



An
Bord
Pleanála

Inspector's Report ABP.303038-18

Development	Permission for retention of an existing bin store.
Location	Redmond Cove, Redmond Road, Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20180833
Applicant(s)	Redmond Cove Apartment Management Company CLG
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Robert & Margaret Smart
Observer(s)	None
Date of Site Inspection	7 th February 2019
Inspector	Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The appeal site is located in Wexford town situated to the west of the train station and the town centre.
- 1.2. Redmond Cove is a residential development comprising of both houses and apartments. Some of the apartments, situated to the front, overlook Redmond Road (R703), the railway line and the Wexford Harbour.
- 1.3. No. 4 Redmond Cove is a detached house situated to the front of the development and also overlooks Redmond Road.
- 1.4. The appeal site is a bin storage area situated to rear of the back garden serving no. 4 Redmond Cove.
- 1.5. The bin storage is enclosed and roofed. A locked door provides access to the bin storage enclosure and the enclosure is ventilated with two window opes. The windows openings are protected with security railings.
- 1.6. There is a vacant site situated to the immediate east of the no. 4 Redmond Cove and the appeal site.

2.0 Proposed Development

- 2.1. The proposed development is for (a) retention of the existing bin storage and (b) permission to remove the roof of the bin store.
- 2.2. The floor area of the bin storage area is 15 sq. metres and it is accessed by a single access door.

3.0 Planning Authority Decision

- 3.1. Wexford County Council decided to **grant** planning permission subject to 3 no. conditions. The conditions are standard for the nature of the proposed development.

3.2. Planning Authority Reports

- 3.2.1. The main issues raised in the planner's report are as follows;

Area Planner

- The proposal will improve the general appearance of the bin storage area.
- Proposed development is acceptable subject to noise and odour conditions.

3.3. **Internal Reports;**

- Area Engineer; - No objections.
- Chief Fire Officer; - No objections.

3.4. **Third Party Observations**

There is one third party submission and the issues raised have been noted and considered. The issues raised are similar to those issues raised in the third-party appeal.

4.0 **Planning History**

- No relevant planning history.

5.0 **Policy Context**

5.1. **Town Development Plan**

5.1.1. The operational Development Plan is the Wexford Town and Environs Development Plan, 2009 – 2015 (as extended). The appeal site is zoned 'Town Centre'.

5.1.2. Section 11.08.16 sets out guidance in relation to refuse storage.

6.0 The Appeal

6.1. The following is the summary of a third-party appeal submitted by Robert Smart & Mrs. Mags Smart;

Fire Safety

- The court case 'County Wexford Circuit Record No. 2015/00190' demonstrates the fire hazard associated with the bin storage area and the extent of fire damage including structural damage.
- The report from the Chief Fire Officer indicated no objection to the proposed development. However, it is questioned whether the Fire Dept. is aware of the recent fire event and the subsequent court case.
- The appellants are concerned that the planning decision was determined without proper consideration of the circuit court and the total disregard for remediation that is required to the party wall.

Impartially of the Decision

- It is contended that the original permission was granted in error without any bin storage.
- It is submitted that there was no bin storage in the original permission for the apartments and this may have influenced the grant of permission in relation to 2018/0833.
- The current location for the proposed bin storage is some distance from the apartments.

Size & Capacity of the Bin Store

- It is estimated that there are 50 residents within the apartment development.
- The estimation of 50 persons is based on household sizes of 1.39 persons.

- However, the 2016 Census recorded an average household size of 2.75. Therefore, the more accurate estimation for the apartment development is 99 persons.

Design of Bin Store

- The recommended bin storage capacity is 1,100 litres to be provided for 15 no. persons.
- It is submitted that the floor layout drawing illustrates that the bin storage area is cramped.
- The Dept. of Housing, Planning and Local Government have published guidelines for design and operation of bin storage facilities.
- The proposed design is cramped in nature and would be virtually impossible for a person with disabilities to navigate.
- The proposal has no provision for the drawing for water supply for washing / disinfecting purposes and would be impossible to establish fire-fighting equipment in such a confined space.
- It is contended that should the bin storage be designed to a meet a population usage of 99 persons then some 6 no. to 7 no. 1100 litre bins would be required. This is not feasible within the confined space.

7.0 Responses

7.1. The following is the summary of a **first party** response;

Lack of fire safety input

- It is submitted that the fire issue was resolved at the courts and is therefore not a planning issue.
- The appellant received a financial compensation.
- It is contended that the Local Authority Fire Dept. would have reviewed the submitted planning drawings.

- The circuit court proceedings are not a material consideration in planning.
- The Chief Fire Officer has no objection to the proposed development.
- There is therefore no scope to question the input of the Fire Officer.

Impartiality of the decision

- It is submitted that the Local Authority were not influenced by a previous decision.
- The Local Authority assessment was based on proper planning and sustainable development.
- A bin store was provided in the current location as it is the most viable and suitable location.
- An arson attack resulted in the need for the subject retention application.
- The subject application has been suitably assessed by the planning department.

Size and Capacity of the bin store

- A survey was undertaken to identify the number of residents.
- Of the 36 apartments surveyed, one was recorded as a holiday home and two recorded no answer.
- A total of 17 (35%) are currently occupied.
- Given the town centre location the apartments are generally occupied by working professionals or retirees. The maximum occupancy for an apartment was 2 persons.
- Figures for average household size are not relevant in this instance.

Design of bin stores

- The maximum occupancy of Redmond Cover apartments is 72 (based on two-person occupancy).
- The Dublin City Waste Management Plan recommends 1100 L bin per 15 persons. This equates to about 73 L per person.
- The proposed development would therefore require 4,880 L (73 L x 72 person).
- The provision of waste storage is 5,256 L. It is submitted that this is acceptable.
- The proposed bin storage has a population provision of 67 people.
- It is submitted that there has never being a capacity issue in the 20-year history of the development.
- The collection service provides one weekly collection.
- In an unlikely event that capacity becomes an issue an additional collection can be facilitated.
- A total of 4 no. 1100 L bins are provided which can cater for 60 persons. The current population of the apartment development is 50 people. In addition, two 240 L bins are provided.
- A total of 6 no. bin spaces are provided to accommodate segregation of waste.
- The bin storage is located at ground level and is accessible for all occupants.
- In terms of cleansing an existing tap for washing and an existing floor drain are indicated the submitted drawings.

7.2. The local authority submitted a response stating that they had no further comments.

7.3. The following is the summary of a **third-party** response;

Lack of Fire Safety / Impartiality of Planning Decision

- It is questionable whether the full planning file was submitted to the Fire Department for comment.
- It is submitted that there was an error in the original planning decision to grant permission without bin storage facilities.

Size and Capacity

- It is submitted that the applicant's design of the bin storage is based on current occupancy rates rather than actual occupancy rates.
- It is not logical that the occupancy rate of this apartment development will always be 35%.
- It is submitted that the apartment units are generously sized relative to the Sustainable Urban Housing: Design Standards for New Apartments (2018) and would could accommodate family occupants.
- It is contended that based on the size of the bin storage and having regard to a conservative occupancy rate rather than actual capacity it is likely to result in the bin store becoming overfull and redundant.

Design of Bin Store

- It is evident from the applicant's submission that there is a provision for 4,880 bin storage however there is a requirement for 5,256 litres based on 72-person occupancy.
- This provision is low for both current occupancy rates and actual occupancy rates.

Sustainable Urban Housing: Design Standards for New Apartments (2018)

- It is contended that bin storage should be based on Sections 4.8 and 4.9 of the planning guidelines.

8.0 Assessment

The main issues for consideration are as follows;

- Bin Storage Capacity
- Impacts on Established Residential Amenities
- EIA Screening
- AA Screening
- Other Issues

8.1. **Bin Storage Capacity**

- 8.1.1. I would acknowledge that both the first party and the third party submit counter arguments in relation to the required bin storage provision for the existing apartment development.
- 8.1.2. Section 11.08.16 of the Wexford Town Development Plan, 2009 – 2015, outlines that proposals for residential development must provide adequate storage space for bins if external access to rear gardens is not proposed. This would also apply to apartments.
- 8.1.3. I have reviewed Section 4.8 and Section 4.9 'Refuse Storage' of the Sustainable Urban Housing: Design Standards for new Apartments, Guidelines for Planning Authorities, 2018'. The following guidance is offered;
- Sufficient communal storage to accommodate the 3-bin system
 - Consideration for waste collection for plastic and glass
 - Waste storage areas must be adequately ventilated
 - Appropriate access for waste collectors.
 - Appropriate access for disabled users

- Storage facilities shall present no safety risks to users and shall be well-lit
- Waste storage facility shall not be located on the public street
- Appropriate visual screening shall be provided
- Waste storage in basement car parks shall not be provided
- Capacity for washing down waste storage areas with wastewater discharging to sewers.

8.1.4. The apartment development in question comprises of 36 no. apartments and the total waste provision is approximately 4,880 L. This would, in my view, comfortably accommodate 72 persons.

8.1.5. I would consider based on a visual observation of the area and the submitted plans that the design of the bin storage area would be in accordance with Section 4.8 and Section 4.9 'Refuse Storage' of the Sustainable Urban Housing: Design Standards for new Apartments, Guidelines for Planning Authorities, 2018.

8.2. **Impact on Established Residential Amenities**

8.2.1. The appellant's property is located to the immediate north of the bin storage development to be retained. The appellant's rear garden wall is a party wall with the bin storage area.

8.2.2. I would consider that there are two primary concerns in relation to the subject development for residential amenities. The two concerns in my view relate to noise and odours.

8.2.3. Noise may occur at the time of the bin collection however this is likely to be a once weekly event and the bin collection would be completed within a relatively short time period. Noise may also occur when residents are transferring their individual waste

to the waste storage facility. It is possible that the noise from the individual waste transfer might be more frequent.

8.2.4. In relation to odours the waste storage is largely concealed apart from the access door and window opens and therefore, it is my view and based on the scale of the waste storage facility, that odours are likely to dissipate.

8.2.5. I would conclude that the proposed development would not unduly impact on residential amenities.

8.3. **EIA Screening**

8.3.1. Based on the information on the file, which I consider adequate to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

8.4. **Appropriate Assessment**

8.4.1. Having regard to the nature and scale of the development proposed, to the nature of the receiving environment and the likely effluents arising from the proposed development I recommend that no appropriate assessment issues arise.

8.5. **Other Issues**

8.5.1. The appellant refers to a circuit court case and requests that the Board have regard to this judgement. However, I would consider that it is important to note Section 34(13) of the Planning and Development Act 2006, which states '*A person shall not be entitled solely by reason of permission under this section to carry out any development*'. Therefore, if planning permission were obtained, the applicant must ensure that the proposal complies with the above legislation separately.

9.0 Recommendation

- 9.1. I have read the submissions on the file, visited the site, had due regard to the Wexford Town and Environs Development Plan, 2009 – 2015 (as extended) and all other matters arising. I recommend that planning permission be retained and granted for the reasons set out below.

REASONS AND CONSIDERATIONS

Having regard to the zoning of the site as set out in the Wexford Town and Environs Development Plan, 2009 – 2015 (as extended), and the extent of the development, it is considered that subject to compliance with conditions set out below, the development proposed to be retained and carried out would not seriously injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained and carried out 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 noise level shall not exceed 55 dB(A) rated sound level, as measured at the nearest dwelling. Procedures for the purpose of determining compliance

with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the amenities of property in the vicinity of the site.

3. The applicant shall ensure that all operations on-site shall be carried out in a manner such that air emissions and / or odours do not result in significant impairment of, or significant interference with amenities or the environment beyond the bin store area.

Reason: In order to ensure a satisfactory standard of development and in the interests of residential amenity.

Kenneth Moloney
Planning Inspector
11th February 2019