



An
Bord
Pleanála

Inspector's Report ABP.303053-18

Development	Mixed use town centre development 8-storeys.
Location	Commercial Quay, Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20180589
Applicant(s)	CoAnt Entertainments Ltd
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	John White, John Molloy
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 fronting onto Commercial Quay, Wexford town, on a landmark site in the centre of the town.
- 1.2. Commercial Quay is situated on the western side of the River Slaney and is located adjacent to Wexford Bridge.
- 1.3. The appeal site also has a frontage onto Charlotte Quay and a small frontage from a single building onto Main Street North. The rear elevations of a number of commercial properties currently face towards the appeal site.
- 1.4. The size of the appeal site is 0.3122 ha (0.77 acres) and the shape of the subject site is irregular.
- 1.5. The appeal site is currently used as a pay and display surface car park. There is a depot style building on the appeal site which has a height of approximately 2-storeys.
- 1.6. There is billboard signage situated to the front of the appeal site.
- 1.7. There are 2 no. period properties, both facing onto Commercial Quay, located to the immediate south of the appeal site. These buildings are three-storey in height.
- 1.8. The front building line of the depot style building is situated behind the front building line of the 2 no. period properties.
- 1.9. The gradient of the appeal site slopes gently downwards from the front of the subject adjoining Commercial Quay to the rear of the site.
- 1.10. Charlotte Quay which is situated to the immediate south of the appeal site is a narrow street with building heights of generally 3 storeys.
- 1.11. Main Street North has a traditional curving street pattern.

2.0 Proposed Development

- 2.1. The proposed development is a mixed-use development comprising of basement car parking provision, ground floor retail, hotel use and apartments in the upper floors.
- 2.2. It is proposed to demolish 4 no. buildings on the appeal site and construct a 8-storey building to accommodate the proposed mixed-use development.
- 2.3. The 4 no. buildings proposed for demolition include the following;

Building	Building Type	Floor Area
<u>A</u> – Building facing onto Commercial Quay	2-storey depot type structure	471 sq. m.
<u>B</u> – Building facing onto Charlotte St.	2-storey building	309 sq. m.
<u>C</u> - Building facing onto Charlotte St.	2-storey building	143 sq. m.
<u>D</u> - Building facing onto Main Street North	3-storey building with attic conversion	144 sq. m.

- 2.4. The total no. of car parking provision is 155 no. spaces and this includes accessible car parking spaces. The proposal includes a ramped vehicular entrance onto Commercial Quay.
- 2.5. The proposal provides for approximately 1,725 sq. metres of retail provision at ground floor level.
- 2.6. The proposed hotel foyer is situated at ground floor level and provides access to the upper floors where hotel facilities are provided including restaurant, bar lounge, kitchen, function room, gym, meeting rooms and ancillary facilities.
- 2.7. The proposed hotel includes 135 no. bedrooms located over the second, third and first floor.
- 2.8. The proposal includes 9 no. apartments on the fifth, sixth and seventh floors, i.e. 3 no. apartments per floor.
- 2.9. The proposed development is 6 no. storeys in height facing onto Charlotte Street. The proposed elevation onto Charlotte Quay includes balconies serving the hotel bedrooms.
- 2.10. The proposed elevation onto North Main Street is similar height to a 3-storey building and includes a pedestrian arch with access to the proposed development. This provides pedestrian permeability between Commercial Quay and North Main Street.
- 2.11. The top 3 no. floors of the proposed building facing onto Commercial Quay is set back from the main elevation.

2.12. The front elevation, facing onto Commercial Quay, includes 2 no. anodised aluminium perforated finish. This finish replicates a sail.

Additional information was sought for the following;

1. Cross section drawings and the relationship of the proposed development to the properties on north Main Street.
2. A ground condition survey to identify whether the site is contaminated.
3. Construction management plan screened for AA.
4. Revised plans for the location of the proposed loading bay.
5. Proposals to address recommendations of Road Safety Audit
6. Revised plans required for pedestrian and vehicular access

3.0 **Planning Authority Decision**

Wexford County Council decided to **grant** planning permission subject to 14 no. conditions. The conditions are standard for the nature of development proposed.

3.1. **Planning Authority Reports**

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

Area Planner

- The zoning of the proposed development permits the development in principle.
- The proposed design will ensure that the medieval street pattern is retained and will reflect the shape and form of the surrounding buildings.
- Scale and massing will have a positive impact on the Quays.
- The proposal would not break the skyline owing to the topography of the surrounding area.
- The proposal would make a positive economic contribution to the town.

- The works to the site of no. 84 North Main Street would have an impact on the ACA. However, the proposal would retain street frontage and ensure protection of the street pattern.
- Positive accessibility for all proposals.
- Additional flood protection measures in the building will be required for an extreme event.

3.2. Internal Reports;

- Environment; - Recommend to grant permission subject to conditions.
- Roads, Transportation, Water Services, Health and Safety – Additional information sought in accordance with report from District Engineer.
- District Engineer; - Additional information sought in relation to (a) loading bay, (b) Stage 1 Road Safety Audit, (c) road markings, (d) surface water attenuation, (e) construction management plan.

3.3. Third Party Observations

There are 7 no. third party submissions on the file and the issues raised include the following;

- Scale
- Flooding
- Blocking of right of way.
- Restricting the right to light.
- Excavations 6m below ground levels are a concern.
- It is requested that the height along Charlotte Quay should be reviewed. The overall proposed height is 21.575m which is approx. 13 m higher.
- Loss of light / overlooking / overshadowing.

- Clarification sought whether the intended retail use is for comparison or convenience retail.

Submissions

There is a submission from the Department of Culture, Heritage and the Gaeltacht who recommend archaeological conditions should permission be granted.

4.0 Planning History

- L.A. Ref. 5594 – Permission **refused** on the 23rd March 2001 to retain indefinitely the change of use from service station, shop unit and associated hardstanding to builder's providers and retain signage and security fence. Permission refused by An Bord Pleanala.
- L.A. Ref. 5690 – Permission **granted** on the 20th March 2002 to retain indefinitely a 2.4m high rendered block wall as constructed to date and permission to complete.
- L.A. Ref. 6151 – Permission **granted** on the 2nd February 2006 for a temporary 3-year permission for the change of use from existing storage to banking retail premises.

Adjoining Site

- L.A. Ref. 2018/0141 – Permission for demolition of existing live music venue / licensed premises and construction of new live music venue / licence together with minor alterations at 17 Commercial Quay, Wexford. An Bord Pleanala (appeal ref. 301819) **granted** permission

4.1. Development Plan

- 4.1.1. Wexford Town and Environs Development Plan, 2009 – 2015 (extended to 2019), is the operational Development Plan.

- 4.1.2. In accordance with the Town Plan the appeal site is zoned 'Town Centre'. The objective for this land-use zoning is *'to protect and enhance the special physical and social character of the existing Town Centre and to provide for new and improved Town Centre facilities and uses'*.
- 4.1.3. Chapter 10 offers design guidance and the following is relevant;
- 10.4 Landmark Building
 - 10.5 Gateway Buildings
 - 10.6 Tall Buildings
- 4.1.4. In accordance with the County Development Plan the appeal site is identified as acceptable for a mixture of uses and it is acknowledged that the site could significantly enhance the core retail area of the town centre.
- 4.1.5. The appeal site is located within Masterplan area no. 13.

5.0 National Policy

5.1. National Planning Framework, 2018

- 5.1.1. The recently published National Planning Framework, 2018 – 2040, recommends compact and sustainable towns / cities, brownfield development and densification of urban sites and policy objective NPO 35 recommends increasing residential density in settlements including infill development schemes and increasing building heights.

Some other relevant policies from the NPF include the following;

- NPO 6 – Regenerate / rejuvenate cities, towns and villages
- NPO 8 – Targeted population growth in Ireland's 5 cities
- NOP 13 – Relax car parking / building heights to achieve well-designed high-quality outcomes

5.2. **Sustainable Residential Development in Urban Areas, 2009**

- 5.2.1. The Guidelines promote higher densities in appropriate locations. A series of urban design criteria is set out, for the consideration of planning applications and appeals. Quantitative and qualitative standards for public open space are recommended. In general, increased densities are to be encouraged on residentially zoned lands, particularly city and town centres, significant 'brownfield' sites within city and town centres, close to public transport corridors, infill development at inner suburban locations, institutional lands and outer suburban/greenfield sites. Higher densities must be accompanied in all cases by high qualitative standards of design and layout. Chapter 6 sets out guidance for residential development in small towns and villages. Appendix A of this document sets out guidance for measuring residential density.

5.3. **Sustainable Urban Housing: Design Standards for New Apartments, Dec. 2018**

- 5.3.1. These guidelines provide recommended guidance for internal design standards, storage areas and communal facilities, private open spaces and balconies, overall design issues and recommended minimum floor areas and standards.

5.4. **Urban Development and Building Heights, Guidelines for Planning Authorities, 2018,**

- 5.4.1. Section 3.2 sets out the Development Management Criteria

The applicant shall satisfy the Planning Authority or An Bord Pleanála that the proposal satisfies the following;

- Site is well served by public transport
- The proposal should successfully integrate into / enhance the character of the public realm of the area including architecturally sensitive areas
- Proposals should make a positive contribution to place-making

6.0 The Appeal

6.1. The following is the summary of a third-party appeal submitted by **John White**.

Loss of Light

- The appellant's property enjoys light from windows facing east.
- The light will be significantly impacted upon.
- The proposed developments raises some 20m above the eaves of the appellant's property.
- This negative impact has not been adequately assessed.

Impact of dewatering

- It is submitted that the impact of dewatering has not been adequately considered given the poor ground conditions.
- It is submitted that the proposed dewatering will mostly likely carry fines from the ground supporting adjacent structure.

Traffic Assessment

- The traffic assessment has not considered the optimum location for the access to the basement parking levels.
- The proposed access is located onto an already complex junction.
- The traffic assessment does not address the concerns of the Roads & Transportation Section from the Local Authority.
- The Traffic assessments ignores the current exit onto Charlotte Street.
- An additional phase of traffic lights, as proposed, will only compound traffic concerns.

- It is contended that the problem 3.1 in the Road Safety Audit implies an additional phase on junction capacity however this does not appear to be modelled.

Flood Risk

- The flood event in 2004 would flood the proposed basement car park causing significant damage to vehicles and persons present in the basement. The mitigation measures are inadequate.
- It is submitted that flood events in Wexford Harbour are unpredictable which overtime could lead to barriers not being placed over access points.
- It is submitted that the retail units at ground floor level are likely to be uninsurable.
- It is contended that the raising of the ground floor levels has been given little consideration despite mandatory requirement of the Development Plan to provide a freeboard of 300mm above flood levels.

6.2. The following is the summary of a third-party appeal submitted by **John Molloy**.

- The proposed design is incompatible with the landmark location, the maritime setting and the existing streetscape.

Traffic Congestion

- It is submitted that the adjacent junction cannot accommodate any further traffic.
- The proposed development will result in further traffic congestion at a busy location. There are currently 30-minute delays entering Wexford town on the opposite side of the bridge when entering the town at peak times.
- The RNLI have an access onto this junction and this is required in times of emergency.

- Photographs are included for a set down area and goods inwards for Whites Hotel. It is contended that there is no comparable area for the proposed hotel.

Flood Risk

- The site has previously flooded.
- It is submitted that due to climate change flooding will be more regular in the future.
- The underground car park of the nearby Super Valu was flooded in the past.
- It is submitted that during a flood event that emergency lighting may not work.
- The ground floor level of the proposed hotel is 1.55m OD which allows for a safety factor of 0.5m above previous flood levels and it is questioned whether this is adequate for climate change.
- It is submitted that a significant amount dewatering will require the disposal of contaminated water. The water will become contaminated due to groundwater comprising of fine solids and organic material.
- It is questioned where the large quantity of water as a result of de-watering will be disposed to.

Fire Fighting

- It is submitted that the fire fighters would not have the equipment to the fight a fire on a 10-storey building.

Water proofing of car park

- There is a requirement in the planning permission to ensure that the planning permission is water proof.
- If the structure is not water proof it will increase the risk of flooding.
- The construction of a water proof structure in a flood plain would require a highly experienced design and civil engineering construction team.

Grease traps

- There is no evidence of the provision of a suitably sized grease traps to provide for the proposed commercial kitchen.

Swept Analysis

- It is submitted that there is no evidence of a swept analysis for multiple coach movements at the hotel.

Other Issues

- Any surface water at basement level will be below the levels of the sewer and there is no evidence of pumping arrangements.
- There is no evidence of petrol interceptors for the underground car parks.
- In relation to condition no. 4 it is submitted that the condition should require that the junction improvements are carried out prior to or coincide with the proposed construction of the hotel.
- It is submitted that it would not be possible to implement condition no. 11 as the actions are very loose.
- It is submitted that condition no. 12 is not sufficiently robust.
- No indemnity was offered to the Local Authority in event of flooding.
- It is submitted that a habitats directive assessment is required as there is an SAC nearby.
- There is no evidence of a detailed comprehensive construction management plan to deal with the large number of construction vehicles required to service the site. It is estimated that approximately 18,000m³ of contaminated spoil must be moved off the site.

7.0 Responses

Second Party Response

The Local Authority submitted a response which is summarised as follows;

- The site is zoned town centre and the proposal would bring into use an underutilised brownfield site.
- The proposed development would add to the viability of the town.
- The design is a very high standard and reflects the prominence of the location on Wexford Quays at the junction of Wexford Bridge.
- The height and contemporary design represents the need to create a strong landmark building on the Quay front.

First Party Response

The following is the summary of a response submitted by the first party;

- It is submitted that there was an appeal (ABP Ref. 301819/18) on the adjoining site and large number of issues relevant to the current appeal were previously addressed.

Molloy Appeal

- It is submitted that the appellant has no objections to a development on this landmark site.
- It is considered that the appellant's concern requests that the site is properly engineered to make proper use of the brownfield site.
- It is submitted that a pre-planning application with the relevant departments of the local authority dealt with issues such as setting, location, engineering and architectural treatment for the site.
- It is submitted that potential flood risk arises in all coastal cities in Ireland including docklands SDZ, Cork city centre docks, Galway, Limerick etc.

Proposed Design

- The National Planning Framework and government policy promotes development of brown field sites.
- The National Planning Framework encourages building upwards and not outwards.
- Previous limits on building height are not now as applicable.

Traffic Congestion

- The appeal site is a town centre site located near good public transportation.
- Traffic congestion is dealt with by a traffic management scheme that is being prepared by the Local Authority. This is further dealt with by the submission from Roughan O'Donovan Consulting Engineers.
- It is submitted that the proposal will not add to traffic entering the town from the Ardavan direction as there is a several ways in entering Wexford town via the N11.

Building on a Flood Plain

- The National Flood Risk Management Guidelines acknowledge that almost every city in Ireland is located on river estuaries or beside the sea.
- There is no national policy advise to avoid building in these cities.
- The National Planning Framework advocates development within all our major cities and towns including those located in estuaries and seaside locations.
- The submission from Muir Associates, Engineers, deals with early warning systems with flood risks.

Dewatering

- It is proposed to use secant piles to form the perimeter of the basement wall.

- The piles will be inserted before the commencement of the basement excavations.
- Testing has indicated that the depth of the rock heads are between 11.5m and 13.6m below existing ground level.
- The secant pile will be constructed by drilling overlapped concrete piles which will penetrate through the water bearing overburden and seal into the rock head below.
- Any subsequent dewatering will take place in accordance with regulatory requirements.

Flood Protection

- A site-specific flood risk assessment was submitted with the application and this was undertaken in accordance with the Flood Risk Guidelines.
- The applicant also intends to prepare a detailed Flood Emergency Plan.

Water Proofing of Basement Car Park

- All basement walls and ground floor construction up to 2m OD will be designed to be flood resistant.
- Flood resistance is the process of preventing flood waters from entering buildings and spaces.
- A water proof basement will be constructed.

Construction Traffic

- Construction traffic will be the subject of a construction management plan.

Non-planning code issues

- The planning appeal included a range of issues that are not relevant to the planning code. This includes;

- Fire fighting
- Ensurance that ground floor car park is waterproof
- No evidence of grease traps
- Drainage for underground car park
- No evidence for petrol interceptors for underground car parks

Other Issues

- It is contended that the submitted engineering response reports has dealt with construction of basement, swept path analysis for vehicles, drainage for underground car parks, provision of petrol interceptors.

Condition no. 4

- It is submitted that condition no. 4 is a specific development contribution condition that relates to specific infrastructure upgrade that will benefit the proposed development.
- The infrastructure upgrade the subject of this condition will not only benefit the proposed development but also the local area.

Condition no. 11

- It is submitted that enforcement is the remedy for non-compliance.
- Action in relation to unreasonable noise nuisance noise generation in urban areas is taken under the environmental health legislation not the planning code.

Condition no. 12

- Condition no. 12 relates to dust emissions and is a standard condition.
- Control of these emissions is provided under the Environmental Health legislation, not the planning code.

Supply of tourism in Wexford

- This is a strong demand for tourism related accommodation in Wexford.

White Appeal

- Issues in relation to dewatering, construction management, flood protection and traffic are dealt with in the appeal response to the Molloy appeal and also in the engineering reports.
- In relation to loss of light to no. 86 Main Street it is contended that this property is in use for dental manufacturing products and all the specialist work is conducted under artificial light.
- There is no loss of light to any residential accommodation within this property.
- This matter was addressed in a response to the additional information request.

8.0 **Assessment**

- Principle of Development
- Visual Impact / Architectural Character
- Proposed Residential Amenity
- Impact on Adjoining Residential Amenities
- Flood Risk
- Traffic / Access
- Appropriate Assessment Screening
- EIA Screening
- Site Excavations
- Conditions

8.1. **Principle of Development**

- 8.1.1. The appeal site is zoned 'town centre' in accordance with the provisions of the Wexford Town and Environs Development Plan, 2009 – 2015 (as extended). The proposed development includes the following uses;
- Retail (double ground floor)
 - Hotel (first floor to fourth floor)
 - Residential (fifth to seventh floor)
- 8.1.2. The proposed uses, having regard to Section 11.02 Land-Use Zoning and Section 11.03 Zoning Matrix Table of the Wexford Town and Environs Development Plan, 2009-2015 (extended to 2019), are all permitted in principle within the zoning objective of 'Town Centre'.
- 8.1.3. The National Planning Framework, 2018, (NPF) recommends compact and sustainable towns / cities, brownfield development and densification of urban sites. The themes of compact and sustainable development are reinforced by policy objective NPO 35 from the NPF as this policy objective recommends increasing residential density in settlements including infill development schemes and increasing building heights. The proposed development includes 9 no. residential units within a development with higher building heights than the prevailing building height.
- 8.1.4. The Urban Development and Building Heights, Guidelines for Planning Authorities, 2018, states it is national policy that building heights must be generally increased in appropriate locations. A key component of these guidelines is whether the proposal positively assists the National Planning Framework objectives. Paragraph 3.2 sets out development management criteria for considering taller buildings and this includes;

- Proximity to quality public transportation routes
- Architecturally successfully integrating to enhance local character
- A positive contribution to place making

The height and scale of the proposed building is a departure from the established scale and height and this is therefore a significant consideration for the Board. The proposed development, which is an 8-storey building is equivalent to a 10-storey building as the proposal includes two double height floors at ground and first floor respectively. The location of the appeal site offers an opportunity for a taller building given the town centre location and the proximity of the proposed development to the train station and public transport.

8.1.5. I would acknowledge that both the Planning Authority and the applicant make a strong economic case in support of the proposed development. The submission from the applicant outlines the strong demand for hotel bed spaces in county Wexford and the Local Authority report notes the positive impact that the proposal would have on the local economy. I would generally concur with the economic case for the proposed development.

8.1.6. Overall, I would conclude that in general the use of the proposed development is acceptable in principle however, given the prominence of the location and the height and scale proposed, impacts on established neighbouring amenities, traffic and flood risk concerns, architectural character and heritage would need to be addressed.

8.2. **Visual Impact / Architectural Character**

8.2.1. The significant issue in this appeal is the architectural character of the proposed development and the visual impact that the proposal will have on the immediate streetscape and on the architectural heritage and as such the character of Wexford Town. I would acknowledge, separate to the architectural character and design

considerations, that there are strong economic arguments for the proposed development in terms employment gains and also in terms of stimulation of the local economy. However the impact that the proposed development will have on the character of Wexford town, in this subsection, will be considered solely on its own merits.

8.2.2. The context of the appeal site is significant to any consideration. The appeal site is located adjacent to Wexford bridge on Commercial Quay and is essentially a landmark / gateway site to the town. The site is currently used as a surface car park and given its town centre location, with good proximity to public transportation networks, and national planning policy, which promotes higher densities / higher building heights in town centre brownfield sites it can be reasonably concluded that the appeal site is underutilised and planning policy would be favourable to the redevelopment of the site.

8.2.3. The appeal site is located adjacent to the River Slaney and there is a relatively new pedestrianised promenade situated on the opposite side of the public road from the appeal site. The appeal site is also located immediately east of Main Street, which is the primary retail street in the town. Main Street is narrow, in its width, and it has a traditional curving street pattern with traditional plot sizes with an average of 3 – 4 storey building heights enclosing the street. The town centre has a very clear structure, which is focussed on a spine in the form of the Main Street made up of attractive small-scale plots. The Main Street is designated an Architectural Conservation Area in accordance with the provisions of the Development Plan. The prevailing building height in the immediate context of the appeal site, is generally 3 – 4 storeys, including along the Quays

8.2.4. The project architect sets out, in the submitted documentation, an architectural statement in favour of the design rationale, for the proposed development. In summary the architectural statement considered that the proposal will;

- help balance the building height along the quays with higher buildings further south along the quays,

- provide an opportunity to connect the main street to Commercial Quay.
- reflect Wexford's sailing activity/ history

8.2.5. The Local Authority in their assessment concluded that the proposed development will have a significant positive impact on the Quays. The planner's report acknowledges that the subject site has been underutilised for significant periods in the past, and is a prominent development opportunity. The report accepts that the site needs the highest standard of architectural response to create a new landmark building that helps to shape the town and the report concludes that the proposal would meet these requirements. The report also considers that the proposal would not negatively break the skyline due to the topography of the surrounding area.

8.2.6. In terms of policy considerations, I would have regard Chapter 10 'Design Guidance' of the Town County Development Plan, which sets out guidance in relation to Landmark Buildings (Section 10.4) and Gateway Buildings (Section 10.5). In terms of national policy, I would have regard to the Urban Development and Building Heights, Guidelines for Planning Authorities, 2018.

8.2.7. Having regard to the 'Design Guidance' as set out in Chapter 10 of the Town Development Plan it is questionable, in my view, whether the proposed building could be positively considered either a landmark or gateway building given the design proposal and its context. I would consider that the proposed double height ground floor level onto both Commercial Quay and Charlotte Street would not be in scale with the immediate environment and would be out of context with the built form which is overwhelmingly single height ground floor levels with traditional plot sizes. Section 10.4 of the Town Development Plan sets out that 'Landmark Buildings' should contribute to a sense of place, however the proposed double height floors, would in my view, depart from the established 'sense of place'.

8.2.8. I would also consider that the scale of the proposed elevation onto Charlotte Street would be a significant departure from the established height and character of the

local streetscape and in my view the proposed elevation would become the dominant feature of Charlotte Street. As I have noted above the Main Street is a designated ACA and the boundary of this ACA is indicated on map 'ACA 1' of the Town Development Plan. Although I acknowledge that the appeal site is not within the said ACA, I would consider, based in a visual observation of the area, that the proposed elevation onto Charlotte Street, which is effectively a 7-storey height, would adversely impact on views from the ACA, particularly as pedestrians walk northwards towards the junction of Main Street and Charlotte Street. The proposed elevation is out of context, in terms of building height and plot sizes, and in my view, would detract from the architectural character and heritage of the immediate area. I would also note that a recommendation in Section 10.4 of the Town Development Plan is that Landmark Buildings shall better integrate with their surrounds by providing internal or external spaces for public access such as parks, café and shops. Whilst the proposed development provides for pedestrian permeability between the Main Street and the Commercial Quay the proposal does not include any external spaces for public access.

8.2.9. I would also be concerned with the proposed northern elevation and its impact on the architectural character of Wexford Town. The proposed northern elevation is effectively a 10-storey building and the scale and massing of this elevation is a significant departure from the established building height, i.e. buildings facing onto Monick Street. The scale of the elevation relative to the established character is emphasised in the submitted 3-dimensional model, which forms part of the planning application. The proposed elevation provides little variety in finishes. It is notable that the proposed apartments situated on the upper 3 no. floors are not set back from the building line, as is the case for the elevation onto Commercial Quay and Charlotte Quay. I would consider that the scale of this elevation would have a notable adverse visual impact from Wellington Place and, in my view, it has not been adequately demonstrated within the application or the response to the appeal that this elevation can be successfully integrated.

8.2.10. Another significant feature in the design / visual impact of the proposed development is the role that the proposed development would play as a gateway building. A

feature of the proposed design as viewed from Wexford bridge or along the pedestrian promenade is the massing relative to the established character along the Quays. The established traditional plots, along the Quays, provide for a vertical emphasis as viewed from Wexford bridge or as viewed from the pedestrian promenade however the proposed development provides for a different scale of massing with more of a horizontal emphasises. The established vertical emphasises reflects the smaller plot sizes which is the traditional character along the Wexford Quays. I would acknowledge that it is proposed to place two large sail features to the front of the building to capture the traditional vertical emphasis.

8.2.11. The local topography rises steadily from the Quays in a westwards direction, which means the gradients of some streets west of Main Street are generally upgradient from the Main Street. In design terms this ensures that the smaller building heights further west from the Quays share the same skyline height of higher buildings situated along the Quays. The current skyline, as viewed from Wexford bridge, is currently punctuated by some church buildings or church steeples and as such there is currently a slender approach to the architectural character of the Wexford skyline. As a general architectural rule tall and slender architectural form retains landmarks on the skyline whereas massing as proposed would obscure traditional landmark features in the townscape.

8.2.12. Chapter 3 of the Town Development Plan provides guidance for urban development in Wexford town which aims to protect the town's character and identity. The Plan has divided lands within the town's boundary into 20 distinct areas or zones identifying each zone's own unique physical or geographical identity. The appeal site located within masterplan zone 13 and the site is identified as site no. 4. The following guidance is notable relative to the proposed development, "*given the sites prominent position at the end of the bridge of the building will have to be of the highest quality. Any new buildings must respect the plot sizes of the adjoining buildings and should display strong vertical emphasis based on these plots. The heights of the roofs must be varied along the Quay within the site*".

8.2.13. The Urban Development and Building Heights, Guidelines for Planning Authorities, 2018, states it is national policy that building heights must be generally increased in appropriate locations. A key component of these guidelines is whether the proposal positively assists the National Planning Framework objectives. Paragraph 3.2 sets out development management criteria for considering taller buildings and this includes;

- Proximity to quality public transportation routes
- Architecturally successfully integrating to enhance local character
- A positive contribution to place making

8.2.14. I would conclude that the proposed development having regard to its scale, massing and context, would fail to deliver a gateway / landmark building that successfully integrates and respects the established Wexford Town character in terms of urban form and scale and as such the proposed development would not architecturally successfully integrate to enhance local character. Accordingly, the proposed development would be at variance with Chapter 10 'Design Guidance' of the Town Development Plan and the Urban Development and Building Heights, Guidelines for Planning Authorities, 2018.

8.3. **Proposed Residential Amenity**

8.3.1. In terms of considering residential amenities for future occupants of the proposed development there are a number of considerations such as quality of residential units, private open space and public open space provision, proportion of dual aspect orientation units and car parking provision. These amenities will improve the overall offer to future occupants.

8.3.2. Firstly, it is notable that the proposed residential units are situated on the penthouse floors on the proposed fifth, sixth and seventh floors. In total no. 9 apartments are

proposed over three floors. The height of the proposed residential units would ensure commanding views over the town and Wexford Harbour which will offer an amenity. All the proposed units have a dual aspect orientation.

- 8.3.3. Another notable feature of the proposed residential units is the generous floor areas. All the proposed residential units are 2-bed units. The minimum recommended floor area in the national guidelines ‘Sustainable Urban Housing: Design Standards for New Apartments, December 2018’ is 73 sq. metres and the average floor area in the proposed development is 182 sq. metres and this would therefore offer a high standard of residential amenity.
- 8.3.4. The private open space provision for the proposed apartments is in the form of generous terraces and again these areas would significantly exceed the minimum required private open space provision for a 2-bed apartment which is set out in the Sustainable Urban Housing: Design Standards for New Apartments, December 2018’ as 7 sq. metres.
- 8.3.5. The proposal provides 1 no. car parking space per residential unit and the proposal provides 9 no. spaces as visitor spaces to serve the residential development. This is consistent with Table 4 ‘Car Parking Standards’ of the Town Development Plan.
- 8.3.6. Therefore, I would conclude that the proposed apartments would offer good standard of residential amenity for future occupants.

8.4. **Impact on Adjoining Residential Amenities**

- 8.4.1. In considering the impacts of the proposed development on established amenities I will firstly consider the context of the appeal site.
- 8.4.2. The appeal site forms a sizable part of an established block located within the centre of the town centre. The block is enclosed by Commercial Quay to the east, Charlotte

Street to the south, Main Street to the west and Monick Street to the north. The vast majority of established uses within the block are commercial uses however the Local Authority's planners report notes that there are some residential uses located in the upper floors of properties on Main Street and Monick Street.

- 8.4.3. During my site inspection I inspected the internal area of no. 86 Main Street. No. 86 is currently in use as a dental practice and there is no residential component within the upper floors. The rear of this property has views in an eastwards direction towards the appeal site and beyond.
- 8.4.4. I would consider having regard to the site coverage of the proposed development and the proposed western elevation that the impact of the proposed development on no. 86 Main Street would be similar to the other properties no's 82 – 94 Main Street.
- 8.4.5. In terms of light loss there would be some impacts as the orientation of the proposed development and the height of the western elevation relative to the existing properties on Main Street would ensure a blocking of sunlight and the potential for the loss of some daylight. The western elevation of the proposed development is essentially seven floors above ground level. As per the submitted 'Proposed Contextual Section A-A'¹, the overall height of the proposed western elevation is approximately 21 metres above ground level whereas the average roof apex height for properties along Main Street is approximately 13 metres above ground level. However, given town centre context and also given that the majority of uses on Main Street are in commercial use, and not the more sensitive residential use, I would consider this differential in height acceptable in terms of impacts on amenities.
- 8.4.6. In terms of overlooking concerns the applicant submitted a drawing, 'Sections Through North Main Street Properties'² in response to an additional information request. This drawing includes proposals to prevent overlooking from the proposed

¹ Drawing no. PP 3.22

² Drawing no. PP 3.30

western elevation towards the rear elevations of the properties on North Main Street. These proposals included introducing a high-level window to the hotel corridor and introducing a low-level screens in front of bedroom windows to prevent overlooking. These proposals, in my view, would address overlooking concerns. However, in general terms overlooking is not as significant an issue given the commercial nature of both the established and proposed uses.

- 8.4.7. There is an existing right of way situated along the northern boundary of the appeal site. The proposed development retains this right of way.
- 8.4.8. There is a large music venue / pub situated to the immediate north of the appeal site. The proposed northern elevation is situated right up against the boundary to the right of way. The northern elevation has a height of essentially 10-storeys which is a significant height differential from the established properties on Monick Street. I would note, based on the submitted Site Location Map³, that a large proportion of the property situated to the immediate north of the appeal site is within the applicant's ownership. I noted based on a visual observation of the area that some of the rear elevations of properties facing onto Monick Street were in poor condition and in my view would be largely unoccupied.
- 8.4.9. Overall, I would conclude, having regard to the predominately commercial context both established and proposed, that the proposed development would not adversely impact on the established amenities in terms of overlooking and overshadowing.

8.5. **Flood Risk**

- 8.5.1. Commercial Quay is located approximately 50m from the River Slaney. I would note from the submitted Site-Specific Flood Risk Assessment that the appeal site has experienced a flood event in 2004. This flood event was caused by a tidal flood and the flood waters adjacent to the appeal site rose to 2m AOD. The levels of the appeal site range from 1.3m OD to 1.8m OD. The appeal site is therefore located

³ Drawing no. PP 1.01

within Flood Zone A in accordance with the Planning System and Flood Risk Management Guidelines, 2009.

- 8.5.2. The Planning System and Flood Risk Management Guidelines, 2009, outlines in Table 3.1 the 'vulnerability of different types of development'. I would note that retail, as proposed at ground floor level, is classified as a 'less vulnerable development'. In accordance with Table 3.2 of the Flood Risk guidelines a Justification Test would be required as the site is located within Flood Zone A. I would also acknowledge that a hotel foyer is proposed at ground floor level.
- 8.5.3. The finished floor level for the proposed ground floor level will be 1.55m OD and this deemed necessary to facilitate universal level access. The flood risk assessment submits that the predicted flood water level from tidal sources in the vicinity of the proposed development is 1.64m OD. It is also notable that the maximum flood level, referred to above, in 2004 was approximately 2m OD on Commercial Quay.
- 8.5.4. It is proposed to mitigate potential impacts of future extreme tidal flood events by including flood resistance and resilience measures which are included in Section 6.1 of the SSFRA. Flood resistance measures prevent water from entering buildings and spaces and flood resilience is a design process of buildings so that if flooding occurs it creates minimal damage. The mitigation measures also include the provision of flood barriers installed to windows, doors, ramps etc in times of high flood.
- 8.5.5. Box 5.1 Justification Test of the Flood Risk Guidelines sets out the criteria to be considered for proposed development. I would conclude as follows;
- The appeal site is zoned 'town centre' and it is national policy⁴ to promote the redevelopment of brownfield sites.

⁴ National Planning Framework, 2018

- The proposal has been the subject of a flood risk assessment which demonstrates;
 - The proposal will not increase flood risk elsewhere
 - The proposal contains measures to minimise flood risk to people, property, the economy and the environment.
 - Measures are in place to ensure residual risks can be managed

8.5.6. I have reviewed all the documentation relevant to the flood risk assessment and I would conclude that the proposed development would adequately satisfy the flood risk concerns of the proposed development.

8.6. **Traffic / Access**

8.6.1. The appeal site has an existing vehicular entrance onto Commercial Quay. The existing entrance serves an established surface public car park. The development proposed is described in Section 2.0 above and I would note that the proposal includes 2 no. levels of basement car parking with provision to accommodate 155 no. car parking spaces.

8.6.2. The applicant submits that the 137 no. car parking spaces will be allocated to the proposed hotel, i.e. one space per bedroom, and 9 no. spaces will be allocated to the nine apartments proposed. The applicant acknowledges that this is less than the development plan requirement of 1.5 spaces per apartment unit but argues given the town centre location that 1 no. space per residential unit is adequate. The remaining 9 no. spaces will be used for visitors to the apartments. There will be no car parking provision for the retail use. The proposal provides that 8 no. spaces of the 155 no. spaces are disabled spaces.

8.6.3. The proposed vehicular entrance to the car park will be situated very close to the existing vehicular entrance onto Commercial Quay. The local context is important as there is a major junction intersection located adjacent to the existing / proposed

vehicular entrance. Wexford bridge which provides access from the R741 to the R730 (The Quays) is located on the opposite side of Commercial Quay from the appeal site. There is a signalised junction at this location to accommodate the interchange.

8.6.4. The submitted Transportation Impact Statement (TIS) includes a traffic survey of the existing car park which is set out in Table 4.1 of the TIS. It is notable that the daily traffic count entering the car park is 68 vehicles whereas the vehicles exiting the car park is 50. The TIS uses TRICS to estimate that the number of vehicles arriving daily at the proposed development will be 238 and there will be 239 no. vehicles exiting from the proposed development daily. As there will be a significant increase in traffic generation from the proposed development. I would note that the TIS also included a junction analysis at Commercial Quay / Redmond Place / Wexford Bridge Junction / Proposed Car Park Access. The results of this study demonstrate that the proposed junction is under capacity with maximum degree of saturation of 93.7% and 81.5% in the AM and PM peak hour periods. I would note that the traffic travelling from Redmond Road towards the proposed development, via the junction, would be required to queue and cross the R730.

8.6.5. I would note that it is proposed to mitigate the potential impact of the development at the traffic signals during periods of congestion. In this regard it is proposed to omit the green phase given to vehicles exiting the development every second signal cycle. This will relieve traffic at the junction at the expense of vehicles exiting the proposed development. I would also note the reports from the District Engineer, dated 27th June 2019, and the Director of Services, Roads, Transportation, Water Services, Health and Safety, dated 27th June 2018, who both reported no objections to the principle of the proposed development. I would also consider the location of the proposed development is a relevant consideration, given its proximity to the train station and the public bus service as indicated in Section 3.1 of the TIS. The subject site is also located within the town centre with pedestrian access to North Main Street. The proposed development will also include a pedestrian link from Commercial Quay to the Main Street and a proposed pedestrian access to Charlotte Street.

8.6.6. Overall, I would consider having regard to the junction capacity as demonstrated in the submitted TIS that the proposed development would be acceptable in terms of traffic and access.

8.7. **Appropriate Assessment Screening**

8.7.1. There are several Natura 2000 sites located within a 15km radius of the appeal site and these are reported in paragraph 3.3 of the applicant's submitted Screening Statement for Appropriate Assessment. The appeal site is located approximately 50 metres to the west of two Natura 2000 sites, namely the River Slaney SAC (site code 000781) and the Wexford Harbour and Slobs SPA (site code 004076). For this screening assessment I will consider the potential impacts of the proposed development on the River Slaney SAC and the Wexford Harbour and Slobs SPA.

8.7.2. The qualifying interests for the River Slaney SAC are as follows;

- Estuaries
- Mudflats and sandflats not covered by seawater at low tide
- Atlantic salt meadows (*Glauco-Puccinellietalia maritima*)
- Mediterranean salt meadows (*Juncetalia maritimi*)
- Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation
- Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*)
- *Margaritifera margaritifera* (Freshwater Pearl Mussel)
- *Petromyzon marinus* (Sea Lamprey)
- *Lampetra planeri* (Brook Lamprey)
- *Lampetra fluviatilis* (River Lamprey)
- *Alosa fallax fallax* (Twite Shad)
- *Salmo salar* (Salmon)

- *Lutra lutra* (Otter)
- *Phoca vitulina* (Harbour Seal)

8.7.3. The Wexford Harbour and Slobbs SPA (site code 004076) has 33 qualifying interests, all of which are birds.

8.7.4. There is no hydrological pathway from the appeal site to the SAC or SPA however given the proximity I would consider potential impacts may arise during construction or due to surface water drainage during the operational phase. The applicant submitted a Preliminary Construction Management Plan which sets out that best practice methodology will be adhered to during the construction phase.

8.7.5. It is proposed that foul drainage and surface water from the proposed development will be discharged to the local combined sewer network. It is proposed to attenuate all surface water generated within the site using tanks with hydrobrakes. It is intended that the hydrobrakes will limit the flow to appropriate levels in accordance with the design criteria of 4 litres per second per hectare which is in accordance with Wexford County Council guidelines.

8.7.6. I note the Screening Assessment report submitted by the applicant included, in Table 4, an assessment of potential impacts on qualifying interests in the SAC and SPA using Article 12 of the Birds Directive, NPWS 2013, and Article 17 Habitats Conservation Assessments Volume 2, NPWS 2013. I would consider that this is a comprehensive assessment which only identifies pollution from surface waters as a potential risk and which is a very low risk. I would conclude that having regard to the absence of any hydrological pathway from the site to the SAC / SPA and the extent of the proposed development including surface water disposal, as outlined above, that the proposal is not likely to have a significant on any European site.

8.7.7. It is reasonable to conclude that based on the information on the file, which I consider adequate to issue a screening determination, that the proposed

development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European Sites, i.e. site code 000781, and site code 004076 in view of the sites conservation objectives and a stage 2 AA is therefore not required.

8.8. **EIA Screening**

The most relevant consideration for the proposed development in order to determine whether an EIS is required is the size of the appeal site. In accordance with the provisions of the Planning and Development Regulations, 2001 (as amended). Section 10 (b) (iv) of Schedule 5, Part 2 of the Planning and Development Regulations, 2001 (as amended) states that urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 ha elsewhere is development that requires an EIS.

8.8.1. The size of the site in the current application which is 0.3122 ha falls below the 2-ha threshold and therefore an EIS is not required having regard to Section 10 (b) (iv) of Schedule 5, Part 2 of the Planning and Development Regulations, 2001 (as amended).

8.8.2. 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.

8.9. **Site Excavations**

8.9.1. The application documentation includes an Engineering Report which develops the construction methodologies associated with the proposed development. I would note that the appellant is concerned with the proposed excavations and the potential for impacts on adjoining properties to the site.

- 8.9.2. It is proposed to use scant piles to form perimeter walls of the basement and it is intended that the piles will be installed before the commencement of the basement excavation. It is proposed that the piles will be driven through water bearing overburden and seal into rock heads below the overburden. It is estimated that these rock heads are placed between 11.5m and 13.6m below the existing ground level.
- 8.9.3. The Preliminary Construction Management Plan submits that there is a moderate to high potential for contaminated soils and other materials to be present on the site. The Preliminary Construction Management Plan recommends that a detailed Remediation Strategy will be prepared for the site following the completion of the supplementary site investigations.
- 8.9.4. I would note that the Local Authority have no objections to the site excavations and I would consider, based on the information available, that the applicant has adequately demonstrated that the proposed excavations will be carried out without adversely impacting on neighbouring property.

8.10. **Conditions**

- 8.10.1. I have reviewed conditions no. 4 (special development contribution), condition no. 11 (noise monitoring) and condition no. 12 (dust emissions) and I would consider these conditions to be reasonable, precise and enforceable. As such I would not concur with the appellants arguments in relation to these conditions and I would recommend same (or similar) conditions to the Board should they favour granting permission.

9.0 **Recommendation**

- 9.1. I have read the submissions on the file, visited the site, had due regard to the Town Development Plan, and all other matters arising. I recommend that planning permission be refused for the reason set out below.

10.0 Reasons and Considerations

Having regard to the massing, scale and height of the proposed development on a landmark / gateway site to Wexford Town, it is considered that the proposed development would be highly obtrusive, would be visually incongruous with the existing streetscape, detract from the architectural heritage, would seriously injure the visual amenities of the area and fails to adequately respond to its context or integrate successfully with the immediate and surrounding built environment.

Furthermore, the proposed development would set an undesirable precedent for similar developments in the vicinity. The proposed development would, therefore, seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

Kenneth Moloney

Planning Inspector

13th March 2019