



An
Bord
Pleanála

Inspector's Report ABP304492-19

Development	52 Houses
Location	Fairfield Park, New Road, Greystones, County Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	18/925
Applicant(s)	William Fenelon
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	<ol style="list-style-type: none">1. Tomas & Laura Peare & Others2. Bernie Morris/Cyril Connolly3. Rebecca Gill/Edward Melvin
Observer(s)	None
Date of Site Inspection	August 2019
Inspector	Hugh Mannion

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1.0 Site Location and Description

1.1. The application site is 2.069ha and previously accommodated a caravan park of 52 units. The site may be described as backland located behind houses which face onto New Road to the west, houses which face onto Mount Haven to the north and Victoria Road to the south. The site adjoins the Greystones/Conolly DART to the east. The site is generally flat and there are no significant trees on site. The area is characterised by residential development; New Road is a mix of bungalows and dormer bungalows on the site's side with two storeys on the western side. Victoria Road has 3 two storey commercial buildings at its western junction with New Road but is single storey moving east from that junction towards the DART line/sea. About 8 bungalows (Arch Villas) have been constructed in the rear gardens of the houses on Victoria Road. Numbers 7-11 Mount Haven are two storey and back onto the northern application site boundary.

2.0 Proposed Development

2.1. The proposed development comprises the construction of 52 houses as follows;

- 9 four bed detached houses,
- 10 three storey four bed semi-detached houses with balconies to the rear,
- 1 four bed semidetached houses
- 24 two storey three bed semi-detached houses,
- 3 four bed bungalows,
- 5 two storey four bed detached houses,
- Two separate vehicular and pedestrian access road; one from New Road serving 8 units and another from Mount Haven serving 43 units.
- All associated drainage, public open space and landscaping.

Fairfield Park, New Road, Greystones, County Wicklow.

3.0 Planning Authority Decision

3.1. Decision

The planning authority granted planning permission subject to 20 conditions. None of the conditions amended the proposed development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. Initially the planning authority requested additional information. The issues raised may be summarised as;

- Provide an additional assessment of the potential for overlooking/overshadowing of houses on New Road and Arch Villas.
- Provide additional assessment for the safety of the new access to Mount Haven. Home zone/shared surfaces should be 4.8m wide. Adequate permeability from New Road to Mount Haven should be provided. Car spaces (especially house number 1) should be capable of being safely reversed out of.
- Confirm that the 'grasscrete' connection between units numbered 28-35 is for emergency vehicles only.
- Confirm that the applicant has sufficient legal interest to over the private access lane from New Road.
- Submit a public lighting plan.
- Clarify waste management arrangements for units 23, 24,29, 30, 33 and 34.
- Submit amendments addressing the slope on the public open space, the lack of overlooking of the area, the height of the boundary wall, details of the proposed landscaping, lack of overlooking of space close to proposed units 28, 35 and 40.
- Clarify if there are balconies for units 9-14 (there's a contradiction between plan and elevations).

- Clarify the Flood Risk Assessment Report statement that there is an existing surface water outfall southeast corner of the site, show the freeboard of the houses relative to predicted flood waters.

3.3. The planning authority sought clarification of further information in relation to;

- There remains a discrepancy in the plans in relation to the 1 or 2 storey nature of the houses behind 7-11 Mount Haven.
- Submit a drawing showing the visibility splays at the Mount Haven junction.
- Redesign the junction at New Road to provide a 2m setback.
- Submit revised drawings to limit access from New Road to units 26-31 only and revise internal footpaths.
- The public open space should be level with the adjoining estate road, revised landscaping should be submitted, units 19-36 should be dual aspect to overlook the adjoining area.

3.3.1. Other Technical Reports

Environmental Services (reported 3rd October 2018) that further information was needed in relation to the surface water outfall in the southeast corner of the site. The final report stated that the Municipal Engineer's office was satisfied with the surface water drainage arrangements.

Transport & Roads Section further information in relation to the access to the development from Mount Haven, the sufficiency of space for cars to reverse out of spaces, clear delineation of shared surface areas, the provision of additional footpaths within the development, reduce the width of the road in front of numbers 7-16 to 4.8m, further detail in relation to emergency vehicle access, provision of a level grade crossing at the entrance to numbers 28-35.

Following the submission of further information, the Transport & Roads Section reported agreement with some of the issues raised previously but sought clarification on a number of issues. Clarification was submitted, but not further reported on by the Transport & Roads Section and the issue was addressed by condition.

The Housing Directorate reported no objection to the proposed development subject to agreement on Part V.

Irish Water raised no objection.

Iarnród Éireann made comments in relation to rail safety but did not object to the proposed development.

4.0 **Planning History**

No relevant planning history.

5.0 **Policy and Context**

5.1. The **National Planning Framework** (2018) sets out a number of national objectives.

- Objective 3b is to deliver at least 50% of new houses in the city/suburbs of Dublin, Cork, Galway, Limerick and Waterford.
- Objective 3c is to deliver at least 30% of new houses in existing settlements outside Dublin, Cork, Galway, Limerick and Waterford.
- Objective 11 in relation to brownfield and infill urban development is to favour development that can encourage more people to live or work in existing settlements.
- Objective 27 is to prioritise walking and cycling accessibility to existing and proposed development.
- Objective 33 is to prioritise the provision of new homes that can support sustainable development.
- Objective 35 is to increase residential density in settlements.

5.2. The **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas** (2009) sets out general principles of sustainable development and residential design, including the need to prioritise walking, cycling and public transport over the use of cars, and to provide residents with quality of life in terms of amenity, safety and convenience. Section 5.8 states that densities for housing development close to public transport corridors should have minimum net densities of 50 units/ha.

- 5.3. The **Guidelines for Planning Authorities on Urban Development and Building Heights (2018)** state (section 3.6) that development in suburban locations should include an effective mix of 2, 3 and 4 storey development. SPPR 4 is that planning authority must secure a mix of building heights and types and the minimum densities required under the 2009 guidelines in the future development of greenfield and edge of city sites.
- 5.4. The **Design Manual for Urban Roads and Streets (DMURS 2013)** sets out (Section 1.2) a policy that street layouts should be interconnected to encourage walking and cycling and offer easy access to public transport. Section 3.2 identifies types of street. Arterial streets are major routes, link streets provide links to arterial streets or between neighbourhoods, while local streets provide access within communities. Section 3.3.2 recommends that block sizes in new areas should not be excessively large, with dimensions of 60-80m being optimal and 100m reasonable in suburban areas. However maximum block dimensions should not exceed 120m. Section 4.4.1 states that the standard lane width on link and arterial streets should be 3.25m, while carriageway width on local streets should be 5-5.5m or 4.8m where a shared surface is proposed.
- 5.5. The **Planning System and Flood Risk Management Guidelines for Planning Authorities (DOEH&LG 2009)**, sets out the methodology for considering flood risk in the context of development management. The guidelines distinguish three flood zones; zone A where there is a high probability of flooding and only flood compatible development (for instance docks, marinas, amenity open space) is appropriate. Zone B is at moderate risk of flooding and is where highly vulnerable uses (hospitals, care homes, houses and strategic transport and utilities) should be avoided. Zone C has a low probability of flooding and housing and other vulnerable uses are appropriately located in this zone.
- 5.6. **Development Plan**
- 5.7. The **Wicklow County Development Plan 2016-2022** is the relevant county development plan for Greystones. The Plan repeats the regional a settlement hierarchy set out in the Regional Planning Guidelines for the Greater Dublin Area 2010-2022. Greystones is a Large Growth Town in that hierarchy.

5.8. The site is zoned “existing residential – to protect, provide for and improve residential amenities of adjoining properties and areas while allowing for infill development that reflects the established character of the area in which it is located” in the **Greystones-Delgany and Kilcoole LAP 2013-2019.**

5.9. **Objective 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).

5.10. **Natural Heritage Designations**

Not relevant.

5.11. **EIA Screening**

5.12. Having regard to nature of the development comprising a significantly sub-threshold residential development on appropriately zoned lands where public piped services are available 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.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The houses are too close to the site boundaries and will overlook adjoining rear gardens.
- The application has not accurately illustrated the trees on site and the proposed development will damage/fell the trees. This is particularly so regarding the trees along the rear of the houses to the east that face onto New Road and those to the south that face onto Victoria Road.
- The boundary treatment is unclear.

- The proposed development will give rise to traffic hazard/congestion in the area and especially on New Road. This is particularly so given the number of schools in the area.
- The design/layout does not respect the context/character of the area. The area is characterised by single storey houses.
- The public open space is poor quality and inadequately overlooked. The proposed development comprises inappropriate backland development.
- The social/affordable element is isolated within the proposed development.
- Permeability is inadequate. The access has no footpaths for 40m and there is inadequate sightlines at the junction with Mount Haven.
- The proposed development will devalue residential property in the area.

6.2. Applicant Response

- There will be no overlooking from proposed bungalows Type F1. There is a separation distance of 30m between house type A and existing houses. House type F is also a bungalow and will not overlook 3A Arch Villas.
- Drawing F-100-CFI-002 details boundary treatments. The wooden panel/concrete post boundary along 1-3 Sunset will be retained/reinforced where necessary.
- There is a mix of 1 and 2 storey houses in the area. The proposed development reflects the pattern on New Road and Victoria Road.
- The access arrangements satisfied the planning authority and previously served 52 mobile homes.
- The social/affordable housing is integrated into the overall development through bicycle/pedestrian access.
- The public open space is positioned to have direct year-round sunlight/daylight. It is overlooked by 11 houses.

- The trees referred to are outside the application site, are not designated for protection in the plan and there is no evidence their root systems will be impacted by the proposed development.
- The site has been in residential use since the 1970s. Previously there were 52 caravans on the site the proposed development comprises 52 houses, the traffic patterns in the area will not be materially altered.
- Construction traffic will be subject to a detailed construction management plan in order to prevent traffic hazard.

6.3. **Planning Authority Response**

- None

6.4. **Observations**

- None

7.0 **Assessment**

7.1. The principal planning issues in this case are conflict with the pattern of development and character of the area, proximity to the boundaries and overlooking/overshadowing of adjoining property, traffic safety and permeability, public open space and landscaping, boundary treatment, flooding and density.

7.2. **Pattern and Character of Development.**

7.3. The appeals make the point that the area is characterised by single storey houses and that the proposed development will be in conflict with this context.

7.4. The immediate area is characterised by residential development; the proposed development comprises residential uses and is, therefore not in conflict with the character of the area. The pattern of development comprises one and two storeys with front and rear gardens. The proposed development largely comprises bungalows and two storey houses (and a terrace of three storey houses backing onto the railway line on the eastern boundary) with front and rear gardens. I

conclude that this pattern of proposed development accords the pattern of development in the area.

7.5. Overlooking/overshadowing.

- 7.6. The 'rule of thumb' separation distance between opposing first floor rear windows is 22m. Wicklow County Development Plan development and design standards section makes the point that variation to this requirement is acceptable in certain circumstances and the Sustainable Residential Development in Urban Areas Guidelines make a similar point (paragraph 7.4).
- 7.7. The final site layout (drawing F-100-CFI-001 Revision A submitted to the PA on 2/4/2019) shows that the 5 bungalows in the southwestern corner are set off the boundary by 7/9m but have a separation distance from the houses facing onto New Road of between 24 and 30m. I conclude that these bungalows will not give rise to negative impact on the residential amenity of adjoining houses.
- 7.8. House number 25 is a type F1 and is close to the boundary but is a bungalow which has ground floor windows to bathrooms/two bedrooms on its western elevation. Having regard to the single storey nature of this house I conclude that no overlooking of adjoining property will take place. Number 7 is a type F house which is a bungalow with bathroom/bedroom windows on the eastern elevation but, again, I conclude that this house has no potential to overlook or overshadow adjoining property.
- 7.9. Houses 1 to 6 all provide 11m garden depth which will sufficiently protect the amenity of the houses in Mount Haven from overlooking or overshadowing. Finally, in relation to overlooking of the rear gardens of Arch Villas it may be noted that these are 5 houses accessed from Victoria Road. The proposed public open space serving the new development is located to the north and east of numbers 3, 4 and 5 of these houses. The intervention of the public open space will ensure that there is no overshadowing or overlooking of Arch Villas from the proposed development.
- 7.10. I conclude, therefore, that the proposed development will not unacceptably impact on the amenity of adjoining development by reason of overshadowing or overlooking.

7.11. Traffic safety and permeability.

7.12. The appeal makes the point that proposed development will give rise to traffic hazard because of inadequate access to the site and the existing traffic loading in the area.

7.13. The planning authority's roads engineering advice (see report 2nd October 2018) sought additional information. The planning authority sought amendments (point 2 of the FI request) to demonstrate the adequacy of the Mount Haven junction/access, the adequacy of the existing lane and access to New Road for vehicular and pedestrian access, additional details of the road width in the areas of shared surface/home zones¹, to demonstrate adequate permeability through the site between Mount Haven and New Road and demonstrate that cars can reverse out of designated parking spaces.

7.14. The applicant submitted a drawing (AECOM Planning proposed visibility splay PR328952-ACM-XX-OO-DR-CE-10-0101 on 14th January 2019) which the applicant stated provided sightlines of 23m which meets the DMURS standard. The planning authority considered that the submitted drawing should show the actual visibility available at the Mount Haven access and sought clarification of the additional information. The applicant revised the drawing (see PR328952-ACM-XX-OO-DR-CE-10-0101 on 2nd April 2019) to indicate the actual sightlines, removed the tactile paving and ramp and put in a stop line back from the footpath. This entrance will serve 42 of the 52 units. The planning authority reviewed the submission and recommended a grant of permission.

7.15. The second point (see item 2 in the clarification of further information request 21/2/2019) was the access to New Road. The planning authority was unhappy with the build out of the footpath as originally proposed at the junction of the site access as this would create a kink in the alignment of the New Road. The final layout (see PR328952-ACM-XX-OO-DR-CE-10-0101 on 2nd April 2019) amended the junction and provided a 4.8m access which will serve 10 of the 52 units. The planning authority were satisfied with this amendment and recommended a grant of permission.

¹ The shared/home zone areas are shaded a light grey on drawing F-100-PL-003 submitted with the application on 15th August 2018 in front of houses 28-32, 7-16 and 20-27.

- 7.16. Finally, (item 2, point D in the clarification of further information request 21/2/2019) in relation to permeability through the site amendments to home zones and footpath provision drawing F100-CFI001 Revision A) was accepted as adequate by the planning authority.
- 7.17. It may be noted that this is an urban area where the speed limit on the public road is 50kms. The Traffic and Transport Assessment (AECOM Engineer's Report) sets out the trip generation capacity of the proposed development and concludes that the additional traffic on the local road network will be negligible. The access from Mount Haven is on a bend but Mount Haven is a cul de sac of about 28 houses and the new access will serve 42 of the proposed units. I consider that the junction meets the standards set out in DUMRS (see in particular the stopping sight distance standard in table 4.2) and is acceptable in traffic safety terms. The other access onto New Road serves only 10 units whereas it used to serve about 50 caravans. Having regard to this limited number of houses being served by this home zone/road arrangements and its width in excess of 7m I conclude that this aspect of the proposed development is acceptable and will not endanger public safety by reason of traffic hazard. Finally, in relation to permeability through the development I consider that the final layout provides for convenient movement by pedestrians towards the town centre/train station without having to access Mount Haven.
- 7.18. Having regard to the foregoing I conclude that the proposed development is acceptable in terms of traffic safety and convenience.
- 7.19. **Public open space and landscaping.**
- 7.20. The appeal makes the point that the public open space is poor quality and inadequately overlooked.
- 7.21. The planning authority initially raised queries by way of the request for further information in relation to the quality of public open space. The applicant was requested to amend the 1:3 slope at the edges of the public open space, provide better passive overlooking of the open space, justify the 1m high boundary wall in the south-eastern corner and provide a more detailed landscape plan.
- 7.22. The amendments submitted with the clarification of further information omitted the slope in the public open space. The revisions improved the overlooking of the three proposed public open space areas; houses 8 to 15 overlook the two northern

sections of public open space and houses 16 to 19, 36 to 40 and house 4 overlook the largest section of public open space in the south-eastern corner of the application site. Boundary walls have been replaced by railings at appropriate locations (see Landmark Designs drawings 00 Rev2 submitted on 2nd April 2019). The planning authority accepted the revision as reasonable and recommended a grant of permission.

7.23. The Wicklow County Development Plan sets an objective (set out in an attached document - Development Design and Standards) that public open space should be provided at 15% of the site area. The site area of 2ha which would generate a requirement of about 3,000m² and the provision is 3,400m². There are basically three sections of open space proposed in the final layout and the largest section located in the south-eastern corner. Having regard to the area of public open space provided, its disposition within the site and the landscaping details submitted with the application I conclude that the quantity and quality of the proposed public open space are acceptable.

7.24. **Boundary Treatment.**

7.25. The appeal makes the point that the boundary treatments of the proposed development are unclear and that the existing trees on site are not properly illustrated in the application.

7.26. The boundary treatments are illustrated in the application documents and are detailed in Landmark Design Drawings 00 Rev 2. I consider that these boundary treatments are reasonable, and I note the applicant's response to the appeal which states that a particular stretch of boundary along the western edge will be maintained and strengthened where appropriate. If the Board decides to grant planning permission a condition may be attached requiring details in relation to boundary treatments to be agreed with the planning authority.

7.27. In relation to tree protection I consider that the trees located within the site and designated for protection accurately reflect the trees which should be retained. The applicant, in the response to the grounds of appeal, makes the point that if roots relating to trees outside the site are encountered during construction they may be protected.

- 7.28. Heritage Map B attached to the local area plan maps “Trees Considered for Protection”, “Trees Preservation Orders” and “Tree Protection Objectives”. The application site is unaffected by any of these objectives. Having regard to the objectives set out in the LAP, to the material submitted with the application and appeal and my site inspection I conclude that there are no trees on site whose retention is required in the interests of ecology or visual or residential amenity.
- 7.29. **Flooding.**
- 7.30. The Wicklow County Development Plan includes a strategic flood risk assessment and points to the Greystones LAP for a flood analysis of the area covered by the LAP. The LAP includes Map 2 -Indicative Flood zones. The application site is not within any of the areas identified as Zone A - high likelihood of flooding or Zone B - moderate likelihood of flooding as indicated on that map.
- 7.31. The applicant used the CFRAM modelling and the proximity of a nearby stream (Redford Stream about 320m to the north -see Figure 6 in the FRA) in the north-eastern quadrant to conclude that there is a likelihood of pluvial flooding within the site. It is proposed that, following recontouring of the site, the largest section of public open space in the south-eastern corner will provide storage capacity related to pluvial flooding. Following the requirements of the Flood Risk Management Guidelines the applicant carried out a Justification Test. A justification test is required where there is a moderate risk of flooding and given the characteristics of the site and the CFRAM studies the applicant concluded that the site is within a flood zone B.
- 7.32. The test established that the site is in residential use and is zoned for residential development in the LAP. The provision of an attenuation tank, compensatory storage open storage and adequate culvert in the south western corner will ensure that all the water arising within the site will be adequately catered for within the site and not cause flooding in other areas (details of these arrangements are set put in dawning number PR328952-ACM-XX-00-DR-CE-10-0501). The finished floor level of the houses will be above both the 100 year and 1000-year return periods.
- 7.33. In the course of discussions between the applicant and the planning authority both agreed that there is a culverted stream through the site along the southern boundary (see Aecon Report submitted as FI on the 14th January 2019). This required an

amended surface water layout which is illustrated in drawing PR328952-ACM-XX-00-DR-CE-10-0502. The planning authority's engineering advice (see Greystones Municipal District Engineer's report dated 29th January 2019) was that there is an outfall/culverted stream in the south east corner of the site and that the new surface water management arrangements (referred to as option B) is acceptable.

7.34. Although I carried out a walk over site inspection I did not identify any surface water features within the site, but neither was there any obvious ponding. Nonetheless the material submitted with the application and appeal indicates that there is potential for flooding within the site in the case where no mitigation measures are adopted. Having regard to the material submitted with the application and especially the additional information submitted 14th January 2019, and the reports from the planning I conclude that the proposed development will not give rise to risk of flooding in the new development or increase the risk of flooding in the vicinity.

7.35. **Density**

7.36. The Sustainable Residential Development in Urban Areas Guidelines recommend minimum net densities of 50 units per ha in areas which are within easy access (500m of a bus stop or 1km of a Dart station/tram stop). The proposed density is 25 unit/ha and the New Road application site access is 1.1 km walk from Greystones DART station. There are a number of three storey houses, generally, along the eastern edge of the site.

7.37. The NPF (national policy objective 3a) is to deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements. A specific planning policy requirement (SPPR 1) in the Urban Development and Building Heights Guidelines for Planning Authorities (December 2018) is to support increased building height and density in locations with good public transport accessibility, particularly town/ city cores. The Guidelines require planning authorities explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

- 7.38. The Greystones LAP predates both the NPF and the Building Heights Guidelines. The LAP zoning for the site requires that new development reflects the established character on the area which is 1 and 2 storey individual houses. However, the Building Heights Guidelines addresses the situation where a local area plan predates the guidelines (Section 3.1 and following) and includes SPPR4 which requires that planning authorities *must* secure the minimum densities provided for in the Sustainable Residential Development Guidelines (that is 50 units/ha) on edge of town sites. The Sustainable Residential Development in Urban Areas Guidelines recommend minimum net densities of 50 units per ha in such areas in areas which are within easy access (500m of a bus stop or 1km of a Dart station/tram stop).
- 7.39. This is a brownfield site which is within relatively short walking distance of Dart station and the number 84X Dublin bus service. Notwithstanding that there are some constraints on the site I conclude that having regard to the national guidance in relation to increased densities in urban/suburban areas close to town centres and public transport infrastructure that the proposed density is unacceptably low.
- 7.40. I consider that this matter has not been addressed in the application/appeal previously.

8.0 Recommendation

- 8.1. I recommend refusal.

9.0 Reasons and Considerations

9.1. The Board considers that the density of the proposed development is contrary to the provisions of the Guidelines for Planning Authorities on *Sustainable Residential Development in Urban Areas* (2009), issued to planning authorities under Section 28 of the Planning and Development Act. The site of the proposed development is on serviced land zoned for residential development within the development boundary of Greystones which is designated a Large Growth Town in the settlement strategy for the County set out in the Wicklow County Development Plan. Having regard to the proximity of the site to the transport infrastructure and established social and community services in the immediate vicinity it is considered that the proposed development is not at a sufficiently high density. In addition, the proposed development does not have an adequate mix of dwelling types, being predominantly semi-detached and detached housing. It is considered that the low density proposed would be contrary to these aforementioned Ministerial Guidelines, which indicate that net densities less than 50 dwellings per hectare should generally be discouraged in the interests of land efficiency. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Hugh Mannion
Senior Planning Inspector

24th September 2019.