



An  
Bord  
Pleanála

## Inspector's Report ABP-304778-19

### Development

Demolition of two houses and the construction of 24 houses, vehicular and pedestrian access via Ballywaltrim Lane and all necessary site/ development works.

### Location

Springfields & Twin Oaks, Ballywaltrim Lane, Bray, Co. Wicklow.

### Planning Authority

Wicklow County Council

### Planning Authority Reg. Ref.

19391

### Applicant(s)

Niall Melvin

### Type of Application

Permission

### Planning Authority Decision

Refuse permission.

### Type of Appeal

First Party

### Appellant

Niall Melvin

### Observer(s)

Lucy Watson & others, Joseph & Margaret Doyle, Veronica & David Twyford, Desmond, Paula & Rebecca Dorothy, Veronica Sample, Deirdre Radic & Anthony Elworthy, Drago J

Radic, Clare & Seymour Cresswell,  
Marie O'Farrell, Pat Duffy & Isabel  
Morales Duffy, Peter C. Flynn, Owen  
& Tina Byrne, Anne Ferris, John  
Keeley, Gary Kidson & Lauren Conlyn,  
Gerard Martin, Joe Behan, RC & PA  
Horsham, Neil Bass, Caroline Burrell,  
Steven Matthews and Ballywaltrim  
Lane Residents Group.

**Date of Site Inspection**

13<sup>th</sup> September 2019

**Inspector**

Paul O'Brien

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## 1.0 Site Location and Description

- 1.1. The subject site contains both 'Springfields' and 'Twin Oaks' which are detached houses and their associated lands. The site is located to the east of Ballywaltrim Lane which is to the east of the R768 regional road, east of the N11 National Primary Route and to the south west of Bray town centre. The site area is stated as 1.15 hectares.
- 1.2. The area is characterised by detached houses on large sites to the east/ north of Ballywaltrim Lane with extensive tree and vegetation screening. The area is described as having a sylvan character. Due to the layout of the road network, there are no houses to the western/ southern side of Ballywaltrim Lane. A 'Circle K' petrol station and car dealership is located to the south of Ballywaltrim Lane to the east of a roundabout junction with the R767 – Killarney Road to Bray/ the R768/ slip roads to/ from the N11 and the Southern Cross Road further to the east.
- 1.3. The site slopes from west to east downwards to meet the Kilmacanogue River which flows into the River Dargle to the north of Ballywaltrim Lane, eventually flowing into the sea at Bray Harbour.
- 1.4. 'Springfields' and 'Twin Oaks' are split level detached houses and are single-storey to the front/ south west elevation and two-storey to the rear/ north east elevation making use of the topography. 'Twin Oaks' is located to the south of 'Springfields' and is at a higher ground level. The sites contain detached garages/ sheds that are adjacent to the relevant house.
- 1.5. An infrequent/ peak hours bus service/ 84X is available on the Southern Cross Road and a frequent bus service in the form of the 145 every ten minutes at peak times, is available on Killarney Road and Southern Cross Road serving Bray, Dublin City Centre and on to Heuston Station. The 45A/ 45B are also available from Killarney Road to Bray/ Dun Laoghaire with a service every 20 minutes.

## 2.0 Proposed Development

- 2.1. The proposed development consists of the demolition of 'Springfields' and 'Twin Oaks' detached houses and their associated garages/ sheds on two plots of land to the east of Ballywaltrim Lane to the south west of Bray. A total of 24 no. three

bedroom houses are to be constructed on the cleared site in the form of two terraces, one of 11 houses and the other of 13 houses. Two carparking spaces per house are to be provided with additional visitor parking indicated on the submitted site layout plan. A total of 0.396 hectares of public open space is to be provided. Access to the site will be via a single vehicular/ pedestrian entrance to the north west onto Ballywaltrim Lane. The proposed development also includes a footpath from the site southwards to the Circle K petrol station which will connect to an existing public footpath onto Killarney Road.

- 2.2. Letters of consent from the landowners have been submitted, giving consent for the applicant to make this application. Similarly, Wicklow County Council have provided a letter of consent for the section of the development (footpath) from the subject site along Ballywaltrim Lane to the existing public footpath adjacent to the Circle K petrol station.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority decided to refuse permission for five reasons as follows:

1. *Having regard to the established form and pattern of development in the area which consists of dwellings on large plots and to the zoning objective (RE, Existing Residential), which seeks to protect existing residential areas while allowing for infill residential development that reflects the established character of the area in which it is located, it is considered that the proposed development of 24 No. residential units would be out of character with the pattern of development in the immediate area of the site in terms of density, design, bulk, form and layout. It is also considered that the loss of a substantial level of mature trees and vegetation would change the semi-rural and sylvan character of area and would seriously injure the visual amenities of the area. The proposed development would be contrary to the zoning objective, to the Bray Municipal District Local Area Plan 2018 and the Wicklow County Development Plan 2016-2022, would form a dominant and obtrusive feature in the area and*

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

2. Having regard to:

(a) The design and layout of the proposed development which does not reflect that of existing properties in the vicinity,

(b) The failure to provide an adequate degree of access and connectivity to the proposed public open space from the overall development given the remote access points to this area, the level difference between the open space and the houses and the separating wall and railing,

(c) The substandard level of private open space and the lack of information submitted regarding the garden levels and gradients,

(d) The irregular access road widths and the lack of passive surveillance at the corner of the access road / pathway adjacent to units 11 & 12,

(e) The layout of the development whereby units 1-11 would have an overbearing impact on units 12-24 given the difference in finish floor levels.

It is considered that the proposed development would result in the creation of a substandard development and would seriously injure the residential amenities of future residents. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development by virtue of its scale, design, orientation and proximity to existing residential properties and their associated amenity space would have an overbearing impact resulting in overshadowing, overlooking and loss of privacy. The proposed development would therefore be injurious to the residential amenities of adjoining properties and would be contrary to the proper planning and sustainable development of the area.

4. Having regard to:

- (a) The proposal for a private pumping station and rising main serving multiple dwellings,*
- (b) The lack of information to demonstrate that Irish Water would take in charge the proposed pumping station and rising main,*
- (c) The lack of information to demonstrate that the pumping station is designed in accordance with Irish Water health and safety standards for access and maintenance of the system,*
- (d) The location of the private pumping station within a flood zone and its proximity to Kilmacanogue River.*

*It is considered that insufficient information has been submitted to fully assess the proposal to connect multiple houses to a pumping station for effluent disposal and that it would not give rise to public health, maintenance issues and pollution of the adjacent watercourse. To permit this development in the absence of this information would be contrary to proper planning and sustainable development.*

- 5. Having regard to the level of information supplied in relation to the assessment of the existing ecology and of the Kilmacanogue River Valley located within the site, it is considered that insufficient information has been provided with the application to fully establish the impact of the development on surrounding environment. To consider the proposed development in the absence of such detail would be contrary to the County Development Plan and contrary to the proper planning and sustainable development.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The Planning report reflects the decision to refuse permission for the proposed development. Density of the development was calculated at 22.87 units per hectare on this site of 1.08 hectares, however it was reported that the lower section of the site cannot be developed due to flooding and taking the upper section of 0.67

hectares, the density is 36.87 units per hectare. Other comments noted are that the existing building is maintained, the layout gives rise to concern due to its terrace format, scale bulk and narrow units, insufficient passive surveillance of area to the side of unit 12, no visual impact assessment has been submitted, potential impact on neighbouring properties and concern regarding the loss of trees from the site. In addition, it is noted that the case officer identified a number of areas that further information would be required including access details, impact on the Kilmacanogue river and impact on Petrifying Springs with Tufa formation.

### 3.2.2. Other Technical Reports

**Housing:** No objection and Part V requirements can be met.

**Environment Division:** Generally, no objection however calculations should be revised for a 20% allowance for climate change rather than the calculated 10%.

**Transportation & Roads Infrastructure:** Further information is requested.

**Wicklow County Fire Service:** No objection subject to conditions.

### 3.3. Prescribed Bodies

**Department of Culture, Heritage and the Gaeltacht:** Note the findings of the Appropriate Assessment Screening that there is not likely to be any significant effects on any Natura 2000 sites. Recommend that a bat survey be undertaken prior to the granting of permission and note the tufa forming springs in the area but are unable to comment on the extent or condition of these at present.

**Kildare National Roads Office:** Application is premature pending the determination of a route for the N11/M11 Junction 4 to Junction 14 improvement scheme.

**Inland Fisheries Ireland:** Note the importance of the river network in the area with regard to the Kilmacanogue River being salmonid with a significant wild Brown Trout population and other fish are found in the Dargle. The river could be impacted by poor construction processes therefore a need for a Construction Environmental Management Plan (CEMP) and foul/ surface water drainage should be of a suitable quality with adequate capacity for treatment. Location of the attenuation area and petrol/ oil interceptor is a cause for concern.

**Dublin City Council Water Services Division:** No objection.

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



### 3.4. Objections

A number of objections were received, and the Planning Authority case officer reported a total of 27 submissions received. In summary the main issues related to:

- The proposed development was contrary to the RE zoning that applies to this site.
- The development was out of character with the existing pattern and form of development in this semi-rural area located on the edge of Bray.
- The proposed development would have a negative impact on traffic in the area and would give rise to concern regarding pedestrian safety.
- The development would have a negative impact on residential amenity in terms of overlooking leading to a loss of privacy, overbearing, loss of light and general loss of amenity.
- Nuisance caused during the construction phase of the development. Also potential issues of noise caused by the proposed pumping station.
- Impact on ecology with reference to the impact on trees, biodiversity and the Kilmacanogue River.
- The issue of 'Riparian Owners' and their responsibility regarding the river banks.
- Lack of detail regarding visual impact assessment and EIA screening.

### 4.0 Planning History

**P.A. Ref. 06/630148** refers to a November 2006 decision to grant permission for one detached dwelling house, domestic garage, foul drainage system, site entrance and associated site works to the northern side of the existing 'Twin Oaks', Wingfield, Bray. This house was not constructed.

**P.A. Ref. 01/630051** refers to a May 2001 decision to grant permission for the demolition of a garage and for the construction of a 17.5 sq m studio extension to 'Springfields'.

## 5.0 Policy and Context

### 5.1. Development Plan

- 5.1.1. Under the Bray Municipal District Local Area Plan 2018-2024, the site is zoned RE – Existing Residential, *‘To protect, provide and improve residential amenities of existing residential areas’*. Under ‘Description’ the following is relevant: *‘To provide for house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity’*.
- 5.1.2. The Green Infrastructure Map No. GI1 indicates that the Kilmacanogue River is a Green Corridor. There is a Tree Preservation Order on the north eastern side of the river away from the site
- 5.1.3. A Strategic Flood Risk Assessment was undertaken and the eastern part of the site is within Flood Zone A.
- 5.1.4. Within Chapter 2 – *Overall Vision & Development Strategy* the following are relevant:
- 2.2.1 Role and function of settlements in the Bray MD: The largest town in County Wicklow, location is important as are the existing good quality transport links. Expansion is limited by geography and administrative boundaries with development to be focused at Fassaroe to the west of Bray and the N/M11. The *‘town should continue to consolidate and to densify at suitable, albeit limited, locations in a sustainable manner’*. The good transport links should reduce dependence on the use of the private car.
- 2.2.2 Physical context: *‘Growth of the town to the southern/ southern western side must consider the historical Kilruddery Demesne, the Little Sugarloaf and the desire to maintain a ‘break’ between the built up area of Bray and Kilmacanogue’*.
- 2.2.7 Infrastructure & Services: The future development of Bray will depend on the upgrade of road and transport infrastructure and under key investment priorities is ‘the upgrade of the N11 in the north of the County, from the Dublin border as far as Ashford, in particular improvements to the M50/M11 merge which is deficient in capacity, and all interchanges serving Bray’.
- 5.1.5. Within Chapter 3 – *Residential Development* the following are relevant:

*R1 All new housing developments shall be required to accord with the housing objectives and standards set out in the Wicklow County Development Plan.*

*R2 In order to make best use of land resources and services, unless there are cogent reasons to the contrary, new residential development shall be expected to aim for the highest density indicated for the lands. The Council reserves the right to refuse permission for any development that is not consistent with this principle. Lands zoned Residential – High Density will be expected to achieve a density of not less than 50 units / hectare.*

5.1.6. Within Chapter 9 – Biodiversity the following are noted:

*B1 To ensure that the impact of new developments on biodiversity is minimised and to require measures for the protection and enhancement of biodiversity in all proposals for large developments.*

## 5.2. **National Guidance**

- ‘Project Ireland 2040 - National Planning Framework’ includes Chapter, No. 6, entitled ‘People Homes and Communities’ and which includes 12 objectives, the following are considered relevant to this proposed development:
  - National Policy Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.
  - National Policy Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
  - National Policy Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.
  
- *Design Manual for Urban Roads and Streets (DMURS, as updated in 2019)*

- *Sustainable Residential Development in Urban Areas* (DoEHLG, 2009) and its companion, the *Urban Design Manual - A Best Practice Guide* (DoEHLG, 2009).
- *Quality Housing for Sustainable Communities* (DoEHLG, 2007).
- *The Planning System and Flood Risk Management* (DEHLG & OPW, 2009).

### 5.3. Other relevant guidance

- 5.3.1. Bray and Environs Transport Study (NTA, Wicklow County Council, Dun Laoghaire Rathdown County Council and TII, April 2019) sets out the current and necessary transport requirements for Bray into the future. With regard to the subject site, the N11/M11 Junction 4 to 14 Improvement Scheme is a roads measure ‘...*deemed necessary for the future development of the Study Area*’.

### 5.4. Natural Heritage Designations

None on site.

### 5.5. EIA Screening

- 5.5.1. Having regard to the nature of the proposed development comprising the demolition of two houses and the construction of 24 new houses, in an established urban area and where infrastructural 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 applicant has appealed the decision of the Planning Authority to refuse permission and has engaged the services of Brock McClure – Planning and Development Consultants, to prepare the appeal and the issues raised include:

- The site is zoned for residential development and which permits infill development of the type proposed.

- The Planning Authority have failed to recognise the clear policy mandate for increased density on lands zoned for Existing Residential Areas.
- Bray is a Metropolitan Consolidation Town and appropriate and sustainable residential development should be provided here.
- The development as proposed, does not negatively impact on the existing residential amenity of the area. Revisions have been made to the layout/ design to address part of Reason for Refusal 2 and 3. An updated Arborist Impact Assessment has been provided and additional screening is proposed.
- Improved access to the public open space is provided and revisions to the side elevations of Units 11 and 12 to provide additional passive surveillance.
- The applicant has engaged with Irish Water with regards to the proposed foul drainage system to serve the development and it is considered that the proposed foul pumping station complies with Irish Water requirements.
- A revised ecology and a Bat Survey have been submitted. The report states that the site is not important for bats.

## 6.2. Planning Authority Response

- None.

## 6.3. Observations

6.3.1. Observations have been received from a number of those who originally objected to this development. The main planning issues include:

- Support the decision of the Planning Authority to refuse permission.
- Contrary to the RE zoning.
- Impact on ecology and habitats with reference to the Kilmacanogue River.
- Issue of Riparian Landowner and cannot pollute adjoining riverbanks.
- Upgrade of N11/M11 with particular reference to the nearby Junction7. There is poor transport infrastructure provision in the area.
- Impact on the character of the area.

- Loss of trees
- Increased traffic and potential traffic hazards.
- Inappropriate form of development in an area of detached houses on large sites. The site is not suitable for a suburban infill form of residential development.
- Concern about the disposal of foul water especially if there are operating problems with the pumping station
- The riverbank is prone to flooding
- The Ballywaltrim Lane Residents Group have submitted a detailed report prepared by Frank Ó'Gallachóir & Associates Ltd. Planning & Development Consultants and a detailed 'Ballywaltrim Lane Spring Survey' prepared by Denyer Ecology.

#### 6.4. Further Responses

- 6.4.1. Brock McClure on behalf of the applicant have submitted a response to the third-party submissions on the appeal. No significant new issues were raised in this report. Details are provided with regards to services in the area, extending up to 4 km from the site. Details of residential amenity, open space and boundary treatment are restated in response to the third-party submissions. Similarly traffic/ road details and ecological issues have been responded to. A brief response from the applicant's ecologist – Openfield Ecological Services has been included in response to the submissions. This refers to the status of the river, the Petrifying Springs and the bat survey.

### 7.0 Assessment

- 7.1. The main issues that arise for assessment in relation to this appeal can be addressed under the following headings:
- Compliance with the RE Zoning Objective
  - Design and Impact on the Character of the Area
  - Impact on Residential Amenity

- Impact on the Kilmacanogue River and Ecology
- Impact on the road network
- Other Matters
- Appropriate Assessment Screening

## 7.2. Compliance with the RE Zoning Objective

- 7.2.1. The proposed development consists of the demolition of two existing detached houses and their outbuildings and the construction of 24 houses. These units will be in the form of two terraces; one of 11 houses and the remaining 13 form the other terrace. Open space is provided to the east of the houses on an area of land adjacent to the Kilmacanogue River.
- 7.2.2. I note the 'RE' zoning of this site and I consider that the site is suitable for development of an increased density of houses. However, the character of the area is defined by the detached houses, the narrow road, the abundance of mature trees/vegetation and there is no real sense that this area forms part of Urban Bray when entered from the west/ N11. It is accepted that the area is not rural, but it does have a distinctive character. There are often opportunities for residential development in the case of two or three sites that can be combined, and when a single integrated scheme can be provided. This is not the case here as there are a dozen or so houses on this side of Ballywaltrim Lane and it would be difficult to provide for an integrated scheme over such an area of land.
- 7.2.3. I consider the 'RE' zoning as applied to these lands is primarily for the purposes of the protection and improvement of the existing residential amenities rather than for largescale residential development. The development of 24 houses on these lands would seriously erode the character of the area and should be refused permission. The applicant has described the site as an infill site and the existing form of development is unsustainable. I would disagree with this statement as infill developments would generally attempt to provide for a scale of development that is appropriate to adjacent sites, this is not such a development. The Bray Municipal District Local Area Plan has identified areas suitable for higher density development

and infill development and again, this site and the adjacent lands on Ballywaltrim Lane are not currently identified for such development.

### **7.3. Design and Impact on the Character of the Area**

- 7.3.1. As already stated, I consider the site to be suitable for additional housing, but only at a density/ with a layout that respects the character of the area. The currently proposed site layout and type of housing do not have any regard to the character of the area. The area is defined by detached houses and the provision of two long terraces is alien to Ballywaltrim Lane. I appreciate that the developer is maximising the number of units on site and is attempting to have regard to national policy on increased density, but they have failed to take account of the established character of the area.
- 7.3.2. The proposed terraces would result in a monotonous form of housing that could be found in many medium density developments in the Greater Dublin Area. There is a lack of variety in the house design primarily due to the lack of variety in the materials used and over use of one house type. The applicant has not supported their application with photomontages and relies on contiguous elevational drawings to demonstrate the visual impact of the development on the area. The applicant has therefore failed to demonstrate that the development will visually integrate with the existing form of development and character of the area.
- 7.3.3. The terrace to the east of the site (units 12 to 24) whilst being monotonous in design; would not be easily visible from Ballywaltrim Lane and may be acceptable subject to suitable screening. The site topography reduces the bulk of this terrace and if screened by housing/ trees, it may be visually acceptable. The terrace addressing Ballywaltrim Road is not visually acceptable and it is this aspect of the development that has the greatest visual impact. The proposed terrace of houses has no distinguishing character and no consideration of the existing character of the area.
- 7.3.4. The applicant has made the case for this development and the number of units on the basis of compliance with national policy on density. The site area is given as 1.08 hectares; therefore, the density is circa 22 units per hectare. The Planning Authority have accepted that the density only be calculated on the upper section of the site due to flooding issues and which gives a site area of 0.67 hectares and a



density of 36 units per hectare. Either way, the poor-quality layout and type of housing cannot be justified purely to meet density targets.

7.3.5. I note the details provided in the submitted arborist report prepared by Independent Tree Surveys (June 2019) regarding the quality of trees on site, however the proposed treatment of the Ballywaltrim Lane frontage will result in an inner suburban appearance with the planting of young trees and the use of a 1.8 m high railing along the front providing no visual connection to the existing character of the area. In support of the appeal, the boundary was revised (Drawing no. PD-04 by Landscape Design Services) to include golden granite piers supporting painted steel bar railings over plinth wall. This is still suburban in character.

#### **7.4. Impact on Residential Amenity**

7.4.1. The proposed houses are quantitatively acceptable in terms of room sizes, storage and private amenity space provision. However, it is noted that the layout of a number of the gardens are contrived with unusual layouts so as to comply with minimum areas and the usability of the parts of some gardens may be reduced. First floor separation distances generally exceed the minimum expected of 22 m. The topography of the site will reduce potential overlooking. The applicant has submitted a revised Site Plan (Drawing no. 1835 P 1004) in support of their appeal which demonstrates that the separation distance between the terraces has increased with vegetation forming part of the rear boundary of these houses.

7.4.2. I note that internal widths are as low as 5.15 m in a number of the houses; whilst this does not contravene recommended standards, it does result in the provision of narrow/ deep houses with a consequent reduction in availability of light penetration to rooms.

7.4.3. I do not foresee any overshadowing leading to a loss of daylight to neighbouring properties and similarly overlooking leading to a loss of privacy is not foreseen. The proposed units will not be overbearing on adjoining properties with separation distances of 10.1 m provided to the north of the site and 15.1 m to the south. The applicant has attempted to provide for suitable separation although it is noted that the existing houses adjoining the subject site are located in close proximity to the boundary. Revisions to the design have been made in support of the appeal and these further reduce any potential for overbearing.

7.4.4. I would raise concern about the provision of public open space to serve this development. 0.396 hectares is designated as open space, and which is located within an area described as a flood risk zone. Insufficient detail has been provided as to how often and for how long this area of open space may not be available to residents. Its usability is further reduced by the topography of the site with significant falls in the contours towards the river. The open space may therefore function primarily as a visual amenity rather than as an easily available area of active open space.

## 7.5. Impact on the Kilmacanogue River and Ecology

7.5.1. The Observers have commented on the impact of the proposed development on the Kilmacanogue River. Concerns relate to pollution during the construction phase of the development in the form of silt and other materials entering the watercourse and post construction with particular reference to the proposed pumping station. The use/ need for a pumping station gives rise to concern as to what would happen if it suffers a mechanical or other failure.

7.5.2. A revised Ecological Impact Statement has been prepared by Openfield Ecological Services and the Ecologist has addressed ecological items raised by the case officer in their planning report. I note these additional details and I note the comments of the Observers, their supporting details including the 'Ballywaltrim Lane Spring Survey' by Denyer Ecology. Comment was made to the presence of Petrifying Springs with tufa formation and I note the comments of the Applicant's Ecologist that the location of these is not given and as there are no pathways from the site to these, no impacts to this habitat arise from the development. This is agreed with.

7.5.3. The Ecologist has also reported that the stream is valued as low value to biodiversity due to alterations to riparian vegetation in the area and the provision of culverts and impassable barriers. In summary it was found that the water quality will not be impacted on by the proposed development.

7.5.4. In support of the appeal, the applicant has engaged the services of ecofact – Environmental Consultants to undertake a bat survey of the site. This was carried out over the 22<sup>nd</sup> to 23<sup>rd</sup> of June 2019. In conclusion it was found that the subject lands are not '*an important site for bats*'. The report and its findings are noted.

7.5.5. It is considered that the loss of so many trees on this site will have a negative impact on the visual amenity of the area and will also result in the loss of the character of the area which is partially defined by these trees and vegetation. The submitted arborist report and the submitted site layout plan drawings do not fully correspond, and this may give rise to confusion as to what trees are to be removed and what additional planting is to be provided here.

## 7.6. Impact on the road network

7.6.1. I note the report of the Planning Authority's Case Officer with regard to the comments of the National Roads Office (NRO). The NRO were very clear that they consider the proposal to be premature pending the determination of the preferred route for the N11/ M11 Junction 4 to Junction 14 Improvement Scheme. In addition to this report, I note that the upgrade of this road is clearly identified in the Bray Municipal Local Area Plan and the Wicklow County Development Plan 2016 – 2022 and it is also identified in the Bray & Environs Transport Study. It would appear that design work is at an early stage, however as noted by Observers, Ballywaltrim Lane is likely to be directly impacted by this road scheme. I would therefore agree with the NRO that the proposed development is premature. Any future development should include consultation with the NRO.

7.6.2. The applicant has proposed the provision of a footpath from the site along the eastern side of Ballywaltrim Lane heading south where it will connect into an existing public footpath at the 'Circle K' petrol station. This path is to be 2 m wide for its length. I note that this path crosses the front of a number of properties and it is not clear what discussions were held regarding this. The Wicklow Transportation & Roads Infrastructure Section commented on the need for a review of footpath gradients and who or how the footpath between the site and the existing footpath is to be provided/ agreed.

## 7.7. Other Matters

7.7.1. I note that location of the pump station and it certainly appears to be in very close proximity to the flood-risk zone. Suitable measures would be required to ensure that it is not adversely impacted by its location, notwithstanding that the applicant states

that it will be positioned above the 1:100 year flood level and that all electrical control equipment will be water resistant.

- 7.7.2. I also note the proximity of the pump station at less than 16 m from proposed houses to the south west.

## **7.8. Appropriate Assessment Screening**

- 7.8.1. The applicant has engaged the services of Openfield Ecological Services to prepare a Screening for Appropriate Assessment (AA). In summary, it concludes that the development will not give rise to direct or indirect impacts to any Natura 2000 sites.
- 7.8.2. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

- 8.1. I recommend that planning permission be refused for the following reasons and considerations as set out below.

## **9.0 Reasons and Considerations**

1. Having regard to its location at the edge of Bray town, it is considered that the proposed development would be out of character with the pattern of development in the area characterised by a low density of housing in the form of detached houses on generous sites and would result in the loss of established trees and vegetation within an area characterised by these and would result in the inclusion of inappropriate house designs in the form of terraces within an area characterised by detached houses. The proposed development would thereby constitute a substandard form of development which would seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

2. The proposed development, by reason of its layout design, scale and terraced format of houses would be out of character with the existing form of residential properties in the vicinity and would set a precedent for further inappropriate development in the vicinity of the site. The proposed development would, therefore, seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

3. The proposed development would provide for a single area of public open space that is located within a flood risk zone and in relation to which insufficient information has been provided to establish that it would be available for its intended purpose. The proposed development would thereby constitute a substandard form of development which would seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

4. Development of the kind proposed would be premature pending the determination by the National Road Office/ Transport Infrastructure Ireland of a road layout for the area with reference to the N11/M11 Junction 4 to Junction 14 Improvement Scheme.

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Paul O'Brien  
Planning Inspector

4<sup>th</sup> October 2019