



An
Bord
Pleanála

Inspector's Report ABP 306861-20.

Development	Mixed Development in two blocks ranging from 2-3 storeys, comprising 6 no. apartments, 3 commercial units, 6 no. car parking spaces and associated Site works.
Location	Kilcoole House, Main Street, Kilcoole, Co. Wicklow.
Planning Authority	Wicklow Co. Council.
Planning Authority Reg. Ref.	19766
Applicant	Douglas Hatton Developments Ltd.
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellants	Maeve & Feidhlim O'Hanlon
Observers	None
Date of Site Inspection	18 th of May 2020
Inspector	Siobhan Carroll

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History.....	6
5.0 Policy Context.....	7
5.1. Greystones-Delgany and Kilcoole Local Area Plan 2013-2019.....	7
5.2. Section 28 Ministerial Guidelines	8
5.3. Natural Heritage Designations	8
5.4. Environmental Impact Assessment (EIA)	9
6.0 The Appeal	9
6.1. Grounds of Appeal	9
6.2. Applicant Response	11
6.3. Planning Authority Response	14
7.0 Assessment.....	14
7.1. Design and impact upon residential amenity.....	14
7.2. Access and parking.....	18
7.3. Appropriate Assessment	20
8.0 Recommendation.....	22

9.0 Reasons and Considerations..... 22

10.0 Conditions 22

1.0 Site Location and Description

- 1.1. The site is located at Kilcoole House Main Street, Kilcoole. Co. Wicklow. It is situated on the eastern side of the street at the junction of Lott Lane and Sea Road. The site is located centrally within the town. There are a mix of retail and commercial uses serving Kilcoole including a supermarket, bars, takeaway, café, pharmacy, butchers, Estate Agents and a Post Office. The buildings along main street are a mix of single and two-storey vernacular properties.
- 1.2. The site has a stated area of 0.057 hectares and it is roughly triangular in shape. The building previously on site 'Kilcoole House' has been demolished and the site has been cleared. Currently the plot is vacant and it contains rough growth. The site has frontage of circa 34m along Main Street and 26m along Lott Lane. The southern boundary of the site which extends for circa 8m addresses the junction. These boundaries are defined by palisade fencing. The appellant's property a dormer bungalow adjoins the northern site boundary. This boundary is formed by fencing and high mature hedgerow. The site level falls from the height point at the north-western corner at Main Street to the south-eastern side at Lott Lane.

2.0 Proposed Development

- 2.1. Permission is sought for a mixed Development in two blocks ranging from two-three storeys. The scheme comprises;
- 2.2. Block A – A two-storey mixed use block with frontage onto the Main Street. 2 no. commercial units of 49sq m and 36sq m at ground floor. At first floor 2 no. own door access 1 no. bedroom apartment of 52.4sq m.
- 2.3. Block B – A three storey mixed use block with frontage onto the corner of Main Street/Lott Lane and Sea Road. 1 no. commercial/retail unit of 108.9sq m at ground floor. 1 no. two bedroom duplex unit of 83.2sq m, 3 no. two bedroom duplex units of 82.2sq m and 1 no. one bedroom unit of 51.3sq m.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 20 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information was requested in relation to the following;

1. Revise the design and layout of the scheme.
 - (a) Demonstrate that Unit 1 will provide an adequate level of privacy and residential amenity to its future occupants. It was advised that the level of privacy and residential amenity to Unit 1 would be substandard and that it would be better amalgamated with Unit 6.
 - (b) Demonstrate that the proposed area of communal open space at podium level will benefit from adequate passive surveillance while also protecting the amenities of adjoining properties from new overlooking. A greater level of interaction between proposed units and communal open space could be provided at ground and first floor levels.
 - (c) Submit proposals for the provision of hard and soft landscaping for the scheme including proposals for suitable boundary treatment to serve the private terraced areas.
 - (d) Submit full details of the design, including height, location, materials and method of construction and proposals for maintenance of high level observation screen around the podium. Demonstrate that this structure will provide adequate privacy screening in order to protect the amenities of the adjoining property to the north.
 - (e) Demonstrate that the bin storage area is adequate in size, design and location to cater for the needs of the proposed development.
 - (f) Clarify why no window (high level or otherwise) are proposed for bathrooms in Units 1, 5 & 6. Such windows would provide for enhanced

residential amenities and additional animation on rear elevations of these units which form the internal courtyard.

- Following the submission of a response to the further information the Planning Authority were satisfied that the matters raised were fully addressed and permission was recommended.

3.2.2. Other Technical Reports

Roads Section – Further information sought in relation to details of footpath provision, Stage 1 Road Safety Audit and details of public lighting along Lott Lane.

Fire Service – condition recommended

3.3. Prescribed Bodies

Irish Water – No objection

3.4. Third Party Observations

- 3.4.1. The Planning Authority received one submission in relation to the planning application. The main issues raised are similar to those set out in the appeal.

4.0 Planning History

Reg. Ref. 17/1485 & ABP 301160 – Permission was refused for Mixed use development comprising two blocks consisting of commercial/cafe/retail, 6 apartments, car parking, cycle parking, vehicular and pedestrian access and site development works. Permission was refused for the following reason;

1. Having regard to the objectives of the current development plan for the area, including the designation of the proposed development site as an ‘Opportunity Site’ (OP2: Kilcoole House (‘Urells’), Main Street, Kilcoole) in the Greystones-Delgany & Kilcoole Local Area Plan, 2013-2019, the prominent location of the site, and the established built form and character of development in the surrounding area, it is considered that, by reason of the overall design and, in particular, the elevational treatment along Main Street which is bland, lacks articulation and liveliness and carries no reference to the historical urban grain

of the area, the proposed development would be of insufficient architectural quality on a prominent site in this town centre area and would seriously injure the visual amenities of the area. The proposed development would, therefore, conflict with the objectives of the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Greystones-Delgany and Kilcoole Local Area Plan 2013-2019

5.1.1. The site is zoned Town Centre with the objective “To protect, provide for, and improve the development of a mix of 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.”

5.1.2. OP2: Kilcoole House (‘Urells’), Main Street, Kilcoole.

- This site is located at a strategic gateway point and marks an important corner at the intersection of Main Street, Lott Lane and Sea Road.
- To facilitate the redevelopment of the site for a mix of uses, including commercial civic/community, residential and office uses, in accordance with TC zoning objective.
- Ground floor uses shall be restricted to commercial uses
- While this site could benefit from the development of a landmark building that bookmarks this junction of Main Street and Sea Road, particular attention should be paid to ensuring that the height and scale of the buildings is in keeping with the overall character of the town, and in particular, the degree of obtrusion on the skyline from vantage points including upon entering the town from the south. While a development of civic or community importance is most likely to justify the development of a building of prominence, a mixed use commercial/residential development is less likely to justify a significant degree of prominence.

- The design shall be in keeping with the character of the area and should provide for multi-aspect buildings, addressing both Main Street, Lott Lane and Sea Road. Primary frontage shall be provided to Main Street.
- Particular attention shall be paid to ensuring that the design and materials that front directly onto the roundabout are of high quality and in keeping with the character of the area. This corner is particularly visible upon entrance to the town and due regard should be paid to ensuring a design of exceptional architectural quality.
- Traffic access shall be provided for Lott Lane.
- There shall be pedestrian links through the site from between Lott Lane and Main Street.
- Protect the amenity of existing residential properties in the area.

5.1.3. RO14 – Improvement of Sea Road, Kilcoole, including the development of a footpath from Main Street to Kilcoole Train Station.

5.1.4. Appendix 1 of the Wicklow County Development Plan 2016-2022, sets out requirements for new residential development in relation to on-site car parking private open space per unit.

5.2. **Section 28 Ministerial Guidelines**

5.2.1. Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’.

5.2.2. ‘Design Manual for Urban Roads and Streets’ (DMURS)

5.2.3. Urban Development and Building Heights’ Guidelines for Planning Authorities.

5.2.4. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)

5.3. **Natural Heritage Designations**

The nearest Natura 2000 sites are;

- The Murrough Wetlands SAC c.1.3km to the east

- The Murrough SPA c.1.4km to the east
- Carriggower Bog SAC c. 6.1km to the west
- Glen of the Downs SAC c.3.7km to north-west
- Bray Head SAC is located c.5.9km to the north of the site.
- Wicklow Mountains SAC is located 10.3km to the west of the site.
- Wicklow Mountains SPA is located 10.3km to the west of the site.
- Wicklow Head SPA c.14.8km to the south-east
- Wicklow Reef SAC c. 14.2km to the south-east

5.4. **Environmental Impact Assessment (EIA)**

- 5.4.1. 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**

A third party appeal was submitted by Maeve & Feidhlim O'Hanlon. The issues raised are as follows;

- The appellants' home is Alma, Main Street Kilcoole. The appeal site is situated immediately to the south of their property.
- They strongly disagree with the assessment of the Council that the proposed scheme would 'to a substantial degree' meet with the objectives of the County Development Plan and the Local Area Plan.
- The appellants contend that the revised proposal submitted in response to the further information request represents a serious deterioration from the

scheme originally submitted with the application and also under the previous application (Reg. Ref 17/1485 & ABP 301160-18) which was refused by the Board.

- Concern is raised regarding the height of the proposed buildings and the proposed concourse. It is noted that additional windows and doors are proposed at first floor level circa 10m from the appellants dwelling.
- Concern is raised in relation to the increase in height of Block B to provide a second floor. The proposed pitch roof is considered inappropriate as it could result in potential overshadowing of the appellant's garden.
- The issue of boundary treatment is raised. It is considered that the proposed landscaping proposals are inadequate and do not provide sufficient screening along the party boundary. The use of obscure glazing as conditioned by the Planning Authority is considered inadequate to protect the appellants' residential amenity.
- The proximity of the proposed buildings to the appellant's boundary is of concern in terms of potential overshadowing.
- Concern is expressed regarding the proposed retail units in relation to their potential use and opening hours. This includes the possibility of a café/takeaway locating within one of the units.
- It is noted that the Transportation Department sought a road safety audit with the original application. The Road safety audit is now not required. The previously proposed scheme included 13 no. car parking spaces. The Council considered 1 no. space per unit would be satisfactory. It is considered that the proposed 6 no. spaces is inadequate to serve the residential units and the retail units. The scheme will give rise to additional on-street parking which is not available. No spaces are proposed to serve the retail units including staff or visitor parking and for deliveries.
- It is requested that the Board refused for the permission for the reasons set out in the appeal.

6.2. Applicant Response

A response to the first party appeal was submitted by Mc Crossan O'Rourke Manning Architects on behalf of the applicant Douglas Hatton Developments Ltd. The issues raised are as follows;

- In relation to the matter of the height of the proposed blocks and raised concourse it is noted that the tallest element of the scheme is the corner of Block B. This is located at the furthest point of the development from the appellant's property.
- The applicant's project Architects had discussions with the Planning Authority regarding the landmark quality of the corner at the junction of Main Street and Sea Road. It is submitted that they have designed a strong contemporary 3 storey corner feature which is fitting to this landmark site within the town. It is highlighted that the ridge level of Block B is less than 2m higher than O'Hanlon House.
- Block B also addresses Lott Lane and the building height proposed at this location is three-storey. It is noted that there are no windows to the rear courtyard elevation of Block B which would cause overlooking of the appellants property. The windows proposed at second floor level are high level bathroom windows with obscure glazing.
- In relation to Block A it is submitted that it provides an important active street frontage with a traditional two-storey pitched roof design. The proposed development would reinstate the traditional strong street edge which is the vernacular architectural style in small Irish towns. It is submitted that any revision of this design as requested in the appeal would provide a poor urban design response.
- The appeal refers to the raised concourse. The proposed first floor landscaped courtyard is not a concourse because it is not directly accessible to the public. The courtyard is proposed as a communal open space to serve residents in addition to the private terraces.
- A slight increase in the height of a portion of the podium is proposed. This was required to facilitate a stepped approach to the terrace of apartment no. 2

which was previously a balcony. A greater degree of interaction between the ground floor and first floor units and the open space was required in the further information request. The design solution was to raise a portion of it slightly by 300mm in order to provide direct access for units 2 and 3.

- It is noted that there are no changes to the proposed finished floor level of the dwelling units above the podium level. In order to prevent overlooking of the neighbouring garden a 1.8m high screen on the courtyard side at first floor level is proposed.
- The proposed 1.8m high screen along the boundary will prevent overlooking of the appellant's property from the proposed first floor windows and glazed doors which face north towards the appellant's site.
- It is noted that the first floor windows to the rear elevation of Block A will all be glazed with obscure glazing.
- The additional windows proposed are in response to the further information request 1(a) and 1(f). The first floor windows will provide passive surveillance of the courtyard. The proposed windows at second floor level are all high level with obscure glazing.
- The slope of the site was incorporated into the design strategy. It is proposed to cut into the hill and locate the car park under the raised podium. The slope along Main Street means that the proposed finished ground level of Block A at the northern end is approximately the same as the podium level. It is noted that the appellant's house is elevated significantly above this level. The ridge height of their dwelling is +35.41 and the ridge height of Block A is +35.245.
- A 1.8m high boundary is proposed along the boundary. Providing a 1.8m high boundary from the courtyard side will ensure that no overlooking of the appellants property can occur. It is noted that the screen may appear higher on the appellant's side of the boundary as the land falls towards Lott Lane. The boundary is a significant distance from the appellant's house and therefore, the screen boundary would not unduly impact upon their amenity.
- Block B is three-storey which is considered appropriate in scale at the corner site location. Any reduction in height would represent an inefficient use of land

at the village centre location. The three-storey element of the scheme is located at the lowest level of the site.

- The appeal refers to unit 1 and its private open space area. An enlarged glazed screen is proposed to the living area set back from the private open space to the front of the unit. The proposed own door access provides activity onto the street. Unit 1 also has access to the communal courtyard at first floor level.
- In relation to boundary treatment and planting it is highlighted that extensive podium planting is proposed. Amelanchior Lamarchie plants will be maintained at a height of 2m. These are autumn/summer shrubs. Deciduous plants are proposed as it is considered that the 1.8m high boundary treatment is sufficient to screen the neighbour's view of the courtyard.
- The Landscape Architect advised that the concrete podium will not prevent the appellant from growing plants along their southern boundary.
- In relation to the matter of a shadow analysis to show potential impacts of the proposal upon the appellant's private open space it is noted that the proposed buildings are two and three storey and that there is a substantial separation to the neighbouring house. The property has an extensive garden, furthermore the height of the dwelling is comparable to the ridge height of the proposed scheme. Therefore, it is concluded that a shadow analysis was not necessary on that basis.
- The first party refute the appellants suggestion that no proper assessment was carried out by Wicklow Co. Council.
- The previous application and appeal on the site is noted, Reg. Ref. 17/1485 & ABP 301160-18. It is considered that the previous issues which the scheme was refused for the architectural quality and elevational treatment have now been addressed.
- In relation to the retail units, tenants for the units have not yet been identified. This is the common practice for such mixed use schemes. The appellants raised concern at a potential take-away use within one of the retail units. A take-away use would be subject to a separate planning application.

- The appeal referred to the requirement for a road safety audit. The proposal is for a small mixed use infill development in a village/small town context. The traffic impact from the proposed development would be negligible and therefore a road safety audit was not required as part of the application by Wicklow Co. Council.
- Six car parking spaces are proposed with access off Lott Lane. The traffic movements generated would be minimal. The appeal referred to a shortfall of car parking. The Apartment Guidelines advise that minimal parking should be provided at locations such as within a village core. The Guidelines suggest the elimination of car parking in some cases where proposed schemes are centrally located. It is considered that a reasonable balance has been provided as walking and cycling should be encouraged in village/town centre locations.
- It is submitted that the appeal response fully addresses the issues and concerns raised by the appellants.

6.3. Planning Authority Response

- None

7.0 Assessment

I consider that the main planning issues in the assessment of the proposed development can be dealt with under the following headings:

- Design and impact upon residential amenity
- Access and parking
- Appropriate Assessment

7.1. Design and impact upon residential amenity

- 7.1.1. The proposal provides for the construction of a mixed use scheme comprising two blocks. Block A is two-storey and contains two commercial units at ground floor and

two apartments at first floor. Block B is three-storey and contains a commercial/retail unit and apartment at ground floor and 4 no. duplex units.

- 7.1.2. The appellants have raised concern regarding the design of the particularly in terms of the proposed height and potential impact upon their property in terms of overlooking and overshadowing.
- 7.1.3. The appeal site is located within the centre of Kilcoole at the junction of Main Street, Lott Lane and Sea Road. It is zoned 'Town Centre'. The site is also the subject of a special designation as an opportunity site OP2: Kilcoole House ('Urells'), Main Street, Kilcoole. As set out under this special designation, the site is located at a strategic gateway point and marks an important corner at the intersection of Main Street, Lott Lane and Sea Road. The uses sought in the redevelopment of the site include commercial civic/community, residential and office use shall be restricted to commercial uses. The residential and commercial/retail uses proposed under this scheme therefore fulfil this criteria.
- 7.1.4. In relation to the design approach it is set out in the plan that the site could benefit from the development of a landmark building that bookmarks this junction of Main Street and Sea Road. It also advised that particular attention should be paid to ensuring that the height and scale of the buildings is in keeping with the overall character of the town, and in particular, the degree of obtrusion on the skyline from vantage points including upon entering the town from the south. It is set out under the provisions of OP2 that the design of a scheme on the site should be in keeping with the character of the area and should provide for multi-aspect buildings, addressing both Main Street, Lott Lane and Sea Road. It is also required that primary frontage be provided to Main Street and that the design approach should ensure the protection of the amenities of existing residential properties in the area.
- 7.1.5. Under Reg. Ref. 17/1485 & ABP 301160 the Board refused permission for a mixed use scheme on the site on the basis that development was of insufficient architectural quality for the prominent site and that the development would seriously injure the visual amenities of the area. I consider the proposed scheme represents an significant improved design approach when compared with the scheme which was previously refused. The proposal provides for a design which reflects the

existing character of the surrounding streetscape in terms of the height of the buildings proposed.

- 7.1.6. Block A is appropriately scaled being a two-storey building with a staggered ridge height between the two proposed sections of the block. This design approach addresses the fall in site level in a southerly direction along Main Street. The contemporary design approach with pitched roofs, vertical emphasis fenestration and provision of two section within the block integrates well with the existing streetscape character in terms of urban grain and particularly with the existing buildings to the north along Main Street.
- 7.1.7. Block B contains the corner feature section which provides a landmark building that bookmarks this junction of Main Street and Sea Road as required under the OP2 special designation. Block B is three-storey and it is located at the lowest point on the site. This corner location is entirely suitable for the three-storey element of the scheme. Furthermore, I note that Byrnes Public House located to the south of the junction with Sea Road also includes a three-storey building. The proposed blocks within the scheme also provide attractive active frontages which addresses Main Street, Lott Lane and Sea Road.
- 7.1.8. The appellants have raised particular concerns in relation to the proximity of the proposed development to their property and potential overlooking and overshadowing which could result. Firstly, in relation to the proximity of the proposed development to the appellant's property I note that the corner of Block A which is two-storey is located 9.63m from the appellants dwelling at the closest point. As indicated on the Drawing No: PL07 – Contiguous section elevation B-B: Main Street elevation west, the ridge height of the appellant's dwelling is +35.41 and the ridge height if Block A is +35.245. Accordingly, I am satisfied that there would be no undue overbearing impact. Furthermore, having regard to the fact that the site level falls towards the south and that the appellant's dwelling is above the site level, I consider that a satisfactory separation distance is provided.
- 7.1.9. Regarding issue of overlooking, the closest property is the appellant's property a large detached dormer dwelling located to the north of the site. The separation distance between the corner of Block A and the appellant's property is circa 9.6m at the closest point. The rear of Block A faces east and does not directly oppose the

rear elevation of the appellant's property. The first floor windows to the rear of Block A will be glazed with obscure glazing. Furthermore, I note that a 1.8m high screen is proposed along the boundary between the appeal site and the appellant's property will prevent overlooking of the appellant's property from the proposed first floor windows and glazed doors which face north-east towards the appellant's site.

7.1.10. Block B would be located 18m from the appellant's property at the closest point.

While I note that additional windows have been added to the first floor rear elevation of Block B this was done in response to the further information requested by the Planning Authority. The provision of the 1.8m high screen along the boundary with the appellant's property will I consider satisfactorily protect the amenities of the property and prevent any undue overlooking. There are second floor windows proposed to the rear elevation of Block B, however they are high level, serve bathrooms and contain obscure glazing.

7.1.11. The appellants raised concern in relation to the height of the proposed podium relative to their property. I note that a portion of the proposed podium at the northern end of the site has been raised by circa 300mm to facilitate the provision of a terrace to apartment no. 2 which was previously a balcony. As part of the further information request the Planning Authority sought a greater degree of interaction between the ground floor and first floor units and the central communal open space proposed on the podium. The raising of the podium by 300mm provides direct access for units 2 and 3. This is indicated on Drawing No: P06 – Elevation E-E (Internal Courtyard Elevation East facing).

7.1.12. The first party in their appeal response confirm that there are no changes to the proposed finished floor level of the dwelling units above the podium level. I consider these revisions in the height and design of the proposed podium open space will provide an improved access for future residents of the scheme. I am satisfied that the revised increase in its height to the northern side of the site will not unduly impact upon the neighbouring property having regard to the proposed 1.8m high screen along the northern site boundary. Furthermore, I note that the planting of Amelanchior Lamarchie plants are proposed along this boundary which will provide additional screening. Accordingly, I am satisfied that these proposed design measures would protect against any undue overlooking of the adjoining property.

- 7.1.13. In relation to the matter of overshadowing having regard to the differential in levels between the appellant's property and the appeal site, that the closest proposed building to the appellant's property is two-storey and the separation distance provided of over 9m between the closest point of the proposed two-storey building and the appellant's property, I am satisfied that the Block A would not unduly impact the amenities of appellant's property in terms of overshadowing. Furthermore, I note that Block B at its closest point is located over 18m from the appellant's dwelling and therefore I do not consider it would cause any undue overshadowing of the appellant's dwelling and property.
- 7.1.14. Having reviewed the proposed layout of the scheme relative to the existing surrounding properties, I consider having regard to the proposed siting of the buildings and relative separation distances to the existing property that the proposed scheme would not result in any undue overlooking, overbearing or overshadowing of neighbouring residential properties.
- 7.1.15. The appeal also refers to the potential future use of the ground floor commercial units. While I note that no future tenants have currently been secured by the applicant, this is usual for a mixed use scheme of this nature. The appellants raised concern at a potential take-away use within one of the commercial/retail units. In relation to this matter I note that any future take-away use would be subject to a separate planning application.

7.2. Access and parking

- 7.2.1. The appellants have raised concern regarding the additional vehicular traffic the scheme would generate, the absence of a road safety audit and the lack of adequate car parking to serve the development.
- 7.2.2. The proposed layout provides for a ramped entrance to the undercroft car park to be access off Lott Lane. This is in accordance with the provisions of OP2 in the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019 which refers to the appeal site Kilcoole House ('Urells'), Main Street, Kilcoole. The southern end of Lott Lane is a cul-de-sac with pedestrian access to the junction of Main Street and Sea Road. Therefore, there would be no direct vehicular access to the scheme from Main Street. Lott Lane is accessed via Sea Road and Wellfield circa 300m to the east of

the site. Pedestrian access is available from Main Street to Lott Lane and into the proposed scheme.

- 7.2.3. Having regard to the limited scale of the proposed development and the traffic which would be generated, and the provisions of OP2 of the Local Area Plan, I consider the proposal for a vehicular access from Lott Lane is considered acceptable.
- 7.2.4. Car parking standards are set out under Table 7.1 in Appendix 1 of the County Development Plan. In relation to residential use it is set out that 2 no. off street car parking spaces shall normally be required for all dwelling units over 2 bedrooms in size. For retail use, 4 no. car parking spaces required per 100sq m floor space. The Apartment Guidelines advise that the quantum of car parking or the requirement for any such provision for apartment developments will vary, having regard to the types of location in cities and towns that may be suitable for apartment development, broadly based on proximity and accessibility criteria. The site is located on the Main Street in Kilcoole, therefore it is centrally located within the settlement. While I note the point made by the appellants that the area may not be well served by public transport I also note the point made by the first party that a balance should be provided to encourage walking and cycling in village/town centre locations.
- 7.2.5. As set out in the Apartment Guidelines a benchmark guideline for apartments in relatively peripheral or less accessible urban locations, one car parking space per unit, together with an element of visitor parking, such as one space for every 3-4 apartments, should generally be required. Having regard to the site context, I would consider it can be categorised as a less accessible urban location. Therefore, on that basis I would consider it appropriate that a minimum of one car parking space per residential unit is provided.
- 7.2.6. The proposed scheme comprises a total of no. 6 apartments. A total of 2 no. one bedroom units and 4 no. two bed units are proposed. A total of 6 no. car parking spaces are proposed in the undercroft car park. This would provide one dedicated car parking space per residential unit. While I note that no car parking is proposed to serve the proposed ground floor retail/commercial units given the village centre location I would consider this shortfall in parking for these units would be acceptable.
- 7.2.7. The appeal refers to the lack of a road safety audit. I note the report of the Roads Section which sought further information which referred to a stage 1 road safety

audit. The matter was not included in the further information request issued by the Planning Authority because the Roads report was received by the Planning Authority after the further information request was issued. The report of the Planning Officer dated 13th of February 2020 states that having regard to the brownfield nature of the site within the town centre of Kilcoole that a road safety audit is not considered necessary. Condition no. 7 of the permission issued by the Planning Authority required that full design details of the proposed entrance and associated pedestrian facilities be submitted for agreement. I consider that this satisfactorily addresses the matter and should the Board decide to grant permission I would recommend the attachment of a similarly worded condition to ensure that the proposed vehicular and pedestrian access arrangements are in accordance with requirements of the Design Manual for Urban Roads and Streets.

7.3. Appropriate Assessment

Stage 1 Screening

- 7.3.1. The appeal site is not in or immediately adjacent to any Natura 2000 site, so the proposed development would not have any direct effect on any Natura 2000 site. The European sites, The Murrough Wetlands SAC (002249) and The Murrough SPA (004186), are located 1.3km and 1.4km respectively to the east of the development site.
- 7.3.2. The qualifying interests/special conservation interests of the designated sites, are summarised as follows:

The Murrough Wetlands SAC (002249)	The Murrough SPA (004186)
Annual vegetation of drift lines [1210]	Red-throated Diver (<i>Gavia stellata</i>) [A001]
Perennial vegetation of stony banks [1220]	Greylag Goose (<i>Anser anser</i>) [A043]
Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]
	Wigeon (<i>Anas penelope</i>) [A050]

Mediterranean salt meadows (Juncetalia maritimi) [1410]	Teal (Anas crecca) [A052]
Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]	Black-headed Gull (Chroicocephalus ridibundus) [A179]
Alkaline fens [7230]	Herring Gull (Larus argentatus) [A184]
	Little Tern (Sterna albifrons) [A195]
	Wetland and Waterbirds [A999]

- 7.3.15. The Conservation Objectives for The Murrough Wetlands SAC (002249) are to maintain or restore the favourable conservation condition of the Annex I habitats and/or the Annex II species for which the SAC has been selected.
- 7.3.16. The Conservation Objectives for The Murrough SPA (004186) are to maintain the favourable conservation condition of each qualifying bird species in the Natura 2000 site and to maintain or restore the favourable conservation condition of the wetland habitat at The Murrough SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.
- 7.3.17. The subject site is a brownfield site, the building previously on site has been demolished. The proposed attenuation measures would reduce variations in the runoff from the site. There is no potential, therefore, for the proposed development to alter the volume or characteristics of the flows into or from the surface water sewerage system that could conceivably have a significant effect on any Natura 2000 site. The foul effluent from the proposed development would drain to the wastewater treatment system for Kilcoole located at Greystones. The scale of the proposed development relative to the rest of the area served by that system means that the impact on the flows from that system would be negligible and would not have the potential to have any significant effect on any Natura 2000 site.
- 7.3.18. There is no identified “source-pathway” to connect the appeal site with the Murrough Wetlands SAC and the Murrough SPA or any other European Designated Site.
- 7.3.19. 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) and European Site

No. (004186), 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.

8.0 Recommendation

8.1. I recommend a grant of permission.

9.0 Reasons and Considerations

9.1.1. Having regard to the zoning objective for the site as set out in the Greystones Delgany and Kilcoole Local Area Plan 2013-2019, and the overall scale, design and height of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and would be acceptable in terms of urban design, height and quantum of development 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.

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 submitted on the 23rd day of January, 2020, 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. The proposed development shall be amended as follows: -

(a) The boundaries of the private amenity spaces serving the units shall be glazed with opaque glass at a height of 1.8m.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of protecting the residential amenities of adjoining properties.

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

Reason: In the interest of public health.

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

Reason: In the interest of visual amenity.

6.

(a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs and car parking bay sizes shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii within the development shall be in accordance with the guidance provided in the National Cycle Manual.

(b) 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.

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.

7. 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. All existing over ground cables crossing or bounding the site shall be relocated underground as part of the site development works, at the developer's expense.

Reason: In the interests of visual and residential amenity.

8. Prior to commencement of development, the developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement. A Practical Completion Certificate shall be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority and in accordance with the permitted landscape proposals.

Reason: To ensure full and verifiable implementation of the approved landscape design.

9. Proposals for development name and apartment numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Thereafter, all estate and street signs and 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 interests of urban legibility, and to ensure the use of locally appropriate place names for new residential areas.

10. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

11. Public lighting shall be provided in accordance with a scheme, details of 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 for occupation of any unit.

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

12. Prior to the commencement of development details of shopfront design and signage shall be submitted to and agreed in writing with the Planning Authority.

Reason: In the interest of visual amenities.

13. No external security shutters shall be erected on any of the commercial premises unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

14. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within

the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

15. 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.

16. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

17. 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 and for the ongoing operation of these facilities 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: In the interests of residential amenity and proper waste management.

18. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

19. 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.

Siobhan Carroll
Planning Inspector

28th of May 2020