



An
Bord
Pleanála

Inspector's Report ABP 301548-18.

Development	Construction of 16 no. residential units. New entrance off public road, pedestrian crossing and all associated site works.
Location	Gorery Corporation Lands, Gorey Urban, Co. Wexford.
Planning Authority	Wexford County Council.
Planning Authority Reg. Ref.	20171040
Applicant	Tergivlon Ltd.
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellants	Grattan Court Residential Association
Observers	None
Date of Site Inspection	26/7/18
Inspector	Siobhan Carroll

1.0 Site Location and Description

- 1.1. The site of the proposed development is located to the south-west of the town of Gorey in County Wexford. It is located on the eastern side of the Carnew Road (R725) and circa 400m from the main street of the town. The surrounding area is predominately residential. There are cottages on both side of the Carnew Road to the east of the site close to the junction with McCurtain Street. There is some commercial development in the area including the premises of a Stone Mason to the south.
- 1.2. The site has an area of 0.45 hectares. It is bounded to the south by the Carnew Road (R725). The eastern boundary is not defined on site, it adjoins the site of a detached dwelling. The northern and western boundaries of the site adjoin Grattan Court housing estate. Grattan Court consists of a mix of detached and semi-detached dwellings. The site adjoins the access road to Grattan Court. The boundary at this location is formed by a wall and railings. The roadside boundary is formed by a hedgerow and number of trees. There is an agricultural gate to the north-west corner of the site.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of 16 no. residential units. Comprising;
- 6 no. two bedroom apartments,
 - 10. No. two-storey terraced dwellings,
 - New Vehicular entrance,
 - Ancillary works and connection to public services.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 20 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Report dated 19/9/17 – Further information sought in relation to the following; provision of adequate car parking, details of alternative surfacing for parking and estate road, proposals omitting pedestrian link with Grattan Park, proposals for a landscaping scheme including the retention of the existing semi-mature ash tree, Submit programme for removal, control and monitoring of Japanese knotweed on site, proposals to strengthen and protect the boundary wall with Grattan Court and details of the extent of any landfilling/dumping area on site.
- Report dated – Following the submission of further information the Planning Authority were satisfied with the details provided and permission was recommended.

3.2.2. Other Technical Reports

Chief Fire Officer – No objections

Senior Executive Scientist (Environment) – Further information sought in relation to provision of full details of preventative measures to be put in place to ensure that no wastewater from construction works enters groundwater. Details of silt and oil interceptors.

Disability Access Officer – Comment that a Disability Access Certificate is required for the apartment block.

3.3. Third Party Observations

- 3.3.1. The Planning Authority received a total of 23 no. submissions/observations in relation to the application. The main issues raised are similar to those set out in the appeal.

4.0 Planning History

None

5.0 Policy Context

5.1. Gorey Town and Environs Local Area Plan 2017 - 2023

5.2. The site is zoned 'Residential' with the objective "To protect and enhance the residential amenity of existing and developed communities and to provide for new residential development, associated residential services and community facilities."

5.3. Neighbourhood Framework Plans (NFPs)

The site is located within the area of the Town Centre Neighbourhood Framework Plan.

Key objectives for this NFP include:

2. To provide new local connections between key routes in the town centre.
6. To require the development of key sites using robust urban block structures, with a presumption in favour of a perimeter block typology.

There are a number of key development sites in the town centre totalling approximately 15 hectares.

5.4. Wexford County Development Plan 2013-2019

Chapter 3. Core Strategy

Section 11.2 Land Use Objectives

5.5. Project Ireland 2040 - National Planning Framework

The recently published National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives (Objectives 26 to 37) among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill

development schemes, area or site-based regeneration and increased building heights.

5.6. **Natural Heritage Designations**

- The Slaney River Valley Special Area of Conservation (Site Code: 000781) is approximately 2.5km west of the site.
- Kilpatrick Sandhills SAC (Site Code: 001742) is located circa 11km to the north-east.
- Cahore Marshes SPA (Site Code: 004143) is located circa 14.5km to the south-east.
- Cahore Polders and Dunes SAC (Site Code: 000700) is located approximately 14.5km to the south-east.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

A third party appeal was submitted by Grattan Court Residential Association. The main issues raised concern the following;

- The proposed three storey apartment building is considered out of character with the height of surrounding development. It is noted that the neighbouring development to the east is along Grattan Road is single storey with two-storey development to the west and at Grattan Court and Woodbury and Charlotte Grove.
- The appellants raised the matter of the site being previously used a dumping ground. The report submitted in response to the further information request from the Council regarding the matter of dumping on site found that some waste materials in the trial hole. The appellants consider that the trial holes were not dug sufficiently deep to a depth comparable with what would be required for piled foundations. It is also noted that the developer intends to eradicate the Japanese knotweed on site by excavating it. This would further

lower the ground level. The appellants are concerned that during excavation works that toxic gases would be released.

- The issue of Japanese knotweed on site is of particular concern. It is noted that it is an invasive and damaging plant. The appellants are not satisfied with the method statement provided regarding the treatment of the Japanese knotweed. The extent and depth of excavation required to in the excavation of the Japanese knotweed has been raised and its overall impact on the existing ground levels on site.
- The matter of additional traffic which would be generated by the development has been highlighted.
- The design and layout of the internal road within the scheme is raised in the appeal. The appellants do not consider the proposed road layout provides for satisfactory circulation and turning manoeuvres. This is raised as a potential traffic hazard.
- The suitability of the design and layout of the proposed car parking spaces is queried.
- It is suggested that the proposed development does not provide a variety of house types in accordance with the requirements of the Gorey Town and Environs Local Area Plan 2017-2023.
- It is requested that the Board overturn the decision to grant permission.

6.2. Applicant Response

A response to the third party appeal was submitted by Molloy Architecture and Design Studio on behalf of the applicant Tergivlon Ltd. The main issues raised concern the following;

- Regarding the proposed building height, it is stated that the existing built fabric of Gorey town centre consists of a mix of single, two-storey and three-storey buildings.

- It is highlighted that the Urban Design Guidelines and the Neighbourhood Framework for the area encourages a diverse range of building types and heights.
- The site lies close to the town centre and the development of three-storey units at this location provides for an efficient and economic use of residentially zoned lands.
- It is noted that the floor level of the proposed three-storey building would be significantly below that of the existing properties in Grattan Court. It is submitted in the response that the proposed three-storey building would not have a negative impact upon existing residential amenities.
- The appellants refer to the site previously being used as a dumping ground. Site investigation trial holes were dug on the site prior to the applicants purchasing the site and also during the application process. It was evident from those investigations that some pieces of concrete and brick were on site and also a very small amount of waste.
- The applicants confirm that the trial holes were dug far below the normal foundation level and therefore they consider there is no requirement for further investigations.
- The matter of potential toxic gas on site was raised in the appeal. It is stated in response, that such gases would only be found at landfill sites and that the soil was tested for contaminants and that the tests found no evidence of such contaminants.
- Regarding the issue of Japanese knotweed on the site, the submitted method statement for the removal of the knotweed was carried out by an experienced and suitably qualified professional.
- In relation to the matter of traffic generated by the proposed scheme, it is noted that the site is on land zoned for residential use and is within the lowest speed limit zone. Adequate sightlines are available at the entrance.
- The appellants stated that the turning areas within the scheme were insufficient. The applicants disagree with this statement.

- Regarding the proposed car parking, the applicants state that there is sufficient turning space to allow residents to turn within the development.
- The variety of house types in the scheme was raised. The two house types proposed are considered acceptable, given the limited scale of the development.
- The development complies with all Local Area Plan and County Development Plan standards. It represents a sensible and efficient use of zoned lands close to the town centre. It is respectfully requested that the Board uphold the decision of the Planning Authority and grant permission.

6.3. **Planning Authority Response**

- The content of the Planning Appeal lodged is noted. The Planning Authority have no further observations to make in relation to the application. All issues have been addressed in the Planner's Report.

7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal and it is considered that no other substantive issues arise. The issue of appropriate assessment screening also needs to be addressed. The issues can be dealt with under the following headings:

- Design and impact upon residential amenity
- Access and traffic
- Other issues
- Appropriate Assessment

7.1. **Design and impact upon residential amenity**

- 7.1.1. The proposal development provides for the construction of 16 no. dwelling units. The scheme comprises 10 no. three-bed terraced two-storey dwelling houses in three terrace blocks and 6 no. two-bed apartments in a three-storey block. The appellants expressed concern that the scheme did not provide an adequate mix of

house types. Section 2.3.7 of the Gorey Local Area Plan 2017-2023 refers to Housing Mix. It states that the Council encourages a mix of house types and that proposals for new residential schemes will be required to provide a diversity of house types in all proposals to meet the needs of various categories of households. Having regard to the limited scale of the proposal a total of 16 no. residential units and the fact that two separate house types are proposed which includes apartments and dwellings, I am satisfied that a sufficient mix of house types has been provided within the scheme.

- 7.1.2. In relation to the siting and design of the proposed scheme I note that the site is located within the area of the Town Centre Neighbourhood Framework Plan. Key objective no. 6 for this area requires the development of key sites using robust urban block structures, with a presumption in favour of a perimeter block typology.
- 7.1.3. The proposed apartment block is L-shaped and directly address the public domain i.e. the Carnew Road. It also addresses the proposed internal access road. A terrace of 3 no. dwellings is proposed to the south-eastern corner of the site and the front the properties address the public domain. The two other terraces of dwellings are located to the north and south of the internal access road and directly address that road. A public open space area is proposed to the north-western corner of the site. I consider the proposed layout and proposed positioning of the blocks on the site does provide for a perimeter block typology as specified in the Town Centre Neighbourhood Framework Plan.
- 7.1.4. Regarding the height of the proposed apartment block and potential visual impact of the proposed scheme on the surrounding area, I note that site is located opposite a commercial use, a stone masons. There are no dwellings directly opposite the site to the south. There is a large bungalow to the east of the site. The side of the bungalow is set back over 9m from the side of the closest proposed dwelling. The apartment building would be located over 50m from the bungalow.
- 7.1.5. A number of properties in Grattan Close adjoin the northern and western boundaries of the site. The site level is below that of the properties in Grattan Close. The proposed three-storey apartment building would be located a minimum distance of 22m from the closest property to the north-west. The side of the apartment building addresses the access road to Grattan Court and there is a separation distance of

24m between the apartment building and the side of the bungalow to the west. Having regard to the siting and design of the apartment building and relative separation distances to the existing dwellings to the west and north-west and having regard to the lower ground level of the site relative to the surrounding properties that the proposed scheme would not result in any undue overlooking of residential properties or appear visually obtrusive.

7.1.6. The appellants noted that to the south-east of the site there are single storey dwellings. This refers to the cottages on both side of the Carnew Road to the east of the site close to the junction with McCurtain Street. While, I note that there are no other three storey buildings in the immediate vicinity of the site, I am cognisant of the location of the site within the town centre framework plan area and the proximity of the site to Gorey Main Street. Furthermore, I consider the site is an appropriate location for a three-storey apartment building given the favourable differential in ground level with the existing adjoining housing which sits above the site. Accordingly, I consider that proposed design and layout is acceptable in this context.

7.2. **Access and Traffic**

7.2.1. The proposal entails the provision of a total of 16 no. residential units. It is proposed develop a single vehicular access off the Carnew Road (R725) to serve the scheme. The location of the proposed entrances is onto a section of the road where there is a wide bend. I note that the site is located within the 50kph speed limit area which would reduce the speed of vehicles travelling towards the entrance. Sightlines of 50m are available in both directions which is satisfactory at this town centre location.

7.2.2. The appellants have expressed concern at the level of additional traffic which would be generated by the proposed scheme. Having regard to relatively limited scale of the proposed development and the location of the site within the town centre area as set out in the framework plan, I would consider that the level of traffic likely to be generated by the proposed development to be modest in level and in keeping with existing traffic generated at this location. Furthermore, I am satisfied having regard to the details contain on file including the reports of the Planning Section and having inspected the site and road network in the vicinity I would consider that such is of sufficient capacity to deal with level of traffic likely to be generated by the proposed development.

- 7.2.3. Section 18.29.7 of the Wexford County Development Plan 2013-2019 refers to car parking standards. Table No. 39 sets out car parking requirements per land use. It is required under the Development Plan that a dwelling in a town centre location have a minimum of 1.5 no. car parking spaces. An apartment also requires 1.5 car parking spaces. Therefore, the proposed scheme would have a minimum requirement of 24 no. spaces. As indicated on the Site Layout Plan submitted to the Planning Authority on the 18th of March 2018 a total of 29 no. car parking spaces are proposed. Accordingly, I am satisfied that the provision is in accordance with the Development Plan requirements. In relation to the location and design of the car parking spaces, I am satisfied that they are positioned an appropriate distance from the site entrance and that road width between the car parking spaces to the front of the site is adequate to allow for safe access and turning manoeuvres.
- 7.2.4. Accordingly, I consider the proposed development is acceptable in terms of access and parking considerations.

7.3. **Other issues**

Japanese Knotweed

- 7.3.1. Japanese knotweed is a non-native invasive perennial species in Ireland. Since it was introduced as an ornamental plant in the 19th Century from Japan, it has spread across the UK and Ireland, particularly along watercourses, transport routes and infested waste areas. It produces underground stems with distinctive branched hollow, bamboo-like canes that can grow to over 3m in height.
- 7.3.2. It can also seriously damage buildings, hard surfaces and infrastructure, but usually only where there are existing weaknesses. Once established underneath or around the built environment, it can be particularly hard to control, growing through concrete and tarmac and other hardstandings if any cracks exist. The control of Japanese Knotweed growing on private property is the responsibility of the property owner.
- 7.3.3. In relation to the proposed development and the location of Japanese knotweed on site, I note that soils containing Japanese knotweed will need to be treated or disposed of appropriately. As part of the response to the further information request from the Planning Authority the applicant submitted a Survey and Method Statement prepared by Complete Weed Control, entitled – ‘Japanese Knotweed Survey,

Carnew Road Site Gorey'. I consider that the survey and method statement adequately address the matter of the removal of Japanese knotweed from the site. Should the Board decide to grant permission for the proposed scheme, I would recommend the attachment of a condition which requires that the Japanese Knotweed shall be removed from the site in accordance with the Method statement, prior to the commencement of development on site.

Potential dumping area on site

7.3.4. The applicants addressed the matter of a potential landfilling/dumping area on site in their further information response submitted to the Planning Authority. A report prepared by Dunbarr Lunn Civil and Structural Engineers concluded that no contaminants of concern were found on site. I consider this does satisfactorily address the matter.

7.4. Appropriate Assessment

7.4.1. The site is not on or in any Natura 2000 site. The nearest Natura 2000 site is the Slaney River Valley SAC. It is 2.5km west of the site, it is within a separate hydrological catchment and there are no pathways to the SAC. The site would be fully serviced by mains water supply and foul sewerage.

7.4.2. It is reasonable to conclude that, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Slaney River Valley SAC or any other Natura 2000 site in the wider area. A Stage 2 Appropriate Assessment is, therefore, not required.

8.0 Recommendation

8.1. I recommend that permission be granted.

9.0 Reasons and Considerations

Having regard to the residential zoning of the site, the location of the site within the Town Centre Framework Plan Area, to the pattern of development in the area, and to the design and scale of the proposal, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in the context of the visual amenities of the area, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance 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, as amended by the further plans and particulars submitted on the 16th day of March 2018, 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. Prior to the commencement of development on site, the Japanese Knotweed shall be removed from the site in accordance with the Method statement submitted to the Planning Authority on the 16th of March 2018.

Reason: In the interest of the control of invasive species.

3. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with

the detailed standards of the planning authority for such road works. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: In the interest of amenity and of traffic and pedestrian safety.

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only. The brick colour to be used shall be the same as that used in the adjoining residential area.

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. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

7. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the

planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

9. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be

referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

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

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation

provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Siobhan Carroll
Planning Inspector

29th August 2018