

CUNNANE STRATTON REYNOLDS

An Bord Pleanála
64 Marlborough Street
Dublin 1

BY HAND
Our Ref. 20468

9th December 2021

RE. SUBSTITUTE CONSENT APPLICATION

FOR Development for which substitute consent is sought consists of the development permitted under Reg. Ref. 081704. Development under Reg. Ref. 081704 was not completed and currently consists of:

- Blocks A & B consisting of 9 no. 2.5 storey terraced houses with retail (total 528 sqm below) are to pad or first floor plate level only;
- Blocks C and D consisting of 11 no. 3 storey terraced houses with ground floor offices are complete;
- and Block E consisting of 2 no. 2.5 storey semi-detached houses is complete to roof level but not weather tight.

Vehicular access to the site is from two points on the northern and southern corners of the site from Mount Alto Road (L1096).

Site services have been installed, or lands cleared for that purpose over an area of approx. 0.93 ha. to facilitate ancillary site development works that will be completed in accordance with Reg. Ref. 081704.

This application is accompanied by a remedial Natura Impact Statement (rNIS).

AT Mount Usher View, Ashford, Co. Wicklow

Dear An Bord Pleanála,

This cover letter accompanies an application for substitute consent and is made by Cunnane Stratton Reynolds, 3 Molesworth Place, Dublin 2 on behalf of the applicant *Vartry Developments Ltd.*, 25a Shaws Lane, Bath Avenue, Dublin 4 for the above development.

This cover letter provides a guide to, and record of, the documentation submitted in support of this application.

This application and supporting documentation has been prepared having regard to;

- Leave to make this substitute consent application under ref. ABP-309566-21 (extended under ref. ABP-311592-21).
- The planning and development history of the site.
- National guidance for the development and the designations for the site under the current Wicklow County Development Plan, that includes a Town Plan for Ashford.
- The Planning and Development Act, 2000 as amended and associated Regulations 2001 – 2021.

DUBLIN OFFICE
3 MOLESWORTH PLACE, DUBLIN 2
TEL: 01 661 0419
EMAIL: info@csrlandplan.ie

OFFICES ALSO AT:
COPLEY HALL, COTTERS STREET, CORK
TEL: 021 496 9224
EMAIL: corkinfo@csrlandplan.ie

DIRECTORS

Joe Cunnane BA (Hons) Dip TP MRTPI MIPI: Eamonn Prenter BA (Hons) Dip TP MSc MRTPI MIPI:
Declan O'Leary BAg Sc (Land-Hort) Dip LA MILI MLI: Jim Kelly BAg Sc (Landscape-Hort) Dip LA MILI CMLI:
Keith Mitchell MA (Hons) LA Dip EIA Dip Arb MILI CMLI:

ARDACONG, BALLYTRASNA, TUAM
CO GALWAY
TEL: 01 661 0419
EMAIL: galwayinfo@csrlandplan.ie
WWW.CSRLANDPLAN.IE

In August 2021, the undersigned sought and was kindly provided a without prejudice review by the Board of a description of development for statutory notices for this site that sought substitute consent only for the completed part of the development. The substitute consent proposal now before the Board is simplified in that substitute consent is sought for the originally permitted development which remains congruent with national development policy and the development objectives of the planning authority.

This application is made in accordance with S177E(2A)(a)(ii)(II) of the Planning and Development Act, 2000 as amended;

“that part of the development permitted under the permission granted in respect of that development that has been carried out at the time of the application and all or part of the development permitted under the permission granted in respect of that development that has not been carried out at the time of the application.”

The development for which substitute consent is sought is for the part built development and remainder originally permitted under Reg. Ref. 081704 consisting of mixed use development (24 no. residential units, some with offices and retail space) over a site area of 1.19 hectares (ha.).

Substitute consent application content

The application contains 6 no. hard copies of this cover letter and supporting documents and drawings and 1 no. hard copy of the application form and statutory notices.

Please note that an addendum to the planning application form is supplied with the form that records responses too long for the form.

An electronic copy of all documentation is also submitted. Below is a record of the documentation submitted for this application, numbered as at the electronic copy of the application.

0.0	Cover Letter & Rationale by Cunnane Stratton Reynolds
0.1	Completed application form
0.2	Substitute consent application form addendum
0.3	Newspaper notice (approved Wicklow County Council newspaper: Wicklow People 07.12.2021)
0.4	Site Notice (erected at 2 no. locations 09.12.2021)
0.5	Part V proposal by CDP Architects (Proposal Letter, Site Location Map and Layout Plan identifying units)
0.6	Planning application drawings by CDP Architects
1.0	Landscape Plan by Landmark Landscape Architects
2.0	Housing Quality Assessment (HQA) by CDP Architects
3.0	Engineering Services Drawings by Molony Millar Consulting Engineers
4.0	Engineering Design Report by Molony Millar Consulting Engineers
5.0	Flood Risk Assessment by Molony Millar Consulting Engineers
6.0	Remedial Appropriate Assessment (rAA) Screening Report by Enviroguide Consulting Ecologists
7.0	Remedial Natura Impact Statement (rNIS) by Enviroguide Consulting Ecologists

The application fee of €3,702.04 is supplied by cheque and has been calculated in accordance with Section 2, Schedule 9 of the Planning and Development Regulations 2001 – 2021. Calculation at planning application form addendum.

Executive Summary

24 no. residential units (11 no. with offices on the ground floor) and retail space was originally permitted in 5 no. blocks under Reg. Ref. 081704 (extended under Reg. Ref. 14118). This permission was taken up in 2015, but work on site halted in 2016 with the result that the site had been regraded and the 5 no. blocks begun construction with only Blocks C and D (11 no. residential units with offices below) substantially progressed to completion stage. Remaining blocks are more immature: A and B are to first floor frame level above pad and block E is erected and roofed but openings had not been closed and is therefore not weathertight.

Works halted in 2016 have not progressed since that time as notification of grant of planning permission under Reg. Ref. 18603 for retention and completion of the development was overturned to a refusal on appeal under under ABP-303081-18.

An Bord Pleanála under ABP-303081-18 determined that a Stage 2 AA, and thus a remedial Natura Impact Statement (rNIS), is required for reason of this development including a surface water drainage pipe whose outfall will have connection to the Vartry River which feeds the Murrough Wetlands Special Area of Conservation (SAC), site code 002249 that nearly coincides with The Murrough Special Protection Area (SPA), site code 004186. Though this surface water discharge pipe is yet to be installed, it forms part of originally permitted development that was commenced.

The current owner and applicant for this substitute consent; Vartry Developments Ltd. has only acquired the site around the time of the appeal outcome of Reg. Ref. 18603 under ABP-303081-18 in July 2020.

In view of the requirement for Stage 2 AA and the part-complete status of development giving rise to this Stage 2 AA requirement, an application for leave to apply for substitute consent was made by the current applicant and granted under ref. ABP-309566-21 in July 2021.

This application for substitute consent therefore includes remedial Appropriate Assessment Screening report and remedial Natura Impact Statement (rNIS), prepared by Consulting Ecologists; Enviroguide in order to inform AA of this substitute consent proposal by An Bord Pleanála as competent authority.

Until the Vartry Developments Ltd. acquisition of the site, it had been under the control of of multiple earlier parties for the purposes of development. Since 2005, the site, whole or in part, has been the subject of 12 no. planning applications and 1 no. extension of duration application. Of the 12 no. planning applications, only 2 no. were notified a grant of planning permission: Reg. Refs. 081704 and 18603 and only the original permission Reg. Ref. 081704 progressed to final grant. This original planning permission (extended under Reg. Ref. 14118) was only taken up in 2015 and work halted in 2016. Over that 2015 to 2016 period enforcement action arose ref. UD 4470C mainly concerned with development progressing ahead of required compliance submissions and agreements. Over 2016 a series of retention and alteration applications were made, but none progressed to a final permission.

A Receiver was then again appointed over the site after 2016. That Receiver, in an effort to simply and clarify site development potential and address enforcement, sought an application for retention and completion of development in accordance with the original planning permission. That application for retention and completion of development as originally permitted was prepared and submitted under Reg. Ref. 18603 and was assessed and notified a grant of planning permission by Wicklow County Council. Though the appeal of this decision resulted on appeal determination of refusal resulted it is respectfully submitted that the development had been assessed and recommended a grant of permission by the Inspector under ref. ABP303081-18. It is submitted that the sole reason for the refusal was the Stage 2 AA, that has since generated the application for leave to make a substitute consent application by the current applicant and ultimately has resulted in this substitute consent application.

The substitute consent application made here has had regard to this planning history and consists of a set of architectural, landscape architecture and engineering details that seek to illustrate the development as it is progressed and how it is intended to appear. This application seeks to remove any potential

confusion as to how, in particular, the surface water discharge for the site is intended to be undertaken and what that potential impact that discharge will have on the qualifying interests of European sites.

Ashford holds an historic combined foul and surface water drain that runs down its Main Street into which the subject site drained. In the interests of efficient operation of foul water treatment facilities, it is submitted sustainable infrastructure best practice that foul and surface water drain through separate systems. Furthermore, best practice and development standards require the implementation of sustainable urban drainage systems (SUDS) principles in new development to ensure the limitation of surface water off site drainage. The original permission included proposals to install a new, separate surface water drain and this remains in the proposal here that has been designed to incorporate SUDS as described in the accompanying *Engineering Design Report* by Molony Millar Consulting Engineers.

It is submitted that any new development in Ashford, including redevelopment of existing brownfield lands, will be required to observe prevailing best engineering practice. Invariably on urban sites where full attenuation cannot be accommodated, there will be a requirement for surface water off site drainage. The separation of foul and surface water drainage and the interests of maintaining and where possible, improving the efficiencies of the public wastewater treatment system means that all new development will not be permitted to discharge surface water to the existing combined sewer. The installation of the proposed surface water discharge pipe for this development, which is capable of serving other new development and redevelopments, is therefore a necessity for those future development proposals.

We hope that the Board finds the enclosed information in order and see fit to consent the development that solidates the designated town centre with a mixed use, predominately residential, development which remains in accordance with prevailing development standards, is in the interests of the sustainable planning and development of the area and critically will not have likely significant impact on European sites during its operation.

It is submitted that this consent is necessary to allow the remediation of the part-complete development and completion of development on this town centre site that is designated for development under the current and draft County Development Plans that include Ashford town Plans.

The remainder of this letter seeks to illustrate the above in order to support the conclusions that:

- The development completion remains, and is even more so, in the interests of the proper planning and sustainable development of the area as it delivers on a development objectives of government and the local authority and remains in accordance relevant development guidance and standards.

And

- Without prejudice to the Board's Appropriate Assessment as competent authority, that the independent remedial Natura Impact Statement (rNIS) accompanying this application finds that potential for impact on the qualifying interests of European sites only potentially arises during construction of the proposed surface water discharge pipe and that no negative impact is predicted during the operation phase of the development. Critically, this pipe is not yet constructed and its construction will be strictly subject to the specific mitigation measures identified by the consulting ecologists and set out in the rNIS (repeated at Appendix 4 here). As such, the development can proceed without potential for significant adverse effect the integrity of The Murrough Wetlands SAC and The Murrough SPA.

The remainder of this letter takes the following format:

- 1.0 Description of the site
- 2.0 Summary Planning History of the Site
- 3.0 Congruence of development with development objectives
- 4.0 Remedial Natura Impact Statement (rNIS)
- 5.0 Conclusion

1.0 Description of the Site

The site at ITM coordinates 726904, 697113 (53°00'36.1"N 6°06'33.5"W) of 1.19 hectares (ha.) is located in Ashford, part-adjointing the western side (northbound lane) of the R772 in the centre of the village (within 50 kmh zone).

The site is defined by the boundaries of a Wicklow County Council planning permission [the original permission] Reg. Ref. 081704. Figures 1 and 2 at the end of this section provide a contemporary aerial overview of the site and a summary illustration of completion of the permitted layout under Reg. Ref. 081704. The site is part-developed with residential units (also offices and retail space) originally permitted under Wicklow County Council Reg. Ref. 081704 that are incomplete, unsold and unoccupied.

The site is irregular in shape, roughly rectangular with a south to north axis and west to east orientation onto the local road. The eastern boundary is made up of the L1092 local road (south) and the R772 (north) and is accessed from its south eastern corner onto the local road. The site is also to be accessed from its north eastern corner, this access has yet to be completed. Mainly one-off houses adjoin these local roads and the site to the south. The site is bounded by a petrol filling station and Ashford town centre to the north. The site has a southern incline and is also inclined in a westerly direction.

The site has a western incline and is occupied by a part-complete mixed use, mostly residential, development consisting of mainly 3 storey blocks, orientated eastwards toward the local road. Work on this development began in 2015 and appears to have halted in 2016. The part-complete development on site is that granted under the original permission.

Of the 24 no. units permitted and discernible; 15 no. are complete to roof level. Summary of accommodation permitted and part-complete on site is at table 1.

Block No.	Height (stories)	Accommodation	Ref. 081704 No. of units	Units nos.	Stage of completion
A	2.5 – 3	Ground floor retail with residential above	5	1-5	Pad level
B	2.5 – 3	Ground floor retail with residential above	4	6-9	Pad level
C	3	Ground floor office with residential above	6	10-15	Roof level (roof complete)
D	3	Ground floor office with residential above	5	16-20	Roof level (roof complete)
E	2.5	Semi-detached houses	4	21 & 22, 23 & 24	Roof level (roof complete)
Total			24 no. residential units (20 no. with retail or office below)		

Table 1: Current stage of completion of units permitted under Wicklow County Council Reg. Ref. 081704, extended under Reg. Ref. 14118

The reader is referred to the site location map and existing site layout plans prepared by CDP Architects that are submitted with this application to illustrate the extent of development undertaken on site. In addition drawings are supplied also prepared by CDP Architects that illustrate the extent of completion of each Block.

The reader is similarly referred to drawings prepared by Molony Millar Consulting Engineers that illustrate the services installed on site to date. It is noted that in respect of surface water drainage that the attenuation tank is installed but not the discharge outlet which is to connect to a new surface water drainage to be installed in the public road. Molony Millar have prepared drawings of the proposed surface water drain and final services site layout to which the reader is also referred.

In particular we would like the Board to note that the existing site layout has been informed by topographical and services surveys commissioned and undertaken by CDP Architects and Molony Millar Consulting Engineers in 2018. It is our opinion that over the period of construction of the development

(2015-2016) this information as absent which led to an apparent confusion of the progression and appearance of the development as evidenced by the planning history and enforcement action then arising.

The reader's attention is finally drawn to a special diagram prepared by CDP Architects for the purposes of simplification and orientation that has been submitted as drawing no. 2018-013-3.1.003_ *Substitute Consent Proposed Works Area Diagrammatic Block Plan*. This is a diagram illustrating the extent of works on site today (approx. 0.93 ha.) and the progression of each of the permitted blocks. Where deemed useful, the extent of the works already undertaken area is highlighted on submitted plans in purple for orientation purposes.

Figure 1 Contemporary aerial image of subject site (image obtained from Google.com.maps 31.10.2020)

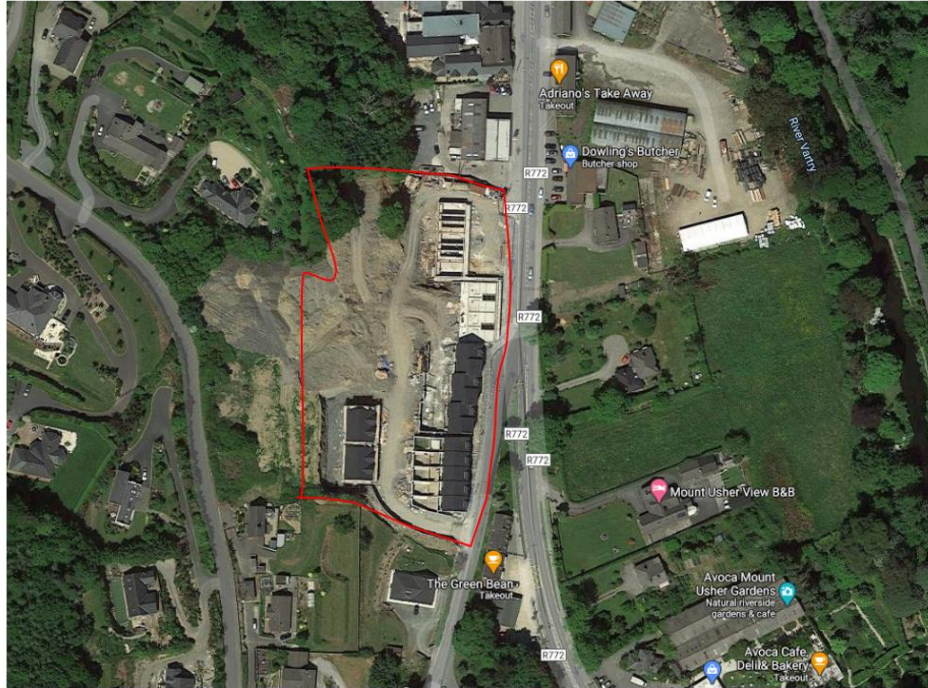
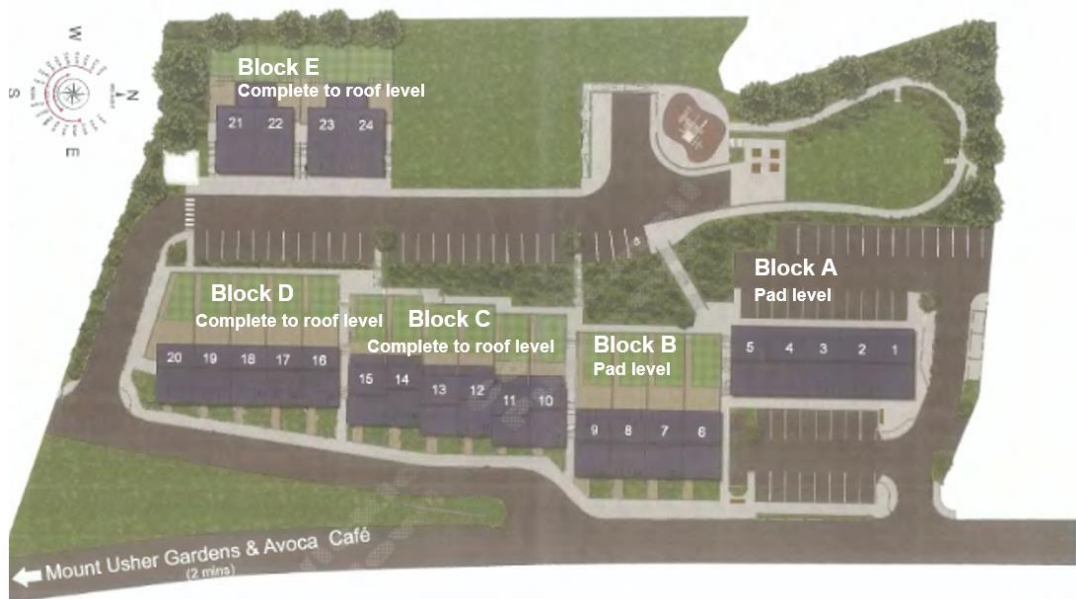


Figure 2 General layout permitted Reg. Ref. 18603 (Block nos. and completion overlain). Source file correspondence under Reg. Ref. 18603 from Jan. 2016



2.0 Planning History Summary

As stated at the outset, the current owner and applicant for this application for substitute consent has only recently acquired the site. For the purposes of development, the site has been under the control of multiple earlier parties.

The site, whole or in part has been the subject of 17 no. planning applications and 1 no. extension of duration application. Some 12 no. of the 17 no. planning applications and the 1 no. extension of duration are from 2005 onward.

Of those 12 no. applications, only 2 no. were notified a grant of planning permission: Reg. Refs. 081704 and 18603. The notification of grant under Reg. Ref. 081704 progressed to final grant, however Reg. Ref. 18603 was subject to 3rd party appeal and refused under ABP-303081-18 (PL27.303081). The extension of duration was also permitted under Reg. Ref. 14118. These are summarised at table 2.

A tabulated full planning history summary of the site is at Appendix 1 and submitted germane for the fact that it illustrates the multiple site developers

It is submitted that until this site was recently secured by its current owners and the applicant; Vartry Developments Ltd., it was held by a series of Receivers and agents and that the taking up of permission under Reg. Ref. 081704 required submission of compliance information. The works undertaken on site from 2015 – 2016 that began and progressed the development to what it is today, generated enforcement action ref. UD 4470C that itself generated correspondence and clarifications of progression of development and intended construction schedule.

Over 2015 and 216 a set of 4 retention and alteration applications were made by the then site controllers. Only one progressed to a decision which was to refuse permission in 2017 with another Receiver then appointed over the site. That Receiver, in an effort to simply and clarify site development and address outstanding enforcement, sought an application for retention and completion of development in accordance with the original planning permission in 2018. That application for retention and completion of development as was prepared and submitted under Reg. Ref. 18603, that resulted on appeal in the determination the requirement for Stage 2 AA that had not previously been undertaken and ultimately has resulted in this substitute consent application.

Reg. Ref. 081704 S.34 Application by Chieftain Construction Ltd.			
Date R'ecd	Date Decision	Decision	Development
09.10.2008	18.05.2009	Grant subject to 36 no. conditions	retail space (528 sqm) and 28 no. houses (20 no. 3 bed terraced and 8 no. 4 bed semi-detached). 4 no. semi-detached units omitted by condition:- 24 no. units permitted.
Reg. Ref. 14118 S.42 Application for extension of duration by Chieftain Construction Ltd. (In Receivership)			
Date R'ecd	Date Decision	Decision	Development
07.03.2014	25.04.2014	Extension of duration granted until 15.08.2019	Ext. of duration of Reg. Ref. 081704
Reg. Ref. 18603 S.34 Application by Myles Kirby (Receiver of a specific assets of Copia Capital Partners Ltd) & 3 rd party appeal ref. ABP- 303081-18			
Date R'ecd	Date Decision	Decision	Development
05.06.2018	27.07.2020	Retention and completion notification of grant overturned to refusal on appeal for 1 no. reason	completion of development commenced under Planning Reg Ref 08/1704. Retention sought for 9 no 2 storey terraced residential units over 9 no retail units in 3 storey blocks A & B, as constructed, and permission to complete same, retention for 11 no 3 storey residential terraced units as constructed (blocks C and D) and permission to complete same, retention of 4 no semi detached 3 storey 4 bedroom residential units in Block E as constructed and permission to complete same, together with retention and permission to complete all ancillary site works and services including landscaping and boundary treatments, all in line with the submitted documents and drawings as part of this retention and completion proposal

Table 2: Summary of the 2 no. planning applications and 1 no. extension of duration of planning permission relevant to the site

The original permission; **Reg. Ref. 081704** was the first successful planning application by Chieftain Construction. Reg. Ref. 081704 sought permission for 28 no. residential units with retail and office spaces.

The grant of permission under Reg. Ref. 081704 in May 2009 was subject to 36 no. conditions, including condition no. 10 that removed 4 no. units. Thus, the permission allowed for; a retail space (under the 9 no. residential units in Blocks A & B), offices and 24 no. residential units (20 no. 3 bed terraced houses above either retail or office space and 4 no. 4 bed semi-detached houses) in 5 no. blocks.

Under **Reg. Ref. 14118** extension of duration of planning permission Reg. Ref. 081704 was sought in March 2014 and secured to August 2019 by Chieftain Construction (In Receivership).

Correspondence on the planning file indicates construction began by Copia Partners Ltd. on the scheme as originally permitted under Reg. Ref. 081704 (extended by Reg. Ref. 14118) over 2015 to 2016 by reference to two commencement notices:

- BCMS ref. 8360306 CN8935 WW Phase 1 of 2, 15 no. units. Submitted commencement date 07.07.2015, proposed end-date 29.11.2016. by Atherm Construction Ltd.
- BCMS ref. 8367359 CN0013081WW Phase 2 of 2, 9 no. units. Submitted commencement date 07.01.2016, proposed end-date 29.11.2016. by Atherm Construction Fitzsimons.

Also evident is that by the end of 2015 planning enforcement investigation by Wicklow County Council, had begun. This enforcement remains live and is assigned ref. UD4470C. This enforcement file arose substantively in respect of pre-development compliance requirements e.g. contributions payment, public lighting layout and roads junction details. Later enforcement action included reference to minor deviation of the appearance of the scheme. The main deviation referred to here is that the dormer windows facing the local road were to be pitched roof and built as flat roof (evident on Blocks C & D).

Under **Reg. Ref. 18603** the Receiver of a specific asset of Copia Capital Partners Ltd. sought permission for retention of alterations and completion of the scheme as generally permitted under Reg. Ref. 081704 (24 no. residential units with retail and office spaces) and notified a grant of planning permission by Wicklow County Council subject to 27 no. conditions. It is noted that the planner's report on the application at 'comment' under the third party submission states that; *"...the purpose of this application is to address the outstanding issues of non-compliance and to allow the development to be completed in a satisfactory manner."* And *"Notwithstanding the existing non-compliance issues, the development proposed is not significantly different (in terms of the nature of development, its layout, scale and design etc.) from what is currently permitted on site."*

2.1 Summary of Reg. Ref. 18603 (appeal ref. ABP-303081-18) and their consideration in current proposal

The development had halted ahead of the making of the retention and completion application in 2018 (Reg. Ref. 18603) and has not progressed further since that time. On the face of it Reg. Ref. 18603 seeking retention and completion of development in accordance with the parent permission mirrors what is now sought. The content of this application and its consideration has been carefully reviewed to inform the substitute consent application currently before the board. Where possible and within the bounds of the original planning application, the current proposal seeks to improve and clarify development appearance.

	BLOCK A	BLOCK B	BLOCK C	BLOCK D	BLOCK E
Height (stories)	2.5 to 3	2.5 to 4	3	3	2.5
Residential Type of residential accommodation	5 no. 3 bed units Duplexes	4 no. 3 bed units Duplexes	6 no. 3 bed units Duplexes	5 no. X bed units Duplexes	4 no. 3 bed units Houses
Office	-	-	6 no. integrated offices (each below residential unit)	6 no. integrated offices (each below residential unit)	-
Retail	5 no. retail units (each below residential unit)	4 no. retail units (each below residential unit)	-	-	-

Table 3: Accommodation permitted under Reg. Ref. 081704 and Proposed under Reg. Ref. 18603 and in this substitute consent.

At this juncture, it is also highlighted that CDP Architects and Molony Millar Consulting Engineers prepared the application for retention and completion of the development under Reg. Ref. 18603 that resulted in the appeal refusal for absence of stage 2 AA under ABP- 303081-18.

The Reg. Ref. 18603 application was the subject of further information request. The request related to 8 no. items:

- 1(a) assignment of car parking spaces; 1(b) justify the provision of one (as opposed to two) integrated (garage) car parking spaces for block E (semi-detached houses);
- 2(a) demonstrate private open space for Block A; 2(b) demonstrate accessible private open space for each unit (minimum 60 sqm);
- 3 demonstrate that a minimum 15% (1,785 sqm of useable public open space is provided within the scheme;
- 4 details of landscaping and boundary treatments;
- 5 Pitched roof dormer windows had originally been permitted for Blocks A, B, C and D, Blocks C and D are constructed with flat roof dormer windows. Both types of dormer windows are acceptable however, a single type is required thought these blocks;
- 6(a) potable water connection is to be from two locations due to elevational differences; 6(b) revised foul and surface water proposals to ensure serviceability of same in proximity to other underground services; 6(c) discharge of surface water to combined sewer not permitted and must be by separate discharge pipe;
- 7 the provision of a table ramp on the public road is considered acceptable in principle but is required to be evidenced to not contribute to flooding;
- 8 specify the manner in which Part V will be complied with.

The Wicklow County Council planning officer’s report recommending request for further information is supplied at Appendix 2. In the interests of completeness, the planning officer’s report prepared subsequent to the submission of further information recommending the notification of grant of planning permission under Reg. Ref. 18603 is supplied at Appendix 3.

The following features of this application as assessed in the local planning officer’s reports that have influenced the current proposal are summarised here:

Blocks A & B (residential with ground floor retail): Had not been constructed substantively above pad level but *“are very similar to that previously permitted...therefore generally acceptable.”* It was reported that Blocks A and B were originally permitted with ‘A’ pitched dormer windows but that Blocks C and D had been constructed on site with larger dormer windows that have flat roofs. Both styles were considered generally acceptable, but a request was made for Blocks A & B to have flat roof dormer windows like the constructed Blocks C and D in the interests of consistency in streetscape views. Further information was requested for this alteration.

Having regard to the above, this application proposes Blocks A and B with flat roof dormers consistent with the opinion of the local planning authority. However, having regard to constraints of substitute

consent also provided are details of pitched roof dormer windows to reflect the original permission Reg. Ref. 081704. In this way, the board is provided with a recorded reference which we hope they find useful to condition the development of Blocks A and B with either pitched or flat roof dormer windows.

Original pitched roof dormers on Blocks A and B: CDP Architects drawing no. 2018_013_3.1.005 *Contextual Elevations CE1 & CE2 And Site Section SS1* shows Blocks A and B with the original pitched roof dormer windows. The board has been provided this drawing in order they have an impression of the dormer windows on Blocks A and B in context with existing Blocks C and D.

Flat roof dormers on Blocks A and B: CDP Architects drawing no. 2018_013_3.1.102 *Proposed Block A Elevations* and drawing no. 2018_013_3.1.104 *Proposed Block B Elevations* shows Blocks A and B with flat roof dormers to match those in the existing Blocks C & D.

Blocks C & D (residential with ground floor offices): Had been constructed as two terraces of 11 no. residential units above front ground floor office. These are proposed in this application as they exist and in this regard deviate from the original grant of planning permission in the profile of dormer windows and total floor area:

The dormer windows in the blocks were permitted as pitched roof profile. They have been constructed with flat roof dormer windows and are proposed to remain as such. The local authority planning officers considered this deviation and found the *“more contemporary mono-pitched style dormer”* acceptable. It remains submitted that the roof profile of these dormer windows do not materially impact the aspect and position of openings previously permitted. In addition, it is submitted that these windows face east and west in the site and do not materially overlook existing neighbouring properties. The design of the dormer windows, altered from pitched to flat roof are not out of keeping with the general design of the scheme nor do they contribute to an overall alteration to the design and appearance of the scheme to render it materially and substantially inconsistent with that originally permitted which sought to provide a street front presence to the eastern site boundary in particular.

Due to site gradient, the front (eastern) ground floor elevation was single aspect and permitted as office to ensure active street frontage. Each residential unit had direct access from the rear at a level above those offices in order to access their car parking and private open space at grade so that each residential unit would enjoy dual aspect. They do deviate from original grant of permission however in that each holds an additional 21 sqm of ground floor space consisting of playroom and utility room to the rear of each office. Each utility room access a rear courtyard with steps to the private open space above. It is submitted that these alterations do not, in extent or function, deviate substantially from the original grant planning permission remain a single residential unit with office below as endorsed by the local authority planning officers' findings; *“In view of each unit retaining the office frontage and the limited extent of the additional play and utility room space “The extensions / alterations to the ground floor are considered acceptable in principle as they contribute to the useability and functionality of the units without having a significant impact upon the amenities of the area or adjoining properties.”*

Block E (2 pairs of semi-detached houses): Had been constructed but are not weather tight as openings had not been closed. These are proposed in this application as they exist and in this regard deviate from the original grant of planning permission in layout:

Block E houses were originally granted as upside down houses. The ground floor front (eastern) elevation held a two car garage with storage at ground floor level. An external stairs provided access to the upper ground floor that was to hold bedrooms with living rooms and kitchen at first floor level onto a roof terrace to the rear. As constructed, the external upper stairways have been retained with additional internal stairway from the garage resulting in the loss of one garage

parking space apiece. In addition, the upper ground and first floors have been reconfigured so that living accommodation is below the first floor bedrooms.

It is submitted that as constructed, the dwellings have substantively the same appearance as those originally permitted and provide the same level of accommodation and therefore anticipated intensity of use (3 bedroom houses). In this way the deviation in constructed dwellings, recorded in the submitted drawings, do not materially alter the accommodation and appearance of scheme permitted under the original planning permission.

Car Parking: The proposal before the board provides 78 no. car parking spaces (including 4 no. in each of the garages of Block E) that are numbered to be assigned to each unit as they were in response to the further information request for same under Reg. Ref. 18603. Each residential unit is assigned 2 no. car parking spaces and the remainder for use by visitors to the scheme and the retail units. All car parking spaces were within the subject site boundaries and are submitted ample having regard to the current Development Plan requirement of a total of 64 no. spaces:- 2 no car parking spaces per residential unit and 20 no. spaces for the 506.4 sqm retail area (this is the retail area excluding access stairways to the residential units above).

Access, Roads and Flooding: In relation to access and roads arrangement, the role of the consulting engineers who have prepared the engineering details for the current proposal is highlighted: Molony Millar were appointed to respond to the further information engineering request items of Reg. Ref. 18603 and have an intimate knowledge and understanding of the site; works undertaken and works required to be undertaken. In this regard, sightlines to the entrance to the site to local road's standards are proven on submitted drawing no. 930-244A-C04 *Road Long Section, Cross Section & Sight Lines* and referred to in the separately submitted *Engineering Design Report*. Please refer to section 2 of this report for design roads, access and car parking design and layout and referenced drawings. In addition, it is noted the junction upgrade of the R772 and L1096 required under condition no. 22 of the original grant of permission, is complete.

The further information request required further detail of the proposed table top junction for the development and located in the public road (L1096) and crash barrier opposite the site. These details form part of his proposal and are prepared by Molony Millar Consulting Engineers who refer to same in their *Engineering Design Report*. Please note that Molony Millar have also supplied a Flood Risk Assessment that concludes; *"All existing information has been reviewed regarding flood risk in the location of the proposed development. We are fully satisfied, based on the available information, that the site of this proposed development is located in Flood Zone C (low risk) for all sources of flood risk. The proposals for a mixed-use (including residential) development on this site therefore achieve full compliance with the requirements of "The Planning System & Flood Management Guidelines" published by the Department of Environment, Heritage and Local Government in November 2009."*

Foul & Surface Water: The proposal before the board is by Molony Millar Consulting Engineers who have supplied drawings of the development as it is progressed and exists and as it is proposed. They have also supplied an *Engineering Design Report*. Please refer to section 3 of that report for details on the surface water attenuation design that observes SUDS and includes for interceptor and a separate surface water outfall pipe. Please be further advised that the design details of this surface water discharge pipe are supplied with the application. The surface water discharge pipe is to be laid in the public road and will be a public utility allowing for connection by other development or redevelopment proposals in the town, currently connected to the combined sewer.

Please refer to section 4 of the separately submitted *Engineering Design Report* for foul water design details and accompanying referenced drawings. It is considered of import to note that the water and foul

water connections as presented were approved by Irish Water in November 2018, around the time of the consideration of further information but after the submission of the further information response. The approvals for foul and portable water connection are supplied at *Appendix 1 of the Engineering Design Report*.

Water supply: it is noted that as part of the further information request a double connection to the potable water system was requested. It is further noted that subsequently the Council Engineer met with Molony Millar Consulting Engineers on site to test potable water supply for the development in the course of preparation of further information response. Please refer to section 5 of the separately submitted *Engineering Design Report* and referenced drawings. Please note too the approved pre-connection enquiry for the development at *Appendix 1 of that separately submitted Engineering Design Report*. As noted above, the water and foul water connections as presented were approved by Irish Water in November 2018, around the time of the consideration of further information but after the submission of the further information response. Potable Water supply details are at Section 5 of the submitted Engineering Design Report.

Private open space: The proposal before the board includes a housing quality assessment (HQA) prepared by CDP Architects to demonstrate that each of the proposed dwellings provides sufficient private open space. In this regard the local planning authority required a minimum of 60 sqm private open space per dwelling. It is submitted that Blocks A, B, C and D provide well in excess of this minimum, in most instances exceeding 70 sqm. Block E provides just in excess of the required 60 sqm private open space. In addition, the drawings submitted for each house type further demonstrate that all private open spaces are immediately accessible from each of the dwellings. Please note the submission of two proposed site plans: lower level (CDP Drawing no. 3.1.099) and upper level (CP drawing no. 3.1.100) that demonstrate the tiered layout and position of private open space for each residential unit.

Landscaping and open space: As noted above, where possible and within the bounds of the original planning application, the current proposal seeks to improve and clarify development appearance. In this regard, in particular the landscaping (hard and soft) of the scheme has been reviewed by Landmark Landscape Architects who have inspected the site and reviewed previous landscaping proposals. It was found that previous landscaping proposals were not fully cognisant of site elevation characteristics. The landscaping proposal now submitted maintains the general open space arrangement of proposed playground surrounded by accessible landscaped open space but has had particular regard to site margins that to the south, west and north are characterised by steep inclines that will contribute to the feeling of open space within the development but are discounted for the purposes of calculating useable open space. These boundaries (south, west) are to be planted with native hedge species at boundaries with neighbouring developments. The native hedge planting is repeated at the northern side of Block E and at the bottom of the western slope site boundary in order to provide a green edge definition to the proposed useable amenity space.

In addition, Landmark have considered the front (eastern side) of the site as part of the public realm and prioritised access and movement along this public footpath area where a single surface treatment for the footpath is proposed and planting that will not interfere with public lighting or vehicular sightlines thus improving road safety generally and encouraging passive surveillance of this footpath and public space area.

It is submitted that the area of open space proposed consisting of the playground (c.150 sqm) and open space (excluding: the southern, western and northern boundaries of the site; and the area to the rear of Blocks B and C) totals approximately 1,726 sqm and is a measure of the amenity lands at the centre of the site only consisting of the playground, grassed areas and native tree and shrub planting to the west and north of this central area. This is slightly lower than the 1,785 sqm required by the local planning

authority to reflect 15% of the site area but is submitted more than ample for the development having regard to; the open space measure exceeding 10% of development site area (site excluding public roads); its town centre location; limited scale; the proximity of dedicated park space in the vicinity of the site (Ashford playground and park); the hard surfaced and planted public realm area to the front (east) of the site; the inclusion of playground within the site; and private open space per dwelling unit in excess of the minimum requirement.

Part V: The proposal before the board proposes a handover of 10% of the units for the purposes of Part V and to accord with Article 277(2)(e) of the Regulations in respect of substitute consent proposals that attract this requirement. This consists of 2 no. 3 bedroom terraced units in Block C (unit no. 10) and Block D (unit no. 20). This proposed 10% of the development land or equivalent units is in accordance with the Planning and Development (Amendment) Act, 2021 that requires Part V provision increase to 20% unless, as in this instance, the lands the subject of the application were purchased between September 2015 and July 2021 and permission is granted ahead of July 2026. A copy of the Part V proposal, including site plan by CDP Architecture accompanies the application.

It is submitted that under Reg. Ref. 18603 two units in Block A were offered to meet Part V requirement. Of course, that proposal did not convert to Part V agreement for reason of refusal on appeal but the view of the local authority on the previous proposal is noted as it was recorded in the planning officer's report on further information submitted (repeated at Appendix 3 of this letter). In this regard, it is noted that the housing authority stated that the units then proposed were larger than desired as apartment units and would be subject to Departmental approval. Also noted was a preference that both units be accessed from the same, rather than different, entrances. It is submitted that these comments have been considered in the current Part V proposal that eschews units over the proposed retail area in Block A in favour of two end of terrace units that (with office below) that have their own door entrances.

Third party submissions are noted on the application. There were 10 no. 3rd party submissions on the application in the first instance and a repeat of 3 no. on the further information submitted. The matters raised in those submissions are summarised in the local authority planning officer's reports. It is submitted that the submissions largely related to spent matters e.g. architectural design and overlooking in general terms were matters that were considered in the original application. Other matters raised like sightlines and lack of adequate parking are submitted addressed by virtue of a review of the development by the relevant specialist technical local authority and water authority officers who deemed matters like the method of surface water disposal, level of car parking, sightline and road junction treatments acceptable.

The notification of grant that arose in respect of Reg. Ref. 18603 was appealed by two 3rd parties under ref. ABP-303081-18. The result of that appeal was a refusal for reason of the requirement for retrospective AA for the surface water discharge arrangements on site that became plainly apparent upon request for information made under S.132 of the Act in May and July 2019. Without prejudice, that refusal succeeded the information requests and an earlier (April 2019) report and Inspector recommendation to permit development subject to 20 no. conditions.

It is submitted that the information requested and submitted to the board in the course of consideration of that appeal, substantively related to surface water discharge arrangements and their potential for impact on the qualifying interests of European sites. The information then submitted to the board has been updated in the current submission in terms of design detail of the proposed surface water discharge outfall from the development. This design information has been supplied to Enviroguide Consulting Ecologists that has enabled a robust remedial Appropriate Assessment screening exercise and preparation of the remedial Natura Impact Statement (rNIS) now submitted.

3.0 Congruence of development with development objectives

The local authority assessment of the scheme under Reg. Ref. 18603 was against the current Development Plan 2016 – 2022 that includes the Ashford Town Plan 2016 – 2022. That assessment included qualitative and quantitative review of development features and resulted in a notification of grant of planning permission.

It is further submitted that the appeal of Reg. Ref. 18603 under ABP-303081-18, similarly was against prevailing government development policy standards and the completion of development was recommended to be permitted as it was found to be appropriate and in the interests of the proper planning and sustainable development of the area in the Inspector's first report on the appeal of April 2019.

Since those considerations were undertaken by the local and national planning authorities, the impetus to deliver residential development to close the housing gap as recognised in *Rebuilding Ireland, An Action Plan for Housing and Homelessness*, 2016 was updated in September 2021 by *Housing for All - a New Housing Plan for Ireland* intended to match the Our Plan time horizon of 2030. *Housing for All* is at once a policy and budget document with ringfenced budget of €20bn to activate that Plan that has 4 priorities, called *pathways*, each with specific actions that all aim to increase housing supply, within sustainability controls, and thus close affordability gaps.

Besides the Apartment Guidelines, the standards of which all residential units in this scheme exceed, no other national or local development standards have altered since the previous consideration of the retention and completion of the proposal.

It is noted that the majority of the site holds a *Town Centre* land use zoning, and the southern minority holds an *Existing Residential* land use zoning. Under the current County and Town Plan the objectives for these land use zonings are as follows:

Town Centre

Objective: “*To provide for the development and improvement of appropriate town centre uses including retail, commercial, office and civic use, and to provide for ‘Living Over the Shop’ residential accommodation, or other ancillary residential accommodation.*”

Existing Residential.

Objective: “*To protect, provide and improve residential amenities of existing residential areas.*”

Draft County Development Plan 2021 2027 that retains an Ashford Town Plan and recognises the Town as a *Type 1 Small Town*, amongst the larger of the Small Towns in the county. It is noted that the *Town Centre* land use zoning objective has extended over the entire of the subject site in the draft Plan and is slightly altered to the following draft objective: “*To provide for the development and improvement of appropriate town centre uses including residential, retail, commercial, office and civic use.*”

Having regard to the above, the current proposal for substitute consent is submitted to remain in accordance with prevailing and best practice engineering design standards through DMURS and SUDS and complies with Development Plan development management standards and guidance. The proposal will deliver brownfield, town centre redevelopment consolidation and in particular will deliver on the national policy objective of increased levels of residential accommodation.

4.0 Remedial Natura Impact Statement (rNIS)

Without prejudice, it is submitted that the reason for refusal of Reg. Ref. 18603 at appeal under ref. ABP-303081-18 relates to a specific element of the development: the installation of a separate surface water drainage pipe which was required to be installed to avoid the utilising of the development of the existing combined sewer.

It is further submitted that the reason for refusal is twofold: that AA determines there is an impact on the Murrough Wetlands Special Area of Conservation (SAC), site code 002249 that nearly coincides with the Murrough Special Protection Area (SPA), site code 004186 from the development and that impact existed from the works (surface water drain) already permitted and therefore the Board were precluded from granting retrospective permission.

The AA undertaken as part of the appeal consideration, unlike all previous development application AA's for the site, progressed to Stage 2 and thus required NIS. An NIS cannot be prepared for works that have already been undertaken as it is not retrospective and as stated in the refusal under ABP-303081-18, is precluded under S.34(12) from granting development. There is facility to prepare a remedial NIS (rNIS) and thus for a competent authority to consider the impact of a development already undertaken (or in this case, already permitted), but only as part of an application for substitute consent. Leave to make that application was sought by the current applicants and granted under ref. ABP-309566-21.

This application for substitute consent includes the rNIS prepared by Enviroguide. The board is referred to the entirety of the remedial AA screening report and rNIS, submitted under separate covers that themselves had regard to the site and development history and the engineering surface water attention and discharge arrangements. The engineering design has been prepared by Molony Millar Consulting Engineers as set out in their *Engineering Design Report* and accompanying drawings of the proposed surface water discharge pipe in the public road and intended as public utility.

Please be mindful that the surface water discharge pipe and outfall to the Vartry River that is connected to the Murrough European sites has yet to be installed.

Without prejudice to the full review of the submitted remedial AA screening report, the rNIS and the board's AA: it is summarised that the screening report identifies the Murrough Wetlands SAC and the Murrough SPA within the zone of influence (ZOI) of the development for substitute consent for which the likelihood of significant effects may not be excluded. Likely significant effects on the conservation objectives of those overlapping European sites, along with others, is considered in the rAA screening report over the construction and operation phases of the development. In this regard it is noted that construction the development as it exists today (without surface water discharge pipe) was undertaken over 2015 – 2016. Development, including the installation of the surface water discharge pipe is to take place on foot of a substitute consent in 2022.

Due to the inability to exclude likely significant effects on the Murrough Wetlands SAC and the Murrough SPA, a rNIS has been prepared. The rNIS has had regard to the mitigation measures contained in the construction management plan previously submitted in repose to request for further information under the original planning permission. At subsection 7.1.2 the rNIS recommends *Additional mitigation measures which should be implemented for future works as best practice* and at 7.1.3 *Mitigation measures required for construction of the surface water sewer*. These mitigation measures are committed to by the applicant and will form part of the development, if permitted. For clarity and record, the measures are repeated at Appendix 4 of this letter. It is specifically emphasised that the construction the proposed public sewer and headwall / discharge operations requires pre-development assessment of invasive flora and careful management to ensure preservation of the environment of that location. As such, in addition to the mitigation measures, it is proposed that an Ecologist supervise all works

associated with headwall/outfall construction to ensure adherence to specific construction mitigation measures.

It is submitted that the operational phase does not require specific mitigation measures for European sites and is set out at 7.2 of the rNIS as follows; “As best practice, regular inspection and maintenance of all surface water infrastructure should be carried out to ensure the long-term protection of surface waterbodies hydrologically linked to the Development.”

The conclusion of the rNIS is as follows:

This remedial Natura Impact Statement details the findings of the Stage 2 Appropriate Assessment conducted to further examine the potential direct and indirect impacts of the Development at Mount Usher View, Ashford, Co. Wicklow on the following European Sites sites:

- *The Murrough Wetlands SAC*
- *The Murrough SPA*

The above sites were identified by a screening exercise that assessed likely significant effects of a range of effects that may arise from the Development. The remedial Appropriate Assessment investigated the potential direct and indirect impacts of the Development, both during Construction and Operation on the qualifying interests and special conservation interests of the above European Sites alone and in combination with other plans and projects, taking into account the site's structure, function and conservation objectives.

*In the absence of suitable mitigation, the Development had the potential to cause significant effects on the above listed European sites through surface water contamination, leading to a reduction in water quality. It is deemed that mitigation measures were not necessary to avoid impacts to European sites **during the construction works carried out**. It is also noted that best practice mitigation measures were outlined in a CMP prepared as part of the original application in March 2009.*

*Given the absence of specific mitigation measures to protect surface waters during the construction of the new surface water sewer, its construction could have had the potential to adversely affect the integrity of the Murrough Wetlands SAC and the Murrough SPA, during the Construction Phase of the Development. Importantly, **these works were never carried out**, and as such **there is no possibility that an impact occurred**. A series of mitigation measures to protect water quality during the construction of the surface water sewer are provided in section 7.1.3.*

*As a result of this remedial Appropriate Assessment, it has been concluded that, ensuring the avoidance and mitigation measures are (in the case of the surface water sewer which is yet to be constructed) implemented as outlined, the Development did not **and** will not have a significant adverse effect on the qualifying interests, special conservation interests and on the integrity and extent of The Murrough Wetlands SAC and The Murrough SPA. Accordingly, the Development has not **or** will not adversely affect the integrity of any relevant European site.*

By reference to appeal of Reg. Ref. 18603 under ref. ABP-303081-18 and the now submitted rAA screening and rNIS, it is submitted that there is no requirement for specific mitigation measures for the protection of European sites for the operation of the development and as such it is in order for the development to be granted substitute consent as the development will not affect the integrity of any European site.

It is noted that all surface water attenuation and eventual of site discharge from development and redevelopment in and around Ashford will require surface water discharge separate from the existing combined sewer whether utilising existing or new culverts, drains or water course ultimately discharges to the Vartry River. This separation of foul and surface waters is in accordance with best practice and the protection of the efficiency of existing foul water municipal treatment capacity. The protection of this

river in its own right and for its connection to the Murrough European sites is in the interests of sustainable development and is submitted possible in this case subject to specific construction mitigation measures. We feel that the submitted rNIS will allow AA outcome similar to that for Strategic Housing Development (SHD) permission was granted 28th August 2020 under An Bord Pleanála (ABP) ref. TA27.307230 for 133 no. residential units (117 no. houses + 16 no. duplexes). www.ashfordplanning.ie.

5.0 Conclusion

It is submitted that the development presents significant planning gain in its own right as a consolidation of town centre uses with missed use and residential development to ensure night and day time activity, passive overlooking and thus the creation of a sense of security for visitors. The development delivers on the existing land use zoning development objectives for Ashford Town Centre in the current County Development Plan and Ashford Town Plan 2016 - 2022 and as evolving the Draft Wicklow County Development Plan and Ashford Town Plan 2021 - 2027. It is further submitted that the development meets or exceeds engineering and planning development standards and best practice.

By reference to appeal of Reg. Ref. 18603 under ref. ABP-303081-18 and the now submitted rAA screening and rNIS, it is submitted that there is no requirement for specific mitigation measures for the protection of European sites for the operation of the development and as such it is in order for the development to be granted substitute consent as the development will not affect the integrity of any European site. The commitment to construction mitigation measures for the as yet unconstructed surface water discharge set out in the rNIS is repeated in this letter and in Appendix 4. This commitment is here reiterated along with the offer of supervision of the construction of the discharge by a qualified ecologist.

In summary; the development is submitted capable of being absorbed by the hard and soft infrastructural carrying capacity of Ashford and is of a typology that accords with development objectives of the town at this specific location. In this way, the development will not constitute a disamenity to near or far neighbours and is submitted in accordance with the proper planning sustainable development of the area.

At this time, without this substitute consent, the site remains incapable of having any development whatsoever carried out. It is submitted contrary to the interests of the site and townscape to let this situation continue having regard to the appropriateness of the development at this location and we respectfully request substitute consent at your earlier convenience.

Yours faithfully,

Cliona Ryan

Associate Director

Appendix 1 Full Planning History Summary, in chronological ascending order. Those in grey are invalid or withdrawn

No.	Reg. Ref. (Applicant)	Date R'ecd	Date Decision	Decision	Development
1	928326 (Eugene Stephens)	19.06.1992	07.10.1992	GRANT subject to 9 no. conditions	Extension to existing building and conversion of same to 3 no. mews
2	988633 (Patrick Stephens)	28.05.1998	26.04.200 FI Request (FI rec'd 31.08.2000) 25.10.2000 withdrawn	WITHDRAWN	demolish 3 existing houses and construct 4 new houses
3	014560 (Patrick Stephens)	03.05.2001	FI Request 26.06.2001	NO RESPONSE TO FI REQUEST	housing development (4 houses), demolish 3 existing houses & ancillary works
4	026273 (Patrick Stephens)	14.03.2002	14.03.2002	INVALID	Permission to demolish 3 existing house & construct four new houses with ancillary works
5	026310 (Patrick Stephens)	02.04.2002	FI request 24.05.2002 Withdrawn 11.12.2002	WITHDRAWN	Permission to demolish 3 existing houses & construct 4 Two-storey terraced houses. See previous Ref. 02/6273
6	053879 (Chieftain Construction Ltd)	04.10.2005	28.11.2005	REFUSE for 5 no. reasons	The demolition of existing structures and construction of a residential and commercial development at Ashford Town, County Wicklow. The development will consist of 47 no. apartments, 1691sqm of retail space and 570sqm office space, made up as follows; Block A: 4 no. 3 bed apartments over 589sqm retail space, Block B: 2 no three bed apartments over 242sqm retail space, Block C: 4 no three bed apartments over 570sqm office space on first floor over 570sqm retail space on ground floor. Block D:2 no one bed apartments over 92sqm retail space, Block E: 4 no one bed and 1 no 2 bed apartments on first and second floor over 205sqm retail space on ground floor, Blocks F, G, H, I and J: 6 no three bed apartments with patios in each block , over three stepped levels to follow site contours, all on approximately 2.3 acres of land. The development shall include roads, parking, services, landscaping, boundary walls, bin stores, traffic calming measures and a slight realignment of Main Street.
7	067034 (Chieftain Construction Ltd)	21.12.2006	15.01.2007	INVALID	58 no apartments and 1306.5 sqm of retail space made up as follows: block A: 8 no two bed apartments, block B: 8 no two bed apartments, block C: 8 no two bed apartments, block d: 8 no two bed apartments in addition to 22 no two bed apartments and 4 no one bed apartments on first and second floor over 1306.5 sqm ground floor retail space, all on approximately 2.43 acres of land. The development shall include roads, parking, infrastructure services, landscaping, boundary walls, bin stores, underground attenuation tanks and associated site works

No.	Reg. Ref. (Applicant)	Date R'ecd	Date Decision	Decision	Development
8	0734 (Chieftain Construction Ltd)	10.01.2007	01.03.2007 FI Request (FI rec'd 30.08.2007) 26.09.2007 Refuse	REFUSE for 4 no. reasons	58 no apartments and 1306.5 sqm of retail space made up as follows: block A: 8 no two bed apartments, block B: 8 no two bed apartments, block C: 8 no two bed apartments, block d: 8 no two bed apartments in addition to 22 no two bed apartments and 4 no one bed apartments on first and second floor over 1306.5 sqm ground floor retail space, all on approximately 2.43 acres of land. The development shall include roads, parking, infrastructure services, landscaping, boundary walls, bin stores, underground attenuation tanks and associated site works
9	072397 (Chieftain Construction Ltd)	09.11.2007	19.11.2007	INVALID	demolition of existing structures and construction of 1 no 3 storey detached houses, 19 no 3 storey townhouses, 4 no 3 storey semi detached houses, 2 no one bedroom apartments, 10 no two bedroom apartments, 1 no 3 bedroom duplex and 7 no retail units totalling 662 sqm all on approximately 2.6 acres of land. The development shall include roads, services, underground storm attenuation tank, landscaping and boundary walls
10	072497 (Chieftain Construction)	21.11.2007	11.07.2008	WITHDRAWN	demolition of existing structures and construction of 1 n three storey detached house, 19 no three storey townhouses, 4 no three storey semi detached houses, 2 no one bedroom apartments, 10 no two bedroom apartments, 1 no three bedroom duplex and 7 no retail units totalling 662 m2 all on approximately 2.6 acres of land. The development shall include roads, services, underground storm attenuation tank, landscaping and boundary walls
11	081704 Chieftain Construction Ltd.	09.10.2008	FI Request 01.12.2008, Response 12.03.2009 & 18.05.2009 grant	GRANT subject to 36 no. conditions	retail space (528 sqm) and 28 no. houses (20 no. 3 bed terraced and 8 no. 4 bed semi-detached). 4 no. semi-detached units omitted by condition:- 24 no. units permitted.
Ext.	14118 Chieftain Construction (In Receivership)	07.03.2014	25.04.2014	EXT. GRANTED 'till 15.08.2019	Ext. of duration of Reg. Ref. 081704
12	15860 (Copia Capital Partners Ltd)	08.08.2015	FI requested 08.10.2015 withdrawn 13.01.2016	WITHDRAWN	Permission for alterations to the development as granted permission under 08/1704. Permission will allow for: (1) replacing permitted 3 storey mixed use Block A with a 2 1/2 storey block affording 4 no. retail units & ATM on ground floor (totalling 240sqm) with office

No.	Reg. Ref. (Applicant)	Date R'ecd	Date Decision	Decision	Development
13	15860 (Copia Capital Partners Ltd)	18.08.2015	FI request 08.10.2015 Withdrawn 13.01.2016	WITHDRAWN	alterations to the development as granted permission under 08/1704. Permission will allow for: (1) replacing permitted 3 storey mixed use Block A with a 2 1/2 storey block affording 4 no. retail units & ATM on ground floor (totalling 240sqm) with office/commercial accommodation at first & mezzanine floor level totalling 300sqm (2) replacing permitted 3 storey mixed use Block B with new 3 storey Block providing 4 no. 3 bedroom terraced 2 storey townhouses over 2 no. 1 bedroom apartments and 1 no. 2 bedroom ground floor apartments. (3) 2 new 3 storey 4 bedroom semi-detached houses at upper ground level with alterations to permitted House Type E facades (4 no. units) to match new houses. (total number of all house types on site: 24). 4. realignment of upper level road hammerhead, relocation of playground, of parking pays and amenity lands
14	1622 (Copia Capital Partners Ltd)	13.01.2016	14.01.2016	INVALID	Retention for as built alterations to 11 no 3 bedroom and office 2.5/3 storey terraced houses in Blocks C and D as granted permission under 08/1704. Retention permission will allow for: (a) extension of ground floor level accommodation by 21sqm / house (cumulative increase in floor area across Blocks C and D of 231 sqm) to afford a 'habitable' room and utility room with a sunken patio level connection to the rear garden (b) alterations to internal floor layouts at 1st and 2nd floor layouts (c) alterations to facades and dormer roof profile (d) alterations to garden layouts and boundary treatments
15	1686 (Copia Capital Partners Ltd.)	28.01.2016	01.02.2016	INVALID	Retention for the development of this site commenced on foot of the previous grant of planning permission PRR 08/1704. The proposed development consists of: - retention of 11 no. 3 storey residential terraced units as constructed (Blocks C & D) & permission to complete same, - permission for 9 no. 2 storey terraced residential units over 9 no. retail units in 3 storey blocks A & B, - permission for 6 no. semi-detached 3 storey 4 bedroom in blocks E (4 no. units permitted under 08-1704), - retention & completion of all ancillary site works & services including landscaping & boundary treatment

No.	Reg. Ref. (Applicant)	Date R'ecd	Date Decision	Decision	Development
16	16105 (Copia Capital Partners Ltd)	01.02.2016	31.03.2017	REFUSE	Retention of 11 no 3 storey residential terraced units as constructed (Blocks C & D) and permission to complete same. Permission for 9 no 2 storey terraced residential units over 9 no retail units in 3 storey Blocks A and B. Permission for 6 no semi detached 3 storey 4 bedroom in Blocks E (4 No units permitted under 08/1704). Retention and completion of all ancillary site works and services including landscaping and boundary treatment
17	18603 (Myles Kirby (Receiver of a specific asset of Copia Capital Partners Ltd)) & appeal ref. ABP-303081-18	05.06.2018	27.07.2020	REFUSE RETENTION ON APPEAL	completion of development commenced under Planning Reg Ref 08/1704. Retention is sought for 9 no 2 storey terraced residential units over 9 no retail units in 3 storey blocks A & B, as constructed, and permission to complete same, retention for 11 no 3 storey residential terraced units as constructed (blocks C and D) and permission to complete same, retention of 4 no semi detached 3 storey 4 bedroom residential units in Block E as constructed and permission to complete same, together with retention and permission to complete all ancillary site works and services including landscaping and boundary treatments, all in line with the submitted documents and drawings as part of this retention and completion proposal

Appendix 2 Wicklow County Council Planning Officer's countersigned Report for Reg. Ref. 18603, July 2018

PLANNING REPORT | 1

G:\Groups\Planning\LucyR\2018\180603 M Kirby Mixed Use Ashford.docx



WICKLOW COUNTY COUNCIL Planning Department

TO:	Sean Quirke, Director Of Services Fergal Keogh SE, Edel Bermingham, Sep
From	Lucy Roche, Executive Planner
Ref:	18/603
Name:	Miles Kirby
Proposal:	Retention and completion of development
Location:	Mount Usher View, Main Street, Ashford, Co. Wicklow
Date Due:	30/07/18
Site Visit:	02/07/18
Site Notice:	Present and In Order

The Proposed Development:

Planning permission has been sought for:

- the retention of 9no 2 storey terraced residential units over 9no retails units in three storey blocks A&B as constructed and permission to complete same
- The retention of 11no. 3 storey residential terraced units as constructed (Blocks C&D) and permission to complete same
- The retention of 4no. semi-detached 3 storey 4 bedroom residential units in Blocks E as constructed and permission to complete same
- the retention and completion of all ancillary site works and services including landscaping and boundary treatment

Planning History:

Ref	16/105
Applicant	Copia Capital Partners
Development	Retention and completion
Decision	Refused
Reason	1 <i>The proposed development would endanger public safety by reason of serious traffic hazard because it has not been demonstrated that a safe entrance, in terms of sightline distances and traffic turning movements, can be provided to serve this development.</i>
Ref	15/860
Applicant	Copia Capital Partners
Development	Alterations to PRR08/1704
Decision	Application withdrawn following request for further information
Ref	08/1704
Applicant	Chieftain Construction
Development	Demolition of existing site structures and construction of a new mixed use development comprising (a) 528sqm retail space (b) 9 no three bedroom terraced houses (1.5/2storey) over ground level retail (c) 11 no three bedroom terraced houses (2.5/3 storey)

G:\Groups\Planning\LucyR\2018\180603 M Kirby Mixed Use Ashford.docx

Decision	Grant
Ext. of Duration	PRR14/1188

Reports (internal and Prescribed Bodies)**Municipal District Engineer:**

- No surface water shall enter onto public road
- ESB poles currently in footpath and in road must be removed to clear path and roadway
- Road markings to be agreed prior to the commencement of development
- Details of safety fencing and crash barrier opposite entrance must be agreed prior to the commencement of development

Roads Authority:• **Sightlines**

Sightlines exiting the development have been provided (refer to drawing Road Layout Plan - Planning 930-244 C01, Dated May 2018). They are acceptable.

In urban areas DMURS indicates that sightlines of 45m for a 50km/h speed limit should be provided at an offset of 2.4m or 2.0m in difficult circumstances.

• **Table Ramp**

I am querying the inclusion of same, the ramp is not present and as this is a retention application can we considered additional features over and above what was granted under 08/1704 and 14/1188? If OK will need details on drainage on the Glenealy side of the table top ramp as this will prevent roadside drainage reaching the gullies which are located on the town centre side of the ramp. This may cause flooding/pending issues.

I assume that if retention is granted that all other conditions will remain applicable.

Irish Water:

Developer requesting water connection from one source for entire development. This will not be possible as the site has a significant change in elevation. Developer must re-assess the design with regard to pressure management. Higher level houses will be fed from the west of the site and lower level from the east.

Foul and Water mains have been laid in close proximity to each other, in addition to ESB and Eircom Ducting, this would negatively impact the serviceability in the event of a leak/burst and may lead to watermain contamination. Planning permission 08/1704 on this site did not propose discharging surface water from the subject site to the 375mm sewer as is proposed in the current application. Planning Reg Ref 08/1704 proposed a separate storm water sewer discharging to the nearby river. A revised design for both water and foul to address the above issues is required.

Third Party Submissions:**Submissions received from:**

- Ashford Development Associated Ltd
- Brian Walsh
- Pat O'Connor
- Joe and Gretta Kavanagh
- Richard J Fitzpatrick
- David and Belinda Kavanagh
- Caroline Martin
- Joan Clarke
- Vera & David Law
- Ed Toland

Issues Raised (in brief):

The issues raised within the third party submission that are considered relevant to the assessment of this application can be summarised as follows:

- Design:
 - o The development as constructed differs greatly (in terms of height and design) from what was previously granted
 - o The development is out of keeping with the existing village streetscape.
 - o Of particular concern is the design of the dormer windows
 - o The development is obtrusive and overbearing
 - o The development detracts from Mount Usher gardens
 - o Loss of office space within Blocks C&D
 - o Lack of accessibility
 - o 3 storey development is inappropriate in the village
- Impact upon adjoining properties in terms of overlooking
- Excessive number of retail units
- Roads and Traffic:
 - o The development has been constructed too close to the public road
 - o The proposal will lead to parking along the public footpath to the front of the development
 - o Sightline requirements are not being met at the entrance leading to concerns for pedestrian safety (particularly children using the footpath). No relaxation should be permitted.
 - o The road junction to the north of the development (L1096-0 and R722) is substandard
 - o The barrier installed on the east side of the L1096 is inadequate
 - o Lack of adequate parking facilities
- Poorly designed public open space
- Water Services
 - o Surface Water Drainage- Potential impact upon adjoining properties
 - o Concern that water services provided for this development do not meet with regulations and will thus not be taken in charge by Wicklow County Council or Irish Water

Comment

The planning issues raised in the submissions, specific and relevant to the consideration of this application are to be considered in the assessment of this planning application and in the making of a planning recommendation. In addition the following is noted.

- There is an extant planning permission on this site. While it is noted that the development as constructed on site does not comply fully with the previous grant of permission, the purpose of this application is to address the outstanding issues of non-compliance and to allow the development to be completed in a satisfactory manner.
- The principle of seeking retention permission for unauthorised development is provided for within the Planning and Development Act 2000 (as amended) and its associated regulations and the planning authority is obliged to consider such applications.

G:\Groups\Planning\LucyR\2018\180603 M Kirby Mixed Use Ashford.docx

- Notwithstanding the existing non-compliance issues, the development proposed is not significantly different (in terms of the nature of the development, its layout, scale and design etc) from what is currently permitted on site.

Policy	
Settlement	Ashford - Level 5 – Small Growth Town
Land Use Plan	Ashford Town Plan 2016-2022
Zoning	Town Centre
Zoning Objective	<i>To provide for the development and improvement of appropriate town centre uses including retail, commercial, office and civic use, and to provide for 'Living Over the Shop' residential accommodation, or other ancillary residential accommodation.</i>
Zoning Description	<i>To develop and consolidate the existing town centre to improve its vibrancy and vitality with the densification of appropriate commercial and residential developments ensuring a mix of commercial, recreational, civic, cultural, leisure, residential uses, and urban streets, while delivering a quality urban environment which will enhance the quality of life of resident, visitor and workers alike. The zone will strengthen retail provision in accordance with the County Retail Strategy, emphasise town centre conservation, ensure priority for public transport where applicable, pedestrians and cyclists while minimising the impact of private car based traffic and enhance and develop the existing centres fabric.</i>
Zoning	RE Residential
Zoning Objective	<i>To protect, provide and improve residential amenities of existing residential areas</i>
Zoning Description	<i>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.</i>
Site Details:	
Site Area	1.19ha
Location	The subject site is located to the south of Ashford Town Centre to the west of the junction of the R772 and the L1096-0
Description	<p>The subject site comprises a partially constructed development (constructed of foot of the previous grant of planning permission PRR08/1704). Development on site has ceased and has been vacant for some time.</p> <p>The site addresses the public road, forming part of the Ashford Streetscape. The lands rise steeply to the rear with extensive excavations having all ready been carried out on site</p>

Google Earth:



Details of Proposed Development:

No. of Units	24 (X Residential; x 9no. Retail)
Total GFA	4,128.1sqm
GFA Proposed	481.9sqm
GFA Retention	3,139.8sqm
GFA Residential	3621.7sqm
GFA Retail	506.4sqm

Block A					
	<u>Unit 1</u>	<u>Unit 2</u>	<u>Unit 3</u>	<u>Unit 4</u>	<u>Unit 5</u>
Height (m)	14.44	13	13	14.44	14.44
Residential					
<i>GFA (sqm)</i>	119	109.6	110.2	113.7	126.9
<i>Bedrooms:</i>	3	3	3	3	3
Amenity space					
<i>Required (Sqm)</i>	60-75	60-75	60-75	60-75	60-75
<i>Proposed (sqm)</i>	?	?	?	?	?
Retail					
<i>GFA</i>	47.7	48.2	47.8	48	63.9

Block B				
	<u>Unit 6</u>	<u>Unit 7</u>	<u>Unit 8</u>	<u>Unit 9</u>
Height (m)	14.254	c13	c13	c13
Residential				
<i>GFA (sqm)</i>	122.3	110.7	111	113.7
<i>Bedrooms:</i>	3	3	3	3
Amenity space				
<i>Required (Sqm)</i>	60-75	60-75	60-75	60-75

G:\Groups\Planning\LucyR\2018\180603 M Kirby Mixed Use Ashford.docx

<i>Proposed (sqm)</i>	68	70	70	67
Retail				
<i>GFA</i>	60.3	30.1	60.3	70.3

Block C	2½-3 storey terrace with ground floor retail and first and second floor residential					
	<u>Unit 10</u>	<u>Unit 11</u>	<u>Unit 12</u>	<u>Unit 13</u>	<u>Unit 14</u>	<u>Unit 15</u>
Height (m)	12.098	12.808	12.127	12.838	12.117	12.828
<i>GFA (sqm)</i>	165.3	164.8	165.9	165.3	166.5	160.6
<i>Bedrooms:</i>	3	3	3	3	3	3
Amenity space						
<i>Required (Sqm)</i>	60-75	60-75	60-75	60-75		
<i>Proposed (sqm)</i>	65.5	67.7	70.3	66.9	72.9	67.7

Block D	2½-3 storey terrace with ground floor retail and first and second floor residential				
	<u>Unit 16</u>	<u>Unit 17</u>	<u>Unit 18</u>	<u>Unit 19</u>	<u>Unit 20</u>
Height (m)	12.643	12.044	12.044	12.044	12.044
<i>GFA (sqm)</i>	164.6	164.5	165.1	164.8	163.8
<i>Bedrooms:</i>					
Amenity space					
<i>Required (Sqm)</i>	60-75	60-75	60-75	60-75	60-75
<i>Proposed (sqm)</i>	73.7	73.8	73.7	73.6	69.75

Block E	4 no 2½ semi-detached residential units			
	<u>Unit 21</u>	<u>Unit 22</u>	<u>Unit 23</u>	<u>Unit 24</u>
<i>GFA (sqm)</i>	192.5	193.5	193.6	193.3
Height (m)	11.455	11.455	11.455	11.455
<i>Bedrooms:</i>	3	3	3	3
Amenity space				
<i>Required (Sqm)</i>	60-75	60-75	60-75	60-75
<i>Proposed</i>	60	60	60	60

Assessment:**Background:**

In 2009, planning permission was granted (PRR08/1704) on this site for a mixed use development in 5 blocks as follows:

- Block A: 2½– 3 storey block, with retail on ground floor and 1½ - 2storey residential above
- Block B: 2½– 3 storey block, with retail on ground floor and 1½ - 2storey residential above
- Block C: 5no. 3three storey terraced dwelling units with ground floor office
- Block D: 6no. 3three storey terraced dwelling units with ground floor office
- Block E: 4no. 2½ storey semi-detached dwelling units (8no. semi-detached units were originally proposed).

G:\Groups\Planning\LucyR\2018\180603 M Kirby Mixed Use Ashford.docx

This permission was later extended under Section 42 of the P&D Act 2000 (as amended) (PRR14/1188) and is not due to expire until the end of 2019. Development commenced on site in July 2015 however the development was not carried out in full compliance with the grant of permission. As a result of the non-compliance issues, the Planning Authority commenced enforcement proceedings.

In 2015, Copia Capital Partners lodged a planning application for alterations to PRR08/1704. During the assessment of this application, the Planning Authority was of the opinion that the application did not adequately address the issues of non-compliance associated with PRR08/1704 development and was concerned that the development proposed would if granted result in the consolidation of unauthorized development on site. The applicants were subsequently advised to lodge a new, standalone, planning application addressing the existing non-compliance issues etc.

Copia Capital Partners lodged a subsequent application (PRR16/105) seeking permission (in short) for the retention and completion of the development. This application was later refused on the basis that the applicants had failed to address the concerns of the planning authority in relation to the site entrance (please see Planning History above. It would now appear that the application site is in receivership.

Principle of Development:

The development of this site as proposed would accord with the zoning objectives for the area and is therefore considered acceptable in principle. It is noted that there is an extant planning permission on site that is not due to expire until 2019, however, it is considered that if permitted, the development proposed under this application should be a standalone development and should be reliant upon the previous grant of planning permission, PRR08/1704.

Intensity of Development:	Plot Ratio:
Applicable Plot Ratio:	1 (10,000sqm of development per hectare for edge of town centre zoning.
Max. Permitted on site:	11,900 (1.19ha)
Proposed Plot Ratio:	c0.35

The Plot Ratio of the proposed development is below the maximum permitted however having regard to the constraints of the site, particularly in terms of the steep gradient which limits the development potential of this land holding, the proposed plot ratio is considered acceptable.

Design and Layout:

Retention and completion of Blocks A and B:

As permitted, under PRR08/1704, Blocks A and B consisted of 9no 1½ / 2 storey residential units over 9no ground floor retail units.

G:\Groups\Planning\LucyR\2018\180603 M Kirby Mixed Use Ashford.docx

Block A (which contained 5no residential over 5 no ground floor retail units), was to be set back from the public road with an area of car parking (17no Spaces) to the front. Additional car parking, for both the retail units and residents, was to be provided to the rear of block A, in an undercroft car park below the area of private open space serving Block A.

Block B, (which contained 4no residential over 4 no ground floor retail units), was to be constructed closer to the public road to form part of the streetscape with parking and private open space to the rear.

Blocks A and B as proposed are very similar to that previously permitted with only minor alterations resulting from interior alterations. Block A and B as proposed are therefore generally considered acceptable in terms of design and layout however it is noted that both Blocks include 'A' pitched dormers as part of their design. While this was a feature of the original permitted design, Blocks C and D as constructed include a more contemporary dormer design. While both styles are considered acceptable there is a concern that the mix of dormer styles as proposed would create inconsistencies within the design scheme resulting that would ultimately detract from the development and the emerging streetscape. Further information is required in this regard.

Retention and completion of Blocks C and D

Under the extant grant of planning permission, PRR08/1704, the development permitted within Blocks C and D consisted of 11no, 3bed terrace houses. The houses alternated between 2½ storey and 3 storey in order to break the terrace and provide interest in the streetscape. The blocks were designed to front onto the public road (in order to establish a defined streetscape), and were to be built into the slope so that the ground floor was to be one room deep and single aspect. Due to the desire to ensure an active street frontage on the ground floor, this space was designed and permitted as a home office.

The rear garden areas serving the units in Blocks C and D, was to be accessed directly from the first floor level and via a pedestrian access gate from the rear (to facilitate access to the designated parking area).

Blocks C and D were however constructed (contrary to the grant of planning permission) with an additional 21sqm floor area at ground floor level. As proposed this area incorporates a home office (to front as previously permitted) and a utility room, bathroom and playroom to rear. The utility room and play room lead to an external courtyard area with a stepped access to the area of private open space to the rear. The extensions / alterations to the ground floor are considered acceptable in principle as they contribute to the usability and functionality of the units without having a significant impact upon the amenities of the area or adjoining properties.

Third parties have raised concerns relating to the proximity of Blocks C & D to the public road. As previously noted, Blocks C and D were specifically designed to address the public road - in order to replicate a more traditional streetscape which is considered appropriate

G:\Groups\Planning\LucyR\2018\180603 M Kirby Mixed Use Ashford.docx

having regard to the town centre location of the development. The positioning of these blocks is therefore considered acceptable

In relation to the design of the as constructed development; it is noted that there have been some alterations to the front façade of both blocks C and D. In particular it is noted that the 'A' pitched dormers on the 2½ storey units have been replaced with a more contemporary mono-pitched style dormer and that the window designs have also been altered somewhat. While the concerns expressed in the third party submissions have been noted it is not considered that the alterations to the façade of Blocks C&D detract significantly from the character of Ashford. While it is noted that a number of structures within the settlement have gable elements to the front and side façades, quite a few do not and it is not considered that requiring the applicants to revert back to the original as permitted façade would significantly contribute to or enhance the streetscape.

Concerns have been raised by third parties in relation to the windows in the front façade of Blocks C and D and the potential of these windows to overlook the adjoining property to the east. While it is noted that a number of windows to the front façade have altered / increased in size it is not considered that these alterations have had a significant impact upon the amenities of the adjoining property in terms of overlooking in comparison to the as permitted development on site. In addition it is noted the property in question is already significantly overlooked from the regional road to the east

The height of Blocks C and D, as indicated on the submitted drawings, would appear to comply with the as permitted development.

The retention and completion of the 11no 3 storey residential terrace units in Blocks C&D as proposed is considered acceptable.

Retention and completion of Block E

As permitted, Block E consists of 4no semi-detached, 2½ storey dwellings (1½ storey habitable floors over ground floor garage / storage) with a ridge height of 11.6m.

The dwellings were to be built into the site with a tiered garden to the rear. The bedrooms were located on the upper ground floor level with access provided to the lower tier garden. The main living area was on the first floor with access to the top tier of the rear garden via a roof terrace constructed over one of the bedrooms below. The ground floor garage provided two car parking spaces as well as two storage rooms to the rear. access to the upper floor habitable rooms was provided via an external stairway.

As proposed, the units in Block E have a similar form, excluding a single storey rear projection at upper ground floor level. The elevations have been amended slightly to accommodate the alterations to the interior layout.

An internal stairway is now proposed in the ground floor garage area to facilitate access to the upper ground floor. This alteration has resulted in the loss of a parking space. The upper

G:\Groups\Planning\LucyR\2018\180603 M Kirby Mixed Use Ashford.docx

ground floor levels now incorporates the living areas with direct access to the rear garden area while the bedrooms have been relocated to the first floor level.

In terms of design and layout proposed Block E is considered acceptable in principle.

Retention and completion of all ancillary site works and services including landscaping and boundary treatment:

Access / Traffic

The previous application, PRR16105 was refused because it was considered that the applicants had failed to demonstrate that a safe entrance in terms of sightline distances and traffic turning movements could be provided to serve the development. Since then works have been carried out to the junction to facilitate the provision of adequate sightline distances. These works satisfy the requirements of the Road Authority.

It is noted that these works required the agreement of the adjoining land owners and that they (the adjoining landowner) have made a submission suggesting that the applicants have not fully honoured that agreement (the full programme of works has not been completed) this is however a matter between the applicants and the adjoining landowners and is not a matter for the Planning Authority.

In accordance with the condition 22 of the previous grant of planning permission, PRR08/1704 no development was to commence on site until the proposed works to the junction of the R7772 and the L1096 load road to Ballinalea had been completed to the satisfaction of the Roads Section of Wicklow County Council. This condition was not complied with. As it stands, a significant amount of works to the junction have now been completed however some works remain outstanding. This is due in part to the need for formal agreements / approval in relation to other works on site in particular in relation to the provision of water services, public lighting etc. Full details of all outstanding works to the junction and public road network, footpaths etc should be submitted to and agreed in writing with the planning authority and should be completed to the satisfaction of the Road Authority site prior to the commencement of any further development on site.

The plans submitted detail proposals for the inclusion of a raised ramp on the local road (at the junction of the local road and the southern site entrance). While the provision of this ramp is considered acceptable in principle concerns have been raised regarding its potential to impact upon surface water drainage on the public road which could result in flooding. Further information is required.

Parking

The CDP requires car parking as follows:

24no units of over 2-bedrooms =	48 spaces (2no space per unit)
506.4sqm Retail Floor Space ¹ =	20 spaces (4no spaces /100sqm GFA)

¹ This excludes an area of 90sqm containing the access stairways to the residential units above Blocks A and B

G:\Groups\Planning\LucyR\2018\180603 M Kirby Mixed Use Ashford.docx

Total required	=	68 spaces
Total proposed	=	78 spaces

Parking Allocation / Distribution:

Blocks A and the retail element in Block B:

It would appear from the site layout plan submitted that the residential units in Block A along with the retail units of Blocks A and B are to be served by a total of 38no car parking spaces located to the north of the site. 10 spaces located to the rear of block A (uncroft parking), are to be reserved for the residential units within Block A while the remaining 28 spaces available for the retail units. Submitted proposals are in accordance with CDP requirements. The parking area to the front of Block A should be designed to ensure that pedestrian access is freely available from spaces 31 to 38 onto the public footpath / public realm to facilitate easy access to and from the retail units in Blocks B (vehicular access should only be obtained for the designated site entrance).

Blocks B, C and D:

Adequate parking for blocks B, C and D has been provided to the rear of the site with pedestrian access made available from the parking areas to the rear of each individual unit. Parking spaces should however be appropriately allocated to each unit to ensure that the proposal is feasible.

Block E:

As permitted the units in Block E incorporate 2no parking spaces within a ground floor garage. As proposed the units within Block E have been redesigned to incorporate an internal stairway that leads to the first floor living area. This internal stairway has been provided in lieu of one of the parking spaces. While sufficient parking spaces have been provided on scheme to cater for the development as a whole I am concerned that the lack of appropriate parking within or directly adjacent to Blocks E is likely to result in car parking to the front of these units which may have the potential to impact upon the usability of the parking spaces opposite (spaces 39-51). Further information should be requested in this regard.

Public Lighting:

Detailed proposals for public lighting would be required in advance of any further works should planning permission for this development be granted.

Open space:*Public Amenity Space:*

In accordance with current County Development Plan standards 15% or 1,785sqm of public open space is required on site to serve this development.

The site layout plan submitted details proposals for public open space to the north and north east of the site however the area (sqm) proposed has not been stated nor has it been adequately demonstrated within the plans submitted that the area proposed is useable (in terms of gradient, accessibility etc) further information is required.

G:\Groups\Planning\LucyR\2018\180603 M Kirby Mixed Use Ashford.docx

Detailed design proposals for this area, including details of the proposed playground, hard and soft landscaping and boundary treatment would be required prior to the commencement of any further development on site.

Private Amenity Space:

Private amenity space for residential units is generally required at a rate 0.64sqm / 1sqm residential gross floor area however having regard to the town centre location of the proposed development; a relaxation in this standard is considered acceptable in this instance. Private open space should however comply with the minimum standard which for 3 bedroom units equates to between 60 and 75sqm.

It would appear from the plans submitted that each of the units in Blocks B, C, D and E is to be provided with a private amenity space in accordance with the above standard however the plan submitted fail to demonstrate that the proposed space is 'usable' particularly in terms of gradient. Further information is required in this regard.

The private amenity space for Block A has not been detailed on the submitted plans; further information is required in this regard.

Boundary treatment/Landscaping:

Planning permission has been sought for the retention and completion of landscaping and boundary treatment however no details have been submitted in relation to same. Further information is required.

Services

Water supply and Foul Sewer:

The proposed development is to connect to public mains water and sewerage. The applicants will be required to apply to Irish Water for permission to connect to same. In this regard it is noted that Irish Water have indicated that the submitted proposals for connection to the mains water supply are not acceptable due to the significant change in elevation. They have requested that the applicants re-assess the design with regard to pressure management - higher level houses to be fed from the west of the site and lower level from the east.

In addition to the above, Irish water have noted that the foul and water mains have been laid in close proximity to each other and to ESB and Eircom ducting, and they are concerned that this would negatively impact the serviceability in the event of a leak/burst which may lead to watermain contamination. Further information is required.

Surface Water

Planning permission 08/1704 on this site did not propose discharging surface water from the subject site to the 375mm sewer as is proposed in the current application. Planning Reg Ref 08/1704 proposed a separate storm water sewer discharging to the nearby river.

As Irish Water have indicated that the submitted proposals for surface water drainage are not acceptable, revised proposals are required.

Part V – Social and Affordable Housing:

In accordance with the details submitted proposals for part V are to be agreed with the Council as per conditions attached to the previous grant of permission, PRR08/1704. However this is not considered adequate. further information is required

Appropriate Assessment

The subject site is located in an urban area and is removed from any physical direct or indirect links to any designated Natura 2000 site. On this basis it is considered that the proposed development would not result in significant adverse impact on any designated Natura 2000 site. Therefore, an Appropriate Assessment in accordance with the requirements of Article 6(3) of the EU Habitats Directive is not required.

Conclusion:

While the proposed development is considered acceptable in principle further information is required on a number of issues in order to ensure that the development as proposed is acceptable in terms of proper planning and development.

Recommendation:**Further Information Request:**

- 1 (a) You are requested to submit a revised site layout plan which details how the proposed parking spaces to the rear of the site (Spaces 39-74) are to be allocated to each of the individual units. In this regard it should be noted that 2no parking spaces should be allocated to each residential unit at a location that is easily accessible and convenient to that unit.
- (b) It is noted that the proposed alterations to the residential units in Block E ^{would result} ~~have resulting~~ in the loss of one of the integrated parking spaces. While it is noted that the quantum of parking spaces proposed within this scheme meets with County Development Plan standards, the planning authority is concerned that the loss of the integrated parking spaces within Block E will result in car parking on the roadway to the front of these units which in turn has the potential to interfere with the roadway and to impact upon the usability / accessibility of the parking spaces opposite (spaces 39-51). You are therefore requested to:
 - (i) justify the omission of the integrated parking spaces from Block E
 - (ii) Detail what alternative parking arrangements have been proposed within the scheme to serve these units and demonstrate that these arrangements are adequate in terms of location ~~their~~ etc
 - (iii) Demonstrate that the proposed development will not result in vehicles parking to the front of Block E in an ^{unorganised / uncontrolled} ~~unorganised / uncontrolled~~ fashion that has the potential to interfere with traffic movements within the estate and / or impact upon the usability / accessibility of designated parking areas.
- 2 (a) You are requested to submit a revised site layout plan showing in detail the areas of private amenity space proposed to serve the units in Block A.

G:\Groups\Planning\LucyR\2018\180603 M Kirby Mixed Use Ashford.docx

- (b) You are requested to demonstrate that each of the proposed residential units is to be served by an area of private amenity space (minimum area of 60sqm) that is usable in terms of gradient and that is accessible from both the dwelling and designated parking areas. Your response to this item should, having regard to the contours / excessive gradient of the site, include detailed cross sections to demonstrate how the areas of private open space are to be designed and laid out and how they will relate to the respective dwelling units and adjoining public areas.
- 3 You are requested to demonstrate, via the submission of revised plans and cross sections etc, that the public amenity lands proposed as part of this application includes an area of 1,785sqm (15% of the site area) of useable (in terms of gradient and accessibility etc), public open space. This space should accord with current County Development Plan Standards as set out in Volume 3, appendix 1 Development and Design Standards
- 4 Planning permission has been sought as part of this application for the retention and completion of landscaping and boundary treatment, however, no details have been submitted in relation to same. In order to allow for an assessment of same you are requested to submit detailed proposals for landscaping and boundary treatment. Your response to this item should include proposals for the application site boundary, individual plot boundaries and any proposed retaining structures within the development.
- 5 Blocks A and B as proposed incorporate an 'A' pitched dormer as previously permitted, however, it is noted that Blocks C and D as constructed incorporate a more modern mono-pitched style dormer. While both styles are considered acceptable the planning authority is concerned that the mix of dormer styles as proposed would create inconsistencies within the design scheme that would ultimately detract from the development and from the emerging streetscape. You are therefore requested to demonstrate that the design of Blocks A and B as proposed is fully compatible with the as constructed development in Blocks C and D and that the proposed development (as it relates to Blocks A, B, C and D) conforms to a single well considered design brief that has been designed to ensure the creation of a new high quality streetscape.
- Alternatively you may wish to consider amending the design of the development to include for only one dormer style.
6. With regard to proposals for foul water drainage and water supply services you are requested to address the following issues:
- (a) The provision of a water connection from one source for the entire development will not be possible given the site has a significant change in elevation. Accordingly you are requested to re-assess the design with regard to pressure management. Higher

G:\Groups\Planning\LucyR\2018\180603 M Kirby Mixed Use Ashford.docx

level houses will need to be fed from the west of the site and lower level houses from the east.

(b) It would appear that the foul sewerage and water supply mains have been laid in close proximity to each other and to ESB and Eircom Ducting. Irish Water are concerned that this would negatively impact the serviceability of the mains in the event of a leak/burst, ^{public} may lead to watermain contamination. It is recommended that revised proposals for both water supply and foul water drainage be submitted to address this issue.

(c) It would appear that the current application includes proposals to discharge surface water to the existing 375mm combined sewer, which is not considered acceptable and which is at variance with the details permitted under PRR 08/1704. You are therefore requested to submit revised proposals for surface water discharge.

Note: you are advised to contact Irish Water prior to lodging revised details to deal with this further information request. ^{and the Environment Section (see surface water).}

- 7. The provision of the table ramp on the public road at the southern site entrance is considered acceptable in principle, however, there are concerns that this feature has the potential to interfere with surface water drainage on the public road which could result in flooding of adjoining properties. You are therefore requested to submit detailed proposals to address these concerns.
- 8. You are requested to specify the manner in which you propose to comply with the requirements of Section 96 of Part V of the Planning and development Act 2000 (as amended)


 Lucy Roche
 Executive Planner
 18/07/18

*Approved as modified
 19/07/18*

Appendix 3 Wicklow County Council Planning Officer's countersigned Report under for Reg. Ref. 18603, November 2018 (Subsequent to further information response)



WICKLOW COUNTY COUNCIL
Planning Department

TO:	Sean Quirke, Director Of Services Fergal Keogh SE, Edel Bermingham, SEP
From	Lucy Roche, Executive Planner
Ref:	18/603
Name:	Miles Kirby
Proposal:	Retention and completion of development
Location:	Mount Usher View, Main Street, Ashford, Co. Wicklow
Status:	Further Information Requested 24/07/18
FI Received	19/10/18
Decision Due	8th November 2018

The Proposed Development:

Planning permission has been sought for:

- the retention of 9no 2 storey terraced residential units over 9no retails units in three storey blocks A&B as constructed and permission to complete same
- The retention of 11no. 3 storey residential terraced units as constructed (Blocks C&D) and permission to complete same
- The retention of 4no. semi-detached 3 storey 4 bedroom residential units in Blocks E as constructed and permission to complete same.
- the retention and completion of all ancillary site works and services including landscaping and boundary treatment

Reports (internal and Prescribed Bodies)

Housing and Corporate Estate:

I note that there has been no submission made in relation to Part V since 2017. The Agent has now submitted a Part V proposal as part of Further Information. The two apartments offered, 02 & 03 Block A are significantly larger than the Quality Housing for Sustainable Communities Guidelines. Both are 110sqm 3 bed 2 storey apartments and the target size is 86sqm plus up to 10% = 94.6sqm. But as the units were designed and planning granted prior to the Part V policy and Guidelines and this is in effect, a legacy permission, the Council therefore has little option but to accept 2 units subject to Departmental approval in order for the Developer to meet his Part V requirement. I note that the apartments offered i.e. 2 & 3 are accessed from different entrances. It would be preferable if both Part V units could be accessed from one entrance e.g. units 3 & 4.

I note the submission of Indicative Costs. Nothing in this report shall be construed as agreeing to purchase such units at these costs as agreement cannot be pursued pending a decision on this planning application and funding application to the Department of Housing, Planning Community and Local Government.

Third Party Submissions:

Further submissions received from

- Ashford Development Association Ltd
- Brian Walsh
- Joe and Gretta Kavanagh

Issues Raised:

- Concerns relating to how this site has been developed
- Concerns regarding the design of the proposed development in particular the applicants response to item 5 of the further information request and the decision to proceed with the opinion of a modern mono-pitched style dormer instead of an 'A' pitched dormer.
- Concerns raised regarding proposals for surface water drainage and the potential impact of same on the River Vartey
- And EIA is now required for this development due to the proposal to discharge to the River Vartry.
- Concerns regarding the accessibility of the proposed development
- Traffic / pedestrian safety at the entrance
- The applicant's proposal in response to item 6(b) is unacceptable.
- Concerns in relation to roadside crash barriers have not been addressed

Comments:

In relation to the issues raised by third parties the following is noted:

- The design of the proposed development, in particular the dormer windows, was addressed in the previous planning report and Item 5 of the further information request related to same. The applicant's response to item 5 of the further information request shall be considered later in this report.
- The applicant is now proposing to construct a new surface water sewer to serve this development. This proposal accords with the development previously permitted on site (under PRR08/1704) which does not expire until 15th August 2019. An EIA is not required for this development.
- The Road Authority is satisfied that adequate sightlines have been achieved at the site entrance.
- There are some outstanding works along the public road, these works should be completed by the applicant.
- The applicant's response to item 6 of the further information request will be considered below. Proposals for water supply and wastewater treatment are a matter for Irish Water.

Details and Assessment of Further Information Received:

Item 1

- (a) You are requested to submit a revised site layout plan which details how the proposed parking spaces to the rear of the site (Spaces 39-74) are to be allocated to each of the individual units. In this regard it should be noted that 2no parking spaces should be allocated to each residential unit at a location that is easily accessible and convenient to that unit.**
- (b) It is noted that the proposed alterations to the residential units in Block E would result in the loss of one of the integrated parking spaces. While it is noted that the quantum of parking spaces proposed within this scheme meets with County Development Plan standards, the planning authority is concerned that the loss of the integrated parking spaces within Block E will result in car parking on the roadway to the front of these units which in turn has the potential to interfere with the roadway and to impact upon the usability / accessibility of the parking spaces opposite (spaces 39-51). You are therefore requested to:**
- i. justify the omission of the integrated parking spaces from Block E**
 - ii. Detail what alternative parking arrangements have been proposed within the scheme to serve these units and demonstrate that these arrangements are adequate in terms of location etc**
 - iii. Demonstrate that the proposed development will not result in vehicles parking to the front of Block E in a haphazard fashion that has the potential to interfere with traffic movements within the estate and / or impact upon the usability / accessibility of designated parking areas.**

Applicants Response:

Submitted drawing 3.2.200 which indicates that 2no car spaces have been allocated for each housing unit. With these provisions, there is a surplus of 2no car spaces for the development. This car parking layout takes into account the omission of 1no integrated parking space within each unit of Block E. The reasoning behind the reconfiguration of the ground floor of Block E was to allow for a more accessible entrance to the housing unit, in lieu of the previously permitted external stairs and entrance at first floor level.

Assessment:

The site plans submitted details how the proposed parking spaces to the rear of the site (Spaces 39-74) are to be allocated to each of the individual units as requested however the the submission fails to address the concerns of the planning authority in respect of item1(b).

Item 2

- (a) You are requested to submit a revised site layout plan showing in detail the areas of private amenity space proposed to serve the units in Block A.**
- (b) You are requested to demonstrate that each of the proposed residential units is to be served by an area of private amenity space (minimum area of 60sqm) that is usable in terms of gradient and that is accessible from both the dwelling and designated parking areas. Your response to this item should, having regard to the contours / excessive gradient of the site, include detailed cross sections to demonstrate how the areas of private open space are to be designed and laid out and how they will relate to the respective dwelling units and adjoining public areas.**

Applicants Response:

- (a) Drawing 3.2..201, indicates the private amenity space of units to Block A.
- (b) Drawings:3.2.200 & 3.2.201, indicate the usable private open space in each dwelling along with cross sections drawings 3.2.300 & 3.2.301.

Each private open space will have 2no terraced areas, at entry level from dwelling, it is proposed that this will be paved, with higher terrace accessed by external steps to the raised lawn area. This layout is as per previously permitted proposals associated with parent permission reg. ref. no.0817704. The access to the rear gardens will be from the first-floor level living areas and will be accessed externally from the car park area via a gated entrance into each individual unit, as per previously permitted proposals associated with parent permission reg. ref. no. 08/1704.

Assessment:

It would appear from the details submitted that each of the proposed residential units is to be served by an area of private amenity space (minimum area of 60sqm). Due to the excessive slope of the site it would appear that extensive ground works and retaining structures will be required to ensure that garden areas are usable. Full details to be submitted to the planning authority for agreement.

Item 3

You are requested to demonstrate, via the submission of revised plans and cross sections etc, that the public amenity lands proposed as part of this application includes an area of 1,785sqm (15% of the site area) of useable (in terms of gradient and accessibility etc), public open space. This space should accord with current County Development Plan Standards as set out in Volume 3, appendix 1 Development and Design Standards

Applicants Response:

Drawings and specification from Landscape Consultant, Cormac Langan Landscape Architecture, indicates that this public open space is usable amenity space for the development.

Assessment:

The submission from landscape consultant, Cormac Langan, Landscape Architecture includes a landscape master plan and 2 cross sections (not to scale). Following assessment of these drawings it would appear that

- Much of the 'amenity space' identified on the site layout plans submitted is not usable and therefore cannot be considered as public open space.
- The areas of 'usable' open space (both public and private) have been shaded a pale green colour on the landscape master plan with areas that are not 'usable' in a darker green shade. The quantum of useable public open space has not however been clarified.
- The lands suitable for use as public open space include:
 - o An area to the east of Block E (c400sqm). No cross sections or detailed design proposals for this area have been submitted however having regard to the cross section submitted for through Block E it is considered that this area could be useable subject to appropriate landscaping and boundary treatment.
 - o A playground / MUGA area of c150sqm)

- An area of open space to the northeast corner of site (c600sqm). The cross sections submitted for this area (which are not to scale) suggest that it is to be tiered with the use retaining walls and raised planters. These structures have not been adequately detailed on the landscape master plan and I am not satisfied that the plans submitted for this area would be the most appropriate.

It would appear that the quantum of useable public open space proposed for this development would fall short of the recommended standard in the development plan. However the constraints of the site are noted and having regard to the planning history of the site (in particular PRR08/1704 which is very similar in terms of design, layout and scale) and the fact that the development is located within the centre of Ashford in close proximity to a public park, it is considered that a reduction in the quantum of public open space proposed may be acceptable, however revised design proposals for this area would be required in order to ensure that the quantum of usable public open space on site is maximised and to ensure that this area is suitably designed and laid out for the benefit of its users.

Item 4

Planning permission has been sought as part of this application for the retention and completion of landscaping and boundary treatment however no details have been submitted in relation to same. In order to allow for an assessment of same you are requested to submit detailed proposals for landscaping and boundary treatment. Your response to this item should include proposals for the application site boundary, individual plot boundaries and any proposed retaining structures within the development:

Applicants Response:

Please see accompanying drawings and specification from Landscape Consultant, Cormac Langan Landscape Architecture.

Assessment:

As noted under item 4 above further details (which will include landscaping and boundary treatment) are required in relation to the design and layout of the areas of public open space.

The provision 2m high block work walls to rear boundaries is acceptable in principle however the provision of a 1.1m wall to the east (front) and south of the car park to the front of Block A is not considered appropriate. This car park is also required to serve the retail units in Block B and therefore should be open and easily accessible to these units.

The provision of a 2m high block work wall to the northeast, particularly as it nears the public road would appear excessive, this wall should be stepped to c0.8m if appropriate to do so.

Proposals for boundary treatments to the rear of Block E have not been provided not have details of the design and finish of retaining structures.

Planting proposals in areas not suitable for use as public open space are considered acceptable.

Revised proposals are required.

Item 5

Blocks A and B as proposed incorporate an 'A' pitched dormer as previously permitted however it is noted that Blocks C and D as constructed incorporate a more modern mono-pitched style dormer. While both styles are considered acceptable the planning authority is concerned that the mix of dormer styles as proposed would create inconsistencies within the design scheme that would ultimately detract from the development and from the emerging streetscape. You are therefore requested to demonstrate that the design of Blocks A and B as proposed is fully compatible with the as constructed development in Blocks C and D and that the proposed development (as it relates to Blocks A, B, C and D) conforms to a single well considered design brief that has been designed to ensure the creation of a new high quality streetscape.

Alternatively you may wish to consider amending the design of the development to include for only one dormer style.

Applicants Response:

Please see accompanying drawing no's 3.2.LO2 & 3.2.LO4, which indicate the revised dormer style of Block A & B have been changed to match those of the modern mono-pitched style dormer as constructed on Blocks C & D. Please note no changes have been made to Block E dormer styles, as these are not on the same building line as blocks A, B, C & D, we feel these are less of an inconsistency, and impact on the streetscape

Assessment:

The applicants response to item 5 of the further information request has been noted and is considered acceptable. While third parties have raised objections to the provision of mono-pitched dormers it is not considered that they would significantly detract from the character of the area.

Item 6

With regard to proposals for foul water drainage and water supply services you are requested to address the following issues:

- (a) The provision of a water connection from one source for the entire development will not be possible given the site has a significant change in elevation. Accordingly you are requested to re-assess the design with regard to pressure management. Higher level houses will need to be fed from the west of the site and lower level houses from the east.**

- (b) It would appear that the foul sewerage and water supply mains have been laid in close proximity to each other and to ESB and Eircom Ducting. Irish Water is concerned that this would negatively impact the serviceability of the mains in the event of a leak/burst, which may lead to watermain contamination. It is recommended that revised proposals for both water supply and foul water drainage be submitted to address this issue.**

- (c) It would appear that the current application includes proposal to discharge surface water to the existing 375mm combined sewer, which is not considered acceptable and which is at**

variance with the details permitted under PRR 08/1704. You are therefore requested to submit revised proposal for surface water discharge.

Note: you are advised to contact Irish Water prior and the Env. Section of WCC (re: Surface water) to lodging revised details to deal with this further information request.

Applicants Response:

Submitted response from Molony Millar Consulting Engineers

- 6(a) A 4" cast iron watermain (1940) runs in front of the site. It is proposed to connect into this to supply the site. Following an onsite meeting with Wicklow Co Co engineer Mr. Tom O'Leary it was agreed a water test should be carried out. The discussed water test was carried out on Monday the 24th of September 2018 with a water test result of 5.5 bar. See confirmation letter enclosed.
- 6(b) After discussions with Wicklow Co Co engineering staff it is proposed to expose the services at two locations (unit 10 & 15) as shown on drawing 930-244-C02 enclosed. It is proposed these opening up works will take place after commencement on site. Local Authority members will be contacted at this time as agreed.
- 6(c) a 375mm combined sewer runs along the front of the site. This eventually discharges to a pumping station in Ashford. It is now proposed to run a 300mm separate pipe for surface water running along the site and Main Street of Ashford, discharging into the river as per previously submitted drainage drawing 064-177-102 PO prepared by Punch Consulting Engineers as part of planning No. 08/1704. Refer to enclosed marked up drawing 064-1771- 102 PO by Molony Millar Consulting Engineers. We met Mr. William Halligan of Wicklow Co Co. on site Thursday 6th of September 2018 and it was agreed that this was the preferred solution.

Assessment:

The applicant's response to items 6(a) and (b) have been noted. These items were issued on the request of Irish water and it is considered that it is for Irish Water to consider the applicants response.

In relation to item 6(c), the provision of a new storm water /surface water sewer would appear to be acceptable in principle as it is in line with that permitted under PRR08/1704. Final design details of the proposed sewer should be submitted to and for the written agreement of the planning authority prior to the commencement of development.

Item 7

The provision of the table ramp on the public road at the southern site entrance is considered acceptable in principle; however, there are concerns that this feature has the potential to interfere with surface water drainage on the public road which could result in flooding of adjoining properties. You are therefore requested to submit detailed proposals to address these concerns.

Applicants Response:

Submitted response from Molony Millar Consulting Engineers

As the table ramp has been deemed acceptable in the received correspondence it is our proposal to allow for an open drainage channel to run behind the table ramp. This will allow for surface water to continue draining freely on the roadway. Please refer to drawing 930-244-C01 enclosed.

Assessment:

Applicant’s response would appear acceptable in principle. Final details for all works on or adjacent to the public road, including roadside drainage should be agreed with the planning authority prior to the commencement of development.

Item 8

You are requested to specify the manner in which you propose to comply with the requirements of Section 96 of Part V of the Planning and development Act 2000 (as amended)

Applicants Response:

2 No. apartment units are proposed for Social and Affordable, they are units 02 & unit 03 in Block A of the development. It is proposed to meet the balance via a financial contribution which can be utilised for housing elsewhere in the county, to be chosen by the local authority.

Assessment:

Please note the comments of Housing and Corporate Estate section of Wicklow County council in this matter

Conclusion:

The applicant’s response to the further information request has been noted, while there are a number of outstanding issues in relating to the design and layout etc of this development it is considered that these issues can be addressed by way of compliance. It is therefore recommended that planning permission for this development be granted subject to condition as outlined below.

Development Contributions and Security Bond:

The existing development on site was constructed on foot of the previous grant of planning permission, PRR08/1704. Contributions Charged under PRR08/1704, as follows:

Residential:

9no. units of <125sqm (Blocks A&B)	= €16,800 x 9	=	€151, 200
15no. Units >125sqm (Blocks C,D&E)	= €19,000 x 15	=	€285,000

<u>Retail</u>	= 528sqm x €58/sqm	=	€30,624
----------------------	--------------------	---	---------

Total		=	€466,824
--------------	--	---	-----------------

No development contributions have been paid to date. As a result of index linking the amount now due is €482,890.00

Development Proposed Under PRR18/603:

While the development contributions applied under PRR08/1704 are still applicable it is noted that the development proposed will result in some minor alterations to the gross floor areas of residential and retail units. These alterations would result in an increase in the amount of contributions due of +€947 as set out below.

8no. units of <125sqm (Blocks A&B)	= €16,800 x 9	=	€134,400
16no. Units >125sqm (Blocks C,D&E)	= €19,000 x 15	=	€304,000
<u>Retail:</u>	=506.4sqm x 58	=	€29,371.20
Total		=	€467,771.20
Difference		=	+€947
Total Due:		=	€483,837

Bond:

A security Bond of €165,000 was required under condition 3 of PRR08/1704. A phased payment was agreed with €100,000 paid for phase 1. As phase 2 has now commenced the additional €65,000 is due. The payment of €165,000 is considered sufficient to act as security for this development.

Recommendation: Grant

Having regard to the planning history of the site, the Town Centre Zoning of the site which is considered reasonable, it is considered that, subject to compliance with the conditions set out in the schedule below, the proposed development would not injure the amenities of the area or properties in the vicinity and would therefore be in accordance with the proper planning and development of the area.

General

- 1 This permission refers to the development as described in the documents lodged, as revised by the Plans and particulars submitted on the 9th October 2018, save as the conditions hereunder require.

REASON: For clarification.

- 2 (a) **Before development commences**, a full and detailed construction management plan shall be submitted to and agreed in writing with the Planning Authority, which shall include, inter alia, a construction programme for the works, a traffic management plan, noise and dust mitigation measures (including details of a truck wheel wash at the site entrance) and details of construction lighting.
- (b) A Construction Manager shall be appointed to liaise directly with the various sections of the Council.

(c) Site development and building works shall be carried out only between the hours of 0800 to 1800 Monday to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

REASON : In the interest of residential amenity, traffic/ pedestrian safety and proper planning and sustainable development

3 A single management company shall have the entire responsibility for the maintenance and repair of all infrastructural services and facilities necessary for Blocks A and B including footpaths, public lighting, maintenance and repair of common areas and the management of car parking areas.

REASON: In the interest of proper planning and development, public health, safety and amenity

4 **No development shall commence** until contributions/submissions/agreements required by conditions 2, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15 have been submitted to and agreed acceptable in writing by the Planning Authority. All of the details required to be submitted for agreement by these conditions shall be submitted as a single compliance package

REASON: In the interests of proper planning and development, and clarification.

Financial

5 **Within 6 months of the date of this permission** the developer shall pay the sum of €483,837 to the Planning Authority as a contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority.

€465,571

The contribution sought is in accordance with Wicklow County Council's Development Contribution Scheme for the area in which the site is located and Section 48(1) of the Planning and Development Act 2000.

Where the contribution remains unpaid the monies payable shall be updated in accordance with the Wholesale Price Index as published by the Central Statistics Office on the 1st January of each year following the date of the Final Grant.

REASON: The public infrastructure and facilities included in the Development Contribution Scheme will facilitate the development and it is considered reasonable that the developer should contribute towards the cost thereof.

6 The Sum of €165,000 shall be paid as security with the Council for the satisfactory

compliance with the conditions of this permission and satisfactory completion of open space, roads, footpaths, sewers (including house connections), watermain, public lighting, other public facilities, including maintenance.

This security is required by the Council for application at its absolute discretion if such facilities are not duly provided to its satisfaction.

If the development remains incomplete within three years of the date of the final grant of planning permission, the Council may at its discretion require an increase in the amount of the security in line with the Wholesale Price Index - Building & Construction (Capital Goods) published by the Central Statistics Office or the cost of completing the outstanding works, whichever is the greater.

This sum may be reduced to 50% of this figure, provided watermains, sewers, kerbs and road construction to base course level, are installed to an agreed programme, and ahead of the construction of any houses.

Where the developer proposes in writing to the Planning Authority to carry out the proposed development in phases, a reduced security will be computed by the Planning Authority proportionate to the development works required so as to make each phase viable. This security may be partially rolled from one phase to another depending on the Planning Authority's assessment of works outstanding in each phase.

The return, or the reassignment, of the security shall be subject to, inter alia, the report of an independent chartered engineer (with professional indemnity insurance) that all materials, and workmanship of site infrastructure is in accordance with the plans and specifications submitted, based, inter alia, on pressure tests and CCTV surveys.

The partial reassignment of the security from one phase to another shall be based on the total possible costs of repairing/completing works in the previous phase.

REASON: To ensure (a) satisfactory completion of the site development works, (b) that the security is adequate to cover the cost of recuperative works, (c) that the security is index linked, in the interests of residential amenity and the proper management of roads and services.

Pre-development Agreements/ Submissions

7 **Prior to the commencement of development** the developer shall submit to and for the written agreement of the Planning Authority:

- a) Full details of all ground works and retaining structures required to facilitate this development.
- b) Detailed proposals (including plans and cross sections) for the design and layout of

all public open space areas on site (including the area of land located between Block E and parking spaces 70-74 as detailed on Drawing no.3.2.201). Such proposals shall maximize the quantum of usable public open space on site with appropriate use of hard and soft landscaping and retaining features where necessary. Public open space areas shall have a gradient no greater than 1:10 and be easily accessible.

- c) Full details of all proposed boundary treatments including the design and finish of all retaining walls and structures.

REASON: In the interest of residential amenity, visual amenity and in the interests of proper planning and sustainable development

- 8 **Prior to the commencement of development** the developer shall submit to and for the written agreement of the planning authority revised plans for House type E which include for the provision of 2no car parking spaces at the lower ground floor level as previously permitted under PRR08/1704.

REASON: In the interests of traffic safety, residential amenity and proper planning and development

- 9 **Prior to the commencement of development** the developer shall submit to and for the written agreement of the planning authority full details (design, specification and location etc) of the proposed surface water sewer to serve this development.

REASON: In the interests of proper planning and development and to ensure satisfactory storm water drainage.

Part V

- 10 **Before any development commences**, the applicant or any other person with an interest in the land to which the application relates shall enter into an agreement with the Planning Authority in accordance with the County Development Plan and in accordance with Section 96 of the Planning & Development Act 2000, as amended.

REASON: In the interest of proper planning and development, and having regard to the objectives of the County Development Plan and the Housing Strategy.

Roads/Footpaths / Parking

- 11 **Prior to the occupation of this development:**
 - (a) Final design details, to the written specifications of the Roads Authority of Wicklow County Council, for all works on or adjacent to the public road along the public road, including the upgrade works to the junction of the L1096 and R772, public footpaths, site entrances, safety fencing and crash barriers, road markings and signage and surface water drainage etc shall be submitted to and for the written agreement of

the Planning Authority

- (b) A Stage 3 Road Safety Audit, including a Final Audit Report, for the proposed estate roads/entrance to the development from the public road/public road improvement work, prepared in accordance with the National Roads Authority's 'Design Manual for Roads and Bridges', shall be submitted. Where the audit identifies the need for design changes revised design details should be submitted to and agreed in writing with the Planning Authority. The developer shall carry out all necessary works in accordance with the agreed revised design.
- (c) All works required under (a) and (b) above shall be completed to the written satisfaction of the Planning Authority

REASON: In the interest of traffic safety and proper planning and sustainable development

- 12 (a) Each of the proposed residential units shall be allocated 2no car parking spaces, in close proximity, additional spaces shall be designated as visitor /customer parking.
- (b) Parking areas shall be reserved solely for the parking of the vehicles as proposed and shall not be used for the storage of materials or goods associated with the development, nor for the parking of goods or other heavy vehicles.
- (c) Each space shall be satisfactorily surfaced and lined with white durable material.

REASON: In the interests of proper planning and development, traffic safety and amenity

Services

- 13 (a) **Prior to commencement of development**, the written agreement of Irish Water shall be obtained for the provision of water services necessary to serve the proposed development.
- (b) The granting of this permission by Wicklow County Council is in its role as a Planning Authority. It does not commit Wicklow County Council to the provision of any water services to serve the proposed development. Details of connections and the specification of materials to be used for the water services are a matter for Irish Water.

REASON: In the interests of clarification and proper planning and development.

- 14 All uncontaminated roof and surface water drainage shall be collected via a separate storm water system and attenuated on the site prior to discharge to the proposed surface water sewer. On no account shall surface run-off be allowed to flow onto the public roadway or adjoining properties nor to discharge to the public foul / Combined sewer. The developer

shall submit final details for the attenuation of all surface water generated by the development to be agreed in writing by the Planning Authority **before any further development commences on site**. Attenuation proposals shall be in accordance with the Wicklow County Council “ Sustainable Urban Drainage Systems” policy. No culverting/ piping of watercourse is permissible

REASON: In the interests of proper planning and development and to ensure satisfactory storm water drainage.

- 15 **Prior to commencement of development**, the public lighting design and layout, for the overall development including all roads infrastructure shall be submitted to and agreed in writing with the Planning Authority. The design and layout shall comply with the document *Guidance for Public Lighting Works for Developers: Wicklow County Council: 2017* and the requirements of the Road Authority.

REASON: In the interest of residential amenity and proper construction

- 16 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.

Finishes/ Public/private open space

- 17 External Finishes on Blocks A, B and E shall match those used on Block C and D

REASON: In the interests of architectural harmony and visual amenity

- 18 (a) Unless otherwise agreed in writing with the Planning Authority prior to the commencement of development Landscaping and tree planting shall be carried out in accordance with the plans and particulars prepared by Cormac Langan Landscape Architecture, submitted on the 9th October 2018.
- (b) The landscaping and tree planting shall be carried out before or during the first planting season or part thereof occurring after the commencement of development. Any plants, which become seriously damaged, shall be replaced by others of similar size and species.

REASON: In order to assimilate development on this site into the surrounding area, in the interests of visual amenity and proper planning and development.

19

- (a) All open space areas shall be laid out and landscaped in accordance with the plans and particulars approved under Condition 7 above
- (b) Open space areas shall be dedicated to the use of the residents. The maintenance of the open space shall be the responsibility of the developer until one year after the completion of all houses in the entire development and until the grassed areas and ground cover shrubs are firmly established. The developer shall enter into a licence in a form similar to that set out on the following page. The developer shall submit in triplicate the following
 - i. Deed of dedication, signed and sealed,
 - ii. O.S. map with open space outlined
 - iii. Copy of scheme plan as registered in Land Registry with open space outlined

COUNTY WICKLOW	FOLIO _____
A grant dated the day of 19 .	
A.B. the registered owner of the property described in Folio _____ of the County Wicklow hereby irrevocably grants to all the residents of _____ Estate, their heirs and assigns in respect of that portion of the Folio _____ County Wicklow where shown on the map annexed hereto and thereon outlined in red full right, liberty and permission at all times to use the said lands for recreational and amenity purposes, AND _____ hereby assents to the intent that the said right should be enforceable by any of the said residents, their heirs and assigns, the Local Authority or the Planning Authority for the area.	
Signed, sealed and delivered by	

In the presence of:- _____ Dated : _____	

REASON: To ensure that the amenity open space shall be left in a satisfactory and useful condition on completion of the development and will be available for amenity and recreational purposes to the residents of the estate.

20 At the approaches to open space areas a Children at Play sign shall be provided. The exact location and number of signs shall be as agreed by the Municipal District Engineer.

REASON: In the interest of pedestrian safety.

Retail

- 21 Details of all advertising signs and signage shall be submitted to the Planning Authority for its agreement. No signs of any kind shall be erected on site or fixed to the development or within the development site, unless first agreed to in writing by the Planning Authority. This permission shall not be construed as giving permission for any signage including any signage indicated on submitted drawings.

REASON: In the interests of visual amenity and to allow the Planning Authority to assess the design of all proposed signs.

- 22 At least one standard size refuse bin shall be located outside the entrance to the premises. The bin shall be located in position during the hours of business and removed each day at the end of business.

REASON: To prevent littering.

- 23 No display of goods or materials or advertising boards shall take place on the public footpath or roadway.

REASON: In the interests of visual amenity and to prevent obstruction of the pedestrians or vehicles.

- 24 No roller shutters, canopies, projecting signs or other additions shall be made to the shopfront without a prior grant of permission from the Planning Authority.

REASON: To control advertising on these premises in the interests of visual amenity.

Miscellaneous

- 25 Development name and numbering system shall be agreed in writing with the Planning Authority prior to the occupation of any unit.

REASON: In the interests of proper planning and development and residential amenity.

- 26 In the event of any remains of archaeological or historic interest being discovered on the site, the Council shall be informed immediately. Works affecting these remains shall cease immediately and shall not re-commence until the Council agrees in writing.

REASON: To facilitate the investigation of any remains of archaeological or historic interest discovered on the site in the interests of proper planning and development.

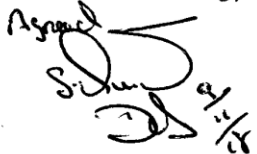
27 At the completion of the development and prior to the taking in charge of the estate, as constructed drawings of the development, to the requirements of paragraph 1.9 of Recommendations for Site Development Works in Housing Areas (Department of the Environment and Local Government, 1998) at a scale of 1/500 or larger shall be supplied to the Council on computer diskette and shall be in a "DXF" format or other format agreeable to the Planning Authority and shall not be scanned images. They shall show the as constructed position of each site, house, road, watermain (including the location of sluice valves, scour valves, air valves and hydrants), foul and surface water sewers (including gullies, and invert levels of manholes to ordnance datum) and all pipe sizes and they shall show the Irish National Grid co-ordinates of the four corners of the drawing and shall be relative to the Irish National Grid.

REASON: In the interests of the proper management and maintenance of the roads and services.


Lucy Roche
Executive Planner
05/11/18

Agreed Sted B... 2/18

6/11/18

Agreed

2/18

Appendix 4 Repeat of subsection 7.1.2 of Enviroguide rNIS *Additional mitigation measures which should be implemented for future works as best practice*

- *There will be no washdown facilities for plant and equipment on the Development Site.*
- *Concrete mixer trucks will not be permitted to wash out on Site with the exception of cleaning the chute into a container which will be removed off Site to an authorised facility.*
- *All works carried out as part of the Development will comply with all Statutory Legislation including the Local Government (Water Pollution) acts, 1977 and 1990 and the contractor will cooperate fully with the Environment Section of Wicklow County Council in this regard.*
- *Personnel working on the Site will be trained in the implementation of environmental control and emergency procedures. Standard best international practice will be adhered to throughout the construction phase, including but not limited to:*
 - o *CIRIA, (2001), Control of Water Pollution from Construction Sites, Guidance for Consultants and Contractors;*
 - o *Construction Industry Research and Information Association (CIRIA) Environmental Good Practice on Site (C650), 2005;*
 - o *BPGCS005, Oil Storage Guidelines;*
 - o *CIRIA 697, The SUDS Manual, 2007;*
 - o *UK Pollution Prevention Guidelines (PPG) UK Environment Agency, 2004;*
 - o *Construction Industry Research and Information Association CIRIA C648: Control of water pollution from linear construction projects: Technical guidance (Murnane et al. 2006);*
 - o *CIRIA C648: Control of water pollution from linear construction projects: Site guide (Murnane et al. 2006); and*
 - o *Inland Fisheries Ireland (2016). Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters.*
- *Storm drain inlets which could receive stormwater from the project will be protected throughout the Construction Phase. Inlet protection will be installed before soil disturbing activities begin.*
- *Pumping of concrete will be monitored to ensure that there is no accidental discharge;*
- *Any oil and lubricant changes and maintenance will take place offsite;*
- *Any imported materials will, as much as possible, be placed on Site in their proposed location and double handling will be avoided. Where this is not possible designated temporary material storage areas will be used;*
- *Temporary oil interceptor facilities will be installed and maintained where Site Works involve the discharge of drainage waters to nearby watercourses.*
- *All containment and treatment facilities will be regularly inspected and maintained.*
- *Refuelling of plant during the Construction Phase will only be carried out at designated refuelling station locations on site. Each station will be fully equipped for spill response and a specially trained and dedicated Environmental and Emergency Spill Response team will be appointed before the commencement of works on site.*
- *Only emergency breakdown maintenance will be carried out on site. Drip trays and spill kits will be available on site to ensure that any spills from vehicles are contained and removed off site;*
- *All personnel working on site will be trained in pollution incident control response. Emergency silt control & spillage response procedures will ensure that appropriate information will be available on site outlining the spillage response procedures and a contingency plan to contain silt during an incident;*
- *Portaloos and/or containerised toilets and welfare units will be used to provide facilities for site personnel. All associated waste will be removed from site by a licenced waste disposal contractor.*

All wastewater generated on-site during the Construction Phase will be stored and disposed of appropriately by discharge to foul sewer or by tinkering off site. Under no circumstances will any untreated wastewater generated onsite (from equipment washing, road sweeping etc.) be released into nearby ditches or watercourses.

Repeat of subsection 7.1.3 of Enviroguide rNIS *Mitigation measures required for construction of the surface water sewer*

*It was proposed to construct a new surface water sewer and headwall in order to discharge surface water to the Vartry River, however this sewer was not constructed. No specific mitigation measures were provided for these works. **As such, the following outlines specific mitigation measures to be implemented throughout the construction of the surface water sewer.***

A small coffer dam will be placed in the river at the outfall during the Construction Phase.

All in-stream works must be carried out in accordance with an approved method statement and under the direction of Inland Fisheries Ireland personnel.

Once the schedule of instream works has been drawn up the developer will consult with Inland Fisheries Ireland (IFI) before commencing works. All works will be completed in agreement with IFI.

The works shall be carried out in accordance with IFI (2016) Guidelines on the Protection of fisheries during construction works in and adjacent to water. Works associated with the headwall construction will be supervised by an Ecological Clerk of Works (ECoW).

7.1.3.1 Constraints Zone

The timing of the headwall installation will be scheduled to ensure no instream works shall be carried out during the closed season for instream works (October 1st to June 30th).

- *Prior to construction on the headwall, a constraints zone will be identified and implemented at the construction area adjacent to the river Vartry. This area will:*
 - *Ensure the avoidance of physical damage to the Vartry;*
 - *Ensure all work will be carried out in the dry and effectively isolated from the Vartry River;*
 - *Ensure that no suspended sediment and associated nutrients are released into surface waters from excavation and earthworks;*
- *No stockpiling of construction materials will take place within the constraints zone.*
- *No refuelling of machinery or overnight parking of machinery is permitted in this area.*
- *Pumping of concrete will be monitored to ensure that there is no accidental discharge.*
- *There will be no mixer washings or excess concrete discharged on Site. All excess concrete is to be removed from Site and all washout of concrete chutes to be captured in a tank which shall be removed offsite for disposal at an authorised wastewater treatment facility.*
- *All machinery operations shall take place from the river bank.*
- *Any excess construction material shall be immediately removed from the area and sent to an authorized waste recovery facility.*
- *Any imported materials will, as much as possible, be placed on Site in their proposed location and double handling will be avoided. Where this is not possible designated temporary material storage areas will be used.*
- *Drip trays and spill kits will be available on site to ensure that any spills from vehicles are contained and removed off site.*
- *Where in-stream bed material is to be removed, coarse aggregates, if present, should be stockpiled for replacement in the reformed or new channel. (Note that care should also be taken with in-stream vegetation if required for landscape treatments).*
- *No direct discharges will be made to waters where there is potential for cement or residues in discharges.*
- *The pH of any and all discharges made from and during the Construction Phase of the headwall shall be in the range of 6-9 units and not alter the pH of any receiving waters by more than +/- 0.5 pH units.*

- *Run-off from the working site or any areas of exposed soil should be channelled and intercepted at regular intervals for discharge to silt-traps or lagoons with over-flows directed to land rather than to a watercourse.*
- *All machinery operations shall take place from the river bank.*
- *Any excess construction material shall be immediately removed from the area and sent to an authorized waste recovery facility.*
- *Any imported materials will, as much as possible, be placed on Site in their proposed location and double handling will be avoided. Where this is not possible designated temporary material storage areas will be used.*
- *Drip trays and spill kits will be available on site to ensure that any spills from vehicles are contained and removed off site.*
- *Where in-stream bed material is to be removed, coarse aggregates, if present, should be stockpiled for replacement in the reformed or new channel. (Note that care should also be taken with in-stream vegetation if required for landscape treatments).*
- *No direct discharges will be made to waters where there is potential for cement or residues in discharges.*
- *The pH of any and all discharges made from and during the Construction Phase of the headwall shall be in the range of 6-9 units and not alter the pH of any receiving waters by more than +/- 0.5 pH units.*
- *Run-off from the working site or any areas of exposed soil should be channelled and intercepted at regular intervals for discharge to silt-traps or lagoons with over-flows directed to land rather than to a watercourse.*
- *Biosecurity measures will be strictly adhered to throughout the proposed works. Measures will be in accordance with IFI (2010) Biosecurity Protocol for Field Survey Work. Where staff are working instream, staff footwear and PPE will be inspected on daily completion of the works and vegetation or debris removed. Footwear will be dipped in or scrubbed with a disinfectant solution (e.g., 1% solution of Virkron Aquatic or another proprietary disinfection product) and thoroughly dried afterwards. Sandbags, if used, will not be re-used in other watercourses.*