



An
Bord
Pleanála

Inspector's Report ABP-314348-22

Development	Extension to Public House comprising of 17 no. bedrooms to rear of existing building.
Location	The Horse & Hound Public House, Convent Road, Delgany, Co. Wicklow.
Planning Authority	Wicklow County Council.
Planning Authority Reg. Ref.	21/1488
Applicant	Coconut Point Ltd.
Type of Application	Permission & Retention Permission.
Planning Authority Decision	Grant Permission & Retention Permission.
Type of Appeal	Third Party v Grant of Permission & Retention Permission.
Appellant(s)	<ol style="list-style-type: none">1. John Brangan.2. Valerie Calder.3. Kathy Keating.4. Hunters Brook Management Company CLG.5. Shaun Ryan and Olga Kilkenny.
Observer(s)	None.

Date of Site Inspection

30/05/2023

Inspector

Enda Duignan

1.0 Site Location and Description

- 1.1.** The address of the appeal site is The Horse & Hound Public House, Convent Road, Delgany, Co. Wicklow. The existing premises is located within the village centre of Delgany, on the eastern side of Convent Road and opposite the junction of Convent Road and Bellevue Lane. The double storey public house also includes guest house accommodation with a total of 10 no. bedrooms. The premises is served by an outdoor terrace to the rear. Vehicular access to the site is provided by an existing entrance at the southern end of the boundary to Convent Road which leads to a surface level car parking area to the rear of the site. The appeal site has a stated area of c. 0.19ha.
- 1.2.** In terms of the site surrounds, the site is bound by the residential developments of Convent Court and Wyndham Court to the north and Hunter's Brook to the south. To the west of the site, on the opposite side of Convent Road is Bellevue Lawn. To the south of the site, adjoining the public road on Convent Road is an existing delicatessen/café.

2.0 Proposed Development

- 2.1.** The proposed development seeks planning permission for the extension of the existing public house and guest house to provide an additional 17 no. new guest bedrooms. The guest bedrooms are to be located within a double storey building to the rear of the premises at the location of the existing surface level car park. The proposed extension has a contemporary architectural expression with a flat roof form and is sited adjacent to the northern and eastern site boundaries. The building has a maximum height of c. 7.2m above natural ground level and materials and finishes comprise a combination of brick, cedar cladding (black) and render for the principal elevations. A new stairs on the eastern side of the existing public house will provide a direct connection to the first floor level of the proposed extension.
- 2.2.** The development will be served by a surface level car parking area which is to be located on the southern side of the proposed building and will be accessed via the existing accessway which runs along the site's southern boundary. The surface level car parking area will accommodate a total of 24 no. car parking spaces. The proposal also includes the introduction of a new traffic management system.

2.3. The proposal includes internal alterations of the existing building, comprising the conversion of the first floor kitchen/dining room to provide 2 no. additional guest bedrooms. Retention permission is also sought for 3 no. guest bedrooms within the existing guest house, all of which are all located at first floor level.

2.4. The proposed development was modified at additional information stage through the omission of 2 no. guest bedrooms and the increase in the quantum of on-site car parking.

3.0 Planning Authority Decision

3.1. Decision

Wicklow County Council granted planning permission & retention permission subject to compliance with 9 no. standard conditions.

Conditions of note included:

Condition No. 4 requires the Applicant to submit a Construction Management Plan prior to the commencement of development.

Condition No. 5 requires the Applicant to submit a revised proposals for the shared surface area and details with respect to refuse and delivery arrangements.

Condition No. 9 requires the installation of a 1.8m high opaque glazed screen on the stairway at the eastern end of the proposed extension.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Wicklow County Council Planning Reports forms the basis of the decision. The First Planning Report provides a summary of the site's planning history, an overview of the policy that is applicable to the development proposal and a description of the site and proposed development. The report also summaries the observations on the planning file.

In terms of the assessment of the application, the Planning Authority had regard to the zoning of the site and deemed the principle of the proposed development to be generally acceptable. Further information was requested with respect to the following matters:

- Requirement for a daylight/sunlight assessment to assess the potential impact on the property to the east of the appeal site.
- The submission of a detailed planning report which:
 - o Identifies and assesses the potential impacts of the proposed works in terms of overbearing impacts on the adjoining properties to the east and how these impacts could be eliminated or mitigated through the design process.
 - o Outlines the design principles behind the proposed eastern elevation having regard to the proposed finish.
- Clarification as to how the northern elevation of the proposed extension is to be maintained in the long term having regard to the limited separation distance from the northern boundary.
- In terms of access and car parking, further detail with respect to site access, the proposed shared access arrangement and the current and proposed refuse and delivery arrangements.
- In terms of drainage, the requirement to provide soil investigations in accordance with BRE 365 and a detailed design for the proposed works and overflow connections.
- Revised proposals which incorporate nature-based SUDS proposals within the car park area.
- A review of the existing stormwater arrangement for the existing building, and improvements to same to be incorporated in the overall design.

Following the submission of additional information and amendments to the design of the proposed development, the proposal was deemed to be acceptable, and the Planning Authority recommended a grant of planning permission subject to compliance with 9 no. conditions. The proposed development was modified by omitting

2 no. bedrooms from the eastern end of the development and increasing the quantum of car parking.

3.2.2. Other Technical Reports

Municipal District Engineer: Initial report received requesting additional information with respect to drainage and transport/access related matters. Second report on file recommending a clarification of further information on particular matters (see assessment for further detail).

Fire Service: Report received recommending conditions.

Roads: Initial report received requesting additional information with respect to transport/access related matters.

3.2.3. Prescribed Bodies

Irish Water: Report received stating no objection subject to conditions.

3.2.4. Third Party Observations

A total of 19 no. observations were originally received by Third Parties. A summary of a matters raised in the observations are detailed as follows:

- The proposed development fails to overcome the previous grounds for refusal.
- Concerns raised with respect to the scale and height of the development which is considered to be out of sync with the size of the village overall.
- The height of the proposed development is considered to be excessive.
- Concerns raised with respect to the potential for overshadowing and loss of daylight within the properties surrounding the appeal site as a result of the height of the proposed development. Concerns are highlighted that the lack of sunshine in the gardens of adjoining properties could have a detrimental impact on residents.
- Concerns highlighted with respect to the materials and finishes of the proposed development.
- The proposed development is considered to be visually overbearing, and concerns are raised with respect to the visual impact of the proposed

development when viewed from adjoining properties.

- Concerns highlighted with respect to overlooking from the proposed development which will compromise the residential amenity of adjoining properties.
- Concerns that the occupants of the proposed guestrooms will congregate and socialise within the balconies and external access corridors.
- Concerns are highlighted with respect to the potential impact of the proposed development on the architectural character of the village, given the site's location within an Architectural Conservation Area.
- It is considered that the development would create unsustainable traffic congestion that cannot be remedied as there is no option to widen the main road of the village.
- It is highlighted that there has been significant residential development within the surrounding area which does not appear to have been taken into account in the submitted traffic study.
- The proposal would result in the introduction of a new level of noise pollution to the village, especially from the elevated outdoor platform. Noise concerns were also highlighted with respect to ventilation and plant.
- Concerns are raised with respect to access to the appeal side from Convent Road which is currently restricted due to its width and alignment. The proposal therefore represents a traffic hazard. Concerns raised with respect to deliveries to the premises as it is stated that there is no possibility of any delivery vehicle larger than a standard car being able to access the existing entrance.
- It is considered that a stop-go or lights system is not a suitable option.
- Concerns highlighted with respect to waste management given the constrained nature of the site.
- Concerns raised with respect to the insufficient level of car parking proposed which does not comply with the requirements of the County Development Plan and will result in on street car parking pressures.
- Concerns are raised regarding the ability of emergency vehicles accessing the site.
- Concerns highlighted with respect to the construction phase of the development and it is considered that this will lead to very dangerous and unsafe measures

for pedestrians in the village.

- Concerns are highlighted with respect to the adequacy of the traffic flow study submitted as part of the application.
- It is disputed that the village is well served by public transport as contended by the Applicant.
- Concerns that the Planning Authority have not published the application on their mapping system.
- The proposed development will have a negative impact on the value of properties within the surrounds of the site.
- Proposed development may exacerbate sewerage and drainage blockages in the adjoining estate.
- Concerns highlighted with respect to flooding.
- Concerns highlighted with respect to inaccuracies in the application documentation. It is argued that there are substantial grounds for invalidation given noncompliance with the Planning and Development Regulations, 2001 (as amended).

Following the submission of additional information, a further 6 no. submissions were received. The matters raised in the further submissions can be summarised as follows:

- The revised plans will still have a significant overbearing impact on adjoining properties.
- Continued concerns with respect to overlooking from the proposed development, overshadowing impacts and loss of light.
- Continued concerns raised with respect to traffic congestion.
- The proposed development will represent a significant traffic hazard at the entrance to the site.
- Concerns raised with respect to the proximity of the proposed development to adjoining properties and the potential impact of the development and the foundations of these properties.
- The proposed development will result in increased on-street car parking pressures.
- Concerns highlighted with respect to noise impacts from the operation of the proposed development.

4.0 Planning History

21/196: Planning permission refused by the Planning Authority for:

1. The provision of a new rear 3-storey hotel block, comprising 27 bedrooms over lower ground floor carpark, including provision for stairwells, lift and reception area.
2. Permission sought to extend the existing rear patio area to form lower ground level carpark and upper ground floor deck with provision for access to existing bedrooms, new bedrooms, public house and restaurant.
3. Alterations to existing bedroom no. 28.
4. Conversion of existing 1st floor kitchen/dining room to 2 en-suite bedrooms 5A and 6A.
5. Retention permission for existing first floor en-suite bedrooms 2A to 4A.
6. Provision also sought for one way traffic and pedestrian access off the current carpark entrance together with EXIT access for traffic via Hunters Brook Estate.
7. All necessary foul, mains and surface water connections and all public services.
8. All ancillary works to facilitate the above-mentioned proposals.

The application was refused for the following 2 no. reasons:

1. The proposed development would contravene the development and design standards of the County Development Plan because the quantum of car parking spaces proposed for this scheme falls significantly below the standards set out in the County Development Plan 2016-2022 because the applicant has failed to adequately justify a relaxation of this standard.

To allow this development to proceed in the absence of adequate car parking would be contrary to the amenities of future occupants and to the proper planning and sustainable development.

2. Having regard to:
 - a. The proposed one-way traffic system which will result in commercial traffic being diverted through the residential cul-de-sac of Hunters Brook, which would significantly alter the character Hunters Brook.

- b. The height and scale of the proposed extension, its proximity to adjoining residential properties in both Wyndham Court and Hunters Brook and its potential impact on same in terms of overbearing and loss of light/overshadowing.
- c. The design of the extension which incorporates a number of large blank facades which fail to adequately address and contribute to the adjoining public areas within the residential developments of Convent Road and Hunters Brook.
- d. The nature, scale and design of the proposed raise podium, its proximity to adjoining properties and the failure of the applicants to demonstrate that this aspect of the proposed development would not have a significant negative impact upon the existing residential amenities of adjoining properties particularly in terms of noise and nuisance.

It is considered that the development as proposed has the potential to have a serious negative impact upon the amenities of the area and the residential amenities of adjoining properties. The proposed development would therefore be contrary to proper planning and sustainable development.

18/1106 (ABP-303304-18): Planning permission refused by the Planning Authority and the Board for the construction of a 8.5m high flagpole replica telecommunications support structure to internally house antenna at the rear gable end of the Horse and Hound. The development also included the erection of 1 no transmission dish at the roof level including radio units, together with associated ground equipment cabinets and associated site works.

The application was refused for the following 1 no. reason:

- The proposed development, by reason of its design, height and location set within the Delgany Village Architectural Conservation Area would form a visually intrusive feature which would adversely impact upon the character of the Delgany Village Architectural Conservation Area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

13/8245: Planning permission granted by the Planning Authority in June 2013 for:

- a. Incorporate existing parking area into existing retail and remove dividing wall to form one larger retail unit with a total floor area of 137 sqm.
- b. New rear extension of 47.6 sqm.
- c. Provide new larger private open spaces on the roof of the proposed new extension to serve the existing 2 no first floor apartments.
- d. Change of use for the overall unit and extension from retail to a traditional wood fired clay oven pizzeria restaurant including takeaway and wine bar.
- e. Revise the layout of the existing car park to the rear of the Horse and Hound Public House and use this car parking to facilitate this proposed development and existing public house together with all necessary ancillary works to facilitate this development.

95/2572: Planning permission granted by the Planning Authority for the demolition of existing house and outbuildings and provision of 20 no. two storey apartments.

5.0 Policy and Context

5.1. Wicklow County Development Plan (CDP), 2022-2028.

The Wicklow Dublin County Development Plan (CDP), 2022-2028 came into effect on 23rd October 2022 and after the decision of the Planning Authority to grant permission for the development proposal. Under the current CDP, the appeal site is located within a Level 3 (Self Sustaining Town) settlement of Greystones/Delgany.

Given the location of the appeal site relative to existing residential zoned land, CPO 6.26 (Protection of Residential Amenity in Transitional Areas) is relevant to the consideration of the appeal and notes that 'While the zoning objectives indicate the different uses permitted in principle in each zone it is important to avoid abrupt transitions in scale and use at the boundary of adjoining land use zones. In these areas it is necessary to avoid developments that would be detrimental to amenity. In zones abutting residential areas, particular attention will be paid to the use, scale, density and appearance of development proposals and to landscaping and screening proposals in order to protect the amenities of residential properties.'

The Appeal site is located within the Delgany Village Architectural Conservation Area. Objectives relevant to the development proposal include:

- **CPO 8.21** Within Architectural Conservation Areas, all those buildings, spaces, archaeological sites, trees, street furniture, views and other aspects of the environment which form an essential part of their character, as set out in their character appraisals, shall be considered for protection. The repair and refurbishment of existing buildings within the ACA will be favoured over demolition/new build in so far as practicable.
- **CPO 8.22** The design of any development in Architectural Conservation Areas, including any changes of use of an existing building, should preserve and / or enhance the character and appearance of the Architectural Conservation Area as a whole. Schemes for the conservation and enhancement of the character and appearance of Architectural Conservation Areas will be promoted. In consideration of applications for new buildings, alterations and extensions affecting Architectural Conservation Areas, the following principles will apply:
 - o Proposals will only be considered where they positively enhance the character of the ACA.
 - o The siting of new buildings should, where appropriate retain the existing street building line.
 - o The mass of the new building should be in scale and harmony with the adjoining buildings, and the area as a whole, and the proportions of its parts should relate to each other, and to the adjoining buildings.
 - o Architectural details on buildings of high architectural value should be retained wherever possible. Original features, which are important to a building's character such as window type, materials, detailing, chimneys, entrances and boundary walls, both within and outside the architectural conservation area, should be retained where possible.
 - o A high standard of shopfront design relating sympathetically to the character of the building and the surrounding area will be required.
 - o The materials used should be appropriate to the character of the area. Planning applications in ACAs should be in the form of detailed proposals, incorporating full elevational treatment and colours and materials to be used.

- Where modern architecture is proposed within an ACA, the application should provide details (drawings and/or written detail) on how the proposal contributes to, or does not detract from, the attributes of the ACA.

Chapter 11 of the current CDP relates to 'Tourism & Recreation' and is relevant to the development proposal. The policies of note include:

- CPO 11.1 To promote, encourage and facilitate the development of the tourism and recreation sectors in a sustainable manner.
- CPO 11.2 To ensure that all tourism and recreation developments are designed to the highest quality and standards.
- CPO 11.3 To generally require tourism and recreation related developments to locate within existing towns and villages, except where the nature of the activity proposed renders this unfeasible or undesirable. Within existing towns and villages, the Planning Authority will promote and facilitate the development of tourist related uses at appropriate sites. In all cases, the applicant must submit a robust assessment setting out the sustainability of any proposal with respect to economic, environmental and social sustainability, as defined herein.
- CPO 11.10 To facilitate the development of a variety of quality accommodation types, at various locations, throughout the County.
- CPO 11.11 To positively consider the development of new hotels in all parts of the County, with particular preference for locations in larger settlements (Levels 1-6 of the County settlement hierarchy).
- CPO 11.13 To require new holiday home / self-catering developments to locate within either established settlements or at established tourism / recreation facilities, other than those developments involving the renovation / conversion of existing buildings.

Relevant Appendices

- Appendix 1: Development and Design Standards.

In terms of Overnight accommodation, Section 5.2 notes that the Applications will be considered on the basis of the particular characteristics of the proposed scheme.

Proposals that have a detrimental impact on the amenity, character and environmental quality of the area will not be permitted. In this regard, the Planning Authority will have regard to the following matters in the evaluation of planning applications for accommodation:

- Compliance with Objectives 11.10 – 11.19 of the County Development Plan (Chapter 11)
- The size, scale, design and nature of the accommodation;
- The availability of existing accommodation facilities in the vicinity;
- The standard of accommodation for the intended occupiers of the premises (including indoor and outdoor space and amenity requirements, noise insulation, parking provision, access, etc.)

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

Adequate information will be required to be submitted to satisfy the Planning Authority that the design, size and nature of a proposed facility are such that no doubt exists regarding the intended use of the facility as tourist accommodation. In particular, the Planning Authority shall be satisfied that the development is to be retained for visitor accommodation use and will not be used for long term, permanent residential use or other non-tourist use.

5.2. Greystones-Delgany & Kilcoole Local Area Plan (LAP), 2013-2019.

Under the LAP, the appeal site is located on lands zoned VC (Village Centre), the objective of which is 'To protect, provide for, and improve a mix of village centre services and facilities, which provide for the day-to-day needs of the local community.'

In terms of tourism, Objective TOUR4 is relevant to the consideration of this appeal and seeks 'To improve tourist accommodation offer within this area and in particular to facilitate the development of a hotel in the plan area, particularly within the settlement of Greystones/Delgany.'

Given the location of the site within the Delgany Village Centre, Policy RT8 is relevant in this instance and seeks 'To provide for the development of a mix of uses within Delgany village centre, which provide for the day-to-day needs of its local community, including local retail, service and commercial outlets and leisure and community facilities, to a degree that is akin to its designation as a Level 4 Centre'.

In terms of the site's location within the Delgany Village Architectural Conservation Area, Objective HER12 shall be considered within this assessment, the objective of which seeks to preserve the character of Architectural Conservation Area's (ACAs), in accordance with Appendix B. It is stated that the following objectives shall apply to ACAs:

- Development will be controlled in order to protect, safeguard and enhance the special character and environmental quality of ACAs.
- The buildings, spaces, archaeological sites, trees, views and other aspects of the environment that form an essential part of the character of an ACA will be protected.
- The design of any development in an ACA, including any changes of use of an existing building, shall preserve and/or enhance the character and appearance of the ACA as a whole.
- Schemes for the conservation and enhancement of the character and appearance of an ACA will be promoted.
- The character and appearance of the urban public domain within an ACA shall be protected and enhanced. The Council will seek to work in partnership with local community and business groups to implement environmental improvements within ACAs.
- Within the Church Road ACA, alterations to the front boundaries to accommodate off-street car parking, will not normally be permitted.
- Historic items of street furniture and paving within ACAs shall be retained, restored and repaired.
- All electricity, telephone and television cables within ACAs shall be placed underground where possible.
- The placing of satellite dishes, television aerials, solar panels, telecommunications antennae and alarm boxes on front elevations or above the ridge lines of buildings

or structures will generally be discouraged within Architectural Conservation Areas, except where the character of the ACA is not compromised.

V2 View looking southwards is located adjacent to the at the 'Horse and Hound' in Delgany Village towards Drummin Hill.

5.3. Natural Heritage Designations

The nearest designated site is the Glen of the Downs Special Area of Conservation (SAC) (Site Code: 0007719), located c. 800m to the south-west of the appeal site. The 'Proposed Natural Heritage Area: Glen of the Downs' is also located to the south-west of the site.

5.4. EIA Screening

Having regard to the nature and scale the proposal which consists of an extension of a guest house/hotel accommodation within an urban and serviced location, there is no real likelihood of significant effects on the environment arising from the proposed development and the development to be retained. 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

6.1.1. A total of five (5) no. separate Third Party appeals have been submitted by:

- John Brangan.
- Valerie Calder.
- Kathy Keating.
- Hunters Brook Management Company CLG.
- Shaun Ryan and Olga Kilkenny.

6.1.2. For convenience these are grouped together as similar issues/concerns are raised. The grounds of appeal can be summarised as follows:

- The proposed development fails to overcome the previous reason for refusal.

- Concerns raised with respect to the insufficient level of car parking provided within the development which will result in additional car parking pressures in the surrounding street network. Concerns are also highlighted that measurements have not been provided for the car parking spaces so it is unclear whether the figures provided by the Applicant are accurate. Concerns are also highlighted with respect to electric charging terminals and the lack of clarity on the submitted documentation.
- It is contended that onsite car parking provision fails to comply with the quantitative requirements of the County Development Plan. The Applicant is also relying on the standards of the draft County Development Plan.
- Concerns raised with respect to how delivery trucks and lorries can access the site.
- Concerns highlighted in terms of the lack of detail included within the submitted Traffic Impact Assessment and the adequacy of the traffic surveys which are considered to be outdated. Concerns are also highlighted that the cumulative impact of recently constructed residential developments has not been considered.
- Concerns raised with respect to additional traffic generated by the proposed development and the proposal represents a traffic hazard.
- Noise related concerns associated with the proposed development which will compromise the residential amenity of properties within the surrounds. Concerns are also highlighted with respect to the location of the external terrace relative to the adjoining properties. It is stated that the conditioned screening will not address these concerns.
- Concerns raised with respect to noise, vibration and dust related impacts associated with the construction phase of the proposed development. The application should have been accompanied by a Noise Impact Assessment.
- Concerns highlighted with regard to the impact of the proposed development on the structural integrity of the existing boundary walls.
- Concerns raised with respect to the visual impact of the proposed development when viewed from the surrounding properties given its overbearing form.
- Concerns raised with respect to additional overshadowing caused by the proposed development.
- Concerns are highlighted that the shadow analysis does not show the impact

during the march equinox.

- Concerns raised with respect to the proximity of the proposed development to neighbouring properties.
- The changes to the design of the development at additional information stage do not address the appellant's concerns with respect to the visually overbearing nature of the development.
- Concerns raised with respect to overlooking from the proposed development which will impact the residential amenity of neighbouring properties.
- The proposal will negatively impact the value of properties within the surrounds.
- Drainage related concerns associated with the proposed development.
- Proposed development may exacerbate sewerage and drainage blockages in the adjoining estate.
- Concerns with respect to the lack of levels, dimensions and measurements on the submitted plans and elevations which is contrary to the requirements of Planning and Development Regulations, 2001 (as amended).
- The proposed development represents an overdevelopment of the subject site.
- Concerns raised with respect to the lack of landscaping proposals for the proposed development.
- Concerns are highlighted that the proposed development will have an adverse impact on the character of the village ACA.
- Concerns highlighted with respect to works already carried out by the Applicant without the benefit of planning permission.

6.2. Planning Authority Response

None.

6.3. First Party Response

A response has been received from the Applicant dated 12th September 2022 which notes that the concerns raised by the Planning Authority have been adequately addressed in the further information response. The Board is requested to uphold the decision to grant permission.

6.4. Observations

None.

6.5. Further Responses

None sought.

7.0 Assessment

The main issues are those raised in the grounds of appeal and the Planning Report, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. On the basis of the foregoing, the items to be addressed within this assessment will be considered under the following headings:

- Principle of Development.
- Residential Amenity
- Visual Impact & Built Heritage
- Traffic, Car Parking & Drainage.
- Appropriate Assessment

7.1. Principle of Development

- 7.1.1. The proposed development seeks planning permission and retention permission for the extension of the existing public house and guest house to provide additional guest bedrooms. The proposed extension is a standalone structure which is to be located to the rear of premises within the existing surface level car park. The appeal site is located within the centre of Delgany village, on lands zoned VC (Village Centre) under the Greystones-Delgany & Kilcoole Local Area Plan (LAP), 2013-2019. The objective of VC zoned lands is 'To protect, provide for, and improve a mix of village centre services and facilities, which provide for the day-to-day needs of the local community'. The LAP indicates that uses such as hotels or guest houses are generally appropriate for village centres and I note that there is policy support for development of this nature within the LAP and the current CDP. Objective TOUR4 of the LAP seeks 'To improve tourist accommodation offer within this area and in particular to facilitate the development of a hotel in the plan area, particularly within the settlement of Greystones/Delgany.' In addition, CPO 11.11 of the current CDP seeks 'To positively consider the development of new hotels in all parts of the County, with particular

preference for locations in larger settlements (Levels 1-6 of the County settlement hierarchy). Having regard to the location of the appeal site, the applicable zoning objective and the policy support for developments of this nature, I am satisfied that the principle of development is acceptable at this location and the proposal can represent a more sustainable use of this underutilised village centre site.

7.2. Residential Amenity

- 7.2.1. Whilst I am satisfied that the principle of development is acceptable at this location, I note the site is located within a transitional area, whereby the site has a northern, southern and eastern abuttal to established residential areas which are subject to an RE (Existing Residential) zoning under the LAP. CPO 6.26 (Protection of Residential Amenity in Transitional Areas) of the current CDP is therefore relevant to the consideration of the appeal and notes that while the zoning objectives indicate the different uses permitted in principle in each zone, it is important to avoid abrupt transitions in scale and use at the boundary of adjoining land use zones. In these areas it is necessary to avoid developments that would be detrimental to amenity. And the policy states that in zones abutting residential areas, particular attention will be paid to the use, scale, density and appearance of development proposals and to landscaping and screening proposals in order to protect the amenities of residential properties.
- 7.2.2. The Third Party appellants have raised significant concerns with respect to the overall scale, height and form of the proposed development. It is contended that the proposed development would adversely impact the amenity of the established residential properties within the site's vicinity by reasons of overshadowing, overlooking, associated noise impacts and by being visually overbearing. The appeal site is bound to the south and east by the residential area of Hunter's Brook. Hunter's Brook is a cul-de-sac which connects to Convent Road to the west and dwellings within the estate are orientated to the north, west and south along the internal access road. The proposed development was amended at additional information and now comprises a double storey building with a linear form which is located within the northern portion of the site and positioned proximate to the northern and eastern site boundaries. The building has a total length of c. 33.5m and is set back c. 2.4m from its eastern boundary

and a minimum of c. 15m from its southern boundary which it shares with the properties within Hunter's Brook. The building has a flat roof form and a maximum height of c. 7.2m above natural ground level. Although the first floor level guest bedrooms are accessed via an external walkway (southern side), I note the setbacks provided from the southern site boundary and the orientation of the site and that of the nearby dwellings (i.e. north facing with their principal amenity areas to the south). In this regard, I am satisfied that the proposal will not give rise to undue overlooking or overshadowing impacts and the separation distances provided are acceptable in this instance. In addition, I do not consider the proposal would unduly compromise the residential amenity of properties within the surrounds by reason of being visually overbearing, given its overall height, design and the setbacks provided.

- 7.2.3. In terms of the properties to the east, the eastern façade of the proposed building is set back a minimum of c. 2.4m from the shared boundary and is sited to the west of the rear amenity space of No. 20 Hunter's Brook and the amenity areas of properties further to the east. Given the overall scale and height of the building and its setback from the eastern site boundary, I am satisfied that the proposal will not unduly compromise the residential amenity of the properties to the east by reasons of overshadowing or by being visually overbearing. Whilst I acknowledge that there will be additional overshadowing impacts to the rear amenity space of the property to the immediate east in the late afternoon period, I am conscious of the VC zoning of the appeal site and the nature of the proposed development which is supported within local planning policy is a use which can make a positive contribution to the role and function of the existing village centre and the wider area. A balance therefore needs to be achieved in terms of maximising the development potential of this underutilised site, yet ensuring the development responds to the areas prevailing character and its transitional nature. I am satisfied that this balance has been achieved in this instance when taken in the context of the properties to the south and east. In terms of potential overlooking impacts, I note that the Planning Authority's condition (Condition No. 9) to screen the external staircase and the eastern end of the walkway at first floor level will ensure that overlooking of the rear amenity spaces to the east is precluded. I am therefore satisfied that the proposal is acceptable subject to compliance with this condition.

7.2.4. On its northern side, the proposed building has a total length of c. 33.5m and a varied set back of between c. 900mm (western end) and c. 2.4m (eastern) is provided from the northern boundary which it shares with the residential properties within Wyndham Court and Convent Court. I note that the building is located adjacent to an open space area within the Convent Court development and the site is currently partially screened along the boundary within this development. Given the scale and height of the development and its siting relative to this open space area and dwellings within the Convent Court development, I am satisfied that that the proposed development will not unduly compromise the residential amenity of these properties by reasons of overlooking, overshadowing or by being visually overbearing. However, I note that there are 3 no. existing properties within the Wyndham Court development (i.e. Nos. 6-8) which have south facing gardens and are located directly to the north of the proposed development. The proposed development, with a height of c. 7.2m is located to the immediate south of these rear amenity spaces and a setback of c. 900mm is provided at this location. From a review of the Planning Authority's assessment of the application, it is unclear whether the impact of the proposal on these properties was fully considered. The principal amenity areas of these dwellings are already somewhat restricted in terms of their overall length, and it is my view that this is potentially the site's most sensitive interface given the location of these properties relative to the development proposal. I note that shadow diagrams were submitted at additional information stage. However, this analysis is limited as it does not illustrate the potential impact of the development at the March Equinox, nor does it include an analysis of potential impacts to the properties to the north of the site. Given the limited setbacks provided at this location, the orientation of the site and the development's siting relative to these properties, I have significant concerns with respect to the impact of the proposal on these properties by reasons of overshadowing and loss of daylight/sunlight. I note that there is also a stair on the western side of the building which may result in direct overlooking of the rear amenity space of Nos. 6 & 7 and their south facing rooms. In order to mitigate this impact, I recommend the omission of Bedroom Nos. 10 & 11 and the bathroom element of Bedroom 12 by way of condition, the details of which are to be submitted to the Planning Authority prior to the commencement of development on site. The condition shall also stipulate that any access to the first floor level accommodation at this location shall be screened to

minimise overlooking of the properties to the north. Subject to compliance with this condition, I am satisfied that the proposal will not unduly compromise the residential amenity of the properties to the north. Whilst I acknowledge that the Applicant amended the design of the development at additional information stage to reduce the overall number of guest bedrooms at the eastern end of the building, I note that the site's south-eastern corner is arguably a less sensitive area of the site given its location relative to the properties to the south and opposite the blank side wall of No. 20 Hunter's Grove.

- 7.2.5. I note that concerns have been raised by the appellants with respect to noise related impacts associated with the construction and operational phases of the proposed development. In terms of the construction phase of the development, conditions have been included by the Planning Authority limiting the hours of construction and a requirement for the Applicant to submit a detailed Construction Management Plan (CMP) for written agreement, which includes details of noise and dust mitigation measures. I deem the requirement to provide a CMP of this nature to be appropriate in this instance given the site's transitional context. In terms of the operational phase of the development, the Planner's Report indicated that in order to omit any potential for late night revelling, nuisance, and excessive noise pollution from the proposed development, no outdoor seating shall be allowed on the external front access walkways to bedrooms at both ground and first floor level. However, a condition restricting same was not attached to a grant of permission. Notwithstanding this, I note that the bedrooms do not have balconies nor is there seating identified within the walkways on the submitted plans. As noted previously, the principle of the proposed use is acceptable on VC zoned lands and I note that noise related issues/complaints associated with the premises is a matter for An Garda Síochána. In this regard, I am satisfied that the proposal is acceptable.

7.3. Visual Impact & Built Heritage

- 7.3.1. As indicated within Section 5 of this report, the Appeal site is located within the Delgany Village ACA. I note that the proposed development is to be located to the rear of the existing public house and will not be clearly visible from Convent Road to the west. As per the policy of the LAP, development within ACAs will be controlled in order

to protect, safeguard and enhance the special character and environmental quality of ACAs and the character and appearance of the urban public domain within an ACA shall be protected and enhanced. The Council will seek to work in partnership with local community and business groups to implement environmental improvements within ACAs. The proposed building has a contemporary architectural expression with a flat roof form and a restricted palette of materials and finishes has been adopted, comprising a combination of cedar cladding and a brick finish for the principal elevations with stainless steel railings along the first floor level walkway. Having regard to the overall scale, height and form of the proposed building and its backland location, which is screened from Convent Road to west, I am satisfied that design of the development is acceptable and is sympathetic to the character of the site and surrounding area. I also note that the proposal seeks to utilise high quality and durable materials. I am therefore satisfied that proposed development is in accordance with the pertinent policy of the current CDP and is acceptable having regard to the visual amenities of the site and the surrounding ACA within which it sits.

7.4. Traffic, Car Parking & Drainage

- 7.4.1. The appellant's have raised significant concerns with respect to traffic impacts associated with the proposed development and the inadequacy of the proposed car parking provision which they contend will result in additional on-street car parking pressures, including within the Hunter's Brook estate to the south of the appeal site. Concerns were highlighted that the surveys included within the Applicant's assessment were outdated and did not have regard to the cumulative impact of more recently constructed residential developments in the area and the proposal would result in additional congestion. On the basis of the quantitative standards of the County Development at the time, the Planning Authority indicated that the proposal generated a requirement to provide a total of 49 no. car parking spaces (i.e. 27 no. hotel rooms and a public house with a floor area 222sq.m.). I note that the development was amended at additional information stage, whereby 2 no. guest bedrooms were omitted, and 5 no. additional car parking space were provided, thereby proposing a total of 29 no. on-site car parking spaces. The Planning Authority was satisfied that the relaxation in the quantum of car parking was deemed to be acceptable on the basis of the availability of public transport, the location of the appeal site within the village centre

and the likely patronage of the premises which will comprise a combination of hotel guests and locals within walking distance of the site. Notwithstanding this, I note that the current CDP has now a reduced car parking requirement of 5 spaces per 100sq.m. gross floor area for public houses as per Table 2.3, Appendix 1 of the current CDP. Therefore, the proposal would generate a car parking requirement of c. 36 no. spaces (i.e. resulting in a total shortfall of 7 no. spaces). I concur with the recommendations of the Planning Authority, and I am satisfied that a relaxation in the car parking requirement is acceptable in this instance for the reasons outlined above. I also note that I have recommended a condition to omit 2 no. additional bedrooms within the scheme which will further reduce the car parking demand. I am therefore satisfied that the proposal will not result in undue on-street car parking pressures within the surrounding street network.

- 7.4.2. In terms of the car parking spaces, the dimensions provided indicate each space has a width of c. 2.4m and a length of c. 4.8m. I note the size requirements for spaces specified in Table 2.1 (parking and loading dimensions), Appendix 1 of the current CDP are specified as 5.0m x 2.5m. A condition is therefore recommended which shall require the layout and design of the car parking to be in accordance with the requirements of the Planning Authority.
- 7.4.3. The proposed development is to be accessed via the existing vehicular entrance and lane located at the southern end of the site's boundary to Convent Road. The existing access measures 2.4m in width at its narrowest, making it only suitable to be used in one direction at a time. The proposal seeks to utilise a one-in-one-out system to mitigate and manage the flow of traffic and the system will comprise of barriers, traffic lights and sensors. The proposed sensor system would only trigger when a vehicle is looking to exit the site meaning the impact of the flow of traffic on Convent Road would be negligible. In terms of refuse collection, an additional swept path diagram was submitted at additional information stage (Drawing No. 3140-MHT-XX-TR-SK-0003) which indicates that refuse collection would be on-street which is the current existing arrangement for refuse collection. I note that the Planning Authority have indicated that no details have been provided as to where bins are left on the roadside and what size they are. It is highlighted by the Planning Authority that refuse and delivery

arrangements must not block public footpaths and final arrangements shall therefore be agreed with the Planning Authority prior to commencement of development. In this regard, the inclusion of a condition requiring same is deemed appropriate in this instance.

7.4.4. In terms of surface water drainage, the Applicant was requested at additional information stage to undertake a review of the existing storm water arrangement for the existing building and outline where improvements could be made. In response to the Planning Authority's concerns, the following amendments to the proposals were made:

- Attenuation area now has a high-level overflow only to the public network.
- Surface water from the existing carpark drains only to the rear of the site and is attenuated and passed through a petrol interceptor.
- Any rainwater pipes to the rear of the existing buildings are now connected directly to the existing public surface water network, thereby removing them from possibly entering the foul network.

In terms of the proposals for foul water drainage, the Applicant notes that effluent generated by the proposed development will flow through a local drainage network located below the hardstanding adjacent to the southern boundary wall. Foul water will discharge by gravity to Manhole F1 within the car park area. Manhole F1 will be connected via a 225mm diameter pipe to the existing 225mm diameter foul water sewer within Hunter's Brook which ultimately connects to the 225mm combined sewer on Convent Road to the west. The Applicant notes that the existing foul sewerage and discharge connection that currently serves the existing public house will remain intact and will not be altered as part of the development works. I note that the Planning Authority raised no concerns with the proposals subject to compliance with standard conditions. Having regard to the nature and overall scale of the development and the Applicant's proposals for the disposal of surface and foul water drainage, I consider the proposed development to be acceptable.

7.5. Appropriate Assessment

7.5.1. I note the Glen of the Downs SAC is located c. 800m to the south-west of the appeal site. Having regard to the nature and scale of the proposed development and the

development to be retained, an extension of the existing public house and guest house to provide additional guest bedrooms within a standalone block, the serviced nature of the site and to the nature of the receiving environment within no direct hydrological connection to a European site, no appropriate assessment issues arise and it is not considered that the proposed development and the development to be retained would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Reasons and Considerations

8.1. Having regard to policies and objectives of the Wicklow County Development Plan 2022-2028 and the Greystones-Delgany & Kilcoole Local Area Plan (LAP), 2013-2019, including the Village Centre zoning objective for the site, the specific characteristics of the site and the pattern of development in the surrounds, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development to be retained would not seriously injure the residential amenities of the area or of property in the vicinity, would not adversely impact the character of the Delgany Village Architectural Conservation Area, would not be prejudicial to public health, would not represent a traffic hazard and would constitute an acceptable form of development at this location. The proposed development and the development to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.0 Conditions

1.	The proposed development and the development to be retained shall comply with the plans and particulars lodged with the application submitted and as amended by Further Information received on 21/06/2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.
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	Reason: In the interest of clarity.
2.	<p>The Applicant shall provide for the omission of Guest Bedroom Nos. 10 & 11 and the bathroom of Bedroom 12. Access to the first-floor level accommodation at this location shall be appropriately screened to minimise overlooking of the properties to the north. Prior to the commencement of development, the Applicant shall submit for the written agreement of the Planning Authority, revised sections, elevation and plans incorporating said amendments.</p> <p>Reason: In the interest of residential amenity and to protect the residential amenity of the existing properties to the north of the subject site.</p>
3.	<p>A 1.8m high opaque glazed screen shall be attached to the stairway and walkway at the eastern end of the proposed extension, unless otherwise agreed in writing by the Planning Authority.</p> <p>Reason: To minimise overlooking into the rear gardens of the adjoining dwellings in the east of the site, in the interests of residential amenity.</p>
4.	<p>Prior to commencement of development, the Applicant shall enter into water and waste water connection agreement(s) with Irish Water and adhere to the standards and conditions set out in that agreement. All development shall be carried out in compliance with the Irish Water Standards codes and practices.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
6.	<p>Prior to the commencement of development, a schedule (including colour photographs) of all external materials, finishes, & colours, shall be submitted for the written agreement of the Planning Authority.</p> <p>Reason: In the interests of visual amenity.</p>
7.	<p>The proposed traffic light and barrier system shall be fully installed and operational prior to the occupation of the proposed development. In addition, the traffic light at the entrance shall be relocated such that it is not located on the public footpath. The Applicant shall submit the following items to the</p>

	<p>Planning Authority for written agreement prior the commencement of development:</p> <ol style="list-style-type: none"> a. Revised plans which provide for the omission of the access road asphalt surface and its replacement with stone paving (or similar) with minimal no road markings and signage. The shared surface, road markings, lighting, and signage shall be in accordance with the requirements of the Planning Authority. b. Details of refuse and delivery arrangements. <p>Reason: In the interest of clarity and to safeguard the amenities of property in the vicinity.</p>
6.	<p>Prior to the commencement of development, the Applicant shall prepare and submit a Construction Management Plan to the Planning Authority for their written agreement. The Construction Management Plan shall deal with issues relating to traffic management, noise and dust mitigation measures, details of construction lighting and waste minimisation. A Construction Manager shall be appointed to liaise directly with the various sections of the Council.</p> <p>Reason: In the interest of clarity and to safeguard the amenities of property in the vicinity.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 8am to 6pm Mondays to Fridays inclusive, between 9am to 2pm hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
8.	<p>The Applicant shall pay to the Planning Authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of replacement tree planting in the vicinity of this development, as a result of the requirement to remove street tree/s to provide vehicular access to the site. This is to ensure that there is no net loss of tree canopy cover in the area. The amount of the contribution shall be agreed between the Planning Authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for</p>

	<p>determination. The contribution shall be paid prior to commencement of development or in such phased payments as the Planning Authority may facilitate.</p> <p>Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Enda Duignan
Planning Inspector

31/05/2023