



An  
Bord  
Pleanála

## **S. 6(7) of Planning and Development (Housing) and Residential Tenancies Act 2016**

### **Inspector's Report on Recommended Opinion ABP-307045-20**

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<b>Strategic Housing Development</b>	232 homes including 136 apartments and 96 houses, and a creche
<b>Location</b>	Convent Road, Delgany. Co. Wicklow
<b>Planning Authority</b>	Wicklow County Council <sup>[OBJ]</sup>
<b>Prospective Applicant</b>	Drumakilla Ltd.
<b>Date of Consultation Meeting</b>	23 <sup>rd</sup> July 2020
<b>Date of Site Inspection</b>	20 <sup>th</sup> July 2020
<b>Inspector</b>	Stephen J. O'Sullivan

## 1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

## 2.0 Site Location and Description

2.1. The site is in Delgany, Co. Wicklow just north of the historic village core and c3km west of the railway station and town centre at Greystones. It has a stated area of 6.08ha. It slopes down from west to east and from north to south. It includes the curtilage of a former convent with access from Convent Road along the eastern boundary of the site. The convent includes a Georgian House and Gothic chapel and other buildings of various types set back from the front of the site by c60m. The site includes a grassy field to the north of the convent and another to its west that has c170m of frontage onto the road at Bellevue Hill. The land to the north of the eastern part of the site is occupied by a very low density scheme of detached houses. The land to the north of the western part of the site is pasture, but a housing estate has authorised upon it. There is a ribbon of houses on the opposite side of Bellevue Hill to the west of the site. The adjoining land to the south is mostly occupied by suburban housing. The land to the east on the other side of Convent Road is occupied by a recent housing scheme that includes some apartments.

## 3.0 Proposed Strategic Housing Development

3.1. It is proposed to build 232 homes on the site. The housing mix would be as follows –

	1 bed	2 bed	3 bed	4 bed	Total
Houses		32	44	20	96
Apartments	28	82	26		136
Total	28	114	70	20	232

- 3.2. The 19<sup>th</sup> century chapel and house would be retained and extended for use as a creche of 330m<sup>2</sup> and a community centre of 294m<sup>2</sup>. A modern extension to the convent buildings would be demolished. 84 of the apartments would be provided in two blocks in the centre of the site, one 3 storeys high and the other 4 storeys high both over basement car parks, with another 52 provided in five duplex blocks.
- 3.3. There would be new vehicular accesses from Bellevue Hill and Convent Road. The existing access to the convent would be retained. The roads from these entrances would be cul-de-sacs and would not meet each other. Pedestrian links through the site and to the authorised housing to the north are proposed. 420 car parking spaces are proposed, of which 210 would serve the apartments, 192 the houses and 18 the creche/community centre.

## 4.0 Planning History

Reg. Ref. 20/215 - There is an application before the planning authority to remove the stained glass from windows on the chapel.

PL27. 248401, Reg. Ref. 15/1307 – The board granted permission on 9<sup>th</sup> October 2017 for 82 houses to the north of the western part of the site along Bellevue Hill. Condition no. 2 restricted development prior to road improvements to Bellevue Hill and its junction with the R672.

## 5.0 Policy

### 5.1. National Policy

The government published the National Planning Framework in February 2018. Objective 3a is that 40% of new homes would be within the footprint of existing settlements. Objective 27 is to ensure the integration of safe and convenient alternatives to the car into the design of communities. Objective 33 is to prioritise the provision of new homes where they can support sustainable development at an appropriate scale.

The applicable section 28 guidelines include -

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- Design Manual for Urban Roads and Streets'
- Guidelines for Planning Authorities on Urban Development and Building Heights, 2018
- Sustainable Urban Housing: Design Standards for New Apartments (2018),
- Childcare Facilities – Guidelines for Planning Authorities
- The Planning System and Flood Risk Management (including associated Technical Appendices).

## **5.2. Local Policy**

5.2.1. The site is zoned for residential development under the LAP for Greystones and Delgany 2013-2019. Policy RES 5 is that maximum densities will be set for various zoned lands. The maximum density on the site is 22 dph. There is an objective to improve Bellevue Road by providing a footpath.

5.2.2. The chapel and house at the Carmelite Monastery are a protected structure.

## **6.0 Forming of the Opinion**

### **6.1. Documentation Submitted**

The prospective applicant submitted extensive documentation including drawings of the proposed development and –

- A Planning Report, Statement of Consistency and Justification for Material Contravention

- An EIA Screening Report
- An Architectural Design Statement
- A Conservation Report
- A Flood Risk Assessment
- A DMURS Design Statement
- A Traffic and Transport Assessment
- A Water Services Report
- An Infrastructure Design Report
- An Appropriate Assessment Screening Report
- An Ecological Assessment Report
- A Bat Survey
- A Tree Management Report
- An Archaeological Impact Assessment Report

## 6.2. **Statement of consistency**

The density of the proposed development is stated to be 38dph. It would retain the protected structure on the site and provide it with a sustainable use in line with the guidelines for planning authorities on architectural heritage issued in 2001. The management company will maintain the community centre for three years and consult with the county council on its subsequent management. The proposed development would not require EIA or appropriate assessment. A licence has been provided to remove the bats roosting in the modern extension to the convent that would be removed.

The proposed housing on zoned land in the built up area would meet objectives 3a, 11, 32, 33, 34 and 35 of the National Planning Framework. The proposed development would meet the principles of DMURS. The site is 300m of a bus stop with a frequent services to the railway station. The proposed development would be within the metropolitan area of Dublin set out in the RSES for 2019-2034. The site would be in a less accessible urban location under section 2.4 of the guidelines on apartment design issued in 2018 and is suitable for a scheme with some apartments

at a density of less than 45dph. The mix of apartments would meet SPPR 1 of those guidelines as less than half would be one-bedroom units; the floor areas would comply with SPPR 3; 65% would have dual aspect in line with SPPR 4; while the ceiling heights and number of units per lift core would meet SPPR 5 and 6 respectively. The 6 proposed apartments that have a single aspect facing north would overlook a substantial area of open space. A mix of building types and heights would be provided in line with the guidelines on building height issued in 2018. The proposed development would follow the advice for outer suburban greenfield sites and institutional sites set out in the 2009 guidelines on sustainable urban residential development. A childcare facility is proposed in line with the guidelines on that topic. The proposed development would be consistent with the core strategy set out in the county development plan which allocates 5,034 dwellings to Greystones/Delgany in the period up to 2025. 16% of the site would be provided as open space which would meet the target of 15% set out in section 6 of the plan. The proposed housing would be in keeping with the zoning of the site for residential development under the LAP for Greystones and Delgany 2013-2019.

The proposed development would contravene objective HD5 and HD 13 of the development plan and policy RES 5 of the local area plan and the text of the zoning objective which together place a limit of 22 dph on the density of development on this site and which restrict the development of apartments outside town centres and public transport corridors. A statement is submitted which says that a grant of permission in material contravention of those provisions would be justified under section 37(2)(b)(iii) of the planning act because the increased housing that could be provided by apartments on the site would support objectives 3(a), 4, 5, 6, 11 and 13 of the National Planning Framework; because the 2009 guidelines on sustainable urban development indicate that densities of between 35 and 50 dph should be provided on greenfield site and those below 30 dph should be avoided; because the 2018 guidelines on apartment design recognise this as a less accessible urban location; and because SPPR 4 of the 2018 guidelines on building height says that new housing should have a mix of types and heights.

### 6.3. Planning Authority Submission

The proposed residential development would accord with the landuse zoning under the LAP. The proposed housing units would be in keeping with the target in the development plan's core strategy that an additional 3,501 homes to be provided in Greystones/Delgany by 2028, which would bring the total there to 10,138. The gross density of 38dph would exceed the maximum permitted by the zoning objective.

Further clarity is required on the proposed phasing and when the pedestrian links through the site and the creche would be provided. The layout of the development is generally acceptable. Full details would be required as to how the scheme would deal with the change in levels across the site and how this might affect residential amenity, including details of retaining walls and boundary treatments and the slopes over open space. The design concept is generally acceptable. Corner units should be amended to overlook and address open spaces beside them. The LAP seeks more three- and four-bedroom houses so the provision of only 28% of the units in this format should be justified. The amount of public open space is acceptable. Its location and layout would also be acceptable having regard to the slope of the site. Adequate communal and private open space appears to be available, except for the duplex units which do not seem to meet the development plan standard in this regard. The proposed works and use of the protected structure are acceptable. There is some concern about the impact on the visual setting of the structure. The council would not have the resources to take charge of the proposed community facility.

A street design audit should be carried out based on DMURS showing proper facilities for vulnerable road users. Improvements to Convent Road and Bellevue Hill are required. Convent Hill should be closed to through traffic and footpaths along Bellevue Hill require upgrading. The application should consult with the council on these issues before an application is made. The proposed car parking provision is acceptable, although that for the creche is on the low side. Proposed bike parking is acceptable. The details of surface water drainage are inadequate. There is no storm sewer on the Convent Road where an outfall is shown. There are no details about the treatment of the stream across the site. The storm sewer from the authorised development to the north should be incorporated into the proposed development.

The council prefers Part V units to be spread throughout a scheme. It might be more appropriate to lease apartments to approved housing bodies. The council would not take in charge land surrounding private parking spaces.

#### 6.4. **Other submissions**

**Irish Water** has reported that it has issued a confirmation of feasibility for 231 homes with no requirement for networks upgrades.

#### 6.5. **The Consultation Meeting**

A section 5 consultation meeting took place at the offices of the board at 1430 on Wednesday, 11<sup>th</sup> December 2018 between representatives of the board, the planning authority and the prospective applicants about the proposed development. A record of the meeting was made and is available. The main topics discussed at the meeting were –

- i. The density provisions of the local area plan, the core strategy of the development plan, and regional and national policy regarding the development potential of the site
- ii. Architectural heritage
- iii. Layout and access, including the integration of the proposed development with the built fabric of the town, facilities for pedestrians and how the topography of the site is addressed
- iv. Housing mix, residential amenity, compliance with standards etc.
- v. Surface water drainage
- vi. Any other issues

In relation to item i), the council stated that the number of proposed dwellings would be 73% above the number envisaged in the LAP. However the council's plans use a "unit equivalent" measure for the amount of housing on zoned land. So the housing mix that is actually proposed is c27% more than that envisaged for the site under the LAP. This would be a contravention of the density provisions of the LAP and could, in cumulation, with other SHDs in Delgany/Greystones, lead to more housing being permitted than envisaged in the county's core strategy. The strategy is not due to



review until a new county development plan is adopted in 2022. Any material contravention of the provisions of the LAP and core strategy of the CDP would have to be justified. The prospective applicant stated that the net density of the proposed development is 38dph which would be at the lower end of the range of 35-50 dph set out for greenfield suburban sites under the 2009 guidelines on sustainable residential development in urban areas. The density and mix of units would also be in keeping with the advice in the 2018 guidelines on apartment design which says that peripheral urban sites are suitable for schemes of less than 45dph with some apartments. The prospective applicant intends to submit a statement justifying the proposed exceedance of the LAP's density provisions. The prospective applicant said the board has granted permission for other SHDs in similar circumstances.

In relation to item ii) the council referred to its written submission. It is particularly concerned about the impact on the setting of the thatched cottage on Convent Road, and the impact of the modern apartments behind the convent and its chapel. The level changes across the site need to be properly dealt with and described on the submitted drawings. Permission has been granted for the removal of the stained glass from the chapel's windows. The prospective applicant stated that its design aimed to bring the church village back into the village with footpaths through the site. The principal view of the chapel is from the front. The documentation submitted with any application, including photomontages, will demonstrate that this view is protected. The apartments are properly set back from the convent, with an appropriate setback in height nearest to the convent. The removal of the 21<sup>st</sup> century accommodation block will restore the integrity of the protected structures at the convent. The thatched cottage is a pastiche that dates from the 1950s, although its status as a protected structure is acknowledged. The board's representatives noted that the boundary treatment and planting along the frontage of the site onto Convent Road appears recent, and queried whether its retention was necessary given that stands between the principal view of the protected structure and the public street near the village core.

In relation to item iii) the council stated that it was developing proposals for the public realm in the village which may include restrictions on through traffic along Convent Road. The board's representatives stated that any proposed housing should not prejudice emerging proposals to improve the village but that the SHD process was

not primarily concerned with works to public streets. The submitted details should be clear how changes in ground levels across the site would be addressed at the site boundaries, on internal streets and open spaces at the boundaries between housing plots. The prospective applicant stated that it had been in consultation with the council about the plans to improve the village and was confident that the proposed housing development would not prejudice their completion or implementation. The proposed design strategy was outlined which was based on four distinct character areas that would have pedestrian links between them. The development would include some retaining walls. Single storey houses were proposed behind the thatched cottage to reduce the impact upon its setting. The apartment building would be set back from the convent and only 3 storeys high at this point. The council stated that the SHD proposal should be consistent with its plans to improve streets in the area which including works at the junction of Bellevue Hill and the regional road. Proper pedestrian connectivity to the village was required. A detailed phasing plan was also needed to ensure that the housing was provided in conjunction with the infrastructure and open space needed to service it. The prospective applicant stated that it intended to carry out improvements to the junction and provide the footpath along Bellevue Hill prior to the housing.

In relation to item iv) the board's representatives stated that the standards pertaining to residential amenity for apartments and housing in local and national policy were well established and the documentation submitted with any application should clearly demonstrate compliance with them. The council noted the proportion of three and four bedroom homes and stated that it was reasonably satisfied with the proposed housing mix.

In relation to item v) the council stated that it had been in consultation with the prospective applicant regarding the surface water drainage proposals and considered that the concerns set out in its written submission could be addressed. It would be preferable if the stream on the site were kept open to improve the drainage and amenity of the proposed housing. The prospective applicant stated the design would keep the open part of the stream in that condition, but that some of it had already piped across the site and this cover would also be maintained.

In relation to item no. vi) the board's representatives stated that any AA screening report should address whether the proposed development would be likely to have a significant effect on any Natura 2000 site.

## 7.0 Conclusion and Recommendation

Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.

Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the elements that are set out in the Recommended Opinion below.

Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act:

**requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making

process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

## 8.0 Recommended Opinion

The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. The integration of the proposed development with the urban fabric of Delgany. The submitted documentation should show that the proposed development would have appropriate links to the village core and would be compatible with its architectural and historic character, with particular regard to the proposed layout and boundary treatment along Convent Road. The submitted documentation should also show that the proposed development would be consistent with planned improvements to the public realm in the village and along the streets at Convent Road and Bellevue Hill.

2. The topography of the site. The documentation submitted with any application should demonstrate how the proposed development would respond to the changes in ground level and how this would affect streets, pedestrian routes, open spaces, landscaping, individual dwellings and their boundary treatments, as well as the treatment of the edges of the scheme as a whole. In particular the location and height of any retaining walls should be clearly shown.
3. Surface water drainage. The submitted documentation, including the proposals for a surface water drainage system and a site specific flood risk assessment, should address the issues raised in the submission from the planning authority including the treatment of the watercourse on the site. The prospective applicant is advised to consult with the relevant technical section of the planning authority prior to the preparation of this information, and should describe this consultation and clarify if there are any outstanding matters on which agreement has not been reached with regard to surface water drainage.
4. The core strategy of the development plan and the density provisions of the local area plan. The submitted documentation should address any proposed material contravention of the provisions of the applicable county development plan and local area plan in accordance with section 8(1)(iv) of the Planning and Development (Housing) Residential Tenancies Act 2016, as amended.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. The Minister for Culture, Heritage and the Gaeltacht, (in relation to architectural heritage)
3. The Heritage Council (in relation to architectural heritage)

4. An Taisce — the National Trust for Ireland (in relation to architectural heritage)
5. An Chomhairle Ealaíon, (in relation to architectural heritage)

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission:

1. A architectural conservation report which would describe the impact of the proposed development on the protected structures on the site and adjacent to it. The report should also describe the proposed uses for the protected structure on the site, when they would be established and how they would be managed on an ongoing basis.
2. A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2018 Guidelines on Design Standards for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements. A legible schedule of accommodation should be included. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2018 guidelines should also be submitted.
3. A phasing scheme for the development which would indicate how open space and infrastructure for the proposed housing would be provided in a timely and orderly manner.
4. Details of proposed boundary and surface treatments throughout the development, and of landscaping and planting.
5. An appropriate assessment screening report that would address whether the proposed development would be likely to have a significant effect on any Natura 2000 site, either individually or in combination with any other plan or project.
6. A draft construction management plan

7. A draft waste management plan.

**PLEASE NOTE:**

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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Stephen J. O'Sullivan

Planning Inspector,

6<sup>th</sup> August 2020