



An
Bord
Pleanála

Inspector's Report

ABP-313910-22

Development	7 houses, access over existing scheme roadway, landscaping and ancillary site works.
Location	Ballinatray Upper, Ardamine, Co. Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20220478
Applicant(s)	JPR Enterprises Gorey Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	JPR Enterprises Gorey Limited
Observer(s)	Residents of Sunset Avenue, Riverchapel
Date of Site Inspection	2 nd of October 2023
Inspector	Angela Brereton

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1.0 Site Location and Description

- 1.1. The subject site is located on the western side of Sunset Avenue, which is a cul de sac road in the Riverchapel area to the south of Courtown. The area is residential and the site is currently undeveloped and very overgrown. It is surrounded by trees and hedgerows. The site is fenced off from the remainder of the estate. The existing houses include a semi-detached pair to the north of the site at the end of the cul-de-sac. There are terraced and semi-detached dormer type bungalows on the opposite side of the road, all with their own separate entrances to Sunset Avenue. There is a green area which appears as open space, to the south of the site, proximate to the entrance.
- 1.2. The proposal is to use the existing entrance off the Middleton Road (L5084 -2) to Sunset Avenue which is within the 50kph limit. Sightlines are restricted on either side of the existing entrance. There is a bend to the east and the footpath doesn't extend much beyond either side of the entrance. There is a footpath and an entrance to a housing estate on the opposite side of the road.

2.0 Proposed Development

- 2.1. Permission is sought to construct 7no. dwelling unit housing scheme, at Ballinatray Upper, Ardamine, Co. Wexford, consisting of the following:
 - a) 4no. two-storey two-bedroom terraced dwelling units
 - b) 3no. two-storey three-bedroom terraced dwelling units
 - c) Access to the development over existing scheme roadway as granted under reference nos. 20043410 and 20063205
 - d) Repair and improvement works to the existing access roadway and footpaths upon completion of the works
 - e) Connection to public services
 - f) Hard and Soft Landscaping and Boundary treatments
 - g) Ancillary works

2.2. Drawings and documents have been submitted with this application - to include the following:

- Planning Report - Molloy Architecture & Design Studio;
- Road and Traffic Impact Report – Roughan O'Donovan Consulting Engineers;
- Planning Stage Drainage Report for Ballinatray Housing Development – Aidano Consulting Limited;
- Lighting Design Report and Specifications for Sunset Avenue – Redmond Analytical Management Services.

3.0 Planning Authority Decision

On the 3rd of June 2022 Wexford County Council refused planning permission for the proposed development for the following reasons:

1. The proposed development would lead to the intensified use of an entrance which is considered to not meet the required sightline standards and it is considered that the proposed development would endanger public safety by reason of traffic hazard and therefore contrary to the proper planning and sustainable development of the area.
2. The proposed density of 46 dwellings per hectare on this infill site is considered excessive and would have a detrimental impact on the built form and character of the existing Sunset Avenue Estate and would therefore be contrary to the proper planning and sustainable development of the area.

3.1. Planning Authority Reports

3.1.1. Planning Reports

The Planner had regard to the locational context, planning history and policy and to the referral and the submissions made.

Their Assessment included the following:

- They noted concerns regarding the access and sightlines and that the roads section in consultation with the area engineer have reviewed these proposals and are recommending this application be refused on traffic safety grounds.

- They noted concerns about connectivity and footpath links.
- They had regard to past performance and enforcement issues.
- They concluded that the principal of a housing development on this infill site within the built-up area of Riverchapel is acceptable to the planning authority.
- That the issue of intensification of an existing sub-standard entrance will have to be addressed to the satisfaction of the roads section before further consideration can be given to this site.
- They had regard to the 'Sustainable Residential Development in Urban Areas Guidelines' 2009 and were concerned that the proposed density is excessive for the site (46 units per hectare) and would impact on the character of the estate. That a lower density would remain compliant with the Guidelines and would be more appropriate and reflect the existing building form and character of the Sunrise Avenue.
- They recommended that permission be refused having regard to density and access issues.

3.2. Other Technical Reports

Environment Section

They recommended that further information be requested to include a construction and environmental management plan and details of surface water drainage.

Roads Section

They are concerned that adequate sightlines are not available on either side of the site access from L5084-2 local road. That pedestrian linkage footpaths granted in 20072545 are currently not in place. That the proposed raised pedestrian crossing is unfavourable in the location submitted. They recommended refusal.

Housing Section

Part V agreement (05/01/2022) reached for the transfer of 1no. unit.

3.3. Prescribed Bodies

Irish Water advise that the proposed connection to water and wastewater can be facilitated at this time. That a water connection and wastewater connection is feasible without infrastructure upgrade by Irish Water. They recommend conditions.

3.4. Third Party Observations

Submissions, including a petition from local residents include the following concerns:

- Road Safety issues, including at the entrance from the estate to the Middleton Road.
- This proposal would worsen existing traffic hazard at the access to and from Sunset Avenue and lead to traffic congestion.
- The area already has insufficient waste connections and water supply has not been checked. Waste management is not available for households further into the estate.
- The loss of this green space will impact adversely on the biodiversity and the recreational potential of the area.
- The construction of these new houses will impact on their wellbeing and the character of the area.

4.0 Planning History

The Planner's Report details the planning history in the vicinity of the site and this includes the following:

Subject Site

- Reg.Ref. 20211389 – Permission refused by the Council to JPR Enterprise Gorey Limited to construct a 7no. dwelling unit housing scheme (a) 4no. two storey 2 bedroom terraced dwelling units (b) 3no two storey 3 bedroom terraced dwelling units, (c) access to the development over existing scheme roadway as granted under file ref. nos. 20043410 and 20063205, (d) Repair and improvement works to the existing access roadway and footpath upon

completion of the works (e) connection to public services (f) hard, soft landscaping and boundary treatments, (g) Ancillary work.

This was refused for the following reason:

1. The application has failed to accurately demonstrate the achievement of the required sightlines which would require works outside of the site boundaries and the applicant's control. The proposed development would therefore lead to the intensification of an entrance which is considered does not meet the required sightline standards and it is therefore considered that the proposed development would endanger public safety by reason of traffic hazard.

This was the subject of an appeal to An Bord Pleánala - subsequently invalid (PL26.312915 refers).

- Reg. Ref.20053890 – Permission refused by the Council for the erection of 9no. Two storey dwellings with bedrooms and attic space together with the usage of entrance which was granted under Planning Ref. No. 20043410 all with connections to existing public services, and ancillary site works.

This was refused in summary by reasons of inadequate infrastructure available to serve the development pending the upgrading of the wastewater treatment infrastructure in Courtown and deficient in public open space provision.

North of the Site

- Reg.Ref.20072545 – Permission subject to conditions granted to Chameleon Properties by the Council for the erection of 2no. dormer bungalows (semi-detached) with connection to existing public services and ancillary site works.

These have been constructed to the north of the site.

Opposite side of the Road

- Reg.Ref.20043410 – Permission granted subject to conditions by the Council to demolish existing dwelling and to erect 3no. terraced dormer bungalows, 4no. semi-detached dormer bungalows and 1no. detached dormer bungalow with connections to existing public services and ancillary works.

This concerned the houses that have been constructed on the opposite side of the road to the subject site.

- Reg.Ref.20063205 – Permission granted subject to conditions by the Council for Alterations to boundaries and entrance, position of roadway and services from that which has been previously granted under planning ref. no. 20043410.

This also concerned the housing scheme that have been constructed on the opposite side of the road to the subject site and had regard to the access.

Copies of these decisions are included in the History Appendix.

Enforcement

- Details are given of Planning Enforcement, including relevant to non-compliance with conditions of previous permissions.

5.0 Policy Context

5.1. National and Regional Policy

- Project Ireland 2040: National Planning Framework, 2018
- Regional Spatial and Economic Strategy for the Southern Region, 2019
- Design Manual for Urban Roads and Streets, 2019 ('DMURS')
- Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, 2009
- Urban Design Manual: A Best Practice Guide, 2009
- Quality Housing for Sustainable Communities – Best Practice Guidelines, 2007.

5.2. Wexford County Development Plan 2022-2028

This plan came into effect on the 25th of July 2022. Relevant policies and objectives are referred to below.

Volume 1 – Written Statement

Table 1-1 sets out the *Spatial Planning Framework for Settlement > 1,500 persons*. This includes reference to the Courtown and Riverchapel LAP 2015-2021 (as extended).

Table 3-1 *Integration of the NPF and RSES into the Wexford CDP 2022-2028*

Core Strategy

Section 3.4 provides the Core Strategy Guiding Principles. This includes support for compact growth and liveable sustainable settlements.

Figure 3-1 - Core Strategy Map and Table 3-2 - County Wexford Settlement Hierarchy includes Courtown & Riverchapel as Level 3a ‘Service Settlements’.

Section 3.6.3 provides details of the Role and Function and Development Approach for these level 3a service settlements. This includes: *The lifetime of the Courtown and Riverchapel Local Area Plan has been extended by five years to 2026 and provides the spatial planning framework for this settlement.*

Table no.3-4 ‘Core Strategy Population Allocations, Housing Units and Housing Land 2021-2027. This includes regard to 3a Service Settlements, noting that the average density unit/ha for Courtown & Riverchapel is 25 units/ha.

Core Strategy and Settlement Strategy Objectives include:

Objective CS02: *To ensure that new residential development in all settlements complies with the population and housing allocation targets and the principles set out in the Core Strategy and Settlement Development Strategy, in so far as practicable.*

Objective CS04 seeks to promote compact growth on infill sites.

Sustainable Housing

Section 4.4 refers to the Sustainable Housing Strategy.

Regard is had to the key principles of the NPF and the RSES.

Strategic Housing Objectives SH01-SH05 refer to the provisions of good quality sustainable and integrated residential development.

Section 4.5 refers to Housing Requirements and to Housing for all and Housing needs.

Section 4.6 refers to Locations for Future Housing.

Objective SH06 seeks: *To prioritise the provision of new housing in existing settlements and at an appropriate scale and density relative to the location in accordance with the National Planning Framework, the Regional Spatial and Economic Strategy for the Southern Region and the Core Strategy and the Settlement Strategy in the Plan.*

Section 4.7 refers to Future Housing Delivery and to the implementation of the County Housing Strategy.

Section 4.7.2 refers to Housing Land Management and this includes regard to Density of Residential Developments. Table 4-5 provides Indicative Density and Scale for Level 1 Key Towns and Level 2 Large Towns. This includes regard to Density in smaller towns and villages (between 400 – 5,000 pop). Note is also had to Scale of Residential Development in Level 3(a) and 3(b) Settlements and provides that this will be set out in the respective Local Area Plan.

It provides that for edge of centre sites, which tend to be predominately residential in character and given the transitional nature of such sites, densities to a range of 20-35 dwellings per hectare will be appropriate including a wide variety of housing types from detached dwellings to terraced and apartment style accommodation.

The County Wexford Settlement Hierarchy includes Courtown & Riverchapel as Level 3a 'Service Settlements'.

The scale of residential development in Level 3 (a) Settlements will be set out in the respective Settlement Plan/Local Area Plan.

Section 4.7.2.5 refers to the delivery of compact growth.

Section 4.7.5 refers to House Types and housing mix. Section 4.7.7 to Place-Making and High Quality Schemes. Future Housing Delivery Objectives SH09 – SH30 relate.

Objective SH15 refers to the density of residential development.

Design and Place-making in Towns and Villages

Place Based Design Objectives TV21 – TV24 refer.

Objective TV21 - *To ensure that all new development is designed to respect, enhance and respond to its natural, built, cultural and social context and add to character and sense of place.*

Regard is had to connectivity and permeability and to pedestrian and cyclist activity/facilities.

Section 5.10 refers to Compact Growth and Regeneration including infill, backland and brownfield development.

Compact Growth Objectives TV33 – TV54 refer.

Objective TV44: *To ensure the scale of infill development reflects the location of the site and the characteristics of the settlement. The Council will consider the scale of infill development having regard to the need to make efficient use of centrally located sites and the prevailing scale in the area. The Council will encourage development which intensifies the use of the land to at minimum the intensity of adjoining uses but optimally, subject to the appropriate protection of amenities of adjoining residences to a higher intensity.*

Transportation Strategy

Section 8.4 refers to Sustainable Transport Strategy.

Section 8.4.5 to Design of Urban Roads and Streets (DMURS)

Objective TS01: *To implement the principles and objectives of the Design Manual for Urban Roads and Street (Department of Transport, Tourism and Sport, Department of the Environment Community and Local Government, 2013 and 2019) and the Spatial Planning and National Roads, Guidelines for Planning Authorities (Department of Environment, Community and Local Government, 2012) and the National Sustainable Mobility Policy 2022 and the other guidance listed in Section 8.3 Policy Context and any updated version of these documents.*

Objective TS16: *To ensure that all urban roads and streets in our towns and villages, including residential streets and housing estates, are designed in accordance with the principles, approaches and standards set out in the 'Design Manual for Urban Roads and Streets' (2013/2019)*

Criteria include regard to safe and convenient infrastructure for walking and cycling, accessibility and traffic calming. These include:

Where possible retrofitting modifications of existing roads and streets shall be undertaken to achieve the goals of this objective.

Where amendments or extensions are being proposed to existing schemes they shall also be consistent with the Manual.

Section 8.5 has regard to Walking and Cycling and seeks to encourage permeability and linkages. Objectives TS22 – TS30 refer.

Infrastructure

Table 9 -1 Irish Water Public Water Supplies and Capacities (Irish Water March 2022), notes that there is capacity in the Wexford Town network to cater for the 2027 population target.

Section 9.6 refers to Wastewater. Table 9-3 provides an Overview of Public Infrastructure in Level 1-Level 4 Settlements (Irish Water Wastewater Capacity Register April 2020). This provides that there is capacity in Wexford Town.

Section 9.7 refers to Waste Management Infrastructure.

Section 9.11 to Flood Risk and to Surface Water Management. This includes:

Objectives FRM01- FRM19 refer to Flood Risk Management.

Objectives SWM01 to SWM08 refer to Surface Water.

Objective SWM01 refers to the application of SuDS.

Heritage and Conservation

Section 13.2 refers to Natural Heritage and includes reference in Section 13.2.2 to Natura 2000 Sites. Specific Objective NH08 refers.

Reference is had to Biodiversity and Objective NH12 refers to Protection of Trees and Hedgerows.

Recreation and Open Space Strategy

Section 14.4 refers. Section 14.5.2 has regard to the Role of Open Space in Towns and Villages. Section 14.5.4 to the Delivery of Public Open Spaces. Objectives ROS08 – ROS20 refer.

Volume 2 – Development Management Manual

Common Principles for all Developments

Table 2-1 – Key Urban Design Criteria to be considered in Residential Schemes and Other Developments (as appropriate to the scheme).

Section 2.3 refers to Design Statements.

Section 2.3.1 refers to the ‘Application of DMURS’.

Section 2.5 to Sustainable Design.

Section 2.6 to Amenity and this includes regard to Daylight, Sunlight and Overshadowing, Overlooking, etc.: *All developments should be designed to protect the amenities of adjoining properties and properties in the vicinity.*

Residential Developments

Section 3.12 refers to Multi-Unit Residential Schemes in Towns and Villages.

This includes regard to Mix of Dwelling Types and Dwelling House Design.

Table 3-4 – Minimum Floor Area and Private Open Space for Dwellings.

Section 3.12.4 seeks to provide Public Open Space and Section 3.12.5 refers to Play Facilities.

Section 3.12.6 refers to Other Design Considerations for Multi-Units Schemes. This includes regard to materials and boundary treatments and the provision of safe access to serve the scheme.

Transport and Mobility

Section 6.1.3 refers to Local Streets and Roads and includes that DMURS provides guidance on the detailed design of local streets and roads (Figure 6-3). Including that: *Junction size and design should emphasis pedestrian and cyclist needs and priority.*

Section 6.2 refers to ‘Assessment of Road Traffic Safety’.

Section 6.2.6 to Siting and Design of Access/Egress Points. B- Sightlines for Road Speed of less than 60kph. This includes regard to intensification of use of an existing access.

Table 6-7 provides the Car Parking Standards - 2 per house.

5.3. **Courtown & Riverchapel LAP 2015-2021 (as extended)**

Reference is had to the Settlement Hierarchy in the Wexford CDP 2013-2019 where Courtown & Riverchapel were designated as 'District Towns'. Its popularity as a tourist destination is noted in the LAP.

Access and Movement

Section 10 refers to Access and Movement and includes regard to Roads and to Footpaths and Linkages.

Objective AM01: *To ensure that all future developments are designed in accordance with the Design Manual for Urban Streets and Roads (Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government, 2013).*

Objective AM06: *To restrict development where the local roads network is deficient including considerations of capacity, width, alignment, surface or structural condition.*

Housing

Section 11 refers to Housing. This includes regard in Section 11.3 to Housing Land Requirements and notes an average density of 20 units per hectare.

Section 11.9 provides the Housing Objectives.

H01 provides: *To ensure that all new residential developments in the plan area provide a high quality accessible living environment with attractive and efficient dwellings located in a high quality public realm and serviced by well-designed and located open spaces and area designed. The density of the residential development shall be appropriate to the location. All new housing developments shall have regard to the Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities and its companion document Urban Design Manual (DEHLG, 2008) and any subsequent review, update or circulars issued in relation to the guidelines.*

Section 11.6 refers to Infill and Backland Development.

Housing Objective H05 seeks: *To encourage infill and backland housing development on appropriate sites where such development respects and enhances the existing character of the area and does not negatively impact on the amenities of adjoining properties.*

Natural Heritage

Section 12.3.1 refers to Designated Sites. This notes that while there are no Natura 2000 sites within or immediately adjoining the plan area there are a number of these sites within 15km. These sites include the Kilpatrick Sandhills SAC located approximately 10km along the coast to the north; the Cahore Polders and Dunes SAC and the Cahore Marshes SPA , located approximately 10km along the coast to the south; and the Slaney River Valley located approximately 10km inland to the west. Objective NH01 refers to AA.

Infrastructure

Section 13 relates to Water and Wastewater Infrastructure

Objective WW01: *To promote the provision by Irish Water of adequate water and waste water treatment infrastructure to serve the needs of the existing and future population of the plan area and ensure that such infrastructure is provided prior to, or in tandem with, new development.*

Land Use Zoning

Section 16 has regard to the Land Use Zoning Objectives.

Map 9 showing that the site is within the 'Existing Residential Zoning'. Section 16.2 notes the objective seeks: *'To protect and enhance the residential amenity of existing residential areas'*.

Map 10 – Objectives along the road frontage of the site include 'location where footpath and lighting are required.'

5.4. Natural Heritage Designations

None noted proximate to the site.

5.5. EIA Screening

Having regard to the nature and relative small scale of the proposed development, which comprises the construction of 7 no. houses in an existing residential area, the nature of the receiving environment, and proximity to 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

A First Party Appeal has been submitted by Molloy Architecture & Design Studio on behalf of the applicants. The Grounds of Appeal refer to the Council's reasons for refusal and are summarised under the following headings:

Planning History - Background

- They note the previous refusal of planning permission on this site (ABP-20211389 refers). The sole reason for refusal related to the existing vehicular and pedestrian access and the concerns raised by the Area Engineer with regard to its safety.
- An appeal to the Board was considered by the applicant and it was subsequently decided that the reason for refusal could be mitigated by certain measures with regard to access arrangements.
- The applicant engaged the services of an experienced Consulting Engineer firm. They refer to the report prepared by Roughan and O'Donovan and consider that appropriate mitigation measures were proposed within the new application, which was subsequently refused by the Council.

Reason 1 - Access

- This appeal is accompanied by additional drawings prepared by Molloy Architecture and a consulting engineering firm which reflect the recommendations made in the Road Traffic Impact Report and planning file review authorised by Roughan and O'Donovan Consulting Engineers. The documents are unchanged from that which was submitted with the planning application.

- They submit that the Consulting Engineers reports, mitigating measures and drawings successfully described how the entrance when improved and completed would substantially satisfy the guidelines set out in DMURS.
- They refer to DMURS and provide that notwithstanding that the local authority had already permitted the entrance to the existing housing scheme, the applicant has proposed to improve the existing situation.
- The entrance is within the built-up environment and the speed limit at the access point is 50kph. The proposal to introduce traffic calming measures is a further improvement on the traffic safety in the area.
- The existing entrance has been accepted in previous permissions and details are provided. At all times the planning authority were aware that additional units would be applied for within the unfinished estate.
- They submit that this refusal is disappointing considering that any minor issues relative to traffic calming could easily have been dealt with by way of a condition in a grant of permission. That in view of the housing crisis, permission for these units should be granted.

Reason no.2 – Density

- The subject lands are zoned residential in the current Courtown and Riverchapel LAP 2015-2021. Therefore, the consolidation of existing development such as these proposals are acceptable in principle.
- The proposed development is in compliance with all standards as laid out in the CDP and LAP in terms of house design, house size, density, private and public open space and general layout.
- They submit that the density should be based on the existing and permitted number of units combined with the proposed number units. This would result in a lower density of 23 units per ha as opposed to 46 units per ha when only taking the subject site into consideration.
- The proposals for density are a compromise in high density single units and the existing low-density scheme.

- The National Planning Framework (NPF) 2018, recommends compact and sustainable towns/cities and densification of Urban sites including brownfield and infill sites, Objective NPO35 refers to increasing density in settlements including infill developments.
- A common-sense approach is required around any issues arising around development management standards and technical guidelines and in most instances can be solved ensuring infill sites do not remain wasted at such a time of need for housing.
- The only reason the site edged red was not developed with the original scheme was due to lack of sewerage capacity.
- They do not accept that intensification of use should not have previously been addressed in the initial planning application.
- They refer to the issue of footpaths to be constructed on lands outside of the applicant's control. They provide that the proposed entrance is in compliance with DMURS.
- It is not the applicant's responsibility to provide connections to schemes which are further outside the village centre and they submit that this is a legacy problem from the original non-sequential granting of the Middletown valley scheme in the early 2000's.

Connectivity

- The site layout plan submitted, or that submitted with Reg.Ref.20072425 does not specify or refer to the footpath in front of the bungalow to the west adjacent.
- Neither application included the area where it is suggested a footpath in indicated in the site edged red as it was never in the applicants legal capacity to carry out the said works.
- They are concerned that assumptions have been made regarding a line on a drawing which references the road edge. The matter of pedestrian connectivity was specifically dealt with in detail by means of pedestrian desire

lines. They also note a paragraph in the cover letter accompanying the planning application regarding roadside connections.

- The applicant can carry out these works within his own land and to the public road and does not to interfere with private property.
- They are willing to accept a condition which ensures engagement with the Council's Engineer to agree the final details of traffic calming measures prior to the commencement of the development.

Conclusion

- The applicants are disappointed with the Council's decision to refuse and submit that the decision arrived at in this case was not based on a reasonable assessment of the technical information submitted under the appropriate guidelines.
- They include a copy of a Report by Roughan & O'Donovan which undertakes a technical review of the Council's reason for refusal. It is noted that this was for the Council's previous refusal relative to Reg.Ref. 20211389.

6.2. Planning Authority Response

The Council have not responded to the grounds of appeal. They have enclosed copies of further documentation that was submitted i.e.:

- Road Traffic Impact Report prepared by Roughan O'Donovan Consulting Engineers.
- Copies of final grant for 'history file' 20072545.

6.3. Observations

An Observation has been submitted by Claire Edmunds-Bergin, which is in the form of a petition on behalf of the Residents of Sunset Avenue, Riverchapel. In summary their concerns are as follows:

- They consider that the area should be for recreational/parkland use.
- It currently presents an ecosystem/haven for flora and fauna. This proposal will impact adversely on this.

- The proposal will lead to overcrowding in such a small area and will cause congestion.
- The entrance and exit to the cul-de-sac are a real point of danger due to traffic control and speeding on the sharp bends on either side of the opening to the estate.
- Originally this was meant to be a private estate with gates. They note the Council objected to this concept on traffic related grounds.
- The speeding problem in the vicinity has not been addressed. They note other properties have been constructed opposite the entrance to the estate.
- The current waste and waterworks are already under pressure and has not been upgraded and this proposal will exacerbate this.
- This proposal will cause overlooking and loss of privacy.
- Safety concerns for the proposed green area at the top of the road.
- They are concerned about road safety at the entrance and traffic hazard.
- The bends on the road cannot be resolved without taking from the gardens of older residential homes on the main road.
- They suggest inserting a speed camera beside the housing estate of Glen Aoibhinn.
- They submit that the implementation of a pedestrian crossing connecting to Glen Aoibhinn or Aylesbridge, to provide safe access to their estate for its residents.
- They request that these suggestions not be taken as transactional. They are concerned about the implications of the proposed development on the residential amenities of local residents.
- They would not like to disrupt the functions of the cul de sac. Rather they wish to see improvements in its safety that would benefit the estate and its recreational area.

7.0 Assessment

7.1.1. This is a First Party Appeal against the Council's decision to refuse permission for the proposed development. Having regard to the documentation submitted, to planning history and policy, the issues raised in the First Party Grounds of Appeal, and to my site visit, I would consider that the issues primarily centre on:

- Policy Considerations
- Background
- Density, Design and Layout
- Impact on the Character and Amenities of the Area
- Access issues
- Drainage issues
- Appropriate Assessment

7.1.2. It is noted that this proposal was considered by the Council, under the Wexford County Development Plan 2013-2019 and that their Assessment and that of the First Party Grounds of Appeal, includes reference to a number of policies and objectives made under this plan. This has now been superseded by the policies and objectives of the current Wexford County Development Plan 2022-2028, and those of relevance have been noted in the Policy Section above and further in the Assessment below.

7.2. Policy Considerations

7.2.1. Regard is had to national and regional planning policy documents, including the National Planning Framework (2018) (NPF) and Regional Spatial and Economic Strategy for the Southern Region (2019) (RSES). This includes that the NPF seeks to make better use of under-utilised land, including infill, brownfield sites, with higher densities, better serviced by existing facilities and public transport. The NPF specifically targets a greater proportion of future housing development to be within and close to the existing 'footprint' of serviced built-up areas.

7.2.2. Note is also, had of the 'Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities' (DoEHLG 2009). Chapter 6 has regard to Small

Towns and Villages which are defined as those with a population ranging from 400 to 5,000 persons. It is noted that the census of population combines the area of Courtown, Riverchapel and Ardmine. As of 2006 census the population in this area was 1,421 and had grown to 4,365 by the time of the 2022 census. Therefore, while the population of the area has grown considerably in recent times, it still comes under the criteria for smaller towns and villages. Section 6.3 provides General Advice and notes that new development should contribute to compact development and promotes higher densities in certain locations. It also provides that the scale of new residential schemes for development should be in proportion to the pattern and grain of existing development. Section 6.8 has regard to layout and design considerations.

- 7.2.3. The Wexford County Development Plan 2022-2028 seeks to promote sustainable infill and compact development in towns and villages at the appropriate locations and at the appropriate density. The Core Strategy includes Objective CS04: *To achieve more compact growth by promoting the development of infill and brownfield/ regeneration sites and the redevelopment of underutilised land within the existing built up footprint of existing settlements in preference to greenfield lands and to identify infill, brownfield and regeneration sites when preparing Local Area Plans, Settlement Plans and settlement boundaries.*
- 7.2.4. The County Wexford Settlement Hierarchy includes Courtown & Riverchapel as Level 3a 'Service Settlements'. Section 4.7.2 refers to Housing Land Management and this includes Density of Residential Developments. Table 4-5 provides Indicative Density and Scale. This includes reference to the hierarchy in the Core Strategy and relative to 'Scale of Residential Development in Level 3(a) and 3(b) Settlements. This includes: *The lifetime of the Courtown and Riverchapel Local Area Plan has been extended by five years to 2026 and provides the spatial planning framework for this settlement.*
- 7.2.5. The Courtown & Riverchapel LAP 2015-2021 (as extended) refers. As shown on Map no. 9 the site is within the Existing Residential Zoning relates to existing residential lands that are fully or partially built on. Section 16 refers to Land Use Zoning and includes: *The purpose of the zoning is to preserve existing residential areas and to provide for infill development at a density that is considered suitable to the area. While infill or redevelopment proposals would be acceptable in principle,*

careful consideration will be given to protecting residential amenity. In general development will not be permitted on lands zoned for residential development unless a better amenity provision is developed in lieu.

- 7.2.6. While the principle of an infill residential development is acceptable on this site, the issue in this case is whether the Council's reasons for refusal can be overcome so that the proposal could be considered, to be in accordance with the proper planning and sustainable development of the area. These issues having particular regard to density, design and layout and access concerns are discussed further in this Assessment below.

7.3. Background issues

- 7.3.1. Several previous applications for residential development in Sunset Avenue are referred to in the course of this application and in the interests of clarity these are summarised below. Details submitted with the current application note that the applicant was refused permission for a similar type development on the subject site in Reg.Ref.20211389. The applicants note that the sole reason for refusal related to the vehicular and pedestrian access and concerns raised by the Area Engineer with regard to its safety and note that the current application includes revised access arrangements which mitigate the concerns raised by the Planning Authority.
- 7.3.2. The applicants provide that the existing scheme was granted under Reg.Ref nos. 20043410, 20063205 and 20072545 (as noted in the Planning History Section above). That the original scheme was designed to allow the future development of this part of the site when the sewerage capacity became available. That the sewerage capacity has since been upgraded and capacity is now available. That the proposals do not alter the existing and permitted open space but is to make it larger than was previously granted. That therefore the proposals are consistent with the existing and permitted development and patterns of same.
- 7.3.3. It is noted that the description of development references that access to the development is to be over the existing scheme roadway as granted under file reference numbers: 20043410 and 20063205. As noted in the Planning History Section above the former relates to the permission granted subject to conditions for the 3no. terraced dormer bungalows and the 4no. semi-detached dormer bungalows

with connection to existing public services and ancillary works. The latter provides for Alterations of boundaries and entrance, position of roadway and services from that which was previously granted under 20043410. Both, of these permissions relate to the houses that have been constructed on the opposite (eastern) side of the road. They show the access to Sunset Avenue and note that the latter is more relevant to the configuration of the access currently in existence.

- 7.3.4. Reference is also had in the Planning History to Reg.Ref. 20053890. This concerned the erection of 9no. dwellings (3no. groups of 3 terraced houses) on the western site of Sunset Avenue (same side as current application). It was refused by reasons of the inadequate sewer infrastructure in the area and deficiency in the quantity and quality of open space.
- 7.3.5. Reg.Ref.20072545 refers to the erection of 2 dormer bungalows (semi-detached) with connection to existing public services and ancillary site works and is to the north of the subject site. In that case the Site Layout Plan shows the site for the 2 dormer bungalows in red and the whole of the estate in Sunset Avenue (including the current application site) within an indicative (pink line) boundary and the open space at the front of the site. This plan then indicated that on the area of the subject site '5no. dwellings shall be applied for when sewerage capacity comes available.' This application is referred to in the Council's Roads Report in that they note that pedestrian linkage footpaths previously granted in that application are currently not in place. Copies of these planning history files are included in the History Appendix to this Report.
- 7.3.6. The Planner's Report had regard to connectivity and footpath links, noting that the footpath shown on 20072545 site layout should be provided and link up to the existing footpath at Middleton Valley. It is of note that any outstanding issues relating to compliance with conditions relative to previous permissions is a matter for Planning Enforcement, in the Council and is not within the remit of the Board.

7.4. Density, Design and Layout

Density

- 7.4.1. In order to set the context of the current application regard is had to the density, design and layout of the proposed scheme. Noting that the Council's second reason

for refusal is concerned with the proposed density of 46 dwellings per hectare being excessive for the subject site in the existing residential area. They considered this would have a detrimental impact on the existing built form and character in Sunset Avenue. Regard is to planning policy considerations and the details submitted relative to density and the locational context of infill sites.

- 7.4.2. As has been noted above the objectives in the National Planning Framework and the Regional Spatial and Economic Strategy for the Southern Region seek to promote compact sustainable development on infill sites in small towns and villages. The Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities' (DoEHLG 2009) also has regard to density and to Infill residential development.
- 7.4.3. In this respect Objective SH15 of the Wexford CDP 2022-2028 seeks : *To ensure the density of residential development is appropriate to the location of the proposed development having regard to the benefits of ensuring that land is efficiently used and in accordance with the Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual-A Best Practice Guide (DEHLG, 2009) and subject to compliance with normal planning and environmental criteria and the development management standards in Volume 2.*
- 7.4.4. Table 3.4 of the Wexford CDP provides the 'Core Strategy Population Allocations, Housing Units and Housing Land 2021-2027'. This notes that the average density units/ha for 3a Service Settlements in the Courtown/Riverchapel area is 25 units per ha. That for Key and Large towns is given as 35 units/ha. Edge of small towns/villages allow for consideration of a lower density, but I would not consider that this area of Courtown and Riverchapel would fall into this category.
- 7.4.5. Regard is had to the density standards given these Guidelines and I note that Section 6.11(b) refers to Edge of Centre sites in small towns and recommends densities of 20-35 dwellings per ha. Also, a wide variety of housing types from detached dwellings to terraced and apartment style accommodation. Appendix A provides for 'Measuring residential density'. This includes regard to 'gross and net densities'. The latter is most relevant to housing on infill sites in LAP areas and includes only those areas which will be developed for housing and associated uses. This includes: access roads within the site, private garden space, car parking areas,

incidental open space and landscaping and children's play areas where these are to be provided.

- 7.4.6. The Courtown and Riverchapel LAP 2015-2021 (as extended) provides (Objective H01) that the density of the residential development shall be appropriate to the location and reference is also had to regard to the Guidelines. They refer in Section 11.3 to an average density of 20 units per ha. Section 11.6 has regard to Infill and Backland Development noting that each case be considered on its merits having regard to the site's context and zoning and the relevant development management standards as set out in the Wexford CDP.
- 7.4.7. The planning application form provides that the site area is 0.36ha and as shown on the Site Layout Plan is to be on an infill site on the western side of Sunset Avenue. The red line boundary shows that the site includes the access from Middleton Road (L5084-2) and the access route, cul de sac and the open space. This already serves the 7no. houses that have been constructed on the eastern side of Sunset Avenue and the 2no. semi-bungalows to the north of the site. In addition, this access route also serves the existing bungalow proximate to the southeastern side of the entrance. The bungalow to the west of the estate also fronting Middletown Road is served by its own separate access close to the access with Sunset Avenue. Therefore, the existing access route already serves 10no. houses.
- 7.4.8. It is proposed to construct 7no. houses in the central section of the site. Molloy Architecture & Design Studio have submitted details with the application which include that the developable area of the site for housing is 0.15ha which equates to a density of 46 units per ha. They note that the entire scheme site area is 0.738ha (blue line boundary) and the area of public open space is 745sq.m or 10%. The First Party provides that the proposed 7 units are part of the same scheme as the 10 constructed and as that the entire scheme unit number will be 17 i.e.: taking the full site area of the landholding into account and the 10 no. houses existing and the 7no. houses proposed and the total site area of 0.738ha that the density will equate to 23 units per ha.
- 7.4.9. I would note that the entire area of Sunset Avenue is shown within the blue line boundary on the Site Layout Plan and the Board may consider that this calculation for density relative to Sunset Avenue as a whole to be reasonable, taking into

consideration the shared access, open space and the site in the context of the total landholding. This would be rather than relevant to the small area of the site that is to be developed for infill housing (i.e. 0.15ha) as shown in the current application and considered in the Council's reason for refusal.

7.4.10. In this case, if the total area of the subject site were to be taken into account, the proposed density for 7no. houses based on a site area of 0.36ha (as given on the application form) would be c.20 units per ha. However, it is noted that this is an infill site and the access road and open space is shared with the houses on the opposite side of the road. In addition, it is of note that the houses on the eastern side of Sunset Avenue are now in private ownership. In view of these circumstances, I would consider that there is some lack of clarity relative to this issue and in line with planning policy considerations, the higher density issue for this infill development needs to be considered alongside the impact of the proposed development on the pattern of development and character of the area.

Design and Layout

7.4.11. The Site Layout shows that two separate blocks of terraces of two storey dwellings are proposed, each with their individual access to the western side of Sunset Avenue and using the existing estate access to Middleton Road.

This is to consist of the following:

- 4no. two storey terraced two-bedroom dwelling units, House Type A 80sq.m;
- 3no. two storey three bed-bedroom terraced dwelling units, House Type B 103.4sq.m.

7.4.12. The houses are shown c.8.6m to ridge height. Elevation A-A shows the proposed housing relative to the lower profile dormer bungalows to the north of the site. The proposed design and elevations appear relatively similar and it is proposed to use natural stone cladding to the gables to match the predominant finish of the existing dwellings within the scheme.

7.4.13. The proposed floor areas comply with or exceed (in the case of the three bedroom houses) Table 3-4 of Volume 2 of the current Wexford CDP i.e.: 'Minimum Floor Area and Private Open Space for Dwellings' as do the rear garden areas. They would also comply with the minimum room sizes as specified in the spatial standards

in Section 5.3.2 of the Quality Housing for Sustainable Communities – Best Practice Guidelines, 2007.

- 7.4.14. The Site Layout Plan shows that the open space for the estate is provided in the southwestern part of the site. This notes that the 'Existing Green Area (745sq.m) shall be in accordance with the original planning permission Reg.nos. 20043410, 20063205 and 20072545. It is noted that this includes a small children's play area. If the Board decides to permit, I would recommend that a condition be included regarding landscaping and the play area indicated.

Car Parking

- 7.4.15. Table 6-7 provides the Car Parking Standards and provides for 2no. parking spaces per house. I would note having regard to the Site Layout Plan that the 2no. onsite parking spaces for the terrace of 4 no. houses, appears to be tight but to comply with the minimum standard as provided in Table 6-9 'Dimensions of Parking Spaces and Loading Bays'. This notes that for *perpendicular parking (not including minimum 0.3m footpath overhang)* and to be *used only on roads with low traffic volumes and speeds* the dimensions per space and 5.0m x 2.4m. It is noted that if this proposal is permitted that there will be no space for on street parking in this part of Sunset Avenue. There will be very limited visitor parking available for the estate.

7.5. Impact on the Character and Amenities of the Area

- 7.5.1. Concerns have been raised in the Observation made regarding the impact of the proposed development on the character and amenities for residents of the existing estate. The current proposal will provide for a visually more concentrated form of development in a confined area relative to the more spacious layout of the existing housing in the estate. While planning policy considerations support more compact and consolidated forms of development in towns and villages, regard must also be had to the nature of the infill development and to the scale and pattern of development and to the impact on the character and amenities of the area.
- 7.5.2. This is not a centrally located site, rather it is located in the existing residential area, more on the periphery of the town. I note that Section 5.9(d)(i) of the Sustainable Residential Development in Urban Areas Guidelines 2009 includes: *In residential areas whose character is established by their density or architectural form, a balance*

has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.

- 7.5.3. Having regard to the planning history and as shown the indicative Site Layout Plan relative to Reg.Ref.20072545, it is noted that 5no houses were originally indicated for this site. I would consider that in view of the pattern of development and the character of the area, and the issue regarding the intensification of the use of the entrance, that the form of development proposed would appear cramped into this site area. I would recommend that if the Board decides to permit, that it should be conditioned that revised plans be submitted showing 1no. unit omitted and that permission be granted for 6no. houses in two separate blocks of 3 terraced units on this site. This would allow for greater separation distances from the bungalows to the north and between the blocks and for more spacious sites and parking areas. It would result in a development that while more compact, would appear less cramped into the site and lead to a form of infill development that would be more in character with the existing housing in Sunset Avenue. If the Board decides to permit, I would recommend that this be conditioned.

7.6. Access issues

- 7.6.1. The Council's First Reason for Refusal concerns an intensified use of the existing access to Sunset Avenue, which is considered not to meet the required sightline standards and regard is had to public safety by reason of traffic hazard. Regard has been had relative to the access and issues raised in the previous applications in the Planning History and the Background Section above.
- 7.6.2. Details submitted with the application by Molloy Architecture had regard to the previous refusal relative to access in Reg.Ref. 20211389 and note that the current proposal includes revised access arrangements which they considered mitigated previous concerns. Section 9 of their Report relates to Vehicular and Pedestrian Access and to the previous reason for refusal. They include a Traffic Impact Report prepared by Roughan O'Donovan Consulting Engineers and revised drawings. The applicant now proposes to provide a raised table at the access to Sunset Avenue and this is shown on the Site Layout Plan. They provide that this allows for a safe

pedestrian raised crossing to the existing footpath to the south of the public road. That this also provides a traffic calming solution and therefore a reduced sightline distance under the DMURS guidelines. They also submit that the applicant can carry out these works within his own land and to the public road and does not have to interfere with private property. They confirm that the applicants are willing to accept a condition of planning which ensures engagement with the local Area Engineer to agree the final details of traffic calming measures prior to the commencement of development.

- 7.6.3. Section 8.4.5 of Volume 1 of the Wexford CDP 2022-2028 refers to DMURS and notes that it must be applied by the Council in relation to all urban roads and streets with a speed limit of 60 kph or less, Objective TS01 refers. Objective TS16 includes that the design approach includes regard to road safety for pedestrians and cyclists, traffic calming and permeability.
- 7.6.4. Section 6 of Volume 2 of the said Plan refers to Transport and Mobility and this includes Section 6.2.6 which refers to 'Siting and Design of Access/Egress Points. This notes that the Planning Authority will assess each application for a proposed new or the material intensification of an existing access/egress point on its particular merits and will have regard to the relevant TII Guidelines (including Geometric Design of Junctions). Section B refers to DMURS and to Sightlines for road speeds of less than 60kph.
- 7.6.5. It is noted that the Council's Roads Section had regard to the application submitted and to the site access is from the L5084-2 Local Road. That sightlines of 45m with a 2.4m setback from the road verge are required. That the sightline criteria is not achieved looking left or right upon exit from the site. They note that the pedestrian linkage footpaths previously granted in application 20072545 are currently not in place. They consider that the proposed raised pedestrian crossing as unfavourable in the location submitted. They recommended refusal and as has been noted the Council's no.1 reason for refusal relates.
- 7.6.6. The First Party notes that their appeal is accompanied by additional drawings prepared by Molloy Architecture and a consulting engineering firm which reflect the recommendations made in the Road Traffic Impact Report and the planning file review by Roughen and O'Donovan Consulting Engineers. That the documents are

unchanged from that which was submitted with the planning application. They submit that the Consultants Engineers reports, mitigating measures and drawings successfully described how the entrance when improved and completed would substantially satisfy the guidelines set out in DMURS. That the main traffic generated is local, that there is no evidence of high incidents of traffic accidents at this location and that the proposal to introduce traffic calming measures is a further improvement on the traffic safety in the area.

- 7.6.7. DMURS is mandatory for all local authorities in Urban areas on roads and streets within the 60km/h zones. The existing entrance is within the 50km/h zone. Section 4.4.4 provides details of the standards for Forward Visibility. Table 4.2 provides the SSD Standards. This includes that for a Design Speed of 50 km/h the SSD Standard is 45m. It also includes: *Reduced SSD standards for application within cities towns and villages. Reduced forward visibility increases driver caution and reduces vehicle speeds.*
- 7.6.8. Section 4.4.5 of DMURS refers to Visibility Splays. The procedure for checking visibility splays at junctions is illustrated in Figure 4.63. It provides that priority junctions in urban areas should be designed as Stop junctions in urban areas and a maximum X distance of 2.4m should be used. This is also in the interests of the safety of pedestrian and cyclists. It does note that in difficult circumstances this maybe reduced to 2m where vehicle speeds are slow and the flows on the minor arm are low.
- 7.6.9. DMURS notes that the Y distance along the visibility splay should correspond to the SSD for the design speed of the major arm, taken from Table 4.2 while also making adjustments for those streets which are frequented by larger vehicles. The First Party's Consultants Report provides that the Y distance along the visibility to the left of the access should be sufficient to the centreline of the main road, where the main road has a solid centreline that is a constraint on overtaking. It is noted that there is a continuous white line along the local road frontage of the subject site.
- 7.6.10. This Report notes this and provides that thus, the Y distances for 40km/h and 50km/h design speeds are 33m and 45m. That image 1 provides details of the visibility splay at the junction. They submit that the drawing and images show that the junction visibility splay to the left is clear of obstruction and meets the required

sightlines. That the required visibility splay to the right can be achieved if the overgrown verge was trimmed back to the boundary line. It is noted that this verge is outside the ownership of the applicant.

- 7.6.11. The First Party consider that traffic calming on the major road of the junction to reduce traffic speeds may be appropriate to allow for the situations where the adjacent road verge is not sufficiently maintained. That as shown on the Site Layout Plan submitted a raised pedestrian crossing on the eastern side of the junction, will ease traffic speeds locally. That it should be possible to extend the ramp to include a speed table layout at the junction as shown in the Traffic Management Guidelines (Diagram 6.35 of their Report refers). They provide that this indicates that the required sightline using the Y distance of 33m is achievable with slight trimming of the overgrown verge. That this is a solution which could be achieved within the proposed development redline boundary. They conclude that it is considered that adequate sightlines, in accordance with the DMURS standards, can be provided with the regular maintenance of the existing roadside verges and that the provision of a raised table will ensure that adequate sightlines will be provided even in the event that adjacent roadside verges become a bit overgrown.
- 7.6.12. Having regard to all these issues, I would note that sightlines achieved at the existing entrance are less than optimum. This is also in view of the land to the east and west of the access to Sunset Avenue (i.e. outside the red line boundary) not being in the ownership of the applicant. However, I would also note that this is an existing entrance, that as per the planning history it was always intended to have additional housing on the western side of Sunset Avenue and that in the past this was not permitted due to lack of sewerage capacity.
- 7.6.13. Section 4.4.5 of DMURS includes that Designers must also take a holistic view of the application of reduced forward visibility splays. Noting that there are other place making and traffic calming benefits that can be implemented by reducing forward visibility splays at junctions (Figure 4.64 refers). I would consider that in this case, the Board may consider it appropriate to grant permission for the use of the existing entrance in this urban area in the 50km/h zone. That if this is the case, I would recommend that conditions be included relative to the inclusion of appropriate traffic calming measures.

7.7. Drainage

- 7.7.1. As has been noted relative to the Planning History, lack of drainage capacity has been an issue relative to the development of this site in the past. However, this capacity appears to have been increased and regard is had to the Chapter 9 of Volume 1 of current Wexford CDP 2022-2028, which refers to Infrastructure. Table 9-1 refers to 'Irish Water Public Water Supplies and Capacities'. This notes that for Courtown and Riverchapel there is 'Capacity available in the main networks serving the villages and in the WRZ to cater for the 2027 target'. Section 9.6 refers to Wastewater and Table 9-3 provides an 'Overview of Public Wastewater infrastructure in Level 1 – Level 4 Settlements. This provides that there is capacity in Level 3a Service Settlements, which includes Courtown and Riverchapel.
- 7.7.2. Details submitted with the application provide that the surface, foul water drainage and water mains layout has been designed by Aidano Consulting. Details are given of proposed connections to wastewater drainage and potable water. Note is had of the proposed drainage layout drawings. A copy of all calculations and drainage layouts are attached to the planning application. A copy of their pre-connection enquiry response from Uisce Eireann is also provided.
- 7.7.3. A Planning Stage Drainage Report has been submitted. This notes that there are 10 existing fully finished units in the development and the completed access road is fully serviced with potable water, wastewater and surface water sewers. The surface water runoff from the proposed roof, roads and other hardstanding is to be collected by both rainwater pipes and gullies. They provide details of the design of the surface water pipework and of discharge rates. Attenuation calculations are to be based on the Institute of Hydrology Report for a return period for 100 years plus 10% allowance for climate change. The discharge rate is calculated using the rainfall return period date for the site location generated by Met Eireann.
- 7.7.4. Having regard to the Wexford CDP, in current times, lack of capacity for this relatively small-scale infill development does not appear to be an issue. It is noted that the Council's Environment Section does not object to the application. They did however recommend that a construction and environmental management plan be submitted and further information regarding surface water drainage. It is recommended that if the Board decides to grant permission that appropriate

drainage conditions including relative to surface water drainage and construction management be included.

7.8. Appropriate Assessment

- 7.8.1. Having regard to the nature and scale of the proposed development located within an existing serviced urban area, and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to the conditions below.

9.0 Reasons and Considerations

Having regard to the planning history of the site and to the Existing Residential zoning that applies to the site under the Courtown and Riverchapel Local Area Plan 2016-2021 (as extended), under which residential development is acceptable, together with the nature and scale of the proposed development and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development, which is within the 50 km/h speed limit zone and within the built-up area, would not seriously injure the visual and residential amenities of the area, would not be prejudicial to public health, and would be generally acceptable in terms of pedestrian and traffic safety. The proposed development 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 received by An Bord Pleanála on the 24th day of June, 2022, 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) One of units in the terraced block of 4 units shall be omitted, and the resultant number of units shall be reduced to provide a total of 6 number units on the subject site, shown in two separate terraced blocks of 3 units in each.
 - (b) The first-floor side windows on the end of terrace dwellings shall be obscure glazed.

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 the visual and residential amenities of the area.

3. 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. The roof colour shall be blue-black or slate grey, including ridge tiles.

Reason: In the interest of the visual amenities of the area.

4. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-
 - (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
 - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

- (c) details of proposed street furniture, including bollards, lighting fixtures and seating;
- (d) details of proposed boundary treatments at the perimeter of the site and the housing development area, including heights, materials and finishes.
- (e) details of proposed children's play area and the open space part of the site.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of residential and visual amenity.

- 5. 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.

Reason: In the interests of visual and residential amenity.

- 6. Each proposed house shall be used and occupied as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purpose (including short-term letting) without a separate planning permission.

Reason: In the interest of clarity and to ensure the maintenance of a residential community.

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

Reason: In the interests of public health.

- 8. Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Uisce Eireann.

Reason: In the interest of public health

- 9.(a) The roads and traffic arrangements serving the site (including road signage) and traffic calming at the entrance to Sunset Avenue, shall be in accordance with the detailed requirements of the planning authority for such works, and shall be carried out at the developer's expense.

- (b) The internal road network serving the proposed development including turning bays, footpaths and kerbs, shall comply with the requirements of the Design Manual for Urban Roads and Streets.

These works shall be agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of pedestrian and traffic safety.

10. Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including traffic management and noise and dust reduction measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

12. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

13. The development, including all roads, footpaths, verges, public lighting, open space, surface water drains, attenuation infrastructure and all other services, as permitted under this order, shall be carried out and completed in accordance with the “taking-in-charge” standards of the planning authority.

Reason: In the interest of proper development, and in order to comply with national policy in relation to the maintenance and management of residential estates.

14. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

15. 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 spaces 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.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

16. 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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Angela Brereton
Planning Inspector

22nd of November 2023