



An
Bord
Pleanála

Inspector's Report

ABP-309262-21

Development	The construction of 91 no. residential units.
Location	Crobally Upper, Tramore, Co. Waterford.
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	20270
Applicant(s)	Fewer Harrington and Partners
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Fewer Harrington & Partners
Observer(s)	None
Date of Site Inspection	27 th of May 2021.
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The subject site (2.9ha) is located in Tramore town immediately south of Tramore racecourse. Corbally Lower (townland) is located north of Tramore Town Centre on the approach into the town from Waterford City. There are residential estates north of the site and east of the site.
- 1.2. The site is bound to the north by the old Waterford Road from which the site is accessed and north of the new Waterford Road. There are two dwellings on the large curtilages contiguous to the northern site boundary, and the rear of the dwelling is exposed and on view from within the site due to the poor screening along the communal site boundary. Saint Anthony's backs onto the subject site and is accessed from the
- 1.3. Tramore racecourse is located to the east and North-east of the site, with a road and a mature hedge forming the east/ northern-western site boundary between the site and the racecourse (which is enclosed by a high wall).
- 1.4. There is a narrow boreen along the southern site boundary which is a pedestrian link called locally Stranger's Boreen and there is a large thatched dwelling at the end of the boreen backing onto the subject site called Spring Farm. This site boundary is also a mature hedge. There are two large roundabouts to the south of the site, serving the wider residential hinterland and services.
- 1.5. Along the eastern site boundary which faces Tramore Strand, there is an Applegreen service station backing onto the landholding on the R675, a bus stop, and a new residential development currently under construction that was permitted under ABP appeal reference :- 307418-20.

2.0 Proposed Development

- 2.1. The public notices state the residential development will consist of the construction of 91No. dwellings and a new single storey creche, which shall include the following:
 - 8No. 5-bedroom detached dwellings;
 - 12 No. 4bedroom semi-detached dwellings;
 - 42No. 3 bed-semi -detached houses;

- 9No 3bedroom terraced houses;
- 6No. two bed terraced houses;
- 7No. one bedroom apartments over four levels.

The proposal includes internal roads and footpaths, the widening of the existing lane to the west of the site, alterations to the existing roundabout at the proposed new entrance, new vehicular and pedestrian access, new boundary treatment, landscaping drainage, site services.

2.2 There were a number of revisions to the overall scheme following the further information submission. The most notable were:

- A revision of the open space area to the south west of the site;
- Replacement of 6No. terraced units on the north-eastern site with 6No. duplex units to increase the open space provision
- Repositioning of dwellings fronting the Old Waterford Road to accommodate footpath and cycle lanes.

3.0 Planning Authority Decision

3.1. Decision

In the 17th of December 2020, Waterford City and County Council refused the proposed development because of the impact it will have on Tramore Dunes and Back Strand SAC, it will impact on the amenities of the area, and the impact on the proposed development on the residential amenities of existing occupiers. The following three reasons of refusal were cited:

1. On the basis of the information provided with the application, in particular having regard to the further information received and the absence of a Natura Impact Statement, the planning authority cannot be satisfied that the proposal either individually or in combination with other plans or projects would not be likely to have potential for adverse impacts on the integrity of the Tramore Dunes and Back Strand SAC and Tramore Back Strand SPA in view of the

site's conservation objectives. In such circumstances, the Planning Authority is precluded from granting planning permission.

2. Having regard to the location of the proposed development on a prominent site at the entrance to Tramore, it is considered that by reason of its proposed layout and the design of the development, its relationship with the existing development and the proposed parallel parking along the site frontage on the Old Waterford Road, and the location of proposed apartment block at a visually prominent location, the proposed development would be visually obtrusive and inappropriate in the context of its prominent location in Tramore detracting from the amenities of the area and thus would be contrary to the proper planning and sustainable development of the area.
3. Having regard to the location of the proposed apartment block and duplex units at the northeast of the site relative to the adjoining residential dwellings, it is considered that this element of the proposed development would give rise to overlooking, overbearing impact and loss of residential amenity to existing properties. The proposed development would therefore, negatively impact on, and seriously detract from, existing residential amenities and the value of property in the vicinity and thus would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The applicant was requested to provide further information which incorporated a few revisions to the overall scheme in terms of open space design, replacement of terrace units to duplex units and the repositioning of dwellings from the old Waterford Road. The assessment raised the following salient points:

- The gross density proposed is 31 units per hectare. When the creche and the main spine road are excluded the density is 35 units per hectare.
- The site is zoned residential, and the proposed density accords with national guidelines

- The proposed street frontage will address the Old Waterford Road and Stranger's Boreen, with a new roundabout forming the entrance.
- Open space area is considered to be inadequate
- Boundary treatments considered to be adequate
- The Traffic Impact Assessment and Roads section were satisfied with the proposed development, and it will have minimal traffic impact on the road network.
- The need for a Stage 2 Appropriate assessment has been screened out.
- The creche is 172sq.m. that will cater for 20No. children
- The planning authority do not consider the site to be an infill site, but rather a greenfield site, therefore 15% of open space provision is required as per the revised site layout submitted by way of further information. The terraced units 72-77 are preferable given the location of the site boundary and elevated nature of the site.
- The apartment building is not suitable given the elevated nature of the site, and beside adjacent dwellings. The apartments would be more suitably located on the lower Part B portion of the landholding
- The 4bedroom bungalow style dwellings along Strangers Boreen are acceptable, compared to the original proposal of 3storey five bedroom units.
- Stranger's Boreen will be widened to provide access to the dwellings.
- The attenuated discharge will have little or no effect on the capacity of Garraun Stream or Back Strand. There is a surface water outfall located approximately 20-30metres from the Back Strand SAC via Garraun Stream, and the Heritage Officer advised an NIS was required.
- Part V agreement is in place
- Refusal recommended.

3.2.2. Other Technical Reports

Roads Design: No objection. The sightlines are Stranger's Boreen onto Old Waterford Road complies with sightlines set out in the Design Manual for Urban

Roads. The access of the round about is acceptable and further design is to be agreed with the planning authority.

Water Services: *No objection subjected to specified conditions*

3.3. Prescribed Bodies

Irish Water : No objection

TII : No objection

3.4. Third Party Observations

There were petitions and individual objections and observations made to the planning authority expressing concerns regarding the following issues:

- Traffic and potential traffic hazard
- Overlooking
- The proposed creche is too close to houses
- Loss of privacy
- Lack of footpaths and pedestrian crossings
- Traffic Calming required

4.0 Planning History

There are no relevant planning histories relating to the subject site.

On lands to the east Planning permission 20/80 and An Bord Pleanala reference 307418-20 was granted planning permission for a residential development.

5.0 Policy Context

5.1. Development Plan

- 5.1.1 Under the **Waterford County Development Plan 2011 – 2017**, Tramore is designated in the County Settlement Hierarchy as a Secondary Service Centre, the

only one in the County (Table 4.2 County Settlement Hierarchy). The development plan states the following:

‘Located within the catchment of the Gateway, Tramore possesses a good base for population and services that could attract investment and employment activities. It has the critical mass to support its own services and industry. It is recognised that Tramore must strengthen and widen its economic base so as to retain its population, and promote a balanced spatial structure to ensure its continued vitality and development. However, it is also acknowledged that the continued expansion of the town must be regulated to ensure that community, social and retail developments keep pace with recent rapid phases of mainly residential development. Land use planning in Tramore is guided by the Tramore Local Area Plan 2007-2013’.

5.1.2 Tramore Local Area Plan 2014 – 2020

The site is located within the Tramore Local Area Plan designated area and is therefore subject to the policies and objectives of this plan. The majority of the site is located on lands zoned for ‘Commercial’ development with an objective ‘To provide for commercial development’ and a narrow section along the R675/ Waterford Road is zoned for ‘Open Space’. The Commercial zoning only allows within the generally permissible category ‘Dwelling’ and ‘Park/ Playground’. A wide range of uses are open for consideration though I note that ‘Retail Comparison Goods’, ‘Retail Food Discount Store’ and ‘Retail Warehousing’ are not permitted. ‘Social Housing’ is listed in the not permitted category.

Full regard has been had to ‘Chapter 8 Development Management & Zoning Objectives’ of the Tramore Local Area Plan and Chapter 10 of the Waterford County Development Plan 2011-2017 (included in Appendix E).

Regional Spatial & Economic Strategy (RSES) for the Southern Region

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.

The RSES provides the following information on Tramore:

'The high level of commuting (40%) into the Metropolitan Area from Tramore reflects its attractive coastal location with seafront and close proximity. Tramore is a considerable recreational and amenity asset for Waterford, with a relatively frequent bus route connecting Tramore to the City Centre. There is a low employment base in Tramore with a Jobs to Workers Ratio of 0.419 reflecting its role as a commuter town. Opportunities to improve the public realm and attractiveness of the Town Centre would support the sustainable development of the town as a place to live and work'.

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.

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

Open Space

In greenfield sites or those sites for which a local area plan is appropriate, public open space should be provided at a minimum rate of 15% of the total site area. This allocation should be in the form of useful open spaces within residential developments.

In other cases, such as large infill sites or brownfield sites public open space should generally be provided at a minimum rate of 10% of the total site area.

5.2. Natural Heritage Designations

None on site.

Tramore Back Strand SPA (Code 004027) is located 500m to the north east of the subject site.

Tramore Dunes and Back Strand SAC (Code 000671) is located 500m to the north east of the subject site.

5.3. EIA Screening

Having regard to the nature of the proposed development comprising a residential development of 91 units in the form of apartments and houses including all necessary site works, in an established zoned, urban area and where infrastructural services are available, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The applicants principle grounds of appeal area as follows:

- The proposed development will not adversely impact upon the Tramore Dunes and Back Strand SAC or the Tramore Back Strand SPA;
- The proposed development, in particular the proposed apartment block represents an appropriate and acceptable height at this location and contributes to achieving a sustainable residential density and land use intensity
- The proposed development of virtue of its siting, design and location will preserve and safeguard the residential amenities of future occupants.

6.2 The subject site is located in an established urban area within walking distance of public transport and the residential development as proposed is appropriate for the site and the area. The proposal will secure additional housing supply as part of a high quality masterplan for the site and wider area. The provision of residential development on the lands complies with the sequential approach to the development by virtue of the site being located closer to the town centre than much of the remaining zoned land bank in Rosslare. It will contribute to providing critical mass and complying with the National Planning Framework to deliver at least 40% of all new homes nationally within the existing footprint of built up areas.

6.3 Compliance with the Site's Conservation Objectives

The potential impact of the development on a SAC and SPA was not identified throughout the planning process. An Appropriate Assessment screening report was submitted as part of the application and a requirement for Stage 2 was screened out on the basis that no significant effects arising from the proposed scheme are likely to occur in relation to designated sites. The planning authority had the opportunity to raise this issue at the further information stage and request a Natura Impact Assessment. This is regrettable and has now an NIS has been submitted to the Board on appeal for consideration.

The planning authority considered the proposal may give rise to adverse impacts on the SAC and SPA as a result of operational local authority storm water outfall to which surface water associated with the proposed development would ultimately discharge to being located within 20-30metres from the Back Strand SAC via Garraun Stream.

The only potential impact-receptor pathway identified relates to surface water runoff impacts on the SAC and SPA which is an indirect water quality link only. The NIS concludes that based on the outcome of the assessment and the application of standard environmental controls and the advised mitigation measures (the installation of a hydrocarbon interceptor) no significant effects arising from the development are likely to occur in relation to the Natura 2000 sites.

The proposal complies with the conservation objectives for the subject site and will not adversely affect the integrity of the Natura sites and the Board is asked to overturn the planning authority's decision and grant the development.

6.4 The proposed development compliments the character and prevailing pattern of development on the character and amenities of the area.

In assessing the visually acceptability of the development, limited weight was given to the wider context of the area and of Tramore status as a secondary service centre. The planning authority has centred its decision to refuse on the design and siting of the apartment block inferring the height of the building is unacceptable, without any assessment of the viability of the development and the provision of much needed accommodation.

The height of the building was deemed to be acceptable at a pre-planning meeting. A photomontage has been prepared illustrating how the apartment block will blind into the area.

The *Urban Development and Building Heights Guidelines for Planning Authorities (2018)* acknowledge the need to move away from the blanket and generic height limitations prescribed in development plans. The Guidelines promote increased heights within established urban locations to achieve increased densities, support more efficient use of land and to secure critical mass.

The inflexibility applied by the planning authority in their assessment of the case undermines wider national policy objectives to provide compact forms of urban development. The planning authority are promoting unsustainable pattern of developments. The proposed apartment block reads as a three storey when viewed from the road and does not conflict with any development plan objectives so the reliance on SPPR3 is not required.

- The site is located beside public transport routes, Bus Eireann Route 360 (Waterford City – Tramore) and the Tramore town loop.
- The site contains no protected structures and is not located within an Architectural Conservation Area. The proposed apartment building is 14.5metres in height which is modest. The height, massing and scale reflects the recent changes in policy especially regarding building height. There is a Design Statement with the planning application which demonstrates how the proposal successfully integrates into the application site.
- The proposed development relates to an existing infill site and contributes to the existing built-up environment of Tramore. The central open space will act as a focal point and assist in creating a sense of place for future residents.

The site is currently a vacant agricultural field. The site is surrounded by existing residential schemes and the proposal would integrate seamlessly with the pattern of development in the area. The scheme has been designed with the future redevelopment of adjoining lands in mind. The proposal and a childcare facility. provides a mix of housing typologies.

The form and layout of the proposed development has been carefully considered to ensure sufficient daylight penetration into the apartment building whilst also safeguarding the residential amenities of the adjoining dwellings. The adjoining properties are orientated to the east and distantly to the north-east with front windows facing onto Waterford Road and rear windows overlooking extensive rear gardens. The apartment building does not overbear the adjoining residential properties to the north-east, and it is setback from the eastern site boundary creating a separation distance of 25.7m between the closest edge of the block and the adjoining dwelling, Saint Anthony's. There will be adequate day light into the 14No. units. The height is modest at 14.5metres and it is not excessive in bulk.

Location of Proposed Apartment Block

The planning authority in its determination are stating that only two storey dwellings are acceptable in Tramore. Such a determination will significantly hamper the ability for achieving the housing targets in the Core Strategy and limit the growth potential of the town. The apartments will be screened by a series of new developments as seen in the photomontages of the second phase of the development along the Waterford Road. The creche is cited at the entrance to the development, creating a strong urban edge. The apartment block must be viewed in the context of the new streetscape a represents a suitable response to its location and changing topography.

Location of Proposed Parallel Parking

The planning authority has not cited any planning policy for the unacceptability of the parallel parking. The Planner's Report acknowledges that the layout of the parking is acceptable from a traffic safety perspective. The parallel parking was provided following discussions with the Road Department, and the road would be setback to provide upgrades. The positioning of the dwellings along the Old Waterford Road is to create a strong urban edge in line with DMURS recommendation. There is additional planting proposed to create green infrastructure. There are multiple developments in Waterford which have parallel parking. The density can be preserved by using parallel parking.

The proposed development will safeguard the residential amenities of the neighbouring occupiers.

The planning authority has alleged the proposed development will result in an overbearing impact and loss of residential amenity on existing properties, but have failed to acknowledge the development site is within an urban setting. The duplex units were introduced into the scheme in place of terraced dwellings to maintain appropriate density standards following the planning authority's reluctance to classify the site as infill, and impose an unnecessary requirement to provide 15% communal open space. A series of design measures have been implemented including the installation of high level windows, obscure glazing and sufficient boundary setback to mitigate impact on the occupiers of the adjoining dwelling.

In terms of the concerns regarding overlooking, a separation distance of 25.7metres between the proposed apartment building and existing residential development to the east has been achieved which is in excess of the development plan standards. A degree of mutual overlooking is expected in urban environments, without compromising on residential amenity or privacy, and does not warrant a reason for refusing planning permission.

6.2. Planning Authority Response

The substantive reason for refusal related to the significant impact on the integrity of the Tramore Backstrand SAC and SPA which could not be ruled out following receipt of further information. A Natural Impact Assessment has been submitted on appeal. The planning authority would not object to the development on conservation grounds.

The planning authority notes the visual montages submitted with the appeal but remains unfavourably disposed towards four storey apartments and duplex units at this location given the topography of the site and pattern of development in the vicinity. The height of the apartment development would be more suited to the lower section of the site in a later phase, and would most likely achieve the net result in terms of density

7.0 Assessment

7.1. I have visited the site and considered the appeal file, and the key issues of this appeal can be considered under the following headings:-

- Zoning/ Principle of the Development
- Public Open Space
- Building Height, Scale and Design
- Impact on amenities of adjoining properties
- Access and Parking
- Drainage
- Other Issues

- Appropriate Assessment

7.2. Zoning/ Principle of the Development

The site should be examined in the context of the *Tramore LAP 2014-2020 – Map 3 Zoning Map*, whereby the site is located within the redline of Tramore town boundary. The site is designated in the LAP as '*Strategic Residential Reserve*' and there is housing to the north, east and south of the site. The site is adjacent to a large school, and the Tramore racecourse (west). Having regard to the suburban pattern of residential development, to the north and east of the subject site, the site can be classified as an infill site within the built up area of Tramore town, and the appropriate residential densities and standards are applicable for an infill site .

There is a new development currently under construction on the opposite side of the Waterford Road to the landholding accessed off R675 and there are built up developments on the opposite side of the racecourse to the subject site (west).

The proposed development is part of a Masterplan that comprises of two specific sites involving the overall landholding, **Site A** on the elevated part of the topography which is the subject site under appeal. **Site B** will be the subject of a later planning application, and both schemes are inter-related and will be served by the same access, which is a roundabout located on the Old Waterford Road serving the racecourse.

- 7.3. The **Strategic Residential Reserve** zoning objective is to reserve land for future sustainable residential development (2020-2026). Table 3.3 states Strategic Residential Reserve is to be considered for development in a sequential basis if Phase 1 lands (New residential) are fully developed/ committed. These lands equate to 16% of the total SRR and are located within the town boundary.

Upon examination of the built-up area of Tramore and site currently under construction for residential development, it is evident the subject infill site complies with the sequential development of the town and in keeping with the zoning objective of the Tramore Local Area Plan.

7.4 Public Open Space

The planning authority did not consider the subject site to be an infill development (requiring 10% of the site area as public open space) instead considered the site to be Greenfield (requiring 15% of the site area as public open space). As part of the further information, the layout was revised to include 15% public open space removing a number of dwellings from the scheme.

The original scheme submitted achieves a density of 35 units per hectare, 2 No. parking spaces per dwellings unit, one space for apartment and 10% of open space. Although the applicant revised the overall scheme to create more open space in response to a request for further information, the view of the applicant remains that the original scheme applied for is the most suitable for the site as it enables the efficient use of the land through achieving appropriate density. Both the original and revised schemes should be considered de novo by the Board.

The applicant presented two revised schemes by way of the further information submission the first provided for 10% of the site area within a centrally located area of development and the second provided for 15% of the site area within the same centrally located area with the omission of 5No. dwellings from the overall scheme.

The open space design and provision has to be examined in the context of the Masterplan for both Site A and Site B within the landholding. Another portion of open space is proposed to the southwest extremity of the site, which provides the quantum of open space but is not acceptable to serve the entire scheme in terms of its location relative to the majority of housing units within the scheme and proximity to a busy roundabout entering Tramore. Open space provision should not be based solely on quantum calculations relating to the site area and the location of the site within the urban structure. The Board needs to look at the layout of the proposed scheme holistically and consider a sustainable living environment for the future residents. I consider the open space layout provided in the revised scheme presented by way of Further Information to be the optimum scheme, whereby 15% of the site area is allocated to open space and a density of 35No. units is achieved through the provision of duplex units along the eastern site boundary. The revised open space provision presented in the further information provides a centrally

located linear park alongside the spinal service road, creating easy accessibility and supervision from the majority of dwelling units within the estate.

7.5 Building Height, Scale and Design

The part three and part-four apartment building is located along the north-eastern boundary of the site which is an elevated portion of the site. The planning authority refused the development because it considered the apartment block to be excessive in height, and contrary to the pattern of development in the area. On appeal the planning authority has stated it remains unfavourably disposed towards the four storey apartment block and duplex units along the elevated portion of the site alongside adjoining bungalows, and believes the apartment block would be more suited on the lower portion of the site, (Site B, Phase 2).

The location of the proposed apartment blocks is within the building envelop of Tramore town. The site is within 12minutes walking distance of the town centre and 15minutes form Tramore beach. There are a host of services, facilities and amenities in close proximity to the site. In addition, the local bus service has a bus stop adjoining the front of the site along the Waterford Road. Therefore the principle of apartment block on the site is acceptable and in keeping with national planning policy. In the government Guidelines *Urban Development and Building Heights : Guidelines for Planning Authorities* increased heights are encouraged to achieve greater residential densities, deliver compact growth and to secure critical mass.

The site ascends away from the Waterford Road in a north-westerly direction. The location of the proposed apartments is on a high part of the subject site. According to the applicant, the siting and orientation of the proposed apartment building has been carefully considered in the context of the site's topography. The building has been setback form the adjoining roads to ensure the perception of the building being too tall is diminished, and the fact it is a backdrop to the remainder of the dwellings in the scheme means it is not dominant or oppressive. The proposed roofline is flat giving the impression the apartment block steps into the site. The proposed block

reads as a three storey and is only 1.5metres taller than the houses proposed immediately to the north/ north-west.

There are no protected views or landscapes associated with the subject site. There are low-rise and low density residential developments to the north-east of the site beyond the footprint of the apartment block. According to the applicant, the low profile single storey neighbouring dwellings should not determine a contemporary residential design, and such an approach would be contrary to the principles of sustainable development as set out in the objectives of the National Planning Framework: Ireland 2040. The subject site is 2.9Ha with a proposed density of 35 units per hectare.

Whilst I agree with elements of the applicant's argument, and I have no issue with the principle of an apartment block on the site, I find the design of the proposed apartment block to be obtrusive when viewed from neighbouring properties, and from within the proposed scheme. Furthermore the overall design and elevation treatment of the proposed apartment block is ugly when viewed from every angle and bares not relationship to the existing and proposed dwellings surrounding it. It is obnoxiously sited on an elevated portion of the site alongside bungalows. The assimilation of the apartment scheme into the urban fabric is dependent upon the completion of Phase 2, which is not under consideration, and does not have the benefit of planning pemrission. In the event Phase 2 did not materialise or was radically altered, this would impact negatively on the potential visual impact of the apartment block. The applicant's main argument for the apartment block is that the building will not be visible following the completion of Phase B, but the Board cannot base its decision on speculative proposals. The merits of the current proposal must be assessed on the current proposal. The proposed apartment block in my opinion has no redeeming qualities apart from meeting with national policy guidelines on densities, and that is not justification to permit such a carbuncle amidst an otherwise well designated residential scheme. Therefore, I consider the Board should uphold the planning authority's decision and omit the apartment block from the overall scheme. A refusal of the entire scheme is not warranted as the residual housing

design and layout is commendable and in my opinion, will blend well into the site and existing road layout.

7.6 Adjoining Residential Amenities

The proposed apartment building is set back from the eastern site boundary to create a separation distance of 25.7metres between the apartment block and the existing residential development of St. Anthony's, Waterford Road (single storey). Furthermore, St. Anthony's is at an angle to the apartment building, and with the existing boundary treatment along the site, overbearance will not occur. The proposed apartment units are primarily orientated to the south and to the west of the building and face away from the adjoining residential properties to the east.

7.7 Daylight and Sunlight

The adjoining properties are orientated to the east and distantly to the northeast with front windows facing onto Waterford Road, and rear windows overlooking rear garden areas. The proposed apartment building facing onto St. Anthony's is heavily screened with dense vegetation. The proposed apartment block will not lead to any loss of interior sunlight or daylight for the adjoining properties. Building Research Establishment (BRE) in its document, *Site Layout Planning for Daylight and Sunlight: A guide to Good Practice*. All structures will create areas of new shadow, and some degree of transient overshadowing of a space is to be expected. The BRE Guide recommends that at least half of the area of an external should receive at least two hours of sunlight on March 21st, if as a result of new development, external spaces receive less sunlight then this standard is likely to be noticeable. Given the height and massing of the apartment block, the separation distances between the apartment block and adjoining properties, the size of the existing gardens, the proposed development will not lead to a loss of sunlight greater than the standard recommended in the BRE Guide. The potential loss of sunlight will be negligible. Private Amenity areas to the north, northeast of the subject apartment block:

Property	Front Garden Area	Rear Garden Area	Total Garden Area
Saint Anthony's	370sq.	440sq.m.	810sq.m.
Troodos	430sq.m.	100sq.m.	530sq.m.
Monavilla	340sq.m.	260sq.m.	600sq.m.

The Board should note in the Further Information Report prepared by the applicant in November 2020 there were a number of alterations made to the north and east elevation of the apartment block, which I have considered regarding reduced window sizes and frosted glass provision. These are welcome alterations.

Spring Farm, a detached thatched dwelling, backs onto the subject site along the western boundary. House No. 8 adjoins the property and is positioned on a higher ground level.

The proposed dwellings along Stranger's Boreen, (western site boundary), were revised from the three storey units to the two storey B1 house type, which is a four bedroom dwelling. There is an existing embankment and dense vegetation between the existing and proposed dwellings to minimise any risk of overbearance or overlooking. The revised dwellings presented in the further information submission are deemed to be acceptable.

7.8 Access and Parking

Following consultations with the relevant engineering departments within the planning authority, it was agreed the existing roundabout on the Old Waterford Road at the north-east extremity of the site would be the main entrance to the proposed development. It was also agreed to allow access to a number of units along Stranger's Boreen subject to the sightlines been improved at the junction of the boreen with the Old Waterford Road.

Reason No. 2 of the decision to refuse relates to the proposed parallel parking along the Old Waterford Road. The design approach is to provide a strong urban edge onto the Old Waterford Road. DMURS (Section 4.4.9 page 117) states on-street parking can calm traffic by increasing driver caution, contribute to pedestrian and

cyclist safety, reduce the need to kerb mount and provide good levels of passive surveillance. It should be noted that amendments to the scheme and site layout in order to provide perpendicular car parking in lieu of the parallel parking would result in a reduction of the residential density, in addition to encouraging 'forward in, backward out' car parking that results in poor visibility.

The proposed access arrangement off the roundabout, is acceptable in traffic safety terms. A new 4th arm, 28.0m roundabout junction will provide access to Site A and Site B. Eight dwellings along Strangers Boreen will be provided along a widened boreen to 5.5metres. The Traffic Impact Assessment examined in detailed the existing roads and traffic situation on the surrounding road network. Capacity assessments were carried out on the critical junction of the Old Waterford Road and the proposed development there will be sufficient practical reserve capacity at the junction to accommodate traffic at the junction. h indicated that under the forecast traffic conditions including traffic growth to 2038.

7.9 Drainage

The proposed development will be attenuated broken into 3No. phases for the purposes of construction. The attenuation is designed to replicate the natural run off of the catchment area and to mitigate surface water surge to the public network and mitigate flooding downstream during storm events. The attenuated storm water runs in a separate storm line downhill form the site, before discharging to the head of Garraun Stream/ Back Strand. The discharge location is tidal and the attenuated discharge will have little or no effect on the overall capacity of the Back Strand. There will be a Bypass/ Petrol interceptor before discharge from the estate before discharge into the public sewer.

7.10 Other

- The proposed creche has been designed to meet with national standards under the Tusla Childcare Act Early Years Regulations 2016.
- Part V agreement has been agreed with Waterford Co. Co.

7.11 Appropriate Assessment

Reason No. 1 of the planning authority's refusal relates to the potential impact of the proposed development on the integrity of Tramore Dunes and the Back Strand Special Area of Conservation. This issue was not raised during the assessment of

the planning application as the planning authority screened out Stage 2 on the basis that no significant effects are arising from the proposed development are likely to occur on the designated sites. Following the refusal the applicant has submitted a Natura Impact Statement to the Board for consideration.

The proposed development is for 91No. residential units in the built-up area of Tramore town to be accessed off the Old Waterford Road and Stranger's Boreen. The footprint of the development is located in Crobally Upper, Tramore which is not within or beside any Natura 2000 sites.

The proposed site does not support any key habitats or species that are listed as qualifying interests of nearby designated Natura 2000 sites. There are no apparent watercourses within or along the site boundaries. The nearest watercourse is the Monlough River Network, including Garraun Stream, flowing to the northeast of the proposed site prior to discharging to Tramore Back Strand (over 400metre east of the site boundary). There is no identifiable hydrological link between the site and the watercourse network. There will be a Construction and Environmental Management Plan (CEMP) has been prepared to ensure measures are in place to protect the receiving urban environment. The nearest sites are as follows:

Natura 2000 Site Code	Qualifying Interests and Conservation Objectives	Minimum Distance form Site boundary & Discharge Points
Tramore Dune and Back Strand SAC 000671	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]	Site Boundary over land is 0.4km Discharge Points: Surface water 0.05km (upstream) Wastewater 2.2km (tidal/upstream)

	<p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>	
<p>Tramore Back Strand SPA 004027</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Wetland and Waterbirds [A999]</p>	
<p>Mid Waterford Coast SPA 004193</p>	<p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Peregrine (<i>Falco peregrinus</i>) [A103]</p>	<p>Site Boundary Overland 9.2km</p>

	Herring Gull (<i>Larus argentatus</i>) [A184] Chough (<i>Pyrrhocorax pyrrhocorax</i>) [A346]	
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There are 2 other sites within 15km but above 10km from the site boundary:

River Barrow and River Nore SAC 002162 which is 10.7km away. And Hook Head SAC site code 000764 which is 13.9km from the site.

The applicants NIS was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within the possible zone of influence as outlined above.

Natura 2000 sites within the potential zone of influence

Tramore Dunes and Back Strand SAC : potential impact receptor pathways via Surface Water, Waste Water Treatment Plant Discharge.

Tramore Back Strand SPA : potential impact receptor pathways via Surface Water, Waste Water Treatment Plant Discharge.

Mid-Waterford Coast SPA: potential impact receptor pathways via Surface Water, Waste Water Treatment Plant Discharge.

The only potential impact-receptor pathway identified where without standard environmental controls or mitigation relates to the surface water run-off impacts in relation to Tramore Back Strand SAC and Tramore Back Strand SPA (indirect water quality impacts only). The best practice environmental controls will be in place during the construction phase such as standard run-off controls and pollution prevention measures (Section 5 of the submitted NIS).

The location of the existing/ operational public outfall has been taken into consideration as part of the operational surface water drainage design, and there will be an attenuation proposal to mimic natural run-off of the catchment area and to mitigate by design any surge to the public network, to minimise flooding downstream, and will not lead to existing hydrological capacity of Garraun Stream and in turn Tramore Back Strand waterbody.

There will be no significant effects arising from the proposed development are considered likely to occur in relation to the Tramore Dunes and Back Strand SAC,

Tramore Strand SPA, Mid-Waterford Coast SPA and Hook Head SAC via wastewater/ effluent drainage.

8.0 Recommendation

I recommend the Board grant planning permission for the revised scheme submitted by way of further information on 24th of November 2020, excluding the apartment block which represents a poor design concept by reason of its layout and disposition on the site, massing, and bulk. The proposed 77No. housing units would be acceptable in terms of design and layout, and the apartment block could be omitted by way of a condition.

9.0 Reasons and Considerations

Having regard to national policy, the provisions of the current Tramore Local Area Plan for the area including the residential zoning objective for the site, the planning history in the area, and the design and layout of the proposed development, it is considered that the proposed development, subject to compliance with the conditions set out below, would be acceptable in terms of pedestrian and traffic safety, would not seriously injure the visual and residential amenities of the area. The proposed development would, therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information submitted on 24 th of November 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.
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	<p>Reason: In the interest of clarity.</p>
2.	<p>The proposed apartment block with its associated car parking shall be omitted from the overall scheme, and a revised layout shall be submitted to and agreed with the PA which shall include provisionally incorporate an open space area until a revised proposal has been designed and included the future plans for Site B of the landholding.</p> <p>Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
3.	<p>Planning permission is granted for 77No. dwellings units only and a single creche as per the site layout drawing and house types submitted as further information on 24th of November 2021.</p> <p>Reason: In the interests of clarity</p>
4.	<p>The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with the planning authority prior to commencement of any development.</p> <p>Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.</p>
5.	<p>The areas of public open space shown on the lodged plans (24th of November 2020) shall be reserved for such use and shall be contoured, soiled, seeded, and landscaped in accordance with the landscaping proposals received by the planning authority and the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.</p> <p>Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.</p>

6.	<p>(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company</p> <p>(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
7.	<p>A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-</p> <p>(a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;</p> <p>(b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;</p> <p>(c) details of proposed street furniture, including bollards, lighting fixtures and seating;</p> <p>(d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.</p> <p>The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.</p> <p>Reason: In the interest of visual amenity.</p>
8.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces and the public park, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such</p>

	<p>lighting shall be provided prior to the making available for occupation of any house.</p> <p>Reason: In the interest of amenity and public safety.</p>
9.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
10.	<p>(a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>(b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>(c) The internal road network to serve the proposed development (including junctions, parking areas, footpaths and kerbs) shall comply with the detailed standards of the planning authority for such road works.</p> <p>(d) The materials used, including tactile paving, in any roads/footpaths provided by the applicant shall comply with the detailed standards of the planning authority for such road works.</p> <p>Reason: In the interests of traffic, cyclist and pedestrian safety.</p>
11.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety</p>
12.	<p>A minimum of 10% of all car parking spaces shall be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces to facilitate the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in</p>

	<p>accordance with the above noted requirements, the development shall submit such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development. Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles</p>
13.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
14.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable within each house plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
15.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interest of public safety and residential amenity.</p>
16.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority</p>

	<p>Reason: In order to safeguard the [residential] amenities of property in the vicinity.</p>
17.	<p>Proposals for an estate/street name, house numbering scheme, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
18.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
19.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in</p>

	<p>connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
20.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions*** of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

Caryn Coogan
Planning Inspector

18th of August 2021