



An
Bord
Pleanála

Inspector's Report PL26.247735

Development	Permission for the development and servicing of six residential sites with all associated site works.
Location	The Orchard, Bear Lough, Rosslare, Co. Wexford.
Planning Authority	Wexford County Council.
Planning Authority Reg. Ref.	20161139
Applicant(s)	Beechbrook Developments Ltd
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First-v-Refusal
Appellant(s).	Beechbrook Developments Ltd
Observer(s)	The Orchard Residents Group
Date of Site Inspection	24 th March 2017
Inspector	Colin McBride

1.0 Site Location and Description

The appeal site, which has a stated area of 0.62 hectares is located within the built up area to the north of Rosslare in Co.Wexford. The site is accessed from the main spine road running through Rosslare (Strand Road) at its junction with the Orchard opposite the Rosslare golf club. The Orchard is a small residential development with a cul-de-sac. The site is overgrown with scrub vegetation and there are some mature trees around the perimeter, particularly on the southern boundary. There is a rising main foul sewer traversing the site in a broadly north to south direction. The site is immediately bounded by: fields to the north and the west; a housing estate to the south; and the Orchard housing development to the east. There are five existing detached houses to the south of the Orchard and four detached houses to the north of the Orchard. The existing houses are a mixture of styles and are well set back from the road.

2.0 Proposed Development

- 2.1. Permission is sought for the development and servicing of 6 no. residential sites. The site is to be accessed through the existing vehicular access and service road for the Orchard housing development.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on three reasons...

- 1. The proposed development is located within Flood Zone A and the issues arising from flooding have not been satisfactorily addressed and there remains the presence of unacceptable residual flood risk for the development and its potential occupants. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*
- 2. It has not been demonstrated that 'the Sustainable residential in Urban Areas' or the 'Urban Design Manual-A Best Practise Guide (DEHLD 2009) has been*

considered as part of the design approach. The development is therefore contrary to Policy Objective RSO06 in the County Development Plan 2013.

3. *Having regard to the precautionary principle and that the site is located in a Flood Zone and the location of the site which drains into the Slaney River Valley SAC and Wexford Harbour Slobs SPA. Inadequate information has been submitted to enable the Planning Authority to determine if the development would adversely affect the integrity of Natura 2000 Sites in view of the sites conservation objectives. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

3.2. Local Authority and External reports

- 3.2.1. Planning Report (21/11/16): Concerns were noted in regards to flooding, design and layout and impact upon Natura 2000 sites. Refusal was recommended based on the reasons outlined above.

4.0 Planning History

- 4.1 PL26:217855: Permission granted for 10 dwellings and 12 apartments.
- 4.2 20041058: Permission refused for the construction of 2 no. apartment blocks (total of 12 apartments).
- 4.3 970956: Permission refused for 2 no. two-storey dormer type dwellings.

5.0 Policy Context

5.1. Development Plan

- 5.1.1 The relevant Development Plan is the Wexford County Development Plan 2013-2019.

6.0 The Appeal

6.1 Grounds of appeal

6.1.1 A first party appeal has been lodged by CVS Consulting on behalf of Beechbrook Developments Ltd. The grounds of appeal are as follows...

- The most up to date data in regards to flood mapping (CFRAM) maps shows that the site is not within the 1 in 100-year coastal flood zone. It is noted that there is no record of flooding on the site and appropriate surface water management is proposed.
- It is notable the proposal complies with both the 'the Sustainable residential in Urban Areas' or the 'Urban Design Manual-A Best Practise Guide' with the proposal satisfactory in regards to aspects such as connectivity, amenity, amenity and the public realm.
- In regards to refusal reason no. 3 it is noted that an Appropriate Assessment Screening was carried out by the Planning Authority with the conclusion being no adverse effect on the integrity of any Natura 2000 sites.
- In regards to the third party observations it is noted that flooding or waterlogging on adjoining sites in the Orchard is a matter of maintenance and that the current proposal will necessitate maintenance in regards to surface water drainage. In regards to issues relating to sewage backup experienced by residents of the Orchard it is noted such is caused by the existing Council pumping Station and that the applicants would be willing to consider connection to the proposed pumping station. It is noted there was no objection from the Council in regards to roads/traffic issues and. In regards to open space it is noted the existing housing development is well served by open space in the form of a nearby playground, running track and playing pitches (within 400m).

6.2 Responses

6.2.1 Response by Wexford County Council.

- The Planning Authority reiterate their concerns as laid out under the three refusal reasons and request that the Board uphold the appeal.

6.3 Observations

6.3.1 An observation has been lodged by The Orchard Residents Group.

- The observers note their concerns regarding the layout of the public open space and note that they envisaged a single open space area, which would be a more useable open space and safer in regards to traffic.
- The observers note that sightlines at the existing entrance are deficient and a traffic safety issue.
- It is noted that there are ongoing sewage issues with existing infrastructure at capacity and problems with the existing pumping station serving the Orchard. There is also issues concerning surface water drainage.

7.0 Assessment

7.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development

Design, residential amenity

Traffic

Flooding

Appropriate Assessment

Other Issues

7.2 **Principle of the proposed development:**

7.2.1 Permission is sought for the road and services associated with six residential sites. The residential sites are to be accessed from the public road using the existing service road through the Orchard residential development. The site is not zoned for any urban land use at present but has been previously zoned as an existing built up area under the Rosslare Local Area Plan (2002) under which there was a favourable presumption for compatible infill development. The site is not within the development boundary of the Rosslare Harbour & Kilrane Local Area Plan 2012-2018. The Core Strategy for Wexford is set down under Chapter 3 (Core Strategy Map no. 2). The site is in Rosslare Strand, which is classified as a Strong Village under the Development Plan settlement strategy. It is noted that under Section 3.4.8 that "it is proposed to consolidate these villages by concentrating new growth in the village centres. The Council will apply the sequential approach to the development of land, focusing on the development of lands closest to the village centre first. 'Leap-frogging' of undeveloped lands will not be considered, unless it can be justified that there are sound planning reasons for doing so". It is noted that there is no intention

to provide a Local Area Plan for Rosslare Strand and the development objectives for such are set under Appendix A of the County Development Plan.

7.2.2 In regards to specific policy, Policy RSO06 is “to ensure the density, scale and form of future residential development in Rosslare Strand is appropriate to the settlement’s position in the county’s Settlement Strategy and associated Settlement Hierarchy and that it has regard to the Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual-A Best Practice Guide (DEHLG, 2009)” whereas Policy RSO7 is “to consolidate the existing pattern of development and ensure that new development complies with the sequential approach to the development of land which is focused on developing lands closest to the village centre first”. The appropriateness of the proposal is contingent on its location relative to the village centre and whether it is considered an infill development that would consolidate the existing pattern of development. Rosslare Strand is lacking in a compact pattern of development with development strung out over a significant distance. The site is a significant distance from the centre of the village, which is located further south, however there is existing low density residential development at this location. This includes the Orchard, which the proposal would be an extension of and existing housing developments to the south and west (not immediately adjacent the site). I would question, whether the proposal would be consistent with the objectives of the County Development Plan and in particular, Policy RSO06 and RSO07. The site is remote from the village centre and in an area that is deficient in basic infrastructure such as footpaths along the public road. I would consider that the proposal would represent uncoordinated haphazard development remote from the village centre and would be contrary to the proper planning and sustainable development of the area.

7.3 Design, residential amenity:

7.3.1 The layout of the proposed service road and open space is for a service road running on a north south axis through the site and continuation of the existing service road through The Orchard with a T-junction. It is proposed to provide six residential sites and two areas of public open space (one on each side of the service road). The

reason for refusal noted concerns regarding the overall quality of the design of the proposed development with failure to comply with the recommendations of the Urban Design Manual and Policy RSO06 of the County Development Plan. The residents of The Orchard in their submission in regard to the application and their observation on the appeal have raised concerns regarding the quality of the design and in particular the level and configuration of open space.

7.3.2 Under Section 18.10.4 of the County Development Plan the requirement for public open space in residential developments is 1 hectare per 150 dwellings or 10% of the site area, whichever is greater. The site is 0.62 hectares in size and the requirement is therefore 620sqm. The proposal appears to provide less (approximately 378sqm) than the required amount and does so in a fragmented layout of public open space due to the dominance of roads in the layout. In addition, the site layout drawing is of poor quality and has overly exaggerated and unnecessarily large turning radii for both the junction and the driveways and would appear to be an inefficient use of the space available. I would consider that the turning radii could be revised by way of condition. Notwithstanding such, I would consider that the proposal would be deficient in regards to the provision of public open space and would be contrary the development control objectives of the County Development Plan in regards to public open space as well as contrary to Policy RSO06.

7.3.3 In regards to adjoining amenity, there is existing low density detached dwellings to the east (the Orchard), existing housing to the south in the form of the Haven residential development and undeveloped land to the north and west. The proposal is for a similar low density pattern of development on the appeal site, which is in keeping with existing residential development on adjoining sites. I would consider that the layout and density of development proposed would be acceptable in context of the residential amenities of the adjoining properties. I would note that the specific design of dwellings proposed would be subject to a further application for permission and the issue of residential amenity would be a consideration. I would however consider that layout as proposed should provide for a residential development that would have no adverse impact on the residential amenities of adjoining properties.

7.4 Traffic:

7.4.1 The proposal entails use of the existing vehicular access and service road for the Orchard housing development. The existing service road is 5m wide with footpaths on either side and is of sufficient standard to cater for the level of additional dwellings proposed. In regards to traffic safety, the alignment of the public road at this location is relatively straight however there is a lack of footpaths, which mean the walls either side of the entrance are not setback from the road edge. The existing arrangement does curtail sightlines and the existing entrance layout would not meet the standards set down under the Design Manual for Urban Road and Streets (49m with a setback of 2.4m), sightlines are particularly curtailed in a northward direction due to the existing boundary wall and lack of footpaths along this section of the road. I would note that the Board has granted permission for a much denser scheme in the past using the existing entrance without concerns regarding traffic safety (PL26.217855). It is notable that the previously permitted proposal included traffic calming at the junction with Strand Road and upgrading of the existing vehicular entrance. I would consider that the existing vehicular entrance arrangement is deficient and the lack of footpaths along Strand Road contribute to the poor sightlines at the existing vehicular entrance. I would consider the proposal would constitute a traffic hazard due to the lack of sufficient sightlines at the existing entrance and the lack of pedestrian facilities at this location.

7.5 Flooding:

7.5.1 Permission was refused on the basis that the site is located with Flood Zone A (OPW maps) and the applicant has not satisfactorily addressed the issue of flood risk. The appellants have responded by noting that there is no history of flooding incidents on the site and that the most up to date data in regards to flood mapping (CFRAM) maps shows that the site is not within the 1 in 100-year coastal flood zone. The final CFRAM map shows that the site is not within the areas classified either 10% Tidal AEP Event, 0.5% Tidal AEP Event or 0.1% Tidal AEP Event. This would mean that

the site is not in Flood Zone A or B (as defined under the national guidelines, Planning System and Flood Risk Management). I am also satisfied based on the OPW flood maps that there is not record of flooding concerning the appeal site. I am satisfied that a flood risk assessment is not required in this case.

7.6 Appropriate Assessment:

7.6.1 Permission was refused for three reasons including, reason no. 3, which stated that Having regard to the precautionary principle and that the site is located in a Flood Zone and the location of the site which drains into the Slaney River Valley SAC and Wexford Harbour Slobs SPA. Inadequate information has been submitted to enable the Planning Authority to determine if the development would adversely affect the integrity of Natura 2000 Sites in view of the sites conservation objectives. The proposed development would therefore be contrary to the proper planning and sustainable development of the area. The EU Habitats Directive (92/43/EEC) Article 6 (3) requires that “any plan or project not directly connected with or necessary to the management of the (European) Site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in light of its conservation objectives. In light of the conclusion of the assessment of the implications for the site, and subject to the provisions of paragraph 4, the competent national authorities shall agree to a plan or project only after they have ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

7.6.2 An Appropriate Assessment Screening report was carried out by the Council and the appellants have referred to it in their appeal submission. The screening report identified all Natura 2000 sites within 15km of the site. These are identified as being...

Carnsore Point SAC

Lady's island Lake SAC

Long Bank SAC

Raven Point Nature Reserve SAC

Saltee Island SAC

Slaney River SAC

Tacumshin Lake SAC

Lady's Island Lake SPA

Tacumshin Lake SPA

Wexford Harbour and Slobs SPA

The screening report indicates that there is no likely direct, indirect or secondary impacts of the proposed development and that there are no potential or significant effects to any Natura 2000 sites and that a Stage 2 Appropriate Assessment is not required.

7.6.3 The refusal reason indicates concern regarding potential impacts on the Slaney River SAC and the Wexford Harbour and Slobs SPA. I would firstly note that the site is remote from all Natura 2000 sites and entails no habitat loss. The Wexford Harbour and Slobs SPA is the nearest to the site, located approximately 500m to the north of the site. As noted above the issue of flooding concerning the appeal site is dealt with earlier and the most up to date information indicates that the site is not subject to flood risk. In regards to the Slaney River SAC, the site is located within its drainage catchment. I would concur with conclusion of the screening report submitted and note that having regard to the nature and scale of the proposed development and its proximity to 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.

7.7 **Other issues:**

7.7.1 The observation notes there are issues regarding existing sewage capacity and surface water. In response the applicant has noted that they are willing to facilitate use of their pumping station by the existing dwellings. There is a lack of information regarding existing drainage infrastructure and little assessment by the Council regarding such. I would consider the proposal for additional dwellings could facilitate improvements of existing drainage arrangement for the existing dwellings given the proposed development is linked to the existing road and services for the Orchard. Further information in this regard may be required.

8.0 Recommendation

8.1. I recommend refusal based on the following reasons.

9.0 Reasons and Considerations

9.1

1. The site is located in Rosslare Strand, which is defined as Strong Village under the Wexford County Development Plan 2013-2019. Policy RSO07 is “to consolidate the existing pattern of development and ensure that new development complies with the sequential approach to the development of land which is focused on developing lands closest to the village centre first”. The proposed development is remote from the village centre and at location that is deficient in basic infrastructure such as footpaths. The proposal would represent an uncoordinated haphazard development remote from the village centre, would be contrary to Policy RSO07 of the County Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Under Section 18.10.4 of the Wexford County Development Plan 2013-2019, the requirement for public open space in residential developments is 1 hectare per 150 dwellings or 10% of the site area, whichever is greater. The proposal is deficient in the provision of public open space in accordance with such policy and also provides such space in a fragmented layout due to the dominance of roads in the layout. In addition, the site layout drawing is of poor quality and has overly exaggerated and

unnecessarily large turning radii for both the junction and the driveways and would appear to be an inefficient use of the space available. The proposed development would be contrary the development control objectives and Policy RSO06 of the County Development Plan and would give rise to poor quality standard of development. The proposal would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The existing vehicular access is deficient in regards to sightlines, in particular in a northern direction along Strand Road, in addition this section of Strand Road is lacking in any pedestrian infrastructure (footpaths). Having regard to the proposal for additional turning movements taken in conjunction with the existing entrance layout and the lack of pedestrian facilities, the proposed would constitute a traffic hazard and would not comply with the recommendations the Design Manual for Urban Streets and Roads. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Colin McBride
Planning Inspector

04th April 2017