three spaces to serve the commercial units within the site at the courtyard.

4.4.3 Section 5.4.5.4 of the Wicklow County Development Plan 2010 – 2016 sets out the car parking standards for residential schemes. Generally 2 no. off street car parking spaces are required for all dwelling units over 2 bedrooms in size. It is also required that for every 5 residential units provided with only 1 space, 1 visitor space shall be provided. All the proposed dwellings within the scheme are larger than two bedroom units and therefore each require 2 no. spaces. A total of 58 no. spaces are proposed to serve the scheme which is 6 no. spaces in excess of 52 no. spaces required to serve the dwellings. Accordingly, I am satisfied with the proposed car parking provision and arrangements.

4.4.4 The matter of the suitability of the road width along Marine Terrace to accommodate the additional traffic is raised in the appeal lodged by Patricia Buckley. The Planning Authority sought further information

and clarification of further information on this matter. It is noted that the proposed width of the roadway along Marine Terrace varies between 5.1m and 5.5m. Where the applicants have ownership of the lands a road width of 5.5m is proposed. At the section of the road outside the applicant's ownership there is a road wide of 5.1m is proposed. In response to the matter the first party have stated in their appeal submission that the gate piers at the adjoining property Cova are outside the applicants ownership prevent the widening of the road width to 5.5m. While it would be preferable to have a consistent road width along Marine Terrace I do not consider it to be a matter which would constitute a traffic hazard in this instance.

4.4.5 A number of the appeals have raised the suitability of the existing road network to accommodate the additional traffic which would be generated by the proposed development. It is notable that a Traffic Impact Assessment (TIA) was submitted with the proposal. The TIA includes modelling to estimate trip generation for the proposed development as well as an assessment of construction traffic. The TIA concludes that the proposed development would have a negligible impact on the capacity and operation of the existing road network across the peak hours and that it results in a relatively low increase in overall traffic levels on the local network.

4.4.6 The proposed scheme is for a predominately residential development within an established town centre area. In terms of overall scale and intensity the proposed development is relatively modest in scale and a low density development for a town centre location. The nature of the traffic associated is residential which is not out of character with the existing type of traffic that frequents the road network in the vicinity of the site. Furthermore, I would note that the previously permitted development on site granted under Reg. Ref. 04/1450 where the scheme included a hotel, bar, restaurant and 85 no. apartments would have generated significantly more traffic than the currently proposed scheme. Having inspected the site and road network in the vicinity I would consider that such is of sufficient capacity to deal with level of traffic likely to be generated by the proposed development.

## **4.5 Appropriate Assessment**

4.5.1 The appeal site is situated 1.5km to the south of the closest European site Bray Head SAC. Having regard to the established previous commercial and residential use of the site, the nature and scale of the proposal, the nature of the receiving environment, namely a suburban and fully serviced location and the separation distance to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a

significant effect individually or in combination with other plans or projects on a European site.

## **5.0 Recommendation**

- 5.0.1 Having read the submissions on file, visited the site, had due regard to the provisions of the Development Plan and all other matters arising, I recommend that permission should be granted for the following reasons.

### **Reasons and Considerations**

Having regard to the Town Centre zoning of the site in the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019 and having regard to the pattern of development in the area and the layout of the scheme, and the planning history on the site, 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 and 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, as amended by the further plans and particulars submitted on the 29th day of May, 2015 and the 14th day of August 2015, 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 in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
- (b) Location of areas for construction site offices and staff facilities.
- (c) Details of site security fencing and hoardings.
- (d) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- (e) Measures to obviate queuing of construction traffic on the adjoining road network.
- (f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- (g) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
- (h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels. Such measures shall reflect the advice contained in BS 5228-1: 2009 + A1: 2014 and they shall include a dust minimisation plan.
- (i) Noise monitoring locations for the purposes of the construction phase of the proposed development shall be agreed in writing with the planning authority prior to the commencement of any development on site.
- (j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- (k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** To protect the amenities of property in the vicinity.

3. Prior to commencement of development, the developer shall submit for the written agreement of the Planning Authority a detailed method statement including a programme of works for the redevelopment of the La Touche Building to facilitate its conversion to 5 no. townhouses, prepared by an Architect or other appropriately qualified person with

specialised conservation expertise to ensure adequate protection of the retained and historic fabric during the works.

**Reason:** In order to safeguard the special architectural and historical interest of the building.

4. Details of the materials, colours and textures of all the external finishes to the proposed buildings including the finishes to the La Touche building and the former bank building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

5. The first floor landing window on the rear elevation of unit no. 1 shall be glazed with obscure glass.

**Reason:** To prevent overlooking of adjoining residential property.

6. Prior to commencement of development, the developer shall submit for the written agreement of the Planning Authority details of the boundary treatment within the scheme and also between the scheme and the adjoining properties.

**Reason:** In the interest of residential and visual amenity.

7. The commercial units shall be restricted to a use as either offices or a shop as defined in Article 5 of the Planning and Development Regulations 2001 (as amended). Prior to the commencement of development the developer shall submit details of the use of these buildings, for the written agreement of the Planning Authority.

**Reason:** In the interest of clarity and the proper planning and sustainable development of the area.

8. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

**Reason:** To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

9. The scheme shall not be occupied until such time as the works to the footpaths and road widening works to Marine Terrace, Cliff Road, Trafalgar Road and Sidmonton Place have been completed to the written satisfaction of the Planning Authority.

**Reason:** To ensure the satisfactory provision of roads and pedestrian infrastructure.

10. Prior to commencement of development, the developer shall submit for the written agreement of the Planning Authority details of the proposed car parking within the scheme including the omission of the three spaces along Marine Terrace and the provision of three car parking spaces to serve the commercial units within the site at the courtyard.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

11. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

**Reason:** In the interests of amenity and of traffic and pedestrian safety.

12. Water supply and drainage arrangements, including the attenuation and 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.

13. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

**Reason:** In the interest of amenity and public safety.

14. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

15. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

16.

- (1) The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (2) The applicant shall retain the services of a suitably qualified Landscape Architect (or suitably qualified Landscape Designer). A Practical Completion Certificate shall be signed off by the Landscape Architect when all landscape works are completed to the satisfaction of the planning authority in consultation with the parks and landscape services section of the planning authority, and in accordance with the permitted landscape proposals.

**Reason:** In the interest of the proper planning and sustainable development of the area.

17. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of orderly development.

18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.



19. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

20. 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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, 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.

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**Siobhan Carroll,**  
**Planning Inspector**  
**19<sup>th</sup> of January 2016**