



An  
Bord  
Pleanála

## Inspector's Report PL27.247209

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<b>Development</b>	3 houses, vehicular entrance and access road, ancillary works, an off-site effluent treatment system for each house, percolation areas and associated works.
<b>Location</b>	Ballymoat, Glenealy, Co. Wicklow.
<b>Planning Authority</b>	Wicklow County Council.
<b>Planning Authority Reg. Ref.</b>	14/1880
<b>Applicant(s)</b>	Kinsella System Homes Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third-v-Grant
<b>Appellant(s)</b>	(1) Dale O'Carroll (2) Shane O'Carroll
<b>Observer(s)</b>	Edward Vincent O'Carroll
<b>Date of Site Inspection</b>	09 <sup>th</sup> November 2016
<b>Inspector</b>	Colin McBride

## **1.0 Site Location and Description**

1.1. The appeal site, which has a stated area of 0.06640 hectares, is located on the north edge of Glenealy village, located to the west of Wicklow Town and to the north east of Rathdrum. The appeal site is part of a field in agricultural use (grazing lands). Levels on site increase gradually moving west away from the public road. The northern, southern and eastern (roadside) boundaries are defined by existing hedgerow, with no existing physical boundary along the western boundary. Immediately to the south of the site are existing dwellings and a sawmill. To the north are two existing dwellings and to the west is the remainder of the field from which the site is taken. The appeal site is located on a local road, the L1096, which has a width of approximately 5m. The site is located just north of the speed limit zone for Glenealy.

## **2.0 Proposed Development**

2.1. Permission is sought for 3 no. detached dwellings, a new vehicular entrance and access road and ancillary works. Each dwelling is to have an on-site effluent treatment system to current EPA guidelines. Each dwelling is a two-storey dwelling with a floor area of 205sqm and a ridge height of 7m.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission granted subject to 18 conditions. Of note are the following conditions...

Condition no. 4: Occupancy condition (Objective RH11).

Condition no. 5: Occupancy condition (Objective RH11).

Condition no. 9: Requires that the final layout for the L1096 including right hand turning land, road, markings, footpaths be submitted and agreed in writing.

### **3.2. Local Authority and External reports**

- 3.2.1. Senior Executive Engineer (04/11/14): Applicant to submit a traffic impact report.
- 3.2.2. Environmental Health Officer (15/10/14): Further information required including site characterisation for site no. 3, details regarding drainage issues at the front of site no. 1 and mitigation measures for such.
- 3.2.3. Planning report (17/11/14): Further information required including demonstration of adequate site lines at the vehicular entrance and provision of longitudinal sections, revisions to the house designs to have regard to existing residential amenities. A completed site characterisation report for site no. 3, proposals to deal with drainage issues on the site, detail of water supply, details of level of trees to be retained and removed and a landscape plan for the site.
- 3.2.4. Water Services (23/02/15) No objection.
- 3.2.5. Senior Executive Engineer (14/04/15): Sightlines of 120m not achievable towards Ashford, there are concerns that as the road is a regional road that there is a potential collision risk for cars exiting the development.
- 3.2.6. EHO (14/04/15): No objection.
- 3.2.7. Planning report (15/04/15): Clarification of further information including clarification of sightlines available at the proposed entrance, also clarification is also sought regarding the cross-section details of the road and turning radii proposed.
- 3.2.8. Irish Water (27/04/15): No objections.
- 3.2.9. Senior Executive Engineer (14/04/15): Sightlines of 120m not achievable towards Ashford, there are concerns that as the road is a regional road that there is a potential collision risk for cars exiting the development.
- 3.2.10. Senior Executive Engineer (08/06/15): Not clear how a right hand turning lane will be provided, a more detailed larger scale drawing is needed to show such.
- 3.2.11. Planning Report (12/06/15): Further clarification required including clarification of the provision of a right hand turning lane with more detailed drawings and submission of a revised road section.

- 3.2.12. Senior Executive Engineer (08/10/15): More information required including clarification that turning lane complies with DRMB standards, submission of a speed survey and a Stage 1, 2 and 3 Road Safety Audit.
- 3.2.13. Planning Report (12/10/15): Further clarification required including a speed survey and a Stage 1 Road Safety Audit.
- 3.2.14. Senior Executive Engineer (07/03/16): Conditions in the event of a grant of permission.
- 3.2.15. Planning Report (10/08/16): The responses to clarification of further information was considered satisfactory and a grant of permission was recommended subject to the conditions outlined above.

### **3.3 Planning History**

- 3.3.1 06/6919: Permission refused for 17 dwellings. Permission refused on grounds of public health.
- 3.3.2 05/3212: Permission granted for a dwelling, effluent treatment system and associated site works.

## **4.0 Policy Context**

### **4.1. Development Plan**

- 4.1.1 The relevant Development Plan is the Wicklow County Development Plan 2010-2016. Glenealy is a Level 7 settlement.

#### **4.1.2 Table 6.3-Level 7-Settlement-Large Village-Glonealy**

RH11'The settlements in Level 7 shall be considered suitable for limited growth and investment and shall absorb demand for new housing from inside and outside the County subject to the following controls:-

Multi-house development- 25% Regional Growth

50% County Growth

25% Local Growth

## 5.0 The Appeal

### 5.1. Grounds of Appeal

5.1.1 A third party appeal has been lodged by Dale O'Carroll, 2 Ballymoate, Glenealy, Co. Wicklow. The grounds of appeal are as follows...

- The appellant notes that on each side of the proposed development are commercial developments with HGV traffic movements. The appeal submission appears to raise concerns regarding traffic impact.
- It is noted that there are existing flooding issues relating to these lands and the proposed development would exacerbate such.
- The appellant raises concerns regarding safety in that the proposal is for family homes adjacent an operational sawmill.

5.1.2 A third party appeal has been lodged by Shane O'Carroll, 2 Ballyknocken, Glenealy, Co. Wicklow. The grounds of appeal are as follows...

- It is noted that there are existing flooding issues relating to these lands and the proposed development would exacerbate such.
- It is noted that the dwellings are adjacent an operational sawmill and that such was not made clear in the application as well as other information omitted. The appellant questions the suitability of the location of the proposed development due to its proximity to the sawmill as well as raising safety concerns.
- The appellant notes that that roof windows should be omitted due to concerns regarding impact on the privacy of adjacent residents.

## 5.2. Responses

### 5.2.1 Response by McAulay Rice on behalf of the applicant, John Kinsella.

- The applicant notes that there is no seasonal flooding in this field and no evidence has been provided to demonstrate such. It is noted that the applicant has provided sufficient details and measures to deal with the issue of surface water. The applicant notes that the photographs of flooding submitted by the appellant were as a result of flooding occurring on the public road due to a blocked drain. The applicant has submitted a letter that proposes additional measures to ensure no drainage issues.
- The proposal is consistent with Development Plan policy.
- The proposal provides for improvement of the road alignment and adequate access arrangements in regarding to traffic safety. It is noted that all proposed works are within the applicant's lands. It is noted that the proposed traffic layout would be satisfactory in the context of overall safety.
- The proposal would have no adverse impact on the residential amenity of adjoining properties through overlooking.

### 5.2.2 Responses from the appellants Dale O'Carroll and Shane O'Carroll. Both responses are identical are summarised as follows...

- It is noted that the flooding is caused by the fact the applicant cleared a plantation of trees from his lands including the site.
- Concerns are noted that this proposal would lead to further development on the applicant's lands and that the proposed access included for the remainder of the lands is to facilitate such future development.
- There are concerns regarding public health with the provision of effluent treatment systems with it noted that the existing treatment plan in Glenealy is at capacity.

### 5.3 Observation

5.3.1 An observation has been received from Edward Vincent O'Carroll.

- It is noted that the flooding is caused by the fact the applicant cleared a plantation of trees from his lands including the site.
- Concerns are noted that this proposal would lead further development on the applicant's lands and that the proposed access included for the remainder of the lands is to facilitate such future development.
- There are concerns regarding public health with the provision of effluent treatment systems with it noted that the existing treatment plan in Glenealy is at capacity.

### 6.0 Assessment

6.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development/Development Plan policy.

Design scale, visual and residential amenity.

Traffic Impact

Other issues

### 6.2 Principle of the proposed development/Development Plan policy:

6.2.1 The proposal is for three detached dwellings on northern side the small rural village of Glenlealy, Co. Wicklow. According to Development Plan policy Glenealy is a Level 7 settlement in the county settlement strategy and under Objective RH11 it is noted that "the settlements in Level 7 shall be considered suitable for limited growth and investment and shall absorb demand for new housing from inside and outside the county" subject to a number of controls regarding multi-house development (25% regional Growth, 50% Regional Growth and 25% Local Growth). It is notable that in

granting permission condition no.s 4 and 5 confine occupancy of one of the three dwelling to individuals who meet the criteria in regards to County Growth and one of the dwellings to individuals who meet the criteria for Local Growth. The appeal site is located adjacent existing residential development within Glenealy however is located outside the speed limit zone of the village. The appeal site is not well serviced in regards to infrastructure such as drainage and footpaths, and could be considered to be an extension of ribbon development out of the village. Settlement policy is to facilitate residential development in existing towns and villages to offset demand for unsustainable residential development in rural areas. Given the lack of drainage services (proposal for individual wastewater treatment systems) I would question whether the proposal is consistent with such objectives; however the proposal does appear to be generally consistent with Development Plan settlement policy.

6.2.2 I would refer to the national guidance in the form the publication ‘Sustainable Residential Development in Urban Areas (Cities Town and Villages): Guidelines for Planning Authorities. In relation to Edge of Small Town/Village development the following is noted...

“In order to offer an effective alternative to the provision of single houses in surrounding unserviced rural areas, it is appropriate in controlled circumstances to consider proposals for developments with densities of less than 15 - 20 dwellings per hectare along or inside the edge of smaller towns and villages, as long as such lower density development does not represent more than about 20% of the total new planned housing stock of the small town or village in question. This is to ensure that planned new development in small towns and villages offer a range of housing types, avoiding the trend towards predominantly low density commuter-driven developments around many small towns and villages within the commuter belts of the principal cities and other Gateway locations. Such lower density development also needs to ensure the definition of a strong urban edge that defines a clear distinction between urban and the open countryside”.

I would consider that the proposed development does not comply with national guidance in that the proposal does not have any particular regard to consolidating the compact nature of the existing village and is an extension of ribbon development



out of the village into the rural area. As noted above the fact that the proposal is serviced by individual wastewater treatment systems (information on file suggests that the existing wastewater treatment facility in Glenealy is at capacity) does not totally offset the impact of housing in unserviced areas.

6.2.3 I would consider that the proposed development would constitute the extension of ribbon development into the rural area and would fail to provide for a compact form of development that provides a proper distinction between the urban area of Glenealy and the surrounding rural area. In this regard the proposal would be contrary the recommendations of National Policy in regards to residential development in small towns and villages as set out under 'Sustainable Residential Development in Urban Areas (Cities Town and Villages)'. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

### **6.3 Design, scale, visual and residential amenity:**

6.3.1 The proposal is for 3 no. detached, two-storey dwellings (first floor mainly within roof space). The proposal generally conforms to the existing pattern of development with existing dwellings located to the south and north of the site and the layout of the dwellings conforming to the building line of existing dwellings on adjacent site. The overall scale of the dwellings would not out of character or scale relative to existing dwellings in the vicinity. I would consider that the scale of the dwellings, their orientation and level of separation relative to adjoining properties is satisfactory and the proposal would have no detrimental impact on the amenities of adjoining properties.

6.3.2 In regards to overall visual impact as noted earlier the design and scale of the dwelling would not be out of character or scale with existing development on adjoining sites or in the vicinity. The appeal site itself is not an exceptional prominent location or elevated location and I would be satisfied that the proposed dwellings could be assimilated successfully into the landscape at this location. I am satisfied

that subject to satisfactory landscaping proposal that the overall visual impact of the development is acceptable at this location.

6.3.3 The appeal submissions raise concerns regarding safety of future occupants due to the location of a sawmill immediately south of the site. I do not consider that there is planning issue in this regard and that subject to adequate boundary treatment and separation there is no issues of concern regarding the location of the proposed development adjacent the existing sawmill.

#### **6.4 Traffic Impact:**

6.4.1 The proposal entails the provision of a new vehicular access to the site with the one access servicing all three dwellings on site. The appeal site is located on the western side of a local road, the L1096 with a carriageway width of 5m. The appeal site is just outside the speed limit zone for Glenealy, which stops just south of the southern limit of the site. At present the appeal site is on a gradual bend in the road with a proposal to realign the front boundary. The proposal was subject to a significant level of further information requests with one of the main issues relating to traffic layout/road alignment. In approving the development condition no. 9 requires that the final layout for the L1096 including right hand turning lane, road, markings, footpaths be submitted and agreed in writing. Based on the information on file the proposal entails realignment of the front boundary of the site and the provision of footpath along the entire roadside boundary with the provision of sightlines of 100m in each direction with a setback of 3m. It is notable that issue of a right hand turning lane for traffic travelling south towards the site is raised in the various requests and that the applicant had provided drawings with separate turning lane. Based on the information on file the Council appear satisfied that dedicated right hand turning lane is not required with markings on the road sufficient.

6.4.2 In regards to the provision of sightlines, the proposal entails the provision of at least 100m in each direction set back 3m from the road edge (realigned road edge). As noted earlier the site is outside of the urban speed limit (within the 80kph zone). Under Section 11.74 Entrances & sightlines of the Wicklow County Development Plan 2010-2016 it is noted that

“the sight distance required shall be calculated using the applicable road design manual (at the time of application) having regard to the following criteria: -

- the designation of the road, its function in the road hierarchy and existing / projected volumes of traffic;
- the typical speed (not the speed limit) of the road;
- the vertical and horizontal alignment of the road;
- and any other such factors that may be pertinent to the specific location or as may be set out in road design manuals”.

The assessment of the proposal appears to have been on the basis of Transport Infrastructure Ireland document Design Manual for Roads and Bridges. I question how relevant this document is given it is design to provide advice regarding road building and it proposes a standard of 100m visibility on a road with a design speed of 75kph (no figure for 80 kph). The standards set down under the Design Manual for Urban Street and Roads is not applicable as the site is outside the urban speed limit zone of the village.

6.4.3 In regards to traffic safety the proposed/approved development entail alterations to the road frontage with realignments of such and the provision of a footpath along the entire road frontage. The visibility achievable at the vehicular entrance is 100m in each direction based on a setback of 3m. I would consider that based on the level of traffic likely to be generated (three dwellings), which is modest, the level of traffic using the existing road, which I would consider to be a local road that is not heavily trafficked, I would be satisfied that the proposed/approved development provides an entrance layout that would be of sufficient standard to provide for the turning movement likely to be generated without causing obstruction to other road users or a subsequent traffic hazard.

## **6.5 Effluent Treatment/flooding/public health:**

6.5.1 The proposal entails the provision of an individual waste treatment system for each dwelling. A site characterisation assessment was provided for each of the three sites

was carried out including trial hole and percolation tests. The trial hole test notes that the water table level was not encountered in the depth of the trial hole (2m). The percolation tests result for T tests carried out by the standard method for deep subsoils and/or water table indicate percolation values that are within the standards that would be considered acceptable for the operation of a wastewater treatment system set down under the EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses. Notwithstanding the test results the proposal gives rise a significant proliferation of individual wastewater treatment systems at this location, with the adjoining dwellings to north also served by wastewater treatment systems. Although it would appear that the separation distances required under the EPA standards between wastewater treatment systems, dwellings and watercourses are met, the site is above a Locally Important Aquifer with a groundwater vulnerability identified as being high (GSI mapping). Having regard to the significant level of individual wastewater treatment systems proposed taken in conjunction with existing residential development on adjoining sites and associated wastewater treatment systems, the proposal would give rise to an over-proliferation of wastewater treatment systems at this location which is identified as an area at high risk of groundwater pollution from domestic wastewater. In this regard, the proposed development would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.

6.5.2 One of the main issue raised concern flooding and the fact that flooding has occurred at the northern boundary of the site and has impacted upon the existing dwelling immediately to the north of the site. One of the appellants has included photographs to illustrate such. The applicant in response to the appeal submission has noted that such drainage issues were caused by obstruction of drain on the road and such is an isolated incident that occurred in 2014 and is not an inherent issue with the site. From the information on file there is the possibility that there are drainage issue at this location and that the low point at the northern boundary and adjacent dwelling are particularly vulnerable. Notwithstanding such the issues appear to minor drainage issues are not flood risk concerns that would be subject to the recommendations of the national guidelines under The Planning System and Flood Risk Management - Guidelines for Planning Authorities. There is differing

opinions regarding the cause of such. I consider that it is not unreasonable to assume that there is an engineering solution to this issue. I would note that if the site is not developed than this issue may persist if it is an issue concerning the current drainage characteristics of the site. I would note developing the site actually gives on opportunity to address such an issue and that the applicant has in response to further submitted proposal for a soak away and surface water drainage as well as proposals for permeable surfaces. The Board may wish to seek further information in this regard, however in the event of grant of permission appropriate surface water conditions should be applied.

## **6.6 Other Issues:**

6.6.1 Having regard to the nature and scale of the proposed development and its 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 or projects on a European site.

## **7.0 Recommendation**

7.1. I recommend a refusal based on the following reasons.

## 8.0 Reasons and Considerations

### 8.1

1. The proposed development would constitute the extension of ribbon development into the rural area and would fail to provide for a compact form of development that provides a proper distinction between the urban area of Glenealy and the surrounding rural area. In this regard the proposal would be contrary to the recommendations of National Policy in regards to residential in small towns and villages as set out under 'Sustainable Residential Development in Urban Areas (Cities Town and Villages)'. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the significant level of individual wastewater treatment systems proposed taken in conjunction with existing residential development on adjoining sites and associated wastewater treatment systems, the proposal would give rise to an over-proliferation of wastewater treatment systems at this location which is identified as an area at high risk of groundwater pollution from domestic wastewater. In this regard, the proposed development would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.

Colin McBride

Planning Inspector

13<sup>th</sup> December 2016