



An
Bord
Pleanála

Inspector's Report PL27.247461

Development	Village centre development with 22 no. dwellings, retail, office and restaurant.
Location	The Wicklow Arms, Delgany, Co. Wicklow.
Planning Authority	Wicklow County Council.
Planning Authority Reg. Ref.	16/639
Applicant(s)	Cruslim Property Limited
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-v-Grant
Appellant(s)	(1) Robert & Siobhan Mooney. (2) The Delgany Community Council. (3) Barabara & Tommy McMackin. (4) Bellevue Court Residents Association. (5) Gerald & Breda Mccarthy (6) Guadalupe Palacio Villalobos &

Finbarr Lannin

Observer(s)

(1) David J Walsh.
(2) Lailli de Buitlear.

Date of Site Inspection

06th January 2017

Inspector

Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.79 hectares, is located in centre of Delgany Village. The site is occupied by an existing vacant public house and restaurant. The majority of the site is car parking associated with the public house and there is also an existing single-storey building located adjacent the southern boundary of the site (currently occupied with commercial uses). The site has an existing access adjacent the southern elevation of the existing public house. Adjoining uses include residential development in the form existing housing developments of Bellevue Lawns to the north, Delgany Court to the north east and Bellevue Court to the north west (all two-storey dwellings). To the west is the car parking area associated with the Delgany Inn. To the south of the site adjoining the public road is a two-storey detached dwelling (Curtlough House) and a graveyard associated with an existing church.

2.0 Proposed Development

2.1. Permission is sought for the demolition of the existing single-storey dance studio/office building (c. 173.9sqm) and the demolition of the two-storey building (c. 915sqm) to the rear of The Wicklow Arms public house. Permission is sought for the construction of a village centre development (gross floor area 2,892sqm) comprising of 22 residential units (12 no. house units and 10 no. apartments); and retail, office, and restaurant. The residential component of the scheme (c. 2,091.4sqm) shall comprise of 12 no. three bed dwellings (c. 103.3-125.5sqm) in a combination of two-storey terraced, semi-detached and detached units (Blocks A-D); 2 no. one bed

apartment units (c. 59.5sqm) and 8 no. two bed apartments (c. 78.8-83.4sqm) in a new three-storey village centre building. The commercial element of the scheme (801.3sqm) shall comprise redevelopment of the Wicklow Arms Public House (protected structure) including internal alterations to provide for change of use from former public house to restaurant use (c. 227.5sqm), 2 no. retail units in the new village centre building (87.3 and 89.3sqm respectively). The proposal also provides for 78 car parking spaces; bicycle parking, public open space area, private open space areas in the form of rear gardens and balcony/terrace areas, a new pedestrian link from the Delgany Inn car park, all landscaping works including boundary treatment, bin storage facilities, apartment storage units, new access road via Bellevue Court, new service connections and surface upgrade works, and all associated site development works.

- 2.2. The approved development included some revisions including the alterations to the design and layout of Block A.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 23 conditions. The conditions are standard in nature.

3.2. Local Authority and External reports

- 3.2.1. An Taisce (20/06/16): The proposed development is located in an ACA and close to a protected structure, which should be taken into account.
- 3.2.2. Irish Water (08/07/16): No objection.
- 3.2.3. Roads (19/07/16): Further information required including provisions for adequate and segregated parking, revisions and clarification regarding steps, footpaths and roads layout. Vehicular entrance to be in accordance with certain standards.
- 3.2.4. Planning report (27/07/16): Further information required including submission of a visual impact assessment, revisions to eliminate overlooking from certain windows, revisions to comply with the Sustainable Urban Housing Design Standards for New

Apartments, revisions to car parking and footpath layout, clarification regarding attenuation, boundary treatment and proposals for public lighting.

- 3.2.5. Roads (27/09/16): Response to further information generally acceptable, response regarding public lighting not acceptable and requires clarification.
- 3.2.6. Planning report (28/09/16): The proposal was considered acceptable in regards to visual impact, character of the ACA and the protected structure. The proposal was considered acceptable in the context of the amenities of the adjoining properties and the design layout of the residential development was considered satisfactory. The proposal is considered acceptable in regards to road layout and traffic safety. A grant of permission was recommended subject to the conditions outlined above.

4.0 Planning History

- 4.1 15/313: Permission refused for a mixed use development including 18 residential units, retail, office and public house. Refused due to being contrary development plan zoning policy, lack of car parking and turning space, potential for traffic hazard, substandard level of amenity and adverse impact on an ACA and protected structure.
- 4.2 14:1194: Extension of duration of permission 08/1425.
- 4.3 14/1193: Extension of duration of change of use application from pub to retail/office/medical centre.
- 4.4 09/1347: Permission granted for alterations to Wicklow Arms public house and restaurant on foot previous approved development under 08/1425.
- 4.5 09/1346: Permission granted nursing and care facility.
- 4.6 08/1425: Permission for alterations and extension to Wicklow Arms public house.

- 4.7 01/5133: Permission granted for change of use from restaurant to office use at first floor.
- 4.8 01/4223: Permission granted for retention of craft shop/retail unit.
- 4.9 01/4222: Permission granted for retention of elevation changes previously approved under 98/9330.
- 4.10 00/3085: Permission granted for apartment and office development.
- 4.11 98/9330: Permission granted to demolish part of existing buildings, alterations and extension.
- 4.12 97/6933: Permission granted for alterations and extension to Wicklow Arms.
- 4.13 95/2840: Permission granted for retention of office and new extension to same.
- 4.14 91/7469: Permission granted for new lean-to roof, new signs and relocation of entrance gates.
- 4.15 90/6485: Permission granted for alterations, additions and ancillary works.
- 4.16 90/5794: Permission for extension to mews for residential purposes.
- 4.16 88/3756: Permission granted for extension to Wicklow Arms Hotel.

5.0 Policy Context

5.1. Development Plan

5.1.1 The relevant Plan is the Greystones/Delgany & Kilcoole Local Area Plan 2013. The site is zoned Village Centre/VC with a stated objective '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.

5.1.2 The site is located within a designated Architectural Conservation Area.

5.1.3 The Wicklow Arms public house is on the record of protected structures under the Wicklow County development Plan 2016-2022.

6.0 The Appeal

6.0 Grounds of Appeal

6.1.1 A third party appeal has been lodged by Frank O'Gallachoir & Associates on behalf of Robert & Siobhan Mooney, 11 Bellevue Lawn. The grounds of appeal are as follows...

- The appellants raise concerns regarding Block A due to its proximity and scale relative to their property. Concerns are raised regarding potential overlooking with boundary treatment inadequate and possible future attic conversion of the proposed Block. It is noted the boundary treatment would impact on the root system of existing trees on applicants' property.
- The level of open space and its layout relative to the proposed retaining wall is inadequate.
- The proposal for residential development contravenes the village centre zoning objective under the Local Area Plan.

- The proposed access to the via Bellevue Court and the proposal is premature pending proposal for improvements to the alignment. Traffic calming measures at the junction of Bellevue Court and the local road. The proposal is also premature pending traffic calming and footpath improvements adjoining the existing access in the village centre.

6.1.2 A third party appeal has been lodged by Delgany Community Council. The grounds of appeal are as follows...

- The proposal is not significantly different in nature and layout the proposed development refused under ref no. 15/313.
- The proposal contravenes the Village Centre zoning objective and Policy RT8 due to the provision of residential development.
- The proposal is inadequate in regarding traffic safety with inadequate sightlines at the entrance to Bellevue Court. The proposal is inadequate in regards to pedestrian facilities in particular to the front of the Wicklow Arms and lacking in pedestrian connection to Delgany. The proposal would not comply with the recommendations of Design manual for Urban Roads and Streets.
- The site is located in an Architectural Conservation Area with the proposed development and in particular the three-storey block out of character and failing to take adequate account of the designated status of the area.
- The proposal is substandard in regards to amenity with the layout dominated by parking and access roads, the parking layout inadequate, the gradient of the open space area impacting its usability the proposal inadequate in regards to planting and landscaping.

6.1.3 A third party appeal has been lodged by Barabara McMackin & Tommy McMackin, Courtlough, Delgany, Co. Wicklow. The grounds of appeal are as follows...

- The proposal contravenes the Village Centre zoning objective and Policy RT8 due to the provision of residential development. It is noted that the proposal is similar in nature and layout to the previous proposal refused including a reason relating to the zoning objective.
- The level of public open space is inadequate and is unusable due to the gradient of such.
- The site is located in an Architectural Conservation Area with the proposed development out of character and failing to take adequate account of the designated status of the area.
- The level and layout of car parking provided is inadequate.
- Sightlines at the entrance to Bellevue Court are inadequate and the steep gradient at the access proves difficult for traffic during icy conditions. It is considered that the proposed access through Bellevue Court is inadequate for the level of development proposed. The proposal is inadequate in regards to pedestrian facilities in particular to the front of the Wicklow Arms and lacking in pedestrian connection to Delgany. The proposal would not comply with the recommendations of Design manual for Urban Roads and Streets.
- The proposal is substandard in regards to amenity with the layout dominated by parking and access roads, the parking layout is inadequate, the gradient of the open space area impacting its usability the proposal inadequate in regards to planting and landscaping.

6.1.4 A third party appeal has been lodged by Bellevue Court Residents Association. The grounds of appeal are as follows...

- The proposal contravenes the Village Centre zoning objective and Policy RT8 due to the provision of residential development.
- The level and layout of car parking provided is inadequate.
- Sightlines at the entrance to Bellevue Court are inadequate. It is inappropriate to permit the existing entrance and residential access road to be used to

facilitate the proposed development and such would be a risk to the safety of pedestrian and other road users of the existing service road.

- The proposal is substandard in regards to amenity with the layout dominated by parking and access roads, the parking layout inadequate, the gradient of the open space area impacting its usability the proposal inadequate in regards to planting and landscaping.
- The site is located in an Architectural Conservation Area with the proposed development out of character and failing to take adequate account of the designated status of the area.

6.1.5 A third party appeal has been lodged by Gerald & Breda McCarthy, 13 Bellevue Court. The grounds of appeal are as follows...

- Sightlines at the entrance to Bellevue Court are inadequate. It is inappropriate to permit the existing entrance and residential access road to be used to facilitate the proposed development and such would be a risk to the safety of pedestrian and other road users of the existing service road.
- The level and layout of car parking provided is inadequate.
- The proposal contravenes the Village Centre zoning objective and Policy RT8 due to the provision of residential development.
- The proposal is substandard in regards to amenity with the layout dominated by parking and access roads, the parking layout inadequate, the gradient of the open space area impacting its usability the proposal inadequate in regards to planting and landscaping.
- The site is located in an Architectural Conservation Area with the proposed development out of character and failing to take adequate account of the designated status of the area.

6.1.6 A third party appeal has been lodged by Guadalupe Palacio Villalobos & Finbarr Lannin, 7 Bellevue Court, Delgany, County Wicklow. The grounds of appeal are as follows...

- The proposal is not significantly different from the previous proposal refused on site under ref no. 15/313.
- Sightlines at the entrance to Bellevue Court are inadequate and proposal to improve such still do not yield adequate sightlines.
- Use of an existing access road and vehicular access through Bellevue Court would be unacceptable and was only designed for the traffic associated with existing housing development and poses danger due to increased traffic.
- It is noted that the original proposal for Bellevue Court never indicated access to future development on the adjoining site.
- The level and layout of car parking provided is inadequate.
- The proposal contravenes the Village Centre zoning objective and Policy RT8 due to the provision of residential development.
- The site is located in an Architectural Conservation Area with the proposed development out of character and failing to take adequate account of the designated status of the area.
- The proposal would have a negative impact on the distinctive character of Delgany village.
- The type of residential development proposed is out of character with existing development at this location.

6.1 Responses

6.2.1 Response by Brock McClure Planning & Development Consultants on behalf of Cruslim Property Limited.

- The proposal is not contrary the VC zoning objective with it noted that the mix of development proposed is appropriate at this location. The residential use indicated as being appropriate within such under the Local Area Plan.
- It is noted that revisions in regards to Block A deal with any concerns regarding overlooking and that boundary treatment proposed is adequate to protect the amenities of adjoining properties. It is noted that Block A has adequate open space provided.
- It is noted that the level of sightlines provided at the entrance point at Bellevue Court are sufficient and the level of pedestrian facilities provided in the overall development is satisfactory.
- It is noted that the proposal has adequate regard to the visual amenity of the area and the status of this area as an ACA and that the proposal would have no adverse impact on either.
- It is noted that the level of provision of public open space is consistent with the requirements of the Wicklow County Development Plan 2016-2022 and is of satisfactory quality in terms of layout and usability.
- It is noted that the proposal provides sufficient car parking to comply with the standards required under the Wicklow County Development Plan 2016-2022.

7.0 Observations

7.1 An observation has been lodged by David J Walsh, 51 Covenant Court, Delgany Greystones, Co. Wicklow.

- The observation notes support for the grounds of appeal raised by the Delgany Community Council.
- It is noted that the proposal is contrary to policy and status of the area as an ACA and includes demolition of two cottages (18th century structures) that should be retained.
- The proximity of the proposed structure adjoin the old graveyard is noted with concerns regarding the impact on such including existing trees.

7.2 An observation has been lodged by Lailli de Buitlear, Hillside House, Delgany, Co. Wicklow.

- It is noted that the proposed development is similar in nature and scale to the previous proposal refused on site.
- It is noted the decision to grant permission indicates that the Council have failed to have adequate regard to planning objectives including conservation objectives at this location.
- It is noted that there are clumps of Japanese knotweed on site that need eradication prior to the site being developed.

8.0 Assessment

8.1 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 amenity/Architectural Conservation Area/Protected Structure

Traffic impact/car parking

Development control standards

Other issues

8.2 Principle of the proposed development/Development Plan policy:

8.2.1 The appeal site is zoned Village Centre/VC with a stated objective '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' under the Greystones/Delgany &

Kilcoole Local Area Plan 2013. The proposed development consists of public house, restaurant, retail, office and residential uses. A significant portion of the development is dedicated to residential development. The appellants and observers note that the provision of residential development within the overall scheme is a contravention of the land use zoning objective.

8.2.2 Policy in regards to land use zoning is under Section 11 of the Plan. The Plan has no zoning matrix indicating appropriate uses within certain zonings with it noted that “the development management section of the planning authority shall determine each proposal on its merits, and shall only permit the development of uses that enhance, complement, are ancillary to, or neutral to the zoning objective. Uses that are materially inconsistent with and detrimental to the zoning objective shall not be permitted”. It is also noted under the Plan that “uses generally appropriate for centres include retail, retail services, health, restaurants, public house, public buildings, hotels, guest houses, nursing/care homes, parking, residential development, commercial, office, tourism and recreational uses including sports uses, community, including provision for religious use, utility installations and ancillary developments for town centre uses in accordance with the CDP”.

8.2.3 I would consider that the proposal for a mixed use development of the nature proposed would not be contrary land use zoning policy. The inclusion of residential development is not at odds with such zoning policy and is not incompatible with adjoining uses on neighbouring site, which are main residential uses. I would note that there is a significant level of land zoned Village Centre including the appeal site and the expectation that all would be dedicated to commercial/community uses with no residential is unrealistic and most likely unfeasible. I would consider an appropriately designed mixed use scheme including residential development would have a positive impact at this location. In this regard I would consider the principle of the proposed development to be acceptable.

8.3 Design/scale/visual amenity/Architectural Conservation Area/Protected Structure:

8.3.1 The proposed development is split into three main components. A portion of the existing public house (Wicklow Arms) is to be demolished with a new extension to the rear. To the south of the site a three-storey building is to be constructed with retail use and residential use at ground floor and two levels of apartments above. Both these components would use the existing vehicular access to the site from the village centre (south of the Wicklow Arms) with car parking to the rear of the existing public house. The other component of the site is 12 no. two-storey dwellings located backing onto the northern boundary of the site with access to be gained through Bellevue Court to the east and using the existing service road and vehicular entrance for traffic.

8.3.2 The Wicklow Arms is on the record of protected structures. The proposal entails demolition of a significant portion of existing structures attached to the public house including the two-storey structure to the rear currently housing a kitchen area, lounge and function room. It is notable that any structures being demolished are later additions and would not have significant architectural heritage merit in the context of the existing protected structure. The proposal entails retention of the historic fabric of the Wicklow Arms and an adjoining structure of more recent construction to be refurbished with provision of a restaurant and two separate retail units at ground floor level and office use at first floor level. In regards to impact on the existing protected structure the level of alterations would not result in significant loss of existing historical fabric. I would consider that the alterations proposed to the protected structure would be in keeping with the integrity and character of the existing protected structure and that the proposal would be an improved standard of development over the existing arrangements on site. In addition, I would note that overall visual impact of the alterations to the existing public house would be acceptable in the context of its location within a designated Architectural Conservation Area and the general visual amenities of the area. I am also satisfied that all structures of architectural heritage value are being retained on site and any and the level of demolition of existing structures would be acceptable.

8.3.3 The three-storey village centre is located adjacent the southern boundary of the site. The structure is flat roofed structure with external finishes including smooth render, brick (external walls) and zinc (roof profile and other details). The structure has a ridge height of 10.008m. The proposed structure is located at the lowest part of the site due to the fall in levels moving north to south over the site. The appeal submission and observers note that the design of the proposal is out of character at this location and would have a detrimental impact on the visual amenities of the area and on the character of a designated ACA. The applicant's submitted a Visual Impact Assessment, which includes an assessment of the proposal from 13 viewpoints in the surrounding area. The assessment concludes the proposal would have no impact from certain viewpoints and a slight to moderate visual impact from most viewpoints.

8.3.4 Having inspected the site and the intervening area, it is notable that the location of the three-storey building is well within the boundaries of the site and not located on the road frontage of the site. Its location within the site and on the lowest point of the site would mean that it would be only partially visible from certain areas outside the site. I am satisfied that the photomontages submitted accurately reflect the overall visual impact of the proposed three-storey block. I am satisfied that overall visual impact of the proposed three-storey block is satisfactory and that such would not have a significant or adverse visual impact in the surrounding area. In regards to impact on the adjoining graveyard, the level of existing trees and vegetation adjoining the northern boundary of graveyard are more than adequate to ensure that the proposed three-storey block would not be visible from the graveyard and therefore not impact significantly on the character of such.

8.3.5 The proposed dwellings are located along the northern boundary of the site. The dwellings are two-storey and consist of four blocks (A, B, C and D). Blocks B, C and D have a similar building line and back onto the northern boundary, which is the southern boundary of two-storey dwellings within Bellevue Lawns. The proposed dwellings have a lower finished floor level than the dwellings in Bellevue Lawns due to the difference in ground level on the site, which decrease moving south away from

the boundary with existing residential development. Rear garden depths/separation distances from the rear elevation and northern boundary vary between 13-14m. I would be satisfied that the level of separation and change in levels between the proposed dwellings (Blocks B, C and D) and the existing dwellings to the north would be sufficient to protect the amenities of the existing dwellings.

8.3.5 Block A is located closer to the northern boundary with its garden area located to the side. It is notable that during the application further information was requested seeking revision to the design of Block A due to concerns regarding overlooking windows at first floor level on the northern and western elevation. A revised dwelling design was submitted and approved. In regards to the dwellings to the north within Bellevue Court, although Block A is closer to the northern boundary, the change in level between the appeal site/finished floor level of Block A is significant to the extent it would have no significant adverse impact in regards to the dwellings to north (Bellevue Lawns). In regards to the dwelling to the west within Bellevue Court, the level of separation between the proposed dwelling and the rear elevation of the existing dwelling is sufficient as well as the fact there is also a significant difference in levels between the appeal site/finished floor level Block A and the adjoining dwelling to the west within Bellevue Court. It is notable that the appeal submission raises concern that potential conversion of the attic of dwellings proposed would also impact on residential amenity. I would note that the proposal is for two-storey dwellings not dissimilar in design and scale to those on adjoining sites located and laid out in manner that would provide for a pattern of development not uncommon in suburban residential areas. I am satisfied that the level of separation between the proposed dwell sing and existing dwellings are adequate and comply with the relevant Development Plan standards (22m separation between opposing first floor windows).

8.3.6 I am satisfied that the proposal provides for an overall scheme that is satisfactory in design and layout. The proposal provides for a satisfactory level of residential amenity for future occupants in the form of public and private open space. The proposal for landscaping on site are satisfactory and the extent of boundary

treatment would be adequate to provide a sufficient degree of separation from adjoining uses.

8.4 Traffic impact/car parking:

8.4.1 The proposal entails access using existing vehicular access in the town centre. The appeal site currently has a vehicular access at the south east corner of the site from the village centre (south of Wicklow Arms). It is proposed to use this access for traffic serving all commercial components of the site, restaurant, retail and office as well as the 10 apartments on the first and second floor of the three-storey block adjacent the southern boundary of the site. A car parking area associated with such development is also proposed with 54 spaces. The portion of the development consisting of 12 no. dwellings is to be accessed through a new opening at the north west corner of the site to link up with the existing service road through Bellevue Court and use the vehicular access onto the local road to west of the site. No through access is proposed between the two vehicular access points.

8.4.2 The appeal submissions and observation raise concerns regarding use of the existing vehicular access and service road for Bellevue Court on the grounds that the existing vehicular access is substandard and the proposed additional traffic would constitute a traffic hazard. Based on the information on file the applicants have consent to use the existing vehicular access and service road for Bellevue Court. The existing service road within Bellevue Court is residential distributor road within an existing housing development with a width of 6m and with footpaths located on either side (1.5m wide). The distributor road serves 19 dwellings with Bellevue Court. The proposal is to use the existing distributor road to provide access to the 12 no. dwellings within the proposed development. I would consider that the existing service road in terms width and provision of pedestrian facilities has the capacity to serve the proposed dwellings without a significant or adverse impact on the existing residents/road users/pedestrians currently using the distributor road. Given the nature of the development, the type of traffic would not be dissimilar to that already being facilitated at this location and would not have a significant impact over and above existing traffic movements experienced at this location.

8.4.3 The use of the existing access to Bellevue Court onto the public road is noted as a concern by the appellants and observers with it noted that the existing entrance has restricted sightlines. The applicant's proposal entails alterations to the existing access which include moving the stop line closer to the edge of the public road than it is currently and under the approved plans a raised table, new markings and tactile paving as well as a reduction in junction radii. According to the applicants the revisions to the existing entrance allow for the provision of 45m measures 2.4m from the road edge. The vehicular entrance is within the 50kph speed limit and the level of sightlines claimed to exist would be consistent with the standards set down under the Design Manual for Urban Roads and Streets (DMURS). Having inspected the site, I am satisfied that such sightlines are available at the existing entrance and would note that the existing pole on the southern side of the entrance does not completely obscure such visibility. I would consider that the entrance layout proposed is an improved layout more in keeping with the standards under DMURS and would be satisfactory in the context of traffic safety. I am satisfied that the level additional traffic associated with 12 no. dwellings can be catered for without having any adverse impact on existing road users or pedestrians/cyclists at this location.

8.4.4 The alterations to the existing Wicklow Arms public house (restaurant, office and 7 no. retail units) and the proposed three-storey village centre building (2 no. retail units and 10 no. apartments) are to be accessed using the existing vehicular access to the site in the centre of the village onto the R672. The layout of the entrance is to be revised with a 4.8m wide shared surface were provided with a footpath area located along the southern elevation of the existing public house. The documents submitted includes Traffic and Transport Assessment. This assessment notes that the proposal is assessed on the basis of the Design Manual of Urban Roads and Streets and the standard of provision of 50m of forward visibility setback 2.4 based on a road with a design speed of 50kph, which is the speed limit at this location. The assessment notes that the speed survey carried out indicates that the speed of traffic along the R672 in the vicinity of the site of 44kph, however the 50kph standard was used to assess the proposal. According to the applicant's visibility of 49m, setback 2.4m is available at the existing entrance point. The proposal also entails

improvement to the existing vehicular access with new markings, the improvement of the existing footpath facilities along the R672 in front of the Wicklow Arms (further information response). Having inspected the site, I would be satisfied that sightlines in accordance with the Design Manual of Urban Roads and Streets are available at this location.

8.4.5 The Transport and Traffic Assessment along includes detail of traffic surveys carried out and modelling of trip generation anticipated as a result of the proposed development. It is concluded that the percentage increase is minimal and not anticipated to have a material impact on the operation of existing junctions and the local road network. In my view a number of factors are a relevant consideration in assessing the proposal on traffic grounds. Firstly, I would note that visibility/sightlines proposed are of an acceptable standard at both vehicular access points and in accordance with the relevant guidance standards (DMURS). The main residential component of the development (12 no. dwellings) are being facilitated through an existing vehicular and residential distributor road from another road within the urban speed limit. In regards to the existing access, the proposed development is located in the heart of the town centre and is already occupied by a significant level of commercial development, although the main building on site (Wicklow Arms) is currently vacant there is no impediment to it resuming operation (there other existing business operating in the separate structure to the south of the site). I would consider that the current proposal does not entail a significant intensity of development above and beyond the existing using the entrance off the R672.

8.4.6 Table 7.1 of the County Development Plan outlines the car parking standards required for different categories of development. In relation to the 12 no. dwelling units the requirement under Table 7.1 is 2 spaces per dwelling (2 bed plus). In the case of the proposed development 24 spaces are provided, which is the exact requirement under the County Development Plan. The proposal for 10 no. apartments has a minimum requirement of 12 spaces (based on requirement that for every 5 units with 1 space, 1 visitor space is to be provided). The retail space generates a requirement of 12 spaces, the restaurant use 24 spaces and the office use 11 spaces giving a total of 59 spaces for the mixed use portion of the

development (excluding the 12 no. dwellings). A total of 54 is provided with a shortfall of 5 spaces overall. It is proposed to provide 12 spaces dedicated to the apartment development with the remainder available for the commercial aspect of the proposal. In regards to the shortfall in space, I would consider the town centre location of the site to be relevant consideration with the proposal in walking distance/cycling distance of a significant level of residential development and public transport available at this location (bus) In addition I would note that the restaurant use peak hours (such as evening/night time) does not coincide with the opening hours of some of the other types of commercial development (office/retail). In addition, there may be crossover in uses such as occupiers of the car parking visiting more than one of the uses included on site. I would consider given the town centre location of the site, that the level of car parking proposed would be acceptable. The proposal also entails adequate provision bicycle parking on site and a satisfactory layout in regards to pedestrian facilities.

8.4.7 I would consider that the proposed development, subject to the amendments made in response to further information, would be acceptable in regard to traffic safety and would, therefore, be in accordance with the proper planning and sustainable development of the area.

8.5 Development Control Standards:

8.5.1 The relevant development control standards are contained under the Wicklow County Development Plan 2016-2022. In regards to the residential development the relevant standards are under the Chapter, Development and Design Standards, Section 1, Mixed Use and Housing Developments in Urban Areas. All of the dwellings feature private amenity space either to the rear or side with the required standard being 60-75sqm per dwelling with 3 bedrooms or more as is the case with the proposed development. All of the proposed dwellings meet the required standard.

8.5.2 In regards to the 10 no. apartments within the three-storey village centre, such are a mix of 8 no. two bed units and 2 no. one bed units. The applicants were requested to

revise the units to comply with the standards set out under the Sustainable Urban Housing Design Standards for New Apartments: Guidelines for Planning Authorities (DoE,C&LG 2015). I am satisfied that the design and layout of all of the proposed apartments (plans submitted in response to further information) within the village centre block are compliant with standard set out under this document, which is a development control standard under the County Development Plan. In regards to specific standards under the Development and Design Standards Chapter, there is a requirement of a minimum balcony/terrace area of 7sqm for a one bed unit and 9sqm for a two bed unit. In the case of the proposed development all apartment units have a balcony/terrace area with an area of 10.72sqm in compliance with development plan standards.

- 8.5.3 In relation to public open space there are two main areas of such provided on site. The main area of public open space is to the south of the proposed dwellings, north of village centre block and along the western boundary of the site. This public open space has an area of 804sqm. There is also a public open space area to the south of the village centre block with an area of 304sqm. The requirement under Development Plan policy is 15% of the site area. The site is 0.79 hectares in area and the proposal entails the provision of 14% of the site area as open space. Although marginally below the 15% standard, I would consider such to be sufficient considering that the proposal is a mixed use development with significant level of commercial development. The residential portions looked at in isolation are provided with a satisfactory level of public open space with the main area of public open space being 10% of the site area and if calculated based on just the area of the 12 no. dwellings the service road and public open space would be well in excess of 15% of the site area of the housing development portion of the scheme.
- 8.5.3 The issue of car parking is examined in the earlier section of this report. It is noted that 12 spaces are to be dedicated to the apartment. Concerns were noted that there would be difficulty in dedicating such spaces to the residential use due to them being part of the overall car parking area associated with the commercial development. I would consider that the spaces I question could easily be dedicated to the apartments by way of some barrier system. I would question the need for such given the fact there are part of town centre mixed use development and that note that

sufficient parking is provided in respect of this portion of the development. The Board may wish to insert a condition requiring the applicant to submit proposals for agreement with Planning Authority for dedicating spaces top the apartment use, in such case I would recommend that only 10 spaces (1 per unit) is sufficient in event of such being considered necessary.

8.6 Other Issues:

8.6.1 The proposal includes a landscaping scheme, a comprehensive boundary treatment on all site. The proposal for landscaping includes retention of some trees on site based on a tree survey report carried out. Such includes tree protection measure to be implemented on site. I am satisfied that the level of existing tress being retained on site and that the proposal to augment such planting with additional planting in the proposed landscaping scheme would be satisfactory.

8.6.2 A submission from the Development Applications Unit notes that the proposed development site is located partially within the confines of Recorded Monuments WI013-004(001) church, WI013-0044(002) graveyard, WI013-004(003) high cross and WI013-004(004) font. It is recommended that an archaeological impact assessment should be prepared and submitted to the relevant authorities in advance of any site preparation/and or construction works to enable the National Monuments Service to advise with regard to any further archaeological requirements in advance of construction. A condition to this effect is recommended and should be applied in the event of a grant of permission.

8.6.2 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.

9.0 Recommendation

9.1 I recommend a grant of permission subject to the following conditions.

10.0 Reasons and Considerations

10.1 Having regard to the town centre zoning of the site, to the pattern of development in the area, to the planning history of the site and to the design and scale of the proposal, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in the context of the visual amenities of the area, the character and setting of a protected structure and the designated Architectural Conservation Area, would be acceptable in terms of impact on the established town centre, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the plans submitted on the 15th day of September, 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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. 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:

(a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.

(b) Location of areas for construction site offices and staff facilities.

(c) Details of site security fencing and hoardings.

(d) Details of on-site car parking facilities for site workers during the course of construction.

(e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.

(f) Measures to obviate queuing of construction traffic on the adjoining road network.

(g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.

(h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.

(i) Provision of parking for existing properties during the construction period.

(j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.

(k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.

(l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.

(m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

(n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

5. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

6. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays, Bank or Public Holidays. Deviation from these times will 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. A plan containing details for the management of waste and recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and recyclable materials and for the ongoing operation of these facilities within each house plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and recyclable materials, in the interest of protecting the environment.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

9. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

10. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the detailed landscaping scheme submitted to the planning authority on the 9th day of June, 2016. This work shall be completed before any of the apartments are made available for occupation

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

11. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

12. Appropriate controls shall be put in place to ensure that the proposed works do not result in the spread of invasive alien species such as Japanese Knotweed (*Fallopia japonica*). Prior to the commencement of development, the applicant shall confirm in writing to the Planning Authority if such is present on site. If such is the case a detailed site Management Plan outlining programme for the control and monitoring of Japanese Knotweed on the site shall be agreed with the Planning Authority prior to the commencement of development.

Reason: In the interest of controlling invasive species

13. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

14.

(a) The applicant is required to engage the services of a suitably qualified archaeologist to carry out an archaeological assessment of the development site in advance of any site preparation and/or construction works. No sub-surface works should be undertaken in the absence of the archaeologist without his/her express consent.

(b) The archaeologist should carry out any relevant documentary research and inspect the site. The assessment should involve documentary and cartographic research, an analysis of all previous archaeological assessments carried out in the area, fieldwork, archaeological testing (licensed under the National Monuments Acts 1930-1994) and an examination of the proposed plans/design details for the development.

(c) The archaeologist should prepare and submit a written report, including an archaeological impact statement, to the Planning Authority and to the National Monuments Service, Department of Arts, Heritage, Regional, Rural & Gaeltacht Affairs in advance of any site preparation and/or construction works. Where archaeological material/features are shown to be present, avoidance, preservation *in situ*, preservation by record (excavation) and/or monitoring may be required. The National Monuments Service and the Planning Authority will advise accordingly following receipt of the archaeological assessment report.

(d) No site preparation or construction works should be carried out on site until the archaeologist's report has been submitted to the relevant authorities and permission to proceed has been received in writing from the Planning Authority, in consultation with the Department of the Arts, Heritage, Regional, Rural & Gaeltacht Affairs.

(e) The final report describing the results of archaeological mitigation, including monitoring any subsequent archaeological excavation and post-excavation specialist reports, should be submitted to the Planning Authority and the Dept. Arts, Heritage, regional, Rural & Gaeltacht Affairs.

Reason: To ensure the continued preservation (either *in situ* or by record) of places, caves, sites, features or other objects of archaeological interest.

15. 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 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.

Colin McBride
Planning Inspector

07th February 2017