



An  
Bord  
Pleanála

## Inspector's Report PL27.248401

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| <b>Development</b>                  | 89 houses, removal of stables, outbuildings and partial removal and change of use of house to crèche, ESB substation, car parking, vehicular and pedestrian entrances. |
| <b>Location</b>                     | Richview House, Bellevue Hill, Delgany, Co. Wicklow.   |
| <b>Planning Authority</b>           | Wicklow County Council   |
| <b>Planning Authority Reg. Ref.</b> | 15/1307  |
| <b>Applicant(s)</b>                 | Gorteen Way Limited  |
| <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) Paul Hyland<br>(2) Dr. Yvonne Buggy<br>(3) Cllr Derek Mitchell<br>(4) Alan & Isobel Constable<br>(5) Bernard & Catherine Moran                                     |

(6) Bellevue Court Residents  
Association

**Observers**

(1) David J Walsh  
(2) Gabriel Dooley  
(3) Aidan Kelly

**Date of Site Inspection**

20<sup>th</sup> July 2017

**Inspector**

Colin McBride

## 1.0 Site Location and Description

1.1 The appeal site, which has a stated area of 4.2857 hectares, is located to the north west of Delgany village centre. The site is located on the eastern side of Bellevue Hill, which is a public road that runs north south and has a junction with the R762 to the south of the site in the village centre. The site is a greenfield site that includes an existing two-storey dwelling (Richview House a gate lodge, associated outbuildings) and its curtilage, Richview House is vacant and in a derelict condition. In regards to adjoining uses, to the south are the grounds associated with the Carmelite Convent. To the north the site adjoins a detached dwelling ('Brooklands') and its curtilage. There is also another detached dwelling located along the northern boundary (located further north than Brooklands). There are two detached dwellings located adjacent the eastern boundary (accessed from Convent Road to the east) and an undeveloped field located south of the existing dwellings (part of lands associated with the Carmelite Convent). The levels on site fall moving east away from the public road and then increase on site and then fall towards the western boundary on the site. Existing boundary treatment on site consists of trees and hedgerows along the roadside boundary, the southern boundary of the site, the western boundary and part northern boundary.

## 2.0 Proposed Development

2.1. Permission is sought for 89 two-storey dwellings including 25 no. 4 bed detached dwellings, 28 no. 4 bed semi-detached dwellings, 18 no. 3 bed semi-detached dwellings, 6 no. 3 bed terraced dwellings and 12 no. 2 bed terraced dwellings. The proposal entails removal of existing stables, outbuildings and the partial removal and change of use of the existing dwelling (Richview House) to a crèche (275sqm) including 8 no. surface car parking spaces, bin storage, cycle parking and external play area. The proposal also entails the construction of an ESB substation and switch room (25sqm), for all boundary walls and fences, proposed vehicular and pedestrian entrances to the development off Bellevue Hill and associated signage, internal estate roads, visitor surface car parking, footpaths, hard and soft

landscaping and all site services above and below ground including connections to existing services.

- 2.2. The proposal was revised in response to further information requests with the approved development consisting of 82 new dwellings. The proposal entails refurbishment and alteration of the existing dwelling on site to be retained as a dwelling, a new crèche building and retention of the gate lodge.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission granted subject to 24 conditions. Of note are the following conditions...

Condition no. 8: No dwelling to be occupied until proposed pedestrian works to Bellevue Hill completed and the junction upgrade works between Bellevue Hill and the R762 are completed. No more than 25 dwellings to be occupied until the crèche is constructed and no more than 60 dwellings to be occupied prior to operation of the crèche.

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

- 3.2.1. Roads (22/12/15): Further information required including alterations to the service road layout, road widths, parking and footpaths.
- 3.2.2. An Taisce (08/01/16): The proposal should be examined under the test requirements of Box 5.2 of the National Spatial Strategy.
- 3.2.3. Irish Water (14/01/1): No objection.
- 3.2.4. District Engineer (04/02/16): Further information required regarding roads layout/vehicular access, surface water drainage and landscaping.
- 3.2.5. District Engineer (05/02/16): Clarification required regarding a number of traffic issues.

- 3.2.6. Planning Report (16/02/16): Further information required including proposal to comply with recommendation of the Urban Design Manual, provision of a crèche compliant with the requirements of the Childcare Facilities guidelines, details regarding the traffic layout, car parking and pedestrian facilities, details regarding surface water, boundary treatment and landscaping.
- 3.2.7. Inland Fisheries Ireland (02/09/16): Construction management should have regard to the need to protect adjoining watercourses and flora and fauna.
- 3.2.8. District Engineer (07/09/16): Further information required including a road layout that has regard to the position of the gate lodge, omission of tactile pavement, reduced junction radii and public lighting.
- 3.2.9. Roads (08/09/16): No objection subject to conditions.
- 3.2.10. Irish Water (08/09/16): No objection.
- 3.2.11. Planning Report (19/09/16): Clarification of further information including details of the roads layout in the context of the existing gate lodge, justification of the location of a pedestrian crossing, demonstration that childcare facilities are adequate, address concerns regarding the design of dwelling nos 1-14 and address concerns regarding the build-up of the internal road.
- 3.2.12. Irish Water (27/03/17): No objection.
- 3.2.13. Planning Report (14/03/17): The proposal was considered to be acceptable in the context of the proper planning and sustainable development of the area. A grant of permission was recommended subject to the conditions outlined above.

## 4.0 Planning History

- 4.1 No planning history on the appeal site.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1 The relevant development plans are the Wicklow County Development Plan 2016-2022 and the Greystones/Delgany & Kilcoole Local Area Plan 2013.

5.1.2 The site is zone R22 Residential with a stated objective 'to provide for the development of sustainable residential communities up to a maximum density of 22 units per hectare and to preserve and protect residential amenity.

#### 5.1.3

**RES3:** The development of zoned land should generally be phased in accordance with the sequential approach:

- Development should extend outwards from centres with undeveloped land closest to the centres and public transport routes being given preference, i.e. 'leapfrogging' to peripheral areas should be avoided;
- A strong emphasis should be placed on encouraging infill opportunities and better use of under-utilised lands; and
- Areas to be developed should be contiguous to existing developed areas.

Only in exceptional circumstances should the above principles be contravened, for example, where a barrier to development is involved. Any exceptions must be clearly justified by local circumstances and such justification must be set out in any planning application proposal.

**RES4:** Where a housing development is adjoining future development lands or provides the only possible access route to other lands, new roads will be required to be designed to ensure that future access to other lands can be facilitated. This objective shall be applied to zoned lands at Kindlestown Upper. An indicative through access route is indicated on Map A.

**RES5:** On undeveloped residentially zoned land, it is an objective of the Council to provide for the development of sustainable residential communities up to a maximum density, as prescribed by the land use zoning objectives indicated on Map A and described in 'Table 11.1: Zoning Matrix'.<sup>3</sup>

In existing residential areas, infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties. However, where previously unsewered, low density housing areas become served by mains sewers, consideration will be given to densities above the prevailing density, (up to 10 / ha, depending on local circumstances), subject to adherence to normal siting and design criteria.

**RES7:** Notwithstanding the zoning objectives set out within this plan, lower density residential developments may be required at certain locations; where by virtue of environmental, topographical and service constraints, including lack of public mains infrastructure, poor road access, steep gradients, flooding issues and significant coverage of natural biodiversity; a lower density of development is preferable. This objective applies to all land zonings within the plan area.

## **6.0 The Appeal**

### **6.1 Grounds of appeal**

6.1.1 A third party appeal has been submitted by BPS Planning Consultants on behalf of Paul Hyland, no. 7 Bellevue Cottages, Delgany Co. Wicklow.

- The appellant raises concern regarding traffic impact including the insufficient width and standard of the road for the level of traffic generated, the existing high volumes of traffic on the public road, its prematurity due lack of

footpaths/suitable roads infrastructure and the lack accessibility to public transport for a scheme of this nature.

- It is noted that the proposal is contrary national and local planning policy in regards to residential development and would be contrary the flood risk guidelines.
- It is noted that the site and public road in the vicinity have been affected by flooding.
- The proposal contrary a significant number of policies of the County Development Plan and Greystones Delgany and Kilcoole Local Area Plan.
- The proposal would have an adverse impact on the residential amenities of Bellevue Cottages including the visual amenity due to loss of outlook.

6.1.2 A BPS Planning Consultants on behalf of Dr. Yvonne Buggy, Hollybrook, Convent Road, Delgany, Co. Wicklow.

- The appellant's dwelling is located to the east of the site. The appellant is concerned regarding the density and pattern of development, which is out of character with that on adjoining sites.
- It is noted due to the levels on site and the scale and proximity of the development to the appellant's property would have a significant and adverse impact on the outlook from the existing dwelling and the appellant's visual amenity. It is noted there is a lack of a defined boundary between the appeal site and the appellant's property with the need for the applicant's to address this issue.
- It is noted that revisions to the layout and design have not addressed concerns but created additional concerns such as the proximity of a future entrance onto adjoining lands to the appellant's property.
- The appellant notes that the density of the development does not have regard to the pattern of development on adjoining sites and the proposal would not comply with Objective RES7 of the Local Area Plan.



- The proposal development would have an adverse impact on the appellant's residential amenity due to the altered excessive density of development, overlooking and the proximity of estate roads to the boundary with the appellant's property.
- It is noted that boundary treatment proposed adjoining the appellant's property is inadequate and a 3m boundary wall should be constructed at this location to protect residential amenity.
- The appellant is concerned the proximity of a future access to adjoining lands to her property and the potential that such may become the main access to the development.
- It is noted that a wall is required along the entire eastern boundary to prevent trespass on lands to east and adjoining the appellant's property.
- The appellant is concerned the future access point adjoining her property may be used for construction access and impact on existing residential amenities.
- The appellant notes existing drainage and flooding issues noting that the proposal does not comply with the Planning System and Flood Risk Guidelines for Planning Authorities.
- It is noted that the existing public road is inadequate for the construction traffic associated with the proposal and requires upgrade prior to the carrying out of development.
- It is noted the proposal would be contrary Local Area Plan policy in that it is served by a road that is inadequate and lacking in other infrastructure, is peripheral relative to the village centre with other development land closer to such. The density of the proposal is excessive and has inadequate regard to the existing pattern of development on adjoining sites and deficiencies in infrastructure.
- The proposal has failed to address existing road network deficiencies and the Traffic and Transport Assessment was inadequate in assessing the characteristics of the existing public road and the existing traffic speed and levels.

6.1.3 A third party appeal has been lodged by Councillor Derek Mitchell, 10 Bellevue. The grounds of appeal can be summarised as follows...

- The existing public road is unsuitable for the traffic likely to be generated. It is noted the existing public road serves existing schools and is inadequate for the additional traffic proposed.
- It is noted the development should be accessed from the main distributor road subject to upgrade under Objective RO3 and not a substandard public road as proposed.
- The proposal for pedestrian facilities are inadequate and the proposal is contingent on junction improvements that have yet to be designed or approved.
- Traffic calming measures are required along the public road.
- Existing drainage issues are noted and a condition should be applied requiring development not proceed until upgrading of the capacity of the storm water system.
- A traffic management plan for construction traffic is required.

6.1.4 A third party appeal has been lodged by Alan & Isobel Constable, 10 Bellevue Cottages, Delgany, Co. Wicklow. The grounds of appeal can be summarised as follows...

- The design, scale and layout of the proposal is out of character with the adjoining pattern of development and in this regard is contrary Development Plan and Local Area Plan policy.
- The appellants note concerns regarding the density of the development including the potential for additional habitable floor space within the attic areas and excessive plot ratio of development on site.

- The appellants note historic flood instances on site and the surrounding area and note that the density of development sought is inappropriate having regard to such issues.
- The appellants note the existing public road is inadequate in width, alignment and pedestrian facilities to cater for a development of this scale including construction traffic. It is noted that the traffic assessment is inadequate in terms of assessing existing traffic levels using the public road.
- The appellants note that the provision of improved pedestrian facilities as part of the proposed development are inadequate.
- The appellants note that boundary treatment along the road frontage is unsuitable and that existing boundary hedgerow should be retained and any wall should be in keeping with existing boundary treatment at this location.
- It is noted that the applicant has no consent for the additional access points to adjoining lands.
- The layout is of poor quality, particularly the location of public open space and orientation of dwellings.
- The appellants are critical of the design, layout and variety of dwellings types proposed.
- The proposal would have an adverse visual impact in terms of streetscape when viewed from the public road due to the design, scale and height of the proposed dwellings.

6.1.5 A third party appeal has been lodged by Bernard & Catherine Moran, 12 Bellevue Court, Delgany, Co. Wicklow. The grounds of appeal can be summarised as follows...

- The existing road serving the site is inadequate in width, alignment and pedestrian facilities for the level of traffic likely to be generated by the proposed development. The existing road network requires significant

upgrading in addition a traffic management plan prior to consideration of high density development of this type.

- The appellants highlight flood issues that have occurred within the area with concerns that the proposal would exacerbate such issues and would be premature pending the provision of increased capacity to the storm water drainage system.
- There is inadequate public transport serving the area and the site with the traffic likely be generated adding to existing traffic issues in the area.
- The proposal would have a detrimental impact on the residential amenities of adjoining properties in that it is a higher density pattern of development that does not integrate with the existing pattern of development.
- It is considered that the construction of the proposed development would have adverse impacts in terms of traffic issues and disturbance due to the substandard nature of the public road serving the site.

6.1.6 A third party appeal has been lodged by Bellevue Court Residents Association. The grounds of appeal can be summarised as follows...

- The existing public road is not suitable for a high density development such as this. The appellants note existing concerns regarding the access to Bellevue Court and consider that another high density development on the public road would exacerbate concerns regarding traffic hazard.
- The appellant note the public road is inadequate in width and pedestrian facilities and is unsuitable for the traffic likely to be generated by the proposed development during both the construction and operational phase.
- It is noted a traffic management plan is required and that the proposal is dependent on improvement of the junction of Bellview Hill and the R762
- There is a lack of public transport facilities in the area or in close proximity to the site meaning a high dependency on private car transport with the proposed development likely to add to existing traffic issues in the area.

## 6.2 Observations

6.2.1 An observation has been received from David J Walsh, 51 Convent Court, Delgany, Greystones, Co. Wicklow.

- The observation notes support for the view that the density of development and traffic to be generated cannot be accommodated by the existing road network.
- The observer notes concerns regarding the impact of the upgrade of the junction in the village in the context of its location within an Architectural Conservation Area.
- The observer expresses concerns regarding the lack of information relating to the stream on site noting it needs to be cleared and culverted to deal with drainage issues in the area.

6.2.2 An observation has been received from BPS Planning Consultants on behalf of Gabriel Dooley, Four Winds, Delgany, Co. Wicklow.

- The observer's property is located to the south of the site. The observer notes that the proposal to improve and upgrade pedestrian facilities along the existing public road are inadequate and that the existing alignment and width of the public road and footpaths (particularly adjacent the observer's property) are inadequate to deal with the additional development proposed.
- The observer notes that the applicant proposals to improve pedestrian facilities along the public road cannot be implemented without the permission of adjoining landowners and that the necessary upgrades in the width of the public road to provide adequate carriageway width and footpaths are unrealistic in the short term.
- It is noted that the proposed location of the pedestrian crossing is dangerous and is identified by such by the Council in assessing the application, yet

permission has been granted. The observer considers the pedestrian crossing to be inadequate in design and location and non-compliant with relevant standards (TII guidance).

- It is noted that despite proposal for new footpaths, such link into existing footpaths further south along the public road that are inadequate and that overall proposals along the public are unsatisfactory to cater for the proposed development.
- The proposal is contrary Objectives of the Local Area Plan as the site is peripheral from the village.
- It is noted that the public road serving the site and the adjoining road network including the junction in the village are inadequate to serve the proposal and that the assessment of traffic impact was inadequate and the proposal is premature pending resolutions of deficiencies in the road network.
- It is noted the Traffic and Transport Assessment is inadequate in regards to its assessment of existing traffic levels and the impact of the proposed development.
- The impact of construction traffic would be significant and the potential cumulative impact of construction traffic with the development permitted under PL27.247461 should be considered.
- Construction management should be carried out in consultation with local residents and a condition to such effect should be included in the event of a grant of permission.

6.2.3 An observation has been received from Carl Mogensen on behalf of Aidan Kelly, 'Brooklands', Bellevue Hill, Delgany, Co. Wicklow.

- The proposal will infringe on an existing right of way and the boundaries between the site and the observer's property and the drawings submitted do not accord with the observer's legal title maps.

- The proposal fails to make provision for future connection to lands zoned residential to the north.
- The proximity of the crèche and residential units to the northern boundary will limit the development potential of the lands to the north.
- The design, scale and density of the development and the proposed boundary treatment would be out of character at this location.
- The proposal would give rise to traffic and safety concerns due to the existing width and alignment of the public road.
- The proposal is inadequate in regard to information in relation to construction management.
- The proposal is overdevelopment of the site and will impact adversely on adjoining amenities and the character of the area.
- There are concerns regarding impact on Richview House and its Gate Lodge, which are of architectural heritage value.
- The observer notes the submission by An Taisce and deficiencies identified by such.

## **6.3 Responses**

### **6.3.1 Response by Jim Brogan on behalf of the applicants Gorteen Way Limited.**

- The proposal is consistent with Development Plan policy and core strategy that sets out the settlement strategy and the growth requirements for new housing.
- It is noted the proposal is zoned for residential development and would not constitute leapfrogging of zoned lands closer to the town centre with it noted there is existing residential development in the vicinity and the site is within walking distance of the village centre.

- The proposal is consistent with the objectives in regards to housing set out under the County Development Plan and the Greystones-Delgany and Kilcoole Local Area Plan.
- The proposal entails provision of a footpath on the eastern side of the public road and a new pedestrian crossing to link into an existing footpath and improve pedestrian linkages to the village centre. Such is a planning gain in addition to the upgrading of the junction of Bellevue Hill and the Glen Road.
- The applicant notes that the Wicklow County Council Development Contribution scheme allows for the cost of such works to offset against the development contributions charged in the event of a grant of permission.
- It is noted that the proposal is satisfactory in regards to impact on the amenities of adjoining properties.
- The applicant has submitted a separate report in regards to traffic and Transport Issues. This is a response to the issues raised by the appellants' and observers and notes that the proposal would not have a significant or adverse impact in regards to the road networks and traffic safety.
- The applicant submitted a separate report noting that the proposed density is appropriate at this location, the proposal would be acceptable in regards visual impact, design and layout, permeability, and impact on adjoining properties.
- A separate report was also submitted in regards to flooding and drainage issues with it concluding that the proposal poses not unacceptable risks in relation flooding and surface water.

## **6.4 Submissions**

6.4.1 A significant number of submissions were received by the Planning Authority from residents adjoining the site. The issues raised in these submission can be summarised as follows...



- Compliance with Development Plan and Local Area Plan policy and objectives.
- Density, design and scale, impact on residential amenities of adjoining properties.
- Traffic impact.
- Flooding and drainage issues.
- Impact of construction phase.

## 7.0 Assessment

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

Principle of the proposed development

Development control objectives

Design, scale, layout, visual/adjoining amenity

Traffic impact

Drainage

Other Issues

### 7.2 **Principle of the proposed development:**

7.2.1 The proposal is for a housing development initially consisting of 89 new dwellings, change of use of an existing dwelling to a crèche and retention of the existing gate lodge as a dwelling (90 dwellings in total). The approved development consists of 82 new dwellings, refurbishment of the existing Richview House, new crèche building and retention of the gate lodge as a dwelling. The appeal site is zoned R22 Residential with a stated objective 'to provide for the development of sustainable residential communities up to a maximum density of 22 units per hectare and to preserve and protect residential amenity under the Greystones/Delgany & Kilcoole Local Area Plan 2013.

7.2.2 The approved development has a density of 19 units per hectare (including the two existing dwellings on site), which is in keeping with the density standard of 22 units per hectares under the zoning objective. The site is located within the development boundary of a Level 3 – Large Growth Town II. The density of development is consistent with policy under the Local Area Plan and is consistent with the density

standards identified for 'edge of small town/village' as identified under the Sustainable Residential Development in Urban Area: Guidelines for Planning Authorities. The proposal does entail an increase in density over the existing development on adjoining sites and there is a requirement to provide for an appropriate density to ensure efficient use of zoned lands. In this case the density proposed is in keeping with development objectives for the area and is a relatively low density in regards to national policy guidelines

7.2.3 The appeal submissions question the justification for a development of this scale having regard to the existing level of housing being developed in the area. I would note that the Core Strategy of the County Development Plan outlines the objectives and projections for future housing growth and need as well settlement strategy. As noted already the site is on lands zoned for residential use to provide for a maximum density of 22 units per hectare and is located within a Level 3-Large Growth Town II. I would consider that the nature, density and scale of development proposed is consistent with such policy, which is itself determined by National Policy.

7.2.4 The appeal submissions also question whether the proposal is compliant with Objective RES3 of the Local Area Plan in regards to its location relative to the village centre. The appeal site is not a significant distance from the village centre (in walking distance) and has only one smaller undeveloped area to the south between it and existing development. I would be satisfied that the proposal would not be contrary to Objective RES3. I would consider that the principle of the proposed development is acceptable.

### **7.3 Development control objectives:**

7.3.1 The relevant development control standards for housing developments are under Appendix 1 of the Wicklow County Development Plan. In relation to plot ratio the approved proposal provides for a plot ratio of 2,750sqm per hectare, which is less than maximum plot ratio of 3,500sqm per hectare identified for housing only greenfield sites (the lowest standard). The layout of the approved development was

revised from the original layout to provide more public open space and more evenly distributed through the site. The development plan requirements are for 15% of the site area for public open space. The original layout provided for the minimum level with the approved layout providing for 19% of the site area as public open space.

7.3.2 In regards to private open space the requirements for such under Development Plan policy are at least 50sqm for 1-2 bed units and 60-75sqm for 3 bed or more units. In the case of all dwellings this standard is exceeded including the two existing dwellings to be retained on site. In addition, the approved layout provides for a development that is compliant with the minimum separation distances required between dwellings and in particular in the case of two-storey dwellings that are located back to back (22m).

7.3.3 In regards to off-street parking the requirement is 2 car parking spaces for all dwelling units over 2 bedrooms in size and for every 5 residential units provided with only 1 space, 1 visitor space shall be provided. All dwellings are provided with 2 off-street parking spaces and there are 4 visitor spaces provided. 6 car parking spaces are provided for the crèche and a separate set down area. The requirements for such are 0.5 spaces per staff member + 1 car parking space per 10 children (Table 7.1). The crèche provides for 22 child places with the level of parking proposed compliant with minimum standards. I am satisfied that the approved development meets all relevant development control standards for new development set down under the Wicklow County Development Plan 2016-2022.

#### **7.4 Design, scale, layout, visual/adjoining amenity:**

7.4.1 The appeal submissions raise a number concerns regarding the density, scale, design and layout of the proposal. The development is considered to be excessive in density and out of character with the adjoining pattern and development. Specific concerns are raised regarding the impact of the proposal on existing residential amenities where it adjoins existing residential properties.

7.4.2 Firstly in relation to density and pattern of development, the appeal site is a greenfield site (two existing dwellings on site) that is zoned for residential

development with a maximum density identified as 22 units per hectare. As noted above the density of the approved development (including the two existing dwellings) is 19 units per hectare. The density of development is consistent with policy under the Local Area Plan and is consistent with the density standards identified for 'edge of small town/village' as identified under the Sustainable Residential Development in Urban Area: Guidelines for Planning Authorities. The proposal does entail an increase in density over the existing development on adjoining sites. In this case the density proposed is in keeping with development objectives for the area and is a relatively low density in regards to national policy guidelines. I would consider that the density proposed is not excessive and provides for a suburban pattern of development that would be acceptable at this location subject no adverse physical impact on adjoining amenities or the visual amenities of the area.

7.4.3 The site adjoins two detached dwellings to the north, two detached dwellings to the east, the grounds of a convent to the south and there are a number of existing dwellings on the opposite side of Bellevue Hill to the west. The lands to the south of the site associated with the Convent are sizeable and the overall scale and proximity of development adjoining the southern boundary would not be excessive with a sizeable amount of the public open space provided located adjacent the southern boundary. In regards to the existing properties to the east, the site adjoins an undeveloped field that is part of the convent lands and two detached dwellings that are accessed from Convent Road to the east. In regards to the two dwellings, the approved layout provides for an adequate degree of separation between the proposed dwellings and the boundary with the existing dwellings. The dwellings located nearest this boundary face east (front elevation) with the internal service road, front gardens and open space providing a significant degree of separation from the boundary with existing development. In regards to the dwellings to the north, the level of development located adjacent the site boundaries would not be excessive with adequate separation and regard had to existing residential amenity. In the case of existing dwellings on the opposite side of the public road, the proposed dwellings are setback from the front boundary with an open space area and the internal service road providing a significant separation from existing dwellings in addition to the public road itself.

7.4.4 The proposal is a suburban style housing development with the majority of dwellings being two-storey dwellings. I would be satisfied that the approved layout has adequate regards to adjoining amenity in that the degree of separation between the proposed dwellings and adjoining development is sufficient to protect adjoining amenities. In addition, I would consider that the proposal would have no significant or adverse impact in regards to loss of light, privacy or outlook from the adjoining properties. The proposal is a low density suburban layout that is appropriate on lands zoned for residential use. I would also consider that the nature of the proposed use, would not be detrimental to the residential amenities of the existing properties and is a type of development that is compatible with existing residential development on adjoining sites. It is acknowledged that the proposal constitutes a significant change in the character of the site as it is currently a large greenfield site with only two existing dwellings. I would consider that such a change is acceptable in the context of the zoning of the site and its location within the development boundary of Delgany. I would be satisfied that overall design and scale of the approved development would be acceptable in the context of the overall visual amenities of the area and would not be out of character at this location.

7.4.5 The proposal entails refurbishment and alteration of the existing dwelling on site (Richview House) and integration of the existing Gate Lodge into the layout. The alterations to the existing dwelling on site includes demolition of existing outbuildings and a later extension. I would consider that the alterations to the existing dwelling are satisfactory and respect the character of the existing dwelling. The structures being demolished are later additions and of no significant architectural merit. In the case of the Gate Lodge, there are to be no physical alterations with the main change being its incorporation into the overall layout. Neither of the existing structures are on the record of protected structures, but are on the Inventory of Architectural Heritage (both of regional importance). I am satisfied that the proposal has adequate regard to such status of such and provides for their continued use and protection.

7.4.6 As noted in the previous section, the development is laid out in a manner, which provides for a development that is compliant with the minimum development control standards set out under the County Development Plan, including plot ratio, provision of public and private open space, and car parking. It is notable that the original layout

proposed was revised due to concerns regarding the quality of the layout, specifically the distribution of public open space. The approved layout provided for an improved development layout than originally proposed, with an increased level and better distribution of public open space. In regards to the issue of urban design and overall quality of design, I would note that the development meets all the basic development control standards in regards to public and private open space and provides for a level of public open space well in excess of the standard required. Although the proposal is not particularly innovative or distinctive in regards to architectural merit or urban design standards, the overall design would be acceptable in the context of the relevant guidelines (Urban Design manual) and policy under the County Development Plan and the Local Area Plan. In this regard I would consider that the proposal is satisfactory.

7.4.7 The approved layout provides for potential future access points in four places (two on the northern boundary, one on the southern boundary and one on the eastern boundary) to facilitate linkages with adjoining lands. I would consider that such is acceptable. I would also note that design, scale and layout development would not compromise the future development potential of adjoining sites, which are in most cases zoned residential. The proposal entails comprehensive boundary treatment for both the internal and external boundaries of the site. I am satisfied that the design and scale of the boundary treatment is sufficient to protect the amenities of adjoining properties, the visual amenities of the area and in some cases has been designed ensure protection of existing trees and hedgerow.

## **7.5 Traffic Impact:**

7.5.1 The overall traffic impact of the proposed development is one of the main issues raised in the appeal submissions. The appeal submission raises concerns regarding the width and alignment of the existing public road serving the site, the layout of the existing junction of the public road and the R762 further south in the village centre, the lack of appropriate pedestrian facilities and the level of traffic generated in the context of existing traffic levels on the public road. The site is accessed from the Bellevue Hill, which is between 4-5m wide where it adjoins the appeal site with the

site located within the 50kph speed limit. At present there are no footpaths along the road frontage of the appeal site, to the north of the appeal site or to south with the existing footpaths located much further south and in some cases being narrow in width.

7.5.2 The approved proposal provides for a new vehicular access to the public road and a number of improvements along the Bellevue Road to improve width, alignment and pedestrian facilities. It is proposed to set back the roadside boundary of the site and provide a 2m wide footpath along the eastern side of Bellevue Hill. It is proposed to continue this 2m wide footpath along the eastern side of the road and along the road frontage of the convent lands to the south (outside of the appeal site). Just north of the nearest dwelling to the south of the site on the eastern side, it is proposed to install a pedestrian crossing (uncontrolled, raised paving) and then the provision of a footpath on the western side along the front of the Golf Club on an existing area/layby that will link into the existing footpath further south on the western side of the road that runs to the junction with the R762. The applicants note they have adequate consent to carry out such works. The applicants have also submitted drawings showing a more extensive level of potential road improvements including 2m wide footpaths along both sides and a wider carriageway. It is noted in the information on file that there are intentions to upgrade the junction of The Glen Road (R762) and Bellevue Hill, however it is not clear what the timescale of such is and there is no design for such (not included in the Road Objectives of the LAP). Condition no. 8 requires that no dwellings are occupied until the pedestrian works to Bellevue Hill are completed, in addition it is noted that no development is to commence until the Road Authority has designed the upgraded junction and no dwelling shall be occupied until such upgrade has been completed.

7.5.3 A Traffic and Transport Assessment was submitted (for the 89 dwellings originally proposed), which included details of traffic surveys to determine existing traffic levels and modelling of two junctions (the junction of the new vehicular access and Bellevue Road and the junction of The Glen Road/R762 and Bellevue Road). The conclusion was that the junctions in question would operate within capacity for an opening year of 2018 and a design year of 2033. During the course of the application and in response to further information revisions were made to the Traffic and



Transport Assessment including changes to the vehicular entrance and internal service road layout and the provision of improved pedestrian infrastructure along the public road as well as updated information regarding existing traffic characteristics (additional traffic surveys) and the potential impact of the proposal. The conclusion was that the existing road network subject to the improvements proposed would have a capacity to deal with the traffic likely to be generated including junction capacity (revised opening year of 2019 and design year of 2034).

7.5.4 The proposed vehicular entrance is located within the 50kph limit and visibility of 59m is indicated to be available in each direction. I would be satisfied that this level of visibility is available subject to the alterations proposed along the roadside boundary. This level of visibility is in compliance with the required standards under the Design Manual for Urban Roads and Streets. Notwithstanding such the existing width of Bellevue Hill is narrow and lacking in any pedestrian facilities/footpaths for a significant distance. Where there are existing pedestrian facilities to the south, such are of a poor standard due to being narrow and inconsistent in their provision. The proposal provides for a significant intensification in traffic and the existing alignment, width and provision of pedestrian facilities is inadequate to cater for such traffic with particular concern regarding the conflict between vehicular traffic and pedestrians at this location. It is acknowledged that the applicant has proposed to provide a new footpath along the eastern side of the road along the site and for distance south as well as a pedestrian crossing to link into existing footpaths on the western side of the road further south. Despite such proposals, I would have a number of concerns regarding such. Even with the improvements on the eastern side, the carriageway width of the road would be extremely narrow and there would still be significant deficiencies in terms of footpath provision along the public road. The proposed crossing is located close to a bend in the road with reasonable concerns regarding the viability of this crossing in terms of safety, in particular traffic travelling north. Despite the existence of footpaths to the south down to the junction with the R762, such are inadequate in standard and the applicant's proposal does not adequately deal with the existing deficiencies in terms of pedestrian facilities at this location.

7.5.5 Condition no. 8 restricted the construction and occupation of development until a design for the upgrade of the junction of Bellevue Road and the R762 has been

completed by the Roads Authority. I am satisfied that the existing junction is not deficient in terms of sightlines and would have capacity for the traffic likely to be generated. The junction improvements are likely to be in the form of revised junction radii and improved footpaths, which at present are extremely narrow. I consider the main deficiency in the proposal is that the width, alignment and lack of pedestrian facilities along Bellevue Hill and the lack of satisfactory proposals to address such, render it unsuitable to cater for the level of traffic likely to be generated by the proposed development. I consider that the proposed development would result in a significant intensification of traffic exiting the proposed development onto the Bellevue Hill, which is a local (urban) road, narrow in width and without footpaths. The proposals to address such fail to provide for adequate improvements of the pedestrian facilities and the inadequate width of the road. This would endanger public safety by reason of traffic hazard or obstruction of road users. Furthermore, the proposed development is considered to be premature as there is an existing deficiency on the Bellevue Hill in terms of the lack of adequate, safe pedestrian facilities, which renders it unsuitable to carry the increased pedestrian traffic likely to result from the proposed development. The proposed development, if permitted, by itself or by the precedent that the grant of permission for it would set for other relevant developments, would adversely affect the use of the Bellevue Hill by traffic. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

## **7.6 Drainage/Flooding:**

7.6.1 The appeal submissions and observation note that there are existing drainage issues concerning the site due to existing streams through the site with flooding on the site and discharge of surface water onto adjoining sites. A Flood Risk Assessment report was submitted with the original proposal. In the case the appeal site there is no record of historic flood incidences on the OPW flood maps. The site is also outside of Flood Zones A and B as identified under the Strategic Flood Risk Assessment for the County Development Plan. A number of measures are proposed on site including surface water drainage that will link into existing drainage infrastructure. It is noted that the existing depression on site, which is subject to ponding is to be filled in as part of the works on site. It is noted that existing streams on site running along the

western and southern boundary are to remain open with the existing culvert under the entrance lane to existing dwelling to be replaced with an appropriately sized culvert.

7.6.2 I am satisfied based on the information on file the information regarding flood zone mapping that the issue is a localised drainage issue and not an issue concerning whether the site is an appropriate location for development based on its location within either flood zone A or B and on a site with historic flood incidences as set out in the OPW flood maps. I am satisfied that there is an engineering solution and would note that the development of the site allows such improvement to be carried out, whereas the current neglected nature of the site does not alleviate any existing drainage issues. I do not consider that a Flood Risk Assessment in accordance with the Planning System and Flood Risk Management for Planning Authorities (2009) or justification test is required in this case. The Local Authority and Irish Water have indicated no objection to the proposal in regards to drainage issues. I am satisfied subject to appropriate conditions regarding drainage that the proposal would be satisfactory.

## **7.7 Other Issues:**

7.7.1 In regards to construction management, I would be satisfied that subject to an adequate construction management plan and appropriate phasing arrangements, that the construction phase of the development would not have a significant or adverse impact on the amenities of existing properties in the vicinity of the site. I would recommend conditions requiring submission of a construction management plan and phasing proposals prior to the commencement of development.

7.7.2 The proposal for a crèche facility is satisfactory and is in compliance with the Childcare guidelines. I would consider it would be appropriate that the crèche is provided in an earlier phase of construction. An appropriate condition in this regard should be attached.

7.7.3 One of the observations raises concern regarding infringement of an existing right of way and note that the boundaries of the site indicated encroachment onto land in

their control. I would note that it is not within the Board's powers to determine land ownership/right of way disputes and such are a civil matter.

7.7.4 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.

## **8.0 Recommendation**

8.1 I recommend refusal based on the following reason.

## **9.0 Reasons and Considerations**

9.1 The proposed development would result in a significant intensification of traffic exiting the proposed development onto Bellevue Hill, which is a local (urban) road, narrow in width and without footpaths. The proposals to address such fails to provide for adequate improvements of the pedestrian facilities and the inadequate width of the road. This would endanger public safety by reason of traffic hazard or obstruction of road users. Furthermore, the proposed development is considered to be premature as there is an existing deficiency along Bellevue Hill in terms of the lack of adequate, safe pedestrian facilities, which renders it unsuitable to carry the increased pedestrian traffic likely to result from the proposed development. The proposed development, if permitted, by itself or by the precedent that the grant of permission for it would set for other relevant developments, would adversely affect the use of Bellevue Hill by traffic. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Colin McBride  
Planning Inspector

02<sup>nd</sup> August 2017