



An
Bord
Pleanála

Inspector's Report ABP-303908-19

Development

Provision of a car park including associated and auxiliary site works involving the demolition of an existing office and store building (bounded by the Wexford Town Wall on the eastern side which is a protected structure).

Location

Mary Street, Wexford Town, Co. Wexford.

Planning Authority

Wexford County Council

Planning Authority Reg. Ref.

20181173

Applicant(s)

Richard & Angela Browne

Type of Application

Permission

Planning Authority Decision

Grant subject to conditions

Type of Appeal

Third Party v. Decision

Appellant(s)

Peter Mahon & Others

Observer(s)

None.

Date of Site Inspection

17th June, 2019

Inspector

Robert Speer

1.0 Site Location and Description

1.1. The proposed development site is located along the northern side of Mary Street, between its junctions with School Street / Lower John Street to the west and High Street to the east, in an area of Wexford town centre characterised by terraced housing and a network of narrow streets which feed towards Main Street further east. Mary Street itself forms part of a wider one-way system with traffic travelling eastwards along same before turning right onto High Street to the rear of the Wexford Opera House. The carriageway is of limited width with double-yellow lines and narrow footpaths along both sides. The immediate surrounds are dominated by traditional terraced housing / streetscapes although the site adjoins an office supply business to the west and a vacant commercial premises (offices, stores and a yard) to the east. The site itself has a stated site area of 0.06 hectares, is irregularly shaped, and is presently occupied by a single storey office building with an entrance gate alongside same providing access to a rear yard area. Notably, an upstanding section of the historic Wexford Town Walls defines the more northerly extent of the eastern site boundary behind an existing lean-to canopy structure.

2.0 Proposed Development

- 2.1. The proposed development involves the demolition of the existing single-storey office building (floor area: 72m²) and the dismantling of the existing canopy structure from alongside the Town Wall followed by the resurfacing and lining of the wider site area for use as a 'Pay and Display' car park. The car parking spaces will be set back from the boundary walls whilst a buffer zone (extended to 2m in response to a request for further information) will be provided from the Town Wall with further protection to be afforded to same by the erection of a series of bollards within the aforementioned buffer area.
- 2.2. In response to a request for further information, a schedule of works for the Town Walls was submitted which details the methodology for the dismantling of the lean-to structure, the removal of existing vegetation, and the repair / re-pointing etc. of the stonework.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Following the receipt of a response to a request for further information, on 14th February, 2019 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 6 No. conditions which can be summarised as follows:

Condition No. 1 – Refers to the submitted plans and particulars.

Condition No. 2 – Requires the precise access / egress arrangements (including the possible omission of Bay No. 1) to be agreed in writing with the Planning Authority prior to the commencement of development.

Condition No. 3 – Requires the details and specifications of the proposed bollards to be submitted to the Planning Authority and referred to the Department of Culture, Heritage and the Gaeltacht for written agreement prior to the commencement of development.

Condition No. 4 – States that the proposed buffer is not to be used for any purpose other than the protection of the town wall.

Condition No. 5 – Requires all works to the town wall to be carried out in accordance with best conservation practice as outlined in the 'Architectural Heritage Protection, Guidelines for Planning Authorities, 2011', the relevant volume of the Department's advice series ('The Conservation and Repair of Masonry Ruins, 2010'), and the 'Method Statement' & 'Schedule of Works' received by the Planning Authority on 18th, January, 2019. Furthermore, the applicant is required to engage the services of appropriately qualified and competent conservation professionals to specify the works and to oversee their completion on site. Moreover, the works are to be undertaken by skilled and experienced conservation contractors and specialists with relevant experience of historic materials and techniques.

Condition No. 6 – States that use of the permitted car park shall cease within 5 No. years of the date of the final grant of permission, unless prior to the end of that period, planning permission has been granted for its retention for a further period.

3.2. Planning Authority Reports

3.2.1. *Planning Reports:*

An initial report details the site context and the applicable policy considerations before stating that the development of a car park at this town centre location is acceptable in principle. It then references the statutory protection afforded to the upstanding section of the Wexford Town Walls on site as both a National Monument and a protected structure in addition to the site location within the 'Zone of Archaeological Potential' for Wexford Town. It also notes that the Area Engineer is satisfied as regards the traffic implications of the proposed development, although a slight modification of Parking Bay No. 1 may be required by way of condition in order to facilitate the safe movement of traffic at the site entrance onto Mary Street. The report subsequently recommends that further information be sought in respect of a number of items, including a method statement and schedule of works for the consolidation and repair of the town wall, the widening of the buffer zone to 2m, the specification of the proposed bollards, and details of the surface treatment of the car park itself.

Following the receipt of a response to a request for further information, a final report was prepared which recommended a grant of permission, subject to conditions.

Upon receipt of the case officer's final report, a memo was compiled by the Director of Services which noted that there were on-going difficulties with regard to traffic circulating in the area seeking parking. In this regard it was anticipated that the emerging new development plan for Wexford town would plot a way forward to address these problems in a strategic way and, therefore, it was directed to limit the grant of permission to a duration of 5 No. years only.

3.2.2. **Other Technical Reports:**

Executive Engineer, Borough District of Wexford: No objection, subject to a condition requiring the precise access / egress arrangements to be agreed in writing with the Planning Authority (including the possible removal of Parking Bay No. 1).

3.3. **Prescribed Bodies:**

- 3.3.1. *Department of Culture, Heritage & The Gaeltacht:* An initial submission stated that whilst there was no objection in principle to the proposed development which, if carried out to best conservation practice, should return a concealed section of the town wall to public consciousness as a prominent and valued heritage asset, further information was required with regard to a number of issues, including a comprehensive survey of the section of town wall involved, a method statement and schedule of works for the consolidation and repair of the wall, a widened buffer zone between the proposed parking bays and the wall itself, and the specifications of the protective bollards.

Following the receipt of a response to a request for further information, a further submission was received which recommended a grant of permission, subject to conditions.

3.4. **Third Party Observations:**

- 3.4.1. A total of 6 No. submissions were received from interested third parties and the principle grounds of objection contained therein can be summarised as follows:
- Increased traffic congestion and circulation in the area.
 - Damage to property arising from larger vehicles negotiating the narrow street network.
 - The over-supply of car parking already available in the surrounding area.
 - The encouragement of car-borne traffic into the town centre.
 - The potential for anti-social behaviour etc. in the absence of suitable management protocols for the car park.
 - Detrimental impact on the residential amenity of surrounding properties by reason of increased noise, disturbance, exhaust emissions, lighting etc.

- The proposal will detract from the built heritage and tourism value of this historic part of Wexford town.
- Concerns as regards traffic / pedestrian safety given the narrow street network.
- The inadequacy of the submitted plans and particulars.
- Concerns with regard to the surface water drainage arrangements.
- Environmental impact concerns, including the potential for ground contamination on site arising from its previous use as a builder's yard.

4.0 Planning History

4.1. On Site:

None.

4.2. On Adjacent Sites:

PA Ref. No. 20171594. Was granted on 2nd February, 2018 permitting the Slaney Language Centre Ltd. permission for the change of use from office to educational use on the first and second floor accommodation and associated site works at Channing House, Upper Rowe Street, Wexford, Co. Wexford.

4.3. Other Relevant Files:

PA Ref. No. 20180930. Was granted on 30th November, 2018 permitting Dunnes Stores Unlimited Company permission for (a) The demolition of the former Wexford Glass Building and retention of Town Wall (protected structure); (b) Kerb and paving to front of Town Wall; (c) The provision of new surface car parking (50 No. parking spaces); (d) New pedestrian zones in car park; (e) New lobby entrance and canopy; (f) 2 No. shop sign zones; and (g) All associated ancillary site layout and service works at Dunnes Stores, Redmond Square, Wexford.

5.0 Policy and Context

5.1. National and Regional Policy

- 5.1.1. The ‘*Architectural Heritage Protection, Guidelines for Planning Authorities, 2004*’ provide detailed guidance in respect of the provisions and operation of Part IV of the Planning and Development Act, 2000, as amended, regarding architectural heritage, including protected structures and Architectural Conservation Areas. They detail the principles of conservation and advise on issues to be considered when assessing applications for development which may affect architectural conservation areas and protected structures.

5.2. Development Plan

5.2.1. **Wexford Town & Environs Development Plan, 2009-2015:**

Pursuant to the provisions of Part 8 of the Electoral, Local Government and Planning and Development Act, 2013, the lifetime of the Wexford Town and Environs Development Plan, 2009-2015 has been extended and, therefore, the Plan will continue to have effect until 2019, or such time as a new County Development Plan is made. It should be read together with the Wexford County Development Plan, 2013-2019.

Land Use Zoning:

The proposed development site is located in an area zoned as ‘*Town Centre*’ with the stated land use zoning objective ‘*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*’.

In accordance with the Zoning Matrix Table included with Map No. 21: ‘*Master Plan Zones*’ it can be confirmed that the development of a ‘*car park*’ is ‘*open for consideration*’ within this land use zoning.

Explanatory Note:

The purpose of this zone is to protect and enhance the special character of Wexford Town Centre and to provide for and improve retailing, commercial, office, cultural and other uses appropriate to the Town Centre which complement its historic setting.

It will be the objective of the Council to encourage the full use of buildings and backlands especially the full use of upper floors, preferably for residential purposes, Certain uses are best located away from the principal shopping streets because of their extensive character and their need for large-scale building forms and space requirements.

Map 13A – Main Areas: No. 9: School Street / Mary Street:

Current Use – Builder’s yard, printers, car parking, office supplies, offices, dwellings.

Part of the site located to the rear of the People Newspaper.

Offices with frontage onto Mary Street, this site could be developed to utilise its town centre location. The redevelopment of the site will be important in providing enclosure to the street and opening access and views along the Town Wall.

The southern element of this site fronts onto School Lane and forms a pinch-point in the road. Whilst the building line of the mill should be retained, replacement buildings could improve pedestrian access and provide rear access to the Town Wall, new development in this area should address the Town Wall by providing dual aspect to the Wall and School Street.

Other Relevant Sections / Policies:

Chapter 3: Development Strategy:

Section 3.2: Development Strategy

Section 3.3: Masterplan Development Strategy

Section 3.4: Masterplan Zones

The proposed development site is located within ‘*Zone 13A: Town Centre*’.

Chapter 8: Conservation & Heritage:

Section 8.1: Historic Urban Form

Section 8.2: The Town Walls:

TW1: To protect, conserve and enhance access to the Town Wall in accordance with the “Wexford Town Walls Conservation Plan 2008”.

TW2: To protect and enhance views from the Town Walls to reinforce the role of the Town Walls in the future development of Wexford Town.

TW3: No further demolition of nineteenth century, or earlier, property built against, overlooking, or opening onto the Town Wall should be permitted unless a compelling case is presented to demonstrate that the outcome will be to the ultimate benefit to the Town Walls.

TW4: A walking route which would provide as much access as feasible shall be prepared and promoted. The walking route will focus on the areas of the Walls within the public realm. New public access points to the wall will be sought in any redevelopment adjacent to the Town Walls.

TW5: Within new developments means shall be devised to indicate the location of the Walls and the Town Wall Gates where such structures no longer exist or where sections remain below ground.

Section 8.4: Archaeological Heritage

Section 8.5: Architectural Heritage

Chapter 9: Infrastructure

Section 9.2: Transport Management:

Goal: To develop a safer, more efficient and integrated transport system within Wexford, with improvements to the road network, other forms of the transport network including public transport, cycle ways and to create a pedestrian friendly environment.

Objectives: (2) To minimise car access and direct through-traffic in the Town Centre by the development of key road links.

Policy Statements - Transport - General

GT1: To promote road safety measures in conjunction with Government Departments and other agencies to avoid the creation of traffic hazards and to ensure traffic management issues are adequately addressed at pre-planning and planning application stage.

GT2: To ensure a safe and comprehensive roads system capable of satisfying the requirements of both vehicular traffic, cycle and pedestrian traffic within the Town.

GT3: To have regard to the condition, location and accessibility of heritage items in the planning and provision of transportation services.

Section 9.5: *Roads:*

Policy Statements - Car Parking

CP1: To identify suitable locations and/or other provisions for long term parking by commuters on the outskirts of the Town.

CP2: To identify suitable locations for a coach/bus parking facility adjacent to the Town Centre.

CP3: To provide off-street car parking at strategic locations in the Town Centre and on the outskirts of the Town.

CP4: To adopt car parking management standards within the Town Centre that reduce on-street car parking in favour of off-street car parking and a restriction on long term (commuter) car parking facilities in favour of short term (business and leisure) car parking use.

Chapter 10: Design Guidance

Chapter 11: Development Management Standards

Section 11.05: *Architectural Conservation – Protected Structures*

Section 11.06: *Archaeology*

Section 11.12: *Transport*

Section 11.13: *Sightlines*

Section 11.14: *Car parking Requirements, Layout and Design*

Appendix 1: Wexford Town Walls Conservation Plan

Appendix 2: Record of Protected Structures

N.B. The Wexford Town Walls have been designated as a protected structure by reason of their inclusion in the Record of Protected Structures (RPS No. WBC0289 & WBC0290).

5.3. Natural Heritage Designations

5.3.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The Slaney River Valley Special Area of Conservation (Site Code: 000781), approximately 300m northeast of the site.
- The Wexford Harbour and Slobbs Special Protection Area (Site Code: 004076), approximately 600m northwest of the site.

5.4. EIA Screening

5.4.1. Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The proposed car park does not accord with the provisions of the Wexford Town & Environs Development Plan, 2009 and is contrary to the proper planning and sustainable development of the area.
- The proposal is fundamentally out of character with the surrounding pattern of development given its location along a narrow and primarily residential street.
- The proposed development will not make a positive contribution to the area and will detract from the sustainable future of the community living along Mary Street.

- The proposal will have a detrimental impact on the residential amenity of the occupants of surrounding properties by reason of increased traffic, noise, disturbance, lighting etc.
- The increased traffic volumes consequent on the proposed development will have a detrimental impact on traffic and pedestrian safety in the area.
- In the absence of suitable management protocols, including the hours of operation and the manner by which the property will be secured at night, there are concerns as regards the potential for anti-social behaviour on site (including possible vandalism of the historic town wall).
- Mary Street suffers from on-going difficulties as regards its use as a 'rat-run' within the town centre and the proposed car park will serve to exacerbate these problems.
- Given the narrow width of Mary Street and its footpaths, there are serious concerns as regards the impact of the proposed development on traffic and pedestrian safety.
- Inadequate consideration was given to the concerns of third parties in the Planning Authority's assessment of the subject application.

6.2. Applicant's Response

None (late submission).

6.3. Planning Authority's Response

No further comments.

6.4. Observations

None.

6.5. Further Responses

None.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Built heritage and archaeological considerations
- Traffic considerations
- Impact on residential amenity
- Appropriate assessment

These are assessed as follows:

7.2. **The Principle of the Proposed Development:**

7.2.1. The proposed development site is located in an area zoned as 'Town Centre' with the stated land use zoning objective '*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*' wherein the development of a 'car park' is '*open for consideration*' pursuant to the Land Use Zoning Matrix Table included with Map No. 21: '*Master Plan Zones*' of the Wexford Town & Environs Development Plan, 2009-2015. Accordingly, I would refer the Board to Section 11.03: '*Zoning Matrix Table*' of the Development Plan which details that 'Open for Consideration' means a use which is generally acceptable except where indicated otherwise and where specific considerations associated with a given proposal (i.e. scale) would be unacceptable, or where the development would be contrary to the objective for a given area. Therefore, in order to determine whether or not the development of a car park at the location proposed is acceptable in this instance I would suggest that it is necessary to consider the wider implications of same as regards compliance with the key policy objectives of the Development Plan in addition to the potential impact of the proposal on the amenities of the surrounding area, with particular reference to the residential amenity of adjacent properties.

7.2.2. Having reviewed the explanatory note clarifying the purpose of the 'town centre' land use zoning, in my opinion, the proposed redevelopment of the subject site, which is

presently vacant and was formerly used as a 'builder's yard' with ancillary office accommodation, as a car park would not undermine the wider strategic policy objectives relevant to the development of the town centre e.g. to provide for and improve retailing, commercial, office, cultural and other uses appropriate to the town centre. Furthermore, whilst I would acknowledge that it is a specific objective of the Planning Authority to identify suitable locations and / or other provisions for long-term parking on the outskirts of the town (Policy Statement 'CP1') thereby reducing traffic volumes and / or congestion within the central area, I would draw the Board's attention to Policy Statement 'CP3' which seeks to provide off-street car parking at strategic locations within the town centre (and on the outskirts of the town). In addition, it should also be noted that Policy Statement 'CP4' of the Plan refers to the to adoption by the Local Authority of car parking management standards within the town centre that will reduce on-street car parking in favour of off-street car parking and a restriction on long term (commuter) car parking facilities in favour of short term (business and leisure) car parking use. However, I am conscious that the foregoing provisions must be considered in the context of the wider traffic management policies set out in the Development Plan which aim to improve traffic management and parking controls so as to allow for optimum use of streets in the town centre.

7.2.3. With regard to the designation of the application site as part of a larger landbank (Main Area: No. 9: 'School Street / Mary Street') which has been identified on Map 13A as suitable for redevelopment (i.e. the frontage onto Mary Street could be developed to utilise its town centre location whilst the wider redevelopment of these lands will be important in providing enclosure to the street and opening access and views along the Town Wall), in my opinion, the interim use of the subject lands as a car park for a temporary period pending the realisation of more extensive proposals for the wider area would not prejudice the aims of the Development Plan. Indeed, I am inclined to conclude that the development of a surface car park on the subject site would not represent any significant or insurmountable obstacle to the future redevelopment of the site for an alternative purpose should such a scenario arise whilst the subject proposal is also acceptable on the basis that it involves the re-use of an otherwise vacant and underutilised site.

7.2.4. Although I would concede that there is a proliferation of smaller car parks in the wider area, including several such facilities within a short walking distance of the

subject site (e.g. High Street, School Street & at the Church of the Assumption), in light of the foregoing, with particular reference to the applicable land use zoning, the identification of the site as part of a larger landbank suitable for redevelopment, and the Planning Authority's wider objectives for the rationalisation of traffic management and parking provision within Wexford town centre, I am satisfied that the development of the subject site as a car park for an interim period of 5 No. years will not undermine any of the wider strategic policy objectives of the Development Plan and is acceptable in principle.

7.2.5. In relation to the potential impact of the proposed development on the residential amenity of neighbouring properties, I propose to consider this aspect of the proposal in more detail elsewhere in this report.

7.3. **Built Heritage and Archaeological Considerations:**

7.3.1. The proposed development site is located within the '*Zone of Archaeological Potential*' for Wexford Town and is also within an Architectural Conservation Area, however, it is of particular relevance to note that the northern extent of the eastern site boundary is defined by an upstanding section of the Wexford Town Walls which is in itself a Recorded Monument (RMP No. WX037-032002) and a protected structure (RPS Nos. WBC0289 & WBC0290). In this regard I would refer the Board to the site location within 'Zone 5' of the wider walls as detailed in the Wexford Town Walls Conservation Plan appended to the Town Development Plan.

7.3.2. The proposed development involves the demolition of an existing single-storey office building and the dismantling of an existing lean-to canopy-type structure affixed to the Town Wall followed by the resurfacing and lining of the wider site area for use as a car park. Accordingly, in light of the potential archaeological and built heritage implications of the proposed works, the initial planning application was accompanied by an '*Archaeological & Built Heritage Assessment Report*' which recommended the following:

- The existing lean-to canopy to be carefully removed by hand and the steel beams cut away at the wall face (not pulled out) with the works carried out under archaeological supervision.
- The overgrowth of vegetation along the upper levels of the town wall to be trimmed back to the wall-face in order to determine the stability of the

construction. If the wall is stable then the vegetation can be killed at the roots using a proprietary weedkiller, however, if it is unstable the vegetation should not be killed as this could lead to the further destabilisation of masonry.

- Archaeological monitoring of the subsurface removal of the foundations of the office building under licence from the Department of Culture, Heritage & the Gaeltacht.

7.3.3. In addition to the foregoing, the site layout plan indicated that it was proposed to provide a 1m wide buffer between the edge of the car park (Space Nos. 14-21) and the town wall with further protection to be afforded to same by the erection of a series of bollards within the aforementioned buffer area.

7.3.4. Whilst the Department of Culture, Heritage & the Gaeltacht indicated that it had no objection in principle to the proposed development which, if carried out to best conservation practice, would return a concealed section of the town wall to public consciousness as a prominent and valued heritage asset, it recommended that further details be sought from the applicant including a comprehensive survey of the section of town wall involved, a method statement and schedule of works for the consolidation and repair of the wall, a widened buffer zone between the proposed parking bays and the wall itself, and specifications for the protective bollards. It was a further requirement that all site clearance and demolition works should be supervised and monitored by a suitably qualified and experienced archaeologist licenced under the National Monuments Acts.

7.3.5. In response to a request for further information, a schedule of works for the town wall was subsequently submitted which details the methodology for the dismantling of the lean-to structure, the removal of existing vegetation, and the repair / re-pointing etc. of the stonework. The width of the buffer zone between the car parking and town wall was also increased to 2m with a bollard to be positioned within same at the end of each parking bay.

7.3.6. Having reviewed the amended details provided by the applicant, and in line with the recommendations of the Department of Culture, Heritage & the Gaeltacht following its consideration of same, I am satisfied that due cognisance has been taken of the built heritage and archaeological implications of the proposed works and thus the subject proposal is acceptable, subject to the imposition of appropriate conditions.

7.4. **Traffic Considerations:**

- 7.4.1. The proposed development site is located in an area of Wexford town centre characterised by a network of narrow streets and terraced housing with Mary Street itself forming part of a wider one-way system with traffic travelling eastwards from its junction with School Street / Lower John Street before turning right onto High Street to the rear of the Wexford Opera House. The main carriageway along Mary Street is particularly limited in terms of its overall width with double-yellow lines and narrow footpaths along both sides. It is unsuited to two-way traffic or use by larger vehicles and in this regard I note the placement of warning signage at the entrance to Mary Street advising of the restricted carriageway width.
- 7.4.2. Whilst I would acknowledge the appellants' concerns that the introduction of a car park at the location proposed will likely give rise to increased volumes of traffic and vehicular movements along Mary Street, which may in turn result in traffic congestion and the potential for damage to roadside buildings / structures given the limited manoeuvring space available, in light of the site location within Wexford town centre, the established / former use of the property as a builder's yard with ancillary offices etc., the limited scale of the development proposed (i.e. 21 No. parking spaces), and noting the presence of comparable parking facilities in the surrounding area (such as at the junction of School Street / Mary Street and at High Street with the result that traffic may already utilise Mary Street in order to access parking at the latter car park in the event none is available at the former), in my opinion, the likely traffic impact of the subject proposal is within tolerable limits and does not warrant a refusal of permission.
- 7.4.3. However, given the wider strategic objectives of the Planning Authority with regard to a reduction in traffic volumes and congestion within the town centre (e.g. Policy Statement Nos. CP3 & CP4) through the implementation of new traffic management measures and parking controls, and noting the identification of the application site as a part of a larger key development area, I am inclined to limit the duration of any grant of permission which would allow for the traffic impact of the proposed development (should permission be sought to retain / continue the usage of same) to be re-assessed at a future date.

7.4.4. With regard to the layout of the proposed car park, I would have some reservations as regards the accessibility of Parking Bay Nos. 1-6 given the limited width (5.457m) of the circulation aisle which is less than the 6m requirement set out in the Development Plan. The restricted space available for manoeuvring to and from these spaces would likely render their use by larger cars unlikely and could also give rise to prolonged waiting times on the public road thereby resulting in the obstruction of other road users. Whilst it would be possible to address these concerns by perhaps realigning or omitting the spaces in question, I would suggest that it would be preferable to omit Parking Bay No. 1 adjacent to the site entrance thereby alleviating the potential for queuing onto the public road. Furthermore, signage advising that these spaces are only suitable for smaller cars / vehicles would likely also be of use in this regard.

7.4.5. Finally, in terms of the proposed access arrangements, given the site location along a one-way street, the likely traffic speeds in the area, and the proposal to utilise an established entrance which is set back from the near edge of the carriageway, I am satisfied that the available sightlines are adequate in this instance and will not endanger public safety by reason of traffic hazard.

7.5. **Impact on Residential Amenity:**

7.5.1. Concerns have been raised that the proposed development will have a detrimental impact on the residential amenity of nearby properties by reason of increased traffic, noise, lighting, emissions, and general disturbance etc. In this regard whilst I would acknowledge that there are a number of dwelling houses within the immediate surrounds of the application site, in my opinion, cognisance must be taken of the site location within a wider mixed-use area of Wexford town centre on lands where the development of a 'car park' is 'open for consideration' and where some degree of disturbance is to be expected. Furthermore, I would suggest that it is reasonable to consider the previous use of the site as a builder's yard and the likely impact of same on the residential amenity of nearby properties in addition to the fact that Mary Street has historically accommodated the movement of traffic through the town centre.

7.5.2. Therefore, it is my opinion, given the site context, that any intrusion attributable to the proposed development is unlikely to give rise to any significant additional loss of amenity to the occupants of nearby residential properties. I would also reiterate my

recommendation that any grant of permission for the subject proposal should be of a limited duration in order to allow for its reassessment at a future date in light of the wider strategic policies of the Local Authority for the development of the town centre.

7.6. **Appropriate Assessment:**

- 7.6.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 **Recommendation**

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations and subject to the conditions set out below:

9.0 **Reasons and Considerations**

- 9.1. Having regard to the location of the site in Wexford town centre, the relevant provisions of the Wexford Town & Environs Development Plan, 2009-2015, and the nature of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not adversely affect the character or setting of protected structures or be detrimental to the heritage of Wexford Town, 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 18th day of January, 2019, 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 proposed development shall be amended as follows:
 - a) The omission of the car parking space nearest the site entrance (identified as car parking space No. 1 on the site layout plan received by the Planning Authority on the 18th day of January, 2019) and the area vacated by same to be secured accordingly against unauthorised parking.
 - b) Detailed specifications of the bollards to be installed within the buffer area between the proposed car parking and the Wexford Town Walls.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of traffic safety and in order to conserve the archaeological heritage of the site.

3. This permission shall apply for a temporary period of five years from the date of this order.

Reason: In order to facilitate the monitoring of the long term strategic suitability of the proposed use in the light of the zoning of the site.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

5. Prior to commencement of development, design and siting details of all lighting within the car park shall be submitted to, and agreed in writing with, the planning authority. The design and location of artificial light sources shall

be carefully designed to avoid light nuisance. In order to minimize the extent of light spill, lights that are pole mounted shall be directional and cowled to ensure that light is directed downwards and inwards. The duration and intensity of artificial light shall be controlled in order to avoid light spill at dwellings and on adjoining roads.

Reason: In the interest of residential and visual amenity and in the interest of traffic safety.

6. Prior to commencement of development, the design and location of any proposed signage in relation to the development shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of visual amenity and the proper planning and sustainable development of the area.

7.

- a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the Wexford Town Walls.
- b) All repair works to the protected structure (the Wexford Town Walls) shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in 2004.

Reason: To ensure that the integrity of the historic protected structure (the Wexford Town Walls) is maintained and that the structure is protected from unnecessary damage or loss of fabric.

8. Interpretative panels relating to the Wexford Town Walls shall be provided on the site. Details in relation to the type, location and content of this interpretative signage shall be submitted to, and agreed in writing with, the planning authority prior to the erection of same.

Reason: In the interest of orderly development and to conserve the archaeological heritage of the site.

9. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
 - a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - b) employ a suitably-qualified archaeologist who shall monitor all site clearance and demolition works, and
 - c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

10. 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.

Robert Speer
Planning Inspector

20th June, 2019