



An
Bord
Pleanála

Inspector's Report ABP-305221 - 19

Development	36 houses and associated site works.
Location	The Cloisters, Farrangarret, Ardmore, Co. Waterford
Planning Authority	Waterford City & County Council
Planning Authority Reg. Ref.	18/502
Applicant(s)	CFS Structures Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Date of Site Inspection	11th March 2020
Inspector	Paul O'Brien

1.0 Site Location and Description

1.1. The subject site contains an irregular shaped area of land with a stated area of 2.8 hectares located to the western side of Ardmore, Co. Waterford. The site is located to the northern, eastern and southern sides of The Cloisters, an existing residential development of terraced and semi-detached houses. Access to The Cloisters is via a roadway that connects to the R673 Ardmore to N25 Road. St Declan's Monastery and Round Tower, local landmarks, are located approximately 185 m to the south east.

1.2. The existing houses in The Cloisters are located on the southern side of two cul-de-sacs, east and west of the access road and this development was cut into a hillside to the south. The subject site can be divided into three as follows:

- Lands to the north of the eastern cul-de-sac. The site here falls away steeply from the cul-de-sac. To the north of this area is the rear garden of terraced houses within the Upper College Road residential development. These lands are under grass
- Lands to the east of the eastern cul-de-sac. This is a continuation of the existing cul-de-sac and the site slopes downwards on a south to north axis and the lands are under grass.
- Lands to the south of the existing houses. There is a significant slope rising from the north of the rear boundary of the existing houses. This part of the site was overgrown on the day of the site visit.

1.3. As noted, there is a residential development (Upper College Road) to the north of the subject site, lands to the south, west and east are primarily under grass and undeveloped. The sloped nature of the lands is the predominant characteristic of the site with good views to the north and east. The sloped nature of the topography is characteristic of Ardmore.

2.0 Proposed Development

2.1. The proposed development as submitted, consisted of the construction of 36 houses as follows:

- Two number, 2-storey, five-bedroom, detached units with optional attic conversion.
- 30 number, 2-storey, four-bedroom, semi-detached units with optional attic conversion.
- Two number, 2-storey, three-bedroom, end of terrace units.
- Two number, 2-storey, two-bedroom, mid terrace units.
- Two areas of public open space are to be provided, the larger of 11,842 sq m located to the south and a smaller area of 2,954 sqm to the east.

All associated site works, water supply, foul and surface water drainage. A connection to be provided to the existing road serving The Cloisters.

Following a further information request and a three-month time extension, the applicant submitted further information which included a number of revisions to the development as follows:

- The number of houses was reduced from 36 to 31 units and to consist of three number, four-bedroom detached units; 24 number, three-bedroom, semi-detached units and four terrace units, as previous.
- In addition to the revision in house numbers, their locations on site have been revised.
- The large open space area to the south of the site has been omitted.
- All houses now comply with development plan requirements regarding the provision of private open space.
- House ground levels, position on site and potential for overlooking have been addressed.
- An Archaeological Impact Assessment (AIA) has been submitted as requested and revisions have been made to the proposed development in response.
- Revised road details have been provided.
- Water supply details have been provided.

The further information was deemed to be significant and appropriate revised public notices were provided.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for a single reason as follows:

‘Having regard to the existing deficiencies in the public water supply network at this location which are not likely to be addressed in the short term, notwithstanding the siting of the development on residentially zoned lands and the proposal to service the development from a private water supply it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area and would set an undesirable precedent. Therefore the development of these zoned lands, in the absence of the required public water supply would be premature at this time’.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Planning report reflects the decision to refuse permission. The applicant was requested to respond to a lengthy further information request. A three month time extension was sought and was granted and following the receipt of the significant further information, it was recommended that permission be refused due to the absence of the required public water supply and for non-compliance with the Waterford County Development Plan 2011 – 2017 with respect to the development exceeding the prescribed density for such lands. The absence of the required public water supply was the only reason for refusal issued by the Planning Authority.

3.2.2. Other Technical Reports

District Engineer – Dungarvan, Lismore: Further information requested in relation to road details, car parking and site landscaping. On receipt of the response, no objection to the development subject to conditions.

Water Services: Concern about the proposed water supply to the development which is to be from a private well. This is not acceptable, and the development may be deemed to be premature.

3.2.3. Prescribed Bodies

Department of Culture, Heritage and the Gaeltacht: Further information requested and on receipt of the response, clarification of further information was requested.

Their concerns related to potential impact on archaeological remains/ features and the setting of an undesirable precedent of a suburban development encroaching on a National Monument.

An Taisce: Recommend that a condition be attached that the majority of the houses be for full time occupation.

3.2.4. **Objections/ Observations**

A number of objections were received to the development as submitted and the following comments were made in summary:

- The proposed houses are out of character with the existing units in terms of height, style and finish.
- The height of the proposed houses will have a negative impact on the visual and general amenity of the area.
- The provision of a path into an open space area will erode its amenity value.
- The provision of pathways to the rear of the existing houses in The Cloisters, where there is no passive surveillance, may give rise to this area becoming unsafe.
- Proposed houses no.5 to no.8 encroach and negatively impact on the houses on College Road. They should be removed or revised.
- Issues of traffic safety and congestion especially in the area of the existing turning circle.
- Concerns about flooding and subsidence due to the proposed development.
- Loss of privacy through overlooking from the proposed houses.
- Loss of daylight through overshadowing and the planting of trees in inappropriate locations may give rise to loss of light.
- Loss of existing wildlife.
- Submitted details are incorrect – particular reference to the separation distance of the boundary with no. 22 The Cloisters.

Objections/ observations were made following the receipt of the Significant Further Information response. Most of the issues raised were similar to the original objections/ observations. The following additional comments were made and are noted:

- Previous comments were ignored and not addressed by the applicant.
- The development would have a negative impact on the historical character of Ardmore.
- The proposed development would give rise to noise disturbance.
- Traffic congestion will increase especially in close proximity to the primary school. Note: This school is located on the R673, circa 96 m to the east of the junction of the R673 and The Cloisters.
- No traffic calming measures are proposed.
- This is already the densest part of Ardmore with all year-round residency.
- The proposed source of water supply does not make good hygienic sense and water supply has been an issue for existing residents over time.
- The revisions to houses no. 1 to 4 and their associated car parking are out of character with the rest of this development.
- Insufficient amenity provision for residents.

4.0 Planning History

There is an extensive history on this site and adjoining lands but only the most relevant are listed here:

P.A. Ref. 17288 refers to a June 2017 decision to grant permission for the provision of compensatory open space and retention permission for existing 3 number underground LPG storage tanks, together with all associated site works and boundary treatments at The Cloisters.

P.A. Ref. 0847/ ABP Ref. PL24.232734 refers to a July 2009 decision to refuse permission for 87 houses and all site works at Farrangarret. Reasons for refusal included the development would be contrary to the Waterford County Development

Plan 2005 – 2011, constituting disorderly development of Ardmore; impact on visual and residential amenity and prematurity pending the provision of a public water supply and foul drainage system to serve Ardmore.

P.A. Ref. 04260 refers to a July 2004 decision to grant permission for 22 houses forming The Cloisters development.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. Under the Waterford County Development Plan 2011 – 2017, Ardmore is designated in the County Settlement Hierarchy as one of the county District Service Centres. These centres provide an important service function for their hinterlands and each have their own development map and development objectives.
- 5.1.2. The subject site is located on lands zoned for residential development. From the plan provided online, the northern part of the site is zoned R1 – ‘Protect amenity of existing residential development and provide new residential development – medium density’.

There is some confusion regarding the remainder of the site as the plan only lists R1 and R3 residential zonings. From looking at other similar settlements, it is apparent that the second zoning should be R2 – ‘Protect amenity of existing residential development and provide new residential development – low density (clustered housing, serviced sites, large plot size)’.

A number of Development Objectives apply to Ardmore and the following are relevant, with DO8 specific to this site:

‘DO7 It is an objective of the Council to protect and preserve the setting of Ardmore Tower and its associated ecclesiastical monuments. The visual impact of development on views of the Tower shall be a consideration of any application for permission’.

‘DO8 Developers at this location shall be required to have regard to the topography of the site, and proposed developments shall have an appropriate/sympathetic

approach to design which utilises the existing contours. Development of these lands shall not detract from the visual setting of the village, particularly when viewed from the approach roads to the village. Adequate buffer shall be provided from neighbouring industrial use to north of site’.

- 5.1.3. Chapter 10 ‘Development Standards’ is relevant to this proposal and in particular Table 10.4: ‘Minimum Standards for Housing Estate Developments in Urban Areas’. This table provides a range of considerations for housing in urban areas. Density is to be at the rate of 25 units per hectare on R1 zoned lands and 10 units per hectare on R2 zoned lands. Public open space to be at the rate of 15% of the site area. Private amenity provision is set out in Section 10.4 Open Space Standards at 90 sq m for a terraced house, 120 sq m for a semi-detached house and 150 sq m for a detached house. Design Statements (Section 10.3.1) are required for all planning applications for 3 or more houses and shall have regard to the ‘Sustainable Residential Development in Urban Areas’ May 2009 and the accompanying ‘Urban Design Manual – A Best Practice Guide’.

Note: The Waterford County Development Plan 2011 – 2017 was extended until such time as the Regional Spatial and Economic Strategy is prepared by the Southern Regional Assembly and a new Waterford City and County Development Plan will then be prepared.

5.2. National Guidance

5.2.1. National Planning Framework – Project Ireland 2040

The National Planning Framework (NPF) recommends compact and sustainable towns/ cities and encourages brownfield development and densification of urban sites. Policy objective NPO 35 recommends increasing residential density in settlements including infill development schemes and increasing building heights.

Other relevant policies from the NPF include the following:

- NPO 6 – Regenerate/ rejuvenate cities, towns and villages.
- NPO 13 – Relax car parking provision/ building heights to achieve well-designed high-quality outcomes to achieve targeted growth.

5.2.2. Design Manual for Urban Roads and Streets (DMURS).

5.2.3. **Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) (DoEHLG, 2009)** and its companion, the **Urban Design Manual - A Best Practice Guide (DoEHLG, 2009)**.

These Guidelines promote higher densities in appropriate locations. A number of urban design criteria are set out, for the consideration of planning applications and appeals. Quantitative and qualitative standards for public open space are recommended. Increased densities are to be encouraged on residentially zoned lands, particularly city and town centres, significant 'brownfield' sites within city and town centres, close to public transport corridors, infill development at inner suburban locations, institutional lands and outer suburban/greenfield sites. Higher densities must be accompanied in all cases by high qualitative standards of design and layout. Chapter 6 of the Sustainable Residential Development in Urban Areas sets out guidance for residential development in small towns and villages.

5.2.4. **Quality Housing for Sustainable Communities (DoEHLG, 2007)**.

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

5.3. **Archaeology**

The proposed development is located within 60 m of the possible outer ecclesiastical enclosure associated with Ardmore Cathedral, Round Tower and St. Delcan's Monastery – Oratory which form a National Monument (no. 131). The proposed development is partially located within the confines of two identified monuments which are:

Enclosure – WA040-025001

Mound – WA030-025002

The subject site is also within the vicinity of a number of additional monuments that are associated with St. Declan's monastic site at Ardmore including:

Ecclesiastical enclosure – WA040-008023

Graveslab - WA040-008016

Ogham Stones - WA040-008025 & WA040-008005

Font - WA040-008019

Stone Sculpture - WA040-008022

Churches - WA040-008001 & WA040-008004

Round Tower - WA040-008003

Graveyard - WA040-008008

Monastic Building - WA040-008021

5.4. Natural Heritage Designations

None on site.

Ardmore Head SAC (Code 002123) is located 1.2 km to the east of the subject site.

Helvick Head to Ballyquin SPA (code 004192) is located 4 km to the north east of the subject site.

6.0 The Appeal

6.1. Grounds of Appeal

The applicants have engaged the services of Fehily Timoney to prepare an appeal against the decision of Waterford City and County Council to refuse permission for this development. Mains grounds include:

- The existing water supply serving houses in the area is operated to Irish Water standards. There is capacity in the existing system to serve the proposed houses until such time as a public water supply is provided.
- The existing public water network is at or near capacity and pressure problems are experienced in the upper areas to the south of the village.
- An upgrade to the supply was proposed as part of the Water Services Investment Programme 2010 – 2012, however this was not carried out and does not form part of the Irish Water investment programme.
- Refusing the development due to a deficiency in the water supply on prematurity grounds is not appropriate when a viable alternative exists.
- The site is suitably zoned for residential development.

- The development if permitted will not set a precedent for similar developments in the Ardmore area.
- A detailed report by Garland – consulting engineers, has been submitted demonstrating the capacity and ability of the existing water supply to serve this development.

6.2. **Planning Authority Response**

6.2.1. None

7.0 **Assessment**

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

- Nature of Development
- Layout Design
- Impact on the Character of the Area
- Impact on Residential Amenity
- Access and Transportation
- Drainage and Water Supply
- Other Issues
- Appropriate Assessment Screening

7.2. **Nature of the Development**

7.2.1. The development as originally proposed was for 36 units and following the receipt of significant further information, the number of units proposed was for 31 houses. The development is located on lands that are zoned for residential use and the applicant is in effect extending The Cloisters residential development to the east and south.

7.2.2. The revised layout, submitted by way of further information, omits a large area of open space to the south of The Cloisters. I would agree that the omission of this area is appropriate as it was very evident from the site visit and the submitted plans that the contours of this section of the site would have resulted in open space that

only have a limited recreational use and would have resulted in significant loss of amenity through overlooking and potential nuisance of The Cloisters.

7.3. Layout Design

- 7.3.1. I note the requirements of the Waterford County Development Plan 2011 – 2017 and the zoning of the site. In addition to the R1 and R2 zoning limiting the density of development, the open space requirements of the development plan also restricts the density of development that can be achieved. This is somewhat at variance at national policy which seeks to maximise the best possible use of land in urban areas. Considering the duration of the Waterford County Development Plan, its policies and objectives are written for the early 2010s and may not be appropriate for the planning process of a decade later. The revised development submitted by way of further information, proposed a density of 18 units per hectare. The Planning Authority Case Officer considered that the proposed density was too high and recommended that this be given as a reason for refusal; this was subsequently removed from the decision.
- 7.3.2. A higher density of development could be achieved on this site, and which would ensure that the residential amenity of existing and future occupants is protected. This could be in the form of more terraces or through a revised layout. The density of this site is also restricted by the need to provide for suitable public open space. I do not have an issue with this requirement and again the density can be increased whilst ensuring that a suitable quality and quantity of open space can be provided here.
- 7.3.3. However, leaving aside the issue of the development plan, the development of this site was always going to be difficult due to the site contours. The provision of houses to the south east of the existing houses in The Cloisters is acceptable and does not result in any loss of residential amenity. The houses to the north east (1 to 21 as originally proposed or 1 to 16 as per the revised plan) are more problematic. There is a steep drop in levels from the existing road to the stone wall boundary of the site to the north and beyond this wall are two-storey houses on Upper College Road. Separation distances in excess of 22 m can be achieved in all cases and the revised layout has ensure that all houses are 11 m from the northern facing boundary.

7.3.4. From the submitted Site Plan it is evident that the shortest separation provided is circa 26 m. Generally, this would be acceptable, but I am concerned the differences in levels may result in significant overlooking of the houses to the north. I note from the submitted cross sections that ground levels are raised to accommodate the proposed houses. Overshadowing leading to a loss of daylight of the private amenity spaces of the houses on Upper College Road is also possible. The applicant has revised the proposed houses including House Type B. The height of these units has been reduced from 9.7 m to 8.3 m and the future conversion of the attic space has been omitted to reduce the potential of overlooking. A significant revision of the layout and perhaps the provision of single-storey/ dormer houses on the northern side of the site could be provided to address these concerns. I therefore consider that the layout as originally submitted subsequently revised is not acceptable and would have a negative impact on the residential amenity of the area.

7.4. Impact on the Character of the Area

- 7.4.1. The applicant has provided a mix of terraced (albeit limited) detached and semi-detached houses on this site. The existing Cloisters development consists of terraced and semi-detached houses, so the proposed development will integrate with this form of housing. It is considered that the design of the proposed houses is generally acceptable and subject to agreement on finishes, they should integrate with the existing houses here. The use of stone as part of the finish is welcome as it indicates an acknowledgment to the extensive use of stone in Ardmore in the past.
- 7.4.2. I am not convinced that the development will have a significant negative impact on the visual amenity of the area when viewed off-site. The site is located on the urban edge of the existing settlement; however, the proposed houses will not extend significantly south of the existing building line of The Cloisters/ rise up the hillside. The proposed development will cut into the hillside and will not therefore project higher above the existing houses. The provision of two rows of houses will densify this area and this may be evident from off-site but the general character of the area will be retained.
- 7.4.3. Concern was raised in a number of the letters of objection that the development would impact negatively on the setting of the National Monument site at St. Declan's Monastery. I do not foresee such a negative impact. There is an adequate

separation distance between the subject and the historic sites. The houses and structures to the north and west of the monastery provide an existing 'urban buffer' between at this location. When viewed from off-site at a distance, the round tower will remain the predominant structure in the area and not the proposed two-storey houses.

7.5. Impact on Residential Amenity

7.5.1. The proposed houses are considered to be acceptable in terms of room size provision and it is considered that adequate storage can be provided in each house. As already noted in this report, open space provision in compliance with the development plan is generous.

7.5.2. The provision of a central area of public open space that the proposed houses address is considered to be appropriate and should provide for a well-used area of amenity land. The small area of land to the western side of House no. 31 may not be used through its limited size and steep contours. I would have concern that this area does not receive adequate passive surveillance and may give rise to issues in the future.

7.5.3. I have already identified issues of concern that the proposed development may negatively impact on the residential amenity of adjoining properties under Section 7.3 of this report.

7.6. Access and Transportation

7.6.1. I do not foresee any significant negative impact in terms of additional traffic leading to road safety or congestion issues. Whilst the proposed development will generate additional traffic, I consider that the existing road network is adequate to serve this increased volume. Traffic speeds on the R673 to the west of the junction with The Cloisters are within the 50 kmh speed-controlled zone.

7.6.2. The Cloisters is connected to the existing primary school and the town centre by relatively good quality footpaths. The proposed development includes provision for additional pedestrian linkages to the eastern side of the site and it is considered desirable that such links are considered at this stage.

7.6.3. All houses are provided with adequate car parking. I noted that the revised layout provides for car parking for houses 1 to 4 that is not within curtilage. Considering the

size of the site, it should be possible to address this issue. 10 visitor parking spaces are provided which is generous for an urban development.

7.7. Drainage and Water Supply

- 7.7.1. The Planning Authority raised no issues regarding surface water drainage and considering the scale of the site, suitable SuDS measures can be provided in addition to other measures. No concerns were raised either in respect of the provision of suitable foul drainage measures on site.
- 7.7.2. The Planning Authority refused permission on the basis that a suitable water supply could not be provided at this time. The applicant is proposing that a private water supply that currently serves The Cloisters, be used to serve this development. The Waterford City and County Council Water Services Department (WSD) are not satisfied with this and have listed a number of concerns including certainty of supply. No connection agreement has been provided by Irish Water and in the absence of this, the WSD consider that the development is premature.
- 7.7.3. The applicant has provided details including an engineering report in support of their proposed method of water supply. The Garland report suggest that Irish Water may allow a connection to the public water supply. I have read the report from Irish Water dated 31st January 2019 contained on file; this report does not provide any form of certainty regarding a connection.
- 7.7.4. I note the comments of the applicant and the Local Authority. There appears to be capacity and supply issues in the Ardmore area and for which Irish Water have not indicated any proposal/ timeframe to remedy. The applicant can service the site from the existing private water source; however, I would concur with the comments of the Local Authority and be concerned regarding the long term certainty of supply etc. It is not possible to grant permission for this development with a condition that housing units only be occupied following the provision of a public water supply as no certainty exists as to when this may occur. I therefore consider that the proposed development is premature pending the provision of a public water supply to serve this development.

7.8. Other Issues

- 7.8.1. I note the findings of the 'Archaeological, Architectural and Cultural Heritage Impact Assessment' prepared by Rubicon Heritage. In the event that permission was

considered, a suitable condition should be included to ensure archaeological protection.

7.8.2. I note the comment from An Taisce and it would clearly be of benefit to the area if the houses were for full time residential occupation.

7.8.3. The Ardmore plan map indicates a number of Scenic Views, however none of this refer or relate to the subject lands.

7.9. Appropriate Assessment Screening

7.9.1. Having regard to the nature and scale of the proposed development and the location of the site in an established urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that permission be refused for the following reasons and considerations as set out below.

9.0 Reasons and Considerations

9.1. It is considered that the proposed development would be prejudicial to public health by virtue of the deficiency in the provision of drinking water required to serve the proposal. The proposed development would, therefore, be premature pending the provision of adequate water supply to serve the proposed development. Irish Water and Waterford City and County Council have not indicated any timescale for the provision of a suitable public water supply to serve this development. The proposed development would be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

9.2. The "Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas" published by the Department of the Environment, Heritage and Local Government in May 2009, require a high-quality approach to the design of new

housing developments. The National Planning Framework seeks to maximise the efficiency of lands in urban areas. The proposed density at 18 units per hectare indicates that the development does not make provide for maximum efficient use of lands in an urban area and the layout as submitted is similar inefficient. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 9.3. Having regard to the proposed site layout, indicative house designs and the existing / proposed site contours, it is considered that the development would result in a loss of residential amenity for the existing residential units to the north of the site through overbearing and overlooking leading to a loss of privacy and potential overshadowing of rear garden spaces consequently reducing their amenity value. The development would therefore injure the amenities and depreciate the value of property in the vicinity.

Paul O'Brien
Planning Inspector

13th March 2020