



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-308275-20

Strategic Housing Development	122 no. residential units (102 no. houses, 20 no. apartments) and associated site works.
Location	Ballinalea, Ashford, Co. Wicklow.
Planning Authority	Wicklow County Council
Prospective Applicant	Kingsbridge Design and Consultancy Limited
Date of Consultation Meeting	1 st December 2020
Date of Site Inspection	14 th November 2020
Inspector	Elaine Power

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

The appeal site is located approx. 900 south of Ashford town centre on the edge of the existing built up area, and approx. 850m east of the M11 interchange. The area is transitional in character. It is bound to the north and south by agricultural fields, to the east by agricultural lands and associated dwellings and buildings and to the west by the Ballinalea housing estate.

The site is generally rectangular in shape and has a stated area of 3.65ha. The northern, southern and eastern site boundaries comprise trees and hedgerows. The western boundary comprises the rear gardens of houses within the Ballinalea residential estate. The site is divided by a hedgerow into 2 no. agricultural fields.

Access to the site is proposed from the adjoining residential estate via Rossana Close. The R772 is located approx. 200m north of the subject site.

3.0 Proposed Strategic Housing Development

3.1.1. It is proposed to construct 122 no, residential units, comprising 102 no. houses, 20 no. apartments / duplexes. A breakdown of the unit mix is as follows: -

- 12 no. 2-bed houses
- 82 no. 3-bed houses

- 8 no. 4-bed houses
- 10 no. 2-bed duplex units
- 10 no. 3-bed duplex units

3.1.2. The following details as submitted by the applicant are noted:

Parameter	Site Proposal
Application Site Area	3.65 ha
No. of Units	122
Density	33.4 units per ha
Public Open Space	5,286sqm
Height	1 and 2-storey houses and 3-storey duplex units
Car Parking	236 no. spaces
Bicycle Parking	20 no. spaces for duplex units plus 7 no. visitor spaces
Vehicular Access	From Ballinalea via the R772

3.1.3. The scheme is designed as an extension to the existing residential estate to the east. The units are designed in a grid pattern around 2 no. areas of public open space. An additional area of open space is proposed in the north western corner of the site. The 3-storey duplex units are located along the southern boundary of the site. The development includes a variety unit types ranging in size from approx. 78sqm to approx. 131 sqm.

3.1.4. The development includes a pumping station in the south east portion of the site.

4.0 Policy Context

4.1. *Ashford Town Plan 2016 - 2022*

Ashford is a designated Level 5 Small Growth Town settlement. The plan aims to consolidate the existing built pattern in Ashford by maximising the potential of large sites within the town core in order to create a distinct streetscape capable of meeting Ashford's function as a town serving its immediate and wider hinterland population

The subject site is zoned R20 – Residential with the associated land use objective outlined in the Wicklow County Development Plan (Level 5 Town Plans) 2016 – 2022 *'to protect, provide and improve residential amenities at a density up to 20 units/ha'*. The vision for these lands is *'to facilitate for the provision of high quality new residential developments at appropriate densities with excellent layout and design, well linked to the town centre and community facilities. To provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities'*.

The appeal site also forms part of a larger area which has the objective AA1. The plan states that Action Area 1 *'is situated at Ballinalea and comprises of c. 11.5ha of lands, zoned for residential development (c. 7.7ha) and Active Open Space (c. 3.8ha) as shown on Figure 2. Access to the AOS lands shall be provided through the residential land from the R772. Only 50% of the proposed residential element may be developed prior to the AOS lands being levelled and drained suitable for sports use and devoted to an agreed sports body'*.

Table 1.1 Residential Zoning Provisions states that 'lands at Ballinalea AA1' have the potential to deliver 142 no. units.

It is noted that there is capacity within both the public wastewater system and the public water supply.

The following policies are also considered relevant:

ASH11: To improve / provide new footpaths, cycleways and traffic calming on existing roads where required and to require the provision of new link roads, footpaths and cycleways as specified in this plan in 'Action Areas' and 'Specific Local Objective' areas.

ASH14: To safeguard the integrity of streams and rivers in the plan area, in particular all watercourses that are hydrologically linked to The Murrough Natura 2000 site,

including the use of adequate buffer zones between watercourses and proposed developments.

4.2. **Wicklow County Development Plan 2016 - 2022**

Ashford is identified as a Level 5 settlement. These are the smaller towns of the County that provide important economic and social services to their populations and immediate hinterland. Such towns normally have a good range of infrastructural services and are suited to accommodating urban generated housing demand. These towns generally have a population between 1,500 and 5,000 persons.

As set out in Appendix 3 the town had a population of 1,484 in 2011. It is envisioned that the population would grow to 2,575 within the lifetime of the plan (2022) and to 3,250 by 2028. This population increase would require an additional 508 no. residential units by 2022 and an additional 842 no. units by 2028.

Section 4.3.2 – Zoning sets out guiding principles for the zoning / designation of greenfield land for new housing. Section 4.3.4 – Densities notes that 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.

Objective 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.

Objective HD15 Within medium to large scale housing developments, a range of unit types / sizes shall be provided, including bungalows (this requirement does not apply to apartment only developments).

Objective NH 1: To ensure that the impact of new developments on biodiversity is minimised and to require measure for the protection and enhancement of biodiversity in all proposals for large developments.

The following are also considered relevant, Settlement Strategy Objectives SS1, SS4 and SS5, Housing Objectives HD1, HD2, HD3 and HD5. Chapters 9: Infrastructure, 10: Heritage and Appendix 1: Development Design Standards are also considered relevant.

4.3. ***Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019 - 2031***

It is a key principle of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in.

Section 4.7 - Self Sustaining Growth Towns and Self-Sustaining Towns notes that these towns support the regional driver of Key Towns and act as important local drivers, providing a range of functions for their residential population and surrounding catchment, including housing, local employment, services, retail and leisure opportunities.

4.4. ***National Planning Framework (2018)***

The National Planning Framework addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.
- National Policy Objective 57: Enhance water quality and resource management by ... ensuring flood risk management informs place making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities...

4.5. **Section 28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2018
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area, 2009
- Urban Development and Building Heights Guidelines, 2018
- Urban Design Manual, A Best Practice, 2009
- Design Manual for Urban Roads and Streets, 2013
- The Planning System and Flood Risk Management Guidelines, 2008

5.0 **Section 247 Consultations with Planning Authority**

- 5.1. The minutes of the formal pre-planning Section 247 consultation meeting have been submitted by the applicant. The meeting took place with the Planning Authority in relation to the proposed development on the 6th August 2020. A summary of the issues raised in the consultation is outlined below: -

- Need to address Objective AA1 with regard to the development of the full 50% of residentially zoned lands, and the absence of non-residential uses.
- Access to the site would materially contravene Objective AA1, which requires access from the R774.
- A masterplan should be prepared for the overall AA1 lands
- The proposed density would materially contravene the LAP
- Layout is very linear, need to review to include DMURS
- Need to justify the housing mix
- Attention should be paid to the retention of hedgerows
- Impact on existing residential amenity should be addressed
- A childcare audit is required, and the applicant should liaise with Wicklow Childcare Committee
- The applicant should liaise with the Housing Department of Wicklow County Council regarding Part V provision
- Regard should be had to recent planning permissions in Ashford and the requirement for AA / NIS.
- The pumping station should be a last resort, if one is being provided it should serve all lands as multiple pumping stations / rising mains and associated road opening licences would not be acceptable. It should be noted that Irish Water do not take pumping stations in charge

Full details of the meetings are included in the planning authority's submission.

6.0 Planning History

Subject Site

PL27.224630 / Reg. Ref. 07/391: Permission granted in 2008 for 143 no. houses and a creche on a larger site, incorporating the subject site and lands to the north of the subject site. An Extension of Duration of permission was granted under Reg. Ref: 13/8001 and expired in 2018.

Reg. Ref. 10/2996: Permission was granted in 2010 for minor amendments to the previously approved PL27.224630 including the provision of a gravity sewer and a

temporary water connection to serve houses 1-28 on the northern portion of the site (located outside of the current red line boundary).

Surrounding Sites

Strategic Housing Development ABP-307230-20: - Permission was granted in August 2020 for 133 no. residential units (117 no. houses, 16 no. duplex apartments) on a site located approx. 1.5km north west of the subject site.

PL27.246799, Reg. Ref. 15/524: Permission was granted in 2016 for a residential development comprising 169 no. houses and a creche on a site located approx. 2km north west of the subject site.

7.0 Submissions Received

Irish Water: With regard to water it is noted that there is an existing 200mm cast iron pipe which must be diverted as part of any proposed development. The applicant is required to provide evidence of a confirmation of feasibility and / or Diversion Agreement with Irish Water.

With regard to wastewater the network would have to be extended to approx. 320m depending on the point of connection. Irish Water currently has no plans to extend its network in this area.

8.0 Forming of the Opinion

8.1. Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the Planning Authority submission and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

8.2. *Documentation Submitted by Applicant*

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017.

The information submitted included the following: SHD application form cover letter, Planning Report, Statement of Consistency, Architectural Design Statement, Childcare Assessment, Traffic and Transport Assessment, DMURS Compliance Statement, Engineering Planning Report, Flood Risk Assessment, Landscape Design Report, Arboricultural Tree Survey Report, Ecological Impact Assessment, Appropriate Assessment Screening Report, Bat Assessment, Minutes of the Section 247 Meeting and Response.

Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. This statement has been submitted, as required.

I have reviewed and considered all of the documents and drawings submitted.

8.3. ***Planning Authority Submission***

In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Wicklow County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 27th October 2020.

Wicklow County Council's written opinion includes planning history, policy context, departmental reports, and an assessment of the proposed development. The content of the report is summarised as follows:

Principle of Development: The subject site is zoned for residential use and is, therefore, acceptable in principle.

Objective AA1: The site is centrally zoned within the AA1 lands. It must be shown that the proposed development does not undermine the overall objectives for the lands.

It is the opinion of the planning authority that the AA1 lands should be developed sequentially from the north east and accessed from the R772. The proposal to serve

a large housing development via a long cul-de-sac through an established housing area would undermine the achievement of the overall objectives for the Action Area, it would contravene the LAP and would give rise to a traffic hazard.

The proposal would develop 47% of the overall lands is compliant with the objective. However, it is the opinion of the planning authority that some community benefit should arise from the development, given the fragmented ownership of the lands. A detailed social / community facility audit should be submitted in support of the application.

Density: The proposed density is not in accordance with the provisions of the LAP.

Mix: The proposed mix is considered acceptable and the inclusion of some single storey units is welcomed.

Design and Layout: No objection in principle to the proposed layout. The following is noted: -

- The layout is quiet linear efforts could be made to provide more varying building lines
- Dwellings 1-4 do not adequately address the entrance and may have an impact on the existing residential amenities of existing dwellings.
- The limited dept of the rear gardens of houses 1, 3, 40 and 41 could give rise to undue overlooking of adjoining properties.
- Units 2, 4, 39 42 and 52 should address the corners more effectively
- The area to the rear of the duplex units may require further consideration.

Access: As noted above it is the opinion of the planning authority that the AA1 lands should be developed sequentially from the north east and accessed from the R772. If permission is being considered the report of Wicklow County Councils Roads Section should be taken into consideration.

Car Parking: The development plan requires 2 no. car parking spaces per residential unit with 2 no. bedrooms or more. Car parking to serve the duplex units is not in accordance with development plan standards and should be addressed.

Open Space: The quantum, design, location and surveillance of public open space is considered acceptable and in accordance with development plan standards.

Adequate measures should be provided to ensure that the pumping station is secure and well screened.

Boundary Treatment / Tree Survey: It is noted that the proposal would involve the removal of an existing field boundary and hedgerow which is identified as being of low value. Regard should be had to Objective NH1 to protect and enhance local biodiversity.

Childcare Facilities: It is the planning authority's opinion that a childcare facility should be provided within the site and should be sited at or near the entrance to the development.

Services: The planning authority considers that a pumping station should be capable of serving all the development lands as multiple pumping stations / rising mains and associated road opening licences would not be acceptable. It should be noted that Irish Water do not take pumping stations in charge.

The proposed surface water measures are considered acceptable.

Part V: It is proposed to provide 12 no. units. This is considered acceptable.

Archaeology: An archaeological monitoring condition may be required given the size of the site.

Ecology: Subject to satisfactory mitigation measures bats should be adequately protected.

Flooding: Site is at low risk from flooding. There may be a risk arising in the area of the pumping station. In this regard a Flood Risk Analysis should be submitted.

Appropriate Assessment: There is a hydrological link to the Murrough SAC and SPA, therefore, significant effects can not be ruled out.

Environmental Impact Assessment: The proposed development is sub-threshold and would not have significant effects on the environment.

9.0 The Consultation Meeting

- 9.1. A Section 5 Consultation meeting took place via a Conference Call on the 1st December 2020, commencing at 14.30. Representatives of the prospective applicant, the Planning Authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.
- 9.2. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:

1. Development Strategy – Objective AA1 of the Ashford Local Area Plan; density; design and layout; open space; housing mix.
2. Access Arrangements – Objective AA1 of the Ashford Local Area Plan.
3. Car Parking Strategy
4. Water Services – wastewater and flood risk
5. Childcare Provision
6. Ecology and Appropriate Assessment
7. Any Other Matters.

Item 1

In relation to the Development Strategy, ABP representatives sought further elaboration / discussion / consideration on the following:

- Compliance with Objective AA1 of the Ashford Local Area Plan and how the proposed development supports the overall objectives for these lands.
- Rationale for the proposed density, which is above that set out in the zoning objective.
- Consideration of the design and layout of the units, in particular the potential for dual fronting duplex units to improve overlooking of communal open space to the rear.
- Consideration of the impact of the development on the existing residential and visual amenities of Rosana Close.
- Rationale for the inclusion of open space 3.

- Justification for the proposed housing mix.

Item 2

In relation to the Access Arrangements, ABP representatives sought further elaboration / discussion / consideration on the following:

- Justification for the access from adjoining residential estate and non-compliance with Objective AA1 of the Ashford Local Area Plan.

Item 3

In relation to the proposed level of car parking strategy ABP representatives sought further elaboration / discussion / consideration on the following:

- Justification / rationale for the level of car parking proposed
- Consideration of the impact of surface car parking on the public realm.

Item 4

In relation to water services, ABP representatives sought further elaboration / discussion / consideration on the following:

- Consideration of report of Irish Water to An Bord Pleanála dated 19th October 2020
- Issues raised in the report of the planning authority's Transportation, Water and Emergency Services dated 12th September 2020.
- Justification for a pump house to serve the subject site only

Item 5

In relation to Childcare provision, An Bord Pleanála representative sought further elaboration / discussion / consideration of the following:

- Justification / rationale for no provision for childcare, having regard to the housing mix proposed.

Point 6

In relation to the Ecology and Appropriate Assessment, ABP representatives sought further elaboration / discussion / consideration in relation to:

- Further consideration of the NIS and Ecological Impact Assessment
- Justification for the removal of the existing hedgerow

Item 7

In relation to Any Other Matters, having regard to Objective AA1, ABP representatives sought further consideration of a financial contribution in lieu of the provision of social infrastructure within the site.

The prospective applicant and the planning authority were given the opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting 308275' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

10.0 Conclusion and Recommendation

- 10.1. 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.
- 10.2. 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 Section 28 Ministerial Guidelines, and local policy, via the statutory plan for the area.
- 10.3. 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.
- 10.4. 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.

11.0 Recommended Opinion

11.1. 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.

Access

1. Further consideration/amendment of the documentation as it relates to the justify the suitability of the proposed site access from Rosana Close. The documentation should including a quality audit of the junctions and road network between the proposed entrance and the R772 should be submitted. The audit should include details of the capacity of the road network, available sightlines, pedestrian and cycle facilities and should provide recommendations for potential improvements to the public road, if required.

Social Infrastructure

2. Further consideration/amendment of the documentation as it relates to social infrastructure. The revised documentation should provide a robust rationale for absence of proposed childcare facilities from the proposed development provision within the scheme, having regard to the proposed housing mix and the capacity of existing childcare facilities in the vicinity of the site. It should

also demonstrate that there is sufficient social infrastructure within Ashford to accommodate the proposed development, having particular regard to the number of units proposed and the provisions of Objective AA1 of the Ashford Local Area Plan.

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 report that sets out a clear rationale for the proposed density, design and character of residential units and details of the materials and finishes of the proposed development. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development.
2. A report that provides a justification for the proposed housing mix.
3. A School Demand and Concentration Report, which identifies demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand.
4. An Engineering Services Report that addresses the issues raised in the report of Irish Water to An Bord Pleanála dated 19th October, 2020 and in the report of the planning authority's Transportation, Water and Emergency Services dated 12th September 2020.
5. A phasing plan for the proposed development which includes the phasing arrangements for the delivery of the public open spaces and Part V provision.
6. A statement in accordance with section 8(1)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, in respect to any and all elements of the development that may materially contravene the Ashford Local Area Plan and the Wicklow County

Development Plan objectives or policies applicable to the site, whether, core strategy, density, housing typology, car parking, open space or other.

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. Inland Fisheries Ireland
3. Department of Culture, Heritage and the Gaeltacht
4. National Parks and Wildlife Service
5. Department of Education and Skills
6. Wicklow County Childcare Committee

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.

Elaine Power
Planning Inspector

7th December 2020