



An
Bord
Pleanála

Inspector's Report ABP-300370-17

Development	Detached 2-storey dwelling & ancillary site development works including vehicular entrance / access & on-site car parking spaces.
Location	Meadowbank, Newtownmountkennedy, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	17/881
Applicant(s)	Sarah and Gary Flynn
Type of Application	Outline Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party v. Decision
Observer(s)	None.
Date of Site Inspection	23 rd April, 2018
Inspector	Robert Speer

1.0 Site Location and Description

1.1. The proposed development site is located in the town of Newtownmountkennedy, Co. Wicklow, where it occupies a position to the immediate north of School Road (the R765 Regional Road), approximately 70m west of Main Street, in an area characterised by the gradual transition on travelling westwards from the mixed-use / retail core of the town centre towards the periphery of the built-up area where the predominant land use is for educational and community purposes including 2 No. schools, playing fields, a playground, a church, and a community centre. The site itself has a stated site area of 0.0905 hectares, is irregularly shaped and forms part of a larger parcel of land that includes a walled garden area which in turn functions as the side / rear garden of an existing two-storey dwelling house known locally as 'Meadowbank'. In this regard it is notable that the wider site area also provides car parking for both the existing dwelling house and the apartment units located within the former Garda Barracks (a protected structure) further east. In addition, the application site is bounded by 'Meadowbank' to the east, a children's playground to the west, Glenbrook Avenue to the north, and School Road to the south.

2.0 Proposed Development

2.1. The proposed development, as initially submitted to the Planning Authority, consists of the subdivision of a larger housing plot to facilitate the construction of a new detached two-storey dwelling house within the walled rear garden area of an existing residence (*N.B.* The subject application is for outline planning permission and, therefore, a detailed design of the proposed dwelling house has not been submitted). Access to the site will be obtained via an upgraded entrance arrangement onto the adjacent roadway to the immediate south whereby a new driveway will extend from same to serve both the proposed dwelling and 5 No. off-street car parking spaces which are intended for use by the occupants of the existing dwelling house and the adjacent apartment units. Water and sewerage services are available from the public mains network.

2.2. In response to a request for further information, amended proposals were subsequently submitted which included for the widening of the existing entrance arrangement and the revision of the proposed car parking layout (reduced to 4 No. car parking spaces) in order to provide for improved on-site turning facilities.

N.B. On 26th July, 2017, the Planning Authority issued a Certificate of Exemption pursuant to the provisions of Section 97 of the Planning and Development Act, 2000, as amended, with regard to the proposed development.

3.0 Planning Authority Decision

3.1. Decision

Following the receipt of a response to a request for further information, on 8th November, 2017 the Planning Authority issued a notification of a decision to refuse outline permission for the proposed development for the following reason:

- Having regard to the:
 - a) Proposal for development on a backland site,
 - b) Proposal to develop parking along the front site boundary along the public road,
 - c) The poor functional and visual relationship of the development with the existing buildings along this road including the dwelling and apartments to the east,
 - d) The lack of evidence to demonstrate that the proposed entrance is the optimal location to provide access to the overall lands that are within the control of the applicant,

It is considered that the proposed development would result in haphazard development and would result in the piecemeal development of the overall site and would result in the creation of a traffic hazard. The development would have an adverse effect on the amenity of the area and therefore the proposed development would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

An initial report noted the site location on lands zoned as 'Town Centre' and stated that as the site would occupy a relatively small plot of vacant land which presently forms part of a larger garden area, the proposal would be unlikely to materially compromise the achievement of the town centre objective. The report proceeds to consider the future design of the proposed dwelling house (including its two-storey construction) and advises of the need to avoid overlooking of the adjacent school / playground before indicating that the proposal is unlikely to impact on the character or setting of any protected structure. With regard to traffic considerations, whilst acknowledging the concerns of the Area Engineer, the planning report notes that the proposed development will be accessed via an existing entrance arrangement which already serves a parking area utilised by the occupants of the main dwelling house and the adjacent apartment units. It is further stated that the additional traffic turning movements consequent on the proposal can be satisfactorily accommodated without significantly compromising traffic safety although it will be necessary to demonstrate the adequacy of the available sightlines and to establish that there is sufficient turning / manoeuvring space on site. The report subsequently concludes by recommending that further information should be sought with regard to various traffic safety and car parking considerations.

Following consideration of the applicant's response to a request for further information, a final report was prepared by the case planner which recommended a grant of outline permission subject to conditions, however, the Director of Services for Planning & Economic Development ultimately opted to refuse outline permission for the proposed development on the basis that the overall layout of the proposal was substandard.

3.2.2. Other Technical Reports:

Dublin City Council Water Services Division: No objection.

Wicklow Area Engineer: An initial report raised concerns with regard to the proximity of a 'blind' corner relative to the site entrance arrangement and the potential hazard posed by same to vehicles exiting the proposed development. It subsequently recommended that further information should be provided as part of any future

application for full planning permission with regard to the mitigation of the aforementioned traffic hazard. The report also stated that the provision of 5 No. on-site car parking spaces seemed excessive and that difficulties could arise with regard to traffic turning movements and thus it would be necessary to provide a swept-path analysis as part of any future planning application in order to demonstrate the functionality of the proposed parking area. It was further suggested that the additional traffic consequent on the proposed development would serve to contribute to the traffic volumes / congestion already generated by the 2 No. schools and playground in the area, particularly at peak drop-off / pick-up times.

Following the receipt of a response to a request for further information, a final report was prepared which stated that there were continuing road safety concerns at this location due to the siting of the proposed entrance relative to the nearby schools, playground and community centre. It was further stated that the applicant had not shown how safe access / egress to and from the proposed development (by up to 5 No. vehicles) could be achieved. The report subsequently concluded by recommending that outline permission should be refused on road safety grounds or that the applicant should be requested to consider an alternative entrance location from Glenbrook Avenue.

Environmental Health Officer: No objection.

3.3. Prescribed Bodies

Irish Water: No objection, subject to objections.

3.4. Third Party Observations

None.

4.0 Planning History

4.1. On Site:

PA Ref. No. 065348. Was granted on 25th August, 2006 permitting John and Brenda Duff permission to extend ground floor of 'Meadowbank' into adjoining vacant

premises and adding 2 No. two-bed apartments above first and second floor levels at 'Meadowbank', School Road, Newtownmountkennedy, Co. Wicklow.

4.2. On Adjacent Sites:

PA Ref. No. 003198. Was granted on 18th January, 2001 permitting St. Joseph's National School permission for a palisade fence and gate at Newtownmountkennedy, Co. Wicklow.

5.0 Policy Context

5.1. National and Regional Policy:

- 5.1.1. The '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities*' acknowledge the importance of smaller towns and villages and their contribution towards Ireland's identity and the distinctiveness and economy of its regions. It is accepted that many of these smaller towns and villages have experienced significant levels of development in recent years, particularly residential development, and that concerns have been expressed regarding the impact of such rapid development and expansion on the character of these towns and villages through poor urban design and particularly the impact of large housing estates with a standardised urban design approach. In order for small towns and villages to thrive and succeed, their development must strike a balance in meeting the needs and demands of modern life but in a way that is sensitive and responsive to the past.

5.2. Development Plan

5.2.1. Wicklow County Development Plan, 2016-2022:

Chapter 3: Settlement Strategy:

Section 3.2: *County Wicklow Settlement Strategy:*

Level 4 – Moderate Growth Towns: (2) Settlement: Newtownmountkennedy

Section 3.3: *Settlement Strategy Objectives:*

SS1: To implement the County Wicklow Core Strategy and Settlement Strategy, having regard to the availability of services and infrastructure and in particular,

to direct growth into the designated metropolitan growth centres and the large, moderate and small growth towns in the Greater Dublin hinterland area.

- SS3: To ensure that all settlements, as far as is practicable, develop in a self sufficient manner with population growth occurring in tandem with physical and social infrastructure and economic development. Development should support a compact urban form and the integration of land use and transport.
- SS4: To require new housing development to locate on designated housing land within the boundaries of settlements, in accordance with the development policies for the settlement.
- SS6: To prepare new local plans for the following areas during the lifetime of this development plan: Bray Municipal District, Wicklow-Rathnew, Arklow, Rathdrum, Newtownmountkennedy, Greystones-Delgany and Kilcoole, Blessington.

Chapter 4: Housing:

Section 4.3: *Key Housing Principles:*

Section 4.3.2: *Zoning:*

New housing development shall be required to locate on suitably zoned / designated land in settlements.

The priority for new residential development shall be in the designated 'town' and 'village' / 'neighbourhood centres' or 'primary zone' in settlements with development plans, or in the historic centre of large and small villages, through densification of the existing built up area, re-use of derelict or brownfield sites, infill and backland development. In doing so, particular cognisance must be taken of respecting the existing built fabric and residential amenities enjoyed by existing residents, and maintaining existing parks and other open areas within settlements.

Section 4.3.3: *Phasing:*

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

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

Section 4.3.4: *Densities:*

It is an objective of the Council to encourage higher residential densities at suitable locations, particularly close to existing or proposed major public transport corridors and nodes, and in proximity to major centres of activity such as town and neighbourhood centres.

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.

Section 4.3.6: *Design of New Developments:*

Section 4.4: *Housing Objectives:*

HD2: New housing development, above all other criteria, shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.

HD3: All new housing developments (including single and rural houses) shall achieve the highest quality of layout and design, in accordance with the standards set out in the Development and Design Standards document appended to this plan, which includes a Wicklow Single Rural Houses Design Guide.

HD5: In order to make best use of land resources and services, unless there are cogent reasons to the contrary, new residential development shall be expected to aim for the highest density indicated for the lands. The Council reserves the right to refuse permission for any development that is not consistent with this principle.

HD10: 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 unserved, low density housing areas become served by mains water services, consideration will be given to densities above the prevailing density, subject to adherence to normal siting and design criteria.

HD12: While the zoning objectives indicate the different uses permitted in principle in each zone it is important to avoid abrupt transitions in scale and use at the boundary of adjoining land use zones. In these areas it is necessary to avoid developments that would be detrimental to amenity. In zones abutting residential areas, particular attention will be paid to the use, scale, density and appearance of development proposals and to landscaping and screening proposals in order to protect the amenities of residential properties.

HD19: In many settlements in the County, there are sites and areas in need of development and renewal, in order to prevent:

- a) adverse effects on existing amenities in such areas, in particular as a result of the ruinous or neglected condition of any land,
- b) urban blight and decay,
- c) anti-social behaviour, or
- d) a shortage of habitable houses or of land suitable for residential use or a mixture of residential and other uses

It is an objective of this plan to encourage and facilitate the appropriate development of such sites / lands and all available tools and mechanisms, including the Vacant Site levy, may be utilised to stimulate such development.

In this regard, it is considered that all lands zoned 'Town Centre' in this plan (this refers to Level 5 settlements) as well as the following zones in larger towns (with stand alone plans) may include sites that are in need of renewal and regeneration, and these areas will be examined in

detail to determine if there are sites where the Vacant Site Levy should be applied.

- Newtownmountkennedy (TC)

Appendix 1: Development and Design Standards

Section 1: Mixed Use and Housing Developments in Urban Areas

5.2.2. Newtownmountkennedy Local Area Plan, 2008-2018:

Land Use Zoning:

The proposed development site is located in an area zoned as ‘Town Centre Activities (TC)’ with the stated land use zoning objective ‘To provide for the development and improvement of appropriate town centre uses including retail, commercial, office and civic use, and to provide for ‘Living Over the Shop’ residential accommodation, or other ancillary residential accommodation. To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and promote urban design concepts and linkages between town centre activity areas’.

In this regard, it should be noted that ‘Residential’ development is ‘Permitted in Principle’ within this land use zoning as per the land use zoning matrix contained in Chapter 12 of the Local Area Plan.

Other Relevant Sections / Policies:

Section 4: Residential Development:

Policies / Objectives:

- Housing development shall be managed and phased to ensure that infrastructure and in particular, community infrastructure, is provided to match the need of new residents.
- Provide for the expansion of Newtownmountkennedy on lands close to the town centre, which may be developed with least infrastructural expenditure and which provide good access to the range of social, educational and economic facilities available in the town.
- Encourage in-fill housing developments, the use of under-utilised and vacant sites and vacant upper floors for accommodation purposes and facilitate

higher residential densities at appropriate locations, subject to a high standard of design, layout and finish.

Section 6: *Town Centre and Retail:*

Policies / Objectives:

- The concept of 'living over the shop' will be encouraged generally and required in new developments.
- New town centre developments off the Main Street shall incorporate new 'streets' where possible, with retail and local service uses at ground floor.
- Developers of new town centre areas shall co-operate with each other in order to provide a new network of street and squares and to minimise duplication of car parks and vehicular access points on the Main Street.
- New developments, including the refurbishment of buildings, shall be cognisant of the existing Georgian character and streetscape in terms of massing, rhythm, materials and finishes. In particular, brick finishes on the Main Street shall not be permitted.

5.2.3. **Draft Newtownmountkennedy Local Area Plan, 2018-2024:**

Following pre-draft consultations and the receipt of public submissions, the Planning Authority is presently engaged in the process of preparing a new Draft Local Area Plan for Newtownmountkennedy which is intended to be published in mid-2018.

5.3. **Natural Heritage Designations**

5.3.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The Carriggower Bog Special Area of Conservation (Site Code: 000716), approximately 3.3km northwest of the site.
- The Glen of the Downs Special Area of Conservation (Site Code: 000719), approximately 4.3km north of the site.
- The Murrough Wetlands Special Area of Conservation (Site Code: 002249), approximately 4.6km east-southeast of the site.

- The Murrough Special Protection Area (Site Code: 004186), approximately 4.6km east of the site.
- The Wicklow Mountains Special Protection Area (Site Code: 004040), approximately 7.8km northwest of the site.
- The Wicklow Mountains Special Area of Conservation (Site Code: 002122), approximately 7.8km northwest of the site.
- The Bray Head Special Area of Conservation (Site Code: 000714), approximately 8km north of the site.

6.0 The Appeal

6.1. Grounds of Appeal

- The application site forms part of a larger parcel of land owned by one of the applicant's family. Moreover, the owners of these lands have developed the property for the direct benefit of their family to date and they have no intention of using said lands for any commercial interests.
- The subject site forms part of an enclosed garden area and is bounded on three sides by high walls. Accordingly, the proposed development will not be visually dominant and will not detract in any way from the surrounding area.
- Having regard to the variety of building types etc. in the vicinity of the application site, it is considered that there is no particular pattern to the development of the surrounding area.
- The proposed development site is located on lands zoned as '*Town Centre*' in the Newtownmountkennedy Local Area Plan, 2008-2018 where 'Residential' development is 'Permitted in Principle', however, it is not considered that the provision of residential accommodation in the form of 'living over the shop' would be appropriate on these family-owned lands.
- During the course of pre-planning discussions, the applicants were advised that consideration would be given to the development of individual dwelling houses to both the front and side of the application site. In this regard, the Board is advised that the applicants presently reside in one of the family's

apartments at 'Meadowbank' and that they have recently started a young family and do not want to live anywhere other than on the subject lands adjacent to their family.

- The proposed development provides for significant improvements to the existing entrance arrangement through the removal of a pier in order to widen it. Moreover, there will be no intensification in the usage of the existing entrance consequent on the proposed development whilst the applicants will continue to use said entrance irrespective of the decision on the subject application.
- By way of clarity, it should be noted that the proposed car parking area to the front of the property does not entail the provision of additional parking spaces but instead involves the relocation of existing spaces from elsewhere within the confines of the family's lands.
- Whilst it is the applicants' preference to relocate the existing car parking on site to the front of the property, in the event that this poses an obstacle to the granting of planning permission, the applicants are amenable to forfeiting this aspect of the proposal and to continue to use the existing parking arrangements.
- The Planning Authority previously granted permission under PA Ref. No. 06/5348 for 2 No. apartments to utilise the existing site entrance arrangement and there has been no deterioration in road safety in the area during the intervening period. Indeed, significant road safety improvements have been undertaken since that grant of permission. Furthermore, Wicklow County Council has recently implemented additional road safety measures along the public road at this location, including:
 - The alteration of the layout at the bend to create a 'one-way' system.
 - The provision of increased road markings and signage in the area.
 - The introduction of a 30kph speed limit zone.
 - The enhancement of the visibility of the bend for oncoming traffic.

- The erection of a safety barrier along the footpath to ensure the safety of children walking to / from school.
- Increasing the pathway width / decreasing the width of the roadway in order to ensure the safe crossing of pedestrians.

These additional safety measures serve to enhance the safety of the existing entrance and there has never been a single road / pedestrian traffic incident recorded (or not recorded) at this entrance in more than 40 years of usage.

- Both the Executive Planner and the Senior Executive Planner recommended the approval of the subject proposal having reviewed the entrance arrangements as follows:

'I note the concerns of the area engineer regarding additional traffic resulting from this development, however, this is an existing entrance with access to an existing parking area for use of the apartments and Meadowbank dwelling. I do not consider the proposal for parking is unreasonable in the context of the current and proposed use. It is likely that the turning movements associated with one additional dwelling can be accommodated without significantly compromising traffic safety.'

- The proposed development site is not appropriate for any use other than for a family home given its location between a retail complex and a playground. The design and layout of the proposal seeks to ensure the privacy of both the dwelling house and the playground whilst it will also accommodate any future development within that area to the front of the lands.
- There is a minimal visual relationship between the proposed development and the existing dwelling at 'Meadowbank'.
- No objections to the proposed development have been received and the subject application has the full support of neighbouring properties.
- The Planner's Report on file states the following:

'the proposed development would not seriously injure the amenities of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area' . . . 'the development of a

house at this location is unlikely to materially compromise the achievement of the town centre objectives'.

Therefore, it is submitted that there is no objection from a planning perspective to the development of a residential property at this location.

- The subject proposal is considered to comprise an appropriate form of development on these zoned and serviced lands.
- The proposed development accords with the proper planning and sustainable development of the area.

6.2. **Planning Authority's Response**

None.

6.3. **Observations**

None.

6.4. **Further Responses**

None.

7.0 **Assessment**

7.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Overall design and layout
- Traffic implications
- Impact on adjacent properties
- Appropriate assessment

These are assessed as follows:

7.2. **The Principle of the Proposed Development:**

- 7.2.1. With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that the subject site is located in an area zoned as *'Town Centre Activities (TC)'* in the Newtownmountkennedy Local Area Plan, 2008 with the stated land use zoning objective *'To provide for the development and improvement of appropriate town centre uses including retail, commercial, office and civic use, and to provide for 'Living Over the Shop' residential accommodation, or other ancillary residential accommodation. To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and promote urban design concepts and linkages between town centre activity areas'*. Moreover, it should be noted that *'Residential'* development is *'Permitted in Principle'* within this land use zoning as per the land use zoning matrix set out in Chapter 12 of the Local Area Plan.
- 7.2.2. Furthermore, having regard to the town centre location of the site and its established use for residential purposes, I would suggest that the proposed development can be considered to comprise a potential infill site situated within a mixed-use area where public services are available and that the development of appropriately designed infill housing would typically be encouraged in such areas provided it integrates successfully with the existing pattern of development and adequate consideration is given to the need to protect the amenities of existing properties. Indeed, the Local Area Plan expressly seeks to provide for the expansion of Newtownmountkennedy on lands located close to the town centre and aims to encourage infill housing at appropriate locations. Similarly, the *'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009'* acknowledge the potential for infill development provided that a balance is struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.
- 7.2.3. Therefore, having considered the available information, with particular reference to the site context and the relevant policy provisions contained in both the Newtownmountkennedy Local Area Plan, 2008-2018 and the Wicklow County Development Plan, 2016, I am satisfied that the overall principle of the proposed

development is acceptable, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties and the overall character of the wider area.

7.3. **Overall Design and Layout:**

- 7.3.1. The proposed development site forms part of a larger parcel of land in the ownership of the applicants' family which encompasses the existing dwelling house known as 'Meadowbank' (and its associated grounds) and the existing building to the immediate east of same (a former Garda Barracks which has been designated as a protected structure) that incorporates 2 No. apartment units. In this regard whilst I would acknowledge the applicants' assertion that the lands in question are intended to be developed for the sole use of family members and that there is seemingly no prospect of the site being developed for commercial / speculative purposes, in light of the site location on zoned and serviced lands within the town centre of Newtownmountkennedy and its proximity to local services, I would have concerns that the subject proposal represents a somewhat piecemeal and uncoordinated approach to the overall development of the landbank which could potentially undermine the future development potential of same. More particularly, I would have concerns as regards the limited density of development proposed and the likely inefficiency in the use of zoned and serviced lands given that the siting of the proposed dwelling house and the access to same would appear to have been located in order to accommodate further piecemeal development within the wider site (i.e. a further dwelling house as detailed in the pre-planning consultations referenced in the grounds of appeal).
- 7.3.2. In my opinion, the development of small infill or 'brownfield' sites in restricted urban locations is generally more successful through the amalgamation of a number of smaller plots to create a larger overall parcel of land in order to permit a co-ordinated developmental approach. Accordingly, I would suggest that a more coherent and co-ordinated approach to the development of this landbank would be the appropriate course of action. Indeed, such an approach would permit greater flexibility in respect of designing a suitable scheme for the overall site and I would consider the preparation of an overall plan / strategy for the lands in question or the submission of a planning application for a scheme in respect of the entire landbank to represent a

reasonable approach in respect of the development of the site and the remaining lands.

- 7.3.3. Therefore, on the basis of the foregoing, it is my opinion that the submitted proposal constitutes an uncoordinated, disjointed and piecemeal approach to the development of these zoned and serviced town centre lands which would be contrary to the orderly development of the area.
- 7.3.4. With regard to the specifics of the design and layout of the submitted proposal, I would advise the Board that the subject application is for outline permission only and therefore no detailed drawings of the proposed dwelling house have been provided, although the description of the development as set out in the public notices has indicated that the dwelling house will be of a detached, two-storey construction. Furthermore, whilst I would accept that the overall visual impact of the proposed development will be somewhat localised, I am inclined to suggest that the proposal to locate car parking and an access roadway immediately alongside the site frontage onto School Road would add little to the visual amenity of the area and perhaps represents a lost opportunity to make a more positive contribution to the built form / streetscape of the town.

7.4. **Traffic Implications:**

- 7.4.1. At present, an existing entrance arrangement onto School Road provides vehicular access to the wider family landholding (and the application site), including a communal parking area utilised by the occupants of the existing dwelling house (i.e. 'Meadowbank') and the adjacent apartment units. It is proposed to upgrade this access as part of the overall development and in this respect I would refer the Board to the amended proposals received by the Planning Authority on 13th October, 2017 (in response to a request for further information) wherein it is detailed that it is proposed to widen the existing site entrance through the removal of part of the front roadside boundary wall with an associated reduction in the extent of the crash barrier / barricade alongside the public road.
- 7.4.2. Having conducted a site inspection, and following a review of the available information, including the report of the Area Engineer, whilst I would acknowledge that the proximity of the proposed entrance arrangement to the sharp bend in the roadway further southwest is not ideal given the restricted sight distance available for

traffic exiting the proposed development site and the limited forward visibility for oncoming traffic travelling eastwards onto Main Street along School Road / the R765 Regional Road, it is apparent that it is not feasible to access the site from an alternative location. In this respect I would advise the Board that it is not possible or practical to access the application site via Glenbrook Avenue due to the intervening third party lands and, more particularly, the need to bridge a deep open construction developed as part of the underground car park / loading area serving the Newtownmountkennedy town centre development previously approved under PA Ref. No. 04/1538 / ABP Ref. No. PL27.212815). Similarly, access to the remainder of the applicant's family landholding via Glenbrook Avenue is not available for the same reasons in addition to the significant change in site levels at this location.

- 7.4.3. In addition to the foregoing, it is of relevance to note that a series of road safety / improvement / traffic calming measures would appear to have been implemented by the Local Authority in recent years in direct response to traffic safety concerns along the stretch of roadway serving the proposed development site. These include the realignment of the junction of School Road with the R765 Regional Road, the introduction of a one-way exit only arrangement from School Road onto the Regional Road, the erection of a crash barrier / barricade along the public footpath which fronts the application site, the provision of new directional signage, and the laying of new road markings, including double-yellow lines to either side of the existing proposed site entrance.
- 7.4.4. Whilst I would acknowledge that there are certain deficiencies with regard to the proposed access arrangements, including the restricted sight distance to the west and the limited forward visibility for oncoming traffic, in light of the established use of the existing entrance and the proposal to upgrade same, the road improvement measures already undertaken in the vicinity of the site, the limited scale of the development proposed and the relatively low level of additional traffic turning movements likely to be associated with same, and the absence of any viable alternative by which to access the subject site, I am generally amenable to the access arrangements as detailed in the response to the request for further information issued by the Planning Authority.

7.5. **Impact on Adjacent Properties:**

7.5.1. Whilst the subject application is for outline planning permission only and thus has not been accompanied by detailed drawings of the proposed dwelling house, having regard to the positioning of the proposed dwelling house to the rear of the application site and its relationship with neighbouring properties (with particular reference to the separation distances available and the change in ground level relative to the adjacent lands to the immediate south and west), the nature of the surrounding land uses, and the existing boundary treatment which could be supplemented further in the event of a grant of outline permission, I am satisfied that the proposed development is unlikely to have an undue impact on the amenity of neighbouring properties by reason of overlooking or overshadowing, subject to conditions, although further consideration would have to be given to same in the assessment of any subsequent application for permission consequent on a grant of outline permission.

7.6. **Appropriate Assessment:**

7.6.1. From a review of the available mapping, including the data maps from the website of the National Parks and Wildlife Service, it is apparent that whilst the proposed development site is not located within any Natura 2000 designation, there are a number of Natura 2000 sites within the wider area such as the Carriggower Bog Special Area of Conservation (Site Code: 000716), approximately 3.3km northwest of the site.

7.6.2. In this respect it is of relevance to note that it is the policy of the planning authority, as set out in Chapter 10 of the Wicklow County Development Plan, 2016, to avoid negative impacts upon the natural environment and to promote the appropriate enhancement of the natural environment as an integral part of any development. Furthermore, Objective NH2 of the Plan states that no projects which would give rise to any significant cumulative, direct, indirect or secondary impacts on Natura 2000 sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects will be permitted on the basis of the plan (either individually or in combination with other plans or projects). By way of further clarity, Objective NH4 also states that all projects and plans arising from the Development Plan (including any associated improvement works or associated infrastructure) will be screened for the need to undertake

Appropriate Assessment pursuant to Article 6 of the Habitats Directive whilst any such plan or project will only be authorised after the competent authority has ascertained, based on scientific evidence, Screening for Appropriate Assessment, and a Stage 2 Appropriate Assessment, where necessary, that:

- 1) The Plan or project will not give rise to significant adverse direct, indirect or secondary effects on the integrity of any European site (either individually or in combination with other plans or projects); or
- 2) The Plan or project will have significant adverse effects on the integrity of any European site (that does not host a priority natural habitat type and / or a priority species) but there are no alternative solutions and the plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature. In this case, it will be a requirement to follow procedures set out in legislation and agree and undertake all compensatory measures necessary to ensure the protection of the overall coherence of Natura 2000; or
- 3) The Plan or project will have a significant adverse effect on the integrity of any European site (that hosts a natural habitat type and/or a priority species) but there are no alternative solutions and the plan or project must nevertheless be carried out for imperative reasons for overriding public interest, restricted to reasons of human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest. In this case, it will be a requirement to follow procedures set out in legislation and agree and undertake all compensatory measures necessary to ensure the protection of the overall coherence of Natura 2000.

7.6.3. In effect, a proposed development may only be authorised after it has been established that the development will not have a negative impact on the fauna, flora or habitat being protected through an Appropriate Assessment pursuant to Article 6 of the Habitats Directive. Accordingly, it is necessary to screen the subject proposal for the purposes of 'appropriate assessment'.

7.6.4. Having reviewed the available information, and following consideration of the 'source-pathway-receptor' model, it is my opinion that given the nature and scale of

the development proposed, the site location outside of any protected site, the limited ecological value of the lands in question, the availability of public services, and the separation distances involved between the subject site and nearby Natura 2000 designations, the proposal is unlikely to have any significant effect in terms of the disturbance, displacement or loss of habitats or species on the ecology of any Natura 2000 site. Therefore, I am inclined to conclude that the proposed development would not be likely to significantly affect the integrity of Natura 2000 sites and would not undermine or conflict with the Conservation Objectives applicable to same.

- 7.6.5. Accordingly, it is reasonable to conclude on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects, would not be likely to have a significant effect on any European site in view of the relevant conservation objectives and that a Stage 2 appropriate assessment (and the submission of a NIS) is not therefore required.

8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that outline permission be refused for the proposed development for the reasons and considerations set out below:

9.0 Reasons and Considerations

1. Having regard to the site location and its relationship with adjoining lands, it is considered that the proposed development would constitute an uncoordinated and disjointed developmental approach to the subject site and the adjacent lands and would be premature pending the preparation of an overall plan for the development of the area, with particular reference to those lands in which the applicant and / or the landowner retains an interest / ownership. The proposed development would, therefore, constitute inappropriate disorderly development which would seriously injure the amenities of property in the vicinity by reason of uncoordinated piecemeal development and accordingly

would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the site location on zoned and serviceable lands, it is considered that the proposed development would not be developed at a sufficiently high density to provide for an acceptable efficiency in land usage given the site location within the town centre of Newtownmountkennedy in close proximity to educational facilities and to established social and community services in the immediate vicinity. It is considered that the low density proposed would be contrary to the provisions of the Guidelines for Planning Authorities on 'Sustainable Residential Development in Urban Areas (2009)', issued to planning authorities under section 28 of the Planning and Development Act, which indicate that within centrally located sites in smaller towns, densities of 30-40+ dwellings per hectare for mainly residential schemes may be appropriate in the interests of land efficiency. The proposed development would, therefore, be contrary to these Ministerial Guidelines and contrary to the proper planning and sustainable development of the area.

Robert Speer
Planning Inspector

17th May, 2018