



An
Bord
Pleanála

Inspector's Report

ABP-306425-20

Development	Housing development to include 3 apartment blocks with a total of 58 apartments, connection to main services and all associated site development works.
Location	Blessington Demesne (off Main Street), Blessington, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	191020
Applicant(s)	Glengolden Builders Ltd.
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	St. Joseph's Road Residents Committee
Observer(s)	Blessington and District Forum
Date of Site Inspection	15 th July 2020

Inspector

Emer Doyle

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.564 hectares and is located in the town centre of Blessington, Co. Wicklow.
- 1.2. The site is rectangular in shape. Adjoining uses include a creche to the north-west, and a theatre and national school to the north-east. The site is bounded by roads on two sides. A multi-storey car park and shopping centre are located on the opposite side of the road to the south west and a two storey development of terraced houses at St. Joseph's Road are located on the opposite side of the road to the south east. The houses at St. Joseph's Road are accessed from the main street of Blessington and car parking and an attractive open space area are located to the front of these houses. A number of houses also have pedestrian rear garden access from the roadway between the appeal site and these houses.

2.0 Proposed Development

- 2.1. Permission is sought for 58 No. apartments in 3 No individual blocks as follows:

Block A: Ranges in height from 3 to 4 storeys and consists of 22 No. units as follows: 3 No. 3 bed apartments, 14 No. 2 bed apartments and 5 No. 1 bed apartments.

Block B: Ranges in height from 3 to 4 storeys and consists of 18 No. units as follows: 3 No. 3 bed apartments, 14 No. 2 bed apartments and 1 No. 3 bed apartment.

Block C: Ranges in height from 3 to 4 storeys and consists of 18 units as follows: 3 No. 3 bed apartments, 7 No. 2 bed apartments and 8 No. 1 bed apartments.

It is proposed that the apartment blocks are served by 2 No. vehicular entrances to the site off the existing road.

A total of 77 No. car parking spaces are proposed together with 150 No. bicycle parking spaces.

The application is accompanied by the following:

- Planning Report
- Design Statement
- Booklet of 3D Views

- Drainage Design Report

A Further Information Response was submitted to the Planning Authority dated the 6th of December 2019 which provided for the following:

- Overshadowing Study
- Skylight and Sunlight Study
- Details of boundary treatments and landscaping masterplan
- Sections through amenity space in Block A together with proposals for dwarf wall and privacy screening with obscure glazing.
- Details of road markings, signage and paving proposals.
- Details of sightlines for the 2 No. proposed vehicular accesses.
- Details of public lighting.
- Drainage Design Report and drainage details

3.0 Planning Authority Decision

3.1. Decision

Permission granted by Planning Authority subject to 19 No. conditions. Noteworthy conditions include the following:

Condition 15 (b): The new boundary wall on the north western boundary shall match the existing boundary in all respects.

Condition 15 (c): Prior to commencement of development, final design details including security gate design for the boundary treatment between the private open space and the public footpath for the ground floor apartments of Block A shall be submitted to, and agreed in writing with the Planning Authority.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The first planner's report dated the 1st of November 2019 considered that the principal of development and the density proposed were acceptable. It required further information in relation to a number of issues.
- The second report considered that the revised boundary treatment and landscaping details were satisfactory and that the proposed development would not have a significant impact on the adjoining properties to the southeast in terms of overshadowing or loss of light. It was considered that the response to the Further Information Request was satisfactory and permission was recommended subject to conditions.

3.2.2. Other Technical Reports

Fire Officer: No objection subject to conditions.

Roads Section: First report dated 15th of October 2019 required Further Information. The second report dated the 18th of December 2019 recommended permission subject to conditions.

Housing Section: Satisfied with Part V proposals submitted with application.

3.3. Prescribed Bodies

National Road Design Office

This application has been reviewed in respect of its proximity to the N81 Hollywood to Tallaght Road Improvement Scheme Preferred Route Corridor. It is not envisaged that the proposed development will have an adverse impact on the development of a route within the preferred route corridor.

Irish Water

No objection subject to conditions.

Dublin City Council

No objection from the point of view of minimizing pollution threats to the raw water in the Poulaphouca Reservoir.

3.4. **Third Party Observations**

A total of 15 No. observations were submitted. The issues raised are similar to the issues raised in the appeal and observation.

4.0 **Planning History**

A more detailed planning history is set out in the planner's report. Relevant applications include the following:

PA 01/4336

Permission granted for new town centre development

PA 10/2652

Permission granted for minor amendments to the townhouse scheme previously approved on this site under PRR 01/4436.

PA 15/584

Permission granted for extension of the appropriate period for PPR 10/2652 minor amendments to the townhouse scheme within the previously approved Blessington New Town Centre (PRR 01/4436).

PA 17/1116

Permission refused to extend the appropriate period of permission – PRR 01/4436- new town centre development.

5.0 **Policy Context**

5.1. **Development Plan**

Blessington Local Area Plan 2013-2019

Site is zoned as **TC- Town Centre** with an objective ‘to provide for the development and improvement or 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.’

Wicklow County Development Plan 2016-2022

Blessington is a Level 4 Moderate Growth Town with no restrictive conditions applicable.

Section 4.4 Housing Objectives

Relevant National Policy includes the following:

- The National Planning Framework
- Guidelines for Planning Authorities on Urban Development and Building Heights
- Design Manual for Urban Roads and Streets
- Sustainable Urban Housing: Design Standards for New Apartments
- Sustainable Residential Development in Urban Areas

5.2. Natural Heritage Designations

5.2.1. The following European sites are located in the vicinity of the site:

- Poulaphoca Reservoir c. 0.35km southeast of the site.
- Red Bog SPA c. 2.6km north of the site.
- Wicklow Mountains SAC and Wicklow Mountains SPA.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment, 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

- 6.1.1. The grounds of the third party appeal can be summarised as follows:

- Concerns regarding overlooking of the rear of existing housing on St. Joseph's Road.
- Concerns regarding road safety and traffic.
- Concerns regarding overlooking and overshadowing of the Cocoon creche and the school playing area.
- Impact on Visual Amenity.

6.2. Applicant Response

The response submitted can be summarised as follows:

- The appeal may be vexacious.
- It is considered that there would be a low traffic volume associated with the proposed apartment use and the theatre use would be different to school times.
- The measures set out in the appeal have been considered.
- It is noted from the planning file that the creche, theatre and national school raised no objections to the proposed development.

- It is considered that the general height of buildings in the town centre is a mix of 3 and 4 stories. The current proposal is a well designed modern apartment block which will improve the visual amenity of the area.

6.3. **Planning Authority Response**

- None.

6.4. **Observations**

The observation submitted can be summarised as follows:

- The third party appeal is supported.
- The issue of increased danger to school children walking/cycling to school has not been addressed adequately. The developer is adding two additional crossing points.
- With heavy parking on the road during school drop off and collection times, it is possible that residents of the new development will not be able to enter and exit the complex.
- Concerns in relation to overlooking were ignored.

7.0 **Assessment**

7.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Traffic Safety
- Impact on Visual and Residential Amenity
- Appropriate Assessment

7.2. Traffic Safety

- 7.2.1. The main concerns raised regarding traffic safety relate to the proximity of a national school and a theatre in proximity to the site and conflicts between these uses and the proposed residential use. Furthermore, it is considered that a Traffic Impact Analysis should have been carried out.
- 7.2.2. I note that there are two reports on the file from the Roads Section. The first report dated 15th of October 2019 required Further Information. The second report dated the 18th of December 2019 noted the Further Information Response and considered that there is a requirement for footpaths of 1.8m wide and road markings and signage would need to be agreed with the Council.
- 7.2.3. I note that a number of the points made in the appeal and observation express concern in relation to traffic hazard to pedestrians including school children together with a number of measures to address these concerns.
- 7.2.4. This site is a town centre site adjacent to the main street of Blessington. Two number access points are proposed to serve a total of 58 No. apartments in 3 No. Blocks. The road serving the site is a cul de sac which also serves a national school and theatre. The road serving the site was constructed as part of the overall road network for this area of Blessington as part of the town centre development at this location. The appeal response submitted on behalf of the applicant carried out a survey in February 2020 to measure traffic volumes in the area on a typical school day. It noted that the theatre events were infrequent and and that traffic typically associated with events would normally not conflict with school pick up times.
- 7.2.5. It is noted that the Roads Department had no objection to the proposed development. Having reviewed the technical information on file, I would agree that it has been demonstrated that the road network has adequate capacity and the safety issues in relation to pedestrians have been addressed. Having regard to the size of the proposed development, I do not consider that a Traffic Audit is necessary in this instance. I would note that if the Board is minded to grant permission, there is a lack of information on file regarding construction management. The impact of construction could be very disruptive having regard to the location of the site in proximity to a school. As such, I would recommend the provision of a construction management

plan prior to commencement of development and the imposition of a condition restricting construction hours.

7.3. Impact on Visual and Residential Amenity

- 7.3.1. The main concerns raised in relation to residential amenity relate to overlooking and overshadowing of a creche and St. Mary's National School together with existing residences on St. Joseph's Road. The main concern raised in relation to visual amenity relate to the existing concrete block wall of St. Joseph's Road and the use of clear glazing for the balconies.
- 7.3.2. I note that no objection to the appeal has been submitted from either the creche or St. Mary's National School in relation to overlooking or impact on privacy. I note that a letter attached to the third party appeal from the school raises issues in relation to traffic safety only. In any case, I consider that there is sufficient separation distance between these premises and the subject site.
- 7.3.3. I note that an assessment study of the overshadowing of the creche and school was undertaken by the applicant and submitted as part of the Further Information Response. The main findings of the study were that the proposed development would not have any additional overshadowing impact over and above the situation at present, primarily due to the fact the proposed development is located at a considerable distance from the existing properties.
- 7.3.4. I concur with this assessment and having regard to the urban location of the site within the town centre of Blessington, I am of the view that the overall impact of the proposed development would be satisfactory in the context of adjoining amenity.
- 7.3.5. In relation to overlooking, I consider that there is sufficient separation distance between the proposed development and the school, creche and residences on St. Josephs Road. I note also that a road is located between the houses at St. Josephs Road and the site. As such, I do not consider that the proposed development would unduly impact on the amenities of the school, creche or residences in the vicinity of the site.
- 7.3.6. In terms of visual amenity, I am satisfied that the proposed height and scale of the development is appropriate for this town centre site. There is a mix of development in the vicinity of the site ranging from the 2 storey terraces on the opposite side of

the road to the 2/3 storey school to the multi-storey car. As such, I consider that the overall design and scale is appropriate to the urban context of the site and would not diminish the existing character of the area. In terms of the specific concerns of the residents of St. Joseph's Road, the third party appellants have requested that this wall to the rear of their property is surfaced to a visually agreeable finish. The wall in question is a typical block boundary wall built c. 1960 for the purposes of screening the rear gardens of these houses. I note that this wall is outside of the developer's boundary on the opposite side of the road and I consider that it would be unreasonable to impose a condition requiring the developer to resurface this wall. The response to the appeal submitted on behalf of the applicant notes that 'there is no reason why they should not surface the rear wall of their own properties'.

- 7.3.7. In relation to the balcony treatment, the main concern relates to the type of glazing proposed. I note that the response to the Further Information Request proposed obscure glazing for parts of the development for privacy reasons. I note that the response to the appeal 'reviewed this particular item and do not see the necessity to modify the glazing from clear to obscure.' I am of the view that the glazing as proposed in the application and as revised in the response to the Further Information response is satisfactory and would not unduly detract from the visual amenities of the area.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend permission subject to the following conditions:

9.0 Reasons and Considerations

- 9.1. Having regard to provisions of the Blessington Local Area Plan 2013-2019 and the Wicklow County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would integrate in a satisfactory manner with the existing built development in the area, would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received on the 6th day of December 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

5. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

6. 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. Any existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

7. Public lighting shall comply with the detailed standards of the planning authority, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling.

Reason: In the interests of amenity and public safety.

8. Access arrangements shall comply with the detailed standards of the planning authority for such works.

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

9. Site development and building works shall be carried out only between the hours of 0800 and 1900 Mondays to Fridays inclusive, between 0800 and 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 the interests of public safety and residential amenity.

10. 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. The plan shall take account of the proximity to St. Mary's National School and shall provide details of intended construction practice for the development including hours of working, noise management measures and off-site disposal of construction/ demolition waste.

Reason: In the interest of public safety and residential amenity.

11. Proposals for an apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of urban legibility.

12. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains,

drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

13. 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

14. 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.

Emer Doyle

Planning Inspector

26th November 2020