

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Wexford County

Planning Register Reference Number: 20150324

An Bord Pleanála Reference Number: PL 26.246144

APPEAL by Catherine J. O'Connor and Francis O'Connor and others care of 7 Hunters Court, Coolcotts Lane, Wexford against the decision made on the 20th day of January, 2016 by Wexford County Council to grant subject to conditions a permission to Minetta Limited care of Phelan Prescott of Alton House, 4 Herbert Street, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of 153 residential units, crèche and all associated works at Coolcotts Lane, Newtown/Townparks, Wexford.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the following:

- the planning history of the site,
- the pattern of development in the area,
- the zoning objectives set out in the Wexford Town and Environs Development Plan 2009-2015 (extended),
- the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009,
- the Urban Design Manual-A Best practice Guide, 2009, and
- the Quality Housing for Sustainable Communities-Best Practice Guidelines for Delivering Homes Sustaining Communities, 2007,

the Board considered the proposed development by reason of its layout and design, and subject to compliance with the conditions set out below, would not seriously injure the residential amenities of the area, would not constitute a traffic hazard and would be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that subject to revision to the site layout as set out in the attached conditions, the issue of public open space would be acceptable in terms of quantum and distribution within the proposed development, that the housing mix was acceptable in terms of the pattern of development in the area and the medium density zoning of the site. Furthermore the Board considered that the access by means of three site entrances and the removal of residential units fronting directly onto Coolcotts Lane was an improvement on the previously permitted scheme.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 16th day of December 2015, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Houses numbers 55, 56, 57 and 58 shall be omitted and the additional space thereby created shall be incorporated into a revised area of open space. Details in this regard shall be submitted to and agreed in writing with the planning authority within three months of the date of this order.

Reason: In the interest of residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only. The brick colour to be used shall be the same as that used in the adjoining residential area.

Reason: In the interest of visual amenity.

4. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

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

5. The surface water attenuation which is the subject of this permission shall be carried out and completed to the construction standards as set out in the Wexford County Councils Taking in Charge Policy unless otherwise agreed in writing with the planning authority prior to commencement of development. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard.

6. The open space layout and landscaping layouts which are the subject of this permission shall be carried out and completed to the construction standards as set out in the Wexford County Council's Taking in Charge Policy unless otherwise agreed in writing with the planning authority prior to commencement of the development. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

8. The development shall be carried out in accordance with the phasing scheme submitted to the planning authority on the 10th day of April, 2015. The first phase shall include all works to the public road as identified on the submitted plans. Each phase of the development shall be completed to the satisfaction of the planning authority and full construction details shall be submitted to the planning authority for written agreement prior to commencement of works on the next phase of the development.

Reason: To ensure the orderly development of the site and to ensure effective control is maintained.

9. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

10. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

11. The inter-site boundary finishes to the side of the dwellings shall be a 1.8 metres high rendered wall of concrete block construction.

Reason: In the interest of residential and visual amenity.

12. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

13. The bus stop shall be provided prior to alterations to construct the proposed entrance onto the Inner Relief Road.

Reason: In the interest of traffic and pedestrian safety.

14. The proposed landscaping scheme for each agreed phase shall be carried out within 12 months from that date when any building hereby permitted is occupied or carried out as the case may be, any trees or shrubs planted in accordance with this condition which are removed, die, become severely damaged or diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: In the interest of visual amenity.

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.