



An
Bord
Pleanála

Inspector's Report

PL26.247879

Development	Revised site boundaries for Seamount Residential Estate and planning permission for an additional house
Location	Seamount, Ardamine, County Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20161209
Applicant(s)	Sean Stafford
Type of Application	Permission
Planning Authority Decision	Spilt Decision
Type of Appeal	Third Party
Appellant(s)	Seamount Management Company Ltd.
Observer(s)	None
Date of Site Inspection	20 th April 2017
Inspector	Emer Doyle

1.0 Site Location and Description

1.1. The site is located in the townland of Seamount, Riverchapel, Co. Wexford. The Seamount Village Estate appears to be a mixture of holiday homes and full time residences. A vehicular barrier is located at the entrance to the estate. A Bed and Breakfast premises on a large site is located adjacent to the site entrance. The site is bounded to the rear by the Beachside residential estate.

2.0 Proposed Development

2.1. The proposed development includes for the following:

- Additional dwelling within existing housing estate (123.6m²).
- Revised site boundaries.

3.0 Planning Authority Decision

3.1. Split Decision

Decision to grant permission for revisions to the site boundaries and refuse permission for the additional dwelling.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the split decision and may be summarised as follows:

- The proposal to erect a dwelling on an area to be used as public open space is unacceptable re. public open space policy and contrary to condition 18 of history file.
- No objection to amending the site boundaries.

3.3. Prescribed Bodies

None requested.

3.4. **Third Party Observations**

Ten submissions were received from the adjoining neighbours and the issues are reflected in the grounds of appeal.

4.0 **Planning History**

PA Reg. Ref. 96/1512

Permission sought for 30 dwellings. Permission granted for 28 dwellings only. Condition 18 required the that area of the sewerage treatment plant to be open space following decommissioning of the sewerage treatment plant. Condition 21 related to open space areas which included both parts of the current appeal.

5.0 **Policy Context**

5.1. **Wexford County Council Development Plan 2016-2022**

5.2. Relevant Sections include: Section 18.14 Infill and Backland Sites in Towns and Villages and Section 18.10.4 Public Open Space.

5.3. Relevant objective: RS32: To avoid the loss of public and private recreational open space and facilities unless recreational facilities are provided in a suitable location.

5.4. **Courtown and Riverchapel Local Area Plan 2015-2021**

The site is zoned as 'Existing Residential' 'To protect and enhance the residential amenities of existing residential areas.'

9.7 Recreational, Amenity and Open Space Objectives – RS06 To avoid the loss of public and private recreational open space and facilities unless alternative recreational facilities are provided in a suitable location.

Section 11.6 Infill and Backland Development: Infill housing in existing residential areas and the village centre will be considered. Potential sites may range from a small gap infill, unused lands, side gardens of existing houses, to larger undeveloped sites.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal submitted by Seamount Management Company Ltd. may be summarised below:

- Concern regarding building in common areas and amendments to site boundary.

I note the Board Direction on file which states that 'while the appeal is somewhat poorly worded, it did raise material planning issues relating to the open space for this housing estate and in particular the issue of whether the area which is proposed to be incorporated into the adjoining B and B was, or was not part of the area to be maintained as communal open space pursuant to condition 21 of PA Reg. Ref. 96/1512.'

6.2. Planning Authority Response

The planning authority response can be summarised as follows:

The original permission has conditions 18 and 21 regarding protection of public open space. The proposed dwelling on the northeast portion of the site is located on designated public open space and is therefore not acceptable. The area to the south of the site was not designated as public open space and therefore has no planning status.

6.3. Observations

None.

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 Development
- Planning History and Development Plan Policy

- Appropriate Assessment

Principle of Development

- 7.2. The appeal site is zoned 'R' 'Existing Residential' 'To protect and enhance the residential amenity of existing residential areas.' The construction of an additional house would therefore be acceptable in principle subject to an assessment of the impact of the proposed development on residential amenity and compliance with other Development Plan policies and objectives and consideration of the planning history of the site. In relation to the amendments to the site boundaries, I note that the area proposed to be removed from the site and incorporated into the B and B, was conditioned as open space and there appears to be no subsequent planning history which has materially altered or revoked this condition.

Planning History and Development Plan Policy

- 7.3. Permission was granted for 28 dwellings on this site under PA Reg. Ref. 96/1512. Condition 21 states that 'the areas indicated as Landscaped Open Area, that area to the South of it and across the service road on drawing WD1 submitted to the Planning Authority on 19th of May, 1997 and the site of the treatment plant when it is decommissioned, shall be maintained as communal open space.' Condition 18 requires the treatment plant to be decommissioned and removed from the site when Courtown Main Drainage is commissioned and the site of the treatment plant to be used as public open space after it is removed.
- 7.4. It is proposed to locate the additional dwelling on the lands where the former treatment plant was located until it was decommissioned in 2012. Objective RS06 of the Courtown and Riverchapel Local Area Plan 2015- 2021 is as follows: To avoid the loss of public and private recreational open space and facilities unless alternative recreational facilities are provided in a suitable location. Objective RS32 of the County Development Plan is as follows: 'To avoid the loss of public and private recreational open space and facilities unless recreational facilities are provided in a suitable location.'

- 7.5. Whilst I do not have concerns in relation to the design or layout of the proposed dwelling, I consider that the use of designated public open space would materially contravene conditions Nos. 18 and 21 of PA Reg. Ref. 96/1512 and would be contrary to Objective RS06 of the current Local Area Plan and Objective RS32 of the County Development Plan.
- 7.6. The amendments to the site boundary relate to land adjacent to the B and B close to the turning area of the estate. This land is currently fenced off and overgrown and is between existing one off houses not associated with the estate and the turning area. Whilst it is not specifically labelled as open space, having examined the drawings on the history file and Condition 21, I am of the view that this area is also designated public open space having regard to its location south of the landscaped open area and across the service road on drawing WD1 submitted to the Planning Authority on the 19th of May, 1997. I note that this contradicts the Planning Authority Response to the appeal which states that ‘.....I have checked the approved public open per condition 21 on drawing WD1 submitted on 19/05/97 per planning ref. no.961512 and can confirm that the above is correct.’
- 7.7. Having regard to the location of the space on the site and proximity to dwellings, I consider that this area could be an attractive and useful public open space area if the fence around it was removed and the area was properly landscaped.
- 7.8. Having regard to the above, I consider that the proposals to amend the site boundaries and construct an additional dwelling on designated public open space would be contrary to both the County Development Plan and the Local Area Plan Objectives which resist the loss of public open space. In addition, the proposal would materially contravene conditions 18 and 21 of the history file on the site and set an undesirable precedent in terms of non-compliance with planning conditions.

Appropriate Assessment

- 7.9. Having regard to the nature and scale of the proposed development within a serviced urban area it is considered that no Appropriate Assessment issues arise and the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site.

8.0 Recommendation

9.0 I recommend that planning permission should be refused for the reasons and considerations set out below:

10.0 Reasons and Considerations

1. It is considered that the proposed development would materially contravene condition numbers 18 and 21 of Wexford County Council's decision under Register Reference 96/1512 which required that the site of the treatment plant shall be used as public open space after it is removed and the areas indicated as landscaped open area, that area south of it and across the service road on drawing WD1, submitted to the Planning Authority on 19th May, 1997 and the site of the treatment plant when it is decommissioned, shall be maintained as communal open space. The granting of permission for an additional dwelling and the amendments to the site boundaries to exclude public open space would set an undesirable precedent in terms of non-compliance with planning conditions and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development would be contrary to Objective RS06 of the Courtown and Riverchapel Local Area Plan 2015- 2021 and Objective RS32 of the Wexford County Council Development Plan 2013-2019 which require that the loss of public and private recreational open spaces are avoided unless alternative recreational facilities are provided in a suitable location. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Emer Doyle
Planning Inspector

26th April 2017