



An
Bord
Pleanála

Inspector's Report ABP-308232-20

Development	Residential development of 55 dwellings.
Location	Ramstown Lower, Knockmullen, Gorey Rural, Co. Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20200738
Applicant	Tom & Pat Redmond
Type of Application	Permission
Planning Authority Decision	Grant permission with conditions.
Type of Appeal	Third Party
Appellant(s)	Anthony & Mary O'Gorman
Observer(s)	None
Date of Site Inspection	25 th November 2020
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site in Ramstown Lower, with a stated site area of 1.83 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. Access is proposed from Meadow Gate.
- 1.2. The site consists of the south eastern side of a large agricultural field which has an almost rectangular shape, but the subject site is of an irregular shape, and part of the northern section is excluded from this application, forming an island that is not proposed to be developed under this application. The site was under grass on the day of the site visit, levels are uneven. There is a stream to the north eastern side, on lands outside of the subject site. Lands to the north form part of this field and which are subject to separate planning applications. The lands to the north/ north east area are also in agricultural use.
- 1.3. The centre of the site is approximately 1.05k m to the south of Gorey Main Street. Approximately 680 and 810 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 595 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 55 housing units consisting of:

Type	Bedrooms	Number
Detached, two storey.	4	2
Semi-detached, two storey.	4	8
Semi-detached, two storey	3	4
Terraced, two storey	3	9
Terraced, three storey	4	12
Total Houses:		35

Type	Bedrooms	Number
Ground floor apartment units	2	10
Duplex apartment units	3	10
Total Apartments:		20

- 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 30 units per hectare.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to conditions. The conditions are generally standard. Condition no. 9 requires surface water attenuation details and Condition no. 19 requires archaeological monitoring.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report reflects the decision to grant permission. Some comment was made regarding the density at 30 units per hectare/ net density of 35 units per hectare, however the overall development was considered to be acceptable and addresses reasons for refusal as issued under previous application.

3.2.2. Other Technical Reports

A/Chief Fire Officer: No objection subject to recommended conditions.

Disability Access Officer: Issues with compliance with current Building Regulations and refers to the approach route/ external circulation around the apartments and houses are to comply with relevant regulations.

3.2.3. Prescribed Bodies Reports

None.

3.2.4. Objections/ Observations

Letters of objection were received from Anthony & Mary O’Gorman, Oliver Lynn and Gary Brandon & Pat Hanly.

The following issues were raised in summary:

- Concern about the proposed boundary wall at 1.8 m high which adjoins a private laneway to the south east/ east of the site. This wall may not be of sufficient height to ensure security especially as the communal open space area is not sufficiently overlooked.
- Request that access to the site during the construction and post construction phases be by way of the spine road, which is in charge of the Local Authority and not to use the private laneway.
- The private laneway is not suitable for increased access and is maintained by the residents who live here.
- 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.
- Potential overlooking from duplex/ apartments which are three storeys in height.
- Lighting from the development may impact on adjoining lands.
- Potential for noise nuisance arising from the development.

4.0 Planning History

P.A. Ref. 20200009 refers to a February 2020 decision to refuse permission for a residential development of 55 units located on the subject site. This was 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. 20191538/ ABP Ref. 307751-20 refers to an application for 62 housing units consisting of 36 houses and 26 apartments on lands to the north of the subject site. The Planning Authority decided to grant permission for this development, this decision was appealed by a third party and is currently under consideration.

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 zoned 'R' – Residential use, except for a small section of land where the proposed access road connects the development lands with Meadow Gate, and which is 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, 2020).

These updated 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 & Mary 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 27th of July 2020.
- They have already appealed the grant of permission by Wexford County Council, P.A. Ref. 20191538/ ABP Ref. 307751-20 refers. No decision has been made to date.
- Query why the application, and the previous one, were split as they appear to be an integrated scheme and should be considered as one.
- Query the quality of the site location maps included with the application, the application should have been invalidated by the Planning Authority.
- Lack of information provided as to how construction traffic will be facilitated and over what roads it will access the site. Need for a proper construction management plan with details on construction traffic management.
- Concern over the impact of the development on adjoining lands due to the quality of the submitted plans.

- Previous construction development used the private laneway that Anthony & Mary O’Gorman live on.
- The three storey buildings may impact on the appellants’ long established equine business. These buildings would require all night lighting which will disturb horses. In addition, these units would generate more noise than from standard housing. Request that the duplexes be replaced with houses.
- Concern that there will be trespass onto their property as the horses would be a curiosity. In addition, horses may be released onto the public roads or other issues may arise.
- It is important that proper boundary treatment be provided.
- Concern about impact on habitats – refer to Kestrels, Sea Eagles and bats.

6.2. Applicant Response

Joe Bonner – Planning Consultant, has been engaged by the applicant to submit a response to this appeal.

The following points are made in summary:

- The planning history and nature of development are set out. In addition, reference is made to other applications/ appeals on adjacent lands.
- The subject site will be accessed from the north through the Meadow Gate development. It is not proposed to use the laneway to the south for access purposes.
- There is no issue with the submission of separate applications, and this does not negatively impact on third parties. The subject development and that under P.A. Ref. 20191538/ ABP Ref. 307751-20 will provide for an integrated scheme but can be developed independently as the road access indicates.
- Request that a construction management plan be conditioned in the event that permission is granted for this development.
- Issues raised in relation to ‘Health, Safety and Welfare’ are not related to the planning application, but the applicant is willing to revise the boundary treatment along the southern boundary if deemed necessary.

- The adjacent appeal under P.A. Ref. 20191538/ ABP Ref. 307751-20 should be dismissed as it mostly refers to comments by the Planning Authority and not the proposed development itself.
- The subject development is appropriate in terms of zoning, the Gorey Local Area Plan and National Guidance.

6.3. **Planning Authority Response**

The following comments are made in response to the appeal:

- An applicant may lodge multiple applications. The Planning Authority will monitor them and consider all issues in relation to splitting of applications.
- All submitted plans, maps and site notices were considered to be valid and in accordance with the requirements of the Planning and Development Regulations 2001 as amended.
- The proposed layout is considered to be acceptable and integrates with other proposals/ development in the area.
- Condition no.13 requires the submission of a Construction Management Plan.
- The development should not impact on the management/ operation of the stables.
- The planning system is not there to resolve issues in relation to legal disputes regarding ownership of lands/ access to such lands.
- The site is suitably zoned for residential development and the proposal is considered to be acceptable in this location.

7.0 **Assessment**

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

- Development Context
- Zoning & Density
- Design and Impact on the Character of the Area
- Impact on Residential Amenity

- Access and Transportation
- Other Issues
- Overall Conclusion
- 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. The majority of the site is zoned R – Residential and therefore the development is acceptable in terms of the zoning objective. A small area of open space land is to be developed, primarily to provide an access road from Meadow Gate, this is considered to be acceptable and any loss of amenity lands can be offset by open space provision on site, with a total stated area of 2230 sq m which is approximately 12% of the site area. Part of the apartment block containing Units 112 to 115 is located within the designated open space area. I will comment on the quality of the open space provision later in this report.

7.3.2. The proposed density is 30 units per hectare. Normally a density in excess of 35 units per hectare would be expected in such a location. Even allowing for the ‘Developable Area’ to be 1.74 hectares, the density is still only 31.6 units per hectare. The site is located within the serviced/ zoned area of Gorey and is just over 1 km from the Main Street and 565 m from the railway station. The ‘Sustainable Urban Residential Development Guidelines’ (DoEHLG, 2009) propose that the density for such a location should be in excess of 35 units per hectare.

7.3.3. The proposed development provides for a mix of detached, semi-detached and terraced houses in addition to apartment/ duplex units. To achieve the minimum expected density, the number of units would have to increase from 55 to at least 64. This can only be done by providing for more duplex units and/ or larger apartment block(s). I have concern about the incursion of car parking, as well as the eastern most apartment/ duplex Type E unit into an area of land zoned for open space use.

This reduces the useability of the open space but also indicates that the proposed density is limited by the unit type to the extent that they have be provided on lands that should be kept free from development other than for public open space/ amenity uses.

7.3.4. It is considered that permission should be refused for this development as it fails to meet the minimum expected density for serviced lands and fails to comply with the requirements of the 'Sustainable Urban Residential Development Guidelines' (DoEHLG, 2009).

7.3.5. As the Planning Authority did not oppose the proposed density at 30 units per hectare, and as this issue was not raised in the grounds of appeal, I consider that this is a new issue. 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 essentially a southern extension to the existing Meadow Gate residential development. Access to these lands is by way of a proposed roadway that connects to the south of Meadow Gate. The roadway serving these lands is within the redline boundary of the planning application, which allows for the development of these lands independent of any other proposals. However, it is clear that the development relies somewhat on permission for P.A. Ref. 20191538/ ABP Ref. 307751-20 being approved. Access to the site from Meadow Gate only allows for the development of a roadway; no pedestrian access is proposed under the subject application. This would be a length of between 150 and 160 m of route without a footpath.

7.4.2. The proposed site allows for future access to the lands to the east and to the south west. The roadway is indicated as continuing to the site boundary and this is considered to be appropriate. Although this is an extension to Meadow Gate, other than the access road link, it only adjoins the existing development to the west, where the Communal Green Area #6 adjoins existing semi-detached houses. The lands to the south are either in agricultural or residential use at a low density and the development does not impact on the layout character of this section of site.

7.4.3. I have already referenced areas of proposed development onto lands designated as open space in the Gorey Local Area Plan. The overall provision of open spaces is of

concern and it is considered that the layout could be significantly improved in a number of locations in order to provide for useable public amenity. Much of the proposed open space is designated as communal open space and as such it will function as the amenity space for the adjoining duplex/ apartment blocks. Areas of public open space are provided to the north east of the site/ access road (Green Area #5), to the north west/ front of the three duplex/ apartment units to the east of the site (Green Area #6) and to the south west of these units (Green Area #8). These areas of open space are between 402 sq m and 482 sq m. I would have a serious concern about the size, layout, and useability of these proposed areas of open space. Green Area #5 is proposed to form part of a riverside walk along the north eastern side of the site, but as already reported, the amount of land proposed is reduced by the insertion of car parking and part of a duplex/ apartment block onto open space zoned lands. Green Area #6 is the largest piece of open space but is linear in shape and its useability would be very limited. It is surrounded by roads on all sides and no pedestrian access is indicated on the submitted plans. Green Area #8 is again restricted by its shape and its small area which is given as 402 sq m. The submitted landscaping details only indicate grass and trees will be planted on these areas of open space.

- 7.4.4. 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 finished in a mix of render and composite cladding. Overall there is a good mix of house types and finishes such that variety is provided throughout the site.

7.5. Impact on Residential Amenity – New Issues

- 7.5.1. I do not foresee overlooking of adjacent properties leading to a loss of privacy or of overshadowing, leading to a loss of daylight from this development. Adequate separation distances are provided. The three duplex/ apartment blocks to the south east / east of the site are 10 m from the rear boundary that they face. The boundary is adjacent to the private laneway referred to in the appeal and as such the units are suitably positioned away from any housing.
- 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. The C2 Type terraced

houses are provided with storage space on the ground and first floor levels and the B4 units have storage provision on the first floor and attic levels. No specific storage is proposed for House Types B3, C1 and Types A1, A2 and B2 are only allocated space in the Utility Room. It may be possible to provide for additional storage space at attic level. All houses are provided with suitable areas of private amenity space with appropriate depths of garden.

- 7.5.3. The proposed Type E Duplex/ Apartment 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. 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. 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. Unusually for a development of this size, no report was received from Wexford County Council's Roads Department or from the Area Engineer. The Planning Authority Case Officer made very little comment on the road layout other than to say whilst 'not fully compliant with the block layout proposed in Neighbourhood Framework Plan in the Gorey Town Local Area Plan, the proposed layout should be read in conjunction with the proposed development on adjacent site 20191538'. Although the Planning Authority may be relying on the adjacent application getting permission, the submitted application has been proposed in a manner that it could be carried out independently. This is most obvious through the provision of the link road to Meadow Gate, however, as already reported, no footpaths or pedestrian provision is made.
- 7.6.2. Adequate car parking has been provided to serve this development. The proposed houses are provided with in-curtilage parking and the apartment/ duplex units have

shared car parking areas. These shared parking areas generally consist of groups of four parking spaces, at least one of which provides for an electrical vehicle charging point. The Planning Authority Case Officer reported in relation to electric car charging points, 'None indicated on site layout', this is incorrect. Integrated bicycle/ refuse storage areas are provided adjacent to these Type E units and these are acceptable and are suitable accessible.

- 7.6.3. As noted already in this report, the layout is designed to allow for potential future development and connections to adjoining lands. The site layout therefore allows for high-quality permeability when required into the future.

7.7. Other Issues

- 7.7.1. An Archaeological Assessment Report prepared by Stafford McLoughlin has been submitted with the application. Its conclusions found archaeological features within the site area including burnt mounds/ fulacht fiadh. The proposed development is likely to have a negative impact on these remains. The report recommends that archaeological excavation and preservation by record be undertaken. This is noted and suitable conditions could be applied in the event that permission is recommended.
- 7.7.2. No reports have been received from the Local Authority or from Irish Water in relation to water supply and foul drainage. It should be possible to provide for water supply and foul drainage to serve this development as the site is located within the urban area of Gorey and suitable services are available on adjoining lands.
- 7.7.3. There is no official record available to identify any concerns regarding flooding on this site. The only area where flooding may arise is along the north east boundary along the stream. In general, a separation of 12 m is provided between the stream and the adjacent access road and this is considered to be an adequate separation. I do have some reservations about the Type E block to the east/ south east as part of this may be impacted by flooding.
- 7.7.4. Throughout this report, I have raised concerns about this Type E block which accommodates units no. 112 to 115, including partial location on open space zoned lands, the location of associated car parking on open space zoned lands and now its location adjacent to the stream with a potential for flooding. I have already commented on the poor residential amenity of these units. Whilst it may be possible

to omit this block, that would reduce the density to below 30 units per hectare, resulting in a poor use of serviceable land.

- 7.7.5. The issues raised in the appeal are noted. 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 appeal response makes it clear that the applicant does not propose to use the private laneway during the construction phase. The proximity of the site to the laneway and the proposed site layout would also make it difficult to use the laneway during the construction phase of development.
- 7.7.6. The comments raised regarding health and safety etc. are not an issue for the planning process to address. I consider that the issues of impact on the adjoining equine business to be overstated, though I do appreciate the concern that the appellants have in this regard. The issues of unauthorised access and anti-social behaviour cannot be addressed by the planning process either. An applicant can only provide a suitable boundary treatment to the best of their ability, they cannot police the development post completion. These are all speculative issues that may or may not happen. From the site visit, there was no indication that the existing Meadow Gate residential development was giving rise to similar issues.
- 7.7.7. The site is not located within or adjacent to a designated European site and as the site has been considered suitable for development under the Local Area Plan process, it is to be expected that development may occur here. Most of the site was under grass on the day of the site visit and the most significant potential for important habitats was in the area of the stream to the north east of the site and which is not proposed to from part of this development.

7.8. Overall Conclusion

- 7.8.1. The subject application was appealed by adjoining landowners and I have considered all of the issues they have raised but I have dismissed their concerns as outlined in this report. Having considered the overall development, its layout and residential amenity, I have serious concerns about the low density of development, poor residential amenity for those who will reside in the Type E units, poor quality of open space and incursion of the development onto lands zoned for open space uses.

7.8.2. The development relies on adjoining lands for which no permission has been given and which results in pedestrian safety issues as no footpaths are proposed to serve this development. It may be possible to address a number of these issues by way of condition but not all concerns can be addressed in an acceptable manner. The removal of Type E units would resolve some issues but would further reduce the density to an unacceptable level. Gorey has the benefit of a large urban area serviced by a railway line connecting Dublin to Rosslare Harbour and Wexford. This site is suitable for a much higher density than the proposed 30 units per hectare and to resolve issues of poor amenity, whilst retaining the proposed layout/ format of housing, the density would be reduced to an unsustainable level.

7.9. Appropriate Assessment Screening – Stage 1

- 7.9.1. The adjoining stream to the north east of the site does not hydrologically connect to any designated Natura 2000 site.
- 7.9.2. 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. Having regard to its location at the edge of Gorey town, it is considered that the proposed development would be out of character with the pattern of development in the area and would result in:
- a) the poor disposition and quantity of public and communal open space,
 - b) a road layout which would not be conducive to pedestrian safety as no footpath is provided between the site and the existing footpath network in Meadow Gate.

The proposed development would thereby constitute a substandard form of development which would seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

- 9.2. The proposed development of 55 units on a site of 1.83 hectares provides for a density of 30 units per hectare. The site is located within the serviced/ zoned area of Gorey and is within 1.05 km of the Main Street and 575 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/ Duplex Type 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 provision 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.

Paul O'Brien
Planning Inspector

21st January 2021