



Development

The construction of a mixed use development (895sqm) comprising of two main blocks that range from two to three storeys in height that consist of:

Block A – a two storey mixed use block of 138.9sqm fronting onto Main Street comprising 1 No. commercial / café unit (86sqm) at ground floor and 1 No. own door access 1 bed apartment unit (52.4sqm) at first floor as well as ancillary space; Block B – a three storey mixed use block of 756.1sqm fronting onto the corner of Main Street / Lott Lane and Lott Lane comprising 1 No. commercial / café unit (108.9sqm) at ground floor and 5 No. own door access apartment units at first floor level (1 No. two bed duplex unit (83.2sqm), 3 No. two bed duplex units (82.2sqm), and 1 No. one bed unit (51.3sqm)) as well as ancillary space. The development also contains 1 No. terrace at ground floor fronting onto Main Street; 1 No. terrace on first floor podium level that connects the two blocks; as well as

terraces serving each apartment unit at podium level. The development will be served by 10 No. car parking spaces within a ground floor car park, under podium level, that will provide vehicular and pedestrian access from Lott Lane. 8 No. cycle parking stands will be provided within the carpark. Pedestrian access to Block A will be off Main Street; and to Block B off both Main Street and Lott Lane. Permission is also sought for all site development works, including bin store, as well as infrastructure to serve the development.

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| Location | Kilcoole House, Main Street, Kilcoole, Co. Wicklow. |
| Planning Authority | Wicklow County Council |
| Planning Authority Reg. Ref. | 17/1485 |
| Applicant(s) | Douglas Hatton Developments Ltd. |
| Type of Application | Permission |
| Planning Authority Decision | Refusal |
| Type of Appeal | First Party v. Decision |
| Appellant(s) | Douglas Hatton Developments Ltd. |
| Observer(s) | None. |
| Date of Site Inspection | 25 th June, 2018 |
| Inspector | Robert Speer |

1.0 Site Location and Description

1.1. The proposed development site occupies a centrally located and prominent position at the traffic-controlled junction of Main Street / Lott Lane / Sea Road in Kilcoole town centre, Co. Wicklow, in an area which can be described as mixed-use given the presence of a variety of retail and commercial outlets, including several small shop units and public houses, in addition to a notable residential component. Whilst the streetscape in the immediate vicinity of the junction is somewhat lacking in definition, the prevailing pattern of development on travelling northwards along Main Street is characterised by a combination of vernacular properties, including street-side construction and semi-detached two-storey housing, whereas the southern extent of Main Street is dominated by more recently constructed and conventionally designed infill schemes, such as the two-storey, mixed-use development sited along the eastern side of same. The site itself has a stated site area of 0.057 hectares, is almost triangular in shape, and comprises an underutilised and vacant plot of land bounded by a combination of palisade security fencing and hoarding which was previously occupied by the now demolished 'Kilcoole House'. It retains frontage onto Main Street and Sea Road whilst a narrow cul-de-sac / laneway known as Lott Lane (which provides for pedestrian access to Main Street) defines the site to the east. There is a considerable change in ground levels across the site with the topography generally falling from northwest to southeast (i.e. from Main Street towards Lott Lane) as evidenced by the pronounced and elevated position of the dormer-style bungalow on the adjacent lands to the immediate north when viewed from the southern approach to the site.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a mixed-use development (total floor area: 895m²) comprising 2 No. blocks ranging from 2-3 storeys in height as follows:
- Block 'A': A two-storey block (floor area: 138.9m²) positioned alongside Main Street which consists of 1 No. commercial / café unit (floor area: 86m²) at ground floor level with a self-contained, own door access, one-bedroom apartment (floor area: 52.4m²) at first floor level.

- Block 'B': A three-storey block (floor area: 756.1m²) positioned at the corner of Main Street / Lott Lane which consists of 1 No. commercial / café unit (floor area: 108.9m²) at ground floor level with 5 No. own door access apartment units extending over the first & second floor levels. Apartment Nos. 1-4 will comprise two-storey, duplex-type units whereas Apartment No. 1 is of a single storey construction at first floor level only. The proposed apartment accommodation within this block can be broken into the following components:

- 1 No. two bed duplex unit (floor area: 83.2m²)
- 3 No. two bed duplex units (floor area: 82.2m²)
- 1 No. one bed unit (floor area: 51.3m²)

2.2. The proposal also includes for a 'street terrace' alongside Main Street at the entrance to the commercial / café unit within Block 'A' in addition to 2 No. larger terraced areas (Terraces 'A' & 'B') which will connect the two blocks of development and are intended to serve the proposed apartment units as communal open space.

2.3. The development will be served by 10 No. car parking spaces located within a ground floor car park with vehicular access to same obtained via a new entrance arrangement onto Lott Lane. Pedestrian access to Block 'A' will be via Main Street with Block 'B' accessible from both Main Street and Lott Lane. Associated site development works include the provision of bicycle stands and a bin store. Water and sewerage services are available via connection to the public mains.

N.B. On 18th January, 2018 the Planning Authority issued a Certificate of Exemption pursuant to Section 97 of the Planning and Development Act, 2000, as amended, in respect of the provision of 6 No. dwellings on site.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 13th February, 2018 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following 2 No. reasons:

- Having regard to:

- The location of the site at a strategic gateway point that marks an important corner at the intersection of Main Street, Lott Lane and Sea Road,
- The layout of the proposed development which fails to adequately address Kilcoole Main Street and which would as a result detract from, rather than contribute to, the streetscape,
- The design of the development which is not considered to be in keeping with the traditional form of development in this rural town and which fails to maximise the potential of this prime development site,
- The lack of permeability through and within the development,
- The low levels of accessibility and usability in terms of the residential units and the associated communal open space areas,
- The failure of the applicants to demonstrate that the proposed development would not have a significant negative impact upon the existing residential amenities of adjoining properties,
- The failure of the applicant to demonstrate that the proposed car park in terms of its design and layout can function adequately,

It is considered that the proposed development would contravene the objectives for the development of this site as set out in the Greystones, Delgany and Kilcoole Local Area Plan, would fail to provide a suitable degree of residential amenity for future occupants and would have a negative impact upon the amenities of the area and the residential amenities of adjoining properties. The proposed development would therefore be contrary to proper planning and development.

- Having regard to the proposal to connect to the foul sewer network at a point which would result in an increased loading on the Kilcoole Wastewater Treatment Plant, which currently has no capacity to receive increased loadings and which discharges to the Murrough Wetlands SAC, it is considered that the proposed development would have an adverse impact on the conservation objectives of the SAC. The proposed development would therefore be contrary to the requirements of the Habitats Directive, would be

prejudicial to public health and would be contrary to proper planning and sustainable development.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports:

Details the particulars of the proposed development, the site context, and the relevant planning history, before proceeding to analyse the proposal in light of the applicable planning policy considerations, with particular reference to the prominent town centre location of the site and its designation as an underutilised ‘*Opportunity Site*’ (OP2) in the Greystones-Delgany & Kilcoole Local Area Plan, 2013-2019. The report subsequently undertakes a detailed analysis of the proposal and its adherence to the site-specific objectives / design criteria for the development of this opportunity site as set out in the Local Area Plan. In this respect it raises a number of concerns with regard to the overall design and layout of the scheme, including the treatment of the frontage onto Main Street, the built form of the proposal relative to the character of the surrounding area, the architectural quality of the design given the ‘landmark’ location of the site, the accessibility and permeability arrangements through the scheme, and the potential for adverse impacts on the residential amenity of adjacent properties. It is also noted that the existing Kilcoole wastewater treatment plant is at capacity (and discharges into the Murrough Wetlands Special Area of Conservation) and, therefore, it is suggested that the proposal should instead connect into an existing pumping station which discharges to the Greystones wastewater treatment plant. The report thus concludes by recommending a refusal of permission with additional handwritten notes supplementing same.

3.2.2. Other Technical Reports:

None.

3.3. **Prescribed Bodies**

3.3.1. *Irish Water:* No objection, subject to conditions.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

4.1. On Site:

PA Ref. No. 988012. Was granted on 10th August, 1998 permitting Ed Russell permission for a minor extension and conversion of part of ground floor of shop to restaurant at junction of Main Street & Lott Lane.

PA Ref. No. 99715. Was refused on 22nd July, 1999 refusing Ed Russell permission for the retention of a pizza outlet.

PA Ref. No. 066962. Was granted on 28th May, 2007 permitting David Twyford permission for the demolition of existing two storey property (248 sqm. overall), and provision of two commercial units, six apartments, ten car parking spaces, all site development works, including bin store, as well as infrastructure to service the development.

PA Ref. No. 08985. Was granted on 13th March, 2009 permitting David Twyford permission for a free standing 2m high close boarding hoarding at the junction of Main St. / Lott Lane.

4.2. On Adjacent Sites:

PA Ref. No. 161182. Was granted on 24th January, 2017 permitting Feidhlim & Maeve O'Hanlon permission for alterations and extensions to existing dwelling comprising of a proposed attic floor extension (60.50 sqm) including the raising of the roof ridge height by 1.3m, conversion of integrated garage to bedroom (14.10 sqm) and entrance porch (5.60 sqm) at ground floor level together with minor alterations to internal layout and external elevations of existing house and ancillary works at Alma, Main Street, Kilcoole, Co. Wicklow.

4.3. On Sites in the Immediate Vicinity:

PA Ref. No. 114553. Was granted on 13th June, 2012 permitting Talmur Ltd. permission for the demolition of existing dwelling and construction of a 2/3 storey commercial / residential mixed scheme comprising of the following: partial

underground car parking comprising 23 car parking spaces, 3 no. commercial units at ground floor level totalling 320m² with respective ancillary areas, 4 no. residential units at first floor level, subdivided into 3 no. 3 bedroom apartments at 124m², 3 no. 2 bedrooms apartments at 94m², together with balconies to the north and west elevations, private open space and external storage areas. All together with ancillary works and connection to public mains drainage. All at Brooke House, Main Street, Kilcoole, Co. Wicklow.

- PA Ref. No. 17117. Was granted on 29th March, 2017 permitting John Kane, Kane Construction Ltd., an 'Extension of Duration' of PA Ref. No. 11/4553 until 5th August, 2018.

PA Ref. No. 17887. Was granted on 17th January, 2018 permitting John Kane permission for a new town centre mixed use development comprising the following (a) demolition of existing property 'Brook House' (b) construction of new 3 storey building comprising 1) 2 no. ground floor office units of 51 sqm each 2) 1 no. ground floor medical centre of 149 sqm, 3) 2 no. 45 sqm one bedroom apartments at first and second floor level 4) 2 no. 46.5 sqm one bedroom apartments at first and second floor level 5) 2 no. 64 sqm two bedroom apartments at first and second floor level 6) 2 no. 72 sqm two bedroom apartments at first and second floor level 7) 20 no. car parking spaces, bin stores, bicycle stores and community facilities store at lower ground floor level / semi basement level (c) provision of 3 no. hard and soft landscaped civic spaces (d) provision of new pedestrian link with Monteith Estate Road and new civic spaces and the main street (e) removal of part of existing rear boundary wall and the provision of new defined hard and soft landscaped pedestrian link with the new civic spaces and the main street across existing open space serving Monteith Park (f) access off Monteith Park (g) item (e) and (f) above require the carrying out of works on local authority lands and will be carried out in agreement with the local authority (h) new boundary treatments (i) all necessary ancillary and site works to facilitate the development (j) connection to all public services. All at Brooke House, Main Street, Kilcoole, 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.
- 5.1.2. The *'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018'* (which update the *'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2015'*) provide detailed guidance and policy requirements in respect of the design of new apartment developments. Where specific planning policy requirements are stated in the document, these are to take precedence over any conflicting policies and objectives of development plans, local area plans and strategic development zone planning schemes. Furthermore, these Guidelines apply to all housing developments that include apartments that may be made available for sale, whether for owner occupation or for individual lease. They also apply to housing developments that include apartments that are built specifically for rental purposes, whether as 'build to rent' or as 'shared accommodation'. Unless stated otherwise, they apply to both private and public schemes. These updated guidelines aim to uphold proper standards for apartment design to meet the accommodation needs of a variety of household types. They also seek to ensure that, through the application of a nationally consistent approach, new apartment developments will be affordable to construct and that supply will be forthcoming to meet the housing needs of citizens.

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 5 – Small Growth Towns: Kilcoole

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.

Apartments generally will only be permitted within the designated centres in settlements (i.e. designated town, village or neighborhood centres), on mixed use designated lands (that are suitable for residential uses as part of the mix component) or within 10 minutes walking distance of a train or light rail station.

Section 4.3.6: *Design of New Developments*

Section 4.4: *Housing Objectives*

Chapter 6: Centres and Retailing:

Section 6.2: *County Wicklow Retail Strategy*

Section 6.2.6: *Strategy for the County's Centres: Strategy for Level 4 – Neighbourhood Centres and Small Towns (incl. Kilcoole)*

Section 6.3: *Objectives for Centres and Retail*

RT1: To ensure the continued vibrancy and life of centres, to direct new development and investment into towns and villages in the first instance and to particularly prioritise actions that enhance business, retail, leisure, entertainment and cultural uses, as well as making town and villages centres an attractive place to live.

RT4: To promote and facilitate the development of retail developments in a sustainable manner. Retail related development shall be located on suitably zoned land within settlement boundaries. There shall be a general presumption against the development of retail uses within the rural area, except as otherwise provided for by a particular objective of this plan.

RT10: To vigorously protect and promote the vitality and viability of town centres. Development proposals not according with the fundamental objective to support the vitality and viability of town centre sites must demonstrate compliance with the 'sequential approach' before they can be approved. The 'sequential approach' shall be applied and assessed in accordance with the 'Retail Planning Guidelines, (DoECLG, 2012)'². The Planning Authority will discourage new retail development if they

would either by themselves or cumulatively in conjunction with other developments seriously damage the vitality and viability of existing retail centres within the County. In the application of the 'sequential approach' due regard shall be paid to RT11 below which prioritises the 'core retail area' for new retail development.

RT11: To promote developments which reinforce the role and function of the 'core retail area' as the prime shopping area of town centres. The 'core retail area' shall be promoted as the area of first priority for new retail development. In settlements where no 'core retail area' is defined, regard shall be paid to the designated 'town centre' area, the location of the traditional/historical centre and the location of other retail units. Where an application is made for a new development with street frontage either in the defined retail core of a larger settlement or on the 'main street' of a smaller town, retail or commercial use will normally be required at street level.

RT12: New retail developments in town centres will be required to provide proximate and easily accessible car and cycle parking or to make a financial contribution towards car parking where it has been or will be provided by the Local Authority.

RT13: To promote the revitalisation of vacant / derelict properties / shop units. Where no viable retail use can be sustained, alternative uses will be assessed on their own merits against the requirements of the proper planning and sustainable development of the areas within which they are located.

This objective will be used to ensure that all proposals for the reuse of existing retail floorspace can be evaluated against the proportion of overall vacancy and to reduce the possibility of dereliction.

RT14: To control the provision of non-retail uses at ground floor level in the principal shopping streets of centres, in order to protect the retail viability of centres and to maintain the visual character of streets. This objective aims to prevent the proliferation of 'dead frontages' on key

streets. In particular, active use of corner sites, particularly within larger centres, is considered pivotal in creating a sense of vibrancy.

RT18: To facilitate the identification, promotion and development of key town centre opportunity sites.

- Opportunity sites are prime sites within a town, which are under-utilised in terms of their development potential, and as such they should be revitalised.
- The sites can be located at critical gateways or entry points to the town, and as such can be highly visible and may be suitable for 'landmark' type buildings. As the development of these sites will help set the tone for the town and influence the public perception of it, a high quality of urban design and innovation will be required at these locations.
- Opportunity sites are to be the subject of comprehensive (not piecemeal) integrated schemes of development that allow for sustainable, phased and managed development.
- Opportunity sites are identified within local area/town/settlement plans.

RT21: In certain circumstances, the Planning Authority may allow for a relaxation in certain development standards within centres, in the interest of achieving the best development possible, both visually and functionally.

RT28: Small scale retail development appropriate to the scale and needs of the settlement and its catchment will be positively considered subject to the following control criteria:

- there shall be a clear presumption in favour of central or edge of centre locations for new development, i.e. the traditional historical centre; out of centre locations will not be considered suitable for new retail;
- new development shall be designed with the utmost regard to the historical pattern of development in the centre and the prevailing

character, with particular regard to building form, height and materials and shall generally be required to incorporate a traditional shop front.

Appendix 1: Development and Design Standards

Section 1: Mixed Use and Housing Developments in Urban Areas

5.2.2. Greystones-Delgany & Kilcoole Local Area Plan, 2013-2019:

Land Use Zoning:

The proposed development site is located in an area zoned as ‘TC: Town Centre’ with the stated land use zoning objective ‘*To protect, provide for, and improve the development of a mix of 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.*

Other Relevant Sections / Policies:

Section 2: Overall Vision and Development Strategy:

Section 2.2. Development Strategy

Section 3: Population and Housing:

Section 3.3: Settlement Strategy:

Section 3.4: Objectives:

RES1: To adhere to the objectives of the Wicklow County Development Plan 2010-2016 in regard to population and housing as are applicable to the plan area. In the assessment of development proposals, regard shall be paid to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages), (DoEHLG, 2009).

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.

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'.

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.

Apartments generally will only be permitted within Greystones Town Centre, Kilcoole Town Centre, Delgany Village Centre, Neighbourhood Centres, Small Local Centres, Greystones Harbour and North Beach Action Plan, South Beach Action Plan and within 10 minutes walking distance of Greystones train station.

Within existing residential areas, regard shall be paid at all times to the overriding objective of the Council to protect the residential amenity of

these areas and to only allow infill residential development where this reflects the character of the existing residential area. Apartments will not normally be permitted on sites surrounded by predominantly single family occupied housing estate developments.

RES12: There is a particular need to ensure that there is a mix in the type, size and tenure of housing available in Kilcoole. As such, the planning authority shall ensure that all developments include an appropriate mix of units to cater for all sectors of the population, and in particular to ensure an appropriate balance between the amount of social, affordable and private tenure.

Section 4: *Retail:*

Section 4.1: *Retail Strategy*

Section 4.2: *Objectives:*

Kilcoole Town Centre:

RT4: To provide for the development of a mix of uses within Kilcoole town centre, including retail, service and commercial outlets and leisure and community facilities, to a degree that is akin to its designation as a Level 4 Small Town Centre status, so that the centre provides for the day-to-day needs of its population and its hinterland.

RT5: To promote the vitality and viability of Kilcoole's town centre and to promote retailing as the core function of the town centre. Retail uses shall include a range of lower order comparison and super market retail formats.

RT6: New town centre developments, in particular developments on the west side of Main Street, shall incorporate new 'streets' where possible, and 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 minimize duplication of car parks and vehicular access points on the Main Street.

RT7: A new ‘town square’ shall be provided west of the Main Street – Sea Road junction, in accordance with the criteria set out for ‘AP9: Bullford Action Plan’.

Other Objectives:

RT13: To encourage and facilitate the sustainable re-use and regeneration of brownfield land and buildings in all centres and to promote the development of opportunity sites in accordance with the specific criteria set out for each area as set out in ‘Section 4.3: Opportunity Sites’.

RT14: Within all designated centres, it is the objective of the Council to:

- generally restrict the development of non-retail uses at ground floor level in the principal shopping areas, and
- provide for the development of residential uses within all centres, in ‘Living over the Shop’ schemes and on backland sites.

RT15: To preserve and enhance the amenity of the public realm.

Section 4.3: Opportunity Sites:

The Council considers that there are a number of prime sites within the town centre areas of the plan area, which are under-utilised in terms of their development potential, and as such they should be upgraded and revitalized. These sites are located at critical gateways or entry points to the towns, and as such are highly visible. As the development of these sites will help set the tone and character of the plan area, a high quality design and innovative architectural design solutions will be sought at these locations.

In order to promote the development of these sites, the Council may, where appropriate, apply development management standards in a flexible manner, in accordance with the proper planning and sustainable development of the area.

OP2: Kilcoole House (‘Urells’), Main Street, Kilcoole:

- This site is located at a strategic gateway point and marks an important corner at the intersection of Main Street, Lott Lane and Sea Road.

- To facilitate the redevelopment of the site for a mix of uses, including commercial, civic / community, residential and office uses, in accordance with TC zoning objective.
- Ground floor uses shall be restricted to commercial uses.
- While this site could benefit from the development of a landmark building that bookmarks the junction of Main Street and Sea Road, particular attention shall be paid to ensuring that the height and scale of the building is in keeping with the overall character of the town, and in particular, the degree of obtrusion on the skyline from vantage points, including upon entering the town from the south. While a development of civic or community importance is most likely to justify the development of a building of prominence, a mixed use commercial/residential development is less likely to justify a significant degree of prominence.
- The design shall be in keeping with the character of the area and should provide for multi-aspect building(s), addressing both Main Street, Lott Lane and Sea Road. Primary frontage shall be provided to Main Street.
- Particular attention shall be paid to ensuring that the design and materials that front directly onto the roundabout are of high quality and in keeping with the character of the area. This corner is particularly visible upon entrance to the town and due regard shall be paid to ensuring a design of exceptional architectural quality.
- Traffic access shall be provided from Lott Lane.
- There shall be pedestrian links through the site from between Lott Lane and Main Street.
- Protect the amenity of existing residential properties in the area.

Section 8: Transport and Service Infrastructure:

Section 8.2: Objectives:

TS2: All new development shall be required to connect to the public mains systems for water supply and waste water collection and disposal.
 Permission for the connection of single houses to private waste water

systems and water supply systems will only be granted in exceptional circumstances, where there is no adverse effect on the environmental integrity of the area and in accordance with the proper planning and sustainable development of the area.

RO14: Improvement of Sea Road, Kilcoole, including the development of a footpath from Main Street to Kilcoole Train Station.

Section 9: Natural and Built Heritage:

Kilcoole Town Centre Character Area

HER13: It is Council policy to protect the historic and traditional rural character of the 'Kilcoole Town Centre Character Area'.

The Main Street of Kilcoole retains a traditional provincial town character that is worthy of conservation. This character is represented by the presence of simple shopfronts and a good mixture of nineteenth century houses all fronting onto the main street.

The objective relating to the Kilcoole Town Centre Character Area aims to promote the protection of the distinct identity of Kilcoole as a unique and differentiated settlement within the plan area. This 'Kilcoole Town Centre Character Area' is indicated on Map B.

The following objectives shall apply within this area:

- Provide a high standard of urban design that is reflective of its historic and traditional rural character. Particular attention shall be paid to ensuring that the character and setting of the terrace of protected structures along Main Street is protected.
- In order to maximise the efficient use of town centre zoned lands, buildings in Kilcoole should generally aim to be approximately two storeys in height, subject to the proper planning and sustainable development of the area.
- To reinforce and improve the visual appearance of this area, in particular the west side of Main Street and encourage development that will enhance the vitality and vibrancy of this area.

In determining future planning applications, the Council will carefully consider to what degree proposals for development are sympathetic to the character of this area and the setting of protected structures. In assessing proposals for development the planning authority will have careful regard to the impacts on non-protected structures that contribute to the character of this area.

It should be noted that the designation of the Kilcoole Town Centre Character Area does not prejudice innovative and contemporary design, nor does it prejudice the demolition / improvement or replacement of buildings, as determined appropriate, by the planning authority.

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 Murrough Wetlands Special Area of Conservation (Site Code: 002249), approximately 1.3km east of the site.
- The Murrough Special Protection Area (Site Code: 004186), approximately 1.5km east of the site.
- The Glen of the Downs Special Area of Conservation (Site Code: 000719), approximately 3.6km northwest of the site.
- The Bray Head Special Area of Conservation (Site Code: 000714), approximately 5.8km north of the site.
- The Carriggower Bog Special Area of Conservation (Site Code: 000716), approximately 6.1km west of the site.
- The Wicklow Mountains Special Area of Conservation (Site Code: 002122), approximately 10km west-northwest of the site.
- The Wicklow Mountains Special Protection Area (Site Code: 004040), approximately 10km west-northwest of the site.

N.B. This list is not intended to be exhaustive as there are a number of other Natura 2000 sites in excess of the aforementioned distances yet within a 15km radius of the application site.

6.0 The Appeal

6.1. Grounds of Appeal

- The applicant is extremely disappointed and frustrated with the manner in which the Planning Authority has conducted itself with regard to the pre-planning and assessment stages of the subject proposal, particularly as the lands in question have been identified as an opportunity site in the Greystones / Delgany and Kilcoole Local Area Plan and are located at a strategic position in the town centre.
- The proposed development is considered to be directly comparable to the mixed-use scheme previously approved on site by the Planning Authority under PA Ref. No. 06/6962.
- The subject proposal accords with the '*TC: Town Centre*' land use zoning objective and is supported in principle by Objective RT13 of the Local Area Plan which seeks to encourage the sustainable re-use of brownfield lands and the development of opportunity sites identified in Section 4.3: '*Opportunity Sites*'.
- The proposed development site has been identified as Opportunity Site OP2: '*Kilcoole House ('Urells')*' in the Greystones / Delgany and Kilcoole Local Area Plan and the subject proposal accords with the relevant site-specific development objectives set out in Section 4.3 of the Plan.
- The Planning Authority has failed to exercise any real degree of flexibility in its assessment of the subject application as regards compliance with the development objectives applicable to this town centre opportunity site.
- The Design Statement submitted with the initial application sets out the urban design principles underpinning the proposal having regard to the site context and the applicable provisions of the Local Area Plan.

- With regard to the specific development criteria pertaining to Opportunity Site No. OP2, consideration should be given to the following design responses:

- The proposed development manages to balance the need for a building of a suitable design and scale at this key junction without overwhelming its immediate neighbours, including residential properties.
- The scheme includes for a suitable mix of uses in accordance with the 'Town Centre' land use zoning.
- In terms of height, the proposed development is in keeping with the character and scale of nearby buildings (please to refer to the submitted 'Design Statement').
- It is proposed to use a brick base and to apply a render finish above same as per other representations in the town.

A hipped roof profile will minimise the visual obtrusiveness of the proposal given the prominence of the site.

Shopfronts will consist of timber elements and signage. Simple stone or plaster reveals will be used for the opes in the residential units.

Both blocks of the scheme will provide a strong design response along the site frontages.

The apartment units are dual aspect with good views over the wider area, including eastwards towards the coast.

- New shopfronts are proposed onto Main Street.

It is not feasible to provide a direct access to either of the commercial units from Main Street due to the considerable difference in levels across the site frontage, however, it is proposed to create a small street terrace between the two blocks of development with access to the commercial / café unit in Block 'A' to be taken off the terrace. This will also create a possible outdoor seating area along the Main Street frontage.

Due to the site levels, the access to the commercial / retail unit within Block 'B' will be via Lott Lane. This access clearly forms part of the overall shopfront and wraps around the block. The design decision to locate the access at the lowest part of the site serves to reduce the overall height of Block 'B' and thus delivers a less obtrusive building.

The proposed commercial access and frontage details are largely unchanged from the scheme previously approved under PA Ref. No. 06/6962.

- The issue of design and materials has already been addressed (as set out above) and is also detailed in Section 8 of the Design Statement.
- Access to the proposed car park will be via Lott Lane.
- It is not proposed to provide any pedestrian link through the site as such a requirement is unreasonable and serves no useful planning purpose given the site context. In this regard, it is submitted that given the restricted size of the site and the change in levels across same, any proposal to accommodate pedestrians / cyclists by providing a route across the site would require significant works and a reservation in the form of a ramp or path thereby reducing the development potential of the site and undermining the viability of the project. In any event, it is much easier to simply follow the existing footpath around the site perimeter.
- The proposed development will not give rise to any injurious impact on the residential properties to the north and east due to the separation distances involved, the internal configuration of the scheme, the positioning and orientation of fenestration, and the proposal to erect a 1.8m high wall along the northern site boundary.

It should be emphasised that the proposed development will be located on a 'brownfield' town centre site and thus lower separation distances can be tolerated.

The relationships between the proposed blocks and surrounding properties are generally comparable to those approved under PA Ref. No. 066962. Moreover, there are no material changes in the relevant

planning circumstances as to warrant a different planning outcome and, therefore, the Board is requested to agree that there are no adverse impacts on the residential amenity of neighbouring properties.

- With the exception of providing access across the site in order to link Lott Land with Main Street, the proposed development complies in full with the objectives for Opportunity Site No. OP2.
- The overall design and layout of the proposed development has been carefully considered and will make a positive contribution to the streetscape whilst also adding vibrancy and vitality to the lower end of Main Street.
- The Planning Authority's assessment of the proposal has failed to take any account of the constraints imposed by the steeply sloping nature of the site.
- The Board is referred to the Design Statement provided with the planning application and the supplementary architect's report appended to the grounds of appeal which examines the decision to refuse permission and responds to the design issues raised i.e. windows at ground floor level, roofs, materials, shopfronts, and additional drawings.
- With regard to the allegation that the proposed development provides for *'low levels of accessibility and usability in terms of the residential units and the associated communal open space areas'*, this criticism is rejected in its entirety on the basis that it ignores the on-site development constraints, with particular reference to the restricted size, shape and steep slope of the site. Moreover, all of the proposed apartment units can be accessed via the car park or from the street terrace at Main Street. It is further considered that the Planning Authority's concerns could have been addressed either at pre-planning stage or by way of a request for further information.
- The sectional details shown on Drg. No. PL10 (as appended to the grounds of appeal) confirm that the proposed development will not have any injurious impact on the residential amenity of the adjacent property to the immediate north. In addition, Sections 'G-G' and 'J-J' as shown on Drg. No. PL07 serve to confirm that any overlooking of the aforementioned property from both blocks of the proposed development has been avoided.

- In relation to the design and layout of the proposed car park, the Board is referred to the swept-path analysis provided with the grounds of appeal.
- With respect to the suggestion that the proposed development would not provide its future occupants with a suitable or adequate level of amenity, it would appear that these concerns primarily relate to the stairway access to the apartment units. In this regard it should be noted that due to the site levels and the requirement to provide for street-level commercial uses, the apartments must be accessed by way of stairs from either the public footpath or the car park. If it were deemed necessary to provide a lift from the car park to the 'Terrace A' podium level, this could be achieved by requesting a revised proposal or through the attachment of a suitable planning condition.
- The Planner's Report has confirmed that the residential accommodation is in substantial compliance with the standards for apartments, with the exception of Apartment No. 1 which will require some internal reconfiguration. The report has also acknowledged the town centre location and confirmed that the private open space provision is satisfactory.
- The Planning Authority has determined that there is no need to provide public open space as part of the proposed development.
- Whilst the layout of the communal open space has been criticised on the basis that it is only accessible by way of a set of stairs from Main Street, it should be noted that this space is at the same level and is directly accessed from the proposed apartment units (which is the most relevant consideration).
- The proposed development will not have any adverse impact on the amenity of adjacent residential properties.
- In terms of the amenity of the wider area, the subject proposal will serve to secure the development of a visually prominent gateway site at the southern end of Main Street and thus will help to achieve the planning objectives set out in the Local Area Plan.
- With regard to the second reason for refusal, the Board is referred to the report dated 18th January, 2018 from Irish Water which confirms that it has no objection to the proposed development. It should also be noted that this report

has not identified any existing capacity limitations at the local wastewater treatment plant.

- The decision of the Planning Authority to refuse permission on the grounds that the Kilcoole Wastewater Treatment Plant does not have adequate capacity to accommodate the increased loadings consequent on the proposed development is inconsistent with its recent determination of PA Ref. No. 17/887 which approved a larger mixed-use development at Opportunity Site No. OP1 (Brooke House) in Kilcoole town centre (c. 70m southwest of the appeal site). In this respect it is apparent from a review of PA Ref. No. 17/887 that foul effluent from the permitted development is to be discharged to the Kilcoole Wastewater Treatment Plant and that the approved drainage arrangements are essentially identical to those proposed in the subject application. Both of the respective sites are located within Kilcoole town centre and have been designated as 'Opportunity Sites', however, permission has been refused to develop the subject site on the grounds of insufficient treatment capacity within weeks of permission having been granted by the same planning authority for a larger scheme on nearby lands with no indication of any capacity issues.
- In light of the decision of the Planning Authority to grant permission under PA Ref. No. 17/887 for the development of Opportunity Site No. OP1, the importance of developing the subject site (i.e. Opportunity Site No. OP2), and the relatively modest additional loadings likely to be associated with the development proposed, the Board should uphold this appeal against the second reason for refusal.
- Without prejudice to the contention that the proposed development has been designed to comply with the objectives set out in the Local Area Plan, the Board is invited to consider a small number of design amendments which will serve to address some of the concerns raised in the report of the case planner. In this regard consideration should be given to the proposals detailed in the supplementary architect's report appended to the grounds of appeal (and Drg Nos. PL09A & PL10) which examines the decision to refuse permission and responds to the design issues raised i.e. windows at ground floor level, roofs, materials, shopfronts, and additional drawings.

In the event the Board is minded to give effect to any of these modifications, it is invited to request the applicant to submit revised plans pursuant to Section 132 of the Planning and Development Act, 2000, as amended, or to impose a condition requiring the details to be agreed with the Planning Authority prior to the commencement of development.

6.2. Planning Authority's Response

- With regard to the appellant's criticisms of the pre-planning and planning processes, it is considered that such matters are of no relevance to the assessment of a planning application.
- Whilst the modified design proposals submitted with the grounds of appeal are considered to constitute a slight improvement over the original scheme, the changes proposed are not sufficient to address the concerns of the Planning Authority. In particular, the Planning Authority continues to be of the opinion that the proposed development fails to adequately address Main Street. Whilst the Council is cognisant of the constraints on site, it is nevertheless important to ensure that a street frontage is created.
- In relation to the capacity of the Kilcoole Treatment Plant, whilst the Planning Authority noted the contents of the report received from Irish Water, it had reservations in this regard due to the advice previously conveyed to the Council concerning the failure of the plant to meet effluent quality standards. In this respect it should be noted that the plant discharges into the Murrough Wetlands SAC / SPA and therefore every precaution must be taken. However, following discussions with the Water Services Dept., the Planning Authority has been informed that upgrading works were undertaken at the end of 2017 which have served to address the significant problems with the Kilcoole plant. Accordingly, on the basis of the foregoing, the Planning Authority has no objection to the omission of the second reason for refusal.
- By way of clarification, it is noted that the grounds of appeal include a quotation taken from Section 4.3 of the Local Area Plan with specific reference being made to the adoption of a flexible approach by the Planning Authority. This reference is repeated on several occasions throughout the

appeal, however, it would appear that the applicant has misunderstood the relevant provision. Section 4.3 of the Local Area includes the word “may” which has been ignored by the applicant’s agent, but of more importance, the flexibility mentioned relates to the application of “Development Management Standards”. In this regard it is submitted that a flexible application of “Development Management Standards” is not the same as a flexible application of Local Area Plan Objectives as would appear to be the applicant’s agent’s interpretation. Development management standards refer to criteria such as public and private open space, parking etc.

- With regard to the objective in the Local Area Plan to provide a pedestrian route through the site, it is acknowledged that the development of such a route would be difficult given the site constraints and, therefore, the provision of same may not be necessary.

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
- Impact on residential amenity
- Infrastructural / servicing arrangements
- Traffic implications
- Appropriate assessment

These are assessed as follows:

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

7.2.1. The proposed development site is located on lands zoned as 'TC: Town Centre' in the Greystones-Delgany & Kilcoole Local Area Plan, 2013 where it is the stated land use zoning objective of the Planning Authority 'To protect, provide for, and improve the development of a mix of 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' and '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 respect it is also of relevance to note that the subject proposal involves the re-development of an under-utilised and somewhat derelict town centre site which detracts from the character of the surrounding area and has been identified as an 'Opportunity Site' (i.e. OP2: Kilcoole House ('Urells'), Main Street, Kilcoole) in the Local Area Plan. Moreover, Objective RT13 of the Plan seeks to encourage and facilitate the sustainable re-use and regeneration of brownfield lands and buildings in all centres and to promote the development of such prominently located 'opportunity sites' pursuant to certain site-specific criteria.

7.2.2. Accordingly, having regard to the nature of the development proposed, the site location in a mixed-use area on lands zoned for town centre purposes, and the designation of the site as an 'Opportunity Site', I am satisfied that the proposed development is consistent with the broader policy objectives of the Local Area Plan which seek to promote the development of Kilcoole. Furthermore, the subject proposal represents an opportunity to consolidate the commercial core of Kilcoole town centre through the appropriate re-development and renewal of what is a vacant and under-utilised property situated in a key location thereby making a positive contribution to the wider area.

7.3. **Overall Design and Layout:**

7.3.1. The proposed development involves the redevelopment of a vacant and underutilised town centre property which detracts from the character of the surrounding area and in this respect the subject proposal is to be welcomed however, any such redevelopment must be carefully considered in light of the site

context, with particular reference to its designation as an ‘*Opportunity Site*’ in the Local Area Plan and its prominent location at the junction of Main Street / Lott Lane / Sea Road.

- 7.3.2. In terms of assessing the overall merits of the submitted design, it should be noted in the first instance that the subject site occupies a prime location and that its designation as an ‘opportunity site’ reflects its importance as a key focal point in the town centre. Indeed, Section 4.3 of the Local Area Plan states that the development of such sites will help to set the tone and character of the plan area and thus ‘*a high quality design and innovative architectural design*’ will be sought at these locations. Moreover, the prominence of this corner property at an entrance to the town is further emphasised in the site-specific development criteria for this ‘opportunity site’ (i.e. OP2: Kilcoole House (‘Urells’), Main Street, Kilcoole) wherein it is stated that due regard should be paid to ensuring ‘*a design of exceptional architectural quality*’. In addition, cognisance should be taken of the site location within the ‘*Kilcoole Town Centre Character Area*’, the objective of which aims to promote the protection of the distinct identity of Kilcoole as a unique and differentiated settlement within the plan area in light of its historic and traditional rural character, with particular reference to Main Street which is considered to retain a traditional provincial town character that is worthy of conservation. Accordingly, it is necessary to review the subject proposal having regard to its prime town centre location and, more notably, the site-specific development criteria set out in the Local Area Plan.
- 7.3.3. In terms of compliance with the design criteria for ‘Opportunity Site OP2’ the subject proposal clearly provides for a mixed-use redevelopment which includes for commercial uses at ground floor level with vehicular access via Lott Lane. It also ensures that an adequate level of protection has been afforded to the residential amenity of nearby properties (as detailed elsewhere in this report).
- 7.3.4. With regard to the specific requirement to provide a pedestrian link through the site between Lott Lane and Main Street, I am inclined to concur with the grounds of appeal that the provision of such a link would be unnecessary given the site context (with particular reference to the on-site constraints and the presence of an existing footpath around the site perimeter) and would unacceptably undermine the development potential of the site. In this respect it is of further relevance to note that the Planning Authority has acknowledged the difficulties in providing such a link in

response to the grounds of appeal and has also accepted that the inclusion of same may not be necessary.

7.3.5. At this point it is necessary to consider the overall design and visual impact of the submitted proposal having regard to the remaining development criteria applicable to the opportunity site which essentially focus on the need to respect the established character of the area, and the requirement to provide a suitably scaled proposal at this prominently located corner site which makes a positive contribution to the streetscape and is of an *'exceptional architectural quality'*.

7.3.6. Having reviewed the available information, it is my opinion that the overall scale, height and massing of the proposal is generally appropriate to the site context, however, I am inclined to suggest that the specific design would necessitate improvement in order to maximise the potential of the site and to ensure an appropriate addition to the streetscape given the surrounding pattern of development and the prominence of this corner property. In particular, I would have concerns as regards the elevational treatment onto Main Street and the failure to provide for a more active ground floor frontage onto same. The inclusion of such a large expanse of blank wall at ground level alongside Main Street does little to enliven the area and is contrary to the site-specific development criteria for Opportunity Site OP2 which requires the provision of primary frontage along this elevation. Whilst I would acknowledge that the site topography and the change in ground levels at this location pose design difficulties, particularly when taken in combination with the irregular alignment of the site boundary along Main Street, I am not satisfied that these constraints cannot be overcome through an amended proposal (*N.B.* The agreement of the Local Authority to incorporate that area of public space which intrudes into the site proper alongside Main Street would serve to provide for a more defined building line and would likely positively contribute to the character and built form of any development on site).

7.3.7. I would also have some reservations as regards the overall architectural merit of the scheme, although I would concede that interpretation of design can be subjective. In my opinion, the somewhat conventional approach to the submitted design is lacking in the architectural interest / quality demanded by this prominent site location (as emphasised in the Local Area Plan, including the site-specific development criteria for this 'opportunity site' which include reference to *'a design of exceptional*

architectural quality). Moreover, whilst there is a clear need to respect the historic and traditional identity of the 'Kilcoole Town Centre Character Area', this does not preclude the introduction a suitably designed contemporary construction on site given its prime location and in support of same I would refer the Board to the scheme recently approved under PA Ref. No. 17887 a short distance away at Brooke House, Main Street, Kilcoole.

7.3.8. On balance, it is my opinion that the overall design of the proposed development is not of sufficient architectural quality given its designation as an 'Opportunity Site' in the Local Area Plan and the specifics of the site context, including its prime town centre location.

7.3.9. In relation to the construction of the proposed apartment units, it is necessary to consider the detailed design of same having regard to the requirements of both local planning policy and the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018*'. In this respect it is of particular relevance to note that where specific planning policy requirements are stated in the Guidelines, these are to take precedence over any conflicting policies or objectives contained in the development plan and local area plan. Therefore, in accordance with Section 3.0 of the Guidelines I propose to assess the apartment component of the subject proposal as regards compliance with the relevant planning policy requirements set out in the Guidelines pertaining to the following matters:

- Apartment floor areas
- Dual aspect ratios
- Floor to ceiling height
- Apartments to stair / lift core ratios
- Storage spaces
- Amenity spaces
- Aggregate floor areas / dimensions for certain rooms

7.3.10. Apartment Floor Area:

It is a specific planning policy requirement of the Guidelines that the minimum apartment floor areas previously specified in the '*Sustainable Urban Housing: Design*

Standards for New Apartments, Guidelines for Planning Authorities, 2007' continue to apply as follows:

- 1 bedroom apartment Minimum 45m²
- 2 bedroom apartment Minimum 73m²
- 3 bedroom apartment Minimum 90m²

In this respect I would advise the Board that each of the proposed apartments has a stated floor area which exceeds the minimum requirements of the Guidelines.

7.3.11. Dual Aspect Ratios:

The amount of sunlight reaching an apartment significantly affects the amenity of its occupants and therefore it is a specific planning policy requirement of the Guidelines that in more central and accessible urban locations the minimum number of dual aspect apartments to be provided in any single apartment scheme will be 33% (where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate), whereas in suburban or intermediate locations the foregoing requirement is increased to 50% whilst a further relaxation may be permissible for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25 hectares.

All of the proposed apartment units are dual-aspect and include a south / southeastern / southwestern facing elevation which provides for the living spaces of each of the units to receive direct sunlight for some part of the day. Accordingly, the proposed development accords with this specific requirement of the Guidelines.

7.3.12. Floor to Ceiling Height:

The Guidelines state that floor-to-ceiling height affects the internal amenities of apartments (in terms of sunlight / daylight, storage space, and ventilation) and that this is of most significance at ground level where the potential for overshadowing is greatest, although it is also noted that ground level floor to ceiling height will also influence the future adaptability of individual apartments for potential alternative uses, depending on location. Whilst it is acknowledged that the Building Regulations suggest a minimum floor to ceiling height of 2.4m, the Guidelines also state that from a planning and amenity perspective, applicants and their designers may consider the potential for increasing the minimum apartment floor-to-ceiling height to 2.7 metres

where height restrictions would not otherwise necessitate a reduction in the number of floors. It is also a specific planning policy requirement that ground level apartment floor to ceiling heights should be a minimum of 2.7m

From a review of the submitted drawings, it is apparent that the floor to ceiling heights within each of the first / second floor apartment units ranges between 2.5m and 2.7m and thus accords with the recommendations of the Guidelines.

7.3.13. Apartments to Stair / Lift Core Ratios:

Given the limited scale of the development proposed, the subject proposal satisfies the requirements of the Guidelines in this regard.

7.3.14. Storage Spaces:

Internal Storage:

The Guidelines state that apartment developments should include adequate provision for general storage and utility requirements in order to accommodate household utility functions such as clothes washing and the storage of bulky personal or household items. In this regard I would refer the Board to the minimum requirements for storage areas set out in Appendix 1 of the Guidelines as follows:

- One-bedroom apartment: 3m²
- Two-bedroom (3 No. person) apartment: 5m²
- Two-bedroom (4 No. person) apartment: 6m²

Notably, this storage provision is to be in addition to kitchen presses and bedroom furniture (although it may be partly provided within these rooms provided it is also in addition to the minimum aggregate living/dining/kitchen or bedroom floor areas). The Guidelines also state that no individual storage room within an apartment should exceed 3.5m².

From a review of the submitted drawings, it is apparent that the overall floor area of each of the proposed apartment units considerably exceeds the minimum requirement of the Guidelines and thus it would seem reasonable to conclude that adequate storage space has been provided within each apartment, however, on further examination, I would advise the Board that the development as proposed does not strictly accord with the requirements of the Guidelines as regards the

provision of internal storage space. In the first instance, whilst the '*Housing Quality Assessment*' provided with the subject application purports to detail the storage provision within each of the proposed apartment units, it should be noted that the submitted drawings do not identify any storage areas within Apartment Nos. 2, 3 & 4. Furthermore, it is evident that the dedicated storage areas (exclusive of hot presses) detailed in the floor plans for Apartment Nos. 1 & 6 do not achieve the minimum requirements of the Guidelines. Similarly, although the Guidelines allow the use of secure ground or basement floor storage space to satisfy up to half of the minimum storage requirement for individual apartment units, no provision has been made for same in the submitted proposal. Accordingly, in view of the foregoing, the development as proposed does not achieve the recommended minimum requirements of the Guidelines as regards the provision of internal storage space.

Whilst I would acknowledge that the aforementioned storage requirements may be relaxed in part, on a case-by-case basis (subject to overall design quality), in respect of urban infill schemes on sites of up to 0.25 hectares (as would be the case in this instance), I am inclined to suggest that before any such relaxation could be considered the submitted proposal would need to provide greater clarity as regards the inability to achieve the required storage provision.

Refuse Storage:

The proposed development includes for the provision of a communal bin storage area within the proposed ground floor (basement) car park. In principle, the inclusion of such a facility is generally satisfactory, however, I would have concerns that insufficient space has been allowed for the communal storage area to satisfy the three-bin system for the collection of mixed dry recyclables, organic waste and residual waste (*N.B.* Within the apartments, there should also be adequate provision for the temporary storage of segregated materials prior to deposition in communal waste storage). In addition, it is unclear if this area will also be used to store waste from the proposed commercial units.

7.3.15. Amenity Spaces:

Private Amenity Space:

It is a policy requirement of the Guidelines that adequate private amenity space be provided in the form of gardens or patios / terraces for ground floor apartments and

balconies at upper levels. In this respect I would advise the Board that a one-bedroom apartment is required to be provided with a minimum floor area of 5m² whilst two-bedroom (3 No. persons) & two-bedroom (4 No. persons) apartments are to provide for 6m² and 7m² of private amenity space respectively. Consideration must also be given to certain qualitative criteria including the privacy and security of the space in question in addition to the need to optimise solar orientation and to minimise the potential for overshadowing and overlooking.

From a review of the submitted drawings, it can be confirmed that Apartment Nos. 2-6 will each be provided with a minimum of 7m² of private amenity space in the form of a small patio area whilst Apartment No. 1 will incorporate a more substantial second floor balcony area. Accordingly, I am satisfied that the overall private open space provision accords with the minimum requirements of the Guidelines.

Communal Amenity Space:

The Guidelines state that the provision and proper future maintenance of well-designed communal amenity space is critical in meeting the amenity needs of residents, with a particular emphasis being placed on the importance of accessible, secure and usable outdoor space for families with young children and for less mobile older people, and in this respect the minimum requirements set out in Appendix 1 of the guidance are as follows:

- One-bedroom apartment: 5m²
- Two-bedroom (3 No. person) apartment: 6m²
- Two-bedroom (4 No. person) apartment: 7m²

Communal open space to serve the proposed apartment units is to be provided by way of 2 No. semi-private terraces (i.e. Terraces 'A' & 'B') which will extend to a combined area of 81m². This satisfies the minimum requirements of the Guidelines.

7.3.16. Aggregate floor areas / dimensions for certain rooms:

Having reviewed the submitted drawings, I am satisfied that the overall design of the proposed apartment units generally accords with the required minimum floor areas and standards (including the dimensions of certain rooms) as appended to the Guidelines (with the exception of internal storage provision as has been referenced earlier in this report).

7.3.17. Overall Design of the Proposed Apartment Scheme:

On the basis of the foregoing, it is apparent that certain aspects of the design of the proposed apartment units, with specific reference to the inadequate provision of identifiable internal storage space within each apartment and a possible shortfall in the refuse storage arrangements, do not comply with the minimum requirements of the ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018’. However, given the limited scale of the development proposed and the obvious constraints posed by the site context and its overall configuration, I am inclined to suggest that it would be appropriate in this instance to avoid an overtly rigid application of the design standards set out in the Guidelines. Indeed, deficiencies with regard to the provision of internal storage space could perhaps be resolved by way of condition whilst the proposed refuse storage arrangements could similarly be addressed by condition in the event of a grant of permission. Moreover, it is of relevance to note that the proposed development does comply with the ‘specific planning policy requirements’ set out in the Guidelines.

Therefore, whilst I would acknowledge that aspects of the proposed apartment design do not strictly accord with the minimum requirements of the Guidelines, on balance, it is my opinion that the design of the submitted proposal provides for a satisfactory level of residential amenity for the future occupants of the proposed apartment units.

7.4. Impact on Residential Amenity:

- 7.4.1. Having reviewed the available information, and in light of the site context within a built-up urban area, it is my opinion that the overall design and layout of the proposed development has taken adequate cognisance of the need to preserve the amenities of adjacent properties. In this regard I am satisfied that the internal configuration of the proposed accommodation, when taken in conjunction with the positioning and orientation of the relevant fenestration, in addition to the available separation distances and the change in topography, serves to avoid any significant detrimental impact on the residential amenity of neighbouring dwelling houses by way of overlooking. Whilst I would have some reservations as regards the potential for overlooking of the rear garden area / private amenity space of the adjacent dwelling house to the immediate north from Terrace ‘B’, I note the proposal to

construct a 1.8m high wall along the intervening site boundary which will serve to mitigate any such impact.

- 7.4.2. Similarly, having considered the overall design, scale and height of the proposed development, its relationship with neighbouring properties, the separation distances involved, and the site location in an urban context, it is my opinion that the subject proposal will not give rise to any undue loss of residential amenity by reason of overshadowing.

7.5. **Infrastructural / Servicing Arrangements:**

- 7.5.1. Whilst the submitted plans and particulars include provision for the servicing of the proposed development by way of connection to the public mains sewerage system via a new manhole within the existing 225mm diameter foul water trunk sewer located to the west of the site along Main Street, in its decision to refuse permission the Planning Authority has asserted that the Kilcoole Wastewater Treatment Plant does not have sufficient capacity to accommodate the additional loadings consequent on the proposed development and thus the proposal would be prejudicial to public health. It has also been held that as the treatment plant in question discharges to the Murrough Wetlands Special Area of Conservation, the proposed development would consequently have an adverse impact on the conservation objectives of the SAC. In this regard it is notable that although the report received from Irish Water had confirmed that there was no need to upgrade the sewer network (such as by way of providing for additional capacity in the network or treatment plant) to accommodate the proposed development, the Planning Authority nevertheless claimed that it was aware the Kilcoole Wastewater Treatment Plant was at capacity and that the proposal should therefore connect to an existing pumping station which directs foul water to the treatment plant at Greystones (provided that Irish Water as the relevant consent authority was satisfied with any such proposal).
- 7.5.2. In response to the foregoing, the applicant has emphasised in the grounds of appeal that Irish Water has no objection to the proposed development and has not identified any capacity limitations at the local wastewater treatment plant. However, the principle basis on which the applicant has sought to challenge the decision of the Planning Authority has been to highlight the inconsistency in its determination of the

subject application and the decision c. 4 No. weeks earlier to grant permission under PA Ref. No. 17/887 for a larger mixed-use development at Opportunity Site No. OP1 (Brooke House) in Kilcoole town centre which relied upon a connection to the same Kilcoole Wastewater Treatment Plant with no indication of any capacity issues.

- 7.5.3. Notably, in its response to the grounds of appeal, the Planning Authority has stated that following discussions with the Water Services Dept. of the Local Authority, it has been confirmed that the Kilcoole Wastewater Treatment Plant was upgraded at the end of 2017 and that these works have addressed the previous failings of the plant to meet effluent quality standards. Accordingly, it has been submitted that the Planning Authority has no objection to the omission of this reason for refusal.
- 7.5.4. Therefore, on the basis that the Planning Authority can no longer support its second reason for refusal, given its acknowledgement that the Kilcoole wastewater treatment plant has adequate capacity to accommodate the additional loadings consequent on the proposed development without detriment to the conservation objectives of the Murrough Wetlands Special Area of Conservation, I am satisfied that the proposed foul effluent servicing arrangements are acceptable in principle.

7.6. **Traffic Implications:**

7.6.1. **The Proposed Access Arrangements:**

The proposed development includes for undercroft car parking at ground floor level with vehicular access obtained via a new entrance onto Lott Lane to the immediate east of the application site. Whilst I would accept that the approximate 4m width of this new entrance / exit arrangement is unlikely to be adequate for two vehicles to pass side-by-side and that care will therefore need to be taken as regards entering / exiting the development, I am inclined to suggest that in light of the siting of the proposed entrance at the end of a cul-de-sac, its positioning away from the vehicular access points serving adjacent properties, the desirability of avoiding any access / egress arrangement which could potentially interfere with the free-flow of traffic at the junction of Main Street / Sea Road (which has recently been signalised in place of a roundabout), and the limited traffic volumes and speeds likely to be associated with the scale of development proposed, the subject proposal will not have an undue impact on other road users. However, given the absence of a dedicated pedestrian footpath along this section of Lott Lane, and noting that the recently completed

upgrading works at Main Street / Sea Road would seem to envisage improved pedestrian movement along Lott Lane, the Board may wish to consider the imposition of additional traffic calming / management measures, although I would suggest that any such matters would perhaps be best resolved with the agreement of the Planning Authority in the first instance.

7.6.2. Car Parking Provision:

In accordance with the provisions of Section 1: *'Mixed Use and Housing Developments in Urban Areas'* of Appendix 1: *'Development and Design Standards'* of the County Development Plan, there is a requirement to provide 1-2 No. car parking spaces per residential unit, although 2 No. spaces will normally be required in respect of all dwellings with in excess of two bedrooms. In addition, 1 No. visitor space is to be provided for every 5 No. residential units provided with only one parking space. Accordingly, on the basis that the residential component of the proposed development comprises 4 No. two-bedroom duplex units and 2 No. one-bedroom apartments, it would typically generate a demand for the provision of 7 No. parking spaces i.e. one space per apartment unit with one additional space for visitor parking.

With regard to the commercial element of the proposal, whilst the intended use for each of the individual units is somewhat unclear given the description of same as both *'commercial'* and *'café'* in the submitted plans and particulars, I am amenable to employing the standard set out in Table 7.1: *'Car Parking Standards'* of Section 7 of Appendix 1 of the Development Plan with regard to *'Other retail (town / village, district / neighbourhood centre, large foodstore)'* which requires the provision of 4 No. spaces per 100m² of floor area. Therefore, the proposed commercial floorspace of 195.4m² would generate a demand for 8 No. car parking spaces.

On the basis of the foregoing, it is apparent that the overall development proposal would normally necessitate the provision of 15 No. car parking spaces and, therefore, the proposed inclusion of only 10 No. on-site parking spaces would give rise to a shortfall of 5 No. spaces. However, having regard to the relaxation in parking standards permitted under Section 1: *'Mixed Use and Housing Developments in Urban Areas'* of Appendix 1 of the Development Plan, the site location within the town centre and its designation as an 'opportunity site', the

potential for dual usage of the proposed parking spaces, the encouragement of 'living over the shop' through a relaxation in development standards such as car parking, the provisions of the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018*', and the developmental constraints arising from the site context, I would concur with the assessment of the Planning Authority that the proposed parking arrangements are acceptable in this instance.

7.7. Appropriate Assessment:

- 7.7.1. 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 Murrough Wetlands Special Area of Conservation (Site Code: 002249), approximately 1.3km east of the site.
- 7.7.2. 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.

7.7.3. 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'.

7.7.4. 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 (as detailed elsewhere in this report), 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.

- 7.7.5. 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.

7.8. **Environmental Impact Assessment (Screening):**

- 7.8.1. Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services (as detailed elsewhere in this report), and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not 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 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 objectives of the current development plan for the area, including the designation of the proposed development site as an 'Opportunity Site' (OP2: Kilcoole House ('Urells'), Main Street, Kilcoole) in the Greystones-Delgany & Kilcoole Local Area Plan, 2013-2019, the prominent location of the

site, and the established built form and character of development in the surrounding area, it is considered that, by reason of the overall design and, in particular, the elevational treatment along Main Street which is bland, lacks articulation and liveliness and carries no reference to the historical urban grain of the area, the proposed development would be of insufficient architectural quality on a prominent site in this town centre area and would seriously injure the visual amenities of the area. The proposed development would, therefore, conflict with the objectives of the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area

Robert Speer
Planning Inspector

13th September, 2018