



An
Bord
Pleanála

Inspector's Report ABP-305224-19

Development	43 no apartments and 28 no. houses.
Location	Church Hill, Newtownmountkennedy, County Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	1949.
Applicant	Knockree Developments Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party
Appellants	Thomas & Philip Wheatley (Newtownmountkennedy Town Team)
Observer	None
Date of Site Inspection	2 nd December 2019
Inspector	Philip Davis

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1.0 Introduction

This appeal is by a local residents group against the decision of the planning authority to grant permission for a development of 71 no. dwelling units in the town of Newtownmountkennedy, County Wicklow. The grounds of appeal relate to design issues, amenity and transport, and argue that it is contrary to development plan policy on such issues.

There is an active appeal under Section 18 of the Act (Vacant Site Levy) with regard to this site.

2.0 Site Location and Description

2.1. Newtownmountkennedy

Newtownmountkennedy is a town with a population of some 2,500, located just west of the N11 roughly between Greystones and Wicklow Town and 5 km inland from the Irish Sea coast. The town is at around the 90 metre contour close to where the coastal plain rises to the Wicklow Mountains to the west. The built up area runs for around 3km in an elongated strip along the R765 more or less parallel to the M/N11. This discontinuous ribbon of development continues east to the village of Newcastle on the opposite side of the national road.

The original historic village centre is to the north end of the current urban area. Further south of the historic centre is a small modern shopping centre anchored by a Dunnes Stores outlet with offices and apartments. There is no specific town core, but there are commercial outlets including a hotel, restaurants, small offices, pubs and shops along the road for much of its length. The old village centre to the north has two prominent original buildings – St. Mathews church, and a former school now in use as a popular restaurant/lifestyle shop (Fishers of Newtownmountkennedy). There is a near continuous strip of 2-3 storey buildings of various periods running along the west side of the main road south from the appeal site to the Dunnes Stores outlet and beyond.

2.2. The appeal site

The appeal site, with a site area given as 1.56 hectares, is part of an elongated area of unused grassland within the older northern part of the town. It extends west from

the R765, with a stone wall bounding the road. The site is mostly low quality grazing land (currently unused), with a single hedgerow running across it. There is a distinct fall in levels from northwest to southeast. To the **west** is the rear of a housing estate of semi-detached dwellings. Part of this estate bounds to the north, with open land (the garden of a large period house) next to this. To the **south** of the site is a line of derelict buildings associated with a former fever hospital, with open land behind it in the shallow valley of a small stream. Beyond this is a small hotel and a shopping centre with Dunnes Stores and modern apartments and a medical centre. Opposite the site (to the **east**) across the main road is St. Mathews Church and presbytery – this is probably the original village centre.

3.0 **Proposed Development**

The proposed development is a residential scheme consisting of 43 apartments in two blocks and 28 no. 2-storey terraced dwellings, including a number of other facilities including a ground floor creche with play area, car and cycling parking and ancillary features.

4.0 **Planning Authority Decision**

4.1. **Decision**

The planning authority decided to grant planning permission subject to 26 no., generally standard conditions.

4.2. **Planning Authority Reports**

4.2.1. Planning Reports

There are two planning reports on file, the second consequent to a request for further information.

First report:

- Notes previous application withdrawn after recommendation to refuse because of retail elements.
- Notes sites zoning as 'town centre' and related retail policies.

- Notes comments by Roads and Drainage and request for additional information/changes.
- Notes extensive third-party submissions.
- The creche and housing mix are considered acceptable in principle, as is the use for predominantly residential purposes.
- The overall design is considered acceptable.
- It is considered that there would not be unacceptable impacts on existing residential amenities.
- It is unclear that there is sufficient quantum of public open space within the scheme – further information required.
- A shortfall of parking spaces is noted, but is not considered significant having regard to the context.
- Questions are raised about details of the boundary treatments.
- It is not considered that there are any flood risks associated with the site.
- It is stated that the site ‘is removed from any physical direct or indirect links to any designated Natura 2000 site’, and so an NIS is not required.
- Further information requested.

Following the submission of additional information (12th July 2019), a second report concluded:

- Noted further comments from internal and prescribed bodies.
- The further information was considered acceptable, with a number of outstanding issues regarding parking and finishes that could be dealt with by way of condition.
- Permission recommended subject to conditions.

4.2.2. Other Technical Reports

Housing, Capital Projects – notes discussions with the applicant regarding Part V.

Development and Environment – no objection, recommends conditions.

Transportation, Water & Emergency Services – requests a number of alterations and additional details on road and parking provision.

4.3. **Prescribed Bodies**

Transport Infrastructure Ireland – no comments on the proposed development.

Irish Water – no objection (confirmed following receipt of further information).

4.4. **Third Party Observations**

John O’Toole of Church Hill, Newtownmountkennedy – objected for design and flooding related reasons.

Claire Downey of Season Park – objected for amenity and road design reasons.

Fiona Kelly and Denis Kelleher – object for reasons of design and traffic and amenity.

Edith, Thomas and Philip Wheatley of Season Park Farm – Objected for reasons of design and amenity (confirmed objections following further information submission).

Peter McCormick of Main Street – objected for detailed design reasons (also objected following the further information submission)

Hughie Nolan and Paul Lee of Newtown FC – requests that part of any financial contribution be ringfenced for local sports clubs.

Paul O’Toole and Terri O’Leary of Church Hill object for traffic and safety reasons.

Newtownmountkennedy Town Team – Object for design and traffic reasons.

5.0 **Planning History**

PL18/701: Application on the site including residential and commercial/retail withdrawn following indication that it would be refused permission as contrary to policy to protect the retail core of the town.

There is a current appeal under the Derelict Site Act relating to a proposed Levy on the site (**ABP-305595-19**). A recent decision on the lands to the south overturned the proposed Levy for that site (**ABP-300588-18**).

Nearby sites:

05/3014/PL27.218740: Mixed use town centre development refused for excess parking and design issues (impact on the amenities of the village).

6.0 Policy Context

6.1. Development Plan

The site is zoned 'Town Centre' in the Newtownmountkennedy LAP 2008. The town is considered a 'Level 4' settlement in the County Development Town, with a target increase in population from some 3000 in 2011 to 6000 in 2028. There are a number of protected structures in the vicinity, but none on the site.

6.2. Natural Heritage Designations

There are no Natura 2000 sites in the vicinity of the town. The site is part of a watershed that discharges to the coast at The Murrough tidal wetlands just under 5 km to the east, which is both an SPA and SAC.

7.0 The Appeal

7.1. Grounds of Appeal

Newtownmountkennedy Town Team (c/o Hugh O'Toole)

- The appeal focuses on design and how the proposed development integrates with the town.
- It is noted that it is close to two historic buildings, St. Matthews Church and Season Park House, and will be visible from Fishers, a protected structure. It is submitted that there is insufficient information available to assess the overall visual impact of the development on the village and the design and density appears not to integrate with the existing fabric of the village.

- It is argued that a fully comprehensive traffic assessment should have been carried out and that the use of a single point entry/exit is inappropriate.
- It is argued that the site is not well integrated to the village as there is only a single entrance to the main road, and it lacks any social integration with no provision for the elderly or those with assisted living needs.
- It is argued that the proposed development lacks any variety of use, although the removal of the retail element in the previous application is welcomed.
- It is submitted that the layout is inefficient and does not minimise carbon emissions.
- It is argued that the permission is based on an out of date LAP.
- It is argued that the proposed development does not take account of potential flooding issues and its potential to exacerbate downstream flooding.
- It is submitted that the proposed development lacks a sense of place and lacks distinctiveness.
- It is argued that the layout does not promote people friendly routes for walking and cycling to school and other facilities in the town.
- It is argued that it will reduce existing on-street parking and that the boundary treatment is of poor quality and unsuitability.
- It is submitted that the proposed buildings allow no scope for change in the context of climate change.
- It is argued that the apartment block will significantly impact on local amenities by way of overlooking. It is argued that the proposed fencing is substandard.
- It is submitted that there has been insufficient assessment on the potential impact on parking around Fishers and St. Mathews Church.
- It is argued in summary that the overall design has not been carefully considered and thought through.

7.2. Applicant Response

- A series of tables are attached to demonstrate that the proposed development is consistent with all Development Plan standards.
- With regard to submissions about the overall design and provision of open space, detailed arguments are submitted providing the background to the application and the overall design to support the contention that the density is in line with national and local plan policies and projections, and that the design has fully taken account of the local context.
- It is argued that the proposed childcare facility is in line with the Childcare Guidelines in terms of size and layout.
- The arguments with regard to a greenway and integration with the town are accepted, but it is stated that this would require the provision of paths and accesses onto lands outside the control of the applicant. It is submitted that the existing proposed access is fully in accordance with the requirements of the planning authority.
- With regard to the issue of inclusivity, it is noted that the developer has offered 7 no. units as part of its Part V agreement.
- It is argued that the mix of units is fully compliant with planning policy, and includes a wide range of units from 1 to 4 beds.
- With regard to sustainability and efficiency, it is argued that the density and location of the proposed development is consistent with an efficient and sustainable use of urban lands, and a consultant (Evolved Energy Solutions) has assisted with calculating the rating of the proposed apartments and houses – all units to be A rated.
- It is acknowledged that the LAP has not been updated, but it is submitted that the application was reviewed and assessed in the context of all up to date policy.
- With regard to flooding, it is noted that the planning authority fully addressed flood issues, and a Civil Engineering Infrastructure Report with the original application fully addressed all issues of run-off, and the site will be

constructed according to the criteria set out in the Greater Dublin Strategic Drainage Study.

- With regard to design and the public realm, it is noted that detailed plans were submitted and the issue of boundary treatments and landscaping was fully addressed by the planning authority in its report.
- It is considered that the issue of 'adaptability' has been addressed in the design with regard to sustainability and efficiency.
- It is denied that there is any issue with regard to impacting on local amenities – these issues were addressed in the overall design and proposals for boundary treatment.
- With regard to parking and access, the applicant is referred to drawing no. CL006 for sightlines. It is argued that the proposed development will improve the local situation for parking, pedestrians and cyclists, and there will be an overall improvement in footpaths by way of the development contribution.
- It is submitted that the proposed development is in accordance with the criteria set out in the NSS and the National Planning Framework.
- With regard to specific concerns set out in the letter, it is submitted that all residual issues regarding height and drainage and boundary treatments/landscaping can be addressed by way of conditions.

A number of additional plans are attached with the submission.

7.3. Planning Authority Response

The planning authority did not respond to the grounds of appeal.

7.4. Further Responses

In response to the response, the appellant submitted the following points:

- Regarding density, it is argued that there is sufficient residential land within the town to meet the target population of 6000 by 2020. It is argued that the current CDP recognises that no town can grow more than 30% on 2016 figures, and the CDP should take precedence over the LAP.

- Clarity is requested on the issue of height, with regard to the generally elevated levels of the site.
- It is requested that boundary walls are replaced with masonry or stone only, and more consideration be given to the impact on trees on adjoining sites.
- A photo is attached with regard to arguing that existing street parking will be removed if the proposed development goes ahead and this will leave the immediate area deficient in parking.
- It is reiterated that a comprehensive plan for parking and access should have been part of the overall submission.
- It is argued that the proposed design should have used newer existing developments such as Glenbrook and Wicklow Hills to integrate better with the existing fabric of Newtownmountkennedy. Photos are attached of existing buildings within the town.
- It is argued that there are no calculations attached with regard to the attenuation of floodwaters.
- In summary, it is requested that additional consideration be given to the overall integration of the proposed development with the existing pattern and fabric of Newtownmountkennedy.

8.0 **Assessment**

8.1. Having inspected the site and reviewed the file documents, I consider that the proposed development can be addressed under the following broad headings.

- Principle of Development
- Overall design and layout
- Traffic safety, parking, cycling and pedestrian provision.
- Flooding
- EIAR and AA
- Other issues

8.2. Principle of Development

Context

Newtownmountkennedy is a small town located in east central Wicklow with a population in the 2016 census of 2,835 persons, and a total housing stock of 950 units. This represents an increase of around 450 people from the previous census (2011) but is well below the projected population of 6,000 in the 2008 County Development Plan. A number of new housing estates are under construction and/or have been recently completed so it is likely that the population for 2021 would be significantly over 3,000.

Newtownmountkennedy is just west of the N11 and is c. 17 km north of Wicklow Town, 7 km south west of Kilcoole and 9 km south-west of Greystones. The town lacks a train station, the nearest is at Greystones – it is connected by public transport to Dublin by Bus Eireann route 133 (Wicklow Town to Dublin Airport). It has an extended linear form, running for around 1.5 km along a regional road (formerly part of the main Dublin-Rosslare N11) linking the demenselands around Newtownmountkennedy House to the north, with a cluster around the older village and Church of Ireland church (St. Mathews), extending to another node to the south, clustered around the more recently constructed catholic church and Newcastle Hospital, with a small gap before the village of Newcastle. The linear sprawl includes a scattering of smaller shops and pubs, with a substantial modern shopping centre and small hotel closer to the north, and more modern estates off link roads on either side. The appeal site is located on the north end of the town, opposite St. Mathews, which seems to be the historic centre.

The town is served with water from the Vartry Scheme and is connected to a regional WWTP serving a number of settlements in the mid-Wicklow area.

Zoning

In the **Greater Dublin Regional Planning Guidelines 2010-2022** Newtownmountkennedy is identified as a “moderate sustainable growth town” in the settlement hierarchy. This identification is reflected in the current **Wicklow County Development Plan**.

Newtownmountkennedy is designated as a ‘Moderate Growth Town within the Hinterland Area’ in the current Wicklow County Development Plan. The site is within

the town of Newtownmountkennedy, which is covered by the Newtownmountkennedy Local Area Plan 2008-2018. A new LAP is under preparation, but no draft has been issued yet. **It is zoned 'TC' (Town Centre)** in this LAP. The objective for TC zoned areas is as follows:

To provide for the development and improvement of appropriate town centre uses including retail, commercial, office and civic use, and to provide for 'Living Over the Shop' residential accommodation, or other ancillary residential accommodation. To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and promote urban design concepts and linkages between town centre activity areas.

The planning authority state in their report that they consider the proposed use to be in accordance with the zoning designation.

National and local policy

The following list of section 28 Ministerial Guidelines relating to housing are of key relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual), with specific reference to density requirements.
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities.
- Urban Development and Building Heights, Guidelines for Planning Authorities.
- Design Manual for Urban Roads and Streets.
- The Planning System and Flood Risk Management (including the associated Technical Appendices).
- Childcare Facilities – Guidelines for Planning Authorities.

The proposed development has a density I calculate as roughly 36 dwellings per hectare. With regard to density, the departmental guidelines state with regard to outer suburban sites in large towns:

Studies have indicated that whilst the land take of the ancillary facilities remains relatively constant, the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally. Development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares.

I would therefore consider that the density is in accordance with national guidelines and generally appropriate for a town centre site, albeit one without particularly good public transport links to major employment centres. If public transport connecting the town to larger centres was better, I would consider that density should be higher. Having regard to the zoning designation, and relevant national and regional planning guidelines, I would conclude that the use of the site for residential use at the proposed density is general consistent with stated policy at all levels, subject to general planning considerations and the design objectives set out in national guidelines and the **Design Manual for Urban Roads and Streets** and related housing and apartment design guidance, in addition to the standards set out in the Development Plan.

Planning history

In 2007 the Board on appeal (**PL27.218740**) refused permission for a mixed use development (70 apartments in addition to retail and office) on the site for the following reason:

Having regard to the large area of the site given over to provision of surface carparking, to the limited usability of communal open space and to the unfavourable private open space provision for some of the larger residential units (particularly in duplex blocks), it is considered that the proposed development would constitute an over development of the site, which would provide a poor quality, unsustainable residential environment and militate against the maintenance of a stable community in the longer term. The proposed development would, therefore, seriously injure the amenities of the

village and of property in the vicinity and be contrary to the proper planning and sustainable development of the area.

I note the comments by the Inspector on page 16 of the report with regard to the absence of an urban design framework for developments in the area in the context of a number of developments taking place in this part of the village, and the difficulties this creates in assessing the need for connectivity between sites – I would note that this is all the more important as DMURS has been adopted since that last decision.

I will address the design aspects of the proposed development in more detail, but with regard to planning history I would comment that since the Board refusal there have been a number of generally quite high quality schemes permitted in Newtownmountkennedy – some have been completed- but that the overall plan context has not generally changed at a local level, notwithstanding significant policy changes in policy at a national level. I would consider that a proposal such as the current one for residential use only is consistent with policy and previous decisions by the Board, but that given the context a high quality of design is a necessity. Unfortunately, the same situation as referred to by the previous inspector, i.e. the absence of any published design strategy for the town – still applies. This results in a more subjective context for assessing any such residential development.

8.3. Overall design and layout

Urban context

Newtownmountkennedy is a linear development running for approximately 1.5 km more or less parallel to the N11. It appears to have developed as an estate village for the nearby Newtownmountkennedy House and a number of other large houses and demesnes in the area – the nearby village of Newcastle appears to be the oldest settlement in the area. Older maps indicate a number of mills along streams in the area which were presumably the economic basis for the original 18th-19th century growth in the area. There were also 19th Century institutional uses in the village, including a fever hospital just south of the appeal site.

The town has two distinct nodes – the historic centre around Saint Mathews Church to the north, with more recent node to the south, possibly having developed around

the catholic church in the later 19th Century. There is a recently constructed Dunnes Stores with a shopping centre south of the site (across the shallow unnamed river), along with new apartments. There is no real commercial heart to the town apart from this shopping centre – shops and public houses are loosely strung along the main road, with a significant number of vacant premises. A number of new housing estates parallel to the main road are contributing to the town filling out, and developing a more distinct form and perhaps a more sustainable population. There is one lifestyle shop/café opposite the site, otherwise, the closest retail outlets are the Dunnes Stores and frontage shops along the main road. There is an older housing estate to the west, and a large dwelling to the north. To the south are a line of derelict sheds and what may once have been associated with a former fever hospital or mills along the stream.

The lands therefore can be described as integral to the town and an obvious infill site for the historic heart of the town. It unfortunately only has a narrow frontage to the main road with no obvious potential links to adjoining sites. As the Inspector noted in the previous appeal, the potential benefits for creating permeable linkages through the site to link up with the housing estate to the west and to the newer developments to the south are obvious, but in the absence of a framework plan it is not possible to impose this – of necessity it will appear that any development will take a cul-de-sac form, which is unfortunate and contrary to good practice and the detailed advice set out in DMURs.

Layout and design

The proposed development consists in broad terms of two long terraces of dwellings on the western and northern sides, backing onto adjoining residential areas, in addition to two large free-standing apartment blocks with surface carparking. There is a single entrance on the eastern side, opposite St. Mathews Church. There are no links provided to lands to the south or the adjoining housing estate. The creche is located on the eastern side of the site at the highway entrance and is a single storey structure.

The overall layout is conventional and is, with caveats, consistent with DMURS, although it lacks connectivity to other areas and the creche building to the front lacks the type of urban presence that would be ideal in such a location. The large amount

of surface parking is less than ideal, especially as it is aligned around the apartment buildings. The opportunity to create a more urban and intimate urban development as envisaged in DMURS has not been taken, and it is likely to become a visual sea of parked cars, with desire lines across the grassed areas around the apartments where people take appropriate short cuts. It should be acknowledged that the revised plans submitted on the 12th July 2019 are a significant improvement on the original submission. Connectivity to the town centre is disappointingly low, but this is driven by the nature of the site, there is no opportunity for creating more direct links to the town as this is across private land. But all the major facilities of the town will be within easy walking distance from the site, although it would seem likely that most of the future occupants of the estate would be commuters to other towns or Dublin.

The overall design of the buildings is not particularly exceptional, but is generally acceptable given the context and the absence of a clear design structure plan in the LAP or other local guidance. The design is very much suburban rather than urban in form and as such cannot really be said to enhance the town, although neither would it particularly detract from the immediate area.

The appellant has raised very reasonable concerns about connectivity and the overall internal quality of the development, but I accept that there is only one viable access that can be created for the site unless other adjoining landowners co-operated. I note that these were also raised by the Inspector in the previous appeal for the site, but I consider that the design as submitted is reasonable and addresses those concerns that are within the applicant's power to address.

Historic context

There are two structures on the NIAH opposite the site – a house, now in use as a lifestyle store, described in the NIAH as follows:

Detached single-bay one and a half-storey former school house, built c.1850, and now in use as a shop. A small gabled porch sits to the north of centre and has a replacement part glazed panelled door. Windows to other facades are flat-headed and have security bars. Frames are a mixture of sash and casement, in both timber and uPVC. The pitched roof has slate roof covering

and overhanging eaves and verges with painted soffit and bargeboards and a mixture of cast-iron and uPVC rainwater goods. Rendered chimneystacks with corbelled caps and clay chimneystacks. The building sits on a prominent site junction of three roads.

A former school which has been successfully re-used as a shop and adds much to the architectural variety of the street.

In addition to St. Mathews Church, described thusly:

Detached three-bay single-storey over basement church, built in 1834. The three-stage castellated tower with tall pinnacles sits at the east side of the nave; a small flat-roofed projection of c.1890 sits to the north east side of the tower. The facades are finished with lined render with the exception of the top stage of the tower which is in ashlar granite. The sheeted door is set within a pointed arch-headed opening with dripstone moulding and label stops. Each stage of the tower is articulated with a plain projecting string course. Stage three incorporates the bell tower and has a louvred pointed arch-headed opening to each face; there is a clock at stage two. Windows to the nave are panel tracery as is the window to the west gable which is slightly larger. The pitched roof is slated and rainwater goods are in uPVC. The church is well set back on a sloping site behind a rendered wall with rubble cap and incorporates square gate pillars with pyramidal stone cap and a wrought-iron gate.

Fine example of a Board of First Fruit's Gothic Church of Ireland church of the early 19th century which adds much to the quality of the architectural environment.

To the north is the rectory, described as follows:

Detached three-bay two-storey former rectory, built c.1800, and now in use as a house. To the east is a long single-storey wing addition of c.1890 while to the centre of the west façade, is a recent flat-roofed single-storey porch

addition. The house is double-piled. It is finished in lined render with plain quoins and has moulded decorative dressings to the original front door. The original front door is now in use as a French window. All window openings are flat-headed and have six over six top-hung uPVC frames. Openings to the east addition are semi-circular headed and have intersection tracery patterns to the frames. The M-profile roof is pitched and slated with uPVC rainwater goods. Chimneystacks are rendered and have corbelled caps and clay pots. The house is well set back, behind a recently constructed curved gate screen, within a large private garden.

Though somewhat altered and undoubtedly re-ordered internally, externally this former rectory is substantially intact. Combined with the fine original setting the house makes a valuable contribution to the surroundings.

In addition, there is an old stone rubble wall along the frontage. The derelict buildings that line the boundary of the site to the south appear to have been storage/commercial buildings from the 19th Century, perhaps associated with former mills or a fever hospital that occupied the site in the late 19th Century and somewhat later. While they have potential for restoration, they do not appear to have significant conservation value, except perhaps in the context of the town's cultural history.

The overall historic context is important as this appears to be the oldest selection of building fabric from the town and constitutes the most distinctive part of the overall Newtownmountkennedy streetscape. There are no proposals to directly impact upon any protected structure, although the development will be clearly visible from around all three buildings on the NIAH, two of which are well visited by the public. The context is therefore important and as noted above, I do not consider that the design makes best use of the overall streetscape, in particular with the location of the single storey creche by the main road – this will be the most visible element of the overall development.

Notwithstanding this, I do not consider that in overall terms the impact would be substantially negative, and the overall benefits of a moderately high density development on this site will undoubtedly benefit this side of the town. I do not

therefore consider that this is a reason for refusal or for conditioning substantive alterations to the proposed development.

Internal and external amenity

The overall design provides an acceptable level of internal amenity, and I do not consider that there are any issues with regard to overshadowing or overlooking either within the proposed estate or for adjoining dwellings. The apartment design is generally in line with national and development plan guidelines. I do have significant concerns about the layout for parking and pedestrian access, which I consider not to be consistent with DMURs or the general principles of good design – I will address these further in the relevant section below.

Landscaping and boundary details

The north and west of the site bound on to the rears of existing residential properties and will have standard fencing where applicable. There is currently a largely open boundary to the south, where there is a low ditch and vegetation marking the boundary with the open grassland and derelict structures next to the site. It is proposed to erect a standard timber fence along the southern end.

I note that there are a number of good quality trees in the site, in particular in a vestigial hedgerow running through the site. Unfortunately, no attempt appears to have been made to protect any of these mature trees, which would undoubtedly contribute to improving the overall setting of the new development. It would appear that while attractive, none of these trees have any specific qualities worthy of preservation. The applicant has proposed additional landscaping, although the overall setting is quite poor, with just general green space around the apartment blocks with no obvious utility.

8.4. Traffic safety, parking, cycling and pedestrian provision.

The original proposed development includes what I calculate to have been 66 shared parking spaces, all on the surface around the apartment blocks and creche, in addition to 56 spaces in front of the 28 dwellings – the submitted plans state that there are 129 spaces. This equates to just over 1.5 spaces per apartment and 2

spaces per dwelling. Three spaces were allocated for wheelchair users and there five areas for cycle parking with the number of bike parking spaces indicated as 230. Following an FI request, there was a significant redesign of the parking area, resulting in a total of 72 shared spaces around the apartments and creche in addition to an average of two per proposed dwelling.

Relevant guidelines and standards for car and bike parking include the following:

County Development Plan: Generally, 2 spaces per unit required for all dwellings (Section 7 'Development and design standards'). Also, in Section 1 of the Development and Design Standards:

Car parking

- 2 off street car parking spaces shall normally be required for all dwelling units over 2 bedrooms in size. For every 5 residential units provided with only 1 space, 1 visitor space shall be provided. Parking for non-residential uses shall be provided in accordance with the standards set out in Table 7.1 to follow except where a deviation from the standard has been justified.

In new housing areas, car parking has traditionally been located on site, to the front of houses resulting in a regular 6-10m set back and regular buildings lines.

Alternative parking arrangements that avoid this monotonous format should be provided; however, parking will always be required to be proximate to the dwelling served.

- In cases where the front door of a residential unit is directly onto a road that is not suitable for on-street parking (e.g. a main distributor road), car parking shall be located adjacent to a back or side door;

- Communal car parking areas shall be conveniently located for residents and suitably lit at night-time;

- Adequate provision shall be made for visitor and disabled car parking;

- Designated sheltered and secure bicycle parking will be required in apartment developments.

- Shared residential car parking areas shall be constructed (including the provision of necessary wiring and ducting) to be capable of accommodating future Electric Vehicle charging points, at a rate of 10% of space numbers

The **Sustainable Housing Guidelines** give few precise guidelines for parking, but generally states in section 6.8 with regard to smaller towns, that developments should:

provide for effective connectivity, especially by pedestrians and cyclists so that over time, small towns and villages become especially amenable to circulation by walking and cycling rather than building up reliance on the car; and

- include a design approach to public areas such as streets, plazas and open spaces that is guided by the best principles of passive surveillance to encourage a safe sense of place, discourage anti-social behaviour and facilitate effective community policing.

The **Apartment Design Guidelines** states:

Intermediate Urban Locations:

4.21 In suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net (18 per acre), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.

DMURS states with regard to surface parking (I have highlighted key points):

...design response, the first priority of a designer should be to locate parking on-street as follows:

On *Arterial* and *Link* streets on-street parking spaces should be provided in a series of bays that are parallel to the vehicular carriageway.

Perpendicular or angled spaces may be provided in lower speed environments such as *Local* streets. They may be applied more generally in *Centres* to cater for increased demands around shopping areas.

On-street parking on public streets should not be allocated to individual dwellings. This allows for a more efficient turnover of spaces and, as such, fewer spaces are needed overall.

Loading facilities should preferably, be provided off street. However, this is not always possible or desirable within older centres and/or where it would lead to an excessive number of access points to driveways.

There are a number of measures that should be used by designers to ensure that parking and loading areas are well designed (see Figures 4.75 and 4.76):

To reduce the visual impact of parking the number of parking spaces per bay should generally be limited to three parallel spaces (including loading areas) and **six perpendicular spaces.**

Perpendicular parking should generally be restricted to one side of the street to encourage a greater sense of enclosure and ensure that parking does not dominate the streetscape.

To reinforce narrower carriageways (particularly when spaces are empty) each parking/loading bay should be finished so that it is clearly distinguishable from the main carriageway.

Kerb build-outs, or similar treatment, should be provided to separate each bank of parking/loading. These will enable space for the planting of street trees and other street facilities (such as lighting or bike racks).

Kerb build-outs should also be provided on the approach to junctions to facilitate visibility splays (see Section 4.4.5 - Visibility Splays), reduce corner radii (see Section 4.3.3 Corner Radii) and ensure a clear line of sight between vehicles and pedestrian crossings.

The Development Plan also states that apartments should be provided with appropriate number of **covered, secure** bike parking areas.

In overall terms I would consider that the quantum of parking provision is on the high side, although probably realistic considering the location. It is unclear from the plans as to whether the parking bays in front of the houses are intended to be shared or curtilage, although to be consistent with DMURs they should be shared. I further

note that DMURs explicitly states that perpendicular parking should not be used on both sides of a street.

I would also note that there is no provision for electric charging, and it would seem difficult from the layout to provide this, but I would consider this to be an essential component of a modern development.

I further note that the original layout of the parking ensures quite a confused access to the apartments by foot on cycle as there are few gaps allowed through the ranked parking spaces to allow access (if all spaces are filled). The overall design was significantly improved in the revisions submitted the 12th July 2019, although it is still I would consider somewhat less than satisfactory. But the revised layout certainly has a superior allocation of bike parking spaces into more useable locations.

I would consider that the overall design is not consistent with DMURs, although it could be altered by condition, although it would be difficult to accommodate so many parking spaces on a different layout. I would recommend a reduction in the number of spaces for the apartments in order to allow more definition to the frontage and to create more permeability for pedestrians and to allow the planting of more street trees to visually break up the monotony of double lines of car parking spaces. It would still be contrary to much of the advice in DMURs, but I would not consider that it would justify a refusal for this reason alone. I would recommend a condition to delete a number of the car parking spaces around the apartments in order to break up the visual appearance of the parking and to allow for more natural pedestrian flows through the site.

I have particular concerns about the bike parking provision. The original design had parking areas scattered haphazardly around the estate – the current provisions are superior and more useable, but still less than ideal. The Board may wish to consider a condition to increase the quantum of parking to the rear of the apartments – this would appear to be the most secure area for a bike, but on balance I would consider that the overall design does not require significant alterations. I would note that while roofed, it does not appear to be proposed to secure any of the bike parking areas. I would consider that at least one should be gated and locked, I would recommend that the bike parking area to the rear of the apartment blocks would be the most appropriate one, and I recommend a condition to this end.

8.5. Flooding

There are no records of floods in the town or the site. The site is distinctly elevated over the adjoining shallow valley. There are no records of floods for this stream. I would recommend a condition such that the development be finished to SUDS standards to ensure that it does not contribute to excessive run-off to adjoining lands.

8.6. EIAR and AA

8.6.1. EIA

The application was submitted to An Bord Pleanála after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.

Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

The proposed developments involve less than 100 no. residential units on an overall site of less than 1.6 ha. The site is located in an urban area that is not considered to come within the above definition of a “business district”. It is therefore considered that the development does not fall within the above classes of development and hence does not require mandatory EIA.

As per section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority subject to criteria outlined in the regulations.

With regard to the criteria, the greatest sensitivity of the site is its proximity to a tributary river which is approximately 5 km upstream of two designated EU habitats in The Murrrough. Notwithstanding this, I do not consider that having regard to the relatively modest scale of works and the robust local environment, there are elements to the works that would be considered likely to cause a significant impact on the environment.

I would therefore conclude that, based on the nature, size and location of the development, there is no real likelihood of significant effects on the environment. The need for EIA is therefore precluded and a screening determination is not required.

8.6.2. Appropriate Assessment

There are no designated EU habitats within 1 km of the site. The site is within the catchment of a stream to the south, which drains to The Murrrough SPA and SAC at the coast – these are overlapping coastal habitats just under 5km to the east of the site. The features of interest of the SAC are as follows:

Annual vegetation of drift lines
Perennial vegetation of stony banks
Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)
Mediterranean salt meadows (<i>Juncetalia maritimi</i>)
Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i>
Alkaline fens

For the SPA, the features of interest are coast dwelling birds:

Red-throated Diver (<i>Gavia stellata</i>), Greylag Goose (<i>Anser anser</i>), Light-bellied Brent Goose (<i>Branta bernicla hrota</i>), Wigeon (<i>Anas penelope</i>), Teal (<i>Anas crecca</i>), Black-headed Gull (<i>Chroicocephalus ridibundus</i>), Herring Gull (<i>Larus argentatus</i>) and Little Tern (<i>Sterna albifrons</i>).
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The conservation objective of both designated habitats is to protect and enhance the relevant habitats and birds.

The proposed development would have no direct impact on these habitats. The nearby stream is the only obvious pathway for pollution or other impacts. As wastewater from the dwelling is to be connected to the east Wicklow system, the only likely arisings of pollution or run-off would be from the construction activities. As there is several hundred metres between the site and the nearby watercourse, I am satisfied that standard protective measures that are intrinsic to the works would ensure there is no likelihood of suspended solids or other pollutants reaching the designated habitats. I am also satisfied that the use of SUDs criteria (which I would consider integral to the works) in addressing run-off from the development will ensure no direct or indirect impact on the adjoining watercourse, either through a deterioration of water quality or an increase in storm run-off.

I consider therefore that it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 002249, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.7. Other issues

I do not consider that there are any other substantive issues raised in this appeal

9.0 **Recommendation**

I recommend that the Board grant permission for the proposed development subject to the conditions set out below, for the following reasons and considerations.

10.0 Reasons and Considerations

Having regard to:

- a) the site's location adjoining the established settlement of Greystones, Co. Wicklow on lands with zoning objectives for residential, employment and community land uses under the Newtownmountkennedy Local Area Plan 2013-2019;
- b) the policies and objectives in the Wicklow County Development Plan 2016-2022;
- c) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
- d) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments;
- e) the Design Manual for Urban Roads and Streets (DMURS);
- f) the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices);
- g) the nature, scale and design of the proposed development;
- h) the availability in the area of a wide range of social and transport infrastructure;
- i) the location of the site within the development boundary of an existing town close to retail and other facilities;
- J) the pattern of existing and permitted development in the area, and
- k) the submissions and observations received.

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would be acceptable in terms of urban design, height and quantum of development, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area, would not give rise to flooding in the area, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.

In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity

2. The proposed development shall be modified as follows with regard to transportation, pedestrian/ cycle and roads requirements:
 - (a) Parking spaces no. 22, 23, 50 and 51 shall be removed and replaced with street trees and dropped kerbs to allow pedestrian/cyclist permeability and access to the apartments.
 - (b) The bike parking area to the rear (south) of apartment Blocks A and B shall be expanded to include space for a minimum of 50 spaces and shall be roofed and fully secured.
 - (c) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings, car parking bay sizes and road access to commercial parking shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii, and cycle tracks within the development shall be in accordance with the guidance provided in the National Cycle Manual.
 - (d) The materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.

(e) All works to public roads/footpaths shall be completed to taking in charge standards and shall be to the satisfaction of the planning authority.

(f) The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works, which shall be submitted to the planning authority for its written agreement. The developer shall carry out all agreed recommendations contained in the audit, at his expense.

Revised drawings and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interests of pedestrian, cyclist and traffic safety and sustainable transportation.

3. All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transport.

4. The materials, colours and finishes of the authorised buildings, the treatment of boundaries within the development and the landscaping of the site shall generally be in accordance with the details submitted with the application, subject to the following amendments –

(a) All rear gardens of houses shall be bounded with brick or concrete block walls, which shall be a minimum of 1.8 metres high, except where bounding public open spaces or roads, when the walls shall be 2 metres in height, or by concrete post and concrete panel fences, 1.8 metres high.

(b) Details of all boundaries shall be agreed with the planning authority.

Details showing the required amendments shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interests of visual and residential amenity and to ensure the provision of durable boundary treatments.

5. The developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development. Drainage arrangements shall comply with the requirements of the planning authority for such works and services and all surface water shall be treated within the site.

Reason: In the interest of public health.

6. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenity.

7. Prior to commencement of development, the developer shall submit to, and obtain the written consent of, the planning authority for:
 - (a) A tree protection plan.
 - (b) A programme of tree surgery works.
 - (c) Details of root zone design and specification for street trees proposed.
 - (d) Detailed design proposals for the proposed play areas.

Reason: To protect the amenity value of existing trees and ensure a high-quality landscape design throughout the scheme in the interest of proper planning and sustainable development.

8. Public lighting shall be provided in accordance with a scheme, 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 by the developer for occupation of any house / unit within the relevant phase of the development.

Reason: In the interest of amenity and public safety.

9. 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 interests of visual and residential amenity.

10. Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name 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 of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

11. The developer shall comply with the following requirements:
 - (a) Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, those areas of the site that will be taken in charge by the planning authority.
 - (b) Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owners' Management Company.

Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

12. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials 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, in particular recyclable materials, in the interest of protecting the environment.

13. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and 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 order to safeguard the residential amenities of property in the vicinity.

14. 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.

15. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to

commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

16. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

17. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

18. 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 phased 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.

Philip Davis
Planning Inspector

17th April 2020