



An
Bord
Pleanála

Inspector's Report

ABP-318554-23

Development

Demolition of 3 habitable houses and ancillary structures; construction of 18 residential units, ancillary facilities, site works and landscaping.

Location

Nos. 90, 92, 94 The Faythe, Wexford and on lands previously designated as open space at Rockview Court, Wexford.

Planning Authority

Wexford County Council

Planning Authority Reg. Ref.

20230890

Applicant(s)

Bawn Developments Ltd

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

Helen and Andrew Dryburn

Observer(s)

Hillary O'Farrell & Others
The Residents of Rockview Court
Alice Byrne & Liam O'Neill
Martin Hughes & Tommy Freeman

Mary Doyle & Others
Marie Donnelly & Others
Ann Marie Bridges & Others
Fiona Dunne
Michael Dryburgh & Others
Mary O'Dowd & Others
Eamon Egan & Others
Sue Rea and Jamie Rea Brennan
Donna Foran & Others
Eamonn Ó Murchú & Others
Damien Lynch & Others

Date of Site Inspection

22nd of August 2024

Inspector

Angela Brereton

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	5
3.0 Planning Authority Decision	6
3.1. Decision	6
3.2. Planning Authority Reports	6
3.3. Other Technical Reports	9
3.4. Prescribed Bodies	10
3.5. Third Party Observations	10
4.0 Planning History	13
5.0 Policy Context	13
5.1. Relevant Government Policy/Guidelines	13
5.2. Wexford County Development Plan 2022-2028	14
6.0 Volume 1 – Written Statement	14
6.1. Wexford and Environs Development Plan 2009-2015	21
6.2. Natural Heritage Designations	21
6.3. EIA Screening	22
7.0 The Appeal	23
7.1. Grounds of Appeal	23
7.2. Applicant Response	26
7.3. Planning Authority Response	31
7.4. Observations	31
8.0 Assessment	35
8.1. Introduction	35

8.2.	Planning Policy Considerations.....	35
8.3.	Planning History and Rationale.....	38
8.4.	Landownership issues	40
8.5.	Density, Design and Layout	42
8.6.	Impact on the Character and Amenities of the Area	48
8.7.	Access and Parking	53
8.8.	Drainage issues	55
8.9.	Construction and Environmental Management	56
9.0	Screening for Appropriate Assessment	57
10.0	Recommendation	58
11.0	Reasons and Considerations.....	58
	Appendix 2 - Form 2.....	61
	EIA Preliminary Examination.....	61

Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 – EIA: Preliminary Examination

1.0 Site Location and Description

- 1.1. The site (stated area 0.27ha) is located within an older residential area in Wexford Town Centre. The proposal concerns the demolition of 3no. habitable houses (2no. 3 storey and 1 single storey dwelling) within a terrace of housing at the corner of The Faythe and Rockview Court and the construction of 18no. housing units within their site areas and that of the adjoining open space. The 3no. houses proposed for demolition have been modified and extended over the years. They have long narrow overgrown rear gardens and adjoin an area of open space that fronts the access road of the more recent housing development to the rear 'Rockview Court'. There is a boundary wall along the side boundary of no.94 The Faythe with this open space, and along the rear boundary with the houses in Rockview Court. The first-floor rear windows of these newer houses face the site. There is a painted mural and plaque on the side elevation of no.94 The Faythe.
- 1.2. The Appellant's property, No. 88 The Faythe, adjoins to the northwest. This is a two storey mid-terraced property and has a single/two storey return and rear velux roof lights. It has a long narrow rear garden area and adjoins no.90 (proposed for demolition). No.90 is a single storey mid terrace formally listed property that has been renovated, extended and modernised. The 3no. properties proposed for demolition are currently occupied.
- 1.3. There is on street parking along The Faythe. There is also roadside parking along the road frontage of the open space facing Rockview Court and a small area of parking marked out on the opposite side of the road. As noted in the Observations this area is very busy during school times. This is due to the proximity to St. John of God's Primary School located further south on The Faythe. It does not appear to have any dedicated onsite parking. There is a pedestrian crossing in proximity.
- 1.4. There is an area of open space in the southern part of Rockview Court (not adjoining the site) and this cul-de-sac is the area that is to include the proposed seating area. This adjoins 'The Rocks Public Park', which includes pedestrian walks.

2.0 Proposed Development

- 2.1. Permission is sought for the following:

- The demolition of 3no. habitable houses and ancillary structures (Nos. 90, 92 and 94 The Faythe);
- The proposed erection of 18no. residential units comprising 3no. 1 bed apartments and 3no. 2 bed apartments within a 3 storey block, 8no. 2 bed and 4no. 3 bed 2 storey terraced houses, ancillary facilities, site works and landscaping at nos. 90, 92, 94 and on lands previously designated as open space under previous planning permission ABP Ref.85.113144.

A letter has been received from Clúid housing, who wish to confirm that they are the owner of lands at Rockview Court, The Faythe, Wexford. They give consent to the applicant Bawn Developments Ltd to apply for 18 units on this land.

3.0 Planning Authority Decision

3.1. Decision

On the 17th of November 2023, Wexford County Council granted planning permission for the proposed development subject to 18no. conditions. These conditions in summary include regard to the plans and particulars submitted including at further information stage, Section 47 of the Planning and Development Act 2000 (as extended), development contributions, security bond, Part V provision, service connections, Construction Management Plan, surface water drainage, car parking, disability access, construction hours of operation, noise, dust controls, undergrounding of services, boundary treatment, accessible benches.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report had regard to the locational context of the site, planning history and policy, the reports received and submissions made. Their Assessment included the following:

- The proposed development is considered to be acceptable in principle for this town centre residential location.

- They note the proximity of the site to local amenities and public services, including public transport.
- That connections to the public water mains and to the public foul sewer can be provided.
- They consider the proposed 3 storey apartment block to be acceptable in the streetscape and note that a privacy screen has been provided to the side of the proposed rear balconies.
- Due to the increased height and density they recommend that a sunlight study be requested under F.I.
- They consider that the proposed two storey houses reflect the style of the traditional form of existing properties in The Faythe.
- That the applicant has proposed a net density of 45 units per ha which they consider acceptable for a town centre site.
- They consider that inadequate bin storage arrangements have been provided to the rear of the dwelling houses and recommend F.I be sought.
- They provide that the apartment block complies with the standards in SPPRs 1-9 in the Apartment Guidelines.
- They note that part of the proposed development is to be built over the existing open space associated with Rock View Court.
- They consider that there are larger and more user-friendly open spaces within the area and have regard to the proposed amenity landscaping, with benches proposed.
- They note that a Construction Management Plan has not been submitted.
- They noted the need to address the issue of location of the bin/bike storage which is currently proposed to be located to the rear of private gardens.
- The Council's AA Screening Assessment Report concludes that there is no potential for significant effects to Natura 2000 sites.

Further information request

They recommended that F.I be submitted to address a number of issues:

- To submit revised plans/proposals for the relocation and proposed management of the refuse stores and bike storage.
- To submit a sunlight study to demonstrate that the apartments have maximum access to natural daylight.
- To submit revised plans to provide for 20% EV parking spaces.
- To submit a Construction Management Plan in accordance with Volume 2 Objective 2.12 of the Wexford CDP 2022-2028.
- To submit design specifications of the proposed benches to be installed in the new amenity area.

Further Information response

O'Driscoll Lynn Architects response on behalf of the applicants includes the following:

- They refer to revised plans/proposals showing the redesign of the mid terrace refuse and cycle store buildings 'B' & 'C' addressing the concerns of the planning authority.
- They include a Daylight Analysis Report prepared by H3D which demonstrates that the proposed apartments have been designed to avail of adequate levels of natural daylight.
- They include revisions to the Site Layout Plan, showing the future provision of electric vehicle charging points to all parking spaces to be provided.
- They submit a Construction & Environmental Management and Safety Plan prepared by Capital Surveys Ltd.
- They submit copies of the product specification for the proposed benches by Hartecast.

Planner's Response

The Planner had regard to the F.I submitted and their response includes the following:

- They consider that the revised plans have addressed the issues raised in relation to bin and bike stores and note security gates are to be provided.

- They note that a Daylight Analysis Report has been submitted and concludes the overall quality of daylight provision across the development to be acceptable.
- They consider that the applicant has addressed the F.I regarding the proposed benches.
- They note that a Construction Management Plan has been submitted.
- They considered the proposal to be acceptable and recommended that permission be granted subject to conditions.

3.3. Other Technical Reports

Roads Department

They note that the site is located within the 50kph speed zone and sightlines of 65m shown on the site layout plan are required. They recommend that the proposed development be refused, in summary due to concerns about inadequate parking in the area, lack of E.V charging points, bicycle stands, bin storage issues etc.

They note that the F.I has been reviewed and discussed with the District Engineer and is considered adequate. They reiterate their concerns on parking but note reduced requirements in the Wexford CDP 2022-2028 and the gain of 9 spaces as indicated on the site plan.

They recommend conditions.

Water Services

They recommend as a condition that the applicant enter into a Connection Agreement with Irish Water for water and wastewater.

Housing

They note that there is a Part V Agreement in Principle for the transfer of 4no. units on site to the Local Authority or Approved Housing Body. That Part V Liability was calculated at 20%.

Disability Access Officer

A disability access cert (DAC) is required.

3.4. Prescribed Bodies

Uisce Eireann

They have completed a review of the pre-connection enquiry and advise that water and wastewater connections are feasible without infrastructure upgrades by Irish Water. They include maps showing details of the network in the vicinity.

They recommend conditions regarding connections should permission be granted.

3.5. Third Party Observations

A considerable number of Submissions and some Petitions have been received from local residents, and their concerns in summary include the following:

- The proposed development on the entrance to Rockview Court will exacerbate an already growing parking problem for existing residents in the area.
- Parking and congestion issues in the area, also taking into account the proximity to the local Primary School (St. John of God, The Faythe). This area is used for on street parking at delivery and collection times from the school. There is no dedicated parking area for the school. It utilises the on street parking in the area.
- Impact on parking for existing residents and on access for delivery and service vehicles to Rockview Court and of parking congestion on existing small businesses and residential in The Faythe.
- Health and Safety issues relative to parking, congestion and for local residents and school children.
- This design of this proposal will impact adversely on the architectural heritage of The Faythe and the streetscape. They note that the design of the apartment redevelopment at the Maltings is preferable.
- Loss of amenity green open space in the area - The proposal will take over the green space which is an amenity area for children to play. It will also result in the loss of long-established rear garden areas.

- Impact on Cultural Heritage - The erosion of one of the oldest streets in Wexford. The demolition of a historical cottage (over 200 years old) at no. 90 The Faythe and the loss of a mural of cultural heritage significance at no.94 The Faythe.
- This is one of the oldest areas in Wexford and should not be destroyed. It including the proposed apartment development will not be in character with the area.
- The higher density of the proposed development, the loss of the green open space and the parking congestion that result in an overdevelopment of the site, would be detrimental to the character and amenities of the area.
- Demolition and Construction impacts including on the structure of adjoining properties.
- It would be contrary to the planning policy and objectives. The proposed density is too high, The Faythe is zoned residential and is not town centre.
- Overlooking and loss of light and privacy for the adjoining properties including no.88 The Faythe.
- A lack of clarity as regards the current proposed Site Layout Plan.
- Proposal would lead to a reduction in the value of houses in the area. There should be proper facilities and consideration for the existing community.
- The proposal would increase anti-social behaviour and set an undesirable precedent for such development.
- They refer to policies and objectives in the Wexford CDP 2022-2028 and also note that the Wexford Town and Environs Development Plan 2009-2015 has now expired and that the proposal is premature pending the adoption of a new LAP. Contrary to environmental and social concerns or strategic planning.

A letter from the Parent's Association of The Faythe School notes there is no dedicated school parking and is concerned about issues of congestion, traffic and traffic management, the loss of the green amenity space, the impact of demolition and construction phases. They provide that 240 students and 33 staff are accommodated at the school and request that an adequate traffic management plan

be submitted, that suitable parking be made available for staff and that there be coach and bus parking for the school.

A letter from the Board of Management St. John of God P.S has regard to the historical background of Faythe school. They provide details of the current traffic situation for Faythe School, and note that the lack of drop off facilities is a significant cause of concern as the road directly outside the school although a major artery running to the town centre is narrowest at the school. That buses must park on the footpath causing traffic build up and congestion.

They have regard to school parking requirements generated by daily school life and associated activities. They note that there is no dedicated school, bus nor visitor parking available. They are concerned about health and safety issues arising from the non-regulated or restricted flow of traffic up and down The Faythe. They note that local businesses in the area generate constant daily traffic which requires consideration as part of a robust Traffic Management Strategy for the Faythe School and Community.

They request that as part of the current Bawn development application, that an independent traffic survey be undertaken including at the school area, and the junctions surrounding the Faythe area. This to take account of school hours particularly pupil arrival and departures. Also, the restoration of the school warden service. That relative to traffic impact the impact of the following should also be considered:

- The proposed erection of additional x 18 residential units
- The Trinity Wharf development
- Any proposed one-way systems including the mooted Fisher's Row one way and associated impacts and possible solutions for same.

To summarise the key issues for the school are as follows:

- Traffic Safety including taking cognisance of the narrow and well trafficked road fronting the school.
- The need for designating a Drop off/Pick up point accessing which will not compromise the safety of school children.

- Parking for buses/school staff/visitors.

4.0 Planning History

The Planner's Report notes that there is no recent planning history relevant to the site. But that there is planning history for Rockview Court.

PL85.113144 (Reg.Ref. W0005354) – Permission granted by the Council and subsequently by the Board for the Demolition of nos. 96 and 98 the Faythe and the erection of 38 serviced dwellings, provision of residents' car parking and associated site development works (30 No. 3 bedroom and 8 no. 2 bedroom, detached, semi-detached and terraced houses).

As per Condition no.2 a total of 29 houses were permitted and condition no.2(1) of the Board's permission concerned the omission of houses to provide for the open space.

A copy of the Board's permission is included in the History Appendix of this Report.

5.0 Policy Context

5.1. Relevant Government Policy/Guidelines

- National Planning Framework – Project Ireland 2040
- Southern Region Spatial and Economic Strategy (RSES)
- Climate Action Plan 2024
- National Biodiversity Action Plan 2023 -2030
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- Design Manual for Urban Roads and Streets, (2019)
- Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities 2020 (as amended 2023)
- Traffic and Transport Assessment Guidelines (2014)
- Development Management, Guidelines for Planning Authorities (2007)

- Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).
- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE 2011)
- Architectural Heritage Protection Guidelines for Planning Authorities (2011).
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009).
- Development Management Guidelines for Planning Authorities (2007).

Other relevant national guidelines include:

- Housing for All - a New Housing Plan for Ireland (September 2021)

5.2. Wexford County Development Plan 2022-2028

6.0 Volume 1 – Written Statement

Chapter 3 provides the Core Strategy and this includes regard to Compact growth and liveable sustainable settlements. This notes in Table 3-2 that Wexford along with Gorey are designated the Level 1 Key Towns in the County. Section 3.6.1 refers to Wexford Town which is designated as Key Town in the RSES.

In order to fulfil its designation as a Key Town in the RSES and in line with RPO 11 and RPO 16, the Development Approach recommends a number of criteria.

Core Strategy Objective CS05 also applies to compact development.

Objective CS15 seeks to: *To prepare new local area plans for Wexford Town, Enniscorthy Town and New Ross Town and to ensure all future local area plans are prepared in accordance with the relevant aspects of the Development Plan Guidelines for Planning Authorities (2007), the Local Area Plan Guidelines for the Planning Authorities (2012) and all other relevant Section 28 Guidelines or any updated version of these guidelines.*

In addition: *A set of strategic objectives for the town is set out at the end of this chapter (WT01-WT10). The spatial planning framework for the town will be set out in the new Wexford Town and Environs Local Area Plan.*

Wexford Town Strategic Objectives WWT01 – WWT10 refer.

Sustainable Housing

Chapter 4 refers and Section 4.4 provides the Sustainable Housing Strategy.

Strategic Housing Objectives include:

Objective SH02: *To ensure that all new residential developments provide a high quality living environment with attractive and efficient buildings which are located in a high quality public realm and are serviced and linked with pedestrian and cycle lanes to well-designed and located open spaces and nature and to the town or village centre and existing and planned services.*

Section 4.5 refers to Housing Requirements and includes regard to Housing for All and Housing Needs.

Section 4.6 provides Locations for Future Housing. This includes regard to apartments and to the Apartment Guidelines (2020).

SH06: *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 the implementation of the County Housing Strategy. This also refers to Part V.

Section 4.7.2.1 refers to Density of Residential Developments. Table 4-5 provides Indicative Density and Scale. This includes regard to: 'Density in Level 1 Key Towns and Level 2 Large Towns (Settlement above 5000).

Section 4.7.2.5 refers to Compact Growth, and 4.7.3 to Utilising Existing Housing Stock and its refurbishment.

Section 4.7.5 refers to House Types. This includes regard to Apartments:

Objective SH16 refers to new apartment developments and to compliance with the Apartment Guidelines 2020.

Objective SH19 to compliance with Part V of the Planning and Development Act 2000 (as amended).

Objective SH21 to provision of a mix of unit types.

Objective SH27 to support initiatives to refurbish and retrofit both occupied and vacant residential buildings including smart technologies, energy efficiency and micro renewable systems.

Chapter 5 – Design and Place-making in Towns and Villages

Section 5.5 refers to the Strategic Objectives TV01 – TV12 refer.

Objectives include the following:

Objective TV03: *To carry out, as part of the preparation of future local area plans and settlement plans, a comprehensive health check of the settlement. This health check, which will incorporate the Heritage Council's 'Town Centre Health Check' approach, a community health check and audit of social and community facilities and recreation and open spaces, will inform the development of targeted local authority strategies and the spatial planning framework and objectives in the local area plan/settlement plan.*

Objective TV10: *To prepare Urban Regeneration Framework plans for the four main towns which provide a clear vision, context, rationale and goals for urban renewal and regeneration in each town.*

Objective TV11: *To require that all development complies with the design advice contained in the narrative and the objectives of this chapter and the design principles set out in the guidance documents in Section 5.3 of this chapter.*

Objective TV14: *To require that new buildings are of exceptional architectural quality, and are fit for their intended use or function, are flexible in the face of unknown future demands, durable in terms of design and construction, respectful of setting and the environment and to require that the overall development is of high quality, with a well-considered public realm.*

Objective TV15: *To ensure that the appearance of buildings, in terms of details and materials (texture, colour, patterns and durability), is of a high standard with enduring quality and has a positive impact on the visual quality of the area.*

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.*

Chapter 8 provides the Transportation Strategy

Section 8.4.4 refers to Modal Shift.

Section 8.4.5 to Design of Urban Roads and Streets.

Strategic Objectives include:

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.*

Section 8.5 refers to and encourages Walking and Cycling.

Section 8.6 refers to Public Transport, which includes regard to Bus and the Rail Network.

Section 8.7 refers to Roads.

It is of note that Objective TS76 which refers to the criteria for new accesses or the intensified use of an existing access to the regional road network within towns and villages where a speed limit of less than 60kmh applies.

Section 8.10.3 refers to Road Safety Impact Assessment. Objective TS81 refers to the need for Traffic and Transportation Assessments (TTA) to be undertaken for development listed in Section 6.2.1 of Volume 2 Development Management Manual.

Infrastructure Strategy

Chapter 9 provides that: *This strategy is focused on the provision of high quality water, wastewater and waste management facilities and telecommunications infrastructure that will facilitate and sustain the planned growth of the county over the lifetime of the Plan and beyond.*

Strategic Objectives IS01 – IS07 refer.

Section 9.5 refers to Water Supply. Table 9-1 to Irish Water Public Water Supplies and Capacities. (Source: Irish Water March 2022). This provides that there is capacity available in the main networks to cater for population targets.

Section 9.5.4 to Water Conservation. Objectives WS01 – WS14 refer.

Section 9.6 to Wastewater. Table 9-3 provides an 'Overview of Public Wastewater Infrastructure in Level 1- Level 4 Settlements. (Source Irish Water Capacity Register 29th of April 2020 – noting this is subject to change). This includes that Wexford Town has capacity.

Wastewater Objectives WW01 – WW14.

WW08: To facilitate the connection of existing developments to public wastewater services wherever feasible and subject to connection agreements with Irish Water and to ensure that any future development connects to the public wastewater infrastructure where it is available.

Section 9.11 refers to Flood Risk and Surface Water Management.

Heritage and Conservation

Chapter 13 refers and includes regard to natural and built heritage:

Objective NH04: To protect the integrity of sites designated for their habitat and species importance and prohibit development which would damage or threaten the integrity of these sites. Such sites include Special Areas of Conservation (SACs) and candidate SACs, Special Protection Areas (SPAs), Natural Heritage Areas (NHAs) and proposed NHAs, Nature Reserves, Refuges for Fauna and RAMSAR sites. To protect protected species wherever they occur.

Objective AH05: To require an archaeological assessment and/or investigation by qualified persons for development that may, due to its size, location or nature, have a significant effect upon archaeological heritage and to take appropriate measures to safeguard this archaeological heritage. In all such cases the Planning Authority shall consult with the National Monuments Service in the Department of Culture, Heritage and the Gaeltacht.

Section 13.4 refers to Built Heritage and 13.4.1 to Protected Structures.

Objective BH01: *To protect the architectural heritage of County Wexford and to include structures considered to be of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest in the Record of Protected Structures.*

Objective BH06: *To protect the curtilage of Protected Structures or proposed Protected Structures from any works which would cause loss of, or damage to, the special character of the structure and loss of or damage to, any structures of heritage value within the curtilage or attendant grounds of the structure.*

Section 13.4.8 refers to Vernacular Buildings

Objective BH03: *To promote the development of heritage-led regeneration and engage in and promote initiatives to revitalise the historic cores of our towns and villages together with local communities, heritage property owners and other stakeholders.*

Objective BH09: *To protect, maintain and enhance the established character and setting of vernacular buildings which are worthy of protection or have architectural heritage value, farmyards and settlements where they make a positive contribution to the built heritage and encourage the re-use and sensitive refurbishment of vernacular buildings using appropriate design and materials and having regard to best practice conservation guidelines.*

Section 13.4.9 refers to Architectural Conservation Areas (ACAs).

Objective ACA01: *To protect and enhance the character of the designated Architectural Conservation Areas in Wexford, Enniscorthy, New Ross, Gorey and Bunclody, including the views and prospects to and from these areas.*

Chapter 14 – Recreation and Open Space

Section 14.4 provides the Recreation and Open Space Strategy.

Section 14.5 refers to the Role of Open Space.

Section 14.5.5 refers to Community Amenity Space in Apartment Developments – Table 14-2 refers.

Section 14.5.7 to Designing Public Open Spaces.

Open Space Objectives ROS08 – ROS20 refer.

Volume 2 Development Management

Section 3 refers to Residential Developments.

Section 3.5 to Sub-Division of a Dwelling.

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

Section 3.12.1 to Mix of Dwelling Types.

Section 3.12.2 to Dwelling House Design. Table 3-4 refers.

Section 3.12.3 to Apartment Standards and Design. Tables 3-5 and 3-6 refer.

Table 3-5 provides a summary of Sections 2-5 of the Apartment Guidelines (2020), relevant SPPRs and where they are addressed in WCDP. Table 3-6 sets out the detail of SPPRs 3-6. This also has regard to Specific Planning Policy Guidelines.

Section 3.12.4 to Public Open Space.

Section 3.12.5 refers to Other Design Considerations for Multi Units Schemes.

This includes regard to Materials, Boundary Treatments, Energy Efficiency, Comfort, Privacy and Security, Access and Refuge Storage. Reference is had to the Apartment Guidelines.

Section 6 refers to Transport and Mobility. Section 8.3 and Table 6-7 refer to the Car Parking Standards. This is 1no. space per apartment. Table 6-10 to Bicycle Parking Standards.

Section 7 refers to Heritage and Landscape

Section 7.2 to Protected Structures

Section 7.3 to Architectural Conservation Areas

Section 7.4 to Landscape and Biodiversity.

Section 8 refers to Infrastructure and Environmental Management

Section 8.2 to Water and this includes Section 8.2.1 to Surface Water Management

Section 8.2.4 refers to Connection to Public Water or Group Water Scheme.

Section 8.3 refers to Wastewater and Section 8.3.2 to Connection to Public Wastewater Facilities.

6.1. Wexford and Environs Development Plan 2009-2015

The Council provides that the Wexford Town and Environs Development Plan 2009-2015 has expired and until such time as they make a new plan for the town, all policies, and objectives (as relevant) of the Wexford County Development Plan (WCDP) 2022-2028 will be used to assess any proposals/planning application in the town. It is noted that there is no zoning for Wexford town in the current WCDP.

However, as is referred to in the context of this application, regard is had to the zoning relative to the subject site of this now expired Plan.

Land Use Zoning

The site is located within the southern boundaries of Wexford Town and is shown within the 'Town Centre' land use zoning on Map 21. This zoning has a stated objective: *'To protect and enhance the special physical and social character of the existing Town Centre and to provide for new and improved Town Centre facilities and uses'*.

The site is within Zone 13 - 'Town Centre' and is shown within Zone 13B. It is outside the 'Town Centre – Retail Core'.

Section 11.02 provides an *Explanatory Note* for each of land use zonings including the 'Town Centre':

The purpose of this zone is to protect and enhance the special character of Wexford Town Centre and to provide for and improve retailing, commercial, office, cultural and other uses appropriate to the Town Centre which complement its historic setting. It will be the objective of the Council to encourage the full use of buildings and backlands especially the full use of upper floors, preferably for residential purposes, Certain uses are best located away from the principal shopping streets because of their extensive character and their need for large-scale building forms and space requirements.

6.2. Natural Heritage Designations

The site is c.300m of the Wexford Harbour and Slobs SPA and of the Slaney River Valley SAC.

6.3. EIA Screening

An Environmental Impact Assessment Screening report was not submitted with the application.

Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

The subject development is in summary for the demolition of 3no. habitable houses and the construction of 18no residential units, comprising a mix of apartments and terraced housing and all ancillary works on a site of c.0.275ha. The development falls well below the threshold of 500 dwelling units noted above and also the applicable site area threshold of 10ha. The site is not in an area where the predominant land-use is a business district, so the 2ha threshold is not applicable.

I have given consideration to the requirement for sub-threshold EIA. The site is located in an area of existing residential in the Wexford 'Town Centre' zoning, and it is also to connect to existing services (The Land Use Zoning Map in the Wexford Town and Environs Development Plan 2009 - 2015, as extended relates). The proposed development will not have an adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of the landscape or of natural or cultural heritage. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Wexford County Council, upon which its effects would be marginal.

Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site within an urban area and on lands that are serviced,
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended),
- The character and pattern of development in the vicinity,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended).

I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case.

Reference is had to Appendix 1- Form 1 (EIA Pre-Screening) and Appendix 2 – Form 2 (EIA Preliminary Examination) attached to this Report. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.0 The Appeal

7.1. Grounds of Appeal

A Third Party Appeal has been submitted by adjoining residents, Helen and Andrew Dryburgh. Their Grounds of Appeal include the following:

Landownership issues

- The planning permission has been granted but part of the development is on a piece of their land. Photos are included outlining their property boundary.

Impact on no.88 The Faythe

- Their home would be completely overlooked from the balconies of the flats and the 12 new homes with gardens with the boundary wall only 6ft. high.
- Windows on the side of their house were omitted from the drawings submitted to the Council (photos attached).
- The proposal includes a refuse/bike storage area located along an unsecured narrow alleyway to the rear of the properties. This could lead to anti-social behaviour in the area.

Traffic issues

- The development of 18no. residential units in lieu of 3no. existing to be demolished would have severe implications for traffic in this already congested area, close to a junction and a school. The area already suffers congestion due to its proximity to St. John of God School.
- The 9no. spaces proposed, 2no. of which are accessible is completely inadequate for the density of the proposed development and is completely out of character with the surrounding area.
- They note that Rockview Court was allocated parking per household and a number of visitor parking spaces on the estate.
- They note that while The Faythe is primarily residential there are a number of local businesses and a large school in the area.
- The lack of drop off facilities at the school is a significant cause for concern as the road directly outside the school is very narrow. Buses must park on the footpath nearby which leads to congestion.
- The proposed development assumes that additional parking will be available in the general environs of The Faythe or in Rockview Court itself. On-street parking is very limited.
- They submit that the Council has recently changed the traffic flow direction of Fisher's Rowe as part of the Trinity Wharf project, and this already has complicated matters in the area.

- The existing on-street parking in Rockview Court is currently full every day with approx. 29 cars that regularly parked there when the school is in term.

Removal of Green Area

- They note that the proposed development is planning on removing the existing green area to accommodate this development.
- This goes against any environmental and social concerns or strategic planning. It would have no benefit for the area and lead to increased anti-social behaviour.
- The greenspace is essential amenity for all who live there and its removal along with mature trees would detract from biodiversity and environmental policy. They submit that an environmental impact report needs to be done on this area.

Erosion of the Faythe's Historic Trail

- The demolition of no. 94 The Faythe will see the destruction of a gable mural celebrating the life of one of The Faythe's most famous residents, will make The Faythe a poorer place to live.
- The Faythe is one of the oldest parts of Wexford town. The cottage at no.90 is over 300 years old, and even though it has been completely renovated inside the character of the old street remains.
- Nos. 92 and 94 are occupied and while they may have some issues, there is no reason why they cannot be renovated like so many other properties on the street.
- The heritage of the street should be taken into consideration.

Development Plan

- The granting of this proposal would be premature as the Wexford Town & Environs DP 2009-2025 has expired and the Wexford Town LAP has not as yet been adopted.
- It would be contrary to the objectives of the WCDP 2022-2028. Reference is had to Design and Place-making in Towns and Villages and to Objective TV03 relative to local area plans and provision of open spaces.

Design and Place-making

- The proposed development including the three-storey apartment block would not be in keeping with the built form of the area and will negatively impact on the aesthetics of The Faythe.
- The replacement of the historic cottage with a three-storey apartment block is inappropriate in an area of historical significance. It will negatively impact properties facing.
- The proposal would not be in accordance with the strategy in section 5.5 of the CDP and contrary to Objectives TV11, TV14 relative to design and architectural quality.
- Also, to section 5.8 which refers to Place Based Design-Context and Objective TV21, which provides for new development to be designed to respect, enhance and respond to its natural build, culture and social context and add to character and sense of place.

7.2. Applicant Response

Ian Doyle, Planning Consultant response on behalf of the First Party includes the following:

Site Location and Context

- The Faythe appears on historic maps dating back to 1888, although many of the buildings have been replaced or altered significantly over the intervening years.
- They note that the three houses proposed for demolition have been altered over the years and include a report from Conservation Architect Michael Tierney which details the alterations made to the existing single storey dwelling on site.

Planning History

- They note the planning history and context and this includes regard to the history of Rockview Court – Bord Ref. PL85.113144 refers.

Policy

- They have regard to the National Planning Framework and to the need for 'Securing Compact and Sustainable Growth' to provide for housing needs.
- They consider that the proposal to provide housing in a town centre location complies with NPF National Policy Objectives 3a, 3c, 6, 11, 33, 34. The proposed development is in compliance with the NPF and represents sustainable planning practice.
- The proposed development consists of the reuse of former back gardens and underutilised poorly functioning open space.
- It represents an economic use of land and will result in compact growth and encourage population growth in an area where existing social and community infrastructure is in walking distance.
- As the Wexford Town & Environs TP has timed-out, the proposed development must be assessed under the provisions of the WCDP 2022-2028. The site was zoned 'Town Centre' in the previous plan and is likely to be zoned for town centre/residential development under the future plan.
- The proposal complies with Objectives TV03 and TV14 and provides for a high-quality housing scheme.
- Compliance with policies of the WCDP are demonstrated in the documents submitted with the application made and in response to the submitted grounds of appeal.

Local Authority Decision

- They note that the Planning Authority granted permission and that minor amendments were included in the F.I submission consisting of the introduction of secure access to proposed cycle and bin storage areas.
- They note memos from the Roads Department concerning lack of parking provision. All other issues raised were subsequently addressed via the F.I request resulting in a final recommendation from the Roads Dept to grant permission subject to conditions.

They consider the Appellants Grounds of Appeal under the headings below.

Land Ownership

- They have regard to the issues raised by the Appellant and refer to Deeds and Historic Mapping. They provide that the deeds for No.90 The Faythe in the Applicant's ownership (attached) are consistent with the historic maps and established boundary pattern in the area.
- The Planning Authority validated the planning application and therefore were of the opinion that the Applicant has demonstrated sufficient legal interest in the lands to facilitate a planning application.
- They have regard to Section 34(13) of the Planning and Development Act 2000, as amended and provide that potential boundary disputes in this instance should not preclude ABP, from assessing the proposed development on its merits or from issuing a decision to grant permission.
- They attach a copy of Deeds relative to no.90 The Faythe, Wexford.

Overlooking

- They submit that the setback and design of the proposed balconies at the rear and the use of privacy screens ensures that no undue overlooking will occur.
- There is limited potential for overlooking of the rear garden of the Appellant's property from Units 7 to 18. There is to be a 1.8m wall along this boundary and if the Board sees fit, the height of this wall can be increased by condition.

Potential for anti-social behaviour

- Following a request for F.I, the proposal was revised to include security gates and railings to limit access to the bin/bike storage areas to residents only. These storage areas were redesigned as robust secure structures.
- The proposal has no potential to contribute to anti-social behaviour. The provision of a strong building line along the access road to Rock View Court will provide natural surveillance between existing dwellings at Rock View Court and The Faythe Road.

Traffic/Parking

- They provide that the proposed development is in full accordance with the WCDP and national policy with regards to the provision of parking.

- They note concerns about traffic and parking and refer to Table 6-7 Car Parking Standards of the Wexford CDP 2022-2028. This shows that '0' parking spaces are required in Town Centre or Village Centre locations.
- They also have regard to the National Policy background, and the Sustainable Urban Housing Design Standards for new Apartments Guidelines and note: *the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances.*
- They also quote from the then 'Draft Guidelines for Sustainable and Compact Settlements Guidelines' which they note also allows for minimal or no parking in certain circumstances.
- They note that the proposed development and its associated location proximate to the town centre, services and amenities is consistent with circumstances where parking can be reduced and allows for walking and cycling.
- Future occupants are likely to choose to live here on the understanding that the daily use of a car is not necessary and as such car ownership is not necessary.

Removal of Green Area

- The trees on site cannot be described as mature and as noted in the Planner's Report, the green area contributes very little in terms of biodiversity and consists of mowed lawn.
- The surveillance to the green area and along pedestrian routes from The Faythe to Rock View Court is currently poor and will be improved.
- The proposed development has been designed to face Rock View Court and provide much needed passive surveillance of pedestrian routes from The Faythe to Rock View Court.
- There is a large open space area to the rear of Rock View Court where the applicant is proposing a formal paved seating area as part of the subject proposal.

- The site has direct pedestrian access to the Rocks Amenity space which consists of an extensive walking trail and playing fields.

Erosion of the Faythe's historic trail

- They note that this trail does not pass through Rock View Court.
- No.94 The Faythe is not a Protected Structure nor is the mural a recent addition. The contribution the mural makes to the historic streetscape is entirely subjective as is its validity as an attraction on the trail. They note this mural does not have planning permission.
- None of the existing buildings within the subject site are listed/P.S and the site is located outside of an ACA as defined in the WCDP.
- The proposed development will contribute positively to the existing streetscape by providing a strong boundary, street edge and focal point for the intersection of The Faythe and Rockview Court.

Contrary to Development Plan Policy

- The subject site is outside of the ACA for Wexford Town as defined by the CDP. The Town and Environs Plan will incorporate the conservation area as defined by the CDP and will not redefine it.
- The Faythe is not an area that holds significant built heritage importance.
- The policy environment with regards to architectural heritage for Wexford town is detailed by the policies of the recently adopted WCDP and will not change in the new Town and Environs Plan. The proposed development is therefore not premature pending the publication of the Plan.
- The proposal is not contrary to planning objectives in the WCDP. Objective TV03 and the associated outcomes will have little or no effect on the proposed development.
- They provide that the proposed development is entirely consistent with the established built form in that it presents at street level as a three-storey terraced structure.
- It has been demonstrated that the existing cottage has been altered with little of the original fabric remaining.

- Contrary to the opinions of the Appellants. The Faythe is not an area of historical importance.
- In response to concerns about design in Objective TV14 being met, they provide that the proposed development is a high-quality housing scheme on behalf of a housing association which has been designed by O'Driscoll Lynn Architects who are an RIAI approved architectural firm.
- They ask that the Board grant permission subject to condition in this instance as the proposed development is consistent with the requirements of the CDP, the NPF and the proper planning and sustainable development of the area.

7.3. Planning Authority Response

There is no response from the Planning Authority noted on file.

7.4. Observations

A number of Observations have been made by local residents noting their concerns regarding the proposed development. The Observers are grouped as follows:

Hillary O'Farrell & Others

The Residents of Rockview Court

Alice Byrne & Liam O'Neill

Martin Hughes & Tommy Freeman

Mary Doyle & Others

Marie Donnelly & Others

Ann Marie Bridges & Others

Fiona Dunne

Michael Dryburgh & Others

Mary O'Dowd & Others

Eamon Egan & Others

Sue Rea and Jamie Rea Brennan

Donna Foran & Others

Eamonn Ó Murchú & Others

Damien Lynch & Others

For convenience as many of them raise concerns about similar issues, these Observations are grouped together under the headings below:

Traffic and Parking

- The conditions in the Council's permission fail to address any of the concerns including with regard to traffic congestion and parking as had been highlighted in the submissions by the local residents.
- The Faythe is predominantly a residential street, there is very limited parking in the area to serve existing residences.
- There is no dedicated parking for the school nearby. Teachers, parents of those attending the local primary school (St. John of God, The Faythe), customers for local businesses and local residents cannot find parking in this already congested area.
- On Street parking by the green is used for school parking and is very busy during drop off/collections times. The area can be congested and cannot cope with parking and traffic from an additional 18 residential units. Insufficient parking has been provided for these units.
- They note the Council's Roads Section's concerns about parking congestion in the area. Local residents consider there is a parking deficit in the area.
- The proposed development will have a detrimental effect on existing residents in the area, local businesses and services
- There are concerns about traffic congestion and lack of parking, leading to road safety issues including for pedestrians and school children. Also relative to access for emergency and service vehicles.
- They note that previously agreed parking areas for local residents as permitted under ABP Ref. 85.113144 refers, were not constructed. That 10no. houses in The Faythe lost their parking as a result of the construction of the vehicular access to Rockview Court.

- Parking and traffic need to be managed. The demolition and construction works for the development of this site will cause huge disruptions to the area.

Impact on Cultural Heritage

- The proposal would result in the demolition of the last remaining cottage in The Faythe. This is a former thatched cottage (no.90) facing the Faythe, over 300 years old (dated 1700-1840).
- This proposal will result in the loss of nos. 92 and 94 The Faythe, which are over 100 years old.
- In addition, a mural dedicated to a well known musician on the side of No.94 The Faythe - includes a mural dedicated to George Ross winner of the accordion title in the 1956 Fleadh Cheoil. This mural was a collaboration between local clubs and students from the local primary school in 2018, making it already an important part of the local area and should be preserved.
- We should be protecting our heritage and history and not destroying it. This proposal will result in the loss of cultural heritage.

Loss of Green Open Space

- The plans for this development will remove zoned green/open space and this will result in a loss of open space and be detrimental for existing residential.
- This proposal would result in the loss of open space allocated when Rockview Court estate was built back in the early 2000's (ABP Ref. 85.113144 refers).
- This green space was allocated to the previous development 'Rockview Court'. It is well maintained, adds to biodiversity and serves as an amenity for local residents.
- They question as to whether the provision of a bench as per the current application can be considered as the provision of recreational amenities.
- The existing open space, which will be the only open space for the existing and proposed houses, consists of largely unusable rock formations.
- The proposal, which involves the loss of open space in an area where there are few open spaces for existing residents would be contrary to the provisions of the Wexford CDP 2022-2028.

- More greenspace is needed in the area and developers should not be trying to build on a greenspace of a previous development.

Impact on Character and Amenity of the Area

- The proposed development would negatively impact those already in residence in The Faythe, Rockview Court, Bernadette Place and Fisher's Row.
- Overdevelopment of the area - It would lead to and further traffic congestion and loss of open space for residents.
- The proposal includes a refuse/bike storage area located along an unsecured narrow alleyway to the rear of the properties.
- The proposal would lead to anti-social behaviour and impact adversely on the character of the area and on the residential amenities of existing residents.
- They support the need for new housing but provision should not be at the expense of the loss of amenities for existing residents.
- Concern that the proposed demolition and construction works will cause damage to existing adjoining properties.
- Loss of privacy and overlooking for adjoining properties. This is a result of the balconies, overlooking of windows and gardens and opening up of back garden areas. This will set a precedent for back yard development that has been proven not to work.
- The proposal will detract from the visual amenity of the historic streetscape of The Faythe. The design of the proposed three storey apartment block will not integrate and will change the streetscape of The Faythe forever.

Landownership issues

- It would impose on the property of existing residents at no. 88 The Faythe. Permission was granted for a development on land that does not belong to the applicant. They query how it would be possible for the developer to build thereon.

8.0 Assessment

8.1. Introduction

8.1.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidelines, I consider the substantive issues in this appeal to be considered are as follows:

- Planning Policy Considerations
- Planning History and the issue of Open Space
- Landownership issues
- Density, Design and Layout
- Impact on the Character and Amenities of the Area
- Access and Parking
- Drainage issues
- Construction and Environment Management
- Appropriate Assessment

8.2. Planning Policy Considerations

- 8.2.1. Project Ireland 2040: National Planning Framework (NPF) is concerned with securing compact and sustainable growth. Objective 4 seeks to: *Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.* Of particular relevance, objectives 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures.
- 8.2.2. The Regional Spatial and Economic Strategy for the Southern Region identifies Wexford as a 'key town' in the region. Objective RPO 16 (a) –(g) are of note and in summary seek to strengthen the role of Wexford as a strategic location, a self-

sustaining regional economic driver and key town on the Eastern Corridor and to improve infrastructural facilities. Sub-section (g) seeks: *To improve the public realm and attractiveness of the Town Centre through urban regeneration of key locations.*

- 8.2.3. In addition, regard is had to the more recent 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)', and to the amendments to the SPPRs therein as relevant to the subject application. These Guidelines replace the 'Sustainable Residential Developments in Urban Areas Guidelines for Planning Authorities' issued as Ministerial Guidelines under Section 28 of the Act in 2009 (now revoked). There is a renewed focus in the Guidelines on the renewal of existing settlements and on the interaction between residential density, housing standards and quality urban design and placemaking to support sustainable and compact growth.
- 8.2.4. It is of note that the Wexford County Development Plan 2022-2028 includes reference to policies for sustainable development including compact growth, sustainable transport etc. Table 3 -1 refers to the 'Integration of the NPF and RSES into the Wexford CDP 2022-2028'. Wexford is a key town as per the Settlement Strategy. The development approach as set out in Section 3.6.1 which refers to Level 1 Key Towns, includes that the spatial planning framework for the town will be set out in the new Wexford Town and Environs LAP.
- 8.2.5. The Planning Policy Section above notes policies and objectives relevant to sustainable residential development. Section 4.7.5 of Volume 1 of the Wexford CDP 2022-2028 refers to House Types. This includes regard to compliance with the 'Sustainable Urban Housing: Design Standards for New Apartments' Guidelines 2020: *All apartment developments in the county, where private or public, must comply with the new Apartments Guidelines. The Guidelines include nine SPPRs which must be complied with, and these have been incorporated where relevant into the Plan.*

Objective SH16 refers to new apartment developments and to compliance with the Apartment Guidelines 2020.

- 8.2.6. It is noted that the 'Sustainable Urban Housing Design Standards for New Apartments' have been subsequently amended and regard is had to amendments made. Section 1.18 of the 2023 Apartment Guidelines includes: *Planning authorities*

and An Bord Pleanála are required to have regard to the guidelines and are also required to apply any specific planning policy requirements (SPPRs) of the guidelines, within the meaning of Section 28 (1C) of the Planning and Development Act 2000 (as amended) in carrying out their functions.

- 8.2.7. It has been noted on the Wexford County Council website that the Wexford Town & Environs Development Plan 2009-2015 (as extended) has now expired. The site is not zoned within the current County DP and the Wexford Town Local Area Plan is pending. Core Strategy and Settlement Objective CS15 refers. Therefore, the principle of the development shall be considered on its own merits, and in accordance with the Wexford County Development Plan 2022-2028 and also having regard to the zoning in the former Wexford Town & Environs Development Plan.
- 8.2.8. The site is within Zone 13B of the said Plan and proposed development site is located in an area zoned as 'Town Centre' with the stated land use zoning objective '*To protect and enhance the special physical and social character of the existing Town Centre and to provide for new and improved Town Centre facilities and uses*'. The site is located close to the Town Centre but is not within the retail core. It is within a mixed-use area, that is primarily residential.
- 8.2.9. Regard is had to the Third Party Appeal and to the Observations made. These Third Parties are concerned that the proposal is premature in that the site is not zoned as the Wexford Town and Environs DP 2009-2015 has expired. In summary they are concerned that the proposal will result in the loss of existing historic streetscape which forms part of The Faythe, of the green space associated with the more recent housing development - Rockview Court, of on street parking resulting in traffic congestion, and in the overdevelopment of the site. Also, that the proposal will be detrimental to the character and amenities of the area, including that of adjoining residential property.
- 8.2.10. The First Party response, considers that the proposal complies with planning policy relative to the provision of compact development and is of an appropriate form of design and layout for the subject site, complies with planning policies and objectives and will not result in an adverse impact on the character and amenities of the area. This includes relative to the issue of the use of the open space, and regard to

carparking and traffic congestion. They note the town centre location and the reduced standards for carparking in the Wexford CDP 2022-2028.

- 8.2.11. Note is had, of the issues raised in the Grounds of Appeal and in the Observations made, and to the First Party response in this Assessment below. I consider that the principle of an infill development is acceptable. However, in assessing the proposed development regard is had to the overall appropriateness of the proposal relative to the site context, and the impact on the character and amenities of the area. It needs to be ascertained as to whether the proposal would not detract from the visual and residential amenities of the area and comply with planning policy and the proper planning and sustainable development of the area.

8.3. Planning History and Rationale

- 8.3.1. The proposed development consists of the demolition of 3no. houses i.e. nos. 90 (single storey) and nos. 92 and 94 (a three storey pair) fronting The Faythe and the construction of 18no. units. As noted in the documentation submitted these houses and in particular no.90 form part of the historic streetscape and have been in situ over many years, in one of the oldest parts of Wexford Town. Renovations and rear extensions have taken place over the years, but no planning permissions have been noted relevant to these three houses.
- 8.3.2. Regard is had in the Planning History Section above to the permission granted by the Council and subsequently by the Board for the construction of the houses in Rockview Court (Board decision Ref. 85.113144 refers). This permission consisted of the demolition of nos. 96 and 98 The Faythe and permission was granted for a maximum of 29 houses - Condition no.2(1) refers. This allowed for the omission of a number of houses (38no. serviced dwellings were originally proposed) to provide for open space. Reference is had in this condition to drawing no. 96/048/03A received by the Planning Authority on the 2nd day of July, 1999. This Site Layout Plan shows the green area that forms part of the subject site as 'Open Space 724.6sq.m - Area to be Landscaped'.
- 8.3.3. Therefore, it appears that this area has formed part of the open space area for the new housing development that was constructed as part of Rockview Court. The proposed development site, utilises this open space area plus the plots including the

now overgrown long narrow, rear garden areas of nos. 90, 92 and 94. There is a boundary wall between the open space and the rear garden of no.94 The Faythe and also along the western (rear) boundary with the existing houses in Rockview Court. The demolition of nos. 96 and 98 The Faythe allowed for the entrance road to Rockview Court to be constructed. This access is also to be used by the proposed development.

- 8.3.4. Details submitted in the First Party response include the following of note:

Permission was granted in 1997 for the Rockview Court Housing Estate following an appeal to An Bord Pleanála. Subsequent alterations to the layout were made under Reg.Ref. No. W0005825. That in February 2000, an application for 30 houses including the demolition of No. 96 and No.98 The Faythe, was granted by the Board under Reg.No. PL85.113144. This permission was never enacted.

- 8.3.5. However, it is of note that the public notices with the current application refer to part of the site being: *on lands previously designated as open space at Rockview Court, Wexford under previous planning permission An Bord Pleanála Ref. 85.113144.* The Third Parties have regard to this issue and are concerned that an area of open space that was previously designated as part of the Rockview Court estate, is now to be subsumed for residential in the current proposal.

- 8.3.6. It is submitted, that the open space that forms part of the subject site, appears more incidental and is bounded by the road and footpath along the eastern boundary. It is overlooked by the rear of the houses to the west facing Rockview Court, also it is very visible from the access road as an area of green open space that forms the entrance to the estate. It appears as a corner area of open space and is well tended and includes some trees. It also allows for on street parking along the frontage.

- 8.3.7. Section 14.5 of Volume 1 of the Wexford CDP 2022-2028 refers to the Role of Open Space. This also has regard to Open Space in Towns and Villages and to the Hierarchy of Public Open Spaces Table 14-1 refers. It is arguable that this space could be seen as a ‘Pocket Park’, which in Table 14-1 is considered to be the lowest level of public open space but important components of successful neighbourhoods. This includes: *Pocket parks must be well located within the development and be adequately overlooked and protected from vehicular traffic.*

- 8.3.8. The First Party response provides that the trees on the open space cannot be considered to be mature, that it primarily consists of a lawn. That natural surveillance along pedestrian routes from The Faythe to Rockview Court is currently poor. They query the functionality and purpose of this open space. The Third Parties however, see it as an integral part of their estate as permitted, that provides an amenity area, at the entrance to the estate.
- 8.3.9. The Architectural Design Statement submitted with the application notes that Cluid Housing have agreed in principle to transfer 536sq.m of their land to provide housing. This includes the green area that forms part of the subject site. To offset the potential loss of amenity space to the existing residents of Rockview Court, the applicant proposes to enhance the existing main recreational amenity space within the existing estate by providing a resident's meeting place (Fig. 5 refers). This space is to be created within a grassed area located between 2 existing parking bays, so that it will not interfere with the large open play space, and they submit will comprise of bespoke crafted park benches with a high quality paved zone (Fig.8 refers).

Conclusion

- 8.3.10. Having visited the site, I noted that the housing scheme in Rockview Court has been constructed for some time and the houses are occupied. These houses include onsite parking areas. The main area of public open space is in the southeastern part of Rockview Court. This is where the small area as shown on the plans, it is proposed to provide a 'meeting place' ie. paving and benches, in the current application. Therefore, while the usability of this open space is questionable, the removal of the open space at the frontage to form part of the subject site will mean that the overall area of open space in Rockview Court will be reduced.

8.4. Landownership issues

- 8.4.1. The Architectural Design Statement includes Fig. 5 – which provides a map providing a description of the ownership of the site within the redline boundaries i.e.
- Site marked 'A' – in the ownership of Bawn Development (inc. 868sq.m of open green space). I would note that this 'open space' is currently the existing rear garden areas of nos. 90, 92, and 94 The Faythe.

- Site marked 'B' – in the ownership of Cluid Housing (536sq.m of open green space). This is the area that is primary used as open space relative to the Rockview Court development.
- Site marked 'C' – in the ownership of Cluid Housing – location of the proposed public amenity space. This is the small area of open space proposed for the provision of benches, to the south east of the site in Rockview Court.

8.4.2. The Third Party is concerned that the proposed development site is located on a piece of their property at no.88 The Faythe. They refer to photos outlining their property boundary. They are concerned that if the plans went ahead, and that permission was granted by the Council, without any resolution of this issue. They are concerned that someone can be granted permission on land that doesn't belong to them. It is noted that a number of the Observers have lent their support to the Third Party in relation to this issue.

8.4.3. The First Party response notes that the appellant's have submitted a photo of a drawing which they state is associated with the deeds of their property. They provide that this drawing is not appropriately scaled and lacks context. That an examination of historic maps for the area indicates a pattern of long gardens, the width of which is generally consistent with the width of the front and rear elevations of the respective properties. They provide that the deeds for the adjoining property no.90 The Faythe in the Applicant's ownership (they have attached a copy), are consistent with the historic maps and the established boundary pattern in the area. They note that the Planning Authority validated the planning application and consider that they were therefore of the opinion that the Applicant had demonstrated sufficient legal interest in the lands to facilitate a planning application. They refer to legal issues and submit that any potential boundary dispute should not preclude the Board, from assessing the proposed development on its merits.

8.4.4. While I have noted these issues and have referred to them in this Report, it is of note that the issue of land ownership or boundary disputes etc. are civil matters and I do not propose to adjudicate on these issues. In this case note is had to the provisions of S.34(13) of the Planning and Development Act 2000 (as amended): "*A person shall not be entitled solely by reason of a permission under this section to carry out any development*". Under Chapter 5.13 'Issues relating to title of land' of the

‘Development Management - Guidelines for Planning Authorities’ (DoECLG June 2007) it states, inter alia, the following: “*The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts...*”

8.5. Density, Design and Layout

Density

- 8.5.1. There appears to be some disparity in the documentation submitted, relative to density, relating to the 18no. units proposed and the overall area of the application site. The application form provides that the ‘*Area of the site to which the application relates is 0.275ha*’. I note that having regard to redline boundary as shown on the scaled Site Plans submitted, it would appear that this is the area of the site.
- 8.5.2. An Architect’s Design Statement has been submitted with the application for the proposed development. This provides that the Total Site Area is 0.275sqm. (not including 37sq.m of Rockview Court open space). That the ‘Effective Site Area’ is 0.24ha, (not including works to public road and Rockview Court open space). That the total site area accommodating 18 residential units with a resulting density of 75 units per ha. That the existing site contains 3no. residential units, equating to a density of 12 units per ha.
- 8.5.3. The Planner’s Report refers to the area of the development site proposed as being approx. 0.4ha. Noting that the applicant’s proposal would result in a net density of 45 units per ha. They considered this to be appropriate in a town centre location and within an area where the residential uses are compact.
- 8.5.4. Regard is had to Section 4.7.2.1 of Volume 1 of the Wexford CDP 2022-2028. This refers to ‘Density of Residential Developments’, Table 4-5 refers to ‘Indicative Density and Scale’. This includes regard to ‘Density in Level 1 Key Towns and Level 2 Large Towns (Settlements above 5,000 population)’. Reference is had to appropriate densities for Cities and Town Centres, having regard to Brownfield Sites and sites close to Public Transport corridors. This supports minimum net densities of 50 dwellings per ha, subject to appropriate design and amenity standards, should be applied to public transport corridors. It is noted that there are bus stops along The Faythe, the subject site is c.1km from the train station.

- 8.5.5. Regard is had to the issue of appropriate densities in the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024'. Section 3.3.3 refers to 'Key Towns and Large Towns (5000+ population). Table 3.5 provides 'Areas and Density Ranges Key Towns and Large Towns (5,000+ population). This allows for higher densities in such Town Centres and the surrounding streets within the range of 40dph – 100dph (net), subject to criteria to deliver integrated and sustainable development. In suburban/urban extension areas it allows for densities of 30dph – 50 dph (net) with densities up to 80dph open for at 'accessible suburban /urban extension locations' (as defined in Table 3.6).
- 8.5.6. As noted in Section 3.4 of these Guidelines refers to 'Refining Density' and notes that these density ranges are based on consideration of centrality and accessibility to services and public transport; and consideration of character, amenity and the natural environment. Section 3.3.6 provides the Exceptions which include: *In the case of very small infill sites that are not of sufficient scale to define their character and density, the need to respond to the scale and form of surrounding development, to protect the amenities of surrounding properties and to protect biodiversity may take precedence over the densities set out in this Chapter.*
- 8.5.7. I would note that the proposed density at approx. 75 units per ha. is considerably higher than that of the surrounding area, including than that of the more recent Rockview Court. This corner site is in a more historic part of Wexford is served by local buses and is not adjacent to any major transport links. I would be concerned that the scale and density of development, would be significant, having regard to the locational context of the site and the character and amenities of the area.

Design and Layout

- 8.5.8. Regard is had to the drawings submitted which show the existing and proposed Site Layout Plan. The application site is at the junction of The Faythe and Rockview Court. In summary the proposed development provides for the demolition of existing habitable houses nos. 90, 92 and 94 The Faythe and the construction of 18no. residential units comprising a 3 storey apartment block (3no. 2 bed apartments and 3no. 1 bed apartments (6no. apartments in total) and 8no. 2 bed and 4no. 3 bed, 2 storey terraced houses (12no. houses), ancillary facilities, site works and landscaping. The site includes an area of open space, that has been connected to

Rockview Court and also includes the long narrow rear gardens of nos. 90, 92, and 94 The Faythe.

- 8.5.9. An Architect's Design Statement has been submitted with the application. This describes the project and the design concept. Appendix 1 includes the Schedule of Accommodation and is summarised as follows:

Unit Type	Description	No. of Units	Unit Floor Area
Apartment Type 1	1 - bed apartment/2P	(3)	54sq.m
Apartment Type 2	2 – bed apartment/3P	(3)	73sq.m
House Type A	3 – bed house, 2 storey terraced	(2)	113sq.m
House Type A (mirrored)	3 – bed, 2 storey, terraced	(6)	113sq.m
House Type B	2-bed house, 2 storey, terraced	(2)	95sq.m
House Type B (mirrored)	2-bed house, 2-storey, terraced	(2)	95sq.m
Total no. of Residential units		(18)	

Apartment Block

- 8.5.10. Regard is had to the design and layout of the proposed apartment block, on this prominent corner site at the junction of The Faythe and Rockview Court. The issue being as to whether it would integrate well with the character of the streetscape. Also, as to whether it would comply with current standards.

- 8.5.11. Volume 2, of the Wexford CDP 2022-2028, Section 3.12.3 and Table 3-6 relates to the minimum floor areas set out in the 2020 Apartment Guidelines and to SPPR 3. Table 3-6 sets out:

1-bedroom apartment (2 person) 45m²

2-bedroom apartment (3 persons) 63m² ***

2-bedroom apartment (4 persons) 73m²

3-bedroom apartment (5 persons) 90m²

- 8.5.12. Note is had to the floor plans and elevations submitted. Reference is had to the Apartment Guidelines as amended (July 2023) and to the SPPRS therein. This includes regard to safeguarding higher standards relevant to apartment and duplex accommodation. I note that the proposed apartments comply with these minimum floor areas, including storage areas. These minimum standards have not been changed in: 'The Design Standards for New Apartments 2023', which in Section 3.4 refer to, SPPR 3, which has regard to Minimum Apartment Floor Areas.
- 8.5.13. Appendix 1 of these Guidelines includes reference to Minimum floor areas for private open space. As shown on the Floor Plans, ground floor apartments nos. 1 and 2 have terraces, and balconies for the apartments on the first and second floors, which are in compliance with the minimum floor areas for private open space.
- 8.5.14. I note that the Third Party at no. 88 has some concerns about overlooking, and particularly from the first and second floor balconies. The First Party provide that the setback and nature of the proposed balconies relative to the Appellants' two storey extension together with the angle of the rear elevation of the proposed apartments and the use of privacy screens, will ensure that no undue overlooking will occur. They also note that opaque glazing is employed for the proposed stairwell serving the apartments to prevent overlooking.
- 8.5.15. I note that bin and bike stores are to be provided for the apartment block close to the boundary with no. 88. However, communal open space has not been provided for the apartments. Section 4 of the Apartment Guidelines, 2023, refers to provision for Communal Facilities in Apartments. Section 4.10 to the provision of well designed communal amenity space to contribute to meeting the amenity needs of residents. In this case the plans do not show that it is proposed to provide any communal open space for the 6no.apartments in the apartment block. I would be concerned about this particularly, as there is little amenity open space proposed within the overall scheme.
- 8.5.16. All apartment developments should make a positive contribution to the local area in terms of public open space and / or public realm improvements and should provide long term living environments for future residents through quality communal amenity spaces and attractive and sustainable internal units. If the Board decides to permit, I

would recommend that house no. 7 be omitted and that this area be used to provide a landscaped area of communal open space, for the apartment block.

- 8.5.17. The elevations show the height of the existing 3 storey houses at 9.17m to ridge height and that of the proposed apartment block at 11.2m to ridge height. In view of the design and massing and the location on this corner site, I would consider that width of the proposed block and in particular the design of the front elevation to The Faythe will appear more substantial and obtrusive in the streetscape than the existing housing proposed for demolition.

Sunlight and Daylight

- 8.5.18. A sunlight study was requested as part of the Council's F.I to demonstrate that the apartments have maximum access to natural daylight. In response a Daylight Analysis Report prepared by H3D was submitted to demonstrate that the proposed apartments have been designed to avail of adequate levels of natural daylight. This has regard to current standards and guidelines and it concludes that the proposed apartments are considered to provide an acceptable standard of amenity from a daylight perspective.
- 8.5.19. I would note that the apartments are dual aspect, and the block is situated to the southeast and offset from no. 88 The Faythe. I would not consider that impact on loss of sunlight and daylight as a result of the proposed development will be a significant issue. However, it will be more visually obtrusive for this property.

Houses

- 8.5.20. As noted in the Schedule of Accommodation above, it is proposed to provide 12no. 2 storey houses in terraces of 2 and 3 bedroomed houses. They are shown in linear formation as nos. 7-18, in 3 groups of terraces of 4. They will face onto Rockview Court and be primarily located on what is now the green and rear garden areas. The proposed mix of dwelling types are relatively similar, providing for 2 and 3 bedroomed houses.
- 8.5.21. A Schedule of Floor Areas is shown on the Floor Plans submitted. It is noted that the proposed houses all exceed the minimum floor areas of 'Quality Housing for Sustainable Communities: Best Practice Guidance for Delivering Homes and Sustainable Communities', (DEHLG, 2007). I would consider that provided quality

external finishes are used that the design of the proposed 2 storey dwellings are generally acceptable. I note that no onsite parking is to be provided and that very limited on street parking is shown. This is discussed further in the Access and Parking Section of this Report below.

- 8.5.22. As shown on the Site Layout Plan, the lengths of the proposed rear gardens vary from 8m (plot no. 7) to 11m (plot no. 18). Table 3-4 of Volume 2 of the Wexford CDP 2022-2028 provides the Minimum Floor Area and Private Open Space for Dwellings. This is 55sqm for a two bedroom house and 60sq.m for a 3 bed house. I would note that some of the rear garden areas are a marginally less than this.
- 8.5.23. Section 5.3.2 of the 'Sustainable and Compact Settlement Guidelines 2024', refers to Private Open Space for Houses. It supports a more graduated and flexible approach that supports the development of compact housing and takes account of the value of well designed private and semi-private open space. SPPR 2 provides the Minimum Private Open Space Standards for Houses. The private open space for all of the houses proposed meets these standards. It is noted that as shown on the Site Layout Plan and the Housing Quality Assessment submitted at F.I stage the rear garden areas would comply with these minimum standards. SPPR2 provides that apartments and duplex units shall be required to meet the private and semiprivate open space requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2023 (and any subsequent updates). Appendix 1 of these Guidelines refer.
- 8.5.24. The Planning Authority noted concern about anti-social behaviour and that the proposed refuse/bike storage area located along an unsecured narrow alleyway and to the rear of the properties. Revised plans were submitted as part of the F.I response in relation to the bin and bike stores. Security gates are now proposed to the front of the alleyway. The store is a solid structure with a door to the entrance. The First Party noted that the Planning Authority did not object to the revised plans and provide that the proposal has no potential to contribute to anti-social behaviour.

Boundary Treatment

- 8.5.25. I note that the rear garden of the Third Party at no.88 The Faythe adjoins the site. In addition to the apartment block, they are also concerned about overlooking from the rear of the 12no. proposed houses. In this case the rear gardens of all these houses

will adjoin the side boundary wall of no.88, which is c.1.8m in height. The First Party response provides that there is limited potential for overlooking of the rear garden of the Appellants property from unit nos. 7 to 18 (i.e the 3 groups of terraced housing) in view of the height of the boundary wall. They provide that if the Board decides to grant permission that the height of this wall can be increased.

- 8.5.26. I would also note that the rear elevations of the 2 storey houses in nos. 6-10 Rockview Court face the site (now the green area and rear gardens) and the side elevation of no.18 is shown c. 12m from the rear of no. 6 Rockview Court. There is a 1.8m wall along this boundary. In this case, if the Board decides to permit, to increase privacy, I would recommend that it be conditioned that the block wall along the boundary with no. 88 The Faythe and nos. 6-10 Rockview Court be capped and rendered and increased to 2m in height.

Conclusion

- 8.5.27. As has been noted above, I would have some concerns about the density and scale of the proposed development relative to the locational context and to the character and amenities of the area. Also, relative to the design and massing of the proposed apartment block on this prominent corner site and its impact on the streetscape. While the proposed apartments provide living space in accordance with the appropriate standards, I would have some concerns as to whether the design of the proposed apartment block, taking into account its height, bulk and massing would integrate well into the streetscape.
- 8.5.28. I would consider that the design and layout of the proposed houses is generally acceptable but note that it will result in the omission of the open space and that no communal open space for the apartment block is provided. I would recommend that if the Board decides to permit that house no. 7 be omitted to allow for the provision of an area of communal open space for the apartment block.

8.6. Impact on the Character and Amenities of the Area

- 8.6.1. The Architect's Design Statement includes a description of the project and site context. This includes that the principal concept is to provide a new streetscape link between The Faythe and Rock View Court using a building typology related to the surrounding context. That the design aim of the project is to seamlessly integrate the

additional housing into the historic fabric of the area, while providing the new residents with instant access to the long established character of the local community. They contend that the proposed 3 storey apartment block provides a strong definition to the street junction and successfully addresses both Rockview Court access road and The Faythe, accommodating active frontages at both facades. That the transition from 3 storeys on The Faythe to the 2 storey terrace of housing on the access road leading to Rockview Court respects the established street hierarchy. Regard is had to the existing and proposed elevations (Figures 9b, 10b and 11b refer to the new build).

- 8.6.2. The Third Party is concerned that the proposed development would not comply with Section 5.5 of Chapter 5 of the Wexford CDP 2022-2028 and refers to Design and Place-making in Towns and Villages. In this respect, Objectives TV03, TV11, TV14 and TV21 are referred to by the Third Party. These Objectives have been quoted in the Policy Section above. They refer to the preparation of future local area plans and settlements plans, the need for exceptional architectural quality, respectful of setting and the environment and the public realm. Reference is also had to compliance with the design principles set out in the guidance documents in Section 5.3 of Chapter 5. Objective TV21 serves to provide a summation of all of the above i.e. *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.*
- 8.6.3. The First Party response provides that the proposed development is Architecturally Designed and provides a high-quality scheme on behalf of a housing association. That the proposed development has been designed in full consultation with the Planning Authority and is in accordance with the requirements of the Wexford CDP 2022-2028.
- 8.6.4. As noted in the Design Section above, I would have some concerns in particular about the impact of the design, height, scale and massing of the proposed 3 storey apartment block, on this prominent corner site. Also, with regard to the width of the block and to the fenestration in particular the openings/windows proposed on the front elevation. That the inclusion of this block in the scheme would not enhance the character of the area.

Overdevelopment

- 8.6.5. The Third Parties are concerned about the issue of an overdevelopment of the site and that the proposed density is too high relative to the existing residential in the surrounding area, including the houses fronting The Faythe and the newer housing in Rockview Court. That it will lead to a loss of open space, impact on existing services and lead to traffic congestion.
- 8.6.6. Section 3.3.3 of the Compact Settlement Guidelines 2004 provides for integrated and connected settlements, that in summary seek to strengthen town centres, protect, restore and enhance historic fabric, character, amenity, natural heritage, biodiversity and environmental quality, realise opportunities for adaption and reuse of existing buildings and for incremental backland, brownfield and infill development, and deliver sequential and sustainable urban extension at locations that are closest to the urban core and area integrated into, or can be integrated into the existing built up footprint of the settlement.
- 8.6.7. It is noted that Section 4.7.2.1 of Volume 1 of the WCDP 2022-2028 and Table 4-5 also refers to Inner suburban/infill sites, which I would consider of relevance to the context of the subject site. It includes the provisory: *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. The local area plan should set out the planning authority's views with regard to the range of densities acceptable within the area.*

Demolition of the existing buildings

- 8.6.8. The application form provides that the g.f.a of the buildings to be demolished i.e. nos. 90, 92 and 94 The Fayth is 294sq.m. These are habitable houses and appear to be occupied. While they have been renovated and extended, both internally and at the rear, the frontages to The Faythe, appear relatively intact. They have long established rear garden areas which are now overgrown.
- 8.6.9. All 3no. properties proposed for demolition i.e. Nos. 90, 92 and 94 are occupied and while they may have some issues, the Third Parties contend that there is no reason why they cannot be renovated like so many other properties on the street. There is a petition on file to save the cottage. Noting that this, was formerly thatched and is

over 300 years old. That even though it has been completely renovated inside the character of the old street remains. That this cottage is listed (Architectural Heritage Registration no.15505093) and is part of the local vernacular and should be preserved not destroyed. `

- 8.6.10. I would note that neither this cottage at no. 90 nor nos. 92 and 94 The Faythe are listed as Protected Structures in Volume 5 of the Wexford CDP, which relates to the 'Record of Protected Structures'. The cottage at no. 90 The Faythe, is listed in the National Inventory of Architectural Heritage. Where the Appraisal includes: *A house identified as an integral component of the vernacular heritage of Wexford by such attributes as the compact rectilinear plan form; the faint battered silhouette; the disproportionate bias of solid to void in the massing; and the high pitched roof originally showing a thatch finish.*
- 8.6.11. The First Party provide that they commissioned an assessment of no. 90 by Conservation Architect Michael Tierney and provide a summary which provides that the proposal will not diminish the architectural heritage of the streetscape but will contribute to retaining and enhancing the historic residential environment and community of The Faythe. They include a copy of his 'Report on replacement of existing dwelling at 90 The Faythe having regard to a possible *'loss of heritage'*'. This includes that he does not object to the proposed development and that little remains of the historic fabric of this building apart from the structural fabric of the front wall. However, it is of note that A Cultural Heritage Impact Assessment was not submitted relative to the impact of the proposed development as a whole.
- 8.6.12. I would consider that in view of the height differential, the adjoining nos. 92 and 94 provide a symmetry to the streetscape, particularly have regard to dimensions, fenestration and roof profile. It could be said that they form part of the historic vernacular and add to the character of The Faythe. As no condition survey has been done of the existing properties, there is no evidence that it has been looked into as to whether their refurbishment, rather than demolition was considered. That, there is no documentation on file, to provide an assessment or details of their condition, and in particular relative to nos. 92 and 94.
- 8.6.13. It is noted that the Architectural Design Statement, refers to their poor performing building fabric and inefficient use of space could be better utilised with a new

replacement building. Also, that 'Housing (Standards for rented houses) Regulations 2019', has rendered it impracticable and unfeasible to retain or adapt the existing structures. I would note that these Regulations are dealt with under separate remit.

Faythe Historic Trail

8.6.14. Reference has been had in the Observations made to The Faythe Historic trail and to the impact on the local vernacular of the area. It has been noted that The Faythe is one of the oldest parts of Wexford town. There is concern that the heritage of the street should be taken into consideration.

8.6.15. The Third Party are concerned that the demolition of no. 94 The Faythe will see the destruction of a gable mural celebrating the life of one of The Faythe's most famous residents, George Ross, who was a world champion accordion player. Beside the mural is a speaker box who recounts his life and music. That the loss of these elements will make The Faythe a poorer place to live.

Conclusion

8.6.16. I have regard to the Section 1.3.2 of the Compact Settlement Guidelines which includes: *In order to achieve compact growth, we will need to support more intensive use of existing buildings and properties, including the re-use of existing buildings that are vacant and more intensive use of previously developed land and infill sites, in addition to the development of sites in locations served by existing facilities and public transport.*

8.6.17. It is of note that Objective SH27 of the Wexford CDP 2022-2028 refers to support for refurbishment and retrofitting both occupied and vacant residential buildings including smart technologies, energy efficiency and micro renewable systems. Objective BH09 in summary seeks to encourage the protection of buildings in settlements: *where they make a positive contribution to the built heritage and encourage the re-use and sensitive refurbishment of vernacular buildings using appropriate design and materials and having regard to best practice conservation guidelines.*

8.6.18. I would consider that the issue of retention and refurbishment of these existing houses has not been adequately addressed or demonstrated in the documentation submitted. That the site is not within an Architectural Conservation Area (ACA), but

that these older houses fronting The Faythe could be said to form part of the vernacular of the historic streetscape of Wexford Town.

8.7. Access and Parking

- 8.7.1. The development site, including the proposed apartment block is located at the junction of The Faythe and Rockview Court. It is to be accessed via the frontage onto Rockview Court. The site is within the urban speed limits.
- 8.7.2. The Engineering Report submitted refers to Sight Lines, noting that they were discussed with the Council. A visibility splay of 90m (45m both directions) with a setback 2.4m from the road edge is required for a 50km zone in accordance with the Design Manual for Urban Roads and Streets (DMURS). This notes that site constraints such as existing on street, car parking restricts the visibility. That the removal of a number of on street, car parking will achieve a 45m visibility line to the northwest of the junction to the centre of the road using a 2m set back. That, similarly, removing on street parking to the southwest of the junction, achieves a 45m visibility line to the centre of the road with a 2m set back. The proposed visibility splay is detailed on the drawings submitted.
- 8.7.3. A DMURS Compliance Statement has been submitted with the application. This includes that the proposed development is integrated into a well-connected existing street network, the layout of which results in traffic calming and reduced speeds. That as part of the development design, bicycle and pedestrian modes of transport have been prioritised. That bicycle storage areas have been provided. They provide a table relative to 'DMURS Design Attributes'. Noting that the proposed development facilitates potential permeability and linkages for pedestrians, cyclists and vehicles to existing amenities adjacent to the site as The Rocks Urban Park, a Sports Club, convenience shops, bars and cafes, schools and creches. In this respect I would note that while there are footpaths, there are no cycle lanes within the immediate area and that the proposed development relies on the existing road and footpath network.
- 8.7.4. As has been noted by the Third Party and the Observers there is an issue with parking and congestion in what is a busy mixed-use area. There is limited on-street parking available for local residents in The Faythe. There appears to be no dedicated

parking available for St. John of God Primary School, on the opposite side of the road to the south of the junction with Rockview Court. As noted in the Observations made the on-street parking along the side of the green area is used by parents and staff in the school and is particularly parked up during drop off/collection times.

- 8.7.5. Local residents are objecting to the proposal as the new housing will result in the removal of the option to provide roadside parking along the Rockview Court frontage. They consider that this application has failed to consider vehicular parking facilities for the residents of the proposed development (inadequate parking provision) or the impact it would have on current residents and small businesses of The Faythe and Rockview Court. That the proposal will diminish on-street parking provision in the area and lead to congestion.
- 8.7.6. The Council's Roads Inspection Report noted that the site is located in Rockview Court on the L-35051-1 with an existing public access off the L-3505-1 The Faythe. That the site is within the 50kph speed zone. They note that sightlines of 65m are shown on the site layout plan, but that build out works are required to achieve full clear sightlines in both directions. They initially recommended that the proposed development be refused. This included that that there would be a net reduction in on street parking and that there is inadequate parking in the area. That, EV charging points were not included in the site layout plan. They had concerns regarding the location of the bicycle stands and bin storage areas and sightline issues.
- 8.7.7. Subsequently, they had regard to the revised plans submitted at F.I stage and noted that the Wexford CDP 2022-2028 allows for '0' parking spaces in town centre locations. That rather than seeing the proposed layout as having no on-site parking that the 9no. spaces shown along the road frontage (including 2 mobility spaces) would be seen as a gain.
- 8.7.8. In this respect, Section 6.3 of the Wexford CDP 2022-2028 has regard to the Car Parking Standards. Table 6-7 refers. This provides a maximum standard of 2 per house and 1 per apartment. However, the maximum standard in Town Centre or Village Centre is given as '0'. This is so that the development of the central urban areas will ensure that existing public transport is maximised. It would appear that the proposed development, albeit outside of the core retail area, and primarily residential

but within the 'Town Centre' zoning in the Wexford Town & Environs DP 2009-2015, would not now have a requirement to provide off street parking.

Conclusion

- 8.7.9. Therefore, to conclude, this would imply that local and future residents, would walk/cycle or use public transport and that the concerns of local residents, including relative to the loss of on-street parking for the school (with no dedicated onsite parking) are not now, an issue for further consideration in this application.

8.8. Drainage issues

- 8.8.1. An 'Engineering Planning Report' has been submitted with the application. This has regard to the locational urban context and to existing services. It provides that an existing foul and storm sewer are located in Rockview Road to the south of the site and a watermain is located under the existing footpath. The services fall in a west to east direction and connect to existing services on The Faythe. Noting that the diversion of existing services are not necessary to facilitate the development.

Storm Water Drainage

- 8.8.2. Sustainable Urban Drainage Systems (SuDS) and Nature Based Solutions (NBS) measures will be provided with reference to best practice measures. They provide details of the surface water discharge measures. Noting that soakaways, permeable paving, filter drains, filter strip/French drain and soft landscaping have been implemented within the proposed scheme. That as the pre-development impermeable area is greater than the post development impermeable area due to the SuDS and NBS measures implemented on the site an underground attenuation tank is not required as part of the surface water drainage for the development. That in the case of the subject site an interception storage will be provided for the surface water. The SuDS strategy and stormwater drainage layout details are shown on the drawings submitted.

Foul Water Drainage

- 8.8.3. The foul water drainage from the development will be collected in a new 225mm diameter foul sewer to be as part of the development. This sewer will flow by gravity to northeast of the site, adjacent to the entrance to the Apartment Building, where it

connects to the existing foul sewer. It is provided that all proposed foul drainage will be carried out within the boundary of the site and reference is had to the layout drawings submitted.

- 8.8.4. A Confirmation of Feasibility (COF) for the waste water connection to the development has been issued by Irish Water. Their response confirms the connection to the system is feasible without infrastructure upgrade. The COF is included in Appendix C of the Engineering Report.

Water Supply

- 8.8.5. Water supplies for the development is to be provided by the existing 100mm diameter watermain located in the existing footpath. Details are given of anticipated demand. The proposal network includes an off-line fire hydrant to comply with Part B requirements for fire hydrants. Regard is had to the watermain layout drawing.

- 8.8.6. A Confirmation of Feasibility (COF) for the water connection to the development has been issued by Irish Water. Their response confirms the connection to the system is feasible without infrastructure upgrade. The COF is included in Appendix C of the Engineering Report.

Flood Risk

- 8.8.7. The Architect's Design Statement provides that the site of the proposed development does not lie within any flood risk zone identified on OPW CFRAM maps.

Conclusion

- 8.8.8. Having regard to the above, I would consider that drainage and flooding are not particular issues of concern in this application. If the Board decides to permit, I would recommend that appropriate surface water drainage conditions be included.

8.9. Construction and Environmental Management

- 8.9.1. This includes regard to the phasing of development over a 15 month period, health and safety issues and hours of operation. It notes that the proposed site is located in the vicinity of residential dwellings and a national school. Due to the proposed site proximity to the school they note that additional care needs to be taken by construction workers, deliveries and general site duties to all pedestrians walking on the pathway/roads adjoining the site. That additional signage is to be erected on and

near the site. It provides recommendations relative to compound and storage and for health and safety measures during construction works.

Conclusion

- 8.9.2. If the Board decides to permit, I would recommend that a condition regarding disposal of demolition waste and the submission of a construction and environmental management plan be included.

9.0 Screening for Appropriate Assessment

- 9.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000, as amended.

The site is c. 300m of the Wexford Harbour and Slob SPA (site code: 004076) and of the Slaney River Valley SAC (site code: 000781).

- 9.1.2. The proposed development comprises the demolition of 3no. dwellings and the construction of 18no. dwellings in total, together with all ancillary works, located on serviced lands within the Wexford Town urban boundaries.

- 9.1.3. No nature conservation concerns were raised in the planning appeal.

- 9.1.4. No streams/watercourses are identified on site.

- 9.1.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European site. The reason for this conclusion is as follows:

- The nature of the works proposed which are located on serviced lands.
- The distance to the nearest European sites, and the absence of any hydrological or other pathways.

I conclude on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000, as amended, is not required.

10.0 Recommendation

I would recommend that permission be refused for the reasons and considerations below.

11.0 Reasons and Considerations

1. Having regard to the locational context of the site, the proposed higher density development, and in particular by reason of the design, height, scale and massing of the proposed apartment block and lack of communal open space, would provide for a cramped form of development, on this prominent corner site and detract from the local vernacular and the historic streetscape of The Faythe. It would not provide for a replacement building of exceptional quality that would have a positive impact on the visual quality and character of the area. As such it would be contrary to 'Designing Quality Places Objectives' TV14 and TV15 'Place Based Design Objective' TV21 and also to 'Built Heritage Objective' BH09, of the Wexford County Development Plan 2022-2028, which seeks to protect, maintain and enhance the established character and setting of vernacular buildings. As such it would be contrary to these objectives and to the proper planning and sustainable development of the area.

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

29th of November 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318554-23			
Proposed Development Summary	The demolition of 3 no. habitable houses (nos. 90, 92,94), The Faythe, and the construction of 18no. residential units at The Faythe and on lands at Rockview Court (previously designated as open space), together with all ancillary site works.			
Development Address	Nos 90, 92 and 94 The Faythe and lands at Rockview Court, Wexford, Co. Wexford.			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)			Yes	✓
			No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes	✓	This is a residential development and would be considered under Class 10(b)(i) and (iv), Schedule 5 Part 2.	EIA Mandatory EIAR required	
No			Proceed to Q.3	
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant class?				
Yes		Below Threshold		No EIAR or Preliminary Examination required

No	✓	Class/Threshold 10 (b)(i) and (iv), Schedule 5, Part 2.		Proceed to Q.4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?				
Yes	✓	The development for 18 units on a site area (0.275ha) falls well below the applicable Class/Threshold for 10 (b)(i) and (iv), Schedule 5, Part 2 of the Planning and Development Regulations 2001 (as amended).		

5. Has Schedule 7A information been submitted?		
No	No ✓	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____

Date: _____

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-318554-23	
Proposed Development Summary	The demolition of 3 no. habitable houses (nos. 90, 92,94), The Faythe, and the construction of 18no. residential units at The Faythe and on lands at Rockview Court (previously designated as open space), together with all ancillary site works.	
Development Address	Nos 90, 92 and 94 The Faythe and lands at Rockview Court, Wexford, Co. Wexford	
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health)	<p>The proposed development is for the demolition of 3no. existing houses and the construction of 18no. residential units on a brownfield site of 0.275 ha in Town Centre zoned lands at The Faythe and Rockview Court, Wexford.</p> <p>This proposal falls well below the threshold of 500 dwelling units and 10ha as per Class 10(b)(i) and (iv) of Schedule 5 of Part 2 of the Planning and Development Regulations 2001 (as amended)</p> <p>The proposed development is to connect to public services. As per the documentation submitted, including regard to Construction and Environmental Management it will not result in significant emissions or pollutants.</p> <p>The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p> <p>Please refer to the Planning History Section of this Report. No significant cumulative considerations</p>	
Location of development (The environmental sensitivity of geographical areas likely to be affected)	<p>The proposed development, is on a serviced site, which contains existing housing and open space and is on zoned lands in Wexford Town Centre.</p> <p>Details submitted include regard to demolition and construction works. Also, to surface water drainage and the incorporation of</p>	

<p>by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>SuDS. The Board is referred to the conclusion in section 8.8 of my Report.</p> <p>Reports submitted include:</p> <ul style="list-style-type: none"> • An Architect's Design Statement– Relative to the proposed development and the impact on the character and amenities of the area. The Board is referred to the conclusion in section 8.6 of my Report. • An Engineering Report has been submitted. This had regard to drainage and infrastructure issues. The Board is referred to the conclusion in section 8.8 of my Report. • A DMURS Compliance Statement has been submitted. The Board is referred to the conclusion in section 8.7 of my Report. • A Construction & Environmental Management and Safety Plan was submitted. The Board is referred to the conclusion in section 8.9 of my Report. <p>Having regard to the documentation submitted it is not envisaged that the location of the proposed development will impact significantly on the environment or on sensitive landscapes or on heritage.</p>	
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p> <p>In section 6.3 of my Report, I have concluded that the need for environmental impact assessment can, be excluded at preliminary examination and a screening determination is not required.</p> <p>As noted in Section 9 of my Report 'Screening for Appropriate Assessment' the need for AA can be excluded in this case.</p> <p>.</p>	

Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or <u>No</u>
There is no real likelihood of significant effects on the environment.	EIA is not required.	No

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)