



An
Bord
Pleanála

Inspector's Report

ABP-312467-22

Development

The construction of a part 2 storey/part 3 storey 4 bedroom, detached dwelling house to include new driveway, footpaths, landscaping, boundary treatments and all associated site works. This site was the subject of a grant of planning permission for service sites ref. no. 19761.

Location

Site 2 Seanrod, Crobally Upper, Tramore, Co. Waterford.

Planning Authority

Waterford City and County Council

Planning Authority Reg. Ref.

21992

Applicant(s)

Sharon Mc Enery

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

Anthony & Pauline Power

Observer(s)

None

Date of Site Inspection

19th of October 2022

Inspector

Angela Brereton

1.0 Site Location and Description

- 1.1. The subject site no.2 'Seanrod' has a stated area of 0.037ha and is located in a central position at the rear more elevated end of development site off the Old Crobally Road, in Crobally Upper approx. 1km north of Tramore Town Centre. The site is adjacent to site no. 3 (subject to concurrent appeal Ref.ABP-313427-22 refers) and forms part of a larger site development area that has been cleared and is undergoing construction. At the time of my inspection groundworks had been undertaken across the landholding and there was a single house that has been constructed, at the northern end, proximate to the subject site. Some services including a footpath have been laid (parent permission Reg.Ref.19/761 refers). The entrance road, while not completed has been surfaced with hard core. The access (currently closed off) is from the Old Crobally Road.
- 1.2. The site is located in an area of low-density housing and is adjoined to the north, south and west by detached and semi-detached houses. In particular the site is proximate to single storey detached houses to the south and south-west. The land rises significantly upwards at the western boundary of the greater development area. The rear of older two storey houses with frontage to the Waterford Road to the west can be seen from the site. It is noted that while some screening is provided by the boundary wall and hedgerows, that the rear windows of these houses can be seen from the site.
- 1.3. There is a block wall along the western and southern boundaries of the greater development area. This site is set back further to the north than site 3 and does not adjoin the boundary of the Third Party property. There are single storey properties to the south with access off the Old Crobally Road.

2.0 Proposed Development

- 2.1. This is for the construction of a part 2 storey/part 3 storey 4 bedroom, detached dwelling house to include new driveway, footpaths, landscaping, boundary treatments and all associated site works.
- 2.2. The Public Notices include that this site was the subject of a grant of permission for services sites ref. no. 19/761, all at site 2, Seanrod, Crobally Upper, Tramore.

2.3. An Architectural Design Statement has been submitted with the application.

3.0 **Planning Authority Decision**

3.1. **Decision**

The Planning Authority granted permission subject to 13no. conditions on the 16th of December 2021.

Condition No.1 required that the approved housing shall not be occupied prior to completion of all works permitted under Reg. Ref. 19/761.

Condition 7(b) required that first and second floor windows at bathroom and stairwells on the north and south elevations should be obscure glazed.

3.2. **Planning Authority Reports**

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

- They considered the contemporary design and finishes of the proposed dwellinghouse in this urban context to be acceptable.
- They noted that permission has been granted for a similar type dwelling on the site to the north (Reg.Ref.20/786 refers). They recommended that a condition be attached regarding the inclusion of obscure glazing.
- They noted the conditions relative to boundary treatment and access as per the parent permission (Reg.Ref.19/761).
- Given the separation distances between the proposed dwelling and neighbouring properties they do not consider that overlooking is an issue.
- They include a Habitats Directive Screening Report Assessment which concludes that the proposal would not be likely either individually or in combination with other plans and projects to have a significant effect on a Natura 2000 Site.
- They concluded that having regard to the nature of the development proposed, the zoning provisions governing the area, the planning history and

the type of development in the vicinity of the site that subject to their conditions that the proposed development would be in accordance with the proper planning and development of the area.

3.3. **Other Technical Reports**

None noted on file.

3.4. **Prescribed Bodies**

None noted on file.

3.5. **Third Party Observations**

The Submission made has been noted in the Planner's Report and as they are the subsequent Third Party Appellants, their concerns are considered further in the context of the Appeal below.

4.0 **Planning History**

As noted in the Planner's Report, there are a number of previous planning decisions in the vicinity of the site. The following are of relevance to the proposed development: -

Current Appeals – adjoining sites

21373 – (ABP-311374-21) Current appeal relating to the construction of 4 houses and all associated site works. Permission for serviced sites granted under ref. no. 19761 – Sites 4-7 Seanrod, Corbally Upper, Tramore. Permission subject to conditions granted by the Council on the 19th of August 2021.

This concerns the development site to the south-east of the subject site.

21/991 – (ABP Ref. ABP-313427-22) Current appeal on site 3 relating to the construction of a part-2-storey/part-3-storey house and associated site works. The Planning Authority granted permission on 31st March 2022, subject to 13 No. conditions. Condition 7(b) required that first and second floor windows at bathroom and stairwells on the north and south elevations should be obscure glazed.

This site is adjoining to the south of the subject site.

Planning History

20/786 – Permission granted on 28th January 2021 for construction of a part-2-storey/part-3-storey house and associated site works. Condition No. 6 required that first and second floor windows at bathrooms and stairwells on the north and south elevations should be obscure glazed. This refers to site no.1 Seanrod and is now constructed on the adjoining site to the north.

19/761 – Permission granted on 29th July 2020 for 7 No. serviced sites to include all associated site works, surface and foul drainage, watermain, connections, roadways, footpaths and access from the existing road. As per Condition 1(b) these serviced sites were to be the subject of separate individual permissions for the house types.

This is the parent permission relevant to the subject site.

06/1750 – (ABP Ref. PL24.223498) Permission granted on 3rd December 2007 for demolition of shed and construction of 9 houses, new site access, car parking and associated site works. Condition No. 2 of the Board's Order amended the development, requiring omission of houses 6-9 inclusive and their replacement with 3 houses, subject to agreement with the Planning Authority.

This permission was not subsequently enacted and has since expired.

5.0 Policy Context

5.1. Waterford City and County Development Plan 2022-2028

The new City and County Development Plan was adopted on 7th June 2022 and took effect on 19th July 2022. The application was considered under the previous County Development Plan 2011-2017 (as amended), which has now been superseded.

Tramore

Tramore is identified by the development plan as a 'Large Urban Town' and the Core Strategy Table allocates a portion of planned population growth over the plan period.

Section 2.14 identifies the following development strategy for Tramore: -

'The Development Plan proposes to consolidate the future growth of the commuter town within its built footprint and with strategic objectives to support compact, town centre and sequential development. Lands zoned for new residential development are located at Crobally Upper, Newtown, north of Mountfield, with some other parcels distributed across the built-up area of the town. There is additional scope for new mixed-use development at Ballycarnane and on regeneration lands adjacent to the Old Waterford Road and Pond Road which may provide additional residential development.'

Section 2.5 refers to 'Relationship with other Development Plans, Local Area Plans and Strategies'. This includes that the three LAPs for Tramore, Portlaw and Lismore form the lowest tier of statutory plans and that it is intended to prepare new LAPs for these urban settlements. Also, that their Core Strategies and associate land use zoning provisions will be consistent with the content of the unitary City and County Development Plan.

Section 2.11.1 - 'Residential Density Assumptions' refers to Tramore as a larger urban town.

Map 2 'Zoning and Flooding' identifies land-use zonings for Tramore. The site is zoned 'Existing Residential', with an objective to *'Provide for residential development and protect and improve residential amenity.'*

Housing Policies and Objectives - include in summary:

H01 – To provide promote compact urban growth through the consolidation and development of new residential units on infill/ brownfield sites...

H02 - In granting planning permission, they seek to ensure new residential development:

- Is appropriate in terms of type, character, scale, form and density to that location.
- Is serviceable by appropriate supporting social, economic and physical infrastructure.
- Is serviceable by public transport and sustainable modes such as walking and cycling.
- Is integrated and connected to the surrounding area in which it is located; and,

- Is designed in accordance with the applicable guidance and standards of the time (these are listed).

H04 – This seeks to promote and facilitate sustainable and liveable compact urban growth through the thoughtful consolidation and of infill/ brownfield sites in a way which promotes appropriate levels of compactness while delivering healthier and greener urban spaces and residential amenities. This will be achieved by including:

- Facilitating and supporting a range of residential densities and building heights appropriate to the context and residential amenity of a proposed development location.

A number of additional points are mentioned to support integrated and sustainable residential development.

H17: This seeks to encourage the establishment of attractive, inclusive and sustainable residential communities in existing built-up areas and new emerging areas including by:

- Ensuring a suitable variety and mix of housing and apartment types, and sizes/tenures is provided in individual developments to meet the lifecycle adaptation of dwellings and the differing needs and requirements of people and families.

A number of additional points are mentioned to support housing mix and integrated and sustainable residential development.

H18 – This requires that all new residential development incorporates measures to enhance climate change.

A number of measures are referred to and this includes regard to utilising SuDS.

H20: Where new development is proposed, particularly on smaller suburban infill sites (< 1 ha in area) this seeks to ensure that the residential amenity of adjacent residential properties in terms of privacy and the availability of daylight and sunlight is not adversely affected.

Also, to support lower density type development at these locations. To require that new development in more established residential areas respect and retain, where

possible, existing unique features which add to the residential amenity and character of the area....

Volume 2 contains development management standards for residential development.

5.2. Tramore Local Area Plan 2014-2020

As shown on the Land Use Zoning Map the application site is within the 'Existing Residential' zoning.

Appendix E- Chapter 10 contains the Development Standards.

Section 10.3 refers to standards for New Development and the need to assess the ability of developments to satisfy site suitability and technical considerations.

5.3. Natural Heritage Designations

- 5.3.1. The site is not located within or adjacent to any designated European site, with the closest such site being Tramore Dunes and Backstrand SAC (Site Code 000671) and Tramore Back Strand SPA (Site Code 004027), which are both c.750m east.
- 5.3.2. Tramore Dunes and Backstrand is also designated as a proposed Natural Heritage Area (Site Code 000671) and its designated boundary lies further east of the SPA/SAC boundaries.

5.4. EIA Screening

- 5.4.1. An Environmental Impact Assessment Screening report was not submitted with the application.
- 5.4.2. 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.

- 5.4.3. The subject development comprises the construction of 1 house and all associated site works, on a site of 0.037ha. It falls well below both of the applicable thresholds for mandatory EIA, as set out above.
- 5.4.4. In respect of sub-threshold EIA, having regard to the limited nature and scale of the proposed development, which is on serviced lands in an urban area, it is considered that there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A Third Party Appeal has been submitted by local residents Anthony & Pauline Power. Their Grounds of Appeal include the following:

Overlooking issue

- The burden created to their property by the significant overlooking this development will create. This site adjoins their back garden to the north and east of their property.
- There are no other 3 storey houses overlooking the gardens of bungalows. They include photographs to show views of the site from the back garden of their property.
- The proposal would not comply with planning policy and guidelines, and they refer to the Waterford CCDP and the Urban Design Manual.

Architectural Design Statement

- Lack of attention or specificity from Waterford City and County Planning department's officers. Particularly, the acceptance of a flawed Architectural Design Statement, which obscures the planners' perceptions of the true impact of this development on surrounding developments, particularly their home and back garden.

- The statement pays particular attention to overlooking of Glenart House, to the West but strategically omits the severe overlooking of their home to the South and their private amenity space.
- They submit that their photographs give some appreciation of the panoramic views this development will enjoy of their private garden space.
- No consideration has been shown in respect of the context of this current street/neighbourhood. The houses will be towering over their garden. They include photographs showing the low profile bungalows in the area.
- They did not object to the original proposal for 7 serviced sites (No.19/761). The architects have changed the position of houses nos. 2 and 3 and completely ignored the fact that the windows above ground floor level will open their private garden to overlooking from a height of all 3 houses.
- They refer to Reg.Ref.06/1750 and note that this only shows one house (6A) with no direct view down into their back garden.

Poor Building Practices to date

- Poor building practices to date and lack of adherence to planning conditions so far. Particularly, planning being granted despite breaches of current and future conditions of planning permission re: surface water management.
- Their main concerns include the developer failed to install the prescribed drainage network; to disclose certain percolation test results (they refer to the engineer's report; did not build a sufficient quality retaining wall with treatment membranes and drainage system to prevent flooding of their garden. They provide that a foundation was put in and the wall was built with weep holes at this level.
- Currently this site's unmanaged surface water is flooding into their back garden. They provide details of flooding instances in recent times and include photographs.
- They include a number of Appendices including Appendix 7 which provides a Engineers Report on Flooding dated by Mr T.O.Donoghue dated 19th of November,2021. Note is had of the impact on their rear garden area.

Conclusion

- They request the Board to look at the whole site (7 serviced sites) in making a decision. They refer to the planning history and note the owners of the sites.
- They also refer to the concurrent application on Site no.3 Seanrod (Reg.Ref. 21/991) and to issues of overlooking.
- They submit that all 3 houses in their present position will overlook their private back garden.
- They include Appendices relative to the planning history, Report on Flooding and the Design Response.

6.2. **Applicant Response**

Uptown Property Developments Ltd has submitted a response on behalf of the Applicants. Their response to the Third Party Grounds of Appeal includes the following:

Overlooking

- The subject site does not adjoin the third party property. Site 2 is separated from the appellants back garden by site 3 (Appendix 2 refers) and is 15m to the north of their boundary.
- There is no significant overlooking from the proposed dwelling on Site no.2 to the appellants property and they note distances from their private amenity space. They refer to the Planner's Report in this respect.

Architectural Design Statement

- The assessment of the planning application by Waterford County Council was rigorous and was in accordance with the objectives and policies of the Waterford CDP 2011-2017 (as extended).
- The Architectural Design Statement submitted was not flawed in any manner. They refer to this document relative to the third party appeal and refute that there are any issues with it.

- They submit that there are inaccuracies in the third party photos relative to showing the site in context with the surrounding development. They note that Site 2 is well set back from the public road. They refer to Appendices 2 and 4.
- They have considered and respected the context of surrounding development and amenities in the street and neighbourhood from the outset of the development.
- They seek to create an attractive streetscape which respected the existing development pattern and surrounding dwellings.
- They note that they have taken every approach in order to ensure the dwelling would not over dominate with its bulk and form. They submit that Appendix 3 refers.
- They refer to the third party reference to Reg.Ref. 06/1750 and provide details relative to this application and query the location of their photographs.

Poor Building Practices to date

- They contend that the third party concern is related to a separate planning application Reg.Ref. 19/761 in particular Condition no.12 (surface water drainage) and is not related to the subject application.
- They refer to enforcement proceedings taken out by the Council relative to the surface water issue.
- They submit that Uptown Property Development Ltd have dealt with this warning letter appropriately. They provide that their civil and structural engineers Garland are dealing with this to get this concern resolved. They contend that this should not be taken into account relative to the current appeal.

Costs incurred by the developer due to delays

- They note delays - the current appeal on sites 4-7 (Reg.Ref. 21/373) is causing their developer extra costs. They provide a detailed list in tabular form of delays incurred by the developer to date, relative to the various applications.

- The same third party appellants have made submissions on all of the aforementioned planning applications (now concurrent appeals).
- They submit that their concerns have been dealt with at F.I stage if deemed necessary by the Council.

Conclusion

- They ask the Board to dismiss this appeal on the grounds of Section 138 of the Planning and Development Act 2000 (as amended) i.e. vexatious, frivolous or without substance of foundation and is made with the sole intention of delaying the development.
- If this appeal becomes valid it will cause further delays and costs to the developer which will ultimately jeopardise the overall development at Seanrod, Tramore and further site vacancy.
- The key concerns raised by the appellants have been fully addressed at planning application stage and were deemed acceptable by the Council.
- They request the Board to dismiss this appeal and to grant permission.

6.3. Planning Authority Response

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

6.4. Observations

There are no Observations noted on file.

7.0 Assessment

7.1. Regard to Planning History

- 7.1.1. The Third Party ask that the Board in consideration of their appeal have regard to the planning history of the greater development area in relation to the subject site. Note is also had to the First Party response and to the permissions that have been granted as noted in the Planning History Section above. The Appellants refer to the Site Layout of a previous permission – Reg.Ref 06/1750 – (ABP Ref. PL24.223498),

where a different housing layout was granted relative to the greater development site area. This permission was never enacted and as the time period has now lapsed it is no longer relevant for consideration.

- 7.1.2. The parent permission relative to the greater development area for 7no. serviced sites, which encompasses the subject site is Reg.Ref. 19/761 where permission was granted subject to 27no.conditions in July 2020 to include all associated site works, surface and foul drainage, watermain, connections, roadways, footpaths and access from the existing road. The area of the site was stated to be 0.45ha. Condition no.1b of this permission is of note:

Permission is hereby granted for 7no. serviced sites to include associated site works, surface and foul drainage, watermain, connections, roadways, footpaths and access from the existing road only. Planning permission for the construction of individual houses on the 7no. serviced site permitted herein is not authorised by virtue of this grant of planning permission and shall be the subject of a further grant of permission.

Condition no. 2 provides in summary that no dwelling shall be occupied until such works have been carried out.

- 7.1.3. Therefore, it is noted that while, the design of these houses was not specified at this time the layout as shown for the overall scheme, was relatively similar to that shown in the current plans. The Site Layout Plan shows 7no. sites with access from the Old Crobally Road. There are two separate entrances shown with an access relative to the 4no. sites to the southeast and another for the 3 houses to the rear (which includes the subject site) located in the north-eastern corner of the site. This access is now in situ. This access is permitted and is not included within the red line boundary of the subject site.

- 7.1.4. Condition no.3 provides: Individual house types shall be subject to a separate planning application. Any dwelling design shall comply with the following:

(i) House types on sites 4,5,6,7 shall have a maximum ridge height of 7m above finished floor level;

- 7.1.5. As shown on the Site Layout Plan, sites 4,5,6 and 7 refer to the sites in the south eastern corner of the site, closer to the road frontage. There is no such height

restriction imposed on the 3 sites to the north. Permission for these serviced sites was granted under ref. no. 19/761 – Sites 4-7. These sites are at a lower level and are the subject of a separate application Reg.Ref. 21/373 and concurrent appeal ABP-311374-21 - relating to the construction of 4 houses and all associated site works.

- 7.1.6. Permission has been granted in Reg.Ref.20/766 subject to 14 no. conditions for the construction of a part 2 storey/part 3 storey detached dwelling house to include new driveway, footpaths, landscaping, boundary treatments and all associated site works. This site no.1 is located to the north of the subject site, was also subsequent to the parent permission Ref.No. 19/761. It was not the subject of an appeal to the Board. It is noted that this proposal was accompanied by an Architectural Design Statement to support the application. The contemporary house proposed in this application has a stated floor area of 199.7sq.m with a maximum roof height of 8.8m. It is of a similar design type to that proposed in the current application and proposed in a separate application for the dwelling to the south (site 3). The latter is now the subject of a concurrent appeal (Reg. Ref. 21/991 – (ABP Ref. ABP-313427-22) refers.
- 7.1.7. I would consider that the principle of the development on this residentially zoned land has been well established by the previous permissions including the parent permission. It is of note that an Architectural Design Statement has been submitted, which describes the proposed development in detail, including having regard to the history of the overall development site.

7.2. Design and Layout and Impact on the Character and Amenities of the Area

- 7.2.1. As noted on the application form the floor area of the proposed dwelling is given as 208.7sq.m on a site of c. 0.37ha. The Sections and Elevations show that it is to be of contemporary design 2/3 storey. The height of the 3 storey element is shown as 8.8m and 6.5m for the two storey element. The roof profile of both sides is monopitched to help break down mass and form. The floor plans show that it is to be a detached 4 bedroom dwelling, with living accommodation on ground floor, 3 bedrooms on first floor and the 4th bedroom and living area located on the second floor. A palette of contemporary materials is proposed in what is to be an 'A' rated dwelling.

- 7.2.2. Contiguous Elevations have been submitted. These show the proposed development as part of the trio (each the subject of separate permissions subsequent to the parent permission) of 2/3 storey contemporary similar design houses on the north western part of the site. This also demonstrates the contemporary design concept for the 7no. serviced sites. They also show the houses relative to adjacent single storey houses and to the 4no. 2 storey houses to be sited on the 4 sites to the southeast.
- 7.2.3. The Third Party's concerns about overlooking of their private amenity rear garden area are noted. However, in this case, site no.2 does not adjoin their property ('The Hideaway' to the south) and is set back c.11.7m from their northern boundary and in excess of 67m from the rear of the appellant's property to the south. The first and second floor windows of the rear of the dwellings to the west with frontage to the Waterford Road are set back c. 26.3m from the rear of the proposed dwelling and are partially screened by planting. It is noted that this complies with the Development Management standards of the Council for first floor windows to be a minimum of 22m apart. In addition, it is proposed to provide a 2.4m separation distance between the proposed detached houses on sites 1, 2 and 3, which complies with standards.
- 7.2.4. While this proposal only relates to Site no.2, it is a similar type house to that on site no.1 which has now been constructed. Permission Reg.Ref. 20/766 included condition no. 6 relative to first floor windows at bathrooms and stairwells in the northern and southern (side) elevations being obscure glazed. If the Board decides to permit, I would recommend, that a similar type condition be included. Subject to the inclusion of such a condition I am satisfied that issues of overshadowing or overlooking of adjacent property will not arise, in view of the separation from neighbouring properties.
- 7.2.5. Private amenity space is to be provided in the rear garden area. This is shown on the Site Layout Plan as 153sq.m. It is noted that a wall has not been constructed along the western boundary of the site. Condition 17(b) of the parent permission Reg.Ref. 19/761 has regard to boundary treatment. The Site Layout Plan includes a diagram showing 'Boundary Details' and it is recommended that if the Board decides to permit that boundary conditions be complied with.
- 7.2.6. The Architectural Design Statement includes, drawings, maps and photographs showing the subject site and in the context of the proposed development of the

serviced sites in the greater landholding and surrounding single and two storey residential development. This also notes that there is a precedent for more contemporary development in Tramore. Each site is considered on its merits and provided quality external finishes are used, I would not object to the design concept of the proposed development. I would consider that while it will appear taller and as one of three more visually dominant house types in the area, that in view of its set back from other residential that in will not detract from the pattern of development and character or amenities of the area.

7.3. Drainage issues

- 7.3.1. It is noted that layout of services for the site were granted relative to the drainage conditions in the parent permission Reg.Ref. 19/761 for the 7no. serviced sites. The Architectural Design Statement submitted notes that the main sewer diversion in the road is now complete and the wastewater mains on the site had been laid. Also, that an existing surface water mains runs along the Old Crobally Road. That a storm water diversion in the road has been complete. Water Supply for the development is to be supplied from the existing public water main located on the Old Crobally Road. They provide that the water mains have been laid. It is proposed to connect to public water and wastewater networks and in this regard a pre-connection agreement enquiry with Irish Water has been submitted with the current application.
- 7.3.2. It is noted that the Third Party has concerns relative to drainage and flooding and in particular to the impact of the proposal on their property. They have indicated problems with drainage/flooding and red painted markings to indicate this were noted along their side of the new block wall along their boundary. They are concerned that the Council has granted permission when the developers have breached current conditions in relation to surface water relative to the greater development area. They have included a Report on Flooding by a Consulting Engineer as an Appendix to their appeal.
- 7.4. However, while these issues are noted, in this instance their concerns are more relevant to surface water drainage from the greater site area. This is also, because as noted above the subject site is not adjoining the Appellant's property. The First Party notes the surface water drainage issues arising are part of the original scheme

grant of permission for serviced sites under Reg. Ref. 19/761, and condition no.12 (surface water drainage) of this permission.

7.5. Reference is had to a Warning Letter served by the Council relative to unauthorised works and surface water drainage issues. The First Party provide that this situation is being dealt with by their civil and structural engineers, to get this concern resolved. It is of note that Enforcement and compliance with such conditions of previous planning permissions is within the remit of the Planning Authority and is not within the remit of the Board.

7.5.1. If the Board decides to permit, I would recommend, that an appropriate surface water drainage condition relevant to the subject site be included.

7.6. **Appropriate Assessment**

7.6.1. A Habitat Directive Project Screening Assessment Report compiled by the Council was submitted with this application. It is noted that this is similar to that submitted with the parent permission Reg.Ref. 19/761. The Planner's Report then, referred to their Screening Report and noted that the need for a Stage 2 AA had been screened out.

7.6.2. Therefore, having regard to the nature and scale of the proposed development for a single dwelling house, on a serviced site that has been the subject of a previous permission Reg. Ref. 19/761 refers and the nature of the receiving environment and the distance to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

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

9.0 **Reasons and Considerations**

Having regard to the planning history and to the Existing Residential zoning that applies to the site under the Waterford City and County Development Plan 2022-

2028, under which residential development is acceptable, together with the nature and scale of the proposed development and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions below, the proposed development would be in keeping with the character of the area and would not seriously injure the amenities residential property of the area and would 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 and by the further plans and particulars received by An Bord Pleanála on the 8th day of February, 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The approved house shall not be occupied prior to completion of works associated with permission Reg. Ref. 19/761, including the site access and internal carriageway, footpaths, public open space and landscaping, street lighting, boundary treatments and underground services including surface water drainage.

Reason: In the interests of proper planning and sustainable development

3. (a) Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) First and second floor windows at bathroom and stairwells in the northern and southern (side) elevations shall be obscure glass only.

Reason: In the interest of residential amenity.

4. Prior to the commencement of development, details of boundary treatment to include for the provision of a suitably designed retaining wall along the western site boundary shall be submitted for the written agreement of the planning authority.

Reason: In the interest of residential amenity.

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

Reason: In the interest of public health.

6. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

7. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interests of orderly development and the visual amenities of the area.

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

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

9. 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 hours of working, traffic management and noise reduction measures and off-site disposal of construction/demolition waste.

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

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

Angela Brereton
Planning Inspector

9th of November 2022