



Development

To erect 22-no. unit residential scheme which will consist of the following: (a) The demolition of all buildings on site including workshop, dwelling, 2 no. studio apartments, industrial unit and commercial unit, (b) The construction of 11 no. terraced ground floor, one-bedroom apartment units with own access to be situated beneath duplex units, (c) The construction of 11 no. terraced first and second floor (dormer space) two-bedroom duplex units with own access to be situated above the ground floor units, (d) Ancillary private open spaces, (e) Communal bin area, cycling bays and hard and soft public open spaces, (f) Associated access arrangements both vehicular and pedestrian, (g) Landscaping work, including inter-site boundary treatments, (h) Ancillary car parking, (i) Connection to public services (j) Ancillary work.

Location Ballinalea, Ashford, Co. Wicklow.

Planning Authority Wicklow County Council

Planning Authority Reg. Ref. 20/554

Applicant(s) Wynn Clons Development Limited

Type of Application Permission

Planning Authority Decision Refusal

Type of Appeal First Party v. Decision

Appellant(s) Wynn Clons Development Limited

Observer(s) Michael & Joan Noone
Jennifer Coughlan

Date of Site Inspection 15th March, 2021

Inspector Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located in the town of Ashford, Co. Wicklow, approximately 400m south of the town centre, where it occupies a prominent corner plot at the junction of Local Road No. L5070 / Ballinalea Road with Local Road No. L50701. The surrounding area is predominantly residential and generally characterised by conventional housing construction with that stretch of road (Local Road No. L5070) between the 'Woodpecker' public house and its junction with the R772 Regional Road typified by a variety of single-storey and dormer-style dwellings, save for the exception of a recently constructed scheme of two-storey housing further east (on the opposite side of the road from the application site). To the south / southeast along Local Road No. L50701 and beyond, the wider site surrounds are dominated by conventional two-storey & dormer-style residences developed in a series of suburban estates / cul-de-sacs.
- 1.2. The site itself has a stated site area of 0.39 hectares, is broadly square-shaped, and is presently occupied by a number of yards and assorted structures, including several sheds / workshops and a former dwelling house, which previously accommodated a variety of residential and commercial uses. It is bounded by public roads to the north & east with existing housing to the south & west.

2.0 Proposed Development

- 2.1. The proposed development consists of the demolition of all the existing buildings on site (including a workshop, dwelling, 2 No. studio apartments, industrial unit, and a commercial unit) and the construction of 3 No. two-storey plus attic space, terraced blocks (House Types 'A', 'B' & 'C') comprising a total of 22 No. residential units consisting of 11 No. ground floor, one-bedroom apartments and 11 No. first and second floor (dormer space) two-bedroom duplex units.
- 2.2. The overall design and layout of the proposal is such that the apartment blocks will be positioned parallel to the roadside to extend southwards and westwards along the site frontage from the junction of Local Road No. L50701 with Local Road No. L5070 / Ballinalea Road. Each of the apartment units will be provided with a private terrace / balcony area and own door access. A communal open space (incorporating hard and soft landscaping with equipped play areas), bin storage, and car & bicycle

parking will be situated to the rear of the construction. On-street parallel parking will also be provided alongside the adjacent public roads. Access to the site will be via a new vehicular entrance arrangement onto Local Road No. L50701 in the south-eastern corner of the site whilst separate pedestrian accesses will also be provided between the individual apartment blocks onto the adjacent roadways. Water and sewerage services are available via connection to the public mains.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 7th August, 2020 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following single reason:

- It is an objective of the Council as expressed in Section 4.4 of the County Development Plan 2016-2022 (Objective HD10) that ‘in existing residential areas, infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties’. Having regard to the location of the development, the design approach adopted and the intensity of the development proposed, taken in conjunction with the existing scale, character and pattern of development in the adjoining area, it is considered that the development as proposed would be contrary to Objective HD10 as outlined above, would result in the overdevelopment of the site, would be inconsistent with the character of this area, would be visually obtrusive, would be contrary to the stated vision of the Council which is ‘to ensure a high quality living environment for existing and future residents’ of Ashford as expressed in the County Development Plan, 2016-2022 (Ashford Town Plan), and would set an undesirable precedent for similar type proposals in the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

The report of the case planner details the site context, planning history, and applicable policy considerations before stating that the proposed development is generally considered to be acceptable in principle given its location on lands zoned as *'RE: Existing Residential'* in the Ashford Town Plan. It proceeds to note that the density of development proposed (c. 56 No. dwellings per hectare) is significantly higher than that of the surrounding area as well as the recommendations of the *'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009'*. It subsequently states that while the subject site is within easy walking distance of the town centre and a higher density of development could be considered on these 'brownfield' lands in light of national planning policy, given the site location within an existing residential area, the proposed density is considered to be excessive and contrary to local and national policy objectives.

Further concerns are raised as regards the suitability of the site for the scale of the apartment development proposed while the overall design is not considered to be acceptable by reference to the prevailing character, building form, finishes and materials in the surrounding area. It is also suggested that the proposal could better address the public road given its prominent corner location. With respect to compliance with the requirements of the *'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities'*, concerns are raised as regards the floor to ceiling height of the ground floor apartments and the excessive size of the storage areas provided within the overhead units. No concerns arise in terms of residential amenity and the proposed access & parking arrangements would appear to be satisfactory. The report thus concludes by recommending that further information be sought in respect of a number of issues, including the overall design, scale and density of the development, the car parking arrangements, the road layout / traffic considerations, and the boundary treatment proposals.

This recommendation was subsequently superseded by the Senior Engineer with supplementary notes appended to the planning report stating that the density of the proposed development would contravene the applicable land use zoning and would

represent an unacceptable overdevelopment of the site that would not be in keeping with the prevailing pattern of development. It was further stated that the density proposed could not be justified in a small town / village such as Ashford given the limited public transport services available. It was therefore recommended that permission be refused.

3.2.2. *Other Technical Reports:*

Chief Fire Officer: States that the developer should be informed that the proposed development will require a Fire Safety Certificate and an application for a Disability Access Certificate before recommending the inclusion of a series of conditions in the event of a grant of permission.

Housing, Capital Projects: States that the location and spread of the Part V proposals is satisfactory and notes that the units on offer are oversized relative to the targets set out in the '*Quality Housing for Sustainable Communities Guidelines*'.

Roads: Recommends that provision be made for the following:

- The inclusion of an uncontrolled pedestrian crossing across Local Road No. L50701 at its junction with Local Road No. L5070.
- The crossing at the site entrance to be brought forward of the 'Stop' sign with associated markings to provide for pedestrian priority over vehicular traffic.
- The enclosure of the cycle facilities on three sides.
- The provision of passive surveillance of pedestrian walkways.

3.3. **Prescribed Bodies**

Irish Water: States that in order to assess the feasibility of a connection to public water / wastewater infrastructure the applicant should be requested to engage with Irish Water through the submission of a Pre-Connection Enquiry with any subsequent 'Confirmation of Feasibility' to be submitted to the Planning Authority by way of further information.

3.4. **Third Party Observations**

- 3.4.1. A total of 4 No. submissions were received from interested third parties and the principal grounds of objection / areas of concern raised therein can be summarised as follows:

- There is a need to address ongoing problems experienced within adjacent properties as regards surface water drainage which are seemingly attributable to works previously carried out on site.
- The inadequacy & unsuitability of the parking arrangements and the potential for haphazard on-street parking to give rise to traffic congestion and / or obstruction of road users.
- The excessive and imposing building heights will result in the overlooking and overshadowing of surrounding properties.
- The overall design, scale, density and height of the proposal is out of character with the established pattern of development.
- Overdevelopment of the site.
- The proposal is visually obtrusive and will set an undesirable precedent for similar development in the area.
- The siting of the public open space (and the inadequacy of the intervening boundary treatment) will have a detrimental impact on the residential amenity and security of neighbouring property.
- The address of the proposed development is incorrect and should refer to Ballinalea Road.

4.0 Planning History

4.1. *On Site:*

PA Ref. No. 18974. Was granted on 15th May, 2019 permitting Wynn Clons Development Ltd. permission for the demolition of all buildings on site including workshop, dwelling, 2 no. studio apartments, industrial unit, and commercial unit; The construction of 9 no. dwellings comprising 6 no. 2 storey, 3-bedroom semi-detached dwellings and 3 no. 2 storey, 3-bedroom terraced dwellings; associated surface car parking; landscaping; boundary treatment; public lighting; all associated engineering and site development works; with vehicular and pedestrian access from the adjoining public roads.

PA Ref. No. 17531. Was refused on 30th June, 2017 refusing Wynn Clons Development Ltd. permission for the demolition of all buildings including workshop, dwelling, 2 studio apartments, industrial unit and commercial unit, the construction of 15 no. terrace houses incorporating 2/3 bedroomed units together with site ancillary development works and connection to services, adjustments to existing public road and footpaths.

- It is an Objective of the Council as expressed in Section 4.4 of the County Development Plan 2016-2022 (Objective HD10) that 'in existing residential areas, infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties'. Having regard to the location of the development, the three-storey design approach adopted and intensity of the development proposed, taken in conjunction with the existing scale, character and pattern of development in the adjoining area, it is considered that the development as proposed would be contrary to Objective HD10 as outlined above, would result in the overdevelopment of the site, would be inconsistent with the character of this area, would be visually obtrusive and would set an undesirable precedent for similar type proposals in the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
- It is considered by the Planning Authority that the development fails to meet the Development and Design Standards set out in Appendix 1 of the County Development Plan 2016-2022; by virtue of the inadequate floor areas of the dwellings proposed, the omission of a dwelling suitable for use for persons with disabilities, the inadequate private open spaces allocated to dwellings, the poorly sited and designed public open spaces, the unsatisfactory boundary treatments proposed and the overlooking of properties generated on site. The development is at variance with the stated vision of the Council which is 'to ensure a high quality living environment for existing and future residents' of Ashford as expressed in County Development Plan 2016-2022 (Ashford Town Plan) and is therefore contrary to the proper planning and sustainable development of the area.

- It is considered that the car-parking arrangements as proposed would give rise to a traffic hazard by virtue of the design and layout of the car-parking which would require the reversing of cars onto a busy local road and in close proximity to a junction. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

PA Ref. No. 114083. Was refused on 1st July, 2011 refusing Port Walls Ltd. permission for the conversion of existing commercial building into two single bedroom, studio apartments with connection to public services, external patio / garden area, car parking and ancillary site development works.

- Having regard to the design, materials of construction and lack of insulation, the substandard size of the apartments, insufficient private and public open space, substandard internal rooms and lack of storage space, it is considered that the proposed development would result in a substandard form of development, would be prejudicial to public health and would represent an unacceptable level of residential amenity for future occupants. The proposed development would therefore be contrary to the Department of Environment, Heritage and Local Government standards set out in “Delivering Homes for Sustaining Communities” and “Sustainable Urban Housing: Design Standards for New Apartments”, the objectives of the County Development Plan 2010 and the proper planning and development of the area.
- The proposed development would endanger public safety by reason of serious traffic hazard because the existing entrance serving the development is deficient in sightlines in both directions and fails to comply with the current standards of the Design Manual for Roads and Bridges, NRA, 2009.

5.0 Policy and Context

5.1. National and Regional Policy

- 5.1.1. The ‘*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*’ acknowledge the importance of smaller towns and villages and their contribution towards Ireland’s identity and the distinctiveness and economy of its regions. It is accepted that many of these smaller towns and villages have

experienced significant levels of development in recent years, particularly residential development, and that concerns have been expressed regarding the impact of such rapid development and expansion on the character of these towns and villages through poor urban design and particularly the impact of large housing estates with a standardised urban design approach. In order for small towns and villages to thrive and succeed, their development must strike a balance in meeting the needs and demands of modern life but in a way that is sensitive and responsive to the past.

5.1.2. The '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*' provide detailed guidance and policy requirements in respect of the design of new apartment developments. Where specific planning policy requirements are stated in the document, these are to take precedence over any conflicting policies and objectives of development plans, local area plans and strategic development zone planning schemes. Furthermore, these Guidelines apply to all housing developments that include apartments that may be made available for sale, whether for owner occupation or for individual lease. They also apply to housing developments that include apartments that are built specifically for rental purposes. Unless stated otherwise, they apply to both private and public schemes. These updated guidelines aim to uphold proper standards for apartment design to meet the accommodation needs of a variety of household types. They also seek to ensure that, through the application of a nationally consistent approach, new apartment developments will be affordable to construct and that supply will be forthcoming to meet the housing needs of citizens.

5.1.3. The '*Urban Development and Building Heights, Guidelines for Planning Authorities, 2018*' are intended to set out national planning policy guidance on building heights in relation to urban areas, as defined by the census, building from the strategic policy framework set out in Project Ireland 2040 and the National Planning Framework. They aim to put into practice key National Policy Objectives contained in the NPF in order to move away from unsustainable "business as usual" development patterns and towards a more compact and sustainable model of urban development. Greatly increased levels of residential development in urban centres and significant increases in the building heights and overall density of development are not only to be facilitated, but are to be actively sought out and brought forward by the planning processes and particularly so at local authority and An Bord Pleanála levels. In this

regard, the Guidelines require that the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at development plan and development management levels.

5.2. Development Plan

5.2.1. ***Wicklow County Development Plan, 2016-2022:***

Chapter 3: Settlement Strategy:

Section 3.2: County Wicklow Settlement Strategy:

Level 5 – Small Growth Towns: Ashford

Chapter 4: Housing:

Section 4.3: Key Housing Principles:

Section 4.3.2: Zoning:

New housing development shall be required to locate on suitably zoned / designated land in settlements.

The priority for new residential development shall be in the designated ‘town’ and ‘village’ / ‘neighbourhood centres’ or ‘primary zone’ in settlements with development plans, or in the historic centre of large and small villages, through densification of the existing built up area, re-use of derelict or brownfield sites, infill and backland development. In doing so, particular cognisance must be taken of respecting the existing built fabric and residential amenities enjoyed by existing residents, and maintaining existing parks and other open areas within settlements.

Section 4.3.3: Phasing:

The development of zoned / designated land should generally be phased in accordance with the sequential approach:

- Development shall extend outwards from centres with undeveloped land closest to the centres and public transport routes being given preference, i.e. ‘leapfrogging’ to peripheral areas shall be resisted;

- a strong emphasis shall be placed on encouraging infill opportunities and better use of underutilised lands; and
- areas to be developed shall be contiguous to existing developed areas

Section 4.3.4: *Densities:*

It is an objective of the Council to encourage higher residential densities at suitable locations, particularly close to existing or proposed major public transport corridors and nodes, and in proximity to major centres of activity such as town and neighbourhood centres.

In existing residential areas, infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties.

Apartments generally will only be permitted within the designated centres in settlements (i.e. designated town, village or neighbourhood centres), on mixed use designated lands (that are suitable for residential uses as part of the mix component) or within 10 minutes walking distance of a train or light rail station.

Section 4.3.6: *Design of New Developments*

Section 4.4: *Housing Objectives (incl.)*

HD5: In order to make best use of land resources and services, unless there are cogent reasons to the contrary, new residential development shall be expected to aim for the highest density indicated for the lands. The Council reserves the right to refuse permission for any development that is not consistent with this principle.

HD9: In areas zoned / designated 'existing residential', house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity will normally be permitted (other than on lands permitted or designated as open space, see Objective HD11 below). While new developments shall have regard to the protection of the residential and architectural amenities of houses in the immediate environs, alternative and contemporary designs shall be

encouraged (including alternative materials, heights and building forms), to provide for visual diversity.

HD10: In existing residential areas, infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties. However, where previously unserved, low density housing areas become served by mains water services, consideration will be given to densities above the prevailing density, subject to adherence to normal siting and design criteria.

HD13: Apartments generally will only be permitted within the designated centres in settlements (i.e. designated town, village or neighbourhood centres), on mixed use designated lands (that are suitable for residential uses as part of the mix component) or within 10 minutes walking distance of a train or light rail station.

HD14: New apartment developments dependent on access through existing established areas of predominantly single family homes will generally not be permitted.

Appendix 1: Development and Design Standards

Section 1: Mixed Use and Housing Developments in Urban Areas

5.2.2. Ashford Town Plan, 2016-2022:

Land Use Zoning:

The proposed development site is located on lands zoned as '*RE: Existing Residential*' with the stated land use zoning objective '*To protect, provide and improve residential amenities of existing residential areas*'.

Description:

To provide for house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity. In existing residential areas, the areas of open space permitted, designated or dedicated solely to the use of the residents will normally be zoned 'RE' as they form an intrinsic part of the overall residential development;

however new housing or other non-community related uses will not normally be permitted.

Other Relevant Sections / Policies:

Section 1.2: Overall Vision and Development Strategy

Section 1.3: Residential Development

5.3. Natural Heritage Designations

5.3.1. The following natural heritage designations are in the general vicinity of the proposed development site:

- The Murrough Special Protection Area (Site Code: 004186), approximately 2.7km east of the site.
- The Murrough Wetlands Special Area of Conservation (Site Code: 002249), approximately 2.7km east of the site.
- The Murrough Proposed Natural Heritage Area (Site Code: 000730), approximately 2.7km east of the site.
- The Devil's Glen Proposed Natural Heritage Area (Site Code: 000718), approximately 2.8km northwest of the site.
- The Glenealy Wood Proposed Natural Heritage Area (Site Code: 001756), approximately 3.8km southwest of the site.

5.4. EIA Screening

5.4.1. Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, 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

- With respect to the report of the Housing Section wherein the residential units on offer are described as oversized relative to the targets set out in the *'Quality Housing for Sustainable Communities Guidelines'*, it should be noted that the guidelines provide minimum floor areas and state the following:

'Adequate floor areas and room sizes are important considerations but do not necessarily create good quality living spaces. Living room and bedroom spaces should be well proportioned, in terms of floor shapes and ceiling heights, so as to provide a good quality living environment for the occupants.'

Compliance with the requirements of Part V of the Planning and Development Act, 2000, as amended, is a matter for later agreement, however, the proposed units are well proportioned and will provide a good quality living environment for their occupants.

- In terms of compliance with the *'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities'*, the report of the case planner has stated that the floor-to-ceiling height of the ground floor apartments is below the minimum standard of 2.7m as required by Specific Planning Policy Requirement 5 (SPPR5), however, the applicant is amenable to increasing this ceiling height as necessary (thereby increasing the overall height of the units by 0.25m) by way of condition (whilst it would also be possible to increase the ceiling height of the first-floor apartments, the proposed design has taken cognisance of the height of adjacent buildings and already provides for a floor to ceiling height of 2.45m). With the increased floor to ceiling height at ground floor level, the proposed buildings will continue to reflect the appearance of a traditional two-storey house, notwithstanding the introduction of some modern architectural features. Accordingly, the Board is referred to the accompanying drawings which detail revised designs for House Types 'A', 'B' & 'C' that provide for a floor to ceiling height of 2.7m for the ground floor units.

- In response to the matters raised in the report of the Roads Section, the Board is requested to consider the following:
 - The provision of parallel parking (whereby users can pull out into the direction of traffic flow) is acceptable along a local road within a village speed limit and is a recurring recommendation of the Design Manual for Urban Roads and Streets. Such parking avoids the turning movements associated with multiple instances of perpendicular parking and is the most efficient way of providing parking within a settlement centre so as to ensure the free flow of traffic.
 - The proposed on-street parking bays are the safest and most efficient means by which to provide parking on a busy road (although Local Road No. L50701 cannot be described as busy). Furthermore, it is accepted in DMURS that any such parking can have a traffic calming effect with road users being more aware of the egress of parked vehicles.
 - The accompanying revised site layout plan (Drg. No. WCD01-PP01.01) includes for the provision of an uncontrolled pedestrian crossing over the junction of the L50701 with reference to DMURS and pedestrian safety. It is proposed to locate this 6m from the junction of the two roads in order to allow at least one car to turn left before meeting the crossing in the interests of pedestrian safety and to allow for the free flow of traffic along the local road with no sudden stopping of vehicles making a left-hand turn. The site plan also includes for the necessary signage and road markings etc.
 - The revised site layout plan shows the location and radii of fire hydrants and complies with the requirements of Technical Guidance Document Part B.
- With regard to a number of matters raised in the report of the case planner, it is considered that these issues are addressed in the revised drawings submitted with the grounds of appeal as follows:

- In order to improve passive surveillance, ground floor windows will be provided within the gable ends of Houses 'A', 'B' & 'C' where they face onto walkways and bicycle parking.
 - A brickwork detail will be included halfway across the south-facing gables of Unit Nos. 9, 10, 21 & 22 to provide an additional feature to these 'prominent corners' (as described by the case planner).
 - Revised bicycle shelters are proposed to be installed for the consideration of the Board.
 - The bin store is to be relocated away from the boundary to a new position adjacent to the turning area and open space.
 - The children's fixed play area within the main green space will be repositioned away from the relocated bin store.
 - Although the design of the apartments has not been amended to address the concerns of the case planner as regards the size of the internal storage areas within the one-bedroom units, if necessary, it is considered that this matter could be addressed by way of condition.
 - Fire hydrant radii are shown on the revised site layout plan.
- While the report of the case planner states that the density of the proposed development is higher than that of the surrounding area, it also acknowledges that the National Planning Framework aims to maximise densities on urban brownfield sites. However, the report subsequently states that although national guidance encourages higher density apartment schemes in small-scale settings, the proposed development is considered to involve a medium to large scale site. In response to the foregoing, it is submitted that the subject proposal is of a small scale when compared to strategic housing developments of 100+ No. units which would involve medium to large scale schemes.
 - It would be possible to redesign the proposed development to provide for 11 No. three / four-bedroom dwelling houses at a density of 28 No. units per hectare and the likelihood is that permission would be granted for such a scheme. However, it should be noted that the subject proposal will replace a

previously approved scheme of 9 No. dwelling houses while providing for an additional 12 No. units with only a moderate increase in the total number of bedrooms on site.

- There is more than one way to judge the impact of a development and the use of density in itself is often a crude means, as is the case in the subject instance.
- From a review of the 2016 Census figures, 40% of the households within the small area in which the subject site is located are occupied by 1 - 2 No. persons. This same 40% of households accommodates only 20% of the area population meaning that those houses are under-occupied as the prevailing accommodation type in the area comprises dwelling houses with only 3 No. units described as apartments / flats. Therefore, the proposed apartment development will provide an opportunity not just for new residents to move to the area but also for existing residents to downsize from larger, under-occupied homes thereby freeing up accommodation for use by larger families.
- The Board has overturned planning authorities on multiple occasions due to the density of development being too low. For example:

- *ABP Ref. No. PL27.307230: Ashford, Co. Wicklow:*

This is an application under consideration by the Board for a strategic housing development of 133 No. residential units comprising 117 No. dwelling houses (21 No. two-bedroom, 48 No. three-bedroom and 48 No. four-bedroom units) and 16 No. duplex apartments (8 No. two-bedroom and 8 No. three-bedroom units). Notably, in response to earlier pre-planning discussions when the Board deemed there to be a reasonable basis for the making of an application, the applicant was advised that further justification for the mix of units should be provided or additional 2-bedroom units considered at application stage. The final application as lodged provides for a greater number of one and two-bedroom units.

In effect, the Board has recognised that there is a need for smaller units in Ashford and, therefore, the density of the subject proposal should be balanced against the need for additional housing for smaller

occupancy groups. Lower density housing may satisfy the requirements of national guidance, but it does not address the housing needs of people who do not need or cannot afford a 2 / 3 bedroom apartment.

The Board is also referred to the 178 No. unit housing development permitted on those lands adjacent to the SHD site under ABP Ref. No. PL27.246799. Only 10 No. of the approved houses comprised two-bedroom units.

While there may be a demand for 3, 4 & 5 bedroom houses in Ashford, there remains a significant gap for smaller units as evidenced by the Census data.

- *ABP Ref. No. PL06F.306794: Donabate, Co. Dublin:*

On 10th August, 2020 the Board granted permission for a development of 144 No. apartments on a site of 1.16ha at a density of 124 No. units per hectare. In that instance, the reporting inspector stated that in order to increase housing supply there must also be an increase in the provision of apartments. It was further stated that the higher density development proposed would be consistent with the policies and intended outcomes of current Government policy, specifically the NPF and RSES, as regards securing more compact and sustainable urban development in the Dublin Metropolitan Area.

If 124 No. units per hectare was acceptable in Donabate, then the proposed development should be considered appropriate in Ashford.

- *ABP Ref. No. PL07.300009: Bearnna, Co. Galway:*

On 6th February, 2018 the Board refused permission for a development of 113 No. houses on the basis that the site would not be developed at a sufficiently high density and thus the proposal was contrary to the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities*'.

A subsequent application for 197 No. units was then granted by the Board under ABP Ref. No. PL07.302216 as it represented an

appropriate density of residential development having regard to the site location close to the centre of Bearna. The density of that scheme is comparable to the subject proposal.

- *ABP Ref. No. ABP-304395-19: Clonmel, Co. Tipperary:*

Permission was refused for a development of 35 No. houses on the basis that the density was not sufficiently high and would be contrary to national guidance. This culminated in the lodgement of a revised application for 60 No. units at a density of 37.5 No. units per hectare.

- *ABP Ref. No. PL92.305237: Clonmel, Co. Tipperary:*

This application for 74 No. houses was refused on appeal as the density proposed (c. 24.5 No. units per hectare) did not amount to the sustainable use of serviced lands and thus was contrary to the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities*'.

- The demand for 3 - 5 bedroom houses is well catered for in the existing and permitted housing stock of Ashford. However, there is an absence of a real and affordable alternative for persons living in large, under-occupied houses who would like to downsize while remaining in their community, and also for other people seeking an affordable and suitably sized home in Ashford. The proposed development represents such an opportunity and should be granted permission.
- Although the subject units do not immediately adjoin the road edge and are set back from the footpath, the proposed scheme is comparable to the traditional roadside development characteristic of Irish towns and villages.

6.2. Planning Authority Response

None.

6.3. Observations

6.3.1. Michael & Joan Noone:

- The development of 9 No. dwelling houses previously permitted on site under PA Ref. No. 18974 featured a low-density design that respected the scale, character and layout of the surrounding area. It also included for private garden areas alongside neighbouring properties which was an appropriate design response given the infill nature of the site. In contrast, the increased density of the subject proposal is entirely unsuitable for the area and inconsistent with the scale and character of adjoining dwellings. It represents an overdevelopment of the site and would be contrary to the proper planning and sustainable development of the area.
- The report of the case planner raised concerns with respect to the following:
 - The proposed density.
 - The set-back of the units and the proximity of the footpath.
 - The building height / design at a prominent corner location.
 - The failure of the design and finishes to integrate with the surrounding area.
 - The contribution of the proposal to the streetscape and passive surveillance.
 - The minimum ceiling heights and storage provision.
 - The provision of parallel parking and public safety considerations.
 - Access by fire appliances.
 - The existing boundaries and landscaping proposals.
- The Senior Engineer in the Planning Dept. concluded that the proposed density would '*contravene the zoning objective for the site*' and '*could not be justified in a small town / village like Ashford which has limited public transport*'.
- While the first party appeal has put forward proposals to increase floor-to-ceiling heights and to redesign storage areas to satisfy the minimum

requirements of the '*Sustainable Urban Housing, Design Standards for New Apartments*', in addition to outlining design changes at prominent corners such as the inclusion of additional fenestration to improve passive surveillance, these revisions do not address the excessive density and overdevelopment of the site.

- The precedents referenced in the grounds of appeal relate to much larger housing developments and are not comparable to the subject proposal which concerns the redevelopment of a relatively small infill site in a well-established residential area.
- The proposed development will almost certainly place additional pressures on existing services and the surrounding road network.
- The application site is zoned as '*RE*' which aims to protect existing residential uses and to provide for infill development.
- The decision to refuse permission should be upheld by the Board.

6.3.2. *Jennifer Coughlan:*

- It appears there is an allowance for 11 No. parking spaces in the new development as a mix of parallel parking and spaces to the rear. This is insufficient to cater for the proposed 22 No. units.
- The parallel parking arrangements will result in traffic congestion and will also impinge on the privacy and amenity of local residents.
- The applicant has sought to justify the height of the proposed development by comparing it to existing housing in Ashford Downs, however, those dwelling houses are set back below the level of the public road thereby reducing their overall height / appearance.
- The height of the proposed duplex units and their positioning relative to the road will result in an imposing block of buildings that will overlook and overshadow the neighbouring dwelling houses on the opposite side of Ballinalea Road.
- The reference to Ballinalea Road as Ashford Downs is incorrect. The roadway in question has always been known as Ballinalea Road whereas Ashford

Downs is a housing estate situated primarily to the rear of the 'Woodpecker' public house and accessed from the Glenealy Road.

- Most of the existing housing along Ballinalea Road is single storey, with the exception of a new development of 12 No. houses that faces onto the R772 Regional Road, however, due to the site topography, that scheme lies below the neighbouring single storey dwellings and thus does not overlook or overshadow those properties.
- The proposal is not in keeping with the surrounding pattern of development and will have an adverse impact on the residential amenity of neighbouring dwellings.

6.4. Further Responses

None.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- The principle of the proposed development
- Overall design and layout
- Impact on residential amenity
- Traffic implications
- Appropriate assessment

These are assessed as follows:

7.2. The Principle of the Proposed Development:

7.2.1. The settlement strategy set out in the Wicklow County Development Plan, 2016-2022 identifies Ashford as a 'Level 5 – Small Growth Town' (such settlements are ideally serviced by good bus or rail links and located approximately 5 - 25km or so from large growth towns) and states that while these settlements are not to be prioritised for major growth or investment, they are envisaged as accommodating

local indigenous growth and investment as well as providing for urban housing to serve the needs of people from across the County and region. In this regard, I would also draw the Board's attention to the Core Strategy wherein it is projected that the population of Ashford will grow from 1,484 in 2011 to 2,675 by 2022 with a further targeted growth of up to 3,000 and 3,250 by 2025 & 2028 respectively (although it should be noted that these population targets were prepared taking into account population growth patterns since 2006 and CSO regional population projections based on the 2011 Census as earlier projections and targets had become outdated since the 2006 Census whilst the 2016 preliminary Census results were not yet available). Accordingly, in response to this projected population growth, Table 2.7: '*County Wicklow Housing Growth Distribution 2022, 2028*' of the Plan has detailed a need for 842 No. additional units in Ashford between 2011 and 2028.

7.2.2. Whilst I would acknowledge that the foregoing projections have not been updated to take account of the strategic policy developments set out in the National Planning Framework: Project Ireland 2040 or the Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy, 2019-2031, I am nevertheless satisfied that the core strategy establishes a reasonable basis on which to consider the subject application and, more specifically, the appropriateness of siting the additional housing proposed within Ashford in light of the available services etc.

7.2.3. With respect to the specifics of the subject proposal, it is of relevance to note that the application site is located within the settlement boundary of Ashford as identified on Map No. 1 of the Ashford Town Plan, 2016-2022 (Volume No. 2 of the Wicklow County Development Plan, 2016-2022) on lands zoned as '*RE: Existing Residential*' with the stated land use zoning objective '*To protect, provide and improve residential amenities of existing residential areas*' where residential development, including apartments, would generally be considered appropriate. It is also situated within a primarily residential area where the prevailing pattern of development is broadly characterised by conventional housing construction interspersed with a number redeveloped / extended cottages. The site itself is occupied by an assortment of open yards and vacant buildings / sheds (including a former dwelling house) that would appear to have previously accommodated a variety of commercial, industrial & residential uses. In my opinion, it amounts to an under-utilised and dilapidated property which presently detracts from the surrounding area, particularly given its

prominent positioning at the junction of Local Road No. L5070 / Ballinalea Road with Local Road No. L50701, and a suitably designed redevelopment scheme would undoubtedly make a more positive contribution in land use planning terms to the vitality of the wider site surrounds.

- 7.2.4. Accordingly, I would suggest that the proposed development site can be considered to comprise a 'brownfield' infill site within an established residential area where public services are available and that the development of appropriately designed infill housing would typically be encouraged in such areas provided it integrates successfully with the existing pattern of development and adequate consideration is given to the need to protect the amenities of existing properties. Such an approach would correlate with the wider national strategic outcomes set out in the National Planning Framework 'Project Ireland: 2040', including the securing of more compact and sustainable urban growth such as is expressed in National Policy Objective 35 which aims to *'increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights'*.
- 7.2.5. Further support is lent to the proposal by reference to the wider provisions of the Development Plan which place a strong emphasis on encouraging infill opportunities and the better use of underutilised land, including Objective HD9 which states that in areas zoned / designated 'existing residential' *'appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity will normally be permitted'*. The *'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009'* also acknowledge the potential for infill development within established residential areas provided that a balance is struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.
- 7.2.6. It is of further relevance to note that permission has already been granted for the residential redevelopment of the lands in question pursuant to PA Ref. No. 18974 which approved the construction of 9 No. dwelling houses.

- 7.2.7. Therefore, having considered the available information, including the site context and land use zoning, and noting the infill nature of the site itself, I am satisfied that the overall principle of the redeveloping the site for residential purposes is acceptable, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties and the overall character of the wider area.
- 7.2.8. In specific reference to the appropriateness of developing apartments at the subject site, although the report of the case planner has acknowledged that some element of apartment development may be accommodated in principle given that it would contribute to the mix of housing types in the area and as the site is within a short walking distance of the town centre, the supplementary notes added by the Senior Engineer state that the *'RE zoning would not support [the] principle of apartments on this site'*. In response to the foregoing, I would advise the Board that the *'Introduction to Level 5 Town Plans'* included in Vol. 2 of the County Development Plan expressly states that apartments are 'generally' appropriate on residentially zoned lands, however, this is countered somewhat by Objective HD13 of that Plan which subsequently states that apartments will 'generally' only be permitted within *'the designated centres in settlements (i.e. designated town, village or neighbourhood centres), on mixed use designated lands (that are suitable for residential uses as part of the mix component) or within 10 minutes walking distance of a train or light rail station'*.
- 7.2.9. While the proposed development site is outside of the town centre on lands zoned as *'Existing Residential'*, and although Ashford is not served by a rail link, in assessing the appropriateness of apartment development at this location cognisance must be taken of wider national policy provisions. In this regard, I would reiterate that the National Planning Framework aims to move away from unsustainable "business as usual" development patterns and towards a more compact and sustainable model of urban development with current guidance supporting higher density developments in appropriate locations so as to avoid the trend towards predominantly low-density commuter-driven developments. Within such a context, the *'Sustainable Urban Housing: Design Standards for New Apartments, 2020'* state that apartment development has a key role to play in the future sustainable growth of urban areas and that in order to meet housing demand, it will be necessary to significantly

increase housing supply and that this must include *'a dramatic increase in the provision of apartment development'*. Moreover, the Guidelines state that more peripheral and / or less accessible urban locations such as sites within small towns or villages may be suitable for limited, very small-scale, higher density development that may wholly comprise apartments, subject to local assessment and other relevant planning factors.

7.2.10. Notwithstanding that the density of the submitted proposal at c. 56 No. units / hectare exceeds that of the immediate site surrounds, in my opinion, it nevertheless provides for a comparatively small scale of development which consists of the construction of 22 No. apartments on an under-utilised 'brownfield' site of 0.39 hectares in an established residential area within a short walking distance of the town centre. While I would acknowledge that Objective HD13 does not generally allow for apartments in such locations, having regard to the proximity of the town centre and local services, the provisions of *'Sustainable Urban Housing: Design Standards for New Apartments, 2020'*, the desirability of providing for an improved housing mix in the area, and noting that the Board has previously approved the construction of apartments on 'greenfield' lands on the northernmost edge of Ashford at a comparable distance from the town centre (albeit as part of a larger strategic housing development permitted under ABP Ref. No. ABP-307230-20), it is considered that the subject proposal is appropriate in this instance and will not materially contravene the Development Plan.

7.3. **Overall Design and Layout:**

7.3.1. *Proposed Housing Density:*

From a review of available information, it is apparent that the Planning Authority has particular concerns with respect to the density of the proposed development given the site context, however, the supplementary notes made in support of the recommendation to refuse permission specifically state that the density of the proposal at 56 No. units / hectare would contravene the zoning objective, would represent overdevelopment of the site, would not be in keeping with the prevailing pattern of development, and would not be justifiable in a small town such as Ashford given the limited public transport available.

- 7.3.2. While I would acknowledge that the density of the proposed development is considerably higher than that of the surrounding area, which is dominated by conventional suburban housing, I am cognisant that the *'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009'* encourage more sustainable urban development through the avoidance of excessive suburbanisation and the promotion of higher densities in appropriate locations. Similarly, a key aspect of the National Planning Framework: 'Project Ireland 2040' is the achievement of more compact urban growth and sustainable densities within settlements. In this regard, I would reiterate that the county settlement strategy has designated Ashford as a 'Level 5 – Small Growth Town' with a view to accommodating local growth and the housing needs of people from across the County and region and, therefore, it would be reasonable to consider an increased density of development that strikes a balance in meeting the needs and demands of modern life but in a way that is sensitive and responsive to the past.
- 7.3.3. In assessing the overall appropriateness of the density proposed, I would advise the Board that the proposed development site is zoned as *'RE: Existing Residential'* with the stated land use zoning objective *'To protect, provide and improve residential amenities of existing residential areas'* and is not subject to any specific density standard prescribed in the Development Plan. Instead, it is necessary to revert to Objective HD10 of the Plan wherein it is stated that infill development within existing residential areas should generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties. By way of further clarity, Section 1: *'Mixed Use and Housing Developments in Urban Areas'* of Appendix 1: *'Development and Design Standards of the Plan'* also states that in instances where no density limit is set, the quantum of infill development permissible will follow adherence to best development standards.
- 7.3.4. In design terms, the proposal provides for greater definition of the streetscape at this corner plot through the siting of the terraced blocks along the site frontage extending away from the adjacent road junction and, in my opinion, makes the most effective use of the site whilst preserving the amenities of those residential properties to the west and south. It also satisfies the minimum requirements as regards the provision of private and communal open space and includes for adequate car parking.

7.3.5. Architecturally, the broader design is relatively conventional and comprises a two-storey plus dormer / attic construction (with a contemporary feature being the inclusion of a double-height, asymmetrical framing detail to the front / streetside elevation of the units) and is not incomparable to a typical block of terraced housing. In my opinion, the overall design and layout provides for a welcome redevelopment of this under-utilised site and makes a more positive contribution in urban design terms to the surrounding area than the scheme of 9 No. semi-detached & terraced units previously permitted on site under PA Ref. No. 18974.

7.3.6. Therefore, having regard to the foregoing, and given the limited size and configuration of the subject site, its relationship with adjacent properties, the planning history of the area, and the surrounding pattern of development, I am satisfied that while the density proposed exceeds that of neighbouring housing, it is appropriate to the site context and achieves a suitable balance between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill, as per the requirements of the Local Area Plan and the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*'.

7.3.7. *Proposed Design & Building Height:*

With respect to the wider design merits of the proposal, I would reiterate my earlier commentary as regards the definition of this corner plot and the contribution to the streetscape. Furthermore, given the variety of predominantly conventional housing prevalent in the area, and notwithstanding that there are no other examples of terraced units in the immediate site surrounds, I am satisfied that the proposal will not unduly detract from the established character or amenity of the area.

In specific reference to the building height, I would advise the Board that the revised plans submitted with the grounds of appeal provide for an increase in the overall height of the development due to the necessity to achieve the minimum floor to ceiling height of 2.7m within the ground level apartments. This has had the effect of increasing the height of each individual apartment block from 9.2m over ground level to 9.45m. For comparison purposes, I note that the two-storey dwelling houses previously approved on site under PA Ref. No. 18974 were 8.77m in height.

The increased height of the proposed (two-storey plus attic) apartment blocks and their positioning proximate to the adjacent public roads will serve to increase the overall prominence of the development when viewed from within the wider streetscape and neighbouring properties, with particular reference to those on the opposite side of Ballinalea Road to the north, however, I do not consider the proposal to be excessive in terms of overall scale or height given the site context, its corner location, the separation distances involved, and the broader design merits of the proposal as previously outlined.

7.3.8. *Compliance with the Design Standards for New Apartments:*

It is necessary to consider the detailed design of the proposed apartment units having regard to the requirements of both local planning policy and the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*'. In this respect it is of particular relevance to note that where specific planning policy requirements are stated in the Guidelines, these are to take precedence over any conflicting policies or objectives contained in the development plan. Therefore, in accordance with Section 3.0 of the Guidelines I propose to assess the subject scheme as regards compliance with the relevant planning policy requirements set out in the Guidelines in relation to the following:

- Apartment mix within apartment schemes
- Apartment floor areas
- Dual aspect ratios
- Floor to ceiling height
- Apartments to stair / lift core ratios
- Storage spaces
- Amenity spaces
- Aggregate floor areas / dimensions for certain rooms

7.3.9. *Apartment Mix within Apartment Schemes:*

The proposed development provides for the construction of 11 No. one-bedroom units and 11 No. two-bedroom units. In this respect, I am satisfied that the proposal

achieves a suitable mix of unit sizes / types in accordance with Specific Planning Policy Requirement No. 1 of the Guidelines.

7.3.10. *Apartment Floor Areas:*

It is a specific planning policy requirement of the Guidelines that the minimum apartment floor areas previously specified in the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2007*' continue to apply as follows:

- 1 bedroom apartment Minimum 45m²
- 2 bedroom apartment Minimum 73m²

In this respect I would advise the Board that each of the proposed apartments has a stated floor area which exceeds the minimum requirements of the Guidelines.

Furthermore, in the interest of safeguarding higher standards of accommodation by ensuring that apartment schemes do not provide for units being built down to a minimum standard (in reference to Section 3.8 of the Guidelines which states that the majority of all apartments in any proposed scheme of 10 or more apartments should exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types by a minimum of 10%), from a review of the submitted details, I am satisfied that the subject proposal accords with the applicable requirements.

7.3.11. *Dual Aspect Ratios:*

The amount of sunlight reaching an apartment significantly affects the amenity of its occupants and therefore it is a specific planning policy requirement that in more central and accessible urban locations the minimum number of dual aspect apartments to be provided in any single apartment scheme will be 33% whereas in suburban or intermediate locations the foregoing requirement is increased to 50%.

Given that all of the proposed apartments will be dual aspect, it is clear that the proposal accords with Specific Planning Policy Requirement 4 of the Guidelines.

7.3.12. *Floor to Ceiling Height:*

The Guidelines state that floor-to-ceiling height affects the internal amenities of apartments (in terms of sunlight / daylight, storage space, and ventilation) and that

this is of most significance at ground level where the potential for overshadowing is greatest, although it is also noted that ground level floor to ceiling height will also influence the future adaptability of individual apartments for potential alternative uses, depending on location. Accordingly, it is a specific planning policy requirement (SPPR5) that ground level apartment floor to ceiling heights should be a minimum of 2.7m.

The floor to ceiling height of the ground level apartments as originally proposed only measured 2.45m and thus was deficient in light of SPPR 5, however, the grounds of appeal have been accompanied by a revised set of drawings which has amended the design of each of the apartment blocks to provide for a minimum ground level apartment floor to ceiling height of 2.7m (with a corresponding increase in the overall height of the proposed development). In this regard, the revised proposal accords with the requirements of the Guidelines.

7.3.13. Apartments to Stair / Lift Core Ratios:

Given the design & scale of the development proposed, the proposal satisfies the requirements of the Guidelines in this regard.

7.3.14. Internal Storage:

The Guidelines state that apartment developments should include adequate provision for general storage and utility requirements in order to accommodate household functions such as clothes washing and the storage of bulky personal or household items. In this regard I would refer the Board to the minimum requirements for storage areas set out in Appendix 1 of the Guidelines as follows:

- One-bedroom apartment: 3m²
- Two-bedroom (3 No. person) apartment: 5m²
- Two-bedroom (4 No. person) apartment: 6m²

Notably, this storage provision is to be in addition to kitchen presses and bedroom furniture (although it may be partly provided within these rooms provided it is in addition to the minimum aggregate living/dining/kitchen or bedroom floor areas). A store off a hallway or landing will facilitate access, but hot presses or boiler space will not count as general storage. The Guidelines also state that no individual storage room within an apartment should exceed 3.5m².

From a review of the available information, including the floor plans and the schedule of floor areas provided with the application, it is apparent that the attic storage space (c. 6.3m²) within each of the two-bedroom apartments will exceed 3.5m², however, whilst the case planner has raised concerns in this regard, it should be noted that these areas would appear to incorporate a hot press which is to be excluded from the calculation of the general storage requirements. In any event, notwithstanding the exclusion of that area to be occupied by the hot press, in my opinion, it would be feasible to reduce the attic space storage provision in line with the requirements of the Guidelines by way of condition should the Board deemed it necessary in the event of a grant of permission.

7.3.15. Additional Storage:

Section 3.32 of the Guidelines states that apartment schemes should provide for the storage of bulky items outside of individual units (i.e. at ground or basement level) given that secure, ground floor storage space allocated to individual apartments and located close to the entrance to the apartment block or building is particularly useful as it may be used for equipment such as bicycles, children's outdoor toys or buggies. However, whilst planning authorities are to be encouraged to seek the provision of such space in addition to the minimum apartment storage requirements, this would not appear to be mandatory.

Although the subject proposal does not include for any additional ground level storage areas allocated for the specific use of individual apartments, provision has been made for a communal refuse / bin storage area and shared bicycle parking stands on site.

7.3.16. Amenity Spaces:

Private Amenity Space:

It is a policy requirement of the Guidelines that adequate private amenity space be provided in the form of gardens or patios / terraces for ground floor apartments and balconies at upper levels. In this respect I would advise the Board that a one-bedroom apartment is required to be provided with a minimum amenity area of 5m² whilst two-bedroom (3 No. persons) & two-bedroom (4 No. persons) apartments are to be provided with 6m² and 7m² of private amenity space respectively.

Consideration must also be given to certain qualitative criteria including the privacy

and security of the space in question in addition to the need to optimise solar orientation and to minimise the potential for overshadowing and overlooking.

From a review of the submitted drawings, it can be confirmed that the overall private open space provision for each of the apartment units exceeds the minimum requirements of the Guidelines.

7.3.17. *Communal Amenity Space:*

The Guidelines state that the provision and proper future maintenance of well-designed communal amenity space is critical in meeting the amenity needs of residents, with a particular emphasis being placed on the importance of accessible, secure and usable outdoor space for families with young children and for less mobile older people, and in this respect the minimum requirements set out in Appendix 1 of the guidance are as follows:

- One-bedroom apartment: 5m²
- Two-bedroom (3 No. person) apartment: 6m²
- Two-bedroom (4 No. person) apartment: 7m²

Accordingly, on the basis of the foregoing, the proposed development would necessitate the provision of 121m² of communal open space to satisfy the minimum requirements of the Guidelines. However, in accordance with Section 6: '*Community Developments and Open Space*' of Appendix 1: '*Development and Design Standards*' of the Development Plan, the proposed development would necessitate the provision of 585m² based on 15% of the site area.

Communal open space to serve the proposed apartment units is detailed on the site layout plan as purportedly amounting to 798m² and comprises two principal areas of amenity space located at ground level (consisting of a green area and a cobbled seating area) with assorted enclosed and / or equipped play areas.

Therefore, it is clear that the overall provision of communal open space to serve the proposed development exceeds the minimum requirements of both the Development Plan and the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*'. Furthermore, I am satisfied that the overall quality of the space proposed will provide for a sufficiently high level of

amenity for the users of same and is suitably overlooked and secure in terms of passive surveillance.

7.3.18. Aggregate Floor Areas / Dimensions for Certain Rooms:

Having reviewed the submitted drawings, I am satisfied that the overall design of the proposed apartment units generally accords with the required minimum floor areas and standards (including the dimensions of certain rooms) as appended to the Guidelines.

7.3.19. Overall Design of the Proposed Apartment Scheme:

On the basis of the foregoing, it is my opinion that the design of the submitted proposal (as amended by the grounds of appeal, and subject to the revision of the internal storage arrangements if deemed necessary by the Board) accords with the minimum requirements of the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*' and provides for a satisfactory level of residential amenity for the future occupants of the proposed units and does not amount to an overdevelopment of the site.

7.4. Impact on Residential Amenity:

- 7.4.1. Having reviewed the available information, and in light of the site context within a built-up urban area, including its relationship with neighbouring properties, it is my opinion that the overall scale, design, positioning and orientation of the proposed development, with particular reference to the separation of same from adjacent dwelling houses, will not give rise to any significant detrimental impact on the residential amenity of neighbouring properties by reason of overlooking, overshadowing, or an unacceptably overbearing visual appearance.

7.5. Traffic Implications:

- 7.5.1. The proposed development includes for a new vehicular entrance arrangement onto Local Road No. L50701 within the south-eastern corner of the site to allow for access to the grouped car parking etc. to the rear of the scheme. The associated internal service road will have a carriageway width of 5.5m and includes for two turning bays, one of which has been purposively designed to accommodate the manoeuvring of larger vehicles such as delivery lorries, refuse collection trucks, and emergency services / fire appliances. In this regard, it is my opinion that the

proposed access arrangements, including the availability of sightlines from the new entrance onto the public road and its set back from the junction of Local Road No. L50701 / Local Road No. L5070, are satisfactory and will not endanger public safety by reason of traffic hazard. I am also satisfied that the surrounding road network has adequate capacity to accommodate the additional traffic volumes consequent on the proposed development.

- 7.5.2. In terms of pedestrian access, the proposal provides for the recessing of the public footpath along the perimeter of the site to accommodate roadside parking and also includes for dedicated pedestrian pathways between the individual apartment blocks. The revised site layout plan submitted with the grounds of appeal further improves pedestrian safety in response to the concerns raised by the Roads Section of the Local Authority by providing for an uncontrolled pedestrian crossing across Local Road No. L50701 at its junction with Local Road No. L5070 as well as the repositioning of the crossing proposed at the site entrance forward of the 'Stop' sign to ensure pedestrian priority. Associated revisions to the house designs will provide for improved passive surveillance of pedestrian routes whilst the proposal has also made adequate provision for bicycle parking facilities.
- 7.5.3. In accordance with the provisions of Section 1: *'Mixed Use and Housing Developments in Urban Areas'* of Appendix 1: *'Development and Design Standards'* of the County Development Plan, there is a requirement to provide 1 - 2 No. car parking spaces per residential unit, although 2 No. spaces will normally be required in respect of all dwellings with in excess of two bedrooms. In addition, 1 No. visitor space is to be provided for every 5 No. residential units provided with only one parking space. Accordingly, on the basis that the proposed development comprises 11 No. one-bedroom and 11 No. two-bedroom apartments, it would typically generate a demand for the provision of c. 26 No. parking spaces i.e. one space per apartment unit with four additional spaces for visitor parking. In this respect, the submitted proposal provides for a total of 28 No. car parking spaces through a combination of grouped and parallel car parking and thus complies with the requirements of the Development Plan.
- 7.5.4. While some concerns have been raised as regards the appropriateness of the proposed parallel parking arrangements, given the site context, including its location within the 50kph speed limit of Ashford (and noting that a 30kph speed limit is in

place along Local Road No. L50701, the overall width, alignment and condition of the roads bounding the site, and noting the comparatively low traffic volumes in the area, I am inclined to concur with the applicant that the parallel parking will function as a traffic calming measure and will not give rise to such haphazard parking practices or undesirable turning manoeuvres as to endanger public safety or warrant a refusal of permission.

7.6. Appropriate Assessment:

- 7.6.1. From a review of the available mapping, including the data maps from the website of the National Parks and Wildlife Service, it is apparent that while the proposed development site is not located within any Natura 2000 designation, there are a number of Natura 2000 sites in the wider area with the Murrough Wetlands Special Area of Conservation (Site Code: 002249) and the Murrough Special Protection Area (Site Code: 004186) situated approximately 2.7km east of the site.
- 7.6.2. In this respect it is of relevance to note that it is the policy of the planning authority, as set out in Chapter 10 of the Wicklow County Development Plan, 2016, to avoid negative impacts upon the natural environment and to promote the appropriate enhancement of the natural environment as an integral part of any development. Furthermore, Objective NH2 of the Plan states that no projects which would give rise to any significant cumulative, direct, indirect or secondary impacts on Natura 2000 sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects will be permitted on the basis of the plan (either individually or in combination with other plans or projects). By way of further clarity, Objective NH4 also states that all projects and plans arising from the Development Plan (including any associated improvement works or associated infrastructure) will be screened for the need to undertake Appropriate Assessment pursuant to Article 6 of the Habitats Directive whilst any such plan or project will only be authorised after the competent authority has ascertained, based on scientific evidence, Screening for Appropriate Assessment, and a Stage 2 Appropriate Assessment, where necessary, that:

- 1) The Plan or project will not give rise to significant adverse direct, indirect or secondary effects on the integrity of any European site (either individually or in combination with other plans or projects); or
- 2) The Plan or project will have significant adverse effects on the integrity of any European site (that does not host a priority natural habitat type and / or a priority species) but there are no alternative solutions and the plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature. In this case, it will be a requirement to follow procedures set out in legislation and agree and undertake all compensatory measures necessary to ensure the protection of the overall coherence of Natura 2000; or
- 3) The Plan or project will have a significant adverse effect on the integrity of any European site (that hosts a natural habitat type and/or a priority species) but there are no alternative solutions and the plan or project must nevertheless be carried out for imperative reasons for overriding public interest, restricted to reasons of human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest. In this case, it will be a requirement to follow procedures set out in legislation and agree and undertake all compensatory measures necessary to ensure the protection of the overall coherence of Natura 2000.

7.6.3. In effect, a proposed development may only be authorised after it has been established that the development will not have a negative impact on the fauna, flora or habitat being protected through an Appropriate Assessment pursuant to Article 6 of the Habitats Directive.

7.6.4. Having reviewed the available information, and following consideration of the 'source-pathway-receptor' model, it is my opinion that given the nature and scale of the development proposed, the site location on zoned and adequately serviced urban lands outside of any protected site, the limited ecological value of the lands in question, the availability of public services, and the separation distances involved between the subject site and nearby Natura 2000 designations, the proposal is unlikely to have any significant effect in terms of the disturbance, displacement or

loss of habitats or species on the ecology of any Natura 2000 site. Therefore, I am inclined to conclude that the proposed development would not be likely to significantly affect the integrity of Natura 2000 sites and would not undermine or conflict with the Conservation Objectives applicable to same.

- 7.6.5. Accordingly, it is reasonable to conclude on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects, would not be likely to have a significant effect on any European site in view of the relevant conservation objectives and that a Stage 2 appropriate assessment (and the submission of a NIS) is not therefore required.

8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be overturned in this instance and that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions, set out below:

9.0 Reasons and Considerations

- 9.1. Having regard to the location of the site, the provisions of the current Ashford Town Plan, 2016-2022 and the Wicklow County Development Plan, 2016-2022, the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020', the density, scale and height of the development proposed, the pattern of development in the area, and the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of pedestrian and traffic safety, and 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 by An Bord Pleanála on the 3rd day of September, 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 attic storage space within the two-bedroom apartment units shall not exceed 3.5m².

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 clarity and residential amenity.

3. 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.

4. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

5. 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. Details in this regard shall be submitted

to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of public health

6. 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.

7. The proposed new public footpath, including two number pedestrian crossing points, shall comply with the detailed standards of the planning authority for such road works, and shall comply, in all respects, with the standards set out in the Design Manual for Urban Roads and Streets. The residential units shall not be made available for occupation before the footpath has been completed to the written satisfaction of the planning authority.

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

8. The internal road network serving the proposed development, including the turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works, and shall comply with all relevant aspects of the Design Manual for Urban Roads and Streets.

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

9. A minimum of 10% of all car parking spaces shall be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals to be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles.

10. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:

- a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- c) details of proposed street furniture, including bollards, lighting fixtures and seating;
- d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

11. Prior to commencement of development the developer shall submit for the written agreement of the planning authority details of the play facilities to be provided in the areas of open space.

Reason: In the interest of residential amenity.

12. Details of the proposed public lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed lighting system shall be fully implemented and operational before any of the residential or commercial units are made available for occupation.

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

13. Proposals for an apartment name and numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development. 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(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

14. A plan containing details for the management of waste for the apartment blocks, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

15. 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.

16. 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, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

17. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance

with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

18. Prior to commencement of development, the developer 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.

19. 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.

20. 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.

Robert Speer
Planning Inspector

21st April, 2021