



An  
Bord  
Pleanála

## Inspector's Report PL26.247597

### Development

Erection of a four storey office and IT centre, including hard and soft landscaping, public lighting, roadside boundary wall, access from previously granted main entrance (2015/0626), car parking, connection to public services, and ancillary works.

### Location

Site at Knockmullen, Gorey Rural, Co. Wexford.

### Planning Authority

Wexford County Council

### Planning Authority Reg. Ref.

2016/1002

### Applicant(s)

Tom & Pat Redmond

### Type of Application

Permission

### Planning Authority Decision

Grant, subject to 9 conditions

### Type of Appeal

Third Party -v- Decision

### Appellant(s)

Annraí O'Toole

### Observer(s)

None

**Date of Site Inspection**

1<sup>st</sup> February 2017

**Inspector**

Hugh D. Morrison

## 1.0 Site Location and Description

- 1.1. The site is located on the southern outskirts of Gorey and to the north west of Junction 23 on the M11. This site lies on the eastern side of the R741 and it adjoins another site to the north that is being developed to provide an office building. Beyond this site lies the Amber Springs Hotel and Health Spa and to the north of this complex lies the Knockmullen Retail Park. Opposite this Retail Park and on the western side of the R741 lies the Meadow Gate housing estate and opposite the appeal site lies Westmount, the appellant's residential property. Other residential properties lie to the south of the site on either side of the R741. The town's WWTP lies to the south east of the site.
- 1.2. The site itself is of regular shape and it encompasses an area of 0.82 hectares. This site presently forms part of a field that extends to the east and the south. The western roadside boundary is denoted by means of a stone wall and the northern boundary abuts an access road that services the construction site to the north. This road, when fully constructed, will be a link road, which would serve both the site to the north, the appeal site, and potentially other sites to the east in the future.

## 2.0 Proposed Development

- 2.1. The proposal would entail the construction of a four storey office and IT centre with a total floorspace of 3586 sqm. This centre would be of identical design to the one presently under construction to the north and the submitted plans indicate that a further centre is envisaged for an adjoining site to the south. Thus, it could potentially be the middle one of a row of three identical centres.
- 2.2. The proposal would also entail the construction of landscaped car parks to the east and to the west of the centre. These car parks would provide 145 spaces. They would be accessed off an east/west link road from the R741, which was previously permitted under applications 2015/0626.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission granted subject to 9 conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The exclusion zone debars the residential development of the site until the local WWTP is upgraded. However, non-residential development is unaffected and so the proposal is wholly acceptable.
- The proposed office building would be identical to the one permitted under 2015/0626 and 2016/0701, which is on the adjoining site to the north and which is presently under construction.

#### 3.2.2. Other Technical Reports

- Disability Access Officer: Standard advice.
- Fire Officer: Standard advice.
- Roads: No objection, junction with R741 and the link road were previously permitted under application 2015/0626.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

See grounds of appeal.

## 4.0 Planning History

Adjoining site to the north:

- **P2015/0077**: Pre-application consultation occurred on 9<sup>th</sup> February and 10<sup>th</sup> June 2015.

- **2015/0626:** Three storey office and IT centre with ancillary works, including main access and roadside boundary wall, public footpaths, public lighting, car parking, hard and soft landscaping, ancillary plant building and connection to public services: Permitted.
- **2015/1113:** Extensions to car park, access road, hard and soft landscaping and boundary treatments permitted under 2015/0626: Permitted.
- **2016/0701:** Amendments to previous two permitted applications: Permitted.

Site further to the north:

- **2004/4970:** The two storey over basement Amber Springs Hotel: Permitted and implemented.

## 5.0 Policy Context

### 5.1. Development Plan

Under the Wexford County Development Plan 2013 – 2019 (CDP), Gorey is a larger town within the settlement hierarchy.

Under the Gorey Local Area Plan 2010 – 2016 (LAP), the site is located within that part of the town known as Millands and it is shown as lying within both an area that is zoned long term residential (low density, i.e. maximum of 15 – 20 dwelling units per hectare) and an exclusion zone. Offices are “open for consideration” within this residential zone.

### 5.2. Natural Heritage Designations

None

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The appellant resides on the opposite side of the R741 from the site. She only became aware of the previous applications when it was too late to participate in the

planning process. However, she considers that these applications along with the current one materially contravene the LAP.

The following grounds of appeals are cited:

- The proposal would materially contravene the residential zoning of the site. The planning authority contends that the exclusion zone is not relevant to non-residential development and yet such development would ensure that any future residential development of the site is forfeited.
- The design, height, and scale of the proposal when considered alone and cumulatively would be visually strident and over powering within a context of low-density housing. Overlooking and light spillage from the proposal would adversely affect the residential amenities of the appellant's property.
- The R741 is highly trafficked. The proposal would lead to additional traffic movements at the entrance to the overall site, which would add to the hazard posed by the use of this junction. The Board is urged to seek the advice of the TII on this matter.

## 6.2. Applicant Response

In relation to the first ground of appeal:

- Offices are "open for consideration" under the LAP and so no material contravention would arise. Furthermore, offices would be consistent with other policies and objectives of the Plan.
- Under the draft Gorey Town and Environs Local Area Plan 2017 – 2023 (dLAP), the site is zoned as a business and technology park. Furthermore, the applicants have prepared a masterplan for their lands predominantly to the east of the site. These lands would be developed to provide up to 400 dwelling houses. Under the dLAP the exclusion zone has been lifted, as the WWTP has now been de-commissioned and replaced by a pumping station.
- Previous permissions for the adjoining site to the north provide a precedent for the current proposal.

In relation to the second ground of appeal:

- The proposal is intentionally of urban design, as the envisaged users would be in the office and IT sectors. It would complement the similarly permitted proposal to the north, which is under construction, and these two office buildings would continue the pattern of commercial use on the eastern side of the R741 that comprises a hotel and a small retail park.
- The proposal would be sited c.70m east of the appellant's dwelling house and so no lighting or overlooking/privacy issues would arise.

In relation to the third ground of appeal:

- Condition 3 attached to permitted application 2015/0626 required the submission of a scheme for a revised road layout, including access points to the site, public footpaths and public lighting. The applicant has complied with this condition. The said layout would contribute to the planning authority's vision for a link road between the R741 and the County road to the east. Far from adding to traffic problems this layout will contribute to their alleviation.

### **6.3. Planning Authority Response**

Attention is drawn to the advice of Roads.

- Offices are "open for consideration" under the LAP and so no material contravention would arise. Under the draft Gorey Town and Environs Local Area Plan 2017 – 2023 (dLAP), the site is zoned as a business and technology park.
- The design of the proposal is considered to be appropriate to the gateway status of the site next to the Amber Springs Hotel.
- Overlooking would not arise as the appellant's property is well screened by mature trees and vegetation.
- Under the dLAP, c.119 hectares of land is zoned for residential development within the lifetime of the Plan.

## 7.0 Assessment

I have reviewed the proposal in the light of the CDP and the LAP, relevant planning history, and the submissions of the parties. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use,
- (ii) Amenity,
- (iii) Traffic, access, and parking, and
- (iv) AA.

### (i) Land use

7.1.1 Under the LAP, the site is shown as lying within an area that is zoned long term residential. Under this zone, offices are deemed to be “open for consideration”. The appellant contests the siting of offices within this area, as they would reduce the scope for residential development. She insists that both the current proposal and its permitted predecessor for the adjoining site to the north constitute a material contravention of the LAP.

7.1.2 The applicants and the planning authority have responded by stating that, in view of the “open for consideration” status of offices, the question of material contravention does not arise. Both parties draw attention to the draft LAP, which proposes that the site, along with adjoining lands, be re-zoned as a business and technology park. The former party also draws attention to a masterplan that they have prepared for the entirety of their lands in the area, which envisages the construction of 400 dwelling houses. Likewise, the latter party draws attention to the c.119 hectares of land that are zoned for residential development in this Plan.

7.1.3 I concur with the applicant and the planning authority on their response to the question of material contravention. I consider that the current proposal would not jeopardise the future residential development of Gorey, for which ample provision has been made through the zoning mechanism in the current and proposed replacement LAPs. I consider, too, that the previous permission



(application 2015/0626) for the adjoining site to the north establishes a precedent for office development.

7.1.4 Under the LAP, the site is also shown as being in an exclusion zone for residential development. This zone was prompted by the proximity of the Gorey WWTP, in advance of its de-commissioning and replacement by a pumping station. The applicant reports that these works have now been undertaken. The dLAP published in September 2016 anticipates the same and so the exclusion zone has been lifted from its proposed land use map. Accordingly, any discussion arising from this zoning has been effectively superseded.

7.1.5 I conclude that the proposal would not material contravene the LAP and that precedent for it has been established by the previous permission for the adjoining site to the north, which is presently being implemented.

## **(ii) Amenity**

7.2.1 The proposal would entail the construction of a second four storey office building on the approach to Gorey along the R741. This building would be of contemporary design. Its form and shape would be cube like under a mono-pitched roof. It would be extensively glazed and panelled. Other finishes would include natural limestone cladding and white nap render. The submitted plans indicate that, in addition to the identical office building under construction to the north, the applicants envisage a third identical office building to the south.

7.2.2 The appellant critiques the proposal on the basis that she considers that it would individually and cumulatively be too dominant and strident a presence within an area that is zoned for low density housing. She also expresses concern that it would lead to overlooking of and light spillage onto her residential property opposite.

7.2.3 The applicant and planning authority have responded to the appellant's critique by drawing attention to the northern context of the site, which includes the said office building that is under construction, a hotel, and a retail park. The site itself is a gateway one to Gorey and within the aforementioned context, it would be an appropriate addition to the existing retail and commercial development contained therein.

7.2.4 During my site visit, I observed that the site does effectively mark the entrance point to the town and that it would “join-up” with the above cited retail and commercial development to the north to form a coherent pattern, i.e. it would not be an isolated modern building on the approach to Gorey. I note, too, from the dLAP that the low density description has been removed from the lands zoned residential, which in the presence of the proposed business and technology park zoning would be further to the east, and so the scenario envisaged by the appellant of the office building(s) being next to low density housing appears to be receding.

7.2.5 The applicant and the planning authority have responded to the appellant’s concerns by drawing attention to the separation distance of c.70m that would exist between the proposed office building and the applicant’s dwelling house at Westmount and to the presence of mature deciduous and coniferous trees and vegetation, which are in front of this dwelling house and so would mitigate any overlooking and light spillage.

7.2.6 During my site visit, I observed the trees and vegetation referred to above. I note, too the applicant’s indicative landscaping proposals for the car park, which would be adjacent to the R741 and thus opposite the appellant’s residential property. These proposals would also contribute to screening and hence they, too, would mitigate overlooking and light spillage.

7.2.7 I conclude that the proposal would be compatible with the visual and residential amenities of the area.

### **(iii) Traffic, access, and parking**

7.3.1 The proposal would be accessed off the R741 via an east/west link road, which would be encompassed within the site of the previous permission (application 20015/0626). Condition 3 attached to this permission required that a new junction between this link road and the R741 be designed. The applicant advises that this condition has been complied with and the outline of this junction is included within the site plan submitted as part of the current application. This new junction would entail the provision of ghost island and a right hand turning lane. A similar arrangement is in place to serve the existing hotel to the north and the central hatching associated with the same would be

extended southwards to the new junction. A public footpath and public lighting would be constructed/installed on the eastern side of the R741 and the requisite sightlines would be available, i.e.  $x = 3\text{m}$  and  $y = 135\text{m}$ . The alignment of the R741 in the vicinity of the site would be straightened as part of the works entailed in the provision of the new junction.

7.3.2 The appellant expresses concern that the proposal would increase the number of traffic movements at the proposed junction and so, in view of the heavily trafficked R741, additional hazard would be attendant upon its use. She requests that the TII be consulted.

7.3.3 The applicants have responded by drawing attention to the aforementioned compliance with the extant condition and thus the acceptable design for the new junction that now exists. They consider that this junction would reduce the said hazard attendant upon this stretch of the R741.

7.3.4 I am confident that the design of the new junction would be capable of accommodating the additional traffic movements generated by the proposal. I am confident, too, that road safety would not be compromised, as sightlines would be improved, a dedicated right hand turning lane would be introduced, and the junction would be lit.

7.3.5 During my site visit, I observed that there is a continuous white line in the centre of the carriageway to the R741 as it passes the site. I also observed that the entrance to the applicant's residential property would be opposite the new junction between the R741 and the proposed link road. The aforementioned realignment would displace the existing carriageway slightly to the east and so the clearance distance between the said entrance and the new carriageway would increase correspondingly. Thus, use of this entrance would ease and in the presence of the aforementioned public lighting it would be safer.

7.3.5 Under CDP car parking standards, 1 space is required per 25 sqm of floorspace. As the proposal would entail the provision of 3586 sqm of floorspace, 144 spaces should be provided, a figure that would approximate to the 145 spaces (including 7 mobility impaired spaces) that would be provided. Under Section 18.29.6 of this Plan, every 40<sup>th</sup> space should be equipped to charge electric vehicles and so 4 such spaces should be provided. This matter

could be conditioned. Under Section 18.29.5, cycle stands should also be provided. In this respect, the National Cycling Manual is referred to. I consider that 1 cycle stand per 150 sqm would be a reasonable level of provision and so 24 covered stands should be provided. This matter, too, could be conditioned.

7.3.6 I conclude that the proposed access and parking arrangements for the site would be satisfactory.

#### **(iv) AA**

7.4.1 The site does not lie in a Natura 2000 site and the nearest such site, the Slaney River SAC, lies c.3.85 km to the west. The proposal would be serviced by the public sewer. I am not aware of any source/pathway/receptor route between the site and this or any other Natura 2000 site. Accordingly, I do not consider that it would have any significant effect upon the integrity of these sites or the Conservation Objectives of the same.

7.4.2 Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the proximity of the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

In the light of my assessment, I recommend that the proposal be permitted.

## **9.0 Reasons and Considerations**

Having regard to the Gorey Local Area Plan 2010 – 2016, the draft Gorey and Environs Local Area Plan 2017 – 2023, and relevant planning history of the adjoining site to the north, it is considered that, subject to conditions, the proposed use of the site would be consistent with the zoning of and the emerging pattern of development within the area. The proposed office building would be compatible with the visual and residential amenities of the area and the vehicular access and car parking arrangements would be satisfactory. No Appropriate Assessment issues would arise.

The proposal would thus accord with the proper planning and sustainable development of the area.

## 10.0 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) At least 4 car parking spaces shall be equipped to charge electric vehicles.
  - (b) At least 24 covered cycle parking stands shall be provided.

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 order to comply with development plan standards and to promote sustainable modes of transport.

3. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-
  - (a) Details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
  - (b) Proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

(c) Details of proposed street furniture, including bollards, lighting fixtures and seating;

(d) Details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

**Reason:** In the interest of visual amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed office building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

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

**Reason:** In the interest of public health.

6. Prior to their installation, the developer shall submit to and agree in writing with the planning authority all external signage for the use. Thereafter, and notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no other signage shall be installed, unless a further planning permission has first been obtained for it.

**Reason:** In order to afford the planning authority the opportunity to control signage, in the interest of visual amenity and road safety.

7. The developer shall pay to the planning authority a financial contribution of €35,860 (thirty-five thousand eight hundred and sixty euro) 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. The application of any 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 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.

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Hugh D. Morrison  
Planning Inspector

17<sup>th</sup> February 2017