



An
Bord
Pleanála

Inspector's Report ABP-303742-19

Development

Demolition of 2 No. existing warehouses (stone wall to Quarantine Hill to be retained) and provision of a hotel constructed using shipping containers comprising 25 hotel bedrooms, café / restaurant, wine bar and roof terrace, 14 no. car parking spaces, to include drainage and ancillary services, overall maximum height 15.5m.

Location

South Quay, Wicklow, Co. Wicklow.

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

18871

Applicant(s)

Waterbrand Holdings Ltd.

Type of Application

Permission

Planning Authority Decision

Grant subject to conditions

Type of Appeal

Third Party v. Decision

Appellant(s)

Ian Huet & Ashleigh Downey

Observer(s)

None.

Date of Site Inspection

29th May, 2019

Inspector

Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located towards the eastern end of South Quay in Wicklow town centre where it occupies a quayside / waterfront position in a mixed-use area overlooking the harbour / port. The surrounding area is dominated by the port-related activities that operate from the northern quay, including several substantial warehouses / industrial-type structures and silos, whereas the southern quay, given its proximity to the town centre, and although also utilised for harbourside activities such as the unloading of fishing boats etc., is generally characterised by a combination of commercial, retail and residential developments including apartments, warehousing, motor repair / service garages, appliance outlets, and some lower order shop units. From an urban design perspective, there is considerable variation in building typology and architectural design alongside South Quay with the result that there is little discernible character whilst the presence of several dilapidated / run-down properties in need of repair / redevelopment serves to detract from the wider area.
- 1.2. The site itself has a stated site area of 0.0922 hectares and presently consists of 2 No. adjoining warehouses. The existing structures are of little architectural merit in that they generally comprise rendered walls and corrugated sheeting (although there are elements of stone walling both within the structures themselves and alongside the narrow public road to the west) with a conventional shallow roof-pitch and a front gabled design with sliding doors opening onto South Quay. The buildings extend to cover the entirety of the site area, are open plan, and have been excavated into the hillside which rises southwards over the quay. Beyond the site, on the more elevated lands to the south and southeast, along Quarantine Hill and Castle Street, the surrounding pattern of development is predominantly residential in nature.

2.0 Proposed Development

- 2.1. The proposed development involves the demolition of 2 No. existing warehouses (with the stone wall alongside Quarantine Hill to be retained) and the subsequent construction of a four / five storey hotel (floor area: 1,081m²) utilising shipping containers (with dimensions of 30ft. x 33ft. and 12ft. x 20ft.) as a means of construction which will include for 25 No. bedrooms, a café / restaurant, open

accessways / gallery areas, a roof-top bar and terrace area, ancillary staff accommodation, and 14 No. car parking spaces. The proposed contemporary design extends to a maximum overall height of 15.5m with frontage onto South Quay and involves the stacking of shipping containers one on top of the other spanning front to back through the site with a steel frame and concrete intermediate floors. Each guest bedroom will be accessed via an open south-facing gallery with enclosed stair cores to either end. Access to the site will be obtained directly from South Quay with a new vehicular entrance / exit point serving the car park proposed to the rear of the main structure. Water and sewerage services are available from the public mains.

- 2.2. In response to a request for further information, the design of the roof-top wine bar was amended whilst the extent of the associated terraced area was reduced through the provision of a roof garden. Additional revisions include the provision of a dedicated footpath along the frontage of the site onto South Quay and a proposal to pedestrianise the adjacent roadway to the immediate west.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Following the receipt of a response to a request for further information, on 23rd January, 2019 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 19 No. conditions. These conditions are generally of a standardised format and relate to issues including external finishes, signage, lighting, construction management, infrastructural works and development contributions (including a supplementary development contribution), however, the following conditions are of note:

Condition No. 5: Refers to archaeological monitoring of the removal of the existing warehouse floors.

Condition No. 6: Requires a bat survey of the existing warehouses to be undertaken and submitted for the written agreement of the Planning Authority prior to the commencement of any development or demolition works.

Condition No. 7: Refers to the use of the proposed development and prohibits any change of use without the prior permission of the Planning Authority (or the Board on appeal).

Condition No. 11: Requires full details of all works / external infrastructure (footpaths, signage, lighting etc.) that facilitate pedestrian and vehicular access to the proposed development to be agreed in writing with the Planning Authority prior to the commencement of development. Furthermore, these works are to be completed in full by the applicant / developer prior to the occupation of the proposed development.

Condition No. 16: Requires the roof terrace and wine bar to be closed between 24:00 hours and 08:00 hours.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

An initial report details the site context and the applicable policy considerations, including the identification of the subject site as a 'town centre opportunity site' within the Wicklow Port, Harbour and Quay Strategy, before stating that the proposed development is acceptable in principle. It subsequently analyses the overall design and layout of the proposal and notes that there is no coherent architectural pattern or established character to the surrounding area. It proceeds to state that the proposed use of shipping containers and the overall design / maritime style concept is generally acceptable and can be satisfactorily absorbed into its surroundings, however, concerns are raised with regard to a number of aspects of the proposal, including the potential impact on the residential amenity of neighbouring housing, with particular reference to possible overlooking and noise impacts attributable to the external access walkways and the roof-top bar. Further concerns are raised in relation to the adequacy of the car parking provision, the proposed loading / unloading arrangements, the traffic impact of the proposal, and potential flooding considerations. The report subsequently recommends that further information be sought in respect of a number of items.

Following the receipt of a response to a request for further information, a final report was prepared which recommended a grant of permission, subject to conditions.

3.2.2. *Other Technical Reports:*

Wicklow Area Engineer: No objection, subject to conditions.

Environment (Harbour & Ports Unit): An initial report raised concerns as regards the potential traffic impact of the proposed development on the operation and amenity of the adjacent port and harbour area. Further reference was made to the inadequacy of the on-site car parking arrangements, the need to ensure that the development did not impact on the temporary mooring and operation of the RNLI lifeboat in the harbour almost directly opposite the application site, and the possibility that the proposal could be prejudicial to the completion of the 'Wicklow Maritime Strategic Review'.

Following the receipt of a response to a request for additional information, a further report was prepared which reiterated the inadequacy of the proposed car parking arrangements and the potential for haphazard parking practices to interfere with existing harbourside activities.

Transportation & Roads Infrastructure: Recommends that further information be sought in respect of a number of items, including the under-provision of on-site car parking, pedestrian safety at the entrance to the development, and the need to consider pedestrian linkages to the footpaths on Quarantine Hill and across the road to the walkway along the quay.

Planning and Development (Senor Engineer): Details a comprehensive response to the concerns raised by the Harbour & Ports Unit of the Environment Section with a particular emphasis placed on the need to consider the site location within the town centre and the wider vision for the redevelopment of the South Quay. The report subsequently states that further information should be sought in respect of the traffic impact (if any) of the proposed development on the cul-de-sac at the end of South Quay as well as the potential for conflict with existing harbourside activities.

3.3. **Prescribed Bodies**

3.3.1. *Irish Water:* No objection, subject to conditions.

3.4. Third Party Observations

3.4.1. A total of 16 No. submissions were received from interested third parties and the principle grounds of objection contained therein can be summarised as follows:

- The proposed development is not related to / compatible with the existing commercial port / harbourside uses.
- The overall design, scale and height of the proposed construction is out of character with the surrounding pattern of development / detrimental visual impact.
- Detrimental impact on the residential amenity of neighbouring properties by reason of overlooking, loss of privacy, overshadowing, noise, light spillage / pollution etc., with particular reference to the proposed roof-top terrace / bar area and the open access galleries.
- Increased traffic congestion in the area and the inadequacy of the surrounding road network (specific reference has been made to the need to maintain free and unobstructed access for emergency services, including the lifeboat station).
- The inadequacy of the proposed car parking & loading / unloading arrangements.
- Concerns with regard to traffic and pedestrian safety, with particular reference to the lack of footpaths in the immediate site surrounds.
- The proposal fails to take sufficient cognisance of the maritime, historical and cultural heritage value of the harbour area.
- The need to ensure that the wider harbour area is developed in a holistic way by way of a masterplan.
- The use of shipping containers is not always ecologically-friendly.
- The requirement for the safe dismantling and disposal of the existing asbestos roof on site.
- Wildlife considerations, including the need for a bat survey of the existing buildings.

- Concerns as regards flood risk management.

4.0 Planning History

4.1. *On Site:*

None.

4.2. *On Adjacent Sites:*

PA Ref. No. 05622929. Was refused on 16th May, 2005 refusing Billy White permission for 2 No. townhouses at Quarantine Hill, Wicklow.

PA Ref. No. 05622968. Was refused on 20th September, 2005 refusing Billy White permission for a townhouse at Quarantine Hill, Wicklow, for the following reasons:

- The proposed development would constitute a danger to the public by reason of a traffic hazard to both vehicle traffic and pedestrian traffic and would be contrary to the proper planning and sustainable development of the area by reason of:-
 - a) The proximity of the site to an existing road junction, which comprises an acute bend and is deficient in width. Traffic turning movements generated by the proposed development would conflict with the traffic movements at the junction.
 - b) The existing public road adjacent to the site is deficient in width. Traffic turning movements generated by the proposed development would conflict with the traffic flow on the existing road and would cause obstruction to road users at this location.
 - c) The existing pedestrian facilities are deficient insofar as there is no separate facility such as a footpath for pedestrian traffic at the location of the site and there is no pedestrian linkage to the existing public footway from the site.
- The proposed development would constitute a danger to the public by reason of a traffic hazard because there is an inadequate buffer between the proposed car parking area and the existing public road carriageway and

where inadequate sightlines for traffic exiting the site to oncoming traffic and vice versa is proposed.

- The proposal is deficient in the provision of proposed private open space / private amenity area to the proposed dwelling and would result in the deficient provision of private open space / private amenity area to the existing dwelling.

5.0 Policy and Context

5.1. Development Plan

5.1.1. Wicklow County Development Plan, 2016-2022:

Chapter 6: Centres and Retailing:

RT1: To ensure the continued vibrancy and life of centres, to direct new development and investment into towns and villages in the first instance and to particularly prioritise actions that enhance business, retail, leisure, entertainment and cultural uses, as well as making town and villages centres an attractive place to live.

Chapter 7: Tourism and Recreation:

Section 7.3: Strategy for Tourism and Recreation

Section 7.4: Tourism and Recreation Objectives:

T7: To favourably consider proposals for tourism and recreation related development, which involve the reinstatement, conservation and/or replacement of existing disused buildings and to adopt a positive interpretation to plan policies to encourage such developments. This shall be subject to all other objectives being complied with, and subject to the proper planning and sustainable development of the area. In all areas, preference will be given to the conversion and adaptation of existing buildings rather than the provision of new development on greenfield sites.

T10: To facilitate the development of a variety of quality accommodation types, at various locations, throughout the County.

T11: To positively consider the development of new hotels in all parts of the County, with particular preference for locations in larger settlements (Levels 1-6 of the County settlement hierarchy). In other, more rural locations (villages / rural areas), it must be demonstrated that:

- the area proposed to be served by the new development has high visitor numbers associated with an existing attraction / facility;
- a need for new / additional hotel type accommodation for these visitors has been identified having regard to the profile of the visitor and the availability and proximity of existing hotels in the area; and
- the distance of the location from a significant settlement is such that visitors to the area / attraction are unlikely to avail of existing hotel facilities.

5.1.2. **Wicklow Town - Rathnew Development Plan, 2013-2019:**

Land Use Zoning:

The proposed development site is located in an area zoned as '*TC: Town Centre*' with the stated land use zoning objective '*To preserve, improve and provide for town centre uses*'.

Description:

To develop and consolidate the existing town centre to improve its vibrancy and vitality with the densification of appropriate commercial and residential developments ensuring a mix of commercial, recreational, civic, cultural, leisure, residential uses, and urban streets, while delivering a quality urban environment which will enhance the quality of life of resident, visitor and workers alike. The zone will strengthen retail provision in accordance with the County Retail Strategy, emphasise urban conservation, ensure priority for public transport, pedestrians and cyclists while minimising the impact of private car-based traffic and enhance and develop the existing urban fabric.

In accordance with the '*Zoning Use Table*' set out in Table 13.2 of the Plan it can be confirmed that the development of a '*Hotel*' is '*Typically Permitted*' within this land use zoning.

Other Relevant Sections / Policies:

Chapter 2: Vision and Core Strategy:

Section 2.2: Core Strategy:

Section 2.2.4: Economy and Employment

Chapter 4: Key Areas:

Section 4.2: Wicklow Town Centre

Section 4.4: Wicklow Port and Harbour:

Port 2: To support and facilitate maritime activity on the south quay and to encourage new developments that provide for an improved mix of uses including commercial, retail and residential uses and to particularly encourage tourism and leisure related developments.

Chapter 7: Tourism and Recreation:

Section 7.2: Strategy for tourism and recreation

Section 7.3: Tourism & recreation objectives:

TR2: To promote, encourage and facilitate the development of the tourism and recreation sectors in a sustainable manner. This means that the Council will permit the development and maintenance of tourism and recreation developments which help generate income and employment for locals, so long as the development is in a manner and at such a scale that it remains viable over an indefinite period and does not degrade or alter the natural and built environment or the local culture in which it exists.

TR3: To support the development of new / improved tourist facilities, including accommodation and attractions, particularly those taking advantage of the existing assets of the settlement, subject to such assets being protected from any adverse impacts arising from new development.

TR4: To ensure that all tourism and recreation developments are designed to the highest quality and standards.

TA1: To facilitate the development of a variety of quality accommodation types, at various locations, throughout the settlement of Wicklow Town - Rathnew.

TA2: To positively consider the development of:

a) new hotels in Wicklow Town – Rathnew;

TTP1: To encourage and facilitate tourism and leisure related uses in the harbour area including hotel / accommodation facilities and leisure uses to complement the marina and associated boating uses and activities

Section 7.4: *Tourist Development Standards*

Section 7.4.1: *General Criteria for Tourism and Recreation Developments*

Section 7.4.2: *Overnight Accommodation:*

TOA1: Applications will be considered on the basis of the particular characteristics of the proposed scheme. Proposals that have a detrimental impact on the amenity, character and environmental quality of the area will not be permitted. In this regard, the Planning Authority will have regard to the following matters in the determination of planning applications, in addition to those set out above:

- The size, scale, design and nature of the accommodation;
- The availability of existing accommodation facilities in the vicinity;
- The standard of accommodation for the intended occupiers of the premises (including indoor and outdoor space and amenity requirements, noise insulation, parking provision, access, etc.)

TOA2: The scale of overnight accommodation allowable on any site may be restricted according to the amenities proposed to be provided for guests and the impact of the facility on the amenities of the area.

TOA3: Adequate information will be required to be submitted to satisfy the Planning Authority that the design, size and nature of a proposed facility is such that no doubt exists regarding the intended use of the facility as tourist accommodation. In particular, the Planning Authority

shall be satisfied that the development is to be retained for visitor accommodation use and will not be used for long term, permanent residential use or other non-tourist use.

Chapter 9: Traffic, Transport and Accessibility:

Section 9.7.6: Parking:

Table 9.2: Car Parking Standards: 'Hotel (excluding function room)': 1 No. space per bedroom.

5.2. Natural Heritage Designations

5.2.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The Murrough Special Protection Area (Site Code: 004186), approximately 400m northwest of the site.
- The Murrough Wetlands Special Area of Conservation (Site Code: 002249), approximately 1.4km northwest of the site.
- The Wicklow Head Special Protection Area (Site Code: 004127), approximately 1.1km southeast of the site.
- The Wicklow Reef Special Area of Conservation (Site Code: 002274), approximately 3km east of the site.

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- There are concerns as regards the adequacy and accuracy of the submitted information to permit a full and proper assessment of the subject application.
- The proposed development is contrary to the applicable land use zoning objective (i.e. '*To preserve, improve and provide for town centre uses*') as it will not preserve or improve this part of Wicklow town nor will it enhance the quality of life of local residents.
- Contrary to the assertion that the subject site is located in a transitional area between the town centre and the commercial port / harbourside, the area in question is predominantly residential in character.
- The principle of the proposed development must be considered in light of the specific circumstances of the site and not in the context of some form of 'port regeneration' given that there are only 3 No. warehouse properties at this location along South Quay. Instead, the assessment of any redevelopment of the lands in question should be set within an agreed framework plan.
- In the absence of an appropriate urban design framework set within a master plan for the wider port / harbour area, the subject proposal constitutes uncoordinated piecemeal development. In this respect, concerns arise as regards the possible future development of the adjacent properties to either side of the application site which are also in the ownership of the applicant.
- In the absence of any other hotel accommodation within Wicklow town, it is questionable whether the subject site is a suitable location for the development proposed given the likely demand for such services and the associated introduction of increased traffic volumes and late-night activities to the area. In this regard it is suggested that a location alongside the new Port Road, which is away from residential properties and benefits from excellent access and parking arrangements, would be preferable.

- The proposed development is contrary to the wider provisions of the Development Plan in that it is out of keeping with the area and will have a negative impact on the amenity of surrounding properties.
- The proposal does not take sufficient cognisance of the historical, cultural and maritime heritage significance of the port area / quayside and is an inappropriate form of development. Furthermore, there is a growing need to protect harbours and ports in regional towns from inappropriate development that has not yet been planned in any statutory plan.
- The proposal fails to accord with the 'principles' for tourism set out in Chapter 7 of the Development Plan.
- Inadequate consideration has been given to the visual impact of the development in light of its location within a sensitive port / coastal landscape. In this regard, the application should have been accompanied by a comprehensive Visual / Landscape Impact Assessment.
- Given the site context, the overall design, scale, height (five-storeys) and external appearance of the proposed construction would set an undesirable precedent for future development in the area. It would interrupt the established pattern and character of development along South Quay and would appear as a discordant feature in the streetscape.
- The overall design, scale, height and massing of the proposal constitutes an overdevelopment of the application site.
- The scale and height of the proposed development will significantly detract from the views presently available from those properties located to the rear of the site (including Castle Street & Quarantine Hill) towards the port / harbour area.
- The proposed development will dominate the streetscape and will also detract from views / vistas of South Quay.
- The proposed development would be visually overbearing in this sensitive location, particularly when viewed from within neighbouring residential properties.

- The submitted design fails to satisfactorily address the public realm, including the need to provide for pedestrian safety / linkages.
- The proposed roof-top terrace / garden / bar area, eastern stairwell, and the south-facing galleries serving the upper floor levels of the hotel will have a detrimental impact on the residential amenity of nearby properties by reason of overlooking with an associated loss of privacy (or will at least give rise to the perception of being overlooked).
- The cross-sectional drawing submitted with the planning application does not provide for an accurate representation of the relationship between the proposed development and neighbouring housing.
- No details have been submitted with respect to any attempt to measure the existing noise environment at the site or to predict the likely noise impact consequent on the proposed hotel, with particular reference to its open walkways / galleries and rooftop terrace.
- Having regard to the size, location and proximity of the roof-top bar, the anticipated number of patrons, and the absence of any acoustic mitigation measures, it is considered that this aspect of the proposal would be seriously injurious to the residential amenity of surrounding properties by reason of excessive and intrusive noise levels (such as by way of amplified music and late-night usage).
- The external walkways / open galleries accessing the proposed hotel rooms will be problematic and will likely give rise to increased noise levels attributable to their use by hotel patrons throughout the day and night.
- The late-night usage and noise levels emanating from the proposed roof-top bar area etc. will likely result in anti-social activities / behaviour to the detriment of neighbouring residences.
- External lighting within the proposed development will give rise to intrusive overspill into adjacent properties and will detract from the amenity of the wider area.

- Inadequate details have been provided of the proposed lighting arrangements and, therefore, it cannot be verified that the proposal will not result in intrusive lighting of the appellants' properties.
- The inclusion / scale of the proposed rooftop bar / function area cannot be justified given the limited size of the hotel and should be omitted in its entirety due to its potential detrimental impact on the residential amenity of surrounding properties.
- It has not been demonstrated that the surrounding road network has adequate capacity to accommodate the additional traffic volumes and turning movements consequent on the proposed development.
- The proposed development will result in considerable traffic congestion along South Quay and Quarantine Hill, particularly on busy nights at weekends and during the summertime, and could potentially interfere with existing harbourside activities.
- No provision has been made for the unloading / unloading or turning of delivery vehicles within the confines of the application site with the result that all such activities must be conducted from the quayside thereby giving rise to a potential traffic hazard.
- The increased level of activity associated with the proposed development will result in conflicting pedestrian and vehicular traffic movements.
- The inadequacy of the on-site car parking arrangements will give rise to illegal and haphazard parking practices thereby contributing to traffic congestion and the endangerment of public safety by reason of traffic hazard.
- Overspill car parking from the proposed development will impinge on those areas which already accommodate off-street parking by local residents.
- The proposed 'staff apartment' has been excluded from the calculation of the car parking requirement.
- Having regard to the provisions of Section 3.6.5: '*Transport Accessibility*' of the Development Plan, it is considered that there is no basis whereby a reduction in the level of car parking required for the proposed development would be permissible. In this regard, specific reference is made to the limited

public transport services available within Wicklow town, the failure of the applicant to provide a robust model of car parking usage which would justify a relaxation in the applicable car parking standards, and the absence of any proposals to manage overspill parking from the proposal in light of the shortage in parking facilities in the surrounding area.

- Contrary to the applicant's assertions, the proposed bedroom accommodation, with specific reference to its north-facing windows, has not been designed to maximise the amount of natural light / sunlight received by the habitable spaces. Moreover, there are concerns that the south-facing open galleries are actually intended to function as 'de facto' balcony areas / terraces for hotel residents thereby further diminishing the level of amenity enjoyed by the occupants of surrounding housing by reason of overlooking, noise, disturbance etc.
- There are concerns as regards the energy efficiency of the development given the inclusion of features such as the open walkways & the roof-top terrace and as all the rooms will be 'naturally ventilated'. In this respect it is submitted that the new hotel should be required to set sustainable standards for the future and should also be expected to address the EU urban green building agenda, goals & regulations etc. Further consideration should be given to the inclusion of environmental design principles such as green roofing and green wall technology as an integral part of the building design.
- It is suggested that the novelty factor of the structural design material (i.e. shipping containers) serves as a distraction from the absence of a more environmentally conscious design contrary to accepted local, regional, national and international policy direction.
- Contrary to the applicant's assertions, the proposed development site is located in part in either Flood Zones 'A' or 'B' where there is a probability of flooding. Accordingly, given the claim that the site requires no action to be taken in respect of flood risk, there are concerns that the proposal has not been designed to address any possible future flooding whilst it is also noted that the planning application has not been accompanied by a Flood Risk Assessment.

- It would appear that part of the roof of the existing structures on site which are proposed for demolition may contain asbestos and, therefore, in light of the proximity of nearby housing, proposals for the removal of same by a specialist contractor should be agreed in advance of any development works.
- Given that the submitted bat survey was completed outside of the optimal survey season and, therefore, the possibility of bat species being present on site cannot be eliminated, the Board is requested to require the applicant to carry out a new bat survey in advance of any decision on the subject application.
- Further details are required as regards the construction management measures to be put in place in order to mitigate the impact of construction works on nearby properties (e.g. traffic management, working hours, the control of noise and dust emissions etc.).
- The loss of residential amenity attributable to the proposed development will result in the devaluation of surrounding properties.

6.2. Applicant Response

- The subject lands have the potential to make a considerably more positive contribution in terms of both land use and architectural quality to South Quay than is presently realised by the existing structures on site.
- Given the dearth of hotel accommodation in the area, and having been inspired by a number of international projects which have utilised shipping containers in their construction, the subject proposal was presented to the Planning Authority during the course of pre-planning consultations as an architecturally novel and innovative form of development which would complement the townscape and quayside location of the site. The initial feedback received from the Planning Authority was deemed positive and thus the decision was made to proceed with the application.
- The amended design submitted in response to the request for further information provides for a significantly reduced wine bar and roof terrace area. The remainder of the roof plan will be devoted to a landscaped roof garden

separate from the wine bar and both facilities are intended to be primarily for the use of hotel residents.

- The proposed development will be a significant addition to the tourism offer of Wicklow and will also provide facilities / services to local people thereby contributing to the life of the town and, in particular, to the animation of the South Quay area.
- The proposal will provide local employment opportunities and will make a significant contribution to the local economy and built environment.
- The development has been well designed and is appropriate to its setting in that it will form an attractive frontage onto the easternmost extent of South Quay.
- The residential properties nearest to the proposed development are located approximately 30m to the south & southeast on Quarantine Hill.
- The 2 No. small, conjoined, residential units to the southeast of the site appear to share a rear garden area, the western boundary of which appears to have been recently built and aligns with the eastern boundary of the proposed development. Adjoining this space to the west is what appears to be a builder's yard (although it may have originally formed part of the garden of the two-storey cottage on the wider site) which has independent access from Quarantine Hill. These lands were the subject of two unsuccessful planning applications in 2005 for the development of townhouses. These two residential units have an east-west orientation and look across the rear of the application site. They are located c. 20m & 30m respectively at their nearest points from the rear building line of the proposed development.
- The proposed development site is located in a mixed-use area on lands zoned as '*Town Centre*' with the stated land use zoning objective '*To preserve, improve and provide for town centre uses*'. The development of a hotel is '*typically permitted*' within such areas and, therefore, the subject proposal is consistent with the applicable land use zoning and would serve to complement the established mixed-use character of the area.

- The evolution of South Quay over the last two decades into a mixed-use area has been facilitated by its 'town centre' zoning and the various policy provisions set out in the Development Plan. With regard to the subject proposal, the applicant was cognisant of the current Development Plan and responded to the concerns of the Planning Authority during the course of both pre-planning discussions and the planning application.
- There is no Framework Plan in place for the area nor would there appear to be any intention on the part of the Council to prepare same in the short-medium term and, therefore, it is unreasonable to expect all development proposals for the port area to be deferred indefinitely. Instead, it is suggested that the absence of such a framework plan does not provide an obstacle to a scheme which is consistent with the proper planning and sustainable development of the area. It is also of relevance to note that regional ports have now been transferred to local authority ownership and thus the Council (which determined that the subject proposal adjacent to the port was appropriate) is responsible for the entire port estate.
- The proposed development accords with the land use zoning whilst waterfront locations are traditionally desirable for hotel and other tourism-related facilities. Moreover, the South Quay area has evolved into a mixed-use area over recent years which has served to create a more balanced and attractive environment that will be further enhanced by the proposed development.
- Good urban design would suggest a focus for development along the site frontage and thus the proposal faces onto the quayside. The rear deck accesses, wine bar and roof garden will all benefit from the south-facing orientation to the rear of the site.
- The proposed development will provide for much needed hotel accommodation in Wicklow town which is absent at present.
- The proposal has been designed to a high standard using quality 'repurposed' materials (shipping containers) and will replace the existing warehouse structures which are of minimal architectural interest or value. It will enhance the South Quay area, provide employment opportunities, and make a positive contribution to the character, amenities and economy of the town.

- Whilst it is acknowledged that South Quay is an important feature in the urban structure of the town, it has no designated conservation status and is not included in any other heritage or special landscape category in the Development Plan. In any event, the submitted design is an appropriate contemporary response to the site context that will serve to enhance the quayside area and provide an attractive transition between the port area and the established town centre.
- The development will not obstruct any view of the port from any part of the public realm and will provide for an attractive new building of superior architectural quality that will make a positive contribution to the streetscape and public realm in architectural, urban design and land use terms.
- The proposal includes for the upgrading of the existing laneway to the immediate west to provide a pedestrian link between Quarantine Hill and South Quay in addition to a new public footpath along the site frontage. These works will serve to enhance the public realm.
- Contrary to the appellants' submission, the proposed development is predominantly four storeys in height with a small structural footprint at fourth floor level which is confined to the north-western side of building and set back c. 5m from the main facade. Accordingly, the structure will register as a predominantly four-storey building within the streetscape.
- A four-storey height has already been established by two other buildings in close proximity to the site i.e. the Salthouse apartment scheme along South Quay and the Ulster Bank development to the immediate south of same. Therefore, four-storey construction is an established part of the urban structure in both the town and along the quay.
- The submitted photomontages demonstrate that the proposed development will comfortably sit within the established structure of the town and will not in any way appear visually dominant or overbearing.
- There is a significant difference in level between the application site and those streets to the rear of same (including Castle Street & Quarantine Hill) with the effect that two / three storey buildings on those streets equate to a four-storey height along South Quay. Only the fourth floor will exceed the height of

nearby buildings whilst the footprint of this level will be confined to the north-western part of the structure. Therefore, in light of the established four-storey building heights in the area and the difference in levels between the application site and nearby streets, it is considered that the height of the proposal is not excessive given the site context.

- The proposed development is only marginally greater in floor area than the existing buildings on site whilst the scale of the proposal is low by modern standards and accords with all of the parameters set out in the Development Plan (i.e. plot ratio & site coverage).
- The existing structures extend across the entirety of the site and thus their massing is considerable, albeit at an extended two-storey height. In contrast, the main part of the proposed building is only 11m in depth whilst its rear building line is removed c. 6.5m from the small site to the southeast and 10m from the boundary with Quarantine Hill with the separation from the respective boundaries giving a greater degree of space and openness than is presently the case. The foregoing factors create a building mass which can be comfortably accommodated visually within the site context and will not appear excessive.
- It is considered that the photographs provided with the grounds of appeal misrepresent the relationship between the proposed development and adjacent buildings in that no account has been taken of the separation distances involved.
- Given the distance of neighbouring residential properties to the proposed building (30m at the nearest point), the east-west orientation of the closest residential property to the southeast, and the significant difference in height between the respective sites, it is submitted that the proposed development will not have an overbearing impact on those properties.
- In light of the separation distance between the rear elevation of the proposed development and those properties along Quarantine Hill, and noting that it will be the more public facades of those houses that will be overlooked, it is considered that the subject proposal will not unduly impact on those houses by reason of overlooking.

- With regard to the two-storey dwelling house to the southeast of the proposal, any overlooking of same will be minimal as views will be restricted by the projecting stairway block. In relation to the two-storey cottage to the southeast, whilst there may be some overlooking of the rear facade and garden area of this property, given the separation distances involved, no serious loss of residential amenity is anticipated. Notwithstanding the foregoing, the applicant is amenable to complying with any reasonable amendment to the design of the third and fourth floor balustrades which the Board may deem appropriate (including increasing the height and obscuring the glazing of the balustrades).
- In reference to the appellants' concerns as regards the possible noise levels emanating from the open access deck / gallery arrangement to the rear of the development, it is considered that for the most part guests of the hotel will proceed in an orderly fashion to their rooms without issue in terms of noise. Any incidences of unacceptable noise levels will be addressed through the normal protocols operated by hotel management and it would be in the interests of the hotel and its guests to ensure that no nuisance is created or tolerated.
- Given the distance between the proposed rear deck areas and neighbouring residences, it is considered that any infrequent noise / disturbance attributable to hotel guests would not detract from the residential amenity of those properties.
- The amended fourth floor wine bar has a much smaller footprint than that originally proposed and will be confined to use by hotel residents only. It should also be noted that the Planning Authority has sought to restrict the hours of operation of the roof-top bar. These factors, when taken in conjunction with the separation distances available, will ensure that the proposed roof-top bar will not impact on the amenity of neighbouring residences by reason of noise etc.
- The proposed lighting scheme is intended to provide for a gentle 'wash' of light to individual areas rather than creating an intense level of illumination that would extend beyond the area necessary. It is considered that the

submitted proposal achieves a good balance in providing adequate lighting whilst avoiding any element of glare which could create an overly dominant visual or intrusive feature when viewed from housing in the area.

- The roof-top bar is an attractive aspect of the proposal in that it will provide an opportunity for hotel residents to enjoy the amenities of the quayside location in an open but sheltered environment. It has been set back from the quayside and will not be an intrusive feature in the townscape. Furthermore, given its limited size and capacity, in addition to the separation from adjacent dwellings, the proposed bar area will not impact on the amenity of neighbouring residences by reason of noise etc.
- The existing road network can reasonably accommodate a further small business without undue impact on its capacity.
- Whilst the appellants have suggested that the only access to the proposed development will be via Castle Street and Quarantine Hill, South Quay is connected to the town centre to the west via an established thoroughfare which already serves businesses and residential properties along the quayside. The site is also more directly accessible from the town centre and to traffic approaching the town from the R750 Regional Road to the southwest.
- On the basis that South Quay will likely accommodate a greater share of traffic on account of its more direct link to the town centre, it is considered that the impact of traffic on streets such as Quarantine Hill etc. will be unlikely to result in excessive noise, congestion or hazard.
- In order to assist drivers entering and exiting the car park it is proposed to provide signage at the point of entrance / exit with the details of same to be agreed with the Planning Authority.
- All deliveries to the site will be conducted from the car park to the rear of the hotel. There is also an existing loading bay c. 75m from the site.
- With regard to pedestrian safety, it is reiterated that traffic from the proposed development can be reasonably accommodated within the wider road network. Furthermore, there is an adequate pedestrian network in the area to

accommodate the additional movements likely to be generated by the proposed development.

- The proposal includes for a new pavement along the site frontage in addition to the upgrading of the laneway to the immediate west thereby improving pedestrian safety in the area.
- South Quay cannot be considered to be heavily trafficked and thus will not pose a hazard for right-hand turning movements into the site.
- There is adequate parking available along South Quay and within nearby public car parks etc. to accommodate the demands of the proposed development.
- With regard to the building orientation and energy efficiency, the decision to focus on the quayside frontage was made in the interests of good urban design. While the main windows to the bedrooms will not benefit from south-facing sunlight, the rooms themselves will also receive light from the south at the rear.
- The proposed deck areas will benefit from south-facing sunlight, however, these will not be used as sitting-out spaces. They will be used solely for access purposes and any rear facing windows will be obscured in order to promote privacy.
- A preliminary response to the issue of energy efficiency is included in the architecture and planning report provided with the application. A detailed construction specification will be compiled once the planning process has been completed.
- The subject site is not located within either Flood Zone 'A' or 'B' and the Planning Authority has accepted that no further action is required in this regard.
- The removal of any asbestos from the roof of the warehousing will be carried out under supervision and in accordance with best practice.
- The applicant is amenable to a condition requiring further bat surveys as has been imposed by the Planning Authority.

- The proposed development site is not located within or adjoining any Natura 2000 site. In this respect the Planning Authority has determined that in light of the separation distances involved, the fact that the proposal involves the replacement of an existing industrial-type development, and the relatively modest scale of development proposed, that the subject proposal would be unlikely to have any significant effect individually or in combination with other plans or projects on any Natura 2000 site.
- Construction works will be carried out under supervision as is normal practice in urban areas with the safety of adjacent buildings of particular importance.
- The construction plan will provide for best practice in terms of supporting adjoining buildings and any underpinning of foundations as necessary, however, it is not envisaged that any form of 'pile-driving' will be required.
- The likelihood is that many of the components of the modular hotel will be constructed off site and then assembled on site within a reasonably short period of time.
- The applicant is amenable to the submission of a Construction Management Plan (to include, inter alia, hours of operation & traffic management etc.) in advance of any development for agreement with the Planning Authority.
- Contrary to the appellants' claims, it is considered that the subject proposal will make a valuable contribution to the rejuvenation of South Quay and will set a high quality precedent for further development in the area.
- No evidence has been provided to support the contention that the proposed development will result in the devaluation of property in the vicinity.

6.3. Planning Authority Response

None.

6.4. Observations

None.

6.5. Further Responses

None.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Requirement for a masterplan
- Impact on harbour usage
- Overall design and layout / visual impact
- Impact on residential amenity
- Traffic considerations
- Flooding implications
- Appropriate assessment
- Other issues

These are assessed as follows:

7.2. The Principle of the Proposed Development:

7.2.1. With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that the proposal to locate a new hotel within Wicklow town centre finds support in a wider context by reference to Objective RT1 of the Wicklow County Development Plan, 2016 which aims to direct new development and investment into the town and to prioritise actions that enhance business, leisure, and entertainment uses. Moreover, Objective T11 of that Plan expressly states that positive consideration will be given to the development of new hotels in the county with the preferred location for same being within the larger settlements i.e. Wicklow Town.

- 7.2.2. In a local context, the proposed development site is located in an area zoned as 'TC: Town Centre' with the stated land use zoning objective 'To preserve, improve and provide for town centre uses' wherein the development of a 'hotel' is 'typically permitted' pursuant to Table 13.2 of the Wicklow Town - Rathnew Development Plan, 2013-2019 and in this regard I am satisfied that the subject proposal is consistent with the broad thrust of the land use zoning objective which seeks to develop and consolidate the existing town centre in order to improve its vibrancy and vitality by ensuring a suitable mix of commercial, recreational, civic, cultural, leisure, and residential land uses. Further support is lent to the proposal by reference to Objective TA2 of the Development Plan which reiterates that new hotel developments in Wicklow Town will be given positive consideration whilst the waterfront site location is of particular note in light of Objective TTP1 which aims to encourage and facilitate tourism and leisure related uses, including hotel / accommodation facilities, in the harbour area. More specifically, Section 4.4: 'Wicklow Port and Harbour' and Objective Port 2 seek to encourage new developments along South Quay that will provide for an improved mix of uses, with particular reference to tourism and leisure related developments.
- 7.2.3. In addition, the case can also be put forward that the subject proposal involves the redevelopment of an under-utilised and dilapidated property which presently detracts from the character of the harbour surrounds and thus would make a positive contribution to the wider area. In this regard I would suggest that the proposal will contribute to a more active waterfront / quayside space that may in turn serve to rejuvenate the wider harbour area in a manner which is perhaps consistent with the gradual decline in marine-related uses and the increased focus on more leisure / tourism-orientated enterprises.
- 7.2.4. Therefore, in light of the foregoing, I am satisfied that the proposed development is consistent with the wider policy objectives of the Development Plan which seek to improve the vibrancy, vitality and viability of the town centre, including along the quayside, and that the subject proposal represents an opportunity to consolidate the commercial core of the town centre through an appropriate re-development and renewal of what is an otherwise under-utilised site. Accordingly, in my opinion, the overall principle of the proposed development is acceptable, subject to the consideration of all other relevant planning issues, including the impact, if any, of the

proposal on the amenities of neighbouring properties and the overall character of the wider area.

7.3. Requirement for a Masterplan:

- 7.3.1. With respect to the suggestion that the proposed development would be premature pending the adoption of an appropriate urban design framework set within a masterplan for the wider port / harbour area and that it would otherwise constitute uncoordinated piecemeal development, particularly as the applicant is also the owner of the adjacent properties to either side of the application site, I would draw the Board's attention to Section 4.4.1 of the Development Plan wherein it is stated that the strategy for '*Wicklow Port, Harbour and Quays*' is to facilitate the existing and future sustainable economic development of the port and its associated activities whilst allowing for the expansion and improvement of amenity and recreational opportunities through the development of a wider mix of uses including residential, retail / commercial and community uses. It is also stated that significant investment has been undertaken in recent years to the overall public realm along South Quay by way of footpath and parking improvements which serve to enhance the overall appearance and recreational utility of the area. Furthermore, although it is an objective of the Plan to support continued commercial maritime activity in this area, the fact that the area has a less commercial focus in terms of shipping / cargo etc. and a number of quayside buildings are now in residential / retail use, it is envisaged that South Quay should be allowed to continue to develop as a mixed use / amenity area.
- 7.3.2. Whilst I would acknowledge that Objective 'Port 6' of the Development Plan states that consideration will be given to the feasibility of preparing a '*Port and Environs Masterplan*' in order to facilitate the continued development of the port, quays and harbour (seemingly deriving from a suggestion contained in Section 7.8: '*Harbour and Bay Area*' of the Wicklow Town Public Realm Plan, 2008 that a masterplan be prepared in order to set out an overall vision for the development of the harbour / waterfront area), in my opinion, it is clear that the wording of this provision is somewhat non-committal / aspirational and is not intended to be interpreted as obliging the Local Authority to prepare any such masterplan. To adopt a more restrictive interpretation would immediately place barriers to possible redevelopment proposals along the quayside that may otherwise be entirely appropriate in terms of

land use etc. pending the preparation of the necessary 'masterplan' and I do not accept that this was the intent of Objective Port 6. Therefore, having regard to the foregoing, and noting the relatively limited size and scale of both the application site and the development proposed, I am satisfied that the subject proposal accords with the broader policy objectives for the South Quay area and would not serve to undermine the preparation of any future masterplan for the wider harbour area.

7.4. Impact on Harbour Usage:

- 7.4.1. In respect of the implication that the proposed development would be in-compatible with existing harbourside activities, I note that Section 4.4.1 of the Development Plan states that while commercial vessels (mainly fishing vessels) can dock on the South Quay, this area is increasingly utilised for the docking of pleasure craft and smaller vessels due to the shallower draft. It is further stated that significant investment has been undertaken in recent years to the overall public realm along the south quay in the form of footpath and parking improvements which serve to enhance the overall appearance and recreational utility of the area. Accordingly, although it is an objective of the Plan to support continued commercial maritime activity along South Quay, given the decline in such harbourside activities and the expansion of the town centre, the current strategy for South Quay is to allow its continued development as a mixed-use and amenity area.
- 7.4.2. Therefore, in view of the foregoing, with particular reference to the site location in an area which has been earmarked for redevelopment in the current Development Plan, whilst I would accept that the proposed development may necessitate certain changes to the management / usage of the quayside, in my opinion, the wider benefits accruing from the redevelopment of this brownfield site through the introduction of more active uses along the waterfront must be acknowledged. In addition, I am unconvinced that the nature and limited scale of the development proposed is such as to be incompatible with any existing quayside / harbourside operations. Indeed, the inclusion of hotels and ancillary services in the redevelopment of waterfront / harbourside locations is commonplace nationwide.

7.5. Overall Design and Layout / Visual Impact:

- 7.5.1. In assessing the overall design and visual impact of the proposed development consideration must be given to the site context and in this regard I am cognisant of

the site location towards the eastern end of South Quay in Wicklow town centre where it occupies a quayside / waterfront position in a mixed-use area overlooking the harbour / port. Moreover, whilst the surrounding area is dominated by the port-related activities that operate from the northern quay, including several substantial warehouses / industrial-type structures, it is readily apparent that the southern quay, by reason of its proximity to the town centre, and although also utilised for some harbourside activities, is increasingly characterised by a combination of various commercial, retail and residential developments including apartments, warehousing, motor repair / service garages, appliance outlets, and some lower order shop units. Indeed, the revitalisation / regeneration of South Quay and the expansion of the town centre along same is an inherent objective of the current Development Plan for the area. However, from an urban design perspective, there is considerable variation in building typology and architectural design along South Quay with the result that there is little discernible character whilst the presence of several dilapidated / run-down properties in need of repair / redevelopment serves to detract from the wider area. Beyond the site, on the more elevated lands to the south and southeast, along Quarantine Hill and Castle Street, which rise over the quay on travelling southwards, the prevailing pattern of development is considerably more residential in character and is predominantly composed of traditional, two-storey, terraced housing.

- 7.5.2. The proposed development consists of the demolition of the existing dilapidated warehousing on site and the subsequent construction of a four / five storey hotel utilising repurposed shipping containers that will be stacked one on top of the other in a staggered formation spanning front to back through the site within a steel frame with concrete intermediate floors. The principle construction will extend to four-storeys in height and will front directly onto South Quay whilst the guest bedrooms on the upper floor levels will be accessed via an open south-facing gallery arrangement to the rear of the building with enclosed stair cores to either end of same. It is also proposed to provide a roof-top wine bar with an associated terrace and roof garden area thereby giving rise to a partial fifth floor level and in this respect I would refer the Board to the amended design submitted in response to a request for further information which has sought to recess the enclosed bar area from the building edge thereby reducing the overall massing of the structure, although a 'cut-away' container will feature at the north-western corner of the construction

overlooking the quay whilst the stairway cores will also extend to fifth floor level to the rear of the property.

- 7.5.3. Various concerns have been raised in the grounds of appeal as regards the suitability of the design proposed, with particular reference to the intended use of shipping containers as a construction methodology and the overall height and massing of the structure given the site context and its proximity to nearby housing. In this regard, whilst I note the appellants' assertions that shipping containers have not been used to any great extent in the operation of Wicklow Harbour and thus should not be construed as relating to any maritime activities undertaken in the area, and that the 'novelty' factor of the proposed construction should not be permitted to cloud the Planning Authority's judgement as regards the design merits of the proposal and its appropriateness to the site location, it is my opinion that the introduction of suitable contemporary architectural styles and more innovative building technologies / typologies can serve to enliven the urban fabric of an area provided there is an adequate appreciation of the site context. Indeed, the use of modern building styles, particularly in dockland / waterfront locations such as the subject site, can be reflective of changing trends and can act as a mechanism by which to revitalise an area and in this regard it is only reasonable to refer to the intent of the Development Plan to regenerate / expand this part of Wicklow town centre.
- 7.5.4. Having regard to the site context, with particular reference to its prominent quayside location alongside Wicklow Harbour, and the surrounding pattern of development in the immediate locality, in my opinion, the overall design, scale, height and composition of the proposed development represents an appropriate addition to the area which suitably balances the need to provide for a focal point within the quayside streetscape whilst taking due cognisance of the considerable variance in building type and architectural styling within the harbour area. The new construction represents a considerable improvement over the existing dilapidated buildings on site which detract from the amenity of the area and will make a positive contribution to this waterfront / harbourside location, the wider setting of which is compromised by several developments of lesser design quality and the port-related activities conducted from the northern quay. In specific reference to the building height, it should be noted that the proposed construction will extend into the hillside in a manner similar to the existing buildings on site and that the lands to the rear (south)

of same are located at a greater elevation thereby lessening the visual dominance of the development proposal. Moreover, there are several examples of other structures of increased height further west along South Quay (and on Main Street).

7.5.5. Clearly, the introduction of a building of the design and height proposed at this location will undoubtedly have some degree of visual impact, however, given the site context and the need to improve the wider character and streetscape along this section of South Quay, I am inclined to suggest that the submitted proposal will make a positive contribution to the revitalisation of the area and is acceptable from an urban design perspective.

7.6. Impact on Residential Amenity:

7.6.1. Concerns have been raised that the proposed development will have a detrimental impact on the residential amenity of surrounding properties by reason of its design & height etc. and, more particularly, due to the inclusion of open walkways / galleries on the upper floor levels to the rear of the building and the provision of a roof-top wine bar with an associated terrace / garden area. Accordingly, I propose to address these matters in turn as follows:

7.6.2. The Proposed Access Galleries:

Due to the nature of the proposed construction (i.e. the use of shipping containers as the principle building component), the submitted design includes for a series of open walkways / galleries to the rear of the building which will provide access to the bedroom accommodation on the upper floors of the hotel. In this regard, concerns have been raised by the occupants of housing to the south and southeast of the site that users of these accessways will have unobstructed views towards their properties thereby resulting in an undue level of overlooking with an associated loss of privacy. In addition, it has been submitted that the use of these areas, particularly any late-night usage by revellers / patrons of the hotel, will result in excessive noise levels and the consequent disturbance of local residents. It has also been suggested that the galleries may be used as makeshift balconies by visitors to the hotel given their south-facing orientation thereby exacerbating the potential for overlooking and general disturbance etc.

In assessing the potential for the proposed development to give rise to an unacceptable degree of overlooking of the appellants' properties with a

consequential loss of privacy, in my opinion, cognisance must be taken in the first instance of the site context within a built-up urban area and in this regard I am inclined to suggest that some degree of overlooking would not be unexpected given the site location within Wicklow town centre.

With regard to those dwelling houses located to the south of the application site along Quarantine Hill, given the separation distances involved (approximately 30m) between the proposed hotel walkways / galleries and said properties, the presence of an intervening public roadway, and the difference in elevation, I am satisfied that any overlooking of those dwellings will not be of such significance as to result in an undue loss of residential amenity. Similarly, in light of the separation distance from those dwelling houses to the southeast of the site, the oblique angle / orientation of the proposed walkways relative to same, and the fact that the easternmost stair core will serve in part to block views towards those residences, there will be no undue loss of amenity attributable to overlooking consequent on this aspect of the proposed development. Furthermore, whilst I would acknowledge that there will only be a separation distance of c. 14m between the proposed walkways and the rear garden area serving those dwellings to the southeast, I am inclined to suggest that given the site context, and the difference in levels, this is sufficient to preserve the amenity of that private open space.

In the event that the Board does not concur with the foregoing and has reservations over the potential for overlooking from the proposed walkways / gallery areas, it may wish to consider the installation of appropriately designed directional louvres / screening alongside same. Any such measures would serve to limit the views towards neighbouring properties whilst simultaneously ensuring that the walkways would receive some daylight / sunlight and continue to benefit from natural ventilation.

In relation to the possible noise levels and general disturbance emanating from the proposed open walkways, in my opinion, consideration must be given to the actual purpose of these areas in that they are intended to serve as a means of access to bedroom accommodation. In this respect it seems unlikely that intrusive noise levels or anti-social behaviour, including any use for outdoor seating etc., within these areas would be tolerated by either the hotel itself or its patrons and thus it would be

in the interests of hotel management to ensure that adequate protection against same is afforded to both its customers and local residents.

7.6.3. *The Proposed Roof-Top Bar Area:*

In response to a request for further information issued by the Planning Authority, the overall design and layout of the proposed roof-top bar etc. has been substantially altered with the principle changes including a reduction in the overall size of the bar area, the repositioning and enclosure of the access arrangements to the bar itself, the omission of seating from along the walkway to the rear of the roof, and the revision of the proposed terrace area by reducing its size and replacing a significant proportion of same with a roof garden. In addition, in response to the grounds of appeal the applicant has stated that the roof-top bar will be restricted to use solely by residents of the hotel and that it is amenable to the limitation on opening hours imposed by the Planning Authority.

Whilst I would acknowledge the revisions to the design proposed by the applicant, I would nevertheless continue to have some reservations as regards the potential impact of such a substantial roof-top service on the amenity of nearby residences. In this respect, although the bar itself and the associated terrace area have been positioned within the north-western corner of the wider site / building thereby maximising the separation from nearby housing, in my opinion, the substitution of part of the roof terrace with a roof garden is unlikely to give rise to any noticeable change in the actual usage of this area by bar / hotel patrons with the result that noise levels from same could potentially be intrusive to the amenity of neighbouring residences. Accordingly, I would recommend that the entirety of the proposed 'roof garden' as detailed on Drg. No. 1719/205A Rev. A received by the Planning Authority on 21st December, 2018 be omitted from the proposed development. This would have the effect of increasing the separation distance between the proposed bar / terrace area from nearby housing and would also serve to ensure that the extent of the roof-top bar is more in keeping with the scale of the hotel proposed and the stated restriction on usage to hotel patrons only. Moreover, I would suggest that the omission of the roof garden is perhaps desirable in preserving the development potential of the adjacent lands to the immediate east of the application site. These changes, when taken in combination with the revised design submitted to the Planning Authority, in addition to the imposition of suitable conditions as regards

noise levels and opening hours, would serve to mitigate the potential impact of the roof-top bar to within acceptable levels thereby preserving the amenity of nearby housing.

With regard to the external walkway at roof level, given the omission of the proposed roof garden / extended terrace, and as the bar counter, seating areas, and toilet facilities will all be accessible via the western stair core and lift shaft, there would appear to be no requirement for hotel patrons to avail of this walkway, save in the event of an emergency when access to the eastern fire escape would be necessary. This could be further assured through the provision of a fire door along the walkway to the rear of the main bar area. Therefore, it is my opinion that any intermittent use of the rooftop walkway by staff during the normal day-to-day operation of the hotel would be unlikely to intrude on the amenity of neighbouring residences by reason of overlooking or excessive noise levels.

7.6.4. Other Matters:

In respect of the concerns raised in the grounds of appeal that the proposed development will have a visually overbearing influence / impact on neighbouring property, having regard to the site location in a built-up area, the surrounding pattern of development, the size and scale of the subject proposal, and the separation distances involved, I am inclined to conclude that the subject proposal will not give rise to such an overbearing appearance / influence as to significantly impact on the level of residential amenity presently enjoyed by those properties.

In relation to concerns that the proposed development will have a detrimental impact on the residential amenity of nearby dwelling houses by reason of the obstruction (in part) of views over the harbour area that may presently be available from those properties, it is of the utmost relevance to note that any such views are not of public interest nor are they expressly identified as views worthy of preservation in the Development Plan. They are essentially views enjoyed by a private individual from private property. A private individual does not have a right to a view and whilst a particular view from a property is desirable, it is not definitive nor is it a legal entitlement and, therefore, I am of the opinion that the proposed development would not seriously injure the amenities of property in the vicinity simply by interfering with their views of the surrounding area.

With regard to the potential for unacceptable levels of light spillage / pollution, with particular reference to the lighting of external areas, I would refer the Board to the lighting proposals submitted by the applicant in response to the request for further information. Having reviewed these details, I am amenable to accepting same.

Therefore, on the basis of the foregoing, I am satisfied that the overall development proposal will not give rise to any significant impact on the residential amenity of neighbouring property nor will it result in any associated devaluation of same.

7.7. Traffic Considerations:

- 7.7.1. In relation to the overall traffic impact of the proposed development, whilst I would acknowledge the restricted carriageway width of sections of the roadway along the quayside and that there is a need to ensure continued access to the harbourside etc. for existing marine-related activities (such as the docking & loading / unloading of fishing vessels), having regard to the site location within Wicklow town centre, the scale of the development proposed, the likely traffic volumes and speeds in the area, and the improvements to the public realm along South Quay (as the primary route for traffic visiting the proposed development) which have been carried out in recent years through the provision of new footways, car parking, and road markings etc., it is my opinion that the surrounding road network has sufficient capacity to accommodate the additional vehicular traffic volumes consequent on the proposed development and that the subject proposal will not give rise to unacceptable levels of traffic congestion or serve to endanger public safety by reason of traffic hazard. In this regard, the proposal submitted in response to a request for further information to provide a new footpath along the hotel frontage onto the quayside is to be welcomed whilst the Board's attention is also drawn to the proposed pedestrianisation of the laneway to the immediate west of the site between South Quay and Quarantine Hill.
- 7.7.2. With regard to the adequacy of the proposed parking and servicing arrangements, concerns have been raised that the proposal will give rise to haphazard on-street parking practices and the associated obstruction of road users, with particular reference having been made to the need to ensure clear access for emergency services arising from the RNLI lifeboat station located further east at the end of the quay / pier. It has also been suggested that the use of the limited on-street parking

facilities available in the area by patrons of the proposed hotel will be to the detriment of local residents who are reliant on same.

7.7.3. In accordance with Table 9.2: '*Car Parking Standards*' of the Town Development Plan, car parking for the proposed development should be provided at the following rates:

- Hotel (excluding function room): 1 No. space per bedroom
- Restaurant dining room: 10 No. spaces per 100m² gross floor area
- Bars, lounges, function rooms: 10 No. spaces per 100m² gross floor area

7.7.4. Therefore, on the basis that the proposed development (as amended in response to the request for further information) includes for 25 No. bedrooms and approximately 190m² gross floor area of bar & restaurant space (excluding the proposed roof garden and the ground floor storage and office areas), it would typically generate a demand for a minimum of c. 44 No. car parking spaces, although consideration may be given to a reduced parking requirement depending on a number of factors such as the availability of public parking in the vicinity and the proximity of the proposed development to public transport (*N.B.* The applicant has calculated the car parking requirement as 46 No. spaces which is perhaps a more reliable figure based on the difficulty in relying on measurements taken from scaled drawings).

7.7.5. The proposed development includes for a total of 14 No. car parking spaces to the rear of the site which will be accessed via a new entrance arrangement onto South Quay and, therefore, it is clear that there is a significant shortfall in on-site car parking. However, I would refer the Board to Section 4.2.3: '*Car Parking*' of the Development Plan wherein it is stated that there are in excess of 1,000 No. paid parking spaces well located and convenient to the town centre (*N.B.* Although Objective No. CP4 provides for deviations from the minimum car parking requirements set out in Table 9.2 within the town centre strategy area, the subject site is not located within the aforementioned strategy area by reference to Map 4.1 of the Plan). Moreover, Objective P1 (please refer to Section 9.5: '*Parking*' of the Development Plan) states that deviations from Table 9.2 will be considered in the town centre where it can be illustrated that there is sufficient public parking and there is parking enforcement or, in the case of multi-functional developments, where the developer has provided a robust model of car-parking usage to show that dual usage

will occur and that peak car parking demand at any time of the day will be met. It is also notable that Section 4.2.6: '*Dereliction and Vacant Sites*' states that flexibility be applied with regard to car parking provision for new developments in the vicinity of Main Street in the town centre.

7.7.6. Having reviewed the available information, including the applicant's response to Item No. 4 of the request for further information which details the availability of public car parks in the vicinity of the site (exclusive of on-street parking), and given the restricted configuration and nature of this town centre site, in my opinion, the provision of additional on-site car parking is not practical and, therefore, it would be entirely appropriate in this instance to address any parking shortfall by way of a development contribution towards the provision of same by the Local Authority. In this respect it should be noted that an allowance should be made for the parking requirements of the existing warehouses on site.

7.7.7. In terms of the wider servicing requirements of the proposed development, the applicant has indicated that deliveries to the hotel will be via light commercial vehicles which can be accommodated within the confines of the proposed on-site car park whilst reference has also been made to an existing loading bay along South Quay Road c. 75m from the proposed development site. Given the confined nature of this town centre site and the scale of the development proposed, I am satisfied that the foregoing provisions are acceptable.

7.8. **Flooding Implications:**

7.8.1. Having reviewed the submitted information, it is apparent that consideration needs to be given to the potential flooding implications of the proposed development given its location along the quayside at Wicklow Harbour. In this respect I would advise the Board at the outset that whilst the National Flood Hazard Mapping available from the Office of Public Works does not record any flood events in the immediate surrounds of the subject site, it should be acknowledged that this mapping is not definitive and serves only as a useful tool in highlighting the potential for flood events in a particular area.

7.8.2. From an examination of the most up-to-date flood mapping prepared by the Office of Public Works as part of its CFRAM programme, which has recently been made available on www.floodinfo.ie and serves to inform the development of Flood Risk

Management Plans for specific areas, it would appear that the quayside (South Quay) to the immediate north of the application site, and perhaps the northernmost extent of the site itself, is located within Flood Zone 'B' i.e. that area where the probability of flooding from rivers and the sea is moderate (between 0.1% or 1 in 1000 and 1% or 1 in 100 for river flooding and between 0.1% or 1 in 1000 year and 0.5% or 1 in 200 for coastal flooding). However, it is difficult to ascertain the precise location of the subject site relative to the flood zones shown given the scale of the mapping involved.

- 7.8.3. At this point I would refer the Board to the Strategic Flood Risk Assessment appended to the Town Development Plan which would appear to confirm that the northernmost extent of the application site is located within Flood Zone 'B'. In this regard it is of relevance to note that those lands zoned as 'Town Centre' and situated within Flood Zone 'B' failed the Justification Test undertaken as part of the SFRA in accordance with the requirements of Box 4.1 of the *'Planning System and Flood Risk Management, Guidelines for Planning Authorities'*, however, it is subsequently noted that these lands are already partially developed and, therefore, mitigation measures will be required in respect of any proposals for new infill schemes or the introduction of more vulnerable classes of development. Moreover, it is stated that Objective FL2 of the Development Plan will apply in such instances i.e. development proposals in Flood Zones 'A' & 'B' are to be assessed in accordance with the *'Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009'*, including the 'Justification Test' for development management set out in Box 5.1 of same.
- 7.8.4. Whilst there is some difficulty in ascertaining the precise extent or prevalence of flood events on site from the available flood mapping, in my opinion, given the site context, with particular reference to its quayside location and proximity to the harbour area, and the evidence of localised flooding in the wider area, there is an identifiable risk of flooding at the subject site and, therefore, the proposed development necessitates site-specific flood risk assessment in accordance with Objective FL2 of the Development Plan and the requirements of the *'Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009'*.
- 7.8.5. The subject application, as initially submitted to the Planning Authority, was accompanied by a *'Preliminary Engineering Services Report'* which included a concise 'flood risk assessment' of the proposal. This analysis stated that local

knowledge of the area had indicated that neither the site nor the quayside / roadway to the immediate north of same had flooded in living memory. It was subsequently submitted that the flood zone mapping included in the Strategic Flood Risk Assessment appended to the Town Development Plan appeared to confirm that the application site was outside Flood Zones 'A' & 'B' and thus no further action was required, although it was acknowledged that part of the quayside / roadway to the north of the site was within Flood Zone 'B'.

7.8.6. Notably, the Planning Authority would not appear to have accepted the findings of the aforementioned FRA and instead asserted that the site was located within Flood Zone 'A' where there was a high probability of flooding, although proposals for its redevelopment would be considered subject to an analysis of the proposed use and the identification of suitable mitigation measures. Accordingly, the applicant was required by way of a request for further information to submit a Flood Risk Assessment and a 'Justification Test' prepared in accordance with the '*Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009*'. In response, the applicant submitted an updated FRA on 21st December, 2018 which effectively reiterated the position that the site is not located within Flood Zones 'A' or 'B' and that no further action, including the submission of a Justification Test, was required. These conclusions were thus accepted by the Planning Authority despite the absence of any significant new information which would serve to verify same.

7.8.7. Notwithstanding the respective positions adopted by the applicant and the Planning Authority, from a review of the available information, with particular reference to the SFRA appended to the Development Plan, in my opinion, it would seem reasonable to conclude that the northernmost extent of the application site is located within Flood Zone 'B' where there is a moderate risk of flooding. Therefore, I would refer the Board to Table 3.1 of the Guidelines which sets out the classification of various land uses / development types which are either highly vulnerable, less vulnerable or water-compatible. In this respect it is noteworthy that a 'hotel' is not expressly identified as a land use / development type and thus its classification must be considered on its merits (I would advise the Board that habitable accommodation as well as hostels and caravan / mobile home parks are all considered to constitute '*highly vulnerable*' development whereas buildings used for leisure & commercial uses and non-residential institutions are deemed to be '*less vulnerable*'). In

assessing the subject proposal, I would suggest that credence should be given to the fact that the ground floor level of the proposed hotel will be occupied by less vulnerable uses, including a café / restaurant and reception area, whilst the bedroom accommodation will be located on the upper floors thereby providing for vertical separation above the identified flood zone.

7.8.8. Clearly, the construction of a hotel at the location proposed will introduce a significant additional number of people into an area potentially at risk of flooding and thus must be held as a more vulnerable land use when compared to the existing warehousing on site, however, in my opinion, cognisance must also be taken of the site context. The subject proposal involves the rejuvenation of a small infill / 'brownfield' site in an area which has been earmarked for redevelopment in the Development Plan and, therefore, the sequential approach to flood risk management cannot be used to relocate the application to a lower risk area. In such circumstances, Section 5.28 of the Guidelines states that the Justification Test will not apply, although there must be a commensurate assessment of the risks of flooding in order to ensure that any such proposals will not have adverse impacts or impede access to a watercourse etc. In this regard I would emphasise that only the northernmost extent of the site area would appear to be at flood risk (although the applicant has asserted that there is no history of flooding on site) whilst less vulnerable uses will be located at ground floor level. It is of further relevance to note that the proposal will reduce the overall site coverage and will not result in any significant displacement of floodwaters.

7.8.9. Having considered the foregoing, on balance, I am satisfied that the proposed development accords with the *'Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009'*.

7.9. **Appropriate Assessment:**

7.9.1. Having regard to the nature, design and scale of the proposed development, the site location outside of any Natura 2000 designation, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to

have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

7.10. Other Issues:

- 7.10.1. In reference to the possible presence of bats on site, I note the contents of the bat survey report submitted in response to the request for further information and concur with the recommendations set out in same.

8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations and subject to the conditions set out below:

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the current development plan for the area, including those relating to the support and development of town centre uses, the provision of tourism and leisure related uses in the harbour area, and the encouragement of new developments that provide for an improved mix of uses along the south quay, the pattern of development in the area, and the nature and scale of the proposed development, 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 detract from the character of the harbour, would be acceptable in terms of urban design, height and quantum of development, and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 21st day of December, 2018, 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 proposed development shall be amended as follows:
 - a) The roof garden detailed on Drg. No. 1719/205A Rev. A received by the Planning Authority on 21st December, 2018 shall be omitted.
 - b) A doorway restricting access to the external walkway at roof level shall be provided.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

3.
 - a. No public address system, amplified music, TV's or bands shall be permitted within the roof-top bar and terrace area.
 - b. The use of the roof-top bar and terrace area shall be closed to patrons between 2300 and 1000 hours.

Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of clarity, and in order to regulate the extent and nature of the development hereby permitted, in the interest of protecting the amenities of nearby residential property.

4. Details for the effective control of fumes and odours from the bar / restaurant / cafe areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

5. Detailed specification for all proposed external materials, finishes and signage to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

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.

7. All service cables associated with the proposed development (such as electrical, communal television, telephone and lighting cables) shall be run underground within the site. 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.

8. Details of the proposed traffic calming works along the laneway to the immediate west of the site providing for pedestrian and / or shared vehicular circulation, road markings and public lighting shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and shall be completed at the developer's expense and to the satisfaction the planning authority prior to occupation of the development.

Reason: In the interests of pedestrian and vehicular safety and convenience and public amenity.

9. Prior to commencement of development, detailed designs and specifications including marking, signage and layout of the proposed site access, car parking, and footpath arrangements shall be submitted to, and agreed in writing with, the planning authority. These works shall be fully implemented prior to occupation of the building.

Reason: In the interests of pedestrian and vehicular safety and convenience.

10. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to the uses granted under this proposed development, unless otherwise authorised by a prior grant of planning permission.

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

11. No additional development shall take place above roof level, including, signage, lift motors, air handling equipment, storage tanks, ducts or other external plant, unless authorised by a prior grant of planning permission.

Reason: In the interest of the amenities of property in the vicinity and the visual amenities of the area.

12. 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,
- 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 (in situ or by record) of any remains that may exist within the site.

13. Site development and building works shall be carried only out between 0800 to 1900 hours Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these

times will only be allowed in 'exceptional circumstances' where prior written approval has been received from the planning authority.

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

14. Prior to commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for agreement prepared in accordance with the Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects published by the Department of the Environment, Heritage and Local Government in July 2006. This shall include details of waste to be generated during site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material.

Reason: In the interest of orderly development and sustainable waste management.

15. A plan containing details for the management of waste and recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste/recyclable materials including waste oil 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. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

16. 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.

17. The developer shall pay to the planning authority a financial contribution in respect of the construction of the Wicklow Port Relief Road in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Robert Speer
Planning Inspector

18th July, 2019