



An
Bord
Pleanála

Inspector's Report 301765-18.



Development	Three dwellings, upgrade of an existing access road and entrance/exit to facilitate development.
Location	Oldtown, Roundwood, Co. Wicklow.
Planning Authority	Wicklow County Council.
Planning Authority Reg. Ref.	1843.
Applicant(s)	Enda & Donal McGillicuddy Jnr.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party v Refusal.
Appellant(s)	Enda & Donal McGillicuddy Jnr.
Observer(s)	Click here to enter text.
Date of Site Inspection	21 December 2018.
Inspector	Des Johnson.

1.0 Site Location and Description

- 1.1. The site is located approximately 450 metres south south west of the village of Roundwood. It is to the rear of houses fronting on to a narrow public road and shows access on to that road. The proposed access slopes down from the public road and the main section of the site is irregular in shape with surface water evident in its lower sections. Sports grounds adjoin to the north. A second entrance from the site (a short distance to the south of the proposed entrance) is overgrown.
- 1.2. The public road (L5077) has a carriageway of 4.5m – 5.0m with no road markings and no footpaths along this section. There is public lighting. The proposed site entrance is approximately 370m south of the junction between the L5077 and the Regional Road R764. Sightlines at this junction are restricted to the south east.
- 1.3. I attach photographs taken at the time of inspection.

2.0 Proposed Development

- 2.1. 3 dwellings, upgrade of an existing agricultural access road and entrance/exit to facilitate development, connection to mains services via a new foul sewer pipe along existing public road (c. 400 lineal metres), together with associated site/road works. The proposed houses are single storey, 4 bedroom and finishes are in brick and render with black concrete roof tiles.
- 2.2. The site area is stated to be 0.918ha and the GFA of the 3 houses is stated to be 600m².

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for 2 reasons summarised as follows:

1. The proposal for 3 separate rising mains and a collection chamber located in an estate road, where the issue of septicity is a risk and where Irish Water has not confirmed that it would take in charge the mains and collection chamber, is unsustainable and contrary to the protection of public health.

2. Serious traffic hazard by increasing traffic on a narrow substandard local road, where the junction with the R764 regional road is deficient in sightlines and there is no evidence that the applicant has sufficient interest to carry out the required works including pedestrian connectivity.

The planning authority followed the submission of **extensive unsolicited additional information** in relation to the following:

- The proposal accords with the zoning objective for the area. A single entrance is proposed for this infill site within the Roundwood development boundaries.
- Applicants are willing to comply with any occupancy condition.
- *Report on Traffic Issues Associated with Proposed Development* by Dr Martin Rogers, Transport Planning Professional, Chartered Civil Engineer and Chartered Town Planner. The L5077 is capable of catering for the proposed development and is not substandard. The concerns of ABP in relation to a 2008 application regarding the ability of the L5077 to cope with additional flows are addressed. The proposed development is wholly sustainable in transportation terms. Oldtown Road is classified as a *local link* providing access for approximately 30 dwellings on to the R755 arterial road via the R764.
- *Supplemental Site Services Report* by Conor McCarthy and Associates, Consulting Engineers. The discharge to public sewer can be achieved sustainably. Irish Water confirm that there is capacity for development to connect to the public wastewater network. This would require an extension of the network by 385 metres and the First Party are prepared to carry out this work. Irish Water confirm that water connection can be provided from the adjacent 100mm watermain. This would require an extension of the network by 385 metres. The First Party are prepared to install the new main some 230 metres in length to the point of connection.

Objection/Observation

Submitted by:

- Jim and Mary M. Molloy, Beechtree House, Oldtown, Roundwood.
- Brendan Lawlor and Elaine O'Brien Lawlor, Gateways, Oldtown, Roundwood.
- Oliver and Sheila Donelon, Rowanberry House, Oldtown, Roundwood.

In summary these refer to the following points:

1. The Donelons request a condition restricting the height of any trees or hedges planted within 3 metres of the boundary on the western and south/east side of the site to be maintained at a height not to exceed 3 metres in order to protect light and views.
2. The Lawlors request that any development on the site should be predicated on Condition 5 of previous permission under reference 08/2062 – 'before any new entrance is brought into use, the existing entrance to the south shall be permanently and effectively closed off by the erection of a boundary matching the existing boundary in height, design, construction and finish'.
3. The Molloys argue that the proposed development fails to respect the character and pattern of existing development, would endanger public safety by reason of a traffic hazard, depreciate the value of property in the vicinity, the Oldtown Road is substandard, and the sewerage system in Roundwood is at full capacity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

28 February 2018 – the site is located within the development boundary of Roundwood on lands zoned 'Tertiary Development Area'. It is an objective to restrict residential development to low density (max 5/ha) single house developments and multi house developments not exceeding 4 units. The principle of residential development is acceptable subject to consideration of other planning issues.

Roundwood is a level 6 settlement with occupancy restriction and there is no evidence that the applicant can comply with this. Adequate sightlines can be achieved. Improvement works at the junction of L-5077 and R764 would be required. Car parking provision is acceptable. The applicant does not appear to own the land under which the proposed sewer pipe would be laid. Recommendation: Refusal.

27 April 2018 – the sightlines at the L-5077 junction with the R764 are unacceptable. The development would result in an increase in traffic generation on a narrow substandard local road. Pedestrian connectivity is essential. Recommendation: Refusal.

3.2.2. Other Technical Reports:

Roads Report – Recommends Refusal.

Irish Water – Subject to a valid connection agreement being put in place, the proposal to connect to the Irish Water network can be facilitated. Irish Water currently does not have any plans to extend its wastewater network in this area. Any proposed sewer extension should comply with the Irish Water Code of Practice.

4.0 Planning History

Ref: 08/2062 – Permission granted for agricultural entrance with all associated site works. This is the same entrance as shown for the current appeal site. It was a condition of permission that an existing entrance to the south be closed off in the interest of traffic safety.

An Enforcement Notice issued on 24 January 2013 requiring works to be carried out to the permitted entrance and the original entrance in accordance with conditions attached to Ref: 08/2062.

PL 27.227132 – Permission refused on appeal for 4 houses with secondary treatment works, vehicular and pedestrian entrances and associated site

development works. Three reasons – site located outside the town boundary and in an area designated “greenbelt”, traffic hazard and prejudicial to public health.

5.0 Policy Context

5.1. Development Plan

Roundwood Town Plan – The site is in a Tertiary Development Area. The ‘vision’ for such areas is ‘to protect and provide for agriculture and amenity in a manner that protects the physical and visual amenity of the area and demarcates the urban and rural boundary’. It is an objective to restrict residential development to low density. Multi house developments are only considered where they share a single road entrance, are sufficiently clustered and sufficiently set back from the public road.

6.0 The Appeal

6.1. Grounds of Appeal

In summary these include the following:

1. A report and revised foul drainage design (drawing SA17-012-Map) prepared by Consulting Engineer are submitted showing a communal pumping station. The 3 houses will drain by gravity into the one pumping chamber with a duty and standby pump to a small diameter rising main. This removes the risk of septicity, clarifies ownership and relocates the rising main out of the road.
2. *Report on Traffic Issues Associated with Proposed Development. Rebuttal Wicklow County Councils traffic related reasons for refusal*, prepared by Traffic Professional, Chartered Civil Engineer and Chartered Town Planner. This clearly demonstrates that the proposed development would not result in serious traffic hazard. DMURS is the recognised standard in this instance. The proposed development would generate less than 2 vehicles entering and exiting every hour. The sightlines at R764/L5077 junction are fully compliant with DMURS and will be further improved by the removal of planting along the grass verge of the R764. Roundwood and District Community Council have given permission for this and the work has been carried out. The increase in

traffic would be imperceptible. The intermittent footpath along Oldtown is sustainable given low volumes of vehicular and pedestrian traffic along the road. It can be assumed that pedestrian facilities will be improved as more development takes place along the road.

3. The proposed development is within the settlement boundary and in compliance with land use zoning.
4. Irish Water confirm that there is capacity to provide connections to public water supply and foul sewer.

6.2. Planning Authority Response

None on file.

6.3. Observations

James and Mary Molloy –

1. There would be an increase in the volume of vehicular and pedestrian activity on a substandard road.
2. There is no basis for the claim that pedestrian facilities will be improved incrementally.
3. Sightlines at the R764/L5077 junction are insufficient and unacceptable.
4. Increased traffic generation on a substandard road. Improvements at the junction cannot be guaranteed.
5. Other residences on Oldtown all have their own septic tanks.
6. Permission should be refused in the interests of public health and safety.

7.0 Assessment

7.1. I consider that the key issues raised in this case are as follows:

- Adequacy of drainage proposals
- Traffic and public safety issues

- 7.2. The planning authority reason 1 for refusal refers to the 3 proposed houses with separate rising mains and a collection chamber located in an estate road, where the issue of septicity is a risk and Irish Water has not confirmed that it would take in charge the rising mains and collection chamber. In response, in the grounds of appeal, the First Party submits alternative details providing for 1 communal pumping station with a duty and standby pump to a small diameter rising main. They argue that this eliminates possibility of septicity, clarifies ownership and removes the rising main from the access road. There is no response from the planning authority and there is no input from Irish Water on file to the revised proposal.
- 7.3. While the revised drainage proposal appears to substantially overcome the planning authority's first reason for refusal, there would still be the requirement to connect to the public sewer at the R764. This would entail extending the network along the public road by 385 metres. Irish Water state that it currently does not have any plans to extend its network in this area. The First Party state that they are willing to install "the new main some 230 metres in length to the point of connection". I submit that there is insufficient information on the file to convincingly demonstrate how the First Party can make such a connection along the public road and the acceptability of such a connection. In the absence of such information I consider that the proposal would be prejudicial to public health.
- 7.4. The Board has previously refused permission for 4 houses on this site and a reason given is that the development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements that would be generated onto the narrow substandard public road on which sightlines are restricted. In the current case the planning authority second reason for refusal states that the proposed development would result in a serious traffic hazard because of the increase in traffic on to the narrow substandard L5077, the deficiency in sightlines at the junction of the R764 and the lack of evidence that the First Party has sufficient interest to carry out the required works including pedestrian connectivity. In response the First Party argues that DMURS is the appropriate standard to apply and that no traffic hazard would arise. I submit that the L5077 is substandard in width and alignment, lacks pedestrian connectivity and has restricted sightlines in an easterly direction at the junction with the R764. The proposed development would generate additional vehicular and pedestrian movements on to and along the

substandard L5077, and additional traffic turning movements at the junction of the L5077 and R764 where sightlines in an easterly direction are restricted. As such, I submit that the proposed development would endanger public safety by reason of traffic hazard.

7.5. **EIA.** Based on a preliminary examination of the nature, size and location of the proposed development there is no real likelihood of significant effects on the environment and EIAR is not required.

7.6. **Appropriate Assessment.** Having regard to the nature and scale of the proposed development and the nature of the receiving environment, no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that planning permission be refused.

9.0 Reasons

1. The Board is not satisfied, based on the information submitted with the application and the appeal, that the developer can provide for the satisfactory treatment of wastewater generated by the proposed development. In particular, there is a lack of convincing evidence that the developer can provide the proposed sewer connection to the mains sewer along the public road. In these circumstances it is considered that the proposed development would be prejudicial to public health and contrary to the proper planning and development of the area.
2. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements that would be generated on to and along a narrow substandard public road lacking pedestrian connectivity, and at the junction with the R764 where sightlines are restricted in an easterly direction.

Des Johnson
Planning Inspector

02 January 2019