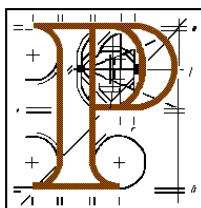


## An Bord Pleanála



## Inspector's Report

**Development:** Permission for 153 no. residential units, crèche and all associated works at Coolcotts Lane, Newtown/Townparks, Co. Wexford.

### Planning Application

Planning Authority: Wexford County Council  
Planning Authority Reg. Ref.: 20150324  
Applicant: Minetta Ltd.  
Type of Application: Permission  
Planning Authority Decision: Grant Permission

### Planning Appeal

Type of Appeal: 3<sup>rd</sup> Party  
Appellant: Catherine J. O'Connor & Francis O'Connor  
Observers: None  
Type of Appeal: 3<sup>rd</sup> Party  
Date of Site Inspection: 30<sup>th</sup> April 2016  
**Senior Inspector:** **Fiona Tynan**

Appendix 1: Photographs  
Appendix 2: Supporting Documentation

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## 1.0 SITE DESCRIPTION AND LOCATION

1.1 The appeal site is located to the south of Wexford Racecourse in Wexford Town. This is a greenfield site that is bounded by Coolcotts Lane. The subject site is surrounded by some recent residential schemes of two storey scale and by older one-off dwellings. The appeal site is presently in scrub with hedgerows along the boundaries and scattered throughout the site. The topography of the site is primarily flat though it is elevated adjacent to the neighbouring racecourse and aligning the neighbouring estate to the east. The overall site layout plan notes the topography as 69m O.D. in the southeast corner and 76m OD in the northwest corner of the site. There are a number of unauthorised entrances to the site, particularly along its southern boundary. The said site is in active use by local dog walkers as was evident on the day of the site visit. A large number of recently dug trenches dug were in evidence throughout the site. Overhead ESB lines transect the site in a west to east direction. According to the application form submitted, the stated area of the site is 5.13ha, however, in all documentation with the form and in the previous proposal on site, the site area is stated to be 6.32ha. I have taken the latter site area as my basis in the following assessment.

1.2 Photographs taken on the day of the site visit are appended to this report.

## 2.0 PROPOSAL

2.1 The proposal is to erect 153 no. residential units, a crèche and all associated works on a stated site area of 6.32ha. A breakdown of the proposed units is set out as follows:

House Type	No. of Bedrooms	No. of Floors	Total Floor Area (m <sup>2</sup> )	No. of Units	Total Floor Area (m <sup>2</sup> )
Semi-Detached House Type A	4	3	155	18	2790
Semi-Detached House Type B1	4	3	149	30	4470
Semi-Detached House Type B2	3	2	120	50	6000
Detached House Type C	4	2	150	5	750
Semi-Detached House Type C	4	2	150	48	7,200
Detached House Type D	4	2	171	2	342
Crèche		2	450	1	450

2.2 It is also indicated in the application submission that 323 car parking spaces are to be provided for the scheme, which equates to 2 spaces per dwelling house with 8 visitor parking spaces. In addition, 9 spaces are reserved specifically for the crèche.

2.3 The application submission advises that a way-leave agreement will be submitted to the Council to provide access to the site along its western boundary and to re-locate the existing bus stop at this location. At the time of making the application to Wexford County Council, the way-leave application had been agreed in principle but written notification was outstanding.

- 2.4 The Applicant advises that it is their intention to comply in full with Part V of the Planning and Development Act.
- 2.5 It is outlined that the development will take place in four phases. The scheme has been designed around four vehicular entrances to provide independent access to the four proposed phases of development. Each phase of the development will be linked internally via roads and pedestrian links. It is stated that the individual entrances for each phase of the development will allow for autonomy during construction stages preventing a scenario where occupants of phase one would have to endure construction traffic for the remaining phases. The proposed crèche is to be provided at Phase 1.
- 2.6 Arising from a further information request, a number of amendments were then proposed:
- The number of proposed dwellings has been reduced to 148.
  - 22m back to back separation between dwellings has been provided.
  - Dwellings 21 and 22 have been replaced with one house type D.
  - The 2m high block wall has been replaced with railings on all boundaries adjoining Coolcotts Lane
  - 2m high rendered walls are provided to the rear of all boundaries of proposed dwellings.
  - 5 no. dwellings have been removed to the southwest of the site on the bend in the Coolcotts Lane and a green area created.
  - Two “all access” bungalows have been included in the scheme in the southwest of the site and are intended to fulfil obligations under Part V.
  - Amendments to comply with water supply, sewers and drains are stated to be provided.
  - The sharp bend on the Coolcotts Road to be realigned.
  - Provision of 6m wide carriageway and footpaths, together with lighting scheme.
  - Setbacks at proposed entrance onto Coolcotts Lane amended.
  - Issues in relation to surface water attenuation stated to be addressed.
  - Details of playground provided.
  - House Types C and D have been designed to comply with the Council’s policies regarding the provision of lifetime homes. Both can be modified to provide for a lift and wheelchair accessible toilet at 1<sup>st</sup> floor. An additional House Type E which is a two bedroom wheelchair accessible dwelling has been provided and also fulfils Part V obligations.
  - Archaeological Impact Assessment provided.
  - The bus stop relocation and access is subject to wayleave agreement. The Applicant requests that permission be granted subject to the proposed agreements being in place.

### 3.0 INTERNAL REPORTS & PRESCRIBED BODIES

#### 3.1 Internal Reports

**Drainage Planning, Wexford Municipal District:** A recommendation is made for further information in respect of the water supply and sewers and drains i.e. a further water supply connection from the Urban Distributer Road and the longitudinal sections of the foul network are considered too shallow.

**Area Engineer:** The Area Engineer seeks further information in respect of the following:

- A revised site layout was sought illustrating a redesign of the road on the southeast boundary of the site, provision of a 6m carriageway, 2m wide

footpath, provision of a lighting scheme, landscaping along the site boundary with Coolcotts Lane and a revision of entrance details to facilitate better sightlines.

- In relation to surface water attenuation, it is stated that all sewers/manholes shall be located in public areas.
- Applicant to submit details of all play equipment and playground surface area in accordance with Rospa or similar.
- Submit details to ensure compliance with section 11.08.04 in relation to the provision of accessible housing.
- Submit proposal for compliance with Part V.
- Submit a lighting design for agreement.

**Planner's Report:** The Planner considers the design of the proposed development to be acceptable with construction to proceed in phases, each of which is independent in relation to the provision of public open space. However, concerns are expressed regarding the relationship between the existing dwellings adjoining the site and the proposed dwellings. A recommendation is made to request further information regarding the provision of adequate separation distances. Density of the scheme is also considered and it is noted that at 22/ha the proposal is at the upper end of the recommended guidelines. It is noted that the over-provision of detached and semi-detached units has led to smaller garden sizes and issues of overlooking arising. Consequently, a recommendation is made to request further information. The Planning Officer considers the 2m wall as boundary treatment to the site to be unacceptable and recommends that a request for further information address this. It is noted that the proposal does not incorporate improvements to Coolcotts Lane, which would benefit existing traffic with the removal of an acute bend in the road and the provision of footpaths. A request for further information should seek to address this, according to the Planning Officer.

### 3.2 Prescribed Bodies

**Department of Arts, Heritage and the Gaeltacht:** Their report considers the archaeology on the site. According to the Archaeological Survey of Ireland, the appeal site is located south of a burnt mound (WX037-086) and another burnt mound (WX037-087). Prehistoric archaeological material and features have previously been identified and excavated in the general area of the proposed development and there is considered to be a possibility that similar archaeological material/features may survive within the proposed development site. The Dept. recommends that an Archaeological Impact Assessment be prepared to assess the potential impact, if any, on archaeological remains in the area where the development is proposed to take place and seeks this as further information.

**Irish Water:** No report

### 3.3 Further Information Sought

- 3.3.1 A further information request was issued on the 3<sup>rd</sup> June 2015. Following an extension of time, the Applicants responded on the 16<sup>th</sup> of December 2015. The reports as followed were issued in response to the submission of further information:

**Disability Access Officer:** A disability access certificate is required for the proposed crèche facility but not for the residential units. Rather the objective is to provide an adequate means of approach to the main entrance of dwelling to facilitate visitors for a point of access, this applies to all unit types. The

Report recommends that a competent person is involved in the preparation of all plans and specification to ensure compliance with the Building Regulations requirements for dwellings.

**Housing:** Advised that 10% of the units to meet Part V will be required, subject to costs, units being suitable and Department of Environment approval.

**Planner's Report:** The Planning Officer considered the further information submitted and is of the opinion that the revised layout is acceptable and notes that the response ensures a minimum of 15m separation between the proposed dwellings and the site boundary. The other items in relation to drainage, sewers, roads, surface water attenuation, accessibility and playground are considered acceptable. It is noted that no archaeological material was found on site and that discussions are ongoing regarding the wayleave agreement and the Planning Officer considers that final agreement can be facilitated by condition. A recommendation to grant permission ensues.

#### **4.0 PLANNING AUTHORITY'S DECISION**

4.1 A decision to grant permission was issued by Wexford County Council on 20th January 2016 subject to 21 no. conditions. Of note:

**Condition no. 1:** Sought to restrict the development to the further information submission which reduced the proposal to 148 no. dwellings.

**Condition no. 6:** Requires the proposal to be carried out in accordance with the phasing scheme submitted and that the first phase include all works to the public road as identified on the submitted plans.

**Condition no. 20:** requires that the bus stop be provided prior to alterations to construct the proposed entrance onto the Inner Relief Road.

#### **5.0 PLANNING HISTORY:**

5.1 A prior grant of permission applies to the appeal site.

**W 2009 002:** Refers to a grant of permission issued to Myroncourt Ltd for 158 no. residential units, a crèche and all associated works at Coolcotts Lane, Newtown/Townparks, Wexford on the 21<sup>st</sup> July 2009. Of note:

**Condition no. 2:** Permission is not granted through this application for the dwellings and sites numbered 140-143; 145-147; 149-151; 154-156 as detailed on the site layout plan submitted on 24 June 2009. (i.e. omission of 13 houses).

**Condition No. 3:** Before the development commences, a scheme for the phasing to be submitted.

**Condition No. 4:** Crèche to be provided in the 1<sup>st</sup> Phase of development.

**Condition no. 13:** Notwithstanding the exempted development provisions in the Planning and Development Regs:

-No extensions to the proposed dwellings (other than the optional rear extensions indicated on the submitted plans)

-No additional areas of hard standing for parking within the sites of proposed dwellings.

-No alterations to the boundary treatments from those as detailed in the submitted plans

Shall be erected/constructed unless a planning permission for such has been granted or unless as otherwise agreed by the Planning Authority under other conditions of this permission.

**Condition No. 14:** The final kerb width of Coolcotts Lane shall be 8m with a 2m concrete footpath provided on the developers side of the road.

**Condition No. 17:** Prior to first occupation of the development, final details shall be submitted for the agreement of the Planning Authority of 18 dwellings, other than the house type f1 as proposed on 24 June 2009, which would have greater accessibility for a disabled person.

- 5.2 On the 6<sup>th</sup> February 2014, Wexford County Council received an application from Myroncourt Ltd. to extend the duration of permission. At this point no development had commenced and the applicant cited economic reasons for not commencing the development to date. On the 18<sup>th</sup> March 2014, an extension of duration of permission of 5 years to 18<sup>th</sup> August 2019 was granted by Wexford County Council.

## 6.0 DEVELOPMENT PLAN PROVISIONS AND POLICY GUIDANCE

- 6.1 The **Wexford Town & Environs Development Plan 2009-2015** refers to the subject site. This Plan has been extended and has effect until 2019. The Council's website which advises of the Plan's extension state that it should be read in conjunction with the Wexford County Development Plan 2013-2019. The Wexford Town and Environs Development Plan breaks the town into 20 distinct zones, with each zone having its own physical or geographical identity which together will form a coherent overall development strategy. Each zone is stated to contain a vision of what the Planning Authority considers the most appropriate type of development at that location and when eventually developed will create a strong, vibrant, sustainable community. The Appeal site is situated within Zone 8 referred to as Coolcotts/Townparks. The zoning map which refers to Zone 8 (attached) outlines the appeal site as being of medium residential density. Chapter 11 of the Development Plan describes medium density as being 17-25 units per hectare. Zone /Map 8 provides an overview of the area, together with the committed infrastructure outlined as follows:

- The Wexford Town Link Road between Coolcotts Lane and Wexford,
- R769 runs along the northern section of the site,
- Coolcotts Lane bounds the site to the west,
- County road running along the east and south boundary of the site.

The overview also outlines that there are a number of constraints to Zone 8 as follows:

- Sections of the site are very elevated, exposed and visible from the N11 road to the north particularly at the racecourse area of the site.
- The majority of the area is already built up.
- Coolcotts Lane requires improvement.

It is stated that there are two permitted developments within Zone 8, the first for 61 units (20041121) and the second for 6 units (20033401).

The Urban quality of Zone 8 is also considered. Of note it seeks that a positive frontage to public open space should be promoted. It is also stated that major development is restricted to an area to the south of the Racecourse on Coolcotts, i.e. the Appeal Site, and that medium density should apply but opportunity exists to maximise location overlooking the racecourse. It is also stated that there are no restrictions on the phasing of future developments.

## **6.2 Policy Guidance**

### 6.2.1 Due regard is had to:

- Sustainable Residential Development in Urban Areas
- Urban Design Manual, A Best Practice Guide
- Quality Housing for Sustainable Communities DoEHLG Best Practice Guidelines 2007.

## **7.0 GROUNDS OF THIRD PARTY APPEAL**

7.1 Two third party appeals have been lodged against the decision of Wexford County Council to grant permission to Minetta Ltd. for 148 no. dwellings. The Appellants are Catherine J. O'Connor and Francis O' Connor, David & Catherine Murphy, Alan Fitzhenry and Elaine Farrell of Hunters Court, Coolcotts Lane, Wexford. Their combined submission seeks to highlight the following issues:

- Coolcotts Lane on which the development is sited is a very narrow, substandard road which has frequent accidents due to its nature. The new development will exacerbate this issue.
- Concerns expressed regarding the impact of overlooking, loss of privacy and unnecessary negative impact on our residential amenities arising from the proposal.
- The 14 houses at the rear of our properties are of a significantly higher scale than our dwellings and the development would overshadow the gardens of Hunters Court.
- The proposal would give rise to water seeping into their properties, extra traffic on the over busy Coolcotts Lane and schools in the local area are overcrowded.
- Water pressure in the area is low.
- Sewage infrastructure is not adequate.
- Photographs are submitted to illustrate evidence of water seepage into the site.

## **8.0 PLANNING AUTHORITY RESPONSE**

8.1 The Planning Authority made no response to the third party appeal.

## **9.0 FIRST PARTY RESPONSE**

9.1 A first party response has been submitted by Ian Doyle, Planning Consultant, on behalf of Minetta Ltd. Their submission seeks to highlight the following:

- Permission was granted in May 2009 for 158 no. units, a crèche and all associated works on the subject site. Subsequently an extension of duration of permission was granted and will expire on the 18<sup>th</sup> of August 2019. It was determined after the grant of extension of permission that the scheme in its current form is not economically viable in the context of the current market demand.
- The development has been designed in accordance with the medium density ascribed to the site in the Development Plan. Rather than



focusing on the view of the racecourse from individual properties, the scheme has been designed to create views/vistas through proposed residential streets to the racecourse and beyond to Wexford town,

- The site is located on Coolcotts Lane which is designated for “developer led” road improvements. In addition, the existing “bend” referred to by the appellants at the top of Coolcotts Lane will become a local distributor road only as Coolcotts Lane will be extended to join the “Orbital Inner Route T8”. When this happens, the existing bend will become a “T” junction.
- Scheme reduced from 153 no. residential units to 148 units. The scheme has been designed to provide a modern, best practice compliant development incorporating elements of the recognised concept of Home Zones such as
  - Raised shared surfaces at junctions
  - Pinch points to reduce traffic to a single lane
  - Natural traffic claiming through design and layout
  - Reduction in vehicle/pedestrian segregation through the removal of footpaths where appropriate.
- Homes Zones are intended to generate a feeling of community and improved quality of life, making local journeys safer and contributing to the well-being of the local population. They are also intended to extend the benefits of slow traffic speeds within residential areas and give greater priority to non-motorised users.
- Development is planned in four phases, with each designed around four vehicular entrances to provide independent access to each phase. Each phase of the development will be linked internally via roads and pedestrian links.
- The proposed crèche is to be provided as part of phase 1.
- Open space is to be provided with each phase and is at 10% of overall site.
- Density is in accordance with the Development Plan requirements and zoning provision for the subject site.
- Private open space is designed in accordance with the council standard of 60-75sqm, with separation distances of 22m being observed between opposing windows. Rear boundary walls of 1.4m in height are proposed.
- The proposed dwellings have been designed as A-rated houses in accordance with the council’s requirement regarding “Building Sustainably” under section 11.09 of the plan.
- The proposed development will greatly improve Coolcotts Lane by increasing its width, providing footpaths, providing safe pedestrian crossing points and traffic calming. It is argued that the scheme has been designed in full accordance with the DoE’s The Design Manual for Urban Roads and Streets (DMURS).
- The previously permitted scheme had a total of 20 entrances including entrances to individual dwellings, whereas the proposal has a total of 3.
- There will be no impact on existing dwellings which surround the site as all development plan standards with regards to separation distances have been complied with. The proposed dwellings adjacent to Hunters Court are located between 24m and 30m from the rear of the properties in Hunters court including those of the appellants. The proposed development is therefore policy compliant.
- In response to concerns regarding the site level differences, a Shadow Assessment has been carried out which is stated to clearly indicate that the proposed development will not impact negatively on the existing dwellings in Hunter Court.
- Full drainage and storm water attenuation is proposed and as such there will be no flooding as a result of the proposed development. If there are

currently issues regarding “water seeping” from the subject site to existing properties, then this will be vastly improved by the subject application.

- The proposed development has been levied appropriately for the provision of Community Facilities and in addition will provide a crèche for the proposed development and surrounding developments including Hunters Court.

## **10.0 THIRD PARTY RESPONSE**

10.1 A response to the first party appeal submission was made by C. and F. O’ Connor. The submission states the following:

- The residents of Hunters Court are not opposed to justifiable development in the area but are concerned that aspects of the proposal will cause loss of amenities and loss of quality of life which residents enjoyed while living in in their residences for the last 17 years.
- Residents were unaware of the previous permission applying to the site.
- Remain sceptical that the road proposals will address the inadequacies of Coolcott's Lane.
- Proposal is at the higher end of the medium density range. The Board is advised that there is an unfinished residential estate directly across the road from the subject site. The proposal provides for 14 no. houses where only 10 houses exist along the same shared boundary with Hunter’s Court.
- While the Applicant has stated that the 14 houses are of standard two storey scale. However, the elevation drawings that these type B1 and B2 houses are 9.58m height to roof ridge. As a comparison, our two storey dwellings (10 in Hunters Court) are 6.85m to roof ridge. This is a significant difference in height of at least 2.7m. It is stated also that the new dwellings on this boundary are to have a bedroom on the third floor facing the shared boundary. Concerns are reiterated regarding loss of privacy and being overlooked.
- Considered the shadow analysis provided by the Applicant. It is highlighted that the new shadow diagrams illustrate that during March 2016, April 2016, August 2016 and September 2016 illustrate that the rear gardens would be overshadowed after 6pm. The May 2016 illustrates partial shadow in back gardens. In December 2016, documents show complete shadowing of the gardens at 9m, a substantial shadow at 12 and complete shadow at 3pm. The loss of light for this quantity of time is unacceptable.
- The natural flow of surface water runoff from the proposed site is downwards towards Hunters Court and the residents are concerned that this will be exacerbated following the construction work. A report by Mr. Tom Deeley (surveyor) provided which states that if the development takes place “*proper drainage should be installed to prevent future flooding*”.

## **11.0 ISSUES & ASSESSMENT**

11.1 I consider that the issues arising in this case can be assessed under the following headings:

- Planning History
- Planning Policy Context
- Layout & Design

- Access & Traffic
- Drainage
- Crèche Provision
- Archaeology
- AA-Screening

## 11.2 Planning History

11.2.1 In this section of the assessment, I will primarily focus on the factual differences between the permitted scheme and the proposed scheme currently before the board.

11.2.2 In 2009 permission was granted to Myroncourt Ltd for 146 no. dwellings. As previously stated, this permission has received an extension of duration of permission until August 2019. The Applicant has outlined in the documentation to the Council that on closer inspection of the permitted scheme and detailed evaluation of the layout, house types and associated build cost, it was decided that to proceed with the permitted scheme would not be economically viable. In the table below, I have outlined the differences in the permitted scheme and that currently before the Board.

Type of Unit	Permitted	Proposed
Two Storey Units	61%	100%
Three Storey Units	39%	0%
Single Storey	0%	1%
Semi-detached	68%	95%
Detached	11%	5%
Terraced	21%	0%

11.2.3 It is evident from the table above that greater mix of units are provided in the previously permitted scheme on site whereas the current proposal proposes largely semi-detached units. I note also that the current scheme provides for 4 bedroom units with a small number of 3 bedroom units. The permitted scheme provides for a greater variety of unit types.

11.2.4 The areas of open space between the two schemes also differ. The permitted scheme provides for five areas of public open spaces, of which two are linear spaces aligning the northern boundary of the site adjacent to the Wexford Racecourse, the remaining three are distributed throughout the site. The total quantum of open space permitted is 6,772sq.m. or just over 10% of the site area. Under the current proposal before the Board, the layout illustrates four defined areas of public open space. The amendments sought and submitted as further information have left an area of land to the southwest of unit 137. It is not clear as to whether this area is also public open space. I note that no breakdown of the quantum of open space to be provided was provided with this application nor was it notated on the said drawings. Nonetheless I have quantified that the four areas of open space equate to 3544sq.m. which is 5.6% of the total site area. This significant reduction in the quantum of open space to be provided was not considered by the Planning Authority in their report. Furthermore, this provision fails to accord with the Development Plan standard of 10% of the total site area of 1 ha per 150 dwellings (whichever is the greater) as demanded by Section

11.08.05 of the Wexford Town and Environs Development Plan. An assessment of the quality of the open space is considered in the section on layout and design. In the event that the Board are considering a grant of permission, this issue should be addressed by a request for further information as it will necessitate design layout changes.

11.2.5 In terms of calculating the above figures, I had regard to the planning letter which accompanied the application to the planning authority wherein the site area is stated to be 6.32ha which is the same as that previously indicated on W2009002, however, I note that the planning application form indicates that the site area is 5.13ha. This discrepancy in figures clearly has an impact on the overall analysis of the proposal and should be verified in the event that permission is considered.

11.2.6 Having regard to the above, it would appear that the permission pertaining to the subject site offers a choice of residential types ie. detached/semi-detached/terraced together with a variety of units i.e. bedrooms with an open space provision that marginally exceeds the development plan requirements. The current scheme does not provide the same degree of choice with a significant shortfall in the open space provision on site. Nonetheless, I consider that there are merits in considering the proposal before the Board in greater detail.

### **11.3 Planning Policy Context:**

13.1 As previously outlined, the subject site falls within the Masterplan lands Zone 8 of the Wexford Town and Environs Development Plan 2009-2015 wherein the subject site is identified for residential development at a medium density. The Plan outlines that a medium density encompasses 17-25 units per hectare. The current proposal provides for 23 units per hectare, which is clearly at the upper edge of the density range. Therefore, I would argue that the scheme to be provided should be of high quality to merit the upper end range of density proposed. With this in mind the Plan outlines specifications for the site. One of the specifications is that where future development is considered on the subject site that "*major development is restricted to an area to the south of the Racecourse on Coolcotts Lane. Medium density should apply but opportunity exists to maximise location overlooking the racecourse*". The Applicants referred to this specification in their planning cover letter stating that "*rather than focusing on the view of the racecourse from individual properties, the scheme has been designed to create views/vistas through proposed residential streets to the racecourse and beyond to Wexford town*". Having regard to the site layout plan submitted at further information stage (which included the omission of 5 no. dwellings) I failed to see how these vistas that are cited have been achieved. I do acknowledge that the access road via units 87-101 may provide vistas to those travelling on the said road and likewise with the access road via units 29-41. However, the layout of the said houses is such that only a small number will actually derive views of the racecourse. It would appear to be a missed opportunity that no area of open space has been provided adjacent to the racecourse which would benefit from views and a sense of openness thereon. Whilst I note that the Planning Authority did not comment on this aspect of the Masterplan, I would argue that the stated "*opportunity to maximise the location overlooking the racecourse*" has not been achieved. In the event that permission is considered, it is recommended to the Board that this issue should be addressed by condition.

11.3.2 The Development Plan states as per 11.08.03 that the "*design of dwellings in residential estates should bear a relationship to the nature, scale and form of*

*the existing built fabric within the settlement*'. I note that two storey dwellings only are proposed on the site. House Types B1 and B2 illustrate a fourth bedroom on the 2<sup>nd</sup> floor, however ventilation and light is by roof lights only. However, little regard seems to have been shown to the level differences which occur east to east across the site. The site rises from 61.5 to 76m on its western most edge. Yet across the site the design of the dwellings proposed are almost entirely uniform i.e. two storey gable fronted dwellings (with or without additional bay). In addition, no concession in the scale of units is provided across the site. There is little evidence that this issue was considered in the layout of the scheme.

11.3.3 It is highlighted in the Masterplan, the Planning Report and is evident from the site visit to the site that the said lands are visible from the opposite side of the racecourse due to the local topography and the low lying nature of the said racecourse. From the site layout plan submitted (at further information stage) it is evident that the house types located along the northern boundary are primarily House Type C, and to lesser degree House Type B2 and A. The height of House Type C is 9.381 whilst House Type A and B1 is 9.581m. The scale of the houses seems rather high considering only House Type B1 proposes a bedroom on the second floor.

11.3.4 The Development Plan also seeks a *"variety of dwelling types, sizes and designs"* (11.08.03). The current proposal before the Board does not adhere to this requirement as the dwelling design and unit type on site is almost uniform, with the units to comprise of 95% semi-detached two storey units. As stated in the Urban Design Manual (2009) *"for a residential development to be considered inclusive, it should include provision for housing of different types, sizes and tenures. Providing this choice will enable people from different backgrounds to benefit from the opportunity afforded by the development, and will help to create balanced, sustainable community"*.<sup>1</sup> The development proposal as submitted fails to provide a range of unit types and consequently would fail to achieve a generational mix within the development. The restriction of the unit of offer to 3/4 bedrooms limits the attraction to those with families. I note also that as per the Design Manual, developers are encouraged to think about how homes can be extended in the future. Given that the living space for most of the units on offer is restricted to two rooms, there is likelihood that some will be extended in the near future if permitted. Therefore, the scheme should have incorporated variations which illustrate additional living space whilst ensuring that there is adequate private open space provision. In the event that permission is considered and further information is sought, the Board are recommended to seek a greater range of unit types which allows for all stages of life and not just those with young families.

11.3.5 Furthermore, the finishes indicated are also uniform with the houses to comprise of reconstituted stone with a string course finish. I would note that House Types C, D and E do not contain notations as to the elevational treatment of the dwellings, however, House Types C and D are almost identical in treatment to A and B wherein notations of treatment have been provided. Therefore, I find it reasonable to conclude that the said house types are to be entirely constructed of reconstituted stone with a string course finish. For a development of 148 dwellings, I consider the mix, variety and design finishes fails to provide a scheme of architectural diversity and a range of accommodation and would therefore not satisfy the Development Plan requirements as set out in Section 11.08.03 of the Plan.

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<sup>1</sup> Urban Design Manual, A Best Practice Guide (2009) DoEHLG

## **11.4 Layout and Design:**

- 11.4.1 In considering the layout and design of the proposal I will have regard to issues such as proximity to boundaries, topography, residential amenity, floor plans of units and open space provision on the appeal site.
- 11.4.2 Following a request for further information, the applicant submitted revisions which provided for greater separation distances from the eastern and southern boundary and the western boundary. This arose from objections from existing residents abutting the appeal site. I note that in excess of 22m is provided between opposing rear elevations of the proposed dwellings on the eastern boundary and that of the existing development, Hunter's Court. Whilst I note that the Appellants have cited the issue of overlooking, the distance provided is in excess of development plan requirements of 22m.
- 11.4.3 As previously referenced the topography of the site is such that it is lower at the eastern boundary than it is at the western boundary. It was evident on the day of the site visit, that the adjacent development of Hunter's Court is at a lower topography than that of the subject site. I have had regard to the Street Elevations Cross Sections and note that they fail to include the dwellings on adjacent sites in accordance with Article 23 of the Planning and Development Regulations. I have had regard to the cross sections of the previously permitted proposal on site, and it would appear that the cross section that includes Hunter's Court is not directly representative of the site levels of Hunter's Court, which I would estimate to be 0.750m lower than the appeal site. In the event that permission is considered by the Board, it is recommended that all cross sections are repeated to include the dwellings which directly abut the site boundary in accordance with the requirements of the planning and development regulations.
- 11.4.4 The Appellants submission to the Board also cited concerns regarding overshadowing of Hunter's Court by reason of the proximity of the development to their shared boundary. As part of the Applicant's submission to the Board, a Shadow Analysis has been provided. The Analysis considers the shadow impact on the 21<sup>st</sup> of March, April, May, June, July, August, September and December. Due to the west-facing orientation of the dwellings on Hunter's Court, it is evident that some overshadowing arising from the proposed development will occur. I have focused in particular on the summer months where the Shadow Analysis illustrates that the proposed development will cast a shadow over the rear gardens of Hunter's Court during the months of May, June, July and August. In particular in May and August the gardens of Hunters Court are entirely in shadow at 6pm. I would argue that the proposed development would consequently impact negatively upon the residential amenity of Hunter's Court. In the event that permission is considered, it is recommended that the Board seek the relocation of the dwelling units 1-14 further west and consider the omission of one pair of units so as to allow greater permeation of light through.
- 11.4.5 In assessing the floor plans for the proposed units, I have had due regard to the DoEHLG (2007) Quality Housing for Sustainable Communities, in particular, Section 5.3.2. I note that the proposal as submitted complies with the minimum standards as set out for bedroom sizes. The bedrooms in all of the units are indicated as double occupancy, and in many instances the Master Bedrooms will provide limited space for furniture other than a bed. Therefore, in the event that the Board is considering a grant of permission, it is recommended that the Applicant be requested to revisit the room sizes to be provided and to ensure that the room dimensions exceed the minimum standards of government guidelines.

11.4.6 As previously cited the open space provision does not accord with the 10% of the total site area as required by the Development Plan. The open space provision is in the form of four distinct areas. I note that each of these are bounded on all sides by roads apart from open space no. 1. I would question the safety of such areas given that their dimensions are not particularly generous in size and overspill of recreational activities is likely onto adjoining roads having regard to the central location of the playground on all 4 zones. Therefore, I reiterate the need to increase the public open space provision to a minimum of 10% of the total site area. Furthermore, the arrangement of the open space is such that there is little differentiation between the four zones. Rather, as stated in the Development Plan "open space should be graded from large areas of open spaces to small play areas and incidental open spaces throughout the estate". This has not been achieved in this instance. In considering the quality of the open space I have had due regard to the "Carragh Paving and Landscapes: the Paving Experts" drawing submitted as further information. Having considered this drawing in detail, I would advise the Board that some of the trees notated on the site layout plan failed to cross reference in detail with the Plant Schedule. The drawing indicates a significant portion of the trees along shared rear boundaries of the proposed dwellings. Given the presence of trees on the subject site, it is unclear if these are trees that are in existence as no arboricultural survey was provided with the application. Another difficulty is that a number of the species identified for planting are not indigenous to Ireland, I refer in particular to the Jacquemontii Birch and the European Serviceberry. Whilst I note that the development plan does not specifically request that indigenous species must be planted, nonetheless, I consider that it would be desirable. In the event that permission is considered, it is recommended to the Board that a revised landscaping plan is sought at a larger scale than that provided which will allow the cross reference with the plant schedule. Furthermore, it is recommended that where existing planting is to be retained that this should be indicated. Otherwise, it is not considered desirable that new plants be provided in the rear gardens of properties where the planning authority has no control over their retention.

## **11.5 Access & Traffic**

11.5.1 In this section of the assessment, I will consider the car parking provision, the layout of the site having regard to roads, the consideration of the pedestrian and cyclist in the scheme, and amendments to the alignment to Coolcotts Lane.

11.5.2 The Masterplan for Coolcotts seeks to ensure that an inner relief road will create continuity, that medium and higher order link roads feed into the link road and that road should be designed to give priority to pedestrian and cycle movements. It also states that positive frontage to public open space areas should be promoted. The scheme as submitted (at further information) proposes four entrances off Coolcotts Lane. Three are from the southern boundary of the site and one from the northwest corner of the site. The reasoning for four entrances off the Lane appears to allow the applicant to construct the development in four phases, such that each phase is standalone. The proposed crèche is stated to be construction as part of Phase 1. However, to have four access points onto Coolcotts Lane seems inefficient, when one entrance will on average serve 37 units only. The reduction of vehicular entrances to 3 on site may allow for a more innovative arrangement of units on site. The Board are advised to seek a revision to 3 entrances in the event that permission is considered.

11.5.3 In the Urban Design Manual (2009) it is stated that *“how parking is dealt with on a development site can significantly affect the success of a development. The most successful developments tend to provide sufficient parking to cope with demand in a way that does not overwhelm the appearance and amenities of the public realm”*. I note that the Development Plan requirement is 2 spaces per dwelling house. The Applicant in their cover letter has outlined that 323 spaces are provided in the scheme, which equates to 2 per unit with the addition of 8 visitor spaces. In addition, 9 spaces are reserved for the purposes of the crèche. In the main the parking spaces are provided in the form of driveways, however, those units located along the eastern boundary, the western boundary and a number to the centre of the site are on the road. Whilst those spaces reserved for the Crèche are easily identifiable as to their location, there are a number of on-road spaces which do not have a clear relationship with the houses they serve i.e. units 59-65. Furthermore, the provision of 8 visitor spaces is unnecessary where each unit has 2 spaces allocated. In the event that permission is considered, it is recommended to the Board that the 8 additional spaces are omitted and a redesign of parking spaces for units 59-65 is submitted.

11.5.4 The Applicant has argued in the cover letter to the Planning Authority that the scheme aims to provide a modern, best practice compliant development incorporating elements of the recognised concept of Home Zones with raised surfaces at junctions, pinch points to reduce traffic to a single lane, natural traffic calming through design and reduction in vehicle segregation through the removal of footpaths where appropriate. Home Zone *“is the UK term for a [residential] street where people and vehicles share the whole of the road space safely, and on equal terms; and where quality of life takes precedence over ease of traffic movement. (Jones and Institute of Highway Incorporated, 2002)”*.<sup>2</sup> From an assessment of the proposed roads and access layout drawing submitted, it is evident that the Applicant is proposing ramps throughout the scheme. Despite statements to the contrary the proposed footpaths are provided as distinct from the road surface throughout. A number of pinch points are created in the scheme, but for some reason are focused on the western portion of the development rather than throughout. These pinch points appear to be in the form of hard surfacing rather than incorporating any landscaping proposal. In my opinion the scheme should be revisited with a view to giving priority to pedestrians and cyclists throughout the development and slowing vehicular traffic accordingly. The proposal as currently submitted fails to comply with the ethos for sustainable communities, greater connected streetscape and priority for pedestrians/cyclists as sought by DMURS.<sup>3</sup>

11.5.5 The adjacent Coolcotts Lane is presently poorly surfaced and incorporates a 90 degree bend at the southeastern corner of the site. During the course of the application, the Planning Authority sought that the Applicant incorporate changes to this bend such that it can accommodate the increased traffic arising from the proposal. The unsafe nature of the Lane was cited in objections to the Council and in the appeal to the Board as a reason why it should be refused permission. The revised proposal submitted as further information has amended the profile of the Lane such that a 26m radius is now proposed together with a 6m wide carriageway, a 2m wide footpath to extend along the entire frontage of the site. I note that the proposal also

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<sup>2</sup> Shared Space, shared surface and home zones from a Universal Design Approach for the Urban Environment in Ireland. Key findings and Recommendations by Tom Grey & Emma Siddall (2012), TrinityHaus and the National Disability Authority.

<sup>3</sup> Design Manual for Urban Streets and Roads (2013) Department of Transport, Tourism and Sport & Department of Environment, Community and Local Government.



provides for two speed ramps along the southern frontage of the site. I find the amendments proposed concerning to the Coolcotts Lane to be acceptable and would address present road safety issues concerning this Lane.

11.5.6 I note that the Coolcotts Lane reconfiguration incorporates a proposed layby in the northwestern corner of the site. However, the current layout of the scheme fails to relate to pedestrians accessing the bus stop. It is recommended that this access be considered in the reconfiguration sought by this and other factors already considered in this report.

11.5.7 Boundary treatment to the site incorporates circular steel upright railing on top of a low brick wall. This I understand is to be provided along the road-edge of Coolcotts Lane. Also indicated is a 2m high block wall. However, this type 2 boundary treatment is not notated on the drawings submitted as further information.

## **11.6 Drainage**

11.6.1 The 3<sup>rd</sup> Party Appellants have cited issues regarding drainage on the subject site stating that water flows from the appeal site onto Hunters Court every time it rains. The Applicants responded in their submission to the Board stating that full drainage and storm water attenuation is proposed and therefore no flooding will arise from the proposed development. I have had regard to floodmaps.ie and note that there is no history of flooding in this area and note that no reference was made by the Planning Authority to such an event. I am in agreement with the Applicant that surface water attenuation works proposed as part of the development will address issues of surface water runoff.

## **11.7 Crèche Provision**

11.7.1 The proposed development of the site incorporates a Crèche, of two storey scale, to be located off the eastern access road. As previously indicated, it will have designated parking available. No details are provided with the application as to how many children are to be catered for. The drawings submitted are notated to state one classroom will accommodate 10 children of 0-1 years, a second classroom of 10 children aged 1-3 years and a third classroom of 20 children aged 3-6 years. The finishes indicated are rendered walls, with a curved brick detail around the external face of the internal staircase. There is no external report from the HSE on the proposed crèche available on file. However, this could be agreed by condition in the event that permission is considered.

## **11.8 Archaeology**

11.8.1 Department of Arts, Heritage and the Gaeltacht comment on the proposal and noted that the Archaeological Survey of Ireland records two monuments on site, WX037-086 burnt mound and WX037-087 burnt mound on the site. It is stated that prehistoric archaeological material and features have previously been identified and excavated in the general area of the proposed development and it is considered that there is a possibility that similar archaeological material/features may survive within the proposed development site. As a consequence, the Dept. recommended that an Archaeological Impact Assessment be provided. This was duly sought by the Planning Authority and provided in response to a request for further information. The Archaeological Impact Assessment outlines that the sites referred to by the Department are located on a site 1km north of the appeal

site on a north-facing slope overlooking the River Slaney. It is stated the burnt mounds are assumed to be the most common prehistoric site type in Ireland. For the purposes of the Assessment, a total of 12 trenches were dug on site using a mechanical digger with a toothless grading bucket. These were distributed throughout the site in order to assess the archaeological potential of the area under consideration for development. All trenches were 1.8m to 2m wide. These trenches were still in evidence on the day of the site visit. The archaeological investigation on site revealed no evidence of archaeological material of significance at the site. I find no reason to disagree with the assessment of the Archaeological Consultant.

## **11.9 Appropriate Assessment**

11.9.1 No AA Screening Report was prepared for the Wexford Town and Environs Plan and no screening report was provided by the Applicant or sought by the Planning Authority in respect of the proposed development. However, I had regard to the Strategic Environmental Assessment of the Wexford Town and Environs Development Plan 2009-2015 and the Appropriate Assessment Screening of the Wexford County Development Plan 2013-2019.

11.9.2 The subject site is within 15km of the Slaney River Valley SAC and proposed Natural Heritage Area. The Slaney River Valley SAC (000781) was selected for alluvial wet woodlands, a priority habitat on Annex 1 of the E.U. Habitats Directive. The site is also selected as a candidate SAAC for floating river vegetation, estuaries, tidal mudflats and old oak woodlands, all habitats listed on Annex 1 of the E.U. Habitats Directive. The site is further selected for the following species listed on Annex II of the same directive-Sea Lamprey, River Lamprey, Brook Lamprey, Freshwater Pearl Mussel, Twaite Shad, Atlantic Salmon and Otter. Two aquatic Plant species has been recorded in this site: Short-leaved Water-starwort, a very rare, small aquatic herb found nowhere else in Ireland; and Opposite-leaved Pondweed, a species that is legally protected under the Flora Protection Order, 1999. The site supports important numbers of birds in winter such as the Little Egret, Mute Swan, Golden Plover, Wigeon, Teal, Mallard, Black-headed Gull and Oystercatcher amongst others.

11.9.3 The Wexford Harbour and Slobs SPA (004076) is at the lowermost part of the estuary of the River Slaney, a major river that drains much of the south-east region. Estuarine habitats of Wexford Harbour, the reclaimed polders known as the North and South "Slobs", and the tidal section of the River Slaney. The site is a Special Protection Area under the EU Birds Directive of special conservation interest for a significant number of birds such as Little Grebe, Great Crested Grebe, Cormorant, Bewick's Swan, Whopper Swan, Greenland White-fronted Goose and Bewick's Swans amongst others. Wexford Harbour and Slobs is of international importance for several species of waterbirds but also because it regularly supports well in excess of 20,000 waterbirds and is recognised as one of the top three sites in the country for numbers and diversity of wintering birds. Of particular importance is that it is one of the two most important sites in the world for Greenland White-fronted Goose. The geese feed almost entirely within the Slobs and roost at The Raven (a separate SPA). It is also of world importance for Greenland White-fronted Goose, and supports internationally important populations of a further four species (Mute Swan, Light-bellied Brent Goose, Black-tailed Godwit and Bar-tailed Godwit).

11.9.4 The conservation objectives for the two sites is to maintain or restore the favourable conservation status of habitats and species of community interest

so as to contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.

11.9.5 The appeal site is not within any designated site and thus no direct impacts will occur. In terms of indirect impacts, there are no rivers/streams traversing the site and therefore issues of water discharge from the site will not occur. The appeal site is to be served by mains sewers. SuDS is to be used to manage surface water whilst best practice in terms of construction methods to avoid any contamination will be required.

11.9.6 It is reasonable to conclude on the basis of the information on file and from the information sourced from the NPWS.ie and the SEA of the Wexford Town and Environs Development Plan 2009-2015 and the Appropriate Assessment Screening of the Wexford County Development Plan 2013-2019, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans and projects would not be likely to have a significant effect on European Site Nos 004076 and 000781 or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is therefore not required.

## **12.0 CONCLUSION**

12.1 In conclusion, I consider that the proposal before the Board has failed to have regard to and does not accord with the Masterplan vision for the Coolcotts/Townparks Zone as identified in the Wexford Town and Environs Development Plan 2009-2015. Notwithstanding the existing permission that pertains to the site and which will expire in 2019, it is considered that the current proposal is substandard with regard to housing mix, architectural diversity of the scheme, layout of the scheme having regard to the adjoining Racecourse, public open space provision and fails to accord with the recommendations of DMURS having regard to over provision of vehicular access points and car parking within the site.

## **13.0 RECOMMENDATION**

13.1 I have read the submissions on file, visited the site and paid due regard to the previously permitted residential development on the site and to the provisions of Wexford County Development Plan 2013-2019 and the Wexford Town and Environs Plan 2009-2015 (extended). I recommend that planning permission be Refused for the development based on the reasons and considerations hereunder.

## **REASONS AND CONSIDERATIONS**

Notwithstanding the zoning objective for the site and the existing permission pertaining to the subject site under W2009002 for 147 no. dwelling units and a crèche, the Board is of the opinion that the current proposal before the Board fails to accord with the principles set out in the Department of Environment's guidance documents entitled:

- Sustainable Residential Development in Urban Areas,
- Urban Design Manual-A Best practice Guide,
- Quality Housing for Sustainable Communities DoEHLG Best Practice Guidelines,

and the Department of Transport's

- Design Manual of Urban Streets,

wherein the overall objective is to create sustainable communities. The current proposal is devoid of housing unit mix, being made up of 98% two storey 4 bedroom units, and consequently a generational mix of persons would not be possible. The proposed public open space provision fails to achieve the standard and minimum 10% as demanded by the Wexford Town and Environs Development Plan 2009-2015 (extended). In addition, the layout of the scheme does not provide views/vistas of the neighbouring racecourse as encouraged in the masterplan for the Coolcotts Zone. Furthermore, despite the proposal providing for 153 no. units, there is limited diversity in their architectural style and which would therefore fail to create a sense of place as encouraged in the aforementioned DoE guidance documents. It is also considered that the provision of one vehicular access per 37 no. units is excessive and unsustainable, and that the provision of 8 visitor spaces over and above the 2 car parking spaces per housing unit, fails to accord with the principles of DMURS or the creation of sustainable communities. Consequently, the Board by reason of layout, design, mix, over provision of vehicular access and parking spaces, consider that the current proposal fails to accord with the vision for the Coolcotts/Townpark zone as identified in the Wexford Town and Environs Development Plan 2009-2013, would not comply with the aforementioned DoEHLG's guidance on new build, large scale residential developments and therefore, would be contrary to the proper planning and sustainable development of the area.

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Fiona Tynan  
Senior Inspector  
19/05/16