



An  
Bord  
Pleanála

## Inspector's Report ABP. 301459-18

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<b>Development</b>	Demolition of dwelling & construction of 6 no. dwellings.
<b>Location</b>	Church Road, Delgany, Co. Wicklow.
<b>Planning Authority</b>	Wicklow Co. Council
<b>Planning Authority Reg. Ref.</b>	17/718
<b>Applicant</b>	Tack Packaging Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Split Decision
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	Noel & Lesley McMullan
<b>Observers</b>	None
<b>Date of Site Inspection</b>	5/10/18
<b>Inspector</b>	Siobhan Carroll

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## **1.0 Site Location and Description**

- 1.1. The appeal site with a stated area of 0.4117 hectares comprising a two-storey detached dwelling and its associated grounds is located on the southern side of Church Road the R762, within the village of Delgany and circa 2km southwest of Greystones, Co. Wicklow. The Tree Trout River is situated 34m to the south of the site. As indicated on the site plans the level of the lands falls sharply in a southerly direction from the R762 to the river.
- 1.2. The area is characterised as predominantly residential comprising individual detached properties. The Church of Ireland church is situated on the opposite side of the road and Delgany National School lies circa 140m to the east on Church Road.
- 1.3. The existing dwelling on site has an area of 161sq m is unoccupied and the grounds are overgrown. The site is served by an existing gated vehicular access from Priory Gate. The roadside boundary of the site runs for 90m along Church Road and is defined by a stonewall. The southern boundary is defined by mature trees and hedgerow.

## **2.0 Proposed Development**

- 2.1. Permission is sought for (a) demolition of existing two storey detached dwelling (b) permission to construct four type A detached five bedroom split level three storey houses, two type B detached five bedroom part three storey part two storey houses (c) new access road, retaining wall and stone faced boundary wall to Church Road (d) creation of new footpath along Church Road together with all associated site works and landscaping.
- 2.2. At further information stage – the proposed house designs were revised to two-storey.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority issued a Split Decision.

(A) Permission was granted for the demolition of existing two storey detached dwelling and the construction of 3 no. detached dwellings.

(B) Permission was refused for 3 no. detached dwellings for the following reason;

Having regard to the scale of the development proposed and the topography of the application site, it is considered that the applicants have failed to demonstrate that an adequate degree of residential amenity for future residents of house no's 04, 05 and 06, particularly in terms of private open space provision, can be provided within this proposed scheme. It is therefore considered that the proposed development would be contrary to proper planning and development.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- Report dated 3/8/17 – Further Information was requested on the following issues;
  1. Indicate numbers on individual house plots.
  2. Submit revised plans indicating finished floor levels, cross sections indicating ground works to achieve driveway gradients and gardens.
  3. Address plot area for House type A that adequate amenity space and circulation area in accordance with the Development Plan standards is provided. It was advised that it may be necessary to reduce the number of units proposed.

4. The Planning Authority raised concern at proximity of the proposed development to the adjoining dwelling to the south particularly having regard to the elevated nature of the site. The Planning Authority required a photographic survey to demonstrate potential for overlooking. Detailed survey of existing vegetation along the southern boundary including what it is proposed to retain and proposed new planting. The Planning Authority requested an assessment of potential negative impact in terms of overbearing on adjoining properties.
  5. Assess the existing junction between Priory Gate and the R762 against standards in the Design Manual for Urban Streets and Bridges and submit proposals for upgrading where appropriate. Submit proposals to upgrade the access road within Priory Gate.
  6. Submit plans to extend the footpath along the northern site boundary.
  7. Submit proposals for a drainage layout in accordance with requirements of Irish Water.
  8. Proposals to prevent surface water running from the individual housing plots onto the private lands immediately to the south.
- Report dated 21/3/18 – Following the submission of a response to the further information requested the Planning Authority considered that the adequate private amenity space was not provided to all houses within the development. Permission was granted for 3 no. dwellings and refused for 3 no. dwellings.

### 3.2.2. Other Technical Reports

Municipal District Engineer – Report of 24/7/17 - Further Information was requested in relation to vehicular access, storm water drainage and foul drainage.

Municipal District Engineer – Report of 8/3/18 – response acceptable in principle. Further improvement works required to the junction and the

L10270. Details required in relation to surface water drainage of the access road to the scheme.

### 3.3. **Prescribed Bodies**

Irish Water – No objection

### 3.4. **Third Party Observations**

- 3.4.1. The Planning Authority received a number of observations/submissions the main issues raised are similar to those set out in the appeal.

## 4.0 **Planning History**

PA Reg. Ref. 06/5900 – Permission was refused for housing development comprising demolition of existing cottage & house, construction of 5 no. three-storey split level dwellings, 3 no. two-storey dwellings, 2 roadside commercial units & parking, 2 no. own door two-storey apartments, new access road & drainage, widening of existing main street to provide a new 2m footpath.

1. The proposed development would endanger public safety by reason of serious traffic hazard because;
  - a. Right turning traffic travelling into the site would cause dangerous traffic queuing and congestion to occur along a section of the Regional Road that is deficient in width and alignment.
  - b. The junction of the existing access road to the site is seriously substandard with respect to width, gradient and sight distance and the necessary

improvement works required under PRR 01/4459 have not been commenced or completed to date.

- c. The traffic turning movements generated by the proposed development would interfere with the free flow and carrying capacity on the heavily congested regional road that is seriously substandard with respect to width and alignment at this point.
  - d. Sight distance at the entrance of the proposed retail units is seriously deficient in an easterly direction onto the regional road.
  - e. The excavation of ground levels abutting the R762 to the northern boundary of the site would seriously jeopardise the structural integrity of the road thereby endangering users of that road and no details of necessary engineering works to enable the construction of the proposed development have been submitted.
2. It is considered that the proposed development, in particular dwelling numbers 4 and 5 by reason of their close proximity, height, design and the elevated nature of the site, would constitute an over-dominating presence in relation to the adjoining single storey residential property to the south and would seriously injure the residential amenities of this property by reason of visual obtrusiveness and overlooking. The proposed development would therefore be contrary to the Greystones Delgany Development Plan 1999 and to the proper planning and sustainable development of the area.
3. Having regard to the non-compliance with Condition No. 10 of Planning Register Reference 01/4459 whereby the boundary setbacks have not been

completed prior to commencement of development and the proposal to access the proposed development through the site of Planning Register Reference 01/4459, it is considered that to permit the proposed development would consolidate unauthorised development and therefore would be contrary to the proper planning and development of the area.

#### Adjacent Site

PA Reg. Ref. 01/4459 – Permission was granted for 3 no. houses

## **5.0 Policy Context**

### **5.1. Greystones/Delgany & Kilcoole Local Area Plan 2013 – 2019**

- 5.1.1. The site is zoned Village Centre/VC with a stated objective ‘to protect, provide for, and improve a mix of village centre services and facilities, which provide for the day to day needs of the local community.
- 5.1.2. The site is located within an area where there are tree protection objectives.
- 5.1.3. HER4: To protect and retain trees which contribute to the biodiversity value and the character and amenity of the area. This objective applies to the list of trees indicated in Appendix B and Map B.

### **5.2. Wicklow County Development Plan 2016 – 2022**

- 5.2.1. Appendix 1 – refers to Development Design Standards

### **5.3. Natural Heritage Designations**

- 5.3.1. The nearest Natura 2000 sites are;
  - Glen of the Downs SAC c.1km to the west
  - Carriggower Bog SAC c.3km to the south-west
  - Bray Head SAC c.3km to the north-east
  - The Murrough Wetlands SAC c.3.5km to the south-east



- The Murrough SPA c.4.4km to the south-east

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A third party appeal was submitted by Gibbons & Associates on behalf of Noel & Lesley McMullan. The main issues raised can be summarised as follows;

- The appellants have no objection in principle to the redevelopment of the site. However, they have serious concerns in relation to the current proposal.
- The planning history on the site is outlined in the appeal. Under PA Reg. Ref. 06/5900 permission was refused for 10 no residential units and 2 no. commercial units. Permission was refused on the basis of traffic hazard, impact upon existing residential amenity and non compliance with condition no. 10 of PA Reg. Ref. 01/4459.
- Adjacent developments are noted. Under Reg. Ref. 01/4459 – permission was granted for three houses. Under Reg. Ref. 95/1210 there was approval for two houses and under Reg. Ref. 99/1361 there was approval for two houses.
- The assessment by the Planning Authority of the current application PA Reg. Ref. 17/718 is fully outlined in the appeal.
- It is submitted that due to the proximity, height, design and elevated nature of the site that it would constitute an over-dominating presence to the single storey property to the south. That the proposed development would be visually obtrusive, cause overlooking and negatively impact upon the privacy and enjoyment of the property.
- It is considered that the proposed development would be contrary to the provisions of the Wicklow County Development Plan 2016 – 2022 and the Greystones/Delgany & Kilcoole Local Area Plan 2013 – 2019.

- It is noted that development on the site was considered a traffic hazard in 2006. It is also noted that there have been no improvements to the R762 or to the junction with the estate road.
- It is submitted that the road network in the area is deficient and that the proposed development is premature pending road improvements or a new road layout.
- It is noted that the design character of Delgany Village does not follow a formal geometric layout and that it adheres to the contours of the land and the alignment of the old roads. The southern edge of the village is largely undeveloped with some views across the wooded lands.
- There is a listed view within the village “south at Horse and Hound towards Drummin Hill”. The views southward are intrinsic to the character and heritage of Delgany village and should be protected.
- The appellants employed NRB Consulting Engineers to examine roads and traffic issues in relation to the proposed development.
- It is submitted that there are some deficiencies in the Traffic Impact Statement submitted with the application. It is stated that the Design Guidelines should be fully adhered to and that some data appears incorrect. The forward stopping distance indicated on the Site Plan is not in accordance with DMURS. The solid white line along the centre of the R762 in the vicinity of the site entrance is located there due to the stop sign and does not provide statutory prohibition on right turning. There is a lack of pedestrian and cyclist infrastructure to serve the proposed development. The existing alignment and geometry of the R762 is inadequate. No details of the raised table have been provided. The existing junction of Priory Gate and the R762 is considered substandard and it is considered that the proposed development would have a serious impact upon vulnerable pedestrians and cyclists.
- In conclusion, it is stated that the Council have since 2006 refused permission for development of the site due to traffic safety considerations. The Planning

Authority have under the current application refused permission for houses no's 4-6 which the appellants fully support.

- The Planning Authority advised the applicant at pre-planning stage of their concerns in relation to the topography of the site, lack of open space, height and scale of the proposed development, potential overshadowing and overlooking, lack of detail in relation to surface water, impact on the ACA and traffic and road safety considerations.
- The District Municipal Engineer has highlighted his significant concerns in relation to the safety of the junction of Priory Gate and the R762.
- It is requested that the Board refuse permission for the proposed development.

## 6.2. Applicant Response

A response to the third party appeal was submitted by Dreyer Associates on behalf of the applicants Tack Packaging Limited. The main issues raised are as follow;

- There was no previous application made for development like the current application. The earlier application which was refused was a larger mixed-use development.
- The previous refusal under 06/5900 which referred to traffic hazard related to a completely inferior junction.
- The Planning Authority did provide pre-planning advice and their comments regarding the scheme were convey via the further information. They advised that full details of engineering works would be needed. Regarding open space the Planning Authority acknowledged that due to the site size it may be appropriate to omit shared public open space.
- The Planning Authority sought further information regarding overlooking. The submitted revised proposals reduce the height of the houses from 3 to 2

storey. The height of the dwellings and window location in the revised scheme is considered identical to the existing two-storey dwelling on the site.

- It is proposed to retain the existing mature boundary. Additional planting is also proposed. The appellant's property is located to the south and therefore the proposed development would not cause loss of light or overshadowing.
- In relation to surface water, there will be no new or additional surface water run-off from the site after development.
- The Planning Authority raised no concerns regarding impact upon the Architectural Conservation Area.
- The grant issued by the Planning Authority reduced the scheme to three houses. It stated in the submission that as a standalone development of three houses that it is unlikely to proceed due to the cost which would be incurred with the construction of 135m of footpath.
- The applicant submits the case for the Board to grant the proposed six houses in accordance with the details submitted with the further information.
- The Planning Authority considered that there was insufficient private open space to serve a number of the proposed dwellings. It is proposed, in order to address the matter that if one house were omitted larger areas of amenity space could be provided for houses 4 & 5. The applicant has submitted a revised site plan indicating this.
- It is requested that the Board consider the proposal for 6 or alternatively 5 houses.
- As part of the first party response a Traffic Response was prepared by Transport Insights Transport Planning Consultants.
- The appellants claim in relation to the planning history that the Planning Authority has '*constantly refused permission for the proposed development.*' This is incorrect as only the current application has been made since 2006.

- It is also suggested in the appeal that the Planning Authority determined '*that the site is unusable for the type of development*'. The previous application made in 2006 was for a mixed-use development. The current application was reviewed by the Municipal District Engineer and the Senior Engineer in the Planning Section. The report of the Senior Engineer indicated that the site is not suitable for commercial development due to the topography. Both the Senior Engineer and the Municipal District Engineer considered the proposed access arrangements acceptable in principle.
- It is set out in the appeal that '*right turning traffic travelling into the site would cause dangerous traffic queuing and congestion*'. Based on the Design speed of 40km/h eastbound forward visibility of 36m is required as per Table 4.2 of the DMURS. It is set out in the report that this can be achieved.
- Reference is made to the condition of the junction of the existing access road to the site and the fact that necessary improvement works required under Reg. Ref. 01/4459 had not commenced or been completed. The works were completed after 2006 and represent the current junction layout.
- In relation to the issue of conflicting traffic movements with adjoining property the low design speed of the access road combined with the very low volumes of traffic provide a satisfactory operating environment for traffic on the local access road.
- A review of historic collision data for the local road network was carried out. It covered the period 2005-2013. One minor road collision on the R762 was identified. Therefore, there is no evidence of any site specific road safety risks of relevance to the current application.
- Regarding the existing junction layout of the R762/L10270 it was reviewed as part of the further information response. The review indicated that the layout is satisfactory. The Planning Authority granted permission and attached condition no. 6 requiring minor modifications to the layout.

- It is suggestion in the appeal that the data collection and analysis appear incorrect. In response to this, full details have been provided of the surveys conducted. An Automatic Traffic Survey was conducted by National Data Collection on January 11<sup>th</sup> 2017. The location of the survey using inductive loop detector is indicated on Figure 4.3 of the Traffic Response. ATC speed survey was also undertaken.
- The 85<sup>th</sup> percentile speeds on the R762 of 37km/h in the eastbound direction and 50km/h in the westbound direction were deemed to provide a robust basis for the R762 design speed. It is noted that 200 vehicles were surveyed which gives an estimate of the 85th percentile speed. It is therefore concluded that the speed survey results are statistically robust and appropriate for use to determine the R762 design speed.
- The third party appeal refers to the deficient junction layout of the R762/L10270. The design speed has been determined in accordance with best practice. It was determined that 36m sightlines are required to the west with 49m to the east. This is provided.
- The appeal refers to the lack of adequate pedestrian footpath connectivity along the southern boundary of the R762. The proposed development comprises 135m of new footpath along the R762 from its junction with the L10270 to provide pedestrian access to the Delgany heritage trail.
- The appeal refers to the reports of the Municipal District Engineer and states that he constantly headlined the significance of traffic hazard and dangerous junction. The final report of the MDE states that the junction layout is acceptable in principle and that he was satisfied that minor revisions to the layout of the junction could be addressed at detailed design stage.
- The lack of capacity on the R762 has been cited in the appeal however no evidence has been provided to support this.

- In conclusion, it is submitted that all substantive traffic related ground of the third party appeal have been comprehensively addressed. The Board is therefore advised to uphold the decision of Wicklow Co. Council.

### 6.3. Planning Authority Response

- None received

### 6.4. Further Responses

A further submission was received from Gibbons Associates on behalf of the appellants. The main issues raised are as follows;

- It is considered that the proposed height and scale of the development would have an overwhelming impact upon the appellant's property.
- It is stated that the applicant does not have sufficient legal interest in the lands to the western and northern side of the junction to carry out improvements without third party consent.
- It is contended that the junction of R762/L10270 has not been altered since 2006 and is the same as the design of junction which was considered under the refused permission Reg. Ref. 06/5900.
- The proposed footpath does not create additional road width on the R762.
- No surface water drainage or attenuation has been indicated to serve the scheme.
- If proposed house no. 4 were permitted it would be located 17m from the appellants property.
- The appellants are not satisfied with the details provided with the revised proposal submitted by the applicant to the Board.
- Concern is raised at the potential impact upon Delgany ACA.

- In relation to roads and traffic matters it is stated that the issues raised in the original submission remain valid. Significant traffic issues will be exacerbated if permission is granted for the scheme.
- The lack of safe forward stopping distance remains unresolved.
- It is contended that 36m stopping distance is not available.
- Pedestrian safety remains of concern, particularly for persons crossing the R762.
- The proposed intensification of use of the access with significant design deficiencies would represent a significant traffic safety concern.

## 7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and it is considered that no other substantive issues arise. The issues of appropriate assessment screening and environmental impact assessment also need to be addressed. The issues can be dealt with under the following headings:

- Design and impact upon residential amenity
- Access and traffic
- Drainage
- Appropriate Assessment
- Environmental Impact Assessment

### 7.1. Design and impact upon residential amenity

- 7.1.1. The proposal development provides for the demolition of the existing two-storey dwelling on site and the construction of 6 no. detached dwellings. The Planning Authority in their assessment of the applicant sought further information concerning design aspects of the scheme including revised plans indicating the provision of



adequate private amenity space for each dwelling. Revised plans were also sought to indicate the proposed finished floor levels, cross sections indicating gradients of gardens and driveways. In relation to potential impact upon neighbouring property the applicant was required to submit details to address the potential for overlooking and overbearing.

- 7.1.2. The grounds of appeal have also raised those matters. The relevant development control standards are contained under the Wicklow County Development Plan 2016-2022. Specifically, Appendix 1 of the Plan refers to Development Design Standards.
- 7.1.3. The Planning Authority were satisfied with the principle of development, i.e. a small scheme of dwellings on 'Village Centre' zoned lands. However, permission was granted for 3 no. dwellings on sites 1-3. The Planning Authority refused permission for the other 3 no. dwellings on the basis of inadequate provision of residential amenity for future residents of house no's 04, 05 and 06, particularly in terms of private open space.
- 7.1.4. The private open space requirement is set out on p 11 of Appendix no. 1 of the Development Plan. It states that dwellings with 3 bedrooms or more required 60-75sqm as a minimum. It is outlined that as a general rule of thumb 0.64sq m of private open space shall be provided for each 1sqm of house floor area. As per the revised plans submitted at further information stage the floor area of House type B on sites 4,5 & 6 were reduced to 206.7sq m. The areas of private amenity space for each proposed dwelling are indicated on the proposed Site Plan Drawing No: 529-02. This indicates relatively generous private amenity space particularly to houses no's 1-5. The depth of the rear garden to house no. 6 is circa 8m. Drawing No: 529-15 indicates the Proposed Sections Through Houses. This shows the depths of the proposed rear gardens and where the gradient drops on each site to the southern boundary. House no. 4 has a rear garden with a depth 7m before the ground levels falls and House no. 5 has a rear garden with a depth of 4m before the ground level falls. While House no. 6 had a depth of 3m before the ground level falls.

- 7.1.5. In order to address the matter of the private rear gardens and the lack of usable area to three of the proposed houses, the applicant submitted a revised site plan with the appeal response. It is proposed to omit House no. 6 in order to provide larger and also usable rear gardens for House no. 4 & House no. 5. As indicated on the submitted plan Drawing No: 529-02 ABP, both dwellings would have rear gardens with areas in excess of 400sq m and it is proposed to set the dwellings forward to ensure adequate usable garden area is provided.
- 7.1.6. I consider the amended plan submitted by the applicant satisfactorily addresses the concerns of the Planning Authority as detailed in the refusal reason. Therefore, I recommend that the Board grant permission for the 5 no. dwellings as proposed on the amended plan submitted to the Board on the 24<sup>th</sup> of May, 2018, subject to the Board being satisfied all other relevant issues have been satisfactorily addressed.
- 7.1.7. In relation to the matters of overlooking and overbearing, I note that the revised plans submitted at further information stage altered the house design from two-storey to the front and three-storey to the rear for both house type A and B. Furthermore, the redesigned house type reduced the overall bulk and scale of the dwellings and reduced the ridge height to 8m. I consider this addresses the potential for undue overbearing impact of the appellant's property to the south.
- 7.1.8. Regarding the issue of overlooking, a separation distance of 18m is provided between proposed House no. 3 and the appellants dwelling and there is a separation distance of 16m between House no. 4 and the appellant's dwelling. While, I note 22m has not been provided, I note that the southern boundary treatment as indicated on the Landscape Architects plans Drawing No: 043317\_LP\_02. This indicates proposals for a 2m timber post fence. It is also proposed to retain a number of mature Holly, Sycamore and Elder trees which provide screening between the appellant's dwelling and particularly House no. 3 and House no. 4. Given the existing and proposed boundary treatment along the southern site boundary I am satisfied that the proposed scheme would not result in any undue overlooking of the neighbouring residential property to the south. As per the amended plans submitted

with the appeal a separation distance of over 20m would be provided between the appellants dwelling and House no. 4.

- 7.1.9. The site is located outside Delgany ACA, however it adjoins building designated within the ACA. The level of subject site is significantly lower than that of the Regional road to the north which includes properties within Delgany ACA. As such only the roofs of the proposed dwellings would be visible from road level. This is clearly indicated on proposed section A on Drawing No: 529-03 Rev A. Therefore, I am satisfied that the proposed dwellings would not unduly impact upon the ACA.

## **7.2. Access and traffic**

- 7.2.1. Vehicular access to the scheme is proposed off the existing access serving Priory Gate the L10270. The appellants raise concerns in relation to the proposed vehicular access arrangements. They hold that the existing junction layout of the R762/L10270 is deficient, that the road network in the area is deficient and that the development is premature pending road improvements and that satisfactory pedestrian and cyclist infrastructure is not available.
- 7.2.2. The appeal refers to the design of the junction of Priory Gate the L10270 and the Regional Road R762. It is argued in the appeal that permission was previously refused under Reg. Ref. 06/5900 for a mixed-use scheme on the basis of traffic hazard and non-compliance with a condition of a previous permission Reg. Ref. 01/4459 in relation to the junction. The first party responded to the matter and confirmed that the necessary improvement works were completed after 2006 and represent the current junction layout.
- 7.2.3. Under Reg. Ref. 01/4459 permission was refused for 10 no. residential units and 2 no. commercial units on the site. The report of the Senior Engineer in Planning Section states that due to the topography of the site it is unsuitable for commercial development, however that the principle of the proposed development is acceptable.
- 7.2.4. The report of the Municipal District Engineer also accepted the principle of the development subject to some minor upgrading of the existing junction. The grounds

of appeal refer to the forward stopping distance. They state that the forward stopping distance indicated on the Site Plan is not in accordance with DMURS. The applicants submitted a Traffic Response prepared by Transport Insights Transport Planning Consultants to address this and other matters raised.

- 7.2.5. Regarding the forward stopping distance, it was confirmed in the report from Transport Insights that based on the design speed of 40km/h eastbound forward visibility of 36m is required as per Table 4.2 of the DMURS. An Automatic Traffic Survey was conducted by National Data Collection. The ATC speed survey confirmed that the 85th percentile speeds on the R762 of 37km/h in the eastbound direction and 50km/h in the westbound direction. Accordingly, at the existing junction of the R762/L10270 there is visibility of 36m to the east and 50m to the west with a setback of 2.4m.
- 7.2.6. I note that the Planning Authority are satisfied that the junction can serve the proposed development subject to some minor improvement works. Furthermore, the Planning Authority included a condition requiring up-grade works to the access road of Priory Gate (L10270-30). Should the Board decide to grant permission, I would recommend the attachment of a similarly worded condition to ensure that the road and the junction is fully in compliance with the Council's requirements.
- 7.2.7. It is held in the appeal that the Regional Road R762 and surrounding road network is deficient to serve the additional traffic generated by the proposed scheme. Having regard to relatively limited scale of the proposed development and the location of the site within the village centre, I would consider that the level of traffic likely to be generated by the proposed development to be modest in level and in keeping with existing traffic generated at this location. Furthermore, I am satisfied having regard to the details contain on file including the reports of the Planning Section and having inspected the site and road network in the vicinity I would consider that such is of sufficient capacity to deal with level of traffic likely to be generated by the proposed development.
- 7.2.8. The proposal also entails the development of a new section of public footpath for 135m along the southern side of the R762 from its junction with the L10270 to

provide pedestrian access to the Delgany heritage trail. I consider this will provide a planning gain with a new section of footpath serving to improve pedestrian safety in the area. Furthermore, as noted in the report of the Senior Engineer in Planning Section, the setting back of the wall to construct the section of footpath would also increase the road width and improve traffic safety.

7.2.9. Accordingly, I consider the proposed development is acceptable in terms of access and traffic considerations.

### 7.3. **Drainage**

7.3.1. The appeal raised the matter of surface water drainage. SuDS (Sustainable Drainage Systems) is proposed within each property to prevent run off from entering the properties to the south. A Bentonite silt trench is proposed to the rear of houses no. 3 and no. 4 to prevent subterranean run off onto the back of the adjoining properties. A Bentonite silt trench is designed to prevent lateral water seepage. The use of Bentonite clay can provide a highly effective barrier.

7.3.2. The report of the Municipal District Engineer dated the 8/3/18 referred to the requirement for further details in relation to the Bentonite silt trench and also surface water drainage proposals for new section of road serving the development. Condition no. 12 as attached by the Planning Authority required that final design details of the surface/storm water drainage in accordance with the requirements of Greater Dublin Strategic Drainage Study (GDSDS).

7.3.3. The Drainage Layout Drawing No. 2934/01 Rev B indicates permeable pavement within each site and the silt traps to the rear of house no. 3 and no. 4. While I note that the surface water drainage details for the new section of road have not been indicated on the plan, I consider this matter can be addressed by condition.

### 7.4. **Appropriate Assessment**

7.4.1. Having regard to the nature and scale of the proposed development, and the location of the site within an established urban area, and its distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the

proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **7.5. Environmental Impact Assessment**

- 7.5.1. Having regard to the nature and scale of the development which consists of a scheme of dwellings in a fully serviced urban 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. I recommend a grant of permission subject to the following conditions.

## **9.0 Reasons and Considerations**

Having regard to the village centre zoning of the site, to the pattern of development in the area, to the planning history of the site and to the design and scale of the proposal, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **10.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 14th day of February, 2018 and as amended by the further plans and particulars received by An Bord Pleanála on the 24<sup>th</sup> day of May, 2018, except as may otherwise be required in order to

comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. This permission relates to the construction of 5 no. dwellings only, in accordance with the revised plans and particulars submitted to An Bord Pleanála on the 24th day of May 2018. No additional residential units or apartments, in excess of the hereby permitted 5 no. dwellings, shall be constructed on this site.

**Reason:** In the interest of clarity and in order to limit the extent of residential development on this site to protect the residential amenities of adjoining properties.

3. Prior to commencement of development, the developer shall agree in writing with the planning authority arrangements for;
  - i. Proposals to upgrade the existing junction of the L10270-30 and the Regional Road R762.
  - ii. Final design details of all up-grade works to be carried out on or adjacent to the L10270-30.
  - iii. Final design details of the proposed footpath along the Regional Road R762.

**Reason:** In the interests of traffic and pedestrian safety.

4. No occupation of the dwellings shall commence until the upgrade works to the junction of the L10270-30 and the Regional Road R762, upgrade works to the L10270-30 and the proposed footpath along the Regional Road R762 have been completed to the written agreement of the planning authority.

**Reason:** In the interest of traffic and pedestrian safety.

5. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. This shall include the submission of final design details of the surface/storm water drainage in accordance with the requirements of Greater Dublin Strategic Drainage Study (GDSDS) for the written agreement of the planning authority.

**Reason:** In the interest of public health.

7. Details of the proposed landscaping and site boundary treatment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.



**Reason:** In the interests of visual and residential amenity.

8. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

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

**Reason:** In the interests of amenity and public safety.

10. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

12. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays, Bank or Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In other to safeguard the residential amenities of property in the vicinity.

13. A plan containing details for the management of waste and recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and recyclable materials and for the ongoing operation of these facilities within each house plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of

development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

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

**Reason:** In the interest of visual amenity.

15. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area

of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phase payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Siobhan Carroll  
Planning Inspector

25<sup>th</sup> October 2018