



An  
Bord  
Pleanála

## Inspector's Report ABP-307751-20

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<b>Development</b>	Residential development of 62 dwellings.
<b>Location</b>	Ramstown Lower, Gorey Rural, Co. Wexford
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20191538
<b>Applicant</b>	Tom & Pat Redmond
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission with conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Anthony F. & Mary O'Gorman
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	25 <sup>th</sup> November 2020
<b>Inspector</b>	Paul O'Brien

## 1.0 Site Location and Description

- 1.1. The subject site in Ramstown Lower, with a stated site area of 2.1618 hectares is located to the southern side of Gorey, Co. Wexford, west of the Ballycanew Road/ R741 Gorey to M11/ Wexford Regional Road, though does not adjoin this road and to the to the east of the Meadow Gate residential development.
- 1.2. The site consists of part of a large agricultural field which has an almost rectangular shape, but the subject site is of an irregular shape. The site was under grass on the day of the site visit, levels are uneven but raises significantly on a north/ north east to south axis. There is a stream along the north eastern boundary which is partially obscured by trees/ natural vegetation growth. Lands to the south form part of this field, lands to the west and north form part of the Meadow Gate residential development of mostly two-storey houses. An area of public open space to the north west is separated from the site by a hedgerow, and again there are differences in levels along this boundary. The lands to the north/ north east area are also in agricultural use.
- 1.3. The site is approximately 920 m to the south of Gorey Main Street. Approximately 500 and 550 m to the north east are large retail developments anchored by Dunnes Stores and Tesco. The railway station serving Gorey on the Dublin to Wexford/ Rosslare line is approximately 475 m to the north east. From the site visit it was evident that the site is within the urban area of Gorey.

## 2.0 Proposed Development

- 2.1. The proposed residential development consists of 62 housing units consisting of:

Type	Bedrooms	Number
Detached, two storey.	4	6
Semi-detached, two storey.	4	12
Semi-detached, two storey	3	12
Terraced, two storey	3	6
<b>Total Houses:</b>		<b>36</b>

Type	Bedrooms	Number
Ground floor apartment units	2	5
Duplex apartment units	3	5
<b>Total:</b>		<b>10</b>
<b>Five storey apartment block:</b>		
Duplex apartment units	3	4
Apartment units	2	12
<b>Total</b>		<b>16</b>
<b>Total Apartments</b>		<b>26</b>

- Connection to existing road network to the north west in Meadow Gate.
- Provision for road/ pedestrian/ cycle links to the south/ south east and north east.
- Public open space and boundary treatments.
- All ancillary site works and services.

The proposed density is 29 (28.67) units per hectare.

### 3.0 Planning Authority Decision

#### 3.1. Decision

The Planning Authority decided to grant permission subject to conditions following the receipt of further information. The conditions are generally standard. Condition no. 2 requires surface water attenuation details and Condition no. 3 requires archaeological excavation.

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

The Planning Report reflects the decision to grant permission. Further information was sought in relation to archaeological assessment, car parking details, bicycle parking details, details on electrical charging points and to demonstrate that

adequate bin storage can be provided for. The submitted further information was considered to be acceptable and addressed all issues.

### 3.2.2. **Other Technical Reports**

**Chief Fire Officer:** No objection subject to recommended conditions.

**Roads Inspection Report:** No objection subject to recommended conditions.

**Housing Department:** No objection, agreement in principle for the transfer of 6 housing units.

### 3.2.3. **Prescribed Bodies Reports**

**Department of Culture, Heritage and the Gaeltacht:** Further information requested that an Archaeological Impact Assessment be undertaken, and a report prepared on any findings. On receipt of the further information, no objection subject to conditions.

### 3.2.4. **Objections/ Observations**

Letters of objection were received from New Meadow Gate Residents Association, Lorraine Wall Harrington, Anthony O’Gorman, Annrai O’Toole, Oliver Lynn and Anthony O’Gorman.

The following issues were raised in summary:

- Concern about the increase in traffic in the area especially at the entrance to the Ballycanew Road/ R741. This access is narrow. Traffic congestion is already bad here especially when there are functions in the adjacent hotel (east of the R741).
- Concern that the development may allow for further development by the applicant on lands further into Ramstown Lower.
- A gate next to existing houses no. 186/ 187 was to be replaced with a wall and this has not been done to date. Concern that this temporary gate may be used to access the construction site.
- Query about Wexford County Council contributing to upkeep of the estate if they take control of some of the proposed units.
- The site notices were not in situ as required.

- Concern about an increase in traffic through the existing estate and potential hazards to children. Request that road bumps be provided to address this issue.
- Flooding is an issue especially from the river/ stream to the eastern point of the site. The development is likely to increase the chance of flooding here.
- The Phase II development proposes the use of a private lane to provide access to the R741 – this lane is not suitable for such a use. The applicant has no legal right to carry out any work to this laneway. The laneway cannot be widened and query as to who will be responsible for public liability in the event that there is an accident on the lane.
- The owners of this laneway (Anthony & Mary O’Gorman) have given no right to allow a right of way over this laneway. Any such use would negatively impact on the existing residential amenity. An active horse yard would also be negatively impacted upon by increased activity.
- Disappointed about the lack of consultation by the applicant.
- Whilst development is welcome, insufficient consideration has been given to the issue of traffic in this proposal.

#### 4.0 Planning History

**P.A. Ref. 20200738** refers to an August 2020 decision to grant permission for a residential development of 55 units located to the south of the subject site. This decision was appealed by a third party and is currently under consideration; **ABP Ref. 308232** refers.

**P.A. Ref. 20200009** refers to a February 2020 decision to refuse permission for a residential development of 55 units located to the south of the subject site. Refused for four reasons including poor residential amenity referencing open space, pedestrian/ cycle links and which is contrary to the Gorey Local Area Plan, proposed apartment block F would result in overlooking of adjoining properties, contrary to Gorey Neighbourhood Framework Plan and the applicant has failed to demonstrate adequate legal right of way over a laneway to the south of the site.

**P.A. Ref. 20072774** refers to a September 2007 decision to grant permission for a new vehicle entrance from Meadow Gate estate to adjoining zoned lands to permit future residential development of circa 3.7 ha.

## 5.0 Policy and Context

### 5.1. Wexford County Development Plan 2013 - 2019

- 5.1.1. Gorey is listed as one of the four main towns in County Wexford. The Core Strategy states: 'The development approach for Gorey Town is to accommodate more measured growth in the town, consolidating the existing pattern of development. The focus will be on encouraging and facilitating the further development of physical and social infrastructure for the town'. The core strategy notes that there has been substantial residential development in Gorey and this needs to be carefully controlled.
- 5.1.2. Chapter 12 of the plan refers to 'Flood Risk Management', Chapter 17 to 'Design' and Chapter 18 to 'Development Management Standards'.

### 5.2. Gorey Local Area Plan 2017 - 2023

- 5.2.1. The site is mostly zoned R – Residential use and the north east and north western sides are zoned OS – Open Space and Amenity. The following refers to OS zoned lands:

'To protect and provide for recreation, open space and amenity areas.

The objective of this zoning is to retain and protect all existing open spaces, both passive and active. Development that would result in a loss of established open space and amenity will not normally be permitted. An exception may be made to this restriction where compensatory provision is made elsewhere in the town at an appropriate location'.

Within the zoning matrix – Residential development is not normally permitted on OS zoned lands.

- 5.2.2. Relevant chapters are 2 – 'Housing and Social Infrastructure Delivery', Chapter 3 – 'Urban Design Strategy' – indicates that the site is located in the 'South Gorey' area and the site is within Key Objective Area GS6 – key infrastructure includes riverside

corridor, open space and new avenues and Chapter 4 – Access and Movement Strategy.

- 5.2.3. Appendix 3 – ‘Strategic Flood Risk Assessment’ provides a detailed analysis of flood risk areas in Gorey. Map No: 2 – Flood Zones indicates that the area along the stream to the north east of the site is within Flood Zone A & B. This equates to the proposed location of public open space.

### 5.3. National Guidance

- ‘Project Ireland 2040 - National Planning Framework’ includes Chapter, No. 6, entitled ‘People Homes and Communities’ and which includes 12 objectives, the following are considered relevant to this proposed development:
  - National Policy Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.
  - National Policy Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
  - National Policy Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.
- Design Manual for Urban Roads and Streets (DMURS).
- Sustainable Urban Residential Development Guidelines (DoEHLG, 2009) and its companion, the Urban Design Manual - A Best Practice Guide (DoEHLG, 2009).
- Quality Housing for Sustainable Communities (DoEHLG, 2007).
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DoHPLG, 2018).

These guidelines provide for a range of information for apartment developments including detailing minimum room and floor areas.

- Urban Development and Building Heights Guidelines for Planning Authorities (DoHPLG, 2018).

#### 5.4. **Natural Heritage Designations**

None.

### 6.0 **The Appeal**

#### 6.1. **Grounds of Appeal**

Anthony O’Gorman has appealed the decision of Wexford County Council to grant permission for a residential development on this site in Gorey.

The issues raised, include in summary:

- Refer to the letter of objection submitted to Wexford County Council on the 20<sup>th</sup> of December 2019.
- The laneway to the south of the site, is divided as follows:
  - A – B: A private laneway owned by the appellant but with rights of way over it in favour of others.
  - B – C: Half of the laneway is owned by Anthony & Mary O’Gorman.
- The appellants home is located to the south of the laneway and there are working stables to the north of the laneway.
- The laneway has been developed/ maintained by the appellant and others, not including the applicant. It is not suitable for use by heavy machinery.
- It was used in the past by the applicants and which caused concern especially regarding the welfare of animals here.
- Whilst the applicants can make the case that they have used this lane for agricultural access, the proposed development would see a different more intensive use of the laneway.
- Request that a Construction Management Plan be provided that specifically doesn’t use this laneway for the purposes outlined – this should be conditioned.
- Conclude the appeal by stating ‘Accordingly we wish to object to the proposed development under the decision granted 20191538 for above reasons’.



## 6.2. Applicant Response

- None

## 6.3. Planning Authority Response

- None

## 7.0 Assessment

7.1. The main issues that arise for assessment in relation to this appeal can be addressed under the following headings:

- Principle of Development
- Zoning & Density
- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Access and Transportation
- Other Issues
- Appropriate Assessment Screening – Natura Impact Statement

## 7.2. Development Context

7.2.1. The site, which is located within the designated Gorey Local Area Plan lands, is zoned for a mix of residential and open space uses and the overall principle of a residential development on these lands is therefore acceptable.

## 7.3. Zoning & Density – New Issues

7.3.1. I refer to the following from The Planning Authority report dated the 6<sup>th</sup> of July 2020 and signed by the Executive Planner & Senior Executive Planner which concludes as follows (relevant section only):

‘The lands are zoned as Residential in the Gorey Town & Environs LAP 2017-2023 and therefore the principle of a housing scheme is acceptable. The density is above the minimum required 35 units to hectare’.

Most of the site is zoned for residential use, however the lands to the north west and north east are zoned for open space use. The section to the north eastern boundary is acceptable as this is proposed for open space use adjacent to the stream. I am concerned though about the development to the north of the road which runs on a north east to south west axis and in particular units no. 1 to 5 and apartments/ duplexes 24 to 39. From the available information the proposed location of most of these units is on lands zoned for open space uses. All of House nos. 1 to 4 are on open space lands and most of no. 5 and the footprints of apartments/ duplexes 24 to 39 are mostly on open space lands. The proposed development would therefore contravene materially the zoning objective as provided in the local area plan.

- 7.3.2. The Gorey plan states 'Development that would result in a loss of established open space and amenity will not normally be permitted. An exception may be made to this restriction where compensatory provision is made elsewhere in the town at an appropriate location'. From the information submitted with the application and from the Case Officers Planning Report, I have no indication that the issue of zoning was adequately considered, it appears that the applicant and the Planning Authority were satisfied that the lands were zoned only for residential use. The issue of providing for compensatory open space was never raised as a consideration and whilst the applicant has proposed the provision of 0.33 hectares/ 15.5 % of the site area, there has been a significant loss in open space.
- 7.3.3. The applicant considers only 1.75 hectares of the site to be developable – which increases the density from 29 units per hectare to 35 units per hectare. I am unsure as to why only 1.75 hectares can be developed, but I would expect that such lands can generate a density in excess of 35 units in accordance with the 'Sustainable Urban Residential Development Guidelines'.
- 7.3.4. The issue of density is important. If it was accepted that the density is 35 units per hectare, then the proposal would be at the base level of what would be expected. I do not accept that the density is appropriate for this location. Going back to the issue of zoning, it may be possible to exclude the relevant units from a grant of permission and allocate these lands to open space use in accordance with the local area plan zoning, however this would result in a density of only 20 to 24 units per hectare depending on the area of land being 2.1 or 1.75 hectares. Either way this would be unacceptable and would provide for a poor use of zoned, serviced lands

adjacent to Gorey Town Centre and within walking distance of the railway station. I therefore consider that the proposed development is contrary to the zoning and the density is not acceptable.

- 7.3.5. As the Planning Authority considered the applicant complied with the zoning objective and the density was acceptable, and as it was not raised in the grounds of appeal, I consider that these are new issues. I would draw the Board's attention to this fact and, as such, the Board may wish to seek the views of the parties.

#### **7.4. Design and Impact on the Character of the Area**

- 7.4.1. The proposed development is effectively an extension to the existing Meadow Gate residential development. The proposed site appears to be important as it allows for future development to the south and potential development to lands to the east/north east. The internal road network has been designed with future extensions in mind. The road network/ street layout is generally acceptable and provides for a hierarchy of streets, with a future east to south road towards the south of the site becoming an important access road. I would query the junction to the front of houses no. 5 & 6, this appears somewhat excessive for this section of the site.
- 7.4.2. It is considered that the layout could be improved in a number of locations to provide for a higher quality of urban design. House no. 1 could be revised to have the front door located to the north west elevation, thereby providing for a more active frontage to this side. The area of open space to the side of this house, although outside of the subject application area, will not function as useable amenity space and may create difficulties for the occupants of house no. 1, hence why I would suggest relocation of the front door to this side. The provision of a projecting gable to the side may not adequately address this issue. A similar arises in the case of house no. 13.
- 7.4.3. The proposed houses and apartments are visually acceptable and will integrate with existing houses in the area. Houses will be finished in a mix of brick and render, composite cladding and render. The apartments will be a mix of render & stone, render and composite cladding. The north west elevational treatment to the apartment/ duplex units is to be finished with a metal clad rainscreen. I am uncertain why this is proposed other than as an architectural feature. In the event that

permission was to be granted, the issue of final finishes can be addressed by way of condition for agreement with the Planning Authority.

## **7.5. Impact on Residential Amenity – New Issues**

- 7.5.1. I do not foresee overlooking of nearby properties leading to a loss of privacy or of overshadowing, leading to a loss of daylight from this development. Adequate separation distances are provided in relation to existing houses and the layout has been designed to allow for development on adjacent sites in the future.
- 7.5.2. The proposed houses are provided with adequate floor area/ room sizes to ensure that they will allow for high quality residential accommodation. Storage provision for the detached/ semi-detached houses is primarily in the form of a utility room, though additional storage can be provided in the attic space if necessary. The terraced houses (Type C2) are provided with storage space on the ground and first floor levels. All houses are provided with suitable areas of private amenity space.
- 7.5.3. The proposed D1/ D2 and E type units are not acceptable as no dedicated storage space is indicated for these units. Storage relies on the use of a hot press, which is not acceptable and although the floor plans include an area labelled 'Utility Room', this appears to be an open area forming part of the kitchen/ dining room. Apartment Type F (incorrectly labelled E) provides for adequate storage space in the form of utility room and separate store room. I do have to caution though, that the floor area of these utility rooms (generally 4.1 sq m) and stores (generally 4.3 sq m) is greater than the maximum of 3.5 sq m set out in the apartment guidelines. Also, of concern are the balconies which serve the apartments; many of these only have a depth of 1.1 to 1.2 m, which is less than the specified 1.5 m depth set out in Section 3.37 of the apartment guidelines.
- 7.5.4. Access to the upper levels of Block F is by way of a lift and stair core at either end of the block with access to individual units by way of deck access. This allows for one core per two units on the first, second and third floors. The metal clad rain screen is used to block views of these deck access areas. Deck access to upper floor apartments can be very problematic, however the design is such that only bathroom, utility rooms and the kitchen face onto the deck access area. The balconies serving these floors are accessed from the living room and in the case of the central/ middle units, they project along the front of the bedrooms. I would be concerned about the

quality of the amenity to these units especially as they will be facing south east and may not obtain much sunlight throughout the day.

- 7.5.5. As the Planning Authority considered the applicant demonstrated that the apartment/duplex units were acceptable in terms of residential amenity, and as the issues of balcony sizes and storage provision were not raised in the grounds of appeal, I consider that these are new issues. I would draw the Board's attention to this fact and, as such, the Board may wish to seek the views of the parties.

## **7.6. Access and Transportation**

- 7.6.1. No concerns were raised in relation to the road layout or access to the site. I note concerns expressed in the letters of objection to the original application in relation to congestion, increased traffic and pedestrian safety within the existing Meadow Gate development. The issues mostly referred to existing problems and I do not foresee that this development of 62 units will give rise to increased concerns. Provision has been made for a road connection through the north east boundary and this may in time reduce the volume of traffic passing through the Meadow Gate development.
- 7.6.2. Adequate car parking has been provided to serve this development. I note that the units along the southern road are provided with on-street parking. I assume this is to define the status of this road which may operate as a busier road than the other more street like roads. The majority of houses are provided with in-curtilage parking. Adequate parking is provided for the apartments and a relatively high proportion of these spaces are equipped for electric vehicle charging. Additional bicycle parking was provided in response to the further information request and this is generally acceptable.
- 7.6.3. As noted already in this report, the layout is designed to allow for future development and connections to adjoining lands. The site layout therefore allows for high-quality permeability into the future.

## **7.7. Other Issues**

- 7.7.1. The Department of Culture, Heritage and the Gaeltacht have reported on this development with recommended conditions in relation to archaeology in the event that permission is granted. These are noted and are considered to be appropriate.

- 7.7.2. It should be possible to provide for water supply and foul drainage to serve this development. The site is located within the urban area of Gorey and services are available on adjoining lands.
- 7.7.3. The applicant has taken adequate measures to ensure that flooding does not arise as an issue of concern. There is no official record available to identify any such concerns regarding this site. The only area where flooding may arise is along the north east boundary along the stream. A separation of 12 m is provided between the stream and the adjacent road and this is an adequate separation. I note the comments made in the letters of objection, but I am satisfied that the applicant has adequately addressed such issues.
- 7.7.4. The issues raised in the appeal are noted. There is a separate application on the lands to the south of this site under P.A. Ref. 20200738/ ABP Ref. 308232 and the issues raised may be more relevant to that application/ appeal. There is no evidence that the applicant proposes to use the laneway and from the submitted details it should be possible to develop this site without using access from the laneway and onto the R741. The red line boundary does not extend to any point that connects to the laneway with the only connection from this site to the public road, being to the north west to Meadow Gate. There is no proposal to widen the laneway, to provide public lighting etc. here. The appellant has included a recommended draft condition that a construction management plan be prepared, and which restricts access to the laneway. This is noted, but such a condition may be unnecessary for the reasons outlined.
- 7.7.5. Concern was raised that the proposed development may result in the further development of adjoining lands; this is possible having regard to the zoning and proposals outlined in the Gorey Town & Environs Local Area Plan 2017 – 20223. Any development of these lands will be subject to planning either to the Local Authority or An Bord Pleanála if submitted as a Strategic Housing Development, in either case the public will have the right to comment.

## 7.8. **Appropriate Assessment Screening – Stage 1**

- 7.8.1. The adjoining stream to the north east of the site does not hydrologically connect to any designated Natura 2000 site.

- 7.8.2. Having regard to the nature and scale of the proposed development and the location of the site in a zoned area where public infrastructure is available and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a designated European site.

## 8.0 Recommendation

- 8.1. I recommend that permission be refused subject to the following conditions and reasons.

## 9.0 Reasons and Considerations

- 9.1. A significant portion of the site is located in an area zoned objective OS – Open Space in the current Gorey Town & Environs Local Area Plan 2017 - 2023 for the area. Approximately 21 of the 62 proposed units (Houses no. 1 to 5 and apartments/ duplex nos. 24 to 39) are fully located or significantly located on this open space lands and whilst the local area plan may allow for development on such lands, no suitable compensatory lands have been identified/ provided in this application. Having regard to the zoning of the site, the objective of which is to provide for open space and amenity uses, and the proposal to build residential units on these lands, would contravene materially the said zoning objective and would be contrary to the proper planning and sustainable development of the area.
- 9.2. The proposed development of 62 units on a site of 2.1618 hectares provides for a density of 29 units per hectare. The site is located within the serviced/ zoned area of Gorey and is within 920 m of the Main Street and 475 m from the railway station. The ‘Sustainable Urban Residential Development Guidelines’ (DoEHLG, 2009) consider that the density for such a location should be in excess of 35 units per hectare. The proposed development is therefore contrary to Ministerial Guidelines issued under Section 28 of the Planning and Development Act 2000 as amended.
- 9.3. Apartment Types D1/D2 and E only provide for balconies with a depth of 1.1m to 1.2 m and this is contrary to Section 3.37 of the ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DoHPLG,

2018)' and in addition insufficient/ storage space is provided for these units. it is considered that the proposed development would seriously injure the residential amenity of existing residents by reason of poor quality amenity space, no storage and would not demonstrate compliance with Ministerial Guidelines issues under Section 28 of the Planning and Development Act 2000 as amended. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Paul O'Brien  
Planning Inspector

3<sup>rd</sup> December 2020

Encl.

I have included a copy of the Gorey LAP zoning map and a copy of the Draft Zoning map. The zonings for this site did not change but it is easier to view the location of the OS zoning on the draft map.