



An
Bord
Pleanála

Inspector's Report

ABP-307732-20

Development	Retention of weathered outdoor seating enclosure including glazed screens and retractable canopies.
Location	Martello, Heather House Hotel, 47 Strand Road, Bray, Co Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	20325
Applicant(s)	Multilane Ltd.
Type of Application	Retention Permission
Planning Authority Decision	Refuse Retention Permission
Type of Appeal	First Party V. Refusal
Appellant(s)	Multilane Ltd.
Observer(s)	Rory Bergin, Eoin Bergin and Linda Kelly Sheehy
Date of Site Inspection	8 th December 2020.
Inspector	Susan McHugh

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History.....	6
5.0 Policy Context.....	8
5.1. Development Plans	8
5.3. Natural Heritage Designations	10
5.4. EIA Screening	10
6.0 The Appeal	11
6.1. Grounds of Appeal	11
6.2. Planning Authority Response	13
6.3. Observations	13
7.0 Assessment.....	13
8.0 Recommendation.....	20
9.0 Reasons and Considerations.....	20

1.0 Site Location and Description

- 1.1. The appeal site is located along Strand Road, Bray, Co. Wicklow.
- 1.2. The existing premises known as the Martello, Heather House Hotel, is located at the junction of Sidmonton Avenue to the north and Strand Road to the east. The DART line traverses Sidmonton Avenue to the west, and Brennan's Terrace which includes a number of houses in residential use is located further to the north of Sidmonton Avenue, facing Strand Road. The hotel is adjoined to the south by 'The Anchor' bar and restaurant.
- 1.3. The hotel is a 3 storey building with a large front garden area currently in use as a covered outdoor seating area and restaurant. It is located at a prime location within the Bray seafront area, almost opposite the Band Stand.
- 1.4. The site as outlined in red in the application documentation consists of a rectangular enclosed seating area, located in the south east corner of the overall hotel front/eastern garden area. It is situated perpendicular to Strand Road to the east and adjoins the front/southern side boundary between the hotel and the adjoining premises 'The Anchor' to the south a protected structure.
- 1.5. The stated area of the appeal site is 68sqm.

2.0 Proposed Development

- 2.1. Retention permission is sought for the following;
 - Weathered outdoor seating enclosure including glazed screens and retractable canopies, with a total area of 68sqm.
- 2.2. The structure measures;
 - Approx. 6.2m in width where it abuts the front/eastern boundary wall and railing of the hotel. The eastern elevation is enclosed.
 - Approx. 11m in length where it adjoins the southern/side boundary wall with the neighbouring public house (the Anchor Bar).
 - Along the southern elevation, the aluminium framed glazed screen wall extends to height of approx. 3.47m and provides housing and support for the

retractable canopy. It also includes timber screen panelling with faux planting above to eye level.

- The northern elevation extends to a height of approx. 2.5m.

2.3. The seating area is enclosed on three sides by transparent glazed screen walls and includes an overhead retractable canopy. The internal area is arranged with a number of separate seating/dining areas separated by vertical screens adjoined by patio heaters. Internally is also includes lighting, TV and loud speakers. The western side of the structure is open connecting directly to and accessed internally from the main hotel reception area.

3.0 Planning Authority Decision

3.1. Decision

The decision to **refuse** permission for retention for the above described development for one no. reason.

1. The proposed development is incongruous in terms of design and out of character with the streetscape and intrudes on views of the protected structures in the vicinity of the site. It is the policy of the planning authority as set out in section 7.1 of the Bray Municipal District Local Area Plan 2018 to require new buildings to follow the established building line where a set back from the road is prevalent. The structure to be retained significantly breaks the established building line. The proposed development would seriously injure the amenities of the area, adversely affects the setting of the protected structures and the architectural character of the seafront area, and contravenes the objective set out in section 7.1 of the Local Area Plan. The granting of this permission would set an undesirable precedent for future development in this area.

3.2. Planning Authority Reports

3.2.1. Planning Report

- *Visual Impact/Building Line* - Bray seafront is an attractive seafront with period properties, with protected structures either side of the Martello. Outdoor seating enclosure structure is a permanent structure, and significantly breaks the building line, contrary to the objective for the SF area which requires that new buildings follow the established building line.
- *Massing and Scale of New Structure* - Draws little reference from historic Victorian style of the seafront. It is a dominant feature extends full length of southern boundary from the front of the building to the roadside boundary. Taken in conjunction with the other unauthorised structures including the dome marquee glass and screens, the original form and detailing of the building is overwhelmed.
- *Architectural Heritage* - Blocks views of existing protected structures in the surrounding area. Undermines the character and architectural heritage of the SF area.
- *Visual Amenity* - Appearance does not enhance the area, has an adverse impact on the visual amenity and character of the area. Refusal recommended.
- *Noise & Disturbance* - Enforcement notice relates to unauthorised speakers attached to structures. No significant noise issues related to the structure subject of this application. Bands play under the marquee where loudspeakers tend to be located. Public house located within a mixed use seafront area. Use of the lands under the structure for outdoor seating is well established. Under 09/733, permission granted to extend the period of use of the raised seating area from 11pm granted under 08/122 to 2.30am. Do not consider noise/disturbance related to this structure to be a significant issue.
- *Parking* - Development does not give rise to a significant increase in floor area, parking demands could be accommodated on nearby roads.

3.2.2. Other Technical Reports

- **Roads:** Report recommends no objection.
- **Bray MD Engineer:** Report recommends refusal, due to;

- (a) excessive density of covered development without adequate provision of on site management and storage of waste generated by the development,
- (b) lack of an outdoor/well ventilated facility to segregate smoking from non-smoking patrons, and
- (c) lack of an adequate on site surface water drainage system with SuDS measures and which prevents surface water flowing onto the public road.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

Objections to the proposed development to be retained received by the planning authority have been forwarded to the Board and are on file for its information. The issues raised are comparable to those raised in the third party observations to the appeal summarised in section 6.3 below.

4.0 Planning History

There is a long planning and enforcement history associated with the appeal site.

Most recent;

PA Reg.Ref.18/1171 ABP-303452-19: Permission **granted** May 2019 for installation of 6 antenna, 4 transmission dishes on supporting poles at the rear roof level to Cignal Infrastructure Ltd.

PA Reg.Ref.11/114 ABP-PL39.240353: Permission **granted** July 2012 for new lift in glazed enclosure to north elevation (facing Sidmonton Avenue) including alterations to boundary wall/railings to form relocated emergency exit from ground floor to Multilane Ltd.

Of relevance to the current appeal are the following;

PA Reg.Ref.09/133 ABP-PL39.235845: **Split** decision May 2010 to Multilane Ltd. Permission **granted** to alter permission Reg.Ref. 08/122, to replace 47m of existing

hedging with 34m of natural vegetation hedging and reduce seating capacity by 10 persons.

Permission **refused** to extend hours of use of raised areas on the basis that it materially contravened the provisions of the development plan and the provisions of Section 37 2(b) of the Planning and Development Act were also noted by the Board.

1. *'The site is located in an area zoned B2 Primarily Seafront Uses, in the Bray Town Council Development Plan, 2005-2011, where the policy is, 'To protect and enhance the character of the seafront area and to provide for the development and improvement of appropriate tourist and leisure uses, consistent with the protection of residential amenity. The seafront area shall be promoted as the primary tourist, recreational and leisure centre of the town'. The proposed development, which consists of an increase in the use of the external seating areas from 2300 hours to 0230 hours, by reason of the extent of night time use in an open area in close proximity to residential property, would seriously injure the residential amenities of the area by reason of noise nuisance and general disturbance. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.'*

PA Reg.Ref.08/122 A8P-PL39.231106: Permission **granted** March 2009 for **retention** of external raised seating areas comprising two raised granite platforms with seating, four demountable 5.4 metres high parasol type canopies, ten fixed 1 metre high cast iron bollards with canvas screens between bollards 1 metre high x 22 metres long, faux hedging 1.2 metres high by 35.5 metres long and two permanent railings 1 metre high x 6 metres long. Also 3 metres high umbrella between seating areas, (total seating area 146 square metres), to Multilane Ltd. Condition No.1: The use of the external searing area shall cease at 2300 hours. Reason: In the interest of residential amenity.

PA Reg.Ref.06/292 A8P-PL39.222003: Permission **granted** January 2010 for construction of glazed canopy to front façade. Decision modified the development contribution condition attached by WCC and removed condition No. 5 in respect of special contributions.

Condition 9 - No loud speakers, public address or other systems shall be relayed from the building. Reason: In the interests of residential amenity.

Enforcement

UD4479 - Section 160 Order for legal proceedings dated 8th April 2020 served against Multilane Ltd and other parties, for the on-going carrying out of unauthorised development including the erection of the following;

1. Loud speakers/sound equipment attached to objects/structures in the foreground in noncompliance with condition 9 of PA Reg. Ref.06/292 ABP PL39.222003.
2. On-going retention of a dome style marquee in the central forecourt area.
3. Glazed lean-to roofed structure with glazed panelled walls, in the south-east corner of the site where it adjoins Strand Road/the neighbouring public house, (the Anchor Bar).
4. The erection of glass elevation panels to enclose two permitted canopies in the northern part of the foreground of the hotel adjoining the party boundary with Sidmonton Avenue.

UD257: Following enforcement action in relation to unauthorised works to the front of the Heather House Hotel (erection of metal structures with retractable canopies forming an enclosed seating and smoking area, raised timber platforms with timber balustrades/screens and outdoor furniture etc.) a referral was made to the Board.

Section 5 Referral

ABP RL2294: Board determined June 2006 '*That the overall enclosed seating areas and retractable canopies is development and is not exempted development*'.

5.0 Policy Context

5.1. Development Plans

The applicable Development Plan is the Wicklow County Development Plan 2016-2022.

5.2. Bray Municipal District Plan 2018-2024

The subject site is zoned '**SF** Bray Seafront, the objective for which is '*To provide for the development and improvement of appropriate seafront uses.*'

Description: '*To protect and enhance the character of the seafront area and to provide for mixed-use development including appropriate tourism, retail, leisure, civic and residential uses. The Seafront area shall be promoted as the primary tourist, recreational and leisure centre of Bray.*'

Section 7.1 Bray Seafront and Esplanade

The vision for this area is for it to remain an inviting, animated and attractive seafront area, with a vibrant commercial leisure sector supervised by permanent residences, that functions as the primary tourist, recreational and leisure centre of the town.

In the SF zoned 'Seafront' area, a proposed development will only be permitted where it does not negatively impinge on: (1) the amenity and character of the area; (2) its natural and built heritage; (3) protected views and prospects; and (4) protected structures.

While having regard to the above, the Council will consider permitting developments comprising modern, innovative designs, where the character and setting of historically important buildings is not compromised.

In the SF zone, the following objectives shall apply:

- The design of new buildings shall draw reference from and complement the historic Victorian style of the seafront all applications shall be accompanied by a 'design statement' setting out how consideration of the historic character and style influenced the design of the development and how it complements and enhances the area;
- Generally new buildings shall not exceed the 4 storeys height; where a new structure is proposed to exceed the height of immediately adjacent structures by more than 1 storey detailed justification and assessment of impact (visual, overlooking, over shadowing etc) shall be required;
- New buildings will be expected to follow the established building line; where a set back from the road is prevalent, such spaces shall generally be laid out as amenity spaces / gardens rather than car parking, and all efforts shall be

made to locate car parking underground or to the rear of new developments; where car parking to the front cannot be avoided, the quantum of spaces shall be minimised, the appearance of hard surfacing shall be ameliorated by use of innovative materials and significant landscaping shall be required;

- It is the overriding objective of the Council to promote the seafront area as the primary tourist, leisure and recreational centre of the town and the quality of residential amenity must be viewed in light of this objective and the long standing use of this area for leisure activities;

Schedule 10.14 (b) Protected Views and Prospects

No. 8: The view from below Fiddlers Bridge leading to Bray Head back along the Esplanade towards Martello Terrace and the Sailing Club, particularly of the houses along Strand Road.

No.15: The view from the south harbour along the Promenade and Strand Road.

Schedule 10.15 Prospects of Special Amenity Value or Special Interest

Prospect 6: Bray-Greystones Cliff Walk - Prospect of sea, cliffs and across southern slopes of Bray Head to R761 from Cliff Walk.

5.3. Natural Heritage Designations

Bray Head NHA/ SAC is located c. 900m to the south-east of the site.

5.4. EIA Screening

Having regard to the nature and scale of the development to be retained, the separation of the site from European and other designated sites, the proposed connection of the development to public water and foul drainage connections, it is considered that 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

The first party appeal against the decision to refuse permission by the planning authority has been lodged by O'Neill Town Planning, on behalf of the applicant. In summary, the appeal states:

Background

- Subject application for retention submitted consequent to a Warning notice from the PA in relation to the small, glazed seating area. It also included other structures which were removed and involved purported noise pollution from outdoor speakers. The PA were satisfied that the speakers and outdoor noise was not an issue, so the remaining feature of this outdoor area was the 68sqm seating area with glazed sides and retractable canopy.

Bray Municipal District Local Area Plan 2018-2024

- Submit that the use and extended use of the area to the front of the hotel is in keeping with the zoning objectives for the area and as such is in keeping with the proper planning and sustainable development of the area.
- Contend that the proposed development will have no impact on adjoining more sensitive land uses and complies with the BMD LAP 2018-2024.

Character and Pattern of Development in the area

- Submit that the outdoor seating area has been approved previously, and that the raised area already changes the character of the area from one where there were grassed gardens to the front to extensions of the established use.
- Contend that the building line for permanent structures could be deemed to be at the front of the hotel.
- Assert that to consider raised seating and temporary glass structures with awnings as permanent buildings breaking the building line seems irrational given that the structure is glass with a retractable roof.

- All of the other unauthorised structures were removed, but since then client was obliged to provide temporary covered areas to comply with Covid guidelines.
- Do not accept that the small glass area in any way takes from views of adjoining Protected Structures or of protected views. Nor does it overwhelm the building behind it.
- Submit that the development is ancillary, subordinate and temporary does not take from the character of the area or the established use of surrounding buildings.

PA Reason for Refusal

- Accepts that while the design is not Edwardian or Victorian, its modern functional design does not take from the older buildings in the area.
- Asserts that to describe the structure as a new building which has to comply with the historical building line seems perverse.
- Client would accept a temporary planning permission while awaiting a more permanent solution to their needs.
- Submit that the weathered outdoor seating enclosure including glazed screen and retractable canopies because of its design, scale, height location, and the glass materials used, does not adversely affect the setting of any Protected Structure or interfere with the protected view of Bray Head, and as such would not contravene Objective 7.1 of the BMD LAP 2018-2024.
- It does not impinge on the amenity or character of the area, or on its natural and built heritage.
- Public house is within a mixed use seafront area, with the use for outdoor seating well established. Notes large pagoda structure next door which covers the outside seating area, and many outdoor areas in Bray treated similarly, such as the Porterhouse canopy.
- Request the Board grant a three year temporary permission, to allow them to come up with a more permanent solution to what is an immediate requirement.

6.2. Planning Authority Response

None.

6.3. Observations

Three no. observations to the first party appeal have been received by the Board from the following parties;

- Eoin Bergin
- Rory Bergin
- Linda Kenny-Sheehy

Issues raised by the residents of 11 Brennan's Terrace can be summarised as follows;

- Noise impacts
- Impact on residential amenity
- Impact on listed buildings

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered. The issues are addressed under the following headings:

- Impact on Visual Amenity
- Impact on Residential Amenity
- Other Matters
- Appropriate Assessment

From the outset I wish to draw the Boards attention to the fact that the current appeal relates to one of a number of existing outdoor seating areas located to the front of the existing hotel premises. The lengthy planning and enforcement history and appeals including a Section 5 referral to the Board relating to these other external areas, is outlined in section 4 of my report above.

The area and structures subject of the current appeal has been the subject of recent legal proceedings served by Wicklow County Council. The Section 160 Order served against the applicant and other parties in this case specifically refers to the structure in the south east corner of the site. My assessment will focus on the current application for retention of this structure subject of this appeal to the Board. I would further note with regard to the matter of unauthorised development that the Board has no role in enforcement matters, and the current application is assessed on its own merits.

7.2. Impact on Visual Amenity

- 7.2.1. Reason for refusal No. 1 refers to the proposed development as ‘incongruous in terms of design’, ‘out of character with the streetscape’ and ‘intrudes on views of the protected structures in the vicinity of the site’. It refers specifically to the structure ‘significantly breaking the established building line’, ‘adversely affects the setting of protected structures and the architectural character of the seafront area’, and contravenes the objective set out in section 7.1 of the Local Area Plan.
- 7.2.2. The main issue in this case, therefore, relates to the impact on visual amenity. The subject site is zoned as SF Bray Seafront in the Bray Municipal Local Area Plan 2018-2024. The zoning objective for this area is ‘to provide for the development and improvement of appropriate seafront uses’. Section 7.1 sets out a vision for Bray Seafront and Esplanade, which is summarised in section 5 of my report above.
- 7.2.3. In this regard it is accepted that the use of the structure as outdoor seating associated with the existing bar/restaurant area of the hotel is already established and this is not disputed by the parties to the appeal.
- 7.2.4. In fact, the entire external front area of the hotel is currently in use for outdoor seating/dining, which link separately to the front reception area of the hotel. I also note from the floor plans submitted and can confirm from my site visit that the first floor terrace area is also used for outdoor seating/dining. The outdoor seating areas at ground floor are covered by way of a variety of different materials and structures, while the first floor terrace area is open.
- 7.2.5. At first glance the subject development which is single storey in height, finished in glazed screening, relatively modest in scale, and temporary in nature appears

relatively innocuous. However, on closer examination of the appeal site in its context, the subject development for retention in my opinion, is more problematic.

Design

- 7.2.6. Firstly, I note the finished floor level of the seating area is raised, such that it is located approx. 1m above the public footpath to the east.
- 7.2.7. The eastern side of the structure which abuts the public footpath therefore, reads as approx. 4m sloping down to 3m in height. It also extends approx. 2m above the existing side boundary wall, as viewed from the adjoining front area of the 'Anchor Pub' along the northern boundary, and similarly with an overall height of 4m relative to site levels within the front outdoor seating area.
- 7.2.8. The applicant submits that the structure to be retained is temporary. There seems to be some difference of opinion as to whether the structure itself is temporary or permanent. The overhead canopies were fully extended to enclose the structure on the day of my site visit.
- 7.2.9. I would argue that even with the retractable canopies overhead being fully open, the structure is ostensibly enclosed on all three sides and is not otherwise easily opened or decommissioned.
- 7.2.10. I note the rationale as presented by the applicant for the subject development in the context of the need to protect customers from the weather particularly, and provide external areas for patrons during Covid. However, I would argue that the majority of the front area of the hotel premises is already given over to various forms of outdoor seating areas, of varying design and materials, and that to permit a further covered/enclosed area is excessive, notwithstanding Covid restrictions.
- 7.2.11. It should be stated that I refer to the seating area along the northern boundary only by way of comparison and not to the acceptability or otherwise of the various elements which provide shelter.
- 7.2.12. The outdoor seating area which adjoins Sidmonton Avenue includes retractable vertical glazed panels along its side walls with two parasols which can be opened or closed.
- 7.2.13. These elements provide shelter of this seating area which can be easily adapted to the various outdoor elements and weather conditions while also providing ventilation.

I would suggest that the use retractable vertical glazed panels and parasols to be a far more attractive design solution, more in keeping with the sea side character of the area, which also allows a more successful interface with the public realm.

7.2.14. In contrast, the structure to be retained does not allow for this flexibility, or natural ventilation and instead appears to be designed primarily to provide shelter during the colder winter period, but at the expense I would argue of optimising the experience/enjoyment for customers during the warmer summer period. In my opinion, the current proposal represents a lost opportunity to animate and open up this front of house area, while also being capable of responding/adapting to ever changing weather conditions, typical in coastal areas.

7.2.15. I also note that the front area of the hotel has been developed with seating areas of varying design at various stages. In my opinion, a comprehensive layout and overall design of this entire area would be more desirable going forward.

Protected Views/Protected Structures

7.2.16. I note the designation of protected views along the Promenade and Strand Road. I also note the Heather House Hotel is not identified as a protected structure in the Wicklow County Development Plan 2016-2022. However, the two adjoining buildings to the south, both of which are in commercial use, are listed as protected structures and both include outdoor seating areas. Brennan's Terrace to the north which comprises three storey terraced houses are also listed as protected structures.

7.2.17. On the day of my site visit I considered views from along the seafront, looking south and from the seafront looking north, and am satisfied that the visual impact is negligible. This is due largely to the height of the existing hotel, the limited scale of the structure proposed to be retained, the setback from the seafront, the mix of various covered areas to the front of the hotel, and the backdrop against a busy urban environment.

7.2.18. In terms of medium to long distance views of the structure to be retained, I also tend to agree with the applicant in that it does not detract significantly from protected views or views of adjoining protected structures.

7.2.19. In terms of more immediate views however, I consider that the proximity and siting of the structure to be retained relative to The Anchor Pub does detract from views of

this protected structure. I also consider that it also interferes with views of both protected structures to the south from the public realm.

- 7.2.20. I noted on the day of my site visit that one of the vertical screens located along the southern elevation and clearly visible from the public footpath and adjoining premises had been damaged and subject to a temporary repair. This I consider visually to be very unsatisfactory and detracts from the visual amenity of these prominent sites and immediate area.
- 7.2.21. In my opinion, the angular profile and setting of the structure does not integrate successfully with the existing hotel building or indeed the immediately adjoining covered seating areas to the front of the hotel. Nor does it integrate with the immediately adjoining outdoor seating area to the front of the 'Anchor Bar' which itself is a protected structure. The external design also fails to draw any reference to the form or complements the Victorian character of the seafront. I consider, therefore, that the subject structure to be out of character with the streetscape.
- 7.2.22. In my opinion, therefore, the design and style of the structure to be retained does nothing to enhance or promote the seafront area, and as such does not comply with the objectives for Bray Seafront and Esplanade as set out in Section 7.1 of the Bray Municipal District Plan 2018-2024.

Building Line

- 7.2.23. The existing hotel and adjoining properties are set well back from the front boundary with Strand Road originally having large front garden areas. I accept that that the established building line of the hotel property is set back in excess of 20m from the front boundary. That said, I also note the subject structure immediately abuts the front boundary of the site, and therefore it can be reasonably concluded that the structure does not respect the principal building line of the property or that of the adjoining properties.
- 7.2.24. Having considered all of the above, and mindful that the applicant has indicated a willingness to accept a temporary permission for a period of three years, on balance I do not consider a temporary permission in this instance is warranted.
- 7.2.25. I have formed this view having regard to the importance of the seafront as the primary tourist, recreation and leisure area of the town of Bray and that the structure

to be retained has the potential to negatively impact on the visual amenity of the area. In my opinion, to permit this development has the potential to prejudice a more comprehensive design approach to the overall treatment of this front of house area, which respects the existing hotel building.

- 7.2.26. Should the Board decide to grant a permission for retention, I would suggest a condition restricting the duration of the permission would be appropriate.

7.3. Impact on Residential Amenity

- 7.3.1. Issues raised in the first party appeal, third party submissions and observations to the appeal relate to noise impacts. The issue relates specifically to the residential amenity of a residential property located within Brennan's Terrace to the north of Sidmonton Avenue.
- 7.3.2. The address of the observers to the appeal is stated as house No. 11 Brennan's Terrace. House No.11 is located second from the end of the terrace, with house No.12 Brennan's Terrace gabling onto Sidmonton Road. These three storey terraced properties are oriented east/west with fenestration to the front and rear.
- 7.3.3. The appeal site is adjoined to the south by two other pubs each of which have outdoor seating areas. I also note that Heather House Hotel is an established use on a substantial plot, with permitted outdoor seating areas, which are subject to restrictions on the hours of operation.
- 7.3.4. I can confirm on the day of my site inspection the location of two loud speakers erected on the southern side of the enclosed area to be retained. I consider the erection of two loud speakers within an enclosed space (assuming the retractable roof awnings are closed, which would further reduce the volume of noise audible from outside the structure), and which is located within a mixed use seafront area to be reasonable.
- 7.3.5. Notwithstanding, that at the time and day of my site visit early morning, the music speakers in the enclosed seating area to be retained were not in use, I am reasonably satisfied given the separation distance to Brennan's Terrace that the issue of noise impact from the subject site is negligible and in my opinion has been overstated in the current appeal.

- 7.3.6. I further note the view of the PA in that 'there are no significant noise issues related to the structure subject of this application'. I did note on the day of my site visit the location of small music speakers inside the seating area protected with overhead parasols which adjoins Sidmonton Road. However, this area does not form part of the current appeal.
- 7.3.7. I am satisfied therefore, that there is no basis to this grounds of appeal in terms of noise impact on residential amenity.

7.4. **Other Matters**

- 7.4.1. *Parking* – There are no car parking spaces identified or proposed as part of the current proposal for retention. That said, I would note the hotel does not provide any parking for guests or visitors. There is pay and display public car parking available in the immediate vicinity of the site and the premises is within walking distance of the town and DART station. I concur with the PA that that the development to be retained does not give rise to a significant increase in car parking requirements, which could be accommodated on nearby roads. I also note that the Transport section of the PA recommended no objection.
- 7.4.2. *Surface Water Drainage* – I note the report on file of the Bray Area Engineer of the PA regarding the lack of an adequate on site surface water drainage system with SuDS measures to serve both the subject appeal site and adjoining front of house area. I would concur with this assessment, particularly given the extent of the seating area currently under cover. In my opinion, this is an important matter and should the Board be minded to grant permission for retention, a suitably worded condition in respect of surface water drainage details can be attached for agreement with the PA. Alternatively, this matter can be addressed more comprehensively in any future application.

7.5. **Appropriate Assessment**

Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any European site, no Appropriate Assessment issues arise and it is not considered that the proposed development

would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that permission for retention be **refused** for the following reasons and considerations.

9.0 Reasons and Considerations

1. Having regard to the:

- i. The location of the development, centrally along the Seafront in Bray, which has retained its Victorian character.
- ii. The zoning objective for Bray Seafront as set out in the Bray Municipal District Local Area Plan 2018-2024, which seeks to protect and enhance the character of the seafront area, and where proposed development will only be permitted where it does not negatively impinge on: (1) the amenity and character of the area; (2) its natural and built heritage; (3) protected views and prospects; and (4) protected structures.
- iii. The proximity of adjoining protected structures as set out in the Bray Municipal District Local Area Plan 2018-2024.

It is considered that the proposed development to be retained would, by virtue of its height, angular form, and design at this prominent location, significantly forward of the established building line, and immediately abutting the front and side boundary walls of the existing hotel, have a negative impact on the visual setting of this Victorian seafront, seriously detract from the visual amenities of the area and integrity of adjoining protected structures. The proposed development to be retained would therefore, be contrary to the Bray Seafront zoning objective of the Bray Municipal District Local Area Plan 2018-2024, would seriously injure the amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

Susan McHugh
Senior Planning Inspector

17th December 2020