

An Bord Pleanála



Inspector's Report

Appeal Reference No:	PL27.246497
Development:	Demolish shed and construct 4 no. two-storey dwellings with entrance off Cré Na Mara.
Location:	Knockenrahan Upper, Wexford Road, Arklow, Co. Wicklow.
Planning Application	
Planning Authority:	Wicklow County Council
Planning Authority	Reg. Ref.: 15/747
Applicant:	Paul Sheehan
Planning Authority Decision:	Grant outline permission
Planning Appeal	
Appellants:	Cré na Mara Residents Association
Type of Appeal:	Third party
Date of Site Inspection:	21/7/16
Inspector:	Siobhan Carroll

1.0 SITE LOCATION AND DESCRIPTION

- 1.0.1 The appeal site, which has a stated area of 0.018 hectares, is located to the south of Arklow. The site forms part of the lands associated with a large detached dormer dwelling and a number of outbuilding at Knockenrahan Upper, Arklow. This property is accessed from the Wexford Road (R772) to the north- west of the site.
- 1.0.2 The site contains an open shed and it is heavily overgrown. In regards to adjoining development, the Maples housing estate is located to the south and west. The rear gardens of 6 no. properties in the Maples adjoin the southern and western site boundaries. These boundaries are formed by a capped block wall.
- 1.0.3 Cré Na Mara a housing estate containing a mix of terrace and detached dwellings is situated immediately to the east of the site. The eastern boundary with Cré Na Mara is formed by a capped block wall and a section of wooden fence adjoining the hammerhead cul de sac.

2.0 PROPOSED DEVELOPMENT

Outline permission is sought for the demolition of an open shed and construction of 4 no. two-storey dwellings. Features of the scheme include;

- Vehicular entrance off Cré Na Mara to the east
- Electrified gates

3.0 PLANNING HISTORY

Reg. Ref. 04/610095 – Outline permission was granted for the demolition of the open shed and the development of 6 no. apartments with vehicular entrance off Cré Na Mara.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning Authority Decision

The Planning Authority granted outline permission subject to 7 no. conditions.

4.2 Planning and technical reports

Internal Reports:

Roads Department: No objections

District Engineer: No objection subject to omission of electronic gates.

External report

Irish water: No objections.

Submissions

The Planning Authority received one submissions in relation to the planning application. The main issues raised are similar to those set out in the appeal.

5.0 GROUNDS OF APPEAL

A third party appeal was submitted by Cré Na Mara Residents Association the main issues raised concern the following;

- The appellants have raised the on-going issue with the foul sewer in the Cré Na Mara Estate. It is stated that residents are affected by odours from the sewer particularly in the summer months. The addition more dwellings to an existing inadequate system is of concern.
- The appellants have stated that they are aware that a revised layout for foul and storm water drainage was submitted prior to the granting of permission but they did not view this.
- It is proposed to access the development from Cré Na Mara Estate. The residents purchased their properties with the expectation living in a small cul de sac. The original permission for the Cré Na Mara Estate included a 1.8m high perimeter wall. This was not provided along the boundary between the appeal site and the estate.
- The proposed development would increase the volume of traffic using Cré Na Mara Estate.
- The use of the access from Cré Na Mara for construction traffic is of major concern to the appellants. The appellants have spoken to the applicant Mr Sheehan on the matter and he advised them that the entrance off the Wexford road will be used for construction traffic.
- It is the preference of the appellants that the vehicular access for the dwellings also be provided off the Wexford road.

- A construction traffic management plan should be agreed with the Council prior to the commencement of any work.
- It is requested that connection to the existing foul water system in Cré Na Mara Estate should not be permitted.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 First party response

- None received

6.2 Planning Authority response

- None received

7.0 POLICY CONTEXT

7.1 Arklow Town & Environs Development Plan, 2011-2017

The appeal site is zoned 'RE (Residential Existing) – to protect and preserve existing residential uses and provide for infill residential development. To protect, provide and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located.'

- Section 3.8.11 - refers to Infill/backland Development in existing areas

8.0 ASSESSMENT

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Principle of development
- Proposed layout and residential amenity
- Access
- Drainage

- Appropriate Assessment

8.1 Principle of Development

- 8.1.1 The appeal site is on lands zoned RE, 'Existing Residential' with a stated objective "to protect, provide and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located".
- 8.1.2 The proposal is for outline permission for 4 no. dwellings with vehicular access from Cré na Mara and electronic gates. The proposal is for residential development, which is compliant with the zoning objective of the site. I would consider that the principle of the proposed development is acceptable subject to the proposal being satisfactory in regards its impact upon the amenities of adjoining properties, being acceptable in the context of traffic safety and convenience and acceptable in regards to environmental impact and public health. These aspects of the proposed development are be discussed in detail in the following sections of this report.

8.2 Proposed layout and residential amenity

- 8.2.1 In terms of the proposed layout I note that the proposed dwellings are orientated east-west. The front of the dwellings would address the end of the cul de sac within Cré na Mara. Having regard to the separation distance between the proposed dwellings and the rear of the closest dwellings within the Maples housing estate to the west at over 23m I am satisfied that the proposed development would not cause any undue overlooking of the surrounding residential properties.
- 8.2.2 Having reviewed the site layout plan, I am satisfied that the rear garden lengths and areas have been provided in accordance with the required standards set out in the Arklow Town & Environs Development Plan. The proposed layout provides 2 no. off-street car parking spaces to the front of each dwelling this is in accordance with the requirements of section 3.8.9 of the Plan.
- 8.2.3 In order to satisfactorily assess the overall development it is necessary that full details relating to the external finishes of the dwellings, the finished floor levels and grounds levels of individual sites, details and boundary treatment and the landscaping of the site are provided at the permission consequent stage. Should the Board decide to grant permission, I would recommend the attachment of a condition requiring those details.

8.3 Access

- 8.3.1 The appellants have raised concern at the location of the proposed vehicular access off Cré na Mara and also access for construction traffic. In relation to the proposed vehicular access the development would result in some intensification of use, however having regard to the scale of the development i.e. 4 no. dwellings and number of car parking spaces proposed, 8 no. spaces, I consider that the existing access road within Cré na Mara can satisfactorily accommodate the additional traffic movements.
- 8.3.2 The proposed scheme includes electronic gates at the vehicular entrance. The provision of such gates would restrict permeability to the dwellings and also access for emergency services and delivery vehicles. Therefore, I would concur with assessment of the Planning Authority that the electronic gates should be omitted. Should the Board decide to grant permission, I would recommend the attachment of a condition requiring that the proposed electronic gates be omitted.
- 8.3.3 In relation to the matter of construction traffic, I note the appellant's request that a construction traffic management plan be agreed with the Council prior to the commencement of development. I considered that it would be appropriate to attach a condition requiring that the construction of the development be managed in accordance with a Construction Management Plan to be submitted to, and agreed in writing with, the planning authority at permission consequent stage. This plan should include details of intended construction practice for the development, including the access route of construction traffic, noise management measures and off-site disposal of construction/demolition waste.

8.4 Drainage

- 8.4.1 The third party appeal raises the matter of the drainage, specifically the capacity and suitability of the foul and surface water sewers within Cré na Mara to accommodate the additional loading. The Planning Authority requested further information from the applicant to provide details of an alternative option for connection to the public mains due to the deficiencies in the drainage systems serving the Cré na Mara estate.
- 8.4.2 In response to the matter the applicant provided an alternative proposal to connect to the surface water drainage system to the west of the site running along the Wexford Road (R772) and to connect to the existing foul sewer pipe serving the main dwelling to the north of the appeal site. The location of the existing sewers and the proposed connection points are indicated on the revised drainage plan Drawing No: PS/ATC-FPP/20.

8.4.3 Having regard to the revised drainage proposal involving connection to the foul and surface water sewers to the west of the site along the public road and the report from Irish Water stating that there are no objections to the proposal, I am satisfied with the Water supply and drainage arrangements.

8.5 Appropriate Assessment

8.5.1 The nearest Natura 2000 site is the Kilpatrick Sandhill SAC (Site Code: 001742) which located in excess of 5.6 kilometres to the south-east of the subject site. Having regard to the nature and scale of the proposed development and the nature of the receiving environment together with the proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans and projects on a European Site.

9.0 CONCLUSIONS AND RECOMMENDATION

9.0.1 I have read the submissions on file and visited the site. Having due regard to the provisions of the Development Plan, together with all other issues arising, I recommended that permission be granted for the following reasons and considerations.

REASONS AND CONSIDERATIONS

Having regard to the nature and scale of the proposed development, to the zoning of the site and its planning history, and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health and would not seriously injure the amenities of the area or those of property in the vicinity of the site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 10th day of March 2016 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. At permission consequent stage, full details of the proposed development shall be supplied and shall include and comply with the following –
 - (a) Full details of external finishes.
 - (b) Full details of finished floor levels of dwellings and grounds levels of individual sites.
 - (c) Full details of landscaping of the site.
 - (d) Full details of boundary treatment for individual dwellings.

Reason: In the interests of orderly development.

3. The electronic gates shall be omitted from the proposed development.

Reason: In the interests of permeability and orderly development.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and no surface water from the proposed development/site shall be allowed to discharge onto adjoining properties or the public road.

Reason: In the interest of public health.

5. 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 at permission consequent stage. This plan shall provide details of intended construction practice for the development,

including the access route of construction traffic, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

7. 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 the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Siobhan Carroll,
Inspectorate
19th of August 2016