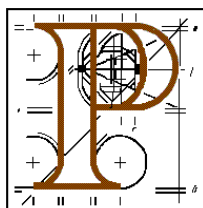


An Bord Pleanála



Inspector's Report

Appeal Reference No: 27.247501

Development: Permission sought for the retention of ticket sales office and visitor information centre, tearooms, toilet block, function room, farmers market and parking at Killruddery House (Protected Structure) and Killruddery House and Gardens (Protected Structure), Bray, Co. Wicklow.

Planning Authority: Wicklow Co. Co.

Planning Authority Reg. Ref.: 16/1

Applicant: Jack and Anthony Brabazon

Planning Authority Decision: Grant Permission

Planning Appeal

Appellant(s): Conor Aherne

Type of Appeal: Third Party

Observers: None

Date of Site Inspection: 1st February 2017

Inspector: Emer Doyle

1.0 SITE LOCATION AND DESCRIPTION

The site is part of a much larger holding in the Killruddery Estate accessed from the Southern Cross Road in Bray, Co. Wicklow. The site comprises of an area of 1.28 hectares.

Access to the site is provided via the existing main entrance to Killruddery House and Killruddery House Gates which are both included in the Record of Protected Structures. No changes are proposed to either of these elements within the application.

A wide range of activities associated with tourism and recreation take place within the Killruddery Estate. There are a number of residential estates bounding the estate.

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 development comprises of the retention of the following:

- Single storey reception building with a floor area of 33m² for use as reception and visitor centre.
- Refurbishment of former dairy building with a floor area of 30m² for use as a tearooms/ café and pergola adjacent to same to provide for a covered area associated with café.
- Single storey toilet block within walled garden with a floor area of 25m².
- Retention and continuance of use of former grain store and horse yard buildings as a function room with a floor area of 558.5m².
- Retention and continuance of use of the horse yard buildings and associated external yards for farmer's market.
- Toilet facilities adjacent to former grain store.

The application is accompanied by a Planning Report, an Archaeological Assessment, and an Engineering Report.

The Further Information Response submitted dated the 16th of September 2016 provided for the following:

- Redesign of toilet block and removal of existing toilets. The replacement toilet block (same location) is a single storey structure, clad in cedar with a metal standing roof.
- Details of operating hours of estate facilities including farmer's market and function room.
- Noise Report.
- Archaeological Impact Assessment.
- It is stated that the overflow car park will not be used in bad weather and public lighting is not proposed.

3.0 PLANNING HISTORY

15/421 – Permission granted for retention of a tree adventure course (known as Squirrel Scramble) within the grounds of Killruddery House.

13/8611 – Permission granted for the creation of a Nature Kindergarten within the grounds of Killruddery House.

4.0 PLANNING AUTHORITY DECISION

4.1 TECHNICAL REPORTS

Planner's Report

It was considered that the uses were compatible with the land zoning. Concern was expressed in relation to the appearance of the toilet block- a prefabricated building raised off the ground by blocks. Further Information was requested in relation a number of issues.

Following receipt of the Further Information Response, the planner was satisfied that all issues raised in the Further Information Response had been addressed.

Environmental Health Officer

No objection subject to conditions.

Roads Report

Further Information required in relation to car park arrangements, parking demand, public lighting and bicycle parking.

Bray Engineer's Report

No objection subject to conditions.

Water and Environmental Services

No objection.

PRESCRIBED BODIES

Department of Arts, Heritage and the Gaeltacht – Further information required in relation to archaeological assessment.

4.2 Planning Authority Decision

Permission was granted by the Planning Authority subject to 8 No Conditions. Noteworthy conditions include the following:

Condition 3: Requirement to complete the toilet block to the satisfaction of the Planning Authority within 6 months of the permission.

Condition 6: The function room shall be closed between 02.30 am and 08.00 am.

Condition 7: Noise level arising from the function room shall not exceed 45 dB(A) Leq (1 hour) between 2000 to 0800 hours on any occasion a function is taking place, when measured from the boundary between the estate and the Swanbrook residential development.

Condition 8: Requirement for archaeological monitoring.

5.0 GROUNDS OF APPEAL

A third party appeal against the Council's decision was submitted by Mr. Conor Aherne. The grounds of appeal and main points raised in the submission can be summarised as follows:

- Poor quality gravel driveway and dust created by same is causing health problems.
- Bray Environs LAP requires action plan for the entire Demense and buffer zone between the Killruddery T zone and the Swanbrook and Hollybrook developments.
- Noise nuisance from activities on the estate.
- Poor drainage in the Marfield.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority Response

None.

6.2 First Party Response

- It is proposed to put a protocol in place for the management of gravelled area during prolonged dry spells and upgrade surfaces as finances permit.
- The buffer zone directly adjacent to the appellant is c.3m high and the applicants are willing to put additional planting in this area.
- The Marfield area is to be used for overflow parking only during the busiest periods.
- The Marfield is a well drained part of the estate.

6.3 Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs Response

This response is similar to that submitted to the Planning Authority dated the 6th day of October 2016 and provides for three conditions in relation to archaeological monitoring.

6.4 Observations on grounds of appeal

None.

7.0 POLICY CONTEXT

DEVELOPMENT PLAN

The Bray Environs Local Area Plan 2009-2015 (extended) is the operative Development Plan for the area.

Objectives relevant to this application include:

Open Space (OS) Killruddery

Objective: To preserve, provide and improve recreational amenity and open space.

Vision: This zoning objective seeks to provide a recreational and amenity resource for residents of the adjoining low-density residential zone ('R3')

Such Open Space Uses include: recreational uses, open space, active and passive recreational use in accordance with the provisions of the County Development Plan and this LAP.

Tourism (T)

Objective: To provide for tourist and community related activities focused on Killruddery House and Demense.

Vision: This zoning objective seeks to facilitate and provide for the sustainable development of Killruddery House and Demesne, a Demesne of local and regional importance in the interests of the economic, social, educational, historic, physical and cultural benefit to the Demesne and the greater environs.

Such Tourist Uses include: Tourist and community related activities, as appropriate within the context of the surrounding Demesne environment, including restaurant/ tea rooms, craft factory outlet shops, heritage centre, farm shop/ farmers market, allotments, walled garden restoration, equestrian centre, in accordance with the County Development Plan and this LAP.

Greenbelt (GB)

Greenbelt uses include agricultural based uses and residential use in accordance with SS9 of the County Development Plan.

Killruddery House (08-33) and Killruddery Entrance Gates (08-34) are protected structures

Section 5.0 Employment and Enterprise Policies and Objectives include:

Provide for the development of a tourism/enterprise development on lands within the Killruddery Demense. Any proposal for development should have a high quality design and layout, and have particular regard for the surrounding environment and the protected status of the Demesne.

Provide for the development of a hotel within Killruddery Demesne located south of the Southern Cross roundabout at the foot of Bray Head.

Killruddery Action Area Plan (2011)

Section 3.3.3.1

'Rather than compromising or causing injury to the historic core, it is intended that design proposals will consolidate the complex of surrounding buildings into a more coherent arrangement based upon historic precedent.'

ASSESSMENT

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

1. Principle of Development
2. Impact on Residential Amenity
3. Other Matters

Principle of Development

This site is zoned as greenbelt and tourism. The tearoom to be retained is located on lands zoned as greenbelt whilst all other aspects of the development are on lands zoned as tourism. I am of the view that all the elements of this application are compatible with the tourism zoning of the site.

Having regard to the fact that existing tourism uses are ongoing on this land, the planner has no objection to a tea room with an area of

30m² which is ancillary to the existing tourism uses on these lands and considers that a building of this scale would not set an undesirable precedent within the greenbelt zoning. I would concur with these views and have no objection to the principle of development at this location.

Impact on Residential Amenity

The main concerns raised regarding the impact on residential amenity relate to health impacts from the gravel driveway and noise associated with the use of the Marfield overflow parking area.

It is stated in the appeal that dust from the gravel driveways and vehicles fumes are causing health issues for the appellant's children.

I note that at present a number of roads within the estate are tarmac closer to the Southern Cross Road at the entrance and become gravel as one moves deeper within the estate. The appeal response states that such roads are typical of estate access driveways and are not unusual. They have been used for many years by the occupants and visitors. It is stated that a protocol for the management of gravelled areas during prolonged dry periods can be put in place and can include watering of gravelled areas. It is likely that traffic would be heaviest when the weather is warm and dry during Summer months and this is when the issue associated with dust would be most problematic. The response goes on to state that as part of the ongoing improvements to the estate, it is intended to upgrade the surfaces of access roads as finances permit. I am of the view that this would appear to be a reasonable solution to address the problem associated with dust.

In terms of noise, I note that the majority of the activities associated with the estate are seasonal and during day time hours. In response to the Further Information Request, it was stated that the house and gardens are typically open at weekends in April and October, from 9.30am to 6pm, 9.30am -6pm from May - September. The Squirrel Wire Adventure Course operates from March - November at weekends, during school holidays and bank holidays, from 10am to 6pm (or during daylight hours in the winter). Midweek use of the facility outside of school holidays is booked in advance for groups. The Farmers Market operates every Saturday from 9am to 4pm, February - November. During December the Farmers Market operates on Saturday and Sunday from 10am to 5pm. Weddings

and similar events take place in the grain store function room and such events conclude at 2.30.

There are two large mounded areas c. 3m in height with planting of mature trees between Killruddery estate and the adjoining residential areas. One of these is directly behind the appellant's dwelling. The appeal response states that some of the mounds which make up this buffer zone have been planted with European Larch, Scot's Pine, Hazel, Cherry and Oak. The applicant's are willing to put additional planting in place in this area subject to ESB line restrictions. A hedge could also be planted along the edge of the access roadway south of the appellant.

I am of the view that the improvement of the buffer zone and the area adjacent to the access road would improve the issues associated with both dust and noise. The proposed overflow car parking area would be closer to the residential areas of Swanbrook and Hollybrook but this car park will be used mainly as an overflow facility during peak periods on busy Summer days when the estate tends to be at its busiest. It is not intended to use this area during hours of darkness and no public lighting is proposed in this area. Having regard to the limited usage of the proposed overflow parking area during daytime hours only, I am satisfied that it will not result in any serious injury to the residential amenities of the area.

Other Matters

Drainage

The applicant contends that the Marfield area should not be used for overflow car parking due to poor drainage in the area. The appeal response contends that this is historically a very well drained part of the estate. It is also stated that it is not intended to use the car park during periods of bad weather. It is stated that 'it is the experience of management of the estate that the existing car park can adequately cater for the parking requirement during spells of bad weather, when visitor numbers are naturally reduced.' A management protocol is set up to direct visitors arriving by car/bus to the existing carpark during periods of bad weather management. I consider that these measures together with the proposal to gravel the road network only in the overflow facility only with car parking on grassed surfaces is satisfactory at this location.

Impact on Protected Structures

Killruddery House and Killruddery House Gates are included in the Record of Protected Structures. No changes are proposed to either of these structures. Retention was sought for an existing toilet block within the walled garden, however concern was expressed that this prefabricated

building would impact on the attractive setting. Revised plans were submitted to the Planning Authority dated the 16th day of September 2016 to replace same with a revised design which is more attractive in style and finish and would not detract from the protected structures on the site.

Appropriate Assessment

Having regard to the nature and scale of the proposed development and its proximity 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.

CONCLUSION AND 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 established recreational and tourism uses of the site and to the nature and scale of the proposed development, it is considered that the proposed development to be retained and completed, subject to compliance with the conditions set out below, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not unduly affect the setting of the protected structures and would respect the existing character of the area 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 further plans and particulars submitted on the 16th day of September 2016 and the 30th day of November 2016 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. Within six months of the date of this order, the toilet block shall be completed to the written satisfaction of the Planning Authority and shall replace the existing toilet block on site.

Reason: In the interest of visual amenity and in order to protect the character of the protected structures.

3. Dust suppression measures including the watering of the graveled roadways shall be carried out during dry periods.

Reason: To control dust emissions arising from the development and in the interest of the amenity of the area.

4. 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.

5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall-
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development.
 - (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and

- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

7. 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 within 6 months of the date of this order 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
21st February 2016