



An
Bord
Pleanála

Inspector's Report ABP308429-20

Development	Demolish 5 houses and erect 8 houses.
Location	Station Road, Walsheslough, Rosslare, County Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	2020/850
Applicant(s)	Stephen Lambe
Type of Application	Permission
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Stephen Lambe
Observer(s)	Eddie & Elizabeth Cullen
Date of Site Inspection	3 rd December 2020.
Inspector	Hugh Mannion

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1.0 Site Location and Description

- 1.1. The application site is rectangular, a stated area of 0.3ha and stretches northwest from the edge of the R740 about 400m from Rosslare village centre at Walsheslough, Rosslare, County Wexford. The R740 links Rosslare village to the east of the site to the N25 about 4kms to the west of the site. The site contains 5 houses which have been subject to vandalism and fire setting and there are two large mobile homes parked on the site also. There are two access points from the site to the R740 and there is a footpath on the roadside along the site but not on the opposite side of the public road. There is a dormer bungalow on the adjoining site to the northeast and 2 two-storey houses adjoining on the site to the southwest. Immediately beside these 2 two-storey houses is the Seabury development of about 70 houses which has a single access onto the R740 and immediately adjoining that development is the Rosslare Harbour to Dublin rail line.
- 1.2. Rosslare village has a mix of retail and commercial uses which serve a tourist trade. North and south of the village centre there is ribbon development along the coast road. West of the application site and between it and the N25 there is a mix houses on individual sites and suburban type housing developments.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of five houses and the erection of 8 new houses (4 two storey three bed terraced houses, 2 two storey semidetached three bedroom houses, 1 one and a half storey house, 1 detached bungalow), new vehicular and pedestrian access from the public road all at Station Road, Walsheslough, Rosslare, County Wexford.

3.0 Planning Authority Decision

3.1. Decision – Refuse Permission

1. The layout, design, dominance of car parking and poorly designed and inadequate public open space and lack of storage would contravene section 18.10 of the Wexford County Development Plan.

2. The sightlines onto the public road are inadequate and the proposal would give rise to traffic hazard.
3. The car parking and access road layout would not comply with the Site Development Works for Housing Areas (DOE&LG).
4. The proposed development is deficient in public open space, public lighting and refuse storage. Demolition close to the public road and on the site boundary has not been demonstrated to have unreasonable impacts.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The planner's report recommended refusal as set out in the manager's order.

3.2.2. Other Technical Reports

3.2.3. **Roads Section** recommended additional information in relation to internal road layout and sight distances at the public road.

3.2.4. **Irish Water** reported no objection subject to conditions

4.0 **Planning History**

4.1. Planning Reference number 20110520: Permission refused for demolition of a house and of 4 chalets and erection of 5 houses because of traffic hazard and poor layout/design.

4.2. Planning Reference number 20091652: Permission refused for demolition of a house and 4 chalets and 6 houses because of lack of sewerage capacity, traffic hazard and poor layout/design.

5.0 Policy and Context

5.1. Development Plan

The site is on un-zoned land and the relevant County Development Plan is the Wexford County Development Plan 2013-2019 (the lifetime of this plan has been extended).

5.2. Natural Heritage Designations

Not relevant.

5.3. EIA Screening

5.4. Having regard to the nature of the application as a modest housing development on a site with an established residential use and the availability of public water supply and sewerage facilities to serve the proposed development it can be concluded that there are no likely significant environment impacts arising from the proposed development and the requirement for the submission of an EIAR and carrying out of an EIA can be excluded at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

- The scale and layout are appropriate to the village setting. There is a good mix of house type with 2 and 3 bed terraced, semidetached and a bungalow. The rear gardens/private open space meets the recommended standards.
- The public open space is in a single block overlooked from the planned housing. There is a small deficit in public open space but generally the proposed provision meets the County Development Plan standards.
- There is easy pedestrian access to the employment and other opportunities in Rosslare strand. There is easy access to centres in the wider area including Gorey, Arklow, Wexford and Enniscorthy.

- The sightlines at Station Road are adequate and comply with DMURS standards.
- The visual coherence of the village has been damaged by a variety of unsympathetically designs developments. In contrast the proposed development will reinforce the village streetscape and respects the design and scale of the area.
- The proposed development provides a high level of residential amenity.
- There will be no impact on the property rights of adjoining landowners.

6.2. Planning Authority Response

- No comment.

6.3. Observations

- The traffic impacts of the proposed development have not been properly considered. The proposed development will give rise to traffic hazard and additional on-street parking.
- There is a lack of capacity in the Rosslare WWTP.
- House C 1 is too close to the boundary and other houses will overlook the observer's property.
- The excessive density of the proposed development will negatively impact on the area.
- A proposal for 6 houses has previously been refused on this site.

6.4. Further Responses

None.

7.0 Assessment

7.1. Layout, Open space and Amenity.

7.2. The first and fourth refusal reason references inadequate design, layout and inadequate public open space provision. The site is restricted and has a relatively short road frontage. The Urban Design Manual which accompanies the Sustainable Residential Development Un Urban Areas Guidelines emphasise good design and layout, minimising areas given over to hard surfaces and provision of quality open space as key features of quality residential design. In relation to this application I consider that the shape of the site, its relatively modest size and the necessity to respect the adjoining forms of development has constrained types and layout of development appropriate for the site. The achievement of a reasonable residential density while respecting the pattern of development in the area is a further factor in considering the options for development of the site. Having regard to these factors I consider that the form and layout of the proposed development are acceptable.

7.3. The County Development Plan requires 10% of the application site be given over to public open space. In the present case that requirement would give rise to about 299m² of public open space whereas the proposed provision is 178m² giving rise to a deficit of about 121m². It may be noted in this instance that each house has acceptable private open space provision by way of rear gardens and that the public open space is well situated within the development and away from the public road and subject to good overlooking from the proposed four terraced houses. Strict adherence to the open space policy would require the disproportionate reduction in the density/number of units in an already small development and I conclude that the proper planning and sustainable development of the area is better served by allowing a minor deviation from the open space standards and achieving a reasonable density of development.

7.4. Traffic hazard.

7.5. The second reason for refusal states that the proposed development would endanger public safety by reason of traffic hazard because 50m sight distance is not achievable in both directions.

7.6. In the context of a traffic safety assessment it is notable that;

- The site has established residential uses which are clearly no longer fit for occupation which it is proposed to demolish and replace with new houses,
- There are two existing access points from the application site onto the R740 which links Rosslare village centre to the N25 which it is proposed to reduce to one access,
- The speed limit on the road fronting the site is 50kph,
- There is a pinch point to the immediate west of the proposed site entrance created by the gable of an existing house sitting on the roadside verge; this building is proposed for demolition, the new house is set back into the site and a new footpath will be constructed linking the adjoining housing development at Seabury to the west with the village centre to the east.
- The appeal was accompanied by a vehicle analysis drawing which illustrates that service vehicles can drive into, turn within the site and drive out.

7.7. Having regard to these factors I conclude that the proposed development improves sightlines along this road and in extending/linking up a footpath improves traffic safety and pedestrian safety on this stretch of public road.

7.8. Car parking and access standards.

7.9. Refusal reason 3 refers to inadequate parking layout. Table 39 in the county development plan requires the provision of 2 parking spaces per house. The proposed development incorporated 15 spaces which is one less than the notional figure required by the development plan standards. Generally parking provision should be minimised in favour of more sustainable forms of transport such as public transport, cycling and walking and it may be noted that the site is close to retail and community facilities, nevertheless in this instance it is important that carparking should not spill over onto the regional route fronting the site and linking the commercial/leisure uses in the village to the east with the N25 to the west. I conclude that the proposed parking provision is reasonable.

7.10. The appropriate street/access standards are set out in the Design Manual for Urban Roads and Streets. The design manual makes the point that reduced corner radii slow down traffic and that the appropriate radius is between 4.5 and 6m in the context of turning from a link street to a local street. The proposed development

provides a 6m radius on the corner of the proposed access road with the R740 which is acceptable. The access road within the development is 5.5m wide and this is generally in line with the advice on street widths and creating a sense of enclosure set out in the manual (section 4.2.1). I agree with the points made in the grounds of appeal in relation to the setback distance from the end of the estate road with edge of the R740 and conclude that the estate access junction as illustrated in the application drawings is adequate.

7.11. Having regard to the foregoing I conclude that the proposed development is acceptable in terms of carparking and access standards.

7.12. Public Lighting.

7.13. In refusal reason 4 the planning authority referenced the lack of proposals for appropriate public lighting provision. I attach a condition in the draft order below requiring the applicant to agree with the planning authority a public lighting layout within the proposed development prior to commencement of development.

7.14. Also in reason 4 the planning authority references the lack of arrangement for waste management within the proposed development. Having regard to the nature and scale of the proposed development I consider that the management of refuse within the development may be subject to a condition as set out in the draft order below.

7.15. Impact on Amenity of Adjoining Property.

7.16. The observer's property adjoins the application site to the east and is illustrated on the proposed site layout drawing. The observer makes the point that the proposed development will give rise to traffic hazard; I have addressed this point above.

7.17. The observer states that proposed house C1 is too close to the boundary. The observer's house is set back into their site creating a deep front garden along the boundary in the area of proposed house C1. House C1 is a bungalow and has two ground floor windows serving a bathroom and a shower room on the eastern boundary. These windows will be between 1.5m and 2m off the new boundary with the observer's front garden. I conclude that this arrangement does not have the capacity to seriously injure the amenity of the adjoining property to the east of the application site.

- 7.18. The grounds of appeal include a revised design for house type D in the southwestern corner which inserts a small ground floor window serving the dining room and looking onto the rear garden. I consider that to be a minor acceptable variation to the advertised application which the board may consider.
- 7.19. The observer makes the point that the proposed density is excessive. The proposed development gives a density of about 17 per ha which is below the densities for new residential development advocated in the Sustainable Residential Development in Urban Areas (DOEHLG 2009). Nonetheless having regard to the restricted size of the application site, the pattern of development in the area and the necessity to protect the amenity of adjoining property this reduced density is acceptable in this instance.
- 7.20. The observer states that there is a deficiency in foul water treatment facilities in Rosslare. Irish Water reported on the application but raised no objection in principle (it did add that the applicant would be asked to contribute to funding upgrade in pipework serving the site – I consider that this matter is addressed by condition 5 below). The draft Wexford County Development Plan (dated September 2020) states in reference to Rosslare that “there is public wastewater treatment plant serving Rosslare Strand. It has a capacity of 8,500 P.E and as of April 2020 there is some available headroom which affords modest scope to develop the settlement. However, the current capacity of the system varies significantly due to the seasonal nature of the occupation of the village meaning that there are some limitations to the available capacity. The area is also served by public water from the Fardystown Regional Water Scheme, and as of April 2020 it too has capacity to accommodate new development”.
- 7.21. I conclude on the basis of the reports from Irish Water, the material published in the draft county development plan and the modest scale of the proposed development that the proposed development may be properly served by the existing municipal WWTP without a risk of water pollution or risk to public health.

7.22. Appropriate Assessment.

7.23. Having regard to the modest scale of the proposed development, the availability of public water supply and foul drainage to serve the site, the foreseeable emissions therefrom and the separation distances between the application site and any European site I conclude that the proposed development will not have a significant effect on any European site.

8.0 Recommendation

8.1. I recommend that permission be granted.

9.0 Reasons and Considerations

Having regard to the established use of the site for residential purposes, its location in the built up area within the wider context of Rosslare village, to the availability of public water supply and public sewerage and subject to compliance with the conditions set out below it is considered that the proposed development would not give rise to traffic hazard, seriously injure the residential amenity of property in the vicinity or the visual amenity of the wider area, would provide a reasonable standard of amenity for future residents of the proposed development and would, otherwise, be in accordance with the standards set out in the current Wexford County Development Plan and 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 received by An Bord Pleanála on the 15 th October 2020, 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.
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	Reason: In the interest of clarity.
2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>The windows on the rear/eastern elevation of house C1 shall be permanently fitted with opaque glass.</p> <p>Reason: In the interests of visual amenity.</p>
4.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
6.	<p>The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.</p> <p>Reason: In the interests of amenity and of traffic and pedestrian safety.</p>
7.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p>Reason: In the interests of amenity and public safety.</p>
8.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>

9.	<p>All rear gardens shall be bounded by block walls, 1.8 metres in height, capped, and rendered, on both sides, to the written satisfaction of the planning authority.</p> <p>Reason: In the interests of residential and visual amenity.</p>
10.	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interests of urban legibility.</p>
11.	<p>The areas of public open space shown on the lodged plans shall be reserved for such use and shall be contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.</p> <p>Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.</p>
12.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.</p> <p>Reason: In the interests of sustainable waste management.</p>
13.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing</p>

	<p>with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
14.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
15.	<p>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. The contribution shall be paid prior to the 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</p>

	<p>matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 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.</p>
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Hugh Mannion
Senior Planning Inspector

18th January 2021.