



Planning and Development Acts 2000 to 2019

Planning Authority: Wexford County Council

Planning Register Reference Number: 20190359

Appeal by John Fortune Limited care of Stephen Carr Architects of Clonard Village Centre, Clonard, Wexford against the decision made on the 8th day of May, 2019 by Wexford County Council to grant subject to conditions a permission to Bawn Developments Limited care of O'Driscoll Lynn Architects of Klnockenhy Business Park, Sinnottstown Lane, Drinagh, Wexford in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of existing vacant commercial buildings and construction of nine number dwellings comprising four number one-bedroom apartments, three number two-bedroom apartments, and two number two-bedroom duplex units and associated site works at Townparks, Wexford Urban Number 3, Well Lane and Slaney Street, 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 location of the proposed development in an area zoned to protect and enhance the special physical and social character of the existing town centre and to provide for new and improved Town Centre facilities and uses in the Wexford and Environs Development Plan 2009-2015, and to the existing pattern of development in the area, including nearby apartments, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenity of property in the vicinity through overshadowing or overlooking, would be acceptable in terms of pedestrian and traffic safety, and would represent an appropriate form of development at this town centre location. The proposed development would, therefore, comply with the provisions of the Wexford and Environs Development Plan 2009-2015 and would be in accordance with the proper planning and sustainable development of the area.

Conditions

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

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:-
 - (a) The balconies of apartments numbers 8 and 9 shall be permanently fitted with obscure glazing to a height of at least 1.8 metres.
 - (b) The proposed bicycle areas shall be provided with a covering/roof.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to protect the residential amenities of adjoining properties.

3. The pitched roof of the proposed development shall be finished in slates or flat profile tiles only, which shall be blue black or dark grey in colour. Ridge tiles shall be the same colour as the roof.

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such services and works.

Reason: In the interest of public health.

5. Lighting of the internal courtyard shall be provided in accordance with a scheme, 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 by the developer for occupation of any apartment.

Reason: In the interests of amenity and public safety.

6. The management and maintenance of the proposed development following its completion shall be responsibility of a legally constituted management company. A management scheme, providing adequate measures for the future maintenance of communal areas, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

7. The developer shall facilitate the planning authority in preserving, recording or otherwise protecting archaeological materials or features that may exist within the site. In this regard, the developer shall:
- (a) Notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development.
 - (b) Engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts 1930 to 1994) to carry out pre-development testing at the site.
 - (c) Excavate test trenches at locations chosen by the archaeologist, having consulted the Department of Culture, Heritage and the Gaeltacht.
 - (d) Having completed the work, the archaeologist shall submit a written report to the planning authority and to the Department of Culture, Heritage and the Gaeltacht for consideration.
 - (e) Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (excavation) and/or monitoring may be required and the Department of Culture, Heritage and the Gaeltacht will advise with regard to these matters.
 - (f) No site preparation or construction work shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the planning authority in consultation with the Department of Culture, Heritage and the Gaeltacht.

- (g) Prior to demolition of the existing building fronting onto Well Lane, part of the existing sand/cement render shall be removed, in order to allow the archaeologist to assess whether there is any older building fabric which he/she considers requires recording. The developer shall facilitate such recording, and any such record shall be included with the archaeological testing report.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

8. An apartment naming/numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of urban legibility.

9. Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays or 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 order to safeguard the residential amenities of property in the vicinity.

10. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

11. 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 noise management measures and off-site disposal of construction/demolition waste.

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

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

Reason: To ensure the satisfactory completion of the development.

13. 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 the 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.

14. The developer shall pay the sum of €1,500 (one thousand five hundred euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, as amended in respect of the provision or improvement of the car parking facilities in the area, which will benefit the proposed development. This contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Philip Jones

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.