



<b>Development</b>	Demolition of commercial office buildings (Bridge House) and the construction of a hotel development (1-9 storeys over basement) comprising 65 no. bedrooms, 1 no. 2-bedroom family suite, function room, exhibition area, bar/dining areas and ancillary site works
<b>Location</b>	Bridge House, Davitt's Quay and Walsh Street, Dungarvan, Co Waterford, X35 C665
<b>Planning Authority</b>	Waterford City and County Council
<b>Planning Authority Reg. Ref.</b>	21449
<b>Applicant(s)</b>	Drummer Properties Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Drummer Properties Ltd
<b>Observer(s)</b>	Michael Burke (C/O Lawlor's Hotel, Dungarvan)

**Date of Site Inspection**

7<sup>th</sup> October 2021

**Inspector**

Ian Boyle

# Contents

1.0 Site Location and Description .....	5
2.0 Proposed Development .....	6
3.0 Planning Authority Decision .....	6
3.1. Decision .....	6
3.2. Planning Authority Reports .....	7
3.3. Planning Report .....	7
3.4. Other Technical Reports .....	10
3.5. Prescribed Bodies .....	13
3.6. Third Party Observations .....	13
4.0 Planning History.....	15
5.0 Policy Context.....	17
5.1. Dungarvan Town Development Plan 2012-2018 (as extended).....	17
5.2. Waterford County Development Plan 2011-2017 (as extended).....	21
5.3. Draft Waterford City and County Development Plan 2022-2028.....	23
5.4. National Planning Policy .....	23
5.5. Regional Planning Policy .....	24
5.6. Natural Heritage Designations .....	24
5.7. EIA Screening .....	25
6.0 The Appeal .....	27
6.1. Grounds of Appeal .....	27
6.2. Planning Authority Response .....	31
6.3. Observations .....	31
7.0 Assessment.....	32

7.1. Scale, Height and Visual Impact .....	33
7.2. Architectural Heritage.....	41
7.3. Other Issues.....	43
7.4. Appropriate Assessment .....	47
8.0 Recommendation.....	48
9.0 Reasons and Considerations.....	48

## 1.0 Site Location and Description

- 1.1. The appeal site is situated in Dungarvan Town Centre approximately 140m north of Grattan Square, Dungarvan. The site has an irregular shape and a stated area of 0.2ha, approximately.
- 1.2. The front part of the site, which is the eastern portion, accommodates Bridge House. Bridge House was originally constructed in the 1960s / 1970s and previously functioned as commercial offices associated with the Waterford Creamery. The building is now vacant and in disrepair. It is three storeys in height and orientated towards Davitt's Quay overlooking the harbour. The building is prominent on the approach to the town centre from the north, and also from the Dungarvan causeway, bridge and the quays to the east. The land in front of the site to the east generally slopes downwards towards the historic wharf that encloses Dungarvan Bay.
- 1.3. The site is bound to the north by Áras Brúgha (Dungarvan Hostel), the east by Davitt's Quay, the south by The Old Bank (Restaurant) (also known as Bank House), and the west by Walsh Street. Áras Brúgha and The Old Bank and, Lawlor's Hotel, which is further south, are Protected Structures.
- 1.4. The site adjoins the Dungarvan Architectural Conservation Area (ACA), which is to the south. The ACA covers mainly the town centre and quays but does not extend to the appeal site. The rear, western part of the site is used mainly for surface car parking, plant and services, and delivery vehicles. There is a narrow laneway at the southern boundary of the site linking Walsh Street to Davitt's Quay. Dungarvan Shopping Centre is further to the southwest. Dungarvan Court House is to the east, across T.F. Meagher Street.
- 1.5. The N25 Dungarvan to Youghal (National Road) is approximately 500m to the north. The Waterford County Council buildings are roughly 120m to the north on the eastern side of Shandon Street.
- 1.6. The surrounding vicinity, including the town centre, is mainly three to four storeys in height. Taller buildings, some in the order of five storeys, are present along the quays to the southeast of the site. The character of the area is generally a mix of commercial, residential, retail and recreational land uses.

## 2.0 Proposed Development

- 2.1. The proposed development is for the demolition of the existing onsite structures, including Bridge House and the wall and railing fronting Davitt's Quay (995sqm approximately), and the construction of a hotel development that is 1-9 storeys over basement, together with ancillary site works ((5,942sqm approximately).
- 2.2. The proposed hotel comprises 65 no. bedrooms and 1 no. 2-bedroom family suite, function room, exhibition area, dining facilities, bar/dining areas, roof terraces/balconies and associated site development works, including plant, cycle parking, new access arrangements and vehicle set-down areas.
- 2.3. The application is accompanied by the following:
  - Planning Report
  - Architectural Design Statement
  - Engineering Services Report
  - Transport and Parking Assessment
  - Mobility Management Plan
  - Daylight and Sunlight Assessment
  - Archaeological Impact Assessment
  - Architectural Heritage Impact Assessment Report
  - Photomontages

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority refused permission on 8<sup>th</sup> July 2021, subject to 2 no. reasons, which are as follows:

1. The scale and height of the proposed development on a prominent landmark site in Dungarvan is considered to constitute a visually dominant and discordant feature that would be excessively domineering over a wide area.

The proposed development, notwithstanding its considered design, would integrate poorly within the context of the setting of the site and its surrounding receiving environment, which is characterised by historic buildings, including a number of Protected Structures. The proposed development would, therefore, detract from architectural heritage, seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

2. The proposed development by reason of its design, scale, and bulk would be out of character with the established pattern of development in the vicinity of the site, which is characterised by historic landmark buildings that are Protected Structures, including the Bank House (RPS No. DV740026) and Áras Brúgha (RPS No. DV740029). The proposed development would detract from the character and setting of these buildings and wider ACA and Historic Town Core. Accordingly, the proposed development would contravene Development Plan Policy BH3 of the *Dungarvan Town Development Plan (2012-2018)*, which seeks to protect structures which are of historic, architectural, artistic or cultural interest and policy as set out in Section 7.3.2 of the *Dungarvan Town Development Plan (2012-2018)*, which seeks to ensure that new development blends in harmoniously and is sited and designed sympathetically so as not to detract from its setting. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

### 3.3. Planning Report

- The Planning Officer recommended a Refusal for the two reasons set out in the Decision above.
- The Development Plan includes policies that seek the protection of the historic core of Dungarvan, encourage investment in the tourism sector, the

sensitive redevelopment of vacant or derelict sites in the streetscape, and the preservation of archaeological monuments, and vistas and settings.

- There is a previous refusal decision on the subject site (October 2018), which sought permission for mixed use development comprising short-term let residential apartments, leisure centre, commercial units, car parking and ancillary site works. The Applicant has sought to address the previous concerns and reasons for refusal.
- The Architectural Design examines the site context, relevant site history, and sets out the proposed design approach and rationale for the development proposed and has been reviewed as part of the assessment of the application.
- The proposed design seeks to offset the proposal from the adjoining Protected Structures and has incorporated visual and physical buffers from these sensitive receptors. The upper levels of the proposed development are setback to break-up the massing of the building and provide a greater transition in terms of height. The façade appearance and choice of building materials have been carefully considered.
- The Applicant's Architectural Heritage Impact Assessment (AHIA) assesses the impact of the proposed development on the adjoining Bank House and Áras Brúgha Protected Structures and historic context of the area. It states that the onsite building, Bridge House, has no architectural or historic merit. It also confirms that the proposed building has been designed to minimise and mitigate potential impacts on the adjoining built heritage. However, while there is reference to height and verticality of the proposed development, and it is accepted that the proposal would be a high-quality landmark building, there is no proper assessment of its scale and height and its likely resultant impact on the immediate locality and historic town centre.
- The Archaeological Impact Assessment is a desktop study only and confirms that no test trenching has been carried out. It is recommended that test trenching be completed.



- The Daylight and Sunlight Assessment has been completed in accordance with industry standard guidance concludes that the potential impact on adjoining residential uses in terms of loss of daylight or sunlight would be minimal to imperceptible.
- The Mobility Management Plan (MMP) states that no onsite car parking will be provided for either staff or guests. 48 no. car parking spaces will be reserved in the Town Centre Car Park and 60 no. spaces in the Shopping Centre Car Park for staff and guests. However, the proposed arrangement of utilising offsite car parking spaces is not acceptable as there are currently high levels of demand for car parking in the town.
- In terms of visual impact and height, the proposed development is at its tallest at 32m over Davitt's Quay and then significantly steps down to 22m at its 5<sup>th</sup> Floor above ground level. The building to be demolished is 14.5m. The front elevation (facing east) and side (south elevation) are well considered and the proposed development has been appropriately offset from the adjoining Bank House building.
- The proposed lower levels at the front of the building are recessed to create a covered space.
- To further reduce the overall bulk of the proposed building, the Applicant has proposed diminishing floor areas as the building rises above basement level. The proposed ground floor is approximately 1,275sqm while each floor proposed above becomes progressively smaller. The proposed 8<sup>th</sup> (top) floor is 242sqm.
- The Applicant has made a clear effort in terms of proposing high-quality architectural design, materials and finishes. However, as the proposed development would dominate the skyline in the immediate vicinity, the town centre, and wider area, it is considered that the proposal fails the relevant Ministerial Guidance in relation to building heights, which is the 'Urban Development and Building Heights – Guidelines for Planning Authorities – December 2018 (the Height Guidelines)'.

- In relation to the photomontages submitted, 14 no. vantage points have taken from various locations in the surrounding vicinity. Views 1, 2, 3, 4, 5, 6, 8 and 12 give rise for concern owing to the level the proposed development would dominate the skyline and other adjoining developments. Views 7 and 9 are partially obscured. Views 10 and 11 relate to specific points where the surrounding context would allow the building to be better assimilated. Views 13 and 14 do not allow for the context of the proposed development to be assessed against the Protected Structures, ACA, and town core.
- There is an overriding concern that the proposal would be excessively domineering from many vantage points over a wide area. This is notwithstanding the improvements made to the current application compared to the previous development proposal refused for the site.
- In summary, whilst the design of the development has been carefully considered, the proposed height cannot be accommodated on the subject site.
- The Applicant has a larger available land block at this location immediately adjoining the site and a well-designed, significantly lower, development may potentially be appropriate, but this would need to be done through a new application.

### 3.4. Other Technical Reports

#### Architect's Report

The following main points were raised in a report dated 6<sup>th</sup> July 2021:

- There is a striking elevated projected façade that forms a covered entry area at the main entrance to the development. The building then steps down towards the south and west behind the Old Bank building and extends west towards Walsh Street.
- The Architects have put in commendable effort to analyse the site and the relationship between the proposed development and its surroundings. They have also carefully detailed the project using high-quality materials.

- The design approach is radical in terms of a rural town context, particularly given its proposed height of nine floors (the two lower floors are considered the equivalent of three 'normal' floors'), and that the surrounding urban fabric is largely two to four floors with some five floor apartment buildings facing the harbour.
- The building would be very visible. It has a very imposing presence and is directly on an urban street of much lower height. There is a very abrupt transition in scale and the scheme architect has tried to mitigate this by creating a relationship in aspect ratio between The Old Bank and an elevated projecting façade. The development is near the harbour, but not the water's edge, which could have helped with the excessive scale proposed.
- The aspect from the junction with Davitt's Quay is towards a monolithic façade with large planar surfaces, some without opes. This is exaggerated by the gap between the proposal and Áras Brúgha. The scale is less of an issue towards the car parking area(s) to the west where there are long views.
- The proposal would create a very positive contribution to Walsh Street if the development were lowered and spread more laterally across the site.
- In conclusion, the height of the proposal in relation to T. F. Meagher Street is too significant and the visual impact too imposing for this location.
- The building would permanently alter the 'balance' of the scale of the town, particularly where there is a more conventional option available to the Applicant to spread the development out and to repair gaps in the existing urban fabric.

#### Conservation Officer

The following main points were raised in a report dated 7<sup>th</sup> July 2021:

- The proposed development is on the approach to, and immediately adjacent, the historical, medieval, and planned town of Dungarvan. It is adjacent the ACA associated with the historic core of Dungarvan and is in an Area of Archaeological Potential.

- There are 9 no. Protected Structures within 100m of the proposed development, including: Devonshire Bridge (RPS Ref. DV740013), Bank House (RPS Ref. DV740026), Áras Brúgha (RPS Ref. DV740029), The Causeway (RPS Ref. DV740185), Davitt's Quay (RPS. Ref. DV40093), the Greenway Offices (RPS Ref. DV740094), the Courthouse (RPS Ref. DV740022), Railway Bridge (RPS Ref. DV740109), and Lawlor's Hotel (RPS Ref. DV740035).
- Dungarvan has a strong and distinctive architectural character. While most Irish towns have expanded randomly, Dungarvan has been developed in accordance with enlightened Classical ideas of the late Georgian period. The streetscape survives as one of the most ambitious and successful examples of formal planning in Ireland.
- The town centre is characterised by simplicity and unity of scale of construction. The building stock is mainly two and three storeys with some historic four storey buildings. The architectural character of the harbour adds to the vibrancy of the area.
- The AHIA does not adequately address how it would visually affect the character of the Protected Structures, their settings, the vista, and settings of the historic core and ACA.
- The AHIA states that there are new buildings nearby, such as the shopping centre and Council buildings, and that the heights of the previous industrial buildings of the old Glanbia site have been considered with regards to the proposed design and height. However, it is considered that referencing such industrial buildings, which were not of any architectural merit, does not contribute to the argument of design or height.
- The proposed development would not harmonise with the existing new, or older historic, buildings as they overshadow them. The proposal is more suitable to a city centre environment and not a historic provincial town. It would have a negative visual impact on the vistas and settings of the approach to/from Grattan Square, from Devonshire Bridge, Mary Street and the view from Abbesside towards the Castle and the Quays.

- In principle, a new development is welcome. However, the proposal would be excessively domineering from many vantage points over a wide area, would not contribute to the visual enhancement of the historic town, and be contrary to the proper planning and sustainable development of the area.

#### Environmental Services

The following main points were raised in a report dated 24<sup>th</sup> June 2021:

- Requested further information, including in relation to submission of a noise impact assessment, details of the mechanical systems which might generate noise or odour, including extraction systems from the kitchen, chillers, etc.
- Recommended standard conditions in the event permission granted.

#### Transportation Department

The following main points were outlined in an email to the Area Planner dated 29<sup>th</sup> June 2021:

- The Applicant should be required to satisfy their parking demands onsite as otherwise the proposal would likely lead to wider traffic management issues.
- There is no capacity for onstreet car parking to make up any shortfall in car parking requirements for the proposed development

### **3.5. Prescribed Bodies**

None on file.

### **3.6. Third Party Observations**

A total of 2 no. third party submissions were received by the Planning Authority, which raise the following main concerns:

- The Dungarvan Town Development Plan has had a positive impact on the town and the proposed development would be in conflict with this.

- The development by reason of its height, scale, massing and bulk would dominate vistas from the harbour and would adversely impact on the visual amenities of the area.
- The proposed quantum of development, which is for 10 storeys, would be overdevelopment of the site and destroy the existing aesthetics of the town centre skyline.
- There are numerous Protected Structures and NIAH listed buildings within a short distance of the appeal site and the proposed scale of the development would detrimentally impact on their character and setting.
- The proposed development would lead to significant overlooking and overshadowing, including that of adjacent buildings that were recently beautifully restored. The approach to the town square would be negatively affected.
- Whilst it is acknowledged that additional bedspaces are needed to match the growth of tourism in Dungarvan, this should not be to the overall detriment of the town. The proposal seeks to maximise profits for the developer.
- A new hotel would benefit Dungarvan. However, it should be of an appropriate scale, which would be approximately 5 storeys.
- There is an ongoing legal dispute concerning a right-of-way (RoW) with the landowner to the south. The RoW has been omitted from the submitted drawings. This should have resulted in the application being invalidated. The RoW was correctly referenced in the previous application (Reg. Ref. 18/47).
- The Mobility Management Plan is misleading as the adjoining car park is not owned by the Council or Applicant.
- The Transport and Parking Assessment is not accurate and the proposed development does not seek to provide any car parking. This would fail to address customer and staff demand. The requirement is for 108 no. car parking spaces, which would be far greater than the existing car parking capacity in the surrounding area.

- It is not clear if there is adequate local infrastructure capacity to cater for the proposed development, including in relation to stormwater runoff to the Irish Water network.
- The negative impact on infrastructure would have a direct impact on adjoining businesses.

## 4.0 Planning History

### 4.1. Subject Site

ABP Ref. 303050-18 (Reg. Ref. 18/612): The Board **refused** permission in September 2019 for the demolition of a 3-storey office building and construction of a 10-storey block and 6-storey block facing onto Walsh Street and Davitt's Quay, comprising 122 residential units, leisure centre with swimming pool, commercial units and ancillary site works.

The Board specified 2 no reasons for refusal, which are as follows:

1. Having regard to the massing, scale and design of the proposed development on a prominent landmark site in Dungarvan, it is considered that the proposed development would constitute a visually dominant and discordant feature in the townscape. The proposed development would integrate poorly within the context of the setting of the site and the surrounding receiving environment which is characterised by historic buildings including a number of Protected Structures. Furthermore, the proposed development would fail to enhance the public realm by reason of the poor quality of proposed frontage onto Walsh Street (both at street level and in respect of the proposed frontage to the car park above) and lack of clarity in relation to the southern boundary of the site particularly in relation to the delivery of a possible future pedestrian route (linking Meagher Street with Walsh Street). The proposed development would, therefore, detract from architectural heritage, seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development by reason of its design, scale and bulk would be out of character with the established pattern of development in the vicinity of the site which is characterised by historic landmark buildings that are Protected Structures including the Bank House (Record of Protected Structures No. DV740026) and Aras Brugha (Record of Protected Structures No. DV740029). The proposed development would detract from the character and setting of these buildings. Accordingly, the proposed development would contravene Development Plan policy as set out in Policy BH3 of the Dungarvan Town Development Plan 2012-2018 which seeks to protect structures which are of historic, architectural, artistic or cultural interest and policy as set out in Section 7.3.2 of the Dungarvan Town Development Plan 2012-2018 which seeks to ensure that new development blends in harmoniously and is sited and designed sympathetically so as not to detract from its setting. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

#### 4.2. Surrounding Area

ABP PL93.301937 (Reg. Ref. 18/47): The Board **granted** permission in January 2019 for a change of use for the adjacent former bank building to the south (Protected Structure) from offices (most recently used as an arts centre) to restaurant and public bar with ancillary kitchen, services, stores, toilets, and associated site works. This site is directly south of the appeal site.

Reg. Ref.17/904: The Planning Authority **granted** permission in April 2018 for modifications to development permitted under Ref. Ref. 17/221 comprising alterations to fenestration, internal layout, new doorway, extension to an existing toilet block and revised floor levels at Áras Brúgha, Davitt's Quay. This site is north of the appeal site and the building is used as a hostel.

Reg. Ref.17/221: The Planning Authority **granted** permission in June 2017 for a change of use of an existing three storey building to hostel and café, demolition of existing single storey extension, the construction of a single storey garden room, and associated site works at Áras Brúgha, Davitt's Quay.



Reg. Ref. 01510036: The Planning Authority **granted** permission in September 2001 for a change of use from office and laboratories to residential, construction of a 3<sup>rd</sup> floor extension and ancillary works at the former Glanbia Laboratories Building, Davitt's Quay.

## 5.0 Policy Context

### 5.1. Dungarvan Town Development Plan 2012-2018 (as extended)

#### **Zoning**

The site is zoned 'Town Centre' under the *Dungarvan Town Development Plan 2012-2018 ('Town / Development Plan')*, which has the following objective:

*"To provide for an integrated mix of residential, commercial, community and social uses within the town or village centre".*

#### **Architectural Conservation Area**

The site is adjacent the Dungarvan Architectural Conservation Area (ACA), which is associated with the historic core of Dungarvan town centre and its surrounds.

#### **Economic Development (Chapter 5)**

Chapter 5 of the Town Plan is in relation to 'Economic Development. The following policies are considered relevant:

##### ***ECD 15***

*To continue building on the strengths of the Dungarvan, giving priority to sustainably developing the tourism product, festivals and events and to consolidate the retail, hospitality and tourism sectors in the Town.*

##### ***ECD 16***

*To encourage new investment in the Tourism sector with specific reference to accommodation in terms of choice, sustainable location and quality of product.*

## **ECD 23**

*To protect and enhance Dungarvan's architectural and cultural heritage as a strong tourism product in a sustainable manner.*

## **Built Heritage and Archaeology (Chapter 7)**

Chapter 7 of the Town Plan is in relation to 'Built Heritage and Archaeology'. The following policies are considered relevant:

### **BH 1**

*It is a policy of Dungarvan Town Council to protect the built heritage and to encourage sensitive development or reuse of buildings to promote economic growth and regeneration.*

### **BH 3**

*It is the policy of the Council to maintain a Record of Protected Structures within the Town to protect all the structures or parts of structures which are of historical, architectural, artistic, archaeological, social, scientific, technical and cultural interest.*

### **BH 6**

*Within Architectural Conservation Areas, it is the policy of the Council to:*

*Identify, protect and enhance the unique character of a streetscape by providing guidelines on appropriate development to retain its distinctive character;*

- *Protect elements of the streetscape such as rubblestone boundary walls, and street furniture such as paving, post boxes, historic bollards, basement grills, street signage/plaques, etc. which make a positive contribution to the built heritage;*
- *Promote sensitive reuse and/or alterations of buildings of historic character. Proposed works shall not detract from the building and shall make a positive contribution to the character of the building/streetscape or setting;*
- *Ensure that the design of new buildings within such a streetscape respects the established character of the area in height, scale and massing.*

### **BH 8**

*It is the policy of the Council and to encourage the sensitive redevelopment of vacant or derelict sites in the streetscape.*

### **BH 9**

*It is the policy of the Council to protect, conserve and preserve the integrity of archaeological monuments and their settings and archaeological objects within the county, and those buildings, sites and which have been identified on the RMP.*

### **BH 11**

*It is a policy of the Plan to ensure that development in the vicinity of a site of archaeological interest shall be designed and sited sympathetically and shall not be detrimental to the character of the archaeological site or its setting by reason of its location, scale, bulk or detailing.*

### **BH 12**

*When considering development in the vicinity of all archaeological sites including remnants of the town walls, the planning authority will require the preparation of an archaeological assessment detailing the potential impact of any development on upstanding structures, buried structures and deposits. The report will also include a visual impact assessment to ensure adequate consideration of any potential visual impact the proposed development may have on any upstanding remains.*

#### **Section 7.3.2 Vistas and Settings, includes:**

- *The approach to/from Grattan Square from Devonshire Bridge:*
- *The view from Abbeyside towards the castle and Quays*
- *The view towards Abbeyside from the Quays and*
- *The view towards Market House from the Square*

*Any proposed new development should respect the existing character of its setting and blend in harmoniously. New developments should consider the existing building heights, vertical and horizontal lines, window size and fenestration in the vicinity,*

*building materials and elevations of the existing structures. New developments should be sited and designed sympathetically so as not to detract from the setting.*

### **Appendix A3 'Record of Protected Structures'**

- RPS No. 26 Former Provincial Bank, Davitt's Quay, Dungarvan (Commercial). National Inventory of Architectural Heritage (NIAH Ref. 22821017). Located south of the appeal site.
- RPS No. 29 Office Block, Áras Brúgha, Davitt's Quay (NIAH Ref. 22821016). Located north of the appeal site.

Other Protected Structures within 100m of the site include:

- |  |           |
|--|-----------|
| ▪ The Bank House (RPS No. 26) (NIAH Ref. 22821017)           | South     |
| ▪ Áras Brúgha (RPS No. 29) (NIAH Ref. 22821016)              | North     |
| ▪ Devonshire Bridge (RPS No. 13) (NIAH Ref. 22821014)        | East      |
| ▪ The Causeway (RPS No. 155) (NIAH Ref. 22821159)            | East      |
| ▪ Davitt's Quay, Quay Wall (RPS No. 93) (NIAH Ref. 22821163) | East      |
| ▪ Dungarvan Courthouse (RPS No. 22) (NIAH Ref. 22821019)     | Southeast |
| ▪ Dungarvan Courthouse (RPS No. 94) (NIAH Ref. 22821018)     | Southeast |
| ▪ Railway Bridge (RPS No. 109) (NIAH Ref. 22821015)          | North     |
| ▪ Lawlor's Hotel – Railings Only (RPS No. 35)                | South     |

### **Heritage Map 2**

Identifies the site as within an 'Area of Archaeological Potential'.

### **Development Standards (Chapter 10)**

Variation No. 1 to the Dungarvan Town Development Plan, Adopted September 2016. Section 6 (Table 5) refers to Parking Standards.

<b>Land Use Commercial</b>	<b>Car Spaces</b>
Hotel Accommodation (excluding bars, function rooms, etc)	1 per 2 bedrooms in Waterford City Centre <sup>1</sup> 1 per bedroom in all other locations
Bars, Lounges, Function Rooms including such spaces in Hotels	1 per 30 sq.m in Waterford City Centre* 1 per 20 sq.m net floor area in all other locations

## 5.2. Waterford County Development Plan 2011-2017 (as extended)

### **Chapter 3 Core Strategy**

The Core Strategy of the *Waterford County Development Plan 2011-2017* (as extended) ('County Development Plan') states that Dungarvan is a 'Primary Service Centre' and 'County Town'.

County Towns should be positioned to support the full realisation of the potential for economic development throughout the region.

### **Economic Development (Chapter 6)**

Chapter 6 of the County Development Plan is in relation to 'Economic Development'.

The following policies are considered relevant:

#### ***ECD 19***

*To encourage new investment in the Tourism sector with specific reference to accommodation in terms of choice, location and quality of product.*

#### ***ECD 21***

*It is the policy of the Council to facilitate the expansion of tourist activities in appropriate locations where they can be supported by, and provide support for, existing communities. In all cases, development will be required to comply with key sustainable tourism and environmental principles and the development management standards as set out in Chapter 10 of this Plan.*

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<sup>1</sup> "Note for Reader: In certain categories, different car parking standards apply to Waterford City Centre from other locations in the County. The car parking standards that apply to Waterford City Centre also apply within 250m of a Public Transport Route within the Waterford City Development Plan 2013-2019 area."

## **Environment and Conservation (Chapter 8)**

Chapter 8 of the County Development Plan is in relation to 'Environment and Conservation'.

The following policies are considered relevant:

### **ENV 16**

*It is the policy of Waterford County Council that flood risk be managed pro-actively at all stages in the planning process, by avoiding development in flood risk areas where possible, and by reducing the causes of flooding to and from existing and future development.*

### **ENV 17**

*The Council will have regard to the policies and guidelines of the DoEHLG and OPW in floodplains and areas sensitive to flooding.*

### **AH 1**

*It is a policy of the Council to protect the architectural heritage and to encourage sensitive development or appropriate reuse of buildings to promote economic development and regeneration.*

### **AH 11**

*It is the policy of the Council to promote a high standard of civic amenity and design and to respect existing open spaces, urban spaces, vistas and streetscape and to encourage the sensitive redevelopment of vacant or derelict sites in the streetscape.*

## **Section 10.46 'Planning Guidance for Streetscapes of Distinctive Character'**

### **Demolitions**

- *Where buildings have a negative impact on the character of a Streetscape of Distinctive Character, demolition of existing and replacement with buildings of more appropriate design may be desirable and will be encouraged.*
- *Where the poor condition of a building is due to lack of maintenance renovation will be encouraged.*

### New Buildings

- *All new buildings should contribute to the visual enhancement of the area while respecting its physical character.*
- *Pastiche or replication of historic design is not always appropriate and high quality contemporary architectural design is acceptable in some cases.*
- *The elevational treatment of the new development should be well-proportioned and built having respect to its context.*
- *Buildings should follow the eaves heights, roof pitches and building lines which predominate in the streetscape and should employ windows of matching proportions and alignment. Materials should be of good visual quality and durability.*

### **Development Management Standards (Variation No. 1)**

The maximum plot ratio for commercial/retail development is 1:2

The maximum site coverage for commercial/retail development 75%.

### **5.3. Draft Waterford City and County Development Plan 2022-2028**

The subject site is zoned as 'M2 - City/Town Centre' under the *Draft Waterford City and County Development Plan 2022-2028*, which has the following objective:

*"To protect, provide for and improve City/Town Centre amenity, viability and vitality."*

### **5.4. National Planning Policy**

- *National Planning Framework: Ireland 2040 Our Plan, 2018*
- *Design Manual for Urban Roads and Streets, 2019*
- *Urban Development and Building Heights: Guidelines for Planning Authorities, 2018*
- *Urban Design Manual: A Best Practice Guide, 2009*

- *The Planning System and Flood Risk Management: Guidelines for Planning Authorities, 2009*
- *Architectural Heritage Protection; Guidelines for Planning Authorities, 2004*

### 5.5. Regional Planning Policy

- *Regional Spatial and Economic Strategy for the Southern Region, 2020*

### 5.6. Natural Heritage Designations

No natural designations apply to the subject site.

The closest European site is the Dungarvan Harbour SPA (Site Code: 004032) at a remove of approximately 45m to the east.

The Glendine Wood SAC (Site Code: 002324) is approximately 3.5km to the northeast.

The Blackwater SAC (Site Code: 002170) is approximately 6.3km to the southwest.

The Helvic to Ballyquin SPA (Site Code: 004192) is approximately km to the 6.5km to the southeast.

The Helvic Head SAC (Site Code: 000665) is approximately 6.6km to the southeast. The site is also a pNHA (Site Code 000665).

The Mid Waterford Coast SPA (Site Code: 004193) is approximately 7.9km to the northeast.

The Comeragh Mountains SAC (Site Code: 001952) is approximately 9.4km to the north.

The Dungarvan Harbour pNHA (Site Code 000663) is approximately 250m to the north.

The Ballyvoyle Head to Tramore pNHA (Site Code: 001693) is approximately 7.8km to the northeast.



## 5.7. EIA Screening

- 5.7.1. The form of development proposed potentially comes within the scope of class 10(b)(iv) of Part 2 of the 5<sup>th</sup> Schedule which relates to:

*(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.*

The proposed development is therefore of a class for the purposes of EIA.

- 5.7.2. The following pre-liminary examination of the requirement for EIA utilising the headings as set out in the Seventh Schedule of the *Planning and Development Regulations, 2001* (as amended).

### Characteristics of Proposed Development

- 5.7.3. The scale of the proposed development at 5,942sqm is not particularly significant in the context of 'urban development' as an EIA category. Similarly, the size of the site is 0.2ha and, therefore, significantly lower than the thresholds set out in class (10)(b)(iv) above.
- 5.7.4. The proposed development – which is for a hotel and ancillary facilities and works – is near other similar such uses. To the south, is The Old Bank (Restaurant) and Lawlor's Hotel, whilst to the north, is Áras Brúgha, which is a hostel.
- 5.7.5. The potential for significant traffic impacts to occur has been raised within the third party observation to the Board and is addressed in this assessment. Traffic and the potential for cumulative traffic impacts is not considered to be a basis for requiring EIA, however.
- 5.7.6. The proposed development comprises the demolition of the existing onsite structures. However, it is not considered that the demolition of the structure(s) to be would give rise to any likely significant environmental impacts, such that it would lead to a requirement for EIA.
- 5.7.7. The nature of the proposed development is such that it would not give rise to the significant use of natural resources and – as a hotel development – it would not lead to the production of significant wastes, pollution, or other nuisances. The form of

development proposed, and the location of the site, is such that it is not considered to be at any significant risk of major accidents or disasters arising or significant risks to human health.

#### Location of the Proposed Development

- 5.7.8. The appeal site is located within an existing urban area that is zoned 'town centre', which is envisaged for an integrated mix of residential, commercial, community and social uses. The site has a history of being used for commercial development purposes.
- 5.7.9. As noted above, it is also located next to other tourist accommodation and dining / bar uses. The site is not considered to have any particular environmental sensitivity.
- 5.7.10. The appeal site is proximate to Dungarvan Harbour. However, the proposed development would not impact, either directly or indirectly, on any wetlands, riparian areas, river mouths, coastal zones, or the marine environment. Similarly, it would not impact on any mountain or forest areas, nature reserves, parks, or areas classified for protected under legislation, including Natura 2000 sites pursuant to the Habitats Directive and Birds Directive.
- 5.7.11. While the site adjoins Protected Structures, an Architectural Conservation Area, and is within an Area of Archaeological Potential, the impact of the development on these features is not considered likely to be significant. It is noted that the Archaeological Impact Assessment submitted as part of the application documentation states that no structures or features of an archaeological nature were identified within the site.
- 5.7.12. The development would likely have potential effects in terms of traffic in the town, but these potential impacts are not likely to have significant impacts on what is a densely populated town centre and urbanised area.

#### Other Factors Considered which could lead to Environmental Impacts

- 5.7.13. Any environmental impacts generated by the proposed development, including potential traffic impacts, are considered to be limited. No transboundary impacts of any form would arise and the intensity, duration, frequency, and complexity of any such impacts are not such as to warrant EIA.

## Conclusion

5.7.14. Having regard to the nature and scale of the proposed development, which is significantly under the threshold in respect of Class 10(b)(iv) of Part 2 of the 5<sup>th</sup> Schedule of the *Planning and Development Regulations 2001 (as amended)*, the location of the site in an established urban area, served by public infrastructure and the existing pattern of development in the vicinity, it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report is not therefore required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A First Party Appeal against Decision to Refuse Permission has been lodged by the Applicant. The main grounds of appeal are as follows:

#### Planning Report (KPMG Future Analytics)

- The principal grounds of appeal are summarised below:
  - The impact of the proposal on the Protected Structures and adjoining Architectural Conservation Area is considered appropriate.
  - The proposed height is supported by national guidance, including the NPF and Height Guidelines.
  - Supplementary design considerations are provided in relation to the proposed car parking and traffic management strategies (see 'Parking Strategy Addendum below').
- Whilst the Planning Authority issued a Notification of Decision to Refuse Planning Permission, a positive assessment of the architectural design of the subject proposal was made. However, height was a key concern.

- The Planning Authority's assertion that the proposal would be excessively domineering is refuted and that the proposed height is supported by national planning policy, including the NPF and Height Guidelines.
- The proposed height ranges from 1 no. to 9 no. storeys and takes cues from the complementing Old Bank building to its south. The distribution and configuration of the levels and recesses at the front façade ensures appropriate articulation. This avoids any sheer and blank elevational which could otherwise detract from the existing townscape or result in negative overbearance. The upper levels are setback to reduce the perception of height and massing at street level.
- The open space area at the front of the proposed structure and creation of a new wide separation distance between the appeal site and Old Bank would allow for a slender verticality and create a positive aesthetic.
- The proposed development would be in accordance with NPF Objectives 5 and 11, which support the need to develop more consolidated and compact forms of development. It also states that NPF Objective 22 supports the proposed development in that it seeks to facilitate tourism and that the redevelopment of a centrally located, underutilised site to accommodate a high-quality development would assist in achieving the desired approach of compact urban growth.
- The proposal would be in accordance with the Building Height Guidelines, which seeks to encourage high standards in urban design, architectural quality, and placemaking. The appeal includes a review of the proposed development against the relevant 'Development Management Criteria' (Section 3.2 of the Guidelines) and states that the proposal:
  - is well served by public transport;
  - would not have any negative effects on the adjoining Protected structures;
  - would make a positive contribution to placemaking, the streetscape, and lead to improved legibility and active street frontage;

- avoids a monolithic appearance;
  - is not at risk from flooding; and
- would not have a negligible impact on surrounding structures in terms of overshadowing or loss of light.

#### Architectural Conservation Report (Michael Tierney Conservation Architect Grade 1)

The report provides a response to the assessment completed by the Planning Authority, including the Senior Architect and Conservation Officer. The main points include:

- The proposed choice of materials and finishes, which includes sandstone/limestone and narrow taped eaves and soffit detailing, would create a lighter aesthetic for the top floors and allow for a historic connection with the urban fabric of Dungarvan.
- The existing street has a broken edge and disjointed visual aesthetic, which would be improved by the removal of the existing Bridge House structure. This is a poor infill building between Protected Structures. The verticality of the proposed main elevation facing Davitt Quay, Devonshire Bridge and the Harbour is a bold, well-detailed design that respects the adjacent Bank Building (recently restored by the Applicant, Drummer Properties) and Áras Brúgha.
- The prominent approaches to the town centre from the north and east currently present as a poor aspect since the clearance of the former Glanbia creamery. The angled footprint of the new build would combine with the multiplanar elevations (clad in sandstone and limestone), the fully glazed façades of the top floor, and fine detailing of the roof perimeter to show sensitivity to the site and its surrounding location.
- The towering industrial buildings of Glanbia / Waterford Creamery site were a significance presence on the urban landscape of the Dungarvan for many decades and it is valid to use their height to help inform the design of the proposed development. Furthermore, the appeal site is at a remove from the historic town core, but close to the Planning Authority offices to the north, and

shopping centre to the west. If the existing height of the town were strictly followed, this would result in a de facto sterilisation of the town's skyline and the prospect of securing compact growth would be gone.

- The project architect from the outset did not set out to design a low key anonymous infill building, which would be a replacement for The Bridge building. The vertical emphasis of the elevation on Davitt Quay is in deliberate contrast with the 19<sup>th</sup> c. horizontal massing of the adjoining Protected Structures and does not shirk from the expectations of a 21<sup>st</sup> c. century structural and architectural form.

#### Parking Strategy Addendum (OCSC Consulting Engineers)

The main points include:

- The proposed development is relatively small and has only 66 no. bedrooms, a small function room (447sqm) and bar (272sqm). It is not proposed to provide any car parking onsite or use any on-street spaces.
- An agreement has been reached with two existing nearby car park owners that would cater for the car parking demands generated by the new hotel – 60 no. spaces at the Dungarvan Shopping Centre and 48 no. spaces at Dungarvan Town Centre Car Park.
- The Appeal includes letters from Decies Management Company Ltd (the owner and operator of Dungarvan Town Centre Car Park at Western Terrace) and Bannon Property Consultants (agents of behalf of Dungarvan Shopping Centre Car Park). The letters state that each car park would be available and able to accommodate the required amount of car parking envisaged by the proposed development.
- The results of a car park occupancy survey for both car parks, which was completed 24<sup>th</sup> – 27<sup>th</sup> July 2021, indicates there is sufficient capacity to cater for the proposed development and that peak demand is currently in the middle of the day (when the demand generated by the hotel would be less).
- The proposed development would require a total of 102 no. car parking spaces (66 no. for the hotel accommodation, 22 no. for the function room, and

14 no. for the bar, respectively), which is less than the total no. of car parking spaces proposed (108 no. spaces).

- Consideration must be given to dual usage of facilities, which would mean a reduced car parking demand overall. For example, a resident staying at the hotel and using the bar would not need two separate car parking spaces.
- The Development Plan does not make allowance for the proposed town centre location, which is highly accessible and should enjoy a reduced car parking standard.
- The Waterford Greenway is a prime opportunity to attract users of the Greenway to the hotel. In this regard, the revised Proposed Site Layout Plan submitted with the Appeal shows the number of cycle parking spaces has been significantly increased to 80 no. spaces (up from the 10 no. spaces that were proposed as part of the original application). The spaces are located near the vehicular access at Walsh Street within the western part of the site.
- It is submitted that there would also be other car parks available, for which formal agreements have not been secured, but that they would still be able to contribute to car parking generated by the development (for example, the nearby Shopping Centre multi-storey car park).
- If the Board are minded to grant permission, the Applicant, by way of a condition, could prepare a Car Parking Management Plan to cover the key aspects of identifying guest parking requirements at booking stage, methods to reduce car use, and a valet operation plan, etc.

## 6.2. Planning Authority Response

- None.

## 6.3. Observations

One observation was received from Michael Burke (C/O Lawlor's Hotel, Dungarvan). The main issues raised are as follows:

- The planning application should be considered invalid as a Right-of-Way has not been shown on the documentation submitted.
- Whilst the promotion of tourism is encouraged, there is concern that the proposed development may not be sustainable given its size and scale.
- There is already insufficient car parking in the town. The proposed development would worsen traffic problems.
- The submitted Mobility Management Plan (Figure 1) is misleading as it identifies an 'Existing Parking Area', which is not a public car park. The proposal makes no provision for car parking for either customers or staff.
- It is understood that Irish Water will not accept stormwater to discharge into their system and adjoining lands may need to take the surface water runoff from the proposed development.
- The proposed development is not in accordance with the relevant Development Plan policy to retain and protect the unique architectural heritage of Dungarvan.
- The proposed development would have a visual and structural impact on the curtilage of the Protected Structures in the vicinity of the site.
- There are also concerns regarding the proposed design, height, scale, bulk, finishes, and in relation to overshadowing.

## 7.0 Assessment

The main planning considerations relevant to this appeal case are:

- Scale, Height and Visual Impact
- Architectural Heritage
- Other Issues
- Appropriate Assessment



## 7.1. Scale, Height and Visual Impact

- 7.1.1. The Planning Authority's First Reason for Refusal is that the scale and height of the proposed development would be a visually dominant and discordant feature, which would be excessively domineering over a wide area, and that it would integrate poorly with the setting of the site, and surrounding vicinity, which is characterised by historic buildings and Protected Structures.
- 7.1.2. The proposed development consists of the demolition and clearance of all onsite structures, including the vacant 1970's commercial office building, and the construction of a new 1-9 storey over basement hotel. The hotel would comprise 66 no. bedrooms, a function room, exhibition area, dining room, bar, and ancillary plant and works.
- 7.1.3. The site is in a prominent location facing eastwards towards the causeway, the Duke of Devonshire Bridge, the Dungarvan Quays, and Harbour. The proposed development would be very visible from several approaches into the town centre, including from the N25 Roundabout to the north, and the R911 (Regional Road) to the east, and from the bridge, the causeway and mouth of the Colligan River. It would also be visible in part from the south, along T. F. Meagher Street, Grattan Square, and the town centre, generally. The Applicant states that it is their intention to design and develop a landmark building at this prominent location so that it can be a gateway building for Dungarvan. They have clearly stated that the intention is to deliver a prominent and tall structure, but one which is high-quality and in keeping with its surrounding environment.
- 7.1.4. The surrounding context of the site comprises buildings mainly ranging in height between 2 and 4 storeys. This includes The Old Bank (restaurant) and Áras Brúgha (hostel), which are Protected Structures and located to the south and north of the appeal site, respectively. A key consideration, therefore, should be to ensure that any redevelopment of the site employs a high-quality, sensitive design that is cognisant of the historic skyline and established character of the surrounding vicinity.
- 7.1.5. I note that the Council's Senior Architect, whilst on one hand was welcoming and appreciative of the considered design approach employed by the Applicant, ultimately deemed that the development would have a 'very imposing presence' and

result in a very abrupt transition in scale. They also stated that while good contemporary design is to be welcomed and encouraged, the development, were it to proceed, would clearly be highly visible for the town. The decision in essence, therefore, comes down to the appropriateness of the building height, massing, and appearance in this sensitive location.

7.1.6. I do not dispute that a building of this scale would be a significant intervention in the skyline of Dungarvan. It would likely be transformative in terms of the visual impact on the town. The intention is for it to read unashamedly as a standalone landmark building at a key gateway location for Dungarvan. I consider that generally the height of a proposed structure should not in itself render a proposed development unacceptable, particularly if the new building is of a sufficiently high-quality design. However, I note that the receiving environment in this instance is particularly sensitive. It is characterised by an existing historical urban grain and streetscape that makes a significant contribution to the character and attractiveness of Dungarvan town centre and its surrounds, and which must be carefully considered as part of this assessment.

7.1.7. In terms of assessing the proposed development against the criteria set out in the Building Height Guidelines, I would note the following:

- The Guidelines introduce a more flexible approach to building heights in urban locations. Policy SPPR1 states that it is government policy to support increased building height and density in locations with good public transport and accessibility, particularly in town/city cores.
- The site is centrally located within a short walking distance of the town centre, the main commercial shopping district, and Dungarvan Harbour and Quays. It is one of the most prominent and strategic-positioned sites in the town and is at the confluence of where three main roads meet, being T.F. Meagher Street from the south, the R911 Regional Road from the east, and Davitt's Quay (leading into Shandon Street) to the north.
- The site has good access to public transport, including bus services (Bus Éireann, Dublin Coach, and Local Link Waterford buses) and there are existing bus stops on Davitt's Quay near the site. The site is also a short

distance from the Dungarvan town centre, and the quays, and good quality pedestrian footpaths are in each direction.

- The site is close to the Dungarvan starting point for the Waterford Greenway, where users could potentially avail of the train links to Waterford City before travelling on bike to Dungarvan and back again.
- There is convenient access to the surrounding road network. The N25 (National Road) linking Dungarvan to Youghal to the southwest and Waterford to the northeast is approximately 500m to the north.
- The proposal is situated in an area of an emerging urban character that has the potential capacity to absorb a building that is taller than those adjoining the site. Recent refurbishment and restorative works have been completed on the Old Bank and Áras Brúgha buildings and there is an opportunity to contribute to placemaking through improving the public realm and streetscape.
- The Applicant has completed a Daylight and Sunlight Assessment, which confirms that the potential impact on adjoining residential properties, in terms of loss of daylight or sunlight, would be minimal to imperceptible. This includes the apartments west of Walsh Street, which are considered the main sensitive receptor in respect of the proposed development.
- A Flood Risk Assessment (FRA) has been undertaken and the development satisfies the criteria. The FRA confirms that the proposed development is a less vulnerable use and on a site designated as Flood Zone C, where there is no significant risk of pluvial or alluvial flooding.
- The receiving environment is characterised by historic buildings, Protected Structures, and its proximity to the historic core of Dungarvan town centre. It is, therefore, considered an architecturally sensitive area that has an important historical quality.

7.1.8. In conclusion, I reiterate that a landmark building should not be solely linked to height and that the Applicant has made a genuine attempt to justify the suitability of the site for a taller building considering the above. The need to secure more compact

growth in urban areas is referenced at both national and regional policy level, and increased building height is identified as a measure to achieve this. However, it is also acknowledged that there are constraints that need to be considered in assessing any proposal for a high building, including the protection of its surrounding historical environment, such as that of the adjoining Protected Structures and Dungarvan ACA. I propose to address these matters in the following sections.

- 7.1.9. To assess the design quality of the proposed development, I refer to the Architectural Design Statement submitted by the Applicant. The statement includes a series of initial sketches and massing model images that explain the evolution of the scheme design. The Old Bank and Áras Brúgha buildings are shown in context, next to the development proposed, and the design principles employed by the scheme architect have been informed by a clear rationale and well-considered site analysis. I note also that a supporting Architectural Heritage Impact Assessment (AHIA) and set of Photomontages have been prepared to further describe the potential impact that the proposed development would have on the receiving environment.
- 7.1.10. The main volume of the proposed development is 5 storeys while the tall component of the building would be 9 storeys, reaching an overall height of approximately 32m. I note also that the two lower floors have generous floor to ceiling heights, which potentially would equate to three typical floor levels. The proposed design seeks to address potential issues concerning visual impact, massing, and scale of development, by incorporating a series of design mechanisms and use of a varied and high-quality palette of materials and finishes.
- 7.1.11. The proposed development adopts an appearance that is made up of a series of different shaped building volumes comprising varying heights, setbacks, and orientation of elevations. The intention is to break-up the massing of the overall building and I consider that this has been carefully considered by the design team. The groundfloor elevation, facing eastwards towards Davitt's Quay, is setback from the street edge with the floors above creating a sheltered void area. This would, in effect, create a small urban space / entrance plaza that would be entered into before accessing the hotel. In my view, this would create a more comfortable street

environment and improve what is currently a poor street-to-building interface. This improvement to the public realm would also potentially benefit the adjacent Protected Structure to the south (The Old Bank, Restaurant), as it could allow for better views from the north and a wider space to appreciate the building and its setting.

- 7.1.12. The floors above have deep recesses and the style of fenestration using staggered windows of varying widths, heights, and sizes. This provides a good aesthetic quality, which is effective, in my view, of further reducing the overall massing of the proposed building. As submitted within the AHIA, there is a vertical emphasis to the elevation facing towards Davitt's Quay. The intention is deliver a deliberate contrast with the horizontal massing of the relatively low-lying Protected Structures that are to the north and south, respectively.
- 7.1.13. The height of the proposed development drops down to the rear of the site. The proposed 5<sup>th</sup> to 8<sup>th</sup> floors are well setback from the site's side boundaries and the building volumes facing the north and south elevations are much reduced in size and scale (see Viewpoint Nos. 1 and 2). It is further noted that the rear (western) section of the development is tucked in behind the taller (eastern) element of the proposal and would reduce its visibility from some vantage points. However, whilst the taller elements of the proposed building have been distributed in such a way that is cognisant of the adjacent Protected Structures – and particularly the Old Bank to the south – the development would still be overly dominant and result in an inappropriate and jarring jump up in scale. This is particularly the case, in my opinion, when inspecting Viewpoint Nos. 4, 5 and 8, where it is apparent the proposal would be very visually imposing and domineering.
- 7.1.14. The volume to the north, which also faces Davitt's Quay, steps down to a lower height (5 storeys with a terrace above). The gable end of the building facing northwards provides good variety in terms of its proposed finishes, in my view, and I note that a high-quality palette of materials has generally been selected (Viewpoint Nos. 4, 5 and 6). There is a general absence of render or lower grade materials and the primary finishes are a combination of stone cladding (limestone and sandstone), zinc for roofing, glazed windows and balustrades, and narrow taped eaves and finer soffit detailing. The transition in scale is to be welcomed. However, I do not

consider that there is a sufficient decrease in building height in this location either – particularly when considered against the backdrop of Áras Brúgha (Protected Structure) – that would allow for the proposal to avoid appearing as visually discordant in the streetscape. Rather, it would be detrimental to the distinctive architectural and historic character of the area.

- 7.1.15. The proposed west elevation also seeks to utilise good-quality materials and to provide design variety between elevational treatments. In my view, this variance in the external appearance would help to create a lighter aesthetic and assist in reducing the potential for any dominant massing or inappropriate changes in scale. The form of design and architectural treatment of the upper floors would also help reduce the potential for negative visual impact on the adjoining sites, including Protected Structures, and from further afield. Therefore, I consider that the appearance, scale, and massing of the proposed development from this perspective to less impactful and could potentially be deemed appropriate.
- 7.1.16. In relation to scale, massing, and volume of development, I note that tools such as plot ratio and site coverage can be used as part of a range of measures to assess the merits, or otherwise, of a particular development proposal. The Dungarvan Town Plan (Variation No. 1) states the maximum plot ratio for commercial/retail development is 1:2. The proposed development is seeking a GFA of 5,942sqm, approximately, which would equate to a plot ratio of 1:2.9 and, therefore, exceeds the maximum value.
- 7.1.17. The Plan also states that the maximum site coverage for such sites is 75%. The proposed building footprint has a stated area of 1,350sqm, approximately, which would equate to a site coverage of 67%. This means the proposal would be within the acceptable range for site coverage.
- 7.1.18. The Applicant accepts that the proposed development would exceed the envisaged plot ratio for the site. However, they submit that the particular characteristics that apply to the site, including its proximity to public transport services, should allow for a departure from this quantitative standard.
- 7.1.19. Notwithstanding this, I would note that the proposed plot ratio of 1:2.9 is significantly more than that which is envisaged for the site. The development proposed would

represent a major departure in terms of the scale and volume of development that is supported under the relevant statutory plan. In my opinion, the proposed plot ratio further serves to highlight that the development proposed would have an excessive height, volume and mass, particularly given its proposed 9-storey height within an area that is primarily characterised by buildings that are between 2 and 4 storeys.

7.1.20. In summary, I consider that, notwithstanding its high-quality design and contemporary appearance, the proposed development would result in an excessive form of development that would be overly dominant from a visual impact perspective and have a negative domineering presence over a wide area. I am not satisfied that the proposed development would integrate well into the setting of the site or enhance the character of its surrounding environment, which is characterised by historic buildings and Protected Structures.

7.1.21. I acknowledge that the Applicant has tried to address such issues through utilising a varied mix of high-spec materials and good quality design, so that there would be an appropriate contrast with the broader receiving environment. However, in my opinion, the proposal would still have a significant and unacceptable visual impact and be out of scale with its surrounding vicinity and would not be an appropriate form of development for the reasons outlined above.

#### Previous Refusal on the Site

7.1.22. I have reviewed the previous refusal on the site for the proposed demolition of all onsite buildings and construction of a new mixed-use development comprising 2 no. volumes (8 -10 and 6-storey blocks) over basement, including holiday let apartments, leisure centre, commercial units, car parking, and ancillary site works (ABP Ref. 303050-18).

7.1.23. I note that the Board refused permission for 2 no. reasons, including that the proposal would be a visually dominant and discordant feature in the townscape, integrate poorly within the context of the setting of the site and its receiving environment, and that it would be out of character with the established pattern of development in the vicinity of the site, which is characterised by historic landmark buildings that are Protected Structures.

- 7.1.24. In my opinion, the proposed development is an improvement compared with the previous proposal. The current scheme has sought to proactively address the previous reasons for refusal, and a genuine attempt has been made, in my opinion, to resolve the previous concerns through a better quality design response; one that is more cognisant of its sensitive receiving environment.
- 7.1.25. Under the current scheme, I note that the site has been split into smaller plot sizes and the proposed development would have a finer grain and pattern of development. The overall massing of the development has been reduced through the gradual setback of upper floors and the main height and massing of the proposal is positioned to the rear section of the site, which is a less sensitive interface.
- 7.1.26. The proposed development would have a generous separation distance between it and the adjoining Protected Structure to the south (The Old Bank), which was not present in the previous proposal. The opposing elevations to the north and south would also present as more visually and architecturally attractive, which is derived from the Applicant's decision to utilise good quality materials, and to employ staggered building heights and volumes of varying size, scale, and juxtaposition.
- 7.1.27. The proposal would also improve the existing public realm at street-level, in my opinion, and this would be achieved through the delivery of a generously sized entrance plaza at ground level positioned at the front of the building facing towards Davitt's Quay. I note that such public realm improvements were not included as part of the previous scheme, which was bland, and generally devoid of any streetscape improvements, in my view. The previous scheme's failure to enhance the public realm and that it would lead to poor quality frontage onto Walsh Street and were some of the reasons cited by the Board for refusing permission.
- 7.1.28. Despite these design improvements, however, the proposed development is still seeking a very largescale form of development that would be highly visible from many nearby and distant vantage points. It would appear as a discordant feature in the town and have an unacceptable and significant negative impact on the historic urban grain of the streetscape of Dungarvan.



## 7.2. Architectural Heritage

- 7.2.1. The Planning Authority's Second Reason for Refusal is that the proposed development would be out of character with the established pattern of development in the area, which is characterised by historic landmark buildings that are Protected Structures, including the Bank House (RPS No. DV740026) and Áras Brúgha (RPS No. DV740029). It was considered that the proposed development would detract from the character and setting of these buildings and wider ACA and Historic Town Core and would, therefore, contravene Development Plan Policy BH3 of the Dungarvan Town Development Plan (2012-2018), which seeks to protect structures which are of historic, architectural, artistic, or cultural interest, and Section 7.3.2 of the *Dungarvan Town Development Plan (2012-2018)*, which seeks to ensure that new development blends in harmoniously and is sited and designed sympathetically so as not to detract from its setting.
- 7.2.2. I note that Objective BH 1 also seeks to protect Dungarvan's built heritage and to encourage sensitive development or reuse of buildings to promote economic growth and regeneration, and that BH 8 seeks to encourage the sensitive redevelopment of vacant or derelict sites in the streetscape. The Architectural Heritage Guidelines also require development proposals to consider their potential impact on Protected Structures, including whether or not such structures are located inside or outside the site.
- 7.2.3. The prevailing character of the area is of two to four storey buildings with some 5 storey buildings. The proposed development would be primarily visible from the east, and to a lesser degree from the north and south. It would be partially shielded from view from the west, including from within the Dungarvan Shopping Centre precinct, and there would be less of an impact on Protected Structures from this location, in my opinion.
- 7.2.4. I note that the AHIA references the previous industrial buildings of the Old Glanbia Site (the former Waterford Creamery) to support the proposed height of the development. Whilst this industrial complex may have contained large buildings and structures, and I have no doubt it would have formed a significant visual landmark in the town, the buildings were removed many years ago and are no longer present on

skyline of the town. I would, therefore, question whether these buildings are relevant in the context of assessing appropriate height for the site as they are from a different and previous (industrial) era and are unlikely to have positively contributed, in design terms, to the streetscape or skyline of Dungarvan.

- 7.2.5. The development proposes a wide gap between it and the adjoining Protected Structure to the south (The Old Bank). This separation distance, together with the generous setback from the street edge, would help to reduce the visual impact of the proposed hotel on its setting and help to avoid having a detrimental impact on its character or special interest. The upper levels of the proposed hotel have also been stepped back at 5<sup>th</sup> floor level to provide an increased separation distance from Áras Brúgha to the north, which I consider is good design practice. However, I am not satisfied that the proposal, overall, represents a *sensitive* redevelopment of the site, as is required under Objective BH 8, particularly given the proximity of Protected Structures on either side of it. Rather, it is likely to be transformative in terms of the visual impact on the town and its skyline.
- 7.2.6. I further note that Section 7.3.2 of the Dungarvan Town Development Plan seeks to ensure that new development blends in *harmoniously* and is sited and designed sympathetically, so as not to detract from its setting. I note that 4 no. vistas and settings are referenced under the policy, including the approach to/from Grattan Square from Devonshire Bridge, the view from Abbeyside towards the castle and Quays, the view towards Abbeyside from the Quays, and the view towards Market House from the Square.
- 7.2.7. Some of the lower levels of the proposed development would be largely blocked from view by existing development around Grattan Square and the town centre, and, by extension, from some of the viewpoints within the ACA. This is evidenced by the photomontages submitted with the original application, including Viewpoint Nos. 9, 10 and 11.
- 7.2.8. However, there are many other views, particularly from the quays, harbour, Devonshire Bridge, from Abbeyside to the east and from outside the Council offices to the north that would have a direct and relatively unimpeded view of the proposed development. In many cases, the proposal would visibly dominate the skyline and

be in sharp contrast to the existing townscape. The building would likely have a serious adverse impact on the surrounding area due to its overall massing and scale, and would not, therefore, be consistent with Objective BH 8 of the Town Plan.

7.2.9. Longer views from the east, including from Abbeyside and the Causeway, are shown in Viewpoints 3, 7 and 8. Whilst existing buildings and vegetation would partially obscure these vistas, I acknowledge that the proposed development would generally be very prominent from these locations. I further note that the images appear to have been taken during the spring / summer months when the trees were in foliage. The vegetative screening provided at such times would be denser and thicker, than during the winter months, for example, when the trees would not be in full leaf (see Viewpoint No. 7).

7.2.10. In conclusion, and in my opinion, the setting, character and architectural quality of the historic town core, adjacent ACA and Protected Structures would be significantly impacted upon by the proposed development. There would be a very abrupt change in building height across the town, if the development were to proceed, which would be apparent from numerous vantage points both up close and from afar. This would include views referenced under Section 7.3.2 of the Town Plan, which is in relation to protected vistas and settings, and which requires new development to respect the existing character of its setting and blend in harmoniously.

7.2.11. I acknowledge the high-quality design response put forward by the Applicant. However, this would not be sufficient, in my view, to reconcile the significant visual impact that would be incurred by the surrounding area due to the proposal's excessive scale, form, height and volume, which I consider would be contrary to Objectives BH 1 and BH 8 and of the Town Plan, in my opinion.

### 7.3. **Other Issues**

#### Traffic and Car Parking

7.3.1. The third party observer submits that there is insufficient car parking in Dungarvan and that the proposed development will make this situation worse. It is also stated that the submitted Mobility Management Plan (Figure 1) is misleading as it identifies an 'Existing Parking Area', which is not a public car park.

- 7.3.2. I note also that the Planning Authority raised concerns in relation to traffic generation in that the proposal would provide no onsite car parking for either staff or patrons of the hotel. The Planning Authority stated that the proposed development should be required to satisfy the car parking demand onsite in order to avoid wider traffic problems occurring offsite and that this should be done as part of a revised application rather than through further information.
- 7.3.3. Section 6.0 of Variation 1 to the Dungarvan Town Plan requires development proposals to provide adequate provision for car parking arrangements. Standards outlined within Table 5.0 requires 1 no. car parking space per bedroom and 1 no. car parking space per 20sqm of net floor area for hotel bars, lounges, and function rooms. Consequently, the proposed development would attract in the region of 102 no. car parking spaces.
- 7.3.4. I note that the Advisory Note on Page 18 of the Variation states that the above car parking standards shall be applied at the discretion of Waterford City and County Council having regard to the availability and adequacy of on street parking, existing or proposed off street parking to serve the development, and the overall locational context of the proposed development.
- 7.3.5. The proposed development does not seek to utilise any onstreet car parking spaces. However, an argument is put forward by the Applicant stating that the appeal site is highly accessible, has an advantageous locational context, and that the development would benefit from spare capacity that is available in other car parks in the town [See Section 6 'Parking Strategy' of the Transport and Parking Assessment submitted as part of the original application, and the Parking Strategy Addendum included in the Appeal, as prepared by OCSC Consulting Engineers.]
- 7.3.6. The Applicant states that the proposed arrangement of utilising spaces from nearby car park facilities within the town centre is standard practise, and that it would be appropriate based on the recent car park survey undertaken – the results of which were submitted as part of the 'Parking Strategy Addendum Report'.
- 7.3.7. The submission includes letters from the owner and operator of 'Dungarvan Town Centre Car Park' at Western Terrace and Bannon Property Consultants who are agents for 'Dungarvan Shopping Centre Car Park'. It is stated that the car parks

would provide 60 no. spaces and 48 no. spaces, respectively. Therefore, there would be a total of 108 car parking made available to the proposed development within approximately 400m of the appeal site (c. 5 min walk).

- 7.3.8. I note that the amount of cycle parking provision has been increased under the revised information submitted as part of the appeal. There are now 80 no. spaces proposed, which is an increase from the 10 no. spaces proposed under the original application. The spaces are external to the building, however, at the rear (west) part of the site. They are not housed within a dedicated storage / parking facility, which would be preferable in terms of providing better security, convenience, and shelter.
- 7.3.9. The Applicant has submitted a Mobility Management Plan and offered to complete a Car Parking Management Plan, the latter of which would cover aspects concerning the identification of guest parking requirements at booking stage, methods to reduce car use, a valet car parking system, etc., I consider this would be beneficial and should be required under condition if the Board are minded to grant permission for the proposed development.
- 7.3.10. In summary, a proposed reduction in car parking provision, including the use of nearby privately owned car parks to address car parking deficit, may not be uncommon in certain inner-urban contexts. However, I am not satisfied that the proposed zero provision of car parking – with no car parking at all for staff, visitors, or residents of the hotel – would not lead to wider traffic management issues arising.

#### Archaeology

- 7.3.11. I note that the Archaeological Impact Assessment is a desktop study only and that the Applicant did not complete any test trenching to inform their findings. The Applicant references previous archaeological monitoring that took place in the area and no archaeological features were encountered.
- 7.3.12. Whilst this is acknowledged, I note that the site falls within a designated Area of Archaeological Potential. Therefore, there is the potential for archaeological artefacts and remains to be encountered onsite. It is recommended that test trenching be carried out by a licenced archaeologist and that this be required by condition as part of any Decision to Grant Permission for the proposed development.

### Engineering Services

- 7.3.13. The observer states that it is understood that Irish Water will not accept stormwater to discharge into their system and adjoining lands may need to take the surface water runoff from the proposed development. In this regard, I note that the Applicant submitted a Pre-Connection Enquiry to Irish Water (IW) and that they received a response on 3<sup>rd</sup> December 2020.
- 7.3.14. The IW Response confirms that there is existing capacity within their networks that could accommodate new water and wastewater connections to serve the proposed development.

### Noise

- 7.3.15. I note that the Environment Section recommended that a noise impact assessment be completed for the proposed development and to provide details of the mechanical equipment that might generate noise or odour, particularly kitchen extract systems. I consider that this can be adequately dealt with via condition.

### Sunlight and Daylight

- 7.3.16. The Applicant submitted a Daylight and Sunlight Assessment, prepared by Digital Dimensions. In conducting the assessment, reference was made to the BRE Guide 'Site Layout Planning for Daylight and Sunlight (Second Edition)' and BS 820-2 2008 – 'Lighting for Buildings - Part 2 - Code of Practice for Daylighting'.
- 7.3.17. The assessment concluded that the potential impact on adjoining residential properties in terms of loss of daylight or sunlight would be 'minimal to imperceptible'.
- 7.3.18. In relation to daylight impact on existing surrounding residential buildings, the report found that the vertical sky component (VSC) values for residential properties affected would not drop below 80% of their former value, which is the required test. The main windows and bedrooms would remain well in excess of the minimum recommended target values.
- 7.3.19. In relation to sunlight, the report found that the proposed development would also exceed the minimum target values set out by the guidance.
- 7.3.20. There is no amenity space in the vicinity of the subject site.

### Drawing Inaccuracies (Right-of-Way)

- 7.3.21. The observer notes that there are certain inaccuracies in the plans and drawings submitted as part of the original planning application. Specifically, it is stated that a legal right-of-way at the south part of the site has been omitted and that this should have resulted in the application being invalidated. The RoW was referenced in the previous application (Reg. Ref. 18/47) and is the subject of an ongoing legal dispute.
- 7.3.22. In terms of this alleged irregularity in relation to the documentation and information submitted by the Applicant, I note that the Planning Authority did not raise any concern with this. Furthermore, it did not prevent the concerned party from making representations. The legal status of the RoW is a civil matter to be resolved between the relevant parties and the above represents my consideration of the planning issues that are relevant to the proposed development.
- 7.3.23. Regarding the legal status of the right-of-way in question, I would note the provisions of Section 34(13) of Planning and Development Act, 2000 (as amended) relating to 'Permission for Development', which states that 'a person shall not be entitled solely by reason of a permission under this section to carry out any development'. Therefore, in the event permission is granted, there may be other legal considerations that apply, which the landowner may need to address outside of the planning system.

### **7.4. Appropriate Assessment**

- 7.4.1. The subject site is not located within or adjacent to any Natura 2000 sites. However, I note that Dungarvan Harbour SPA (Site Code: 004032) is approximately 45m to the east. The features of interest for Dungarvan Harbour SPA are extensive and the conservation objectives relate to maintaining their conservation condition.
- 7.4.2. The proposal is for the full redevelopment of the site, which includes the demolition of the existing commercial office building. It would be served by the public water mains system and connected to public sewerage. I note that there is correspondence on file from Irish Water, post receipt of the Applicant's Pre-Connection Enquiry, confirming there is capacity available for new water and wastewater connections to serve the proposed development. I also note that the Planning Authority completed

an AA screening and found that significant impacts on Natura 2000 sites can be ruled out and that no further assessment would be required.

- 7.4.3. The site is bound to the east by public roads, being Davitt's Quay and T.F. Meagher Street, and there are existing buildings to the northeast and southeast that are closer to the harbour than the subject site. There would be no direct hydrological connection between the proposed development and Dungarvan Harbour SPA.
- 7.4.4. I also note that as the site is brownfield, does not form a suitable habitat for the listed species, and given its physical separation from watercourses or absence of any obvious feeding grounds, it does not form a suitable habitat for the various qualifying interests.
- 7.4.5. Therefore, having regard to the nature of the proposed development, which is for a hotel development and ancillary works, located within an urban and serviced area, and the distance from the nearest European site, no Appropriate Assessment issues arise. Therefore, 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 planning permission be refused for the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

Having regard to the existing character and the prevailing pattern of development, the location and setting of the site, which is characterised by its proximity to historic buildings, an adjoining Architectural Conservation Area, and Protected Structures, including the Bank House (RPS No. DV740026) and Áras Brúgha (RPS No. DV740029), it is considered that the proposed development, by reason of its overall scale, height, massing and design, would be out of scale with its surroundings, would seriously detract from the architectural character and setting of the surrounding vicinity and of the streetscape generally. The proposed development



would, therefore, seriously detract from the architectural heritage and visual amenities of the area, and contravene Objectives BH 1, BH 3, BH 8 and Section 7.3.2 of the Dungarvan Town Development Plan 2012-2018 (as amended).

The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Ian Boyle  
Planning Inspector

16<sup>th</sup> March 2022