



An
Bord
Pleanála

Inspector's Report

ABP-315217-22

Development

Change of use of hotel to 19 apartments. The construction of a second-floor extension for 5 apartments. Internal modifications and alterations, including a new lift. External alterations to elevations and all ancillary site works, including the demolition of circa 39 sqm of the existing hotel building to the east elevation.

Location

Ballygillane Big, St. Helens, Co. Wexford.

Planning Authority

Wexford County Council

Planning Authority Reg. Ref.

20220305

Applicant(s)

Longfield Ventures Limited

Type of Application

Permission.

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Fergus and Patricia Wickham.

Observer

Stephen Wickham.

Date of Site Inspection

28th June 2023

Inspector

Peter Nelson

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1.0 Site Location and Description

- 1.1. The site is located in Rosslare Harbour, overlooking the Europort. The site faces onto the coastal path, an extension of the Cliff Road. The site contains a two-storey hotel with a car park to the rear. Access to the car park is from a roadway off St. Martin Road. To the west of the hotel building is a terrace of two-storey dwellings, which also gain access from the roadway. There is a detached dwelling to the east of the existing dwelling. To the rear of the site is a two-storey dormer detached dwelling with off-street car parking. Between this dwelling and St Martin Road are two-storey commercial and residential units.
- 1.2. The site consists of a tarmacked parking and storage area. There is some boundary planting and minimal planting along the hotel façade. The reception area is at the rear of the building, adjoining the car park.

2.0 Proposed Development

- 2.1. Permission is sought to change the existing hotel use to 19no. apartments consisting of 12 no. two-bedroom, 5 no. one-bedroom and 1no. studio apartments. The development includes new 5 no. apartments in a second-floor extension, consisting of 4 no. two-bedrooms and 1 no. one-bed. There are 24 no. apartments in total. Internal modifications and alterations are proposed, including an external new lift. External alterations are proposed to the elevations. Also included is the demolition of circa 39 m² of the existing hotel building to the east elevation.

3.0 Planning Authority Decision

3.1. Decision

Wexford County Council granted permission on the 16th November 2022, subject to 8 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The first planner's report dated 28th April 2022 recommends that Further Information be requested relating to the following:

- The impact on a pair of semi-detached dwellings on the eastern boundary of the site,
- A confirmation of the feasibility of connecting to the public water supply and public sewer,
- A construction and environmental management plan for the development,
- Surface water attenuation,
- Landscaping plan,
- Bicycle parking,
- Legal Interest to use the access road, and
- Electrical charging points.

The main points of the second planner's report dated the 15th November 2022 can be summarised as follows:

- The development is acceptable in principle in the core of Rosslare Village.
- The development's overall design is well-considered and would be acceptable at this location.
- The proposed density exceeds the minimum density requirements for the location.
- The proposed mix of apartments complies with the Apartments Standards.
- The number of dual-aspect apartments does not meet the standards; however, the proposal is to refurbish an existing building on a site less than 0.25 hectares.
- Given the size of the site, the proposed storage and private open space is acceptable.
- The parking provision complies with government guidance for a well-served village centre site.
- The proposed boundaries and landscaping are acceptable.

- The applicant has removed apartment no.24, and the revised plan is now acceptable and removes the impact on privacy on the adjoining properties.
- The overall development is acceptable, and the use as apartments is less likely to have an adverse impact than the current use as a hotel.

3.2.2. Other Technical Reports

Disability Access Officer: 22nd March 2022

Disability Access Certificate required.

Road Inspection Report: 8th April 2022

Recommended Further Information

Senior Executive Scientist: 21st April 2022

Recommended Further Information

Housing: 5th May 2022

Part V does not apply as the proposal is for a change of use of an existing building.

3.3. **Prescribed Bodies**

None submitted on file. The applicant submitted a Uisce Eireann letter as part of further information.

3.4. **Third Party Observations**

Four observations were received on the application. The main points raised can be summarised as follows:

- Increased traffic along a narrow land which serves the existing residential properties.
- Lack of communal and private open space.
- Overlooking and loss of privacy to the adjoining dwellings.
- Overshadowing of adjoining properties.
- Loss of tourism facilities.
- Lack of parking facilities.

- The proposal is not in keeping with the surrounding area.
- The additional floor may result in the building being structurally unsafe.
- Lack of social facilities in Rosslare Harbour to serve the proposed development.
- Noise pollution.
- Overdevelopment of the site.

4.0 Planning History

P.A. Ref: 20003756 Permission granted on the 15th December 2000 for the modernisation of the existing hotel, comprising of the erection of alterations and extensions to the function room, restaurant, and public bar/restaurant and for change of use of a section of existing restaurant to function room and alterations and extension to the main entrance.

P.A. Ref: 027898 Permission granted for an extension to the existing restaurant.

P.A. Ref: 992460 Permission granted on the 29th October 1999 for the erection of alterations and extension to the existing hotel.

Nearby Site

P.A. Ref: 20210283 Permission granted on the 11th June 2021 for change of use of former hotel to 90-bedroom nursing home including dayrooms, offices, meeting rooms, mortuary, laundry, kitchen, dining room, staff rooms, various bathrooms, treatment room, and ancillary accommodation, 24 one bedroom assisted living apartments and 1 studio apartment (total 25 apartments), 2nd floor extension to existing north and west wings, single storey extensions at south and east of the existing building, 2 storey extensions at south and west of the existing building, 3 storey extensions to south and west of the existing building, alterations to all elevations, external steps and ramps, front boundary wall with railing and gates at St.

Martins Road, walled service area, new boundary fencing with gate to the northern boundary, ancillary site works and car parking for 77 cars

P.A. Ref: 20220711 Permission granted on the 20th July 2022 for Permission for alterations to the 90-bedroom nursing home scheme permitted by Wexford County Council (Ref: 2021/0283). The proposed works include 1) The demolition of part of the rear of the hotel building, including the existing ESB substation; 2) Modifications to the internal layout of the building; 3) Modifications to the elevations, including changes to openings and facade materials and the construction of rooftop plant rooms; 4) The construction of a plant room and waste management enclosure; 5) All associated car parking, landscaping and site development works.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Wexford County Development Plan 2022-2028 is the operative County Development Plan for the area. This plan came into effect on the 25th of July 2022. Rosslare Harbour is designated as a Level 3ba Service Settlement.

The site is zoned Village Centre (VC) 'To provide for an attractive, vibrant village centre which maximises the use of lands and encourages a mix of residential, retail, commercial and civic uses.'

Section 2 of the development plan contains the Rosslare Harbour and Kilrane Settlement Plan.

Relevant Objectives:

Objective RHK06:

To ensure all new developments positively contribute to the public realm, fostering a strong sense of place and an attractive place for both the local community and visitors to the area, including those using Rosslare Europort, and are accessible to all users.

Objective RHK11

To prioritise the development of vacant, infill and under-utilised brownfield sites in the settlement plan area for residential and retail uses to achieve compact growth and sustainable development.

Objective RHK17

To ensure that building heights within future development makes a positive contribution to the built form of the area.

Objective RHK19

To facilitate the development of residential units in line with the Core Strategy allocation for Rosslare Harbour and Kilrane and deliver these units within the built-up footprint of the settlement plan area to achieve the National Strategic Objective for Compact Growth.

5.2. Section 28 Guidelines for Planning Authorities

5.2.1. Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities. 2022

1.10 They (Design Standards for New Apartments) also provide a target standard where existing buildings are to be wholly or partly redeveloped or refurbished for residential use that includes apartments, such as for example, vacant upper floors above commercial premises.

5.2.2. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024

SPPR 3 - Car Parking

SPPR 4 - Cycle Parking and Storage

5.3. Natural Heritage Designations

Carnsore Point Special Area of Conservation (002269): 0.6 km from the appeal site.

5.4. EIA Screening

Having regard to the nature and scale of the proposed development, comprising of the change of use of a hotel into apartments and the provision of an additional floor in a built-up village, there is no real likelihood of significant effects on the environment arising from the proposed development. Therefore, the need for an environmental impact assessment can be excluded at preliminary examination, and a screening determination is not required.

Appendix 1 Includes Form 1 and Form 2 EIA preliminary examination.

6.0 The Appeal

6.1. Grounds of Appeal

The main grounds of appeal can be summarised as follows:

- Only 19 car parking spaces for 24 apartments will result in congestion of a shared laneway, especially in an emergency.
- No footpaths are provided for pedestrians.
- Given its width and alignment, the existing lane will not cater to the traffic from the development and will block access to the appellant's house in an emergency.
- No amenity space has been provided for the future occupants.
- The proposed development will result in the loss of privacy and direct sunlight to the appellants' dwelling.
- There is a need to generate tourism in Rosslare, and recently, four hotels have closed.
- The building should be retained as a hotel as its loss has been devastating for the local economy.
- The proposal is a stop-gap solution for the current housing crisis.

6.2. Applicant Response

The main points of the response can be summarised as follows:

- The site has been subject to a lengthy discussion with the Planning Authority.
- There are 23 units proposed. One was removed as part of Further Information.
- The car parking provision complies with national guidelines.
- The access to the proposed development was discussed with the District Area Engineer.
- The applicant has no control over land outside their ownership; therefore, the provision of footpaths along the existing laneway is outside their control.
- The proposed development provides private and communal amenity space in the form of ground-floor terraces or balconies for each unit in accordance with the Apartment Standards.
- The appellants' dwelling is located directly west of the proposed development. The third floor is set back 3.5m from the existing building line to the west.
- The appellant's dwelling is a further 5.8m from the existing building.
- Two shadow analysis diagrams are included, demonstrating no loss of direct sunlight.

6.3. Planning Authority Response

- None

6.4. Observations

An observation has been received from Stephen Wickham. The main issues raised can be summarised as follows:

- Insufficient car parking provision. The proposed development reduces the amount of existing parking on site.
- Existing businesses use the laneway, which is already congested.

- There is limited amenity space for the proposed development, with no private space for the apartments and only a small area of communal open space.
- There is no space to hang out washing.
- The proposed development will overlook his property.
- The existing hotel was a community facility that will be lost if this development is permitted.

6.5. Further Responses

None

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, carried out a site inspection, and having regard to the relevant local/regional/national policies and guidance, I consider that the key issues on this appeal are as follows:

- Loss of Tourism Facilities
- Traffic and Access
- Residential Amenity: Occupants
- Residential Amenity: Adjoining property
- Appropriate Assessment

7.2. Loss of Tourism Facilities

7.2.1. The appellant contends that the hotel should remain in its current use as four hotels have closed in Rosslare Harbour, which is a serious loss in tourism and revenue for the local economy. They state that the loss of this hotel would devastate the local economy.

7.2.2. In the Wexford County Development Plan 2022-2028, Rosslare and Kilrane are designated a Level 3(a) Service Settlement. In the Core Strategy, Level 3(a) settlements are important service settlements for their local communities and their wider rural hinterlands.

7.2.3. The stated strategic aim of this settlement is:

“To create and sustain a vibrant settlement with a strong sense of place, an attractive public realm, a mix of uses and a high-quality residential environment while maximising to the fullest potential the role of Rosslare Europort as a strategic national port to develop both port-related and other economic development and employment in the settlement and the county”.

7.2.4. The stated development approach for these settlements, which is set out in the Core Strategy, is to apply the sequential approach to the development of land, requiring residential development to take place within the existing footprint of the settlements. The leapfrogging of infill/brownfield lands to undeveloped or greenfield lands will not be considered by the Council.

7.2.5. The proposed site is located in a site zoned Village Centre. I consider that the proposed redevelopment of this building for residential development in a central village location and adjacent to the local amenities, including the supermarket, the railway station, cliff walk and beach, will provide compact growth and contribute to the strategic aim of this settlement by helping to create and sustain a vibrant village core. Therefore, I consider the proposed redevelopment of the hotel for residential use in this village centre location acceptable.

7.3. Traffic and Access

7.3.1. The appellant considers that the provision of 19 car parking spaces for 24 apartments will result in congestion of a shared laneway, especially for emergency services. The observation on file states that the existing laneway can get congested.

7.3.2. I note that the revised drawings submitted as further information showed the omission of one apartment; therefore, there are now 19 car parking spaces for 23 apartments.

7.3.3. In the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024, Rosslare Harbour would be classed as a small and medium-sized town as it has a population. In terms of accessibility, all lands in small and medium-sized towns are classed as ‘peripheral’.

- 7.3.4. SPPR 3 of the guidelines requires that in intermediate and peripheral locations, the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling. I note this is a maximum rate. Given the village centre location, the walking distance to the supermarket and amenities and the proximity to the railway and bus stops, 19 spaces for 23 apartments will provide adequate and not excessive parking. I also note that it is proposed to provide 35no. bicycle spaces in a covered, secured area.
- 7.3.5. I recognise that there are no footpaths on this laneway; however, the proposed apartments will be served by the cliff walk that leads to the village facilities and the railway and bus stops.
- 7.3.6. The existing use on the site was as a 24-bedroom hotel with a bar, function room, restaurant and at least 27 car parking spaces. I do not consider that the conversion and extension of this building to 23 apartments will significantly add to traffic congestion on the laneway.

7.4. Residential Amenity: Occupants

- 7.4.1. The appellant and the observer have raised concerns about the lack of private and communal amenity space for the development. Twenty-one of the apartments have balconies or terraces. The two apartments without a balcony area are on the first and second floors facing east. This will reduce the possibility of overlooking the adjoining residential properties along Colville Street. Eighteen apartments meet or exceed the private amenity space requirements in the Sustainable Urban Housing: Design Standards for New Apartments 2022. The apartments which do not meet the standards use the existing terraces from the hotel rooms. These terraces face towards the port and sea. The Design Standards for New Apartments allow discretion for all standards on refurbishment schemes on a case-by-case basis while considering the overall quality of a proposed development. Given the design of the existing building and the location of the surrounding residential properties, I consider the quantum of private amenity space acceptable.
- 7.4.2. The proposed communal amenity areas consist of a lawn and patio area to the front of the building facing the sea and a lawned area to the rear of the building. South-

facing communal terraces are proposed on the first and second floors. I consider the quantity and quality of the communal open space to comply with Design Standards for New Apartments. The location of the proposed apartment development also provides easy access to the cliff walk and the beach.

- 7.4.3. I consider that the occupants of the proposed development will be adequately served with private and communal amenity space.

7.5. Residential Amenity: Adjoining Property

- 7.5.1. Concern has been raised by the appellant, who lives at 3 Ard Na Cuan, which is the end of terrace dwelling to the west, that the proposed development will result in the loss of their privacy and direct sunshine given the orientation of the development.
- 7.5.2. No additional first-floor windows are proposed on the west elevation, which faces on to the laneway adjoining the side gable. The proposed second floor is set back from the west boundary by c.4.5m. At this level, apartment no.20 has a window and a terrace facing northwest. The terrace is c. 7.5 meters from and perpendicular to the front garden and parking area of No.3 Ard Na Cuan. There will be no overlooking of any windows of No. 3 Ard Na Cuan. I do not consider that there will be significant overlooking of any amenity area to the front of No.3.
- 7.5.3. A terrace on the first floor is proposed for apartment No.19. The side of the terrace is over c.9 m to the boundary 3 Ard Na Cuan. I consider that there will be no significant overlooking of the windows on the rear return or of the rear amenity area of No.3.
- 7.5.4. As stated, the proposed second floor is set back from the existing first floor at the corner next to No.3 Ard Na Cuan. It is c. 9m from the side boundary of No.3. Any limited additional overshadowing would happen in the morning to the front garden and parking area only of the Ard na Cuan terrace; therefore, I do not consider this significant.
- 7.5.5. Having regard to the above, I do not consider that the proposed change of use of the building to apartments and the provision of an additional floor will not cause undue overlooking or overshadowing of the neighbouring properties.

7.6. Appropriate Assessment.

7.6.1. Having regard to the minor nature and scale of the proposed development, the site location within a built-up area outside of any protected site and, the nature of the receiving environment, the availability of public services, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on the Carnsore Point Special Area of Conservation or any Natura 2000 site.

8.0 Recommendation

Having regard to the above assessment, I recommend that permission be GRANTED for the change of use of the existing hotel to residential and a second-floor extension at Ballygillane Big, St. Helens as proposed for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Wexford County Council Development Plan 2022-2028 and the Village Centre zoning, to the location of the site adjacent to village and recreation amenities and the scale of the proposed development, it is considered subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

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| 1. | The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 24 th day of October 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 |
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| | <p>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.</p> <p>Reason: In the interest of clarity.</p> |
| 2. | <p>Details of the materials, colours, and textures of all the external finishes and boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p> |
| 3. | <p>Prior to commencement of development the developer shall enter into water and wastewater connection agreements with Irish Water</p> <p>Reason: In the interest of public health.</p> |
| 4. | <p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.</p> <p>Reason: In the interests of public health.</p> |
| 5. | <p>The landscaping scheme shown on drg.s no. PP367-01,2,3 & 4, as submitted to the planning authority on the 26th day of October 2022 shall be carried out within 12 months of the date of commencement of development within the first planting season following substantial completion of external construction works.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of [five] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> |

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| | Reason: In the interest of residential and visual amenity. |
| 6. | <p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the Local Authority in the event of the development being taken in charge. Detailed proposals for this shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development.</p> |
| 7. | <p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p> |
| 8. | <p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the</p> |

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| | <p>matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</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 judgment in an improper or inappropriate way.

Peter Nelson
Planning Inspector

28th February 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

| | | | |
|---|---|---|---|
| An Bord Pleanála Case Reference | 315217-22 | | |
| Proposed Development Summary | Change of use of hotel to 19 apartments. The construction of a second-floor extension for 5 apartments. Internal modifications and alterations, including a new lift. External alterations to elevations and all ancillary site works, including the demolition of circa 39 sqm of the existing hotel building to the east elevation. | | |
| Development Address | Ballygillane Big, St. Helens, Co. Wexford. | | |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings) | | Yes | X |
| | | No | No further action required |
| 2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class? | | | |
| Yes | | Class..... | EIA Mandatory EIAR required |
| No | | The development is not of a class specified in Part 1 or Part 2, Schedule 5 | Proceed to Q.3 |
| 3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]? | | | |
| | | Threshold | Comment (if relevant) |
| | | | Conclusion |
| No | | N/A | No EIAR or Preliminary Examination required |
| Yes | | The development is specified in Class 10. (b) (iv) Part 2, Schedule | Proceed to Q.4 |

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| | | 5, Planning and Development Regulations 2001 (as amended) | | |
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| 4. Has Schedule 7A information been submitted? | | |
| No | X | Preliminary Examination required |
| Yes | | Screening Determination required |

Inspector: _____

Date: _____

Form 2

EIA Preliminary Examination

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| An Bord Pleanála Case Reference | 315217-22 | |
| Proposed Development Summary | Change of use of hotel to 19 apartments. The construction of a second-floor extension for 5 apartments. Internal modifications and alterations, including a new lift. External alterations to elevations and all ancillary site works, including the demolition of circa 39 sqm of the existing hotel building to the east elevation. | |
| Development Address | Ballygillane Big, St. Helens, Co. Wexford | |
| <p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p> | | |
| | Examination | Yes/No/ Uncertain |
| <p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions, or pollutants?</p> | <p>The proposed change of use of an existing hotel to residential use and its extension will not be exceptional in the context of the existing village centre environment.</p> <p>The proposed development is for residential use and will not result in the production of any significant waste, emission, or pollutants.</p> | No |
| <p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having</p> | <p>The size of the development works is only for an additional floor of four apartments and is not exceptional in the context of the existing environment.</p> <p>Given the residential use of the proposed development it is considered that there will not be</p> | No |

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| regard to other existing and/or permitted projects? | any significant cumulative considerations having regard to other existing and/or permitted projects. | |
| <p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p> | <p>The site is located in an existing built-up area and does not have the potential to significantly impact an ecologically sensitive site or location.</p> <p>Having regard to the above, the proposed development does not have the potential to significantly affect other significant environmental sensitivities in the area.</p> | No |
| Conclusion | | |
| <p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p> | | |

Inspector: _____ Date: __

DP/ADP: _____ Date: _____

