



An  
Bord  
Pleanála

## Inspector's Report

### ABP-313427-22

#### 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 3 Seanrod, Crobally Upper, Tramore, Co. Waterford

#### Planning Authority

Waterford City and County Council

#### Planning Authority Reg. Ref.

21991

#### Applicant(s)

Uptown Property Developments Ltd

#### 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

19<sup>th</sup> of October 2022

#### Inspector

Angela Brereton

## 1.0 Site Location and Description

- 1.1. The subject site no.3 'Seanrod', has a stated area of 0.052ha and is located at Old Crobally Road, approx. 1km north of Tramore Town Centre. It is located to the south of site no. 2 (subject to concurrent appeal Ref.ABP-312467-22 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. Some services including a footpath had been laid. The entrance road, while not completed has been surfaced with hard core. The access (currently blocked 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 closely adjoined by single storey detached houses to the south and south-west, which are separated from the site by a block wall. The land rises significantly upwards at the western boundary of the greater development area (Reg.Ref.19/761 refers). 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 hedgerows, that their rear windows can be seen from the site.
- 1.3. There is a block wall along the western and southern site boundaries of the greater development area. This site adjoins the northern boundary of the rear garden of the Third Party property to the south. 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 the site was the subject of a grant of permission for services sites ref. no. 19/761, all at site 3, Seanrod, Crobally Upper, Tramore.
- 2.3. An Architectural Design Statement has been submitted with the application.

## 3.0 Planning Authority Decision

### 3.1. Decision

On the 31<sup>st</sup> of March 2022, the Planning Authority granted permission subject to 13no. conditions for the proposed development.

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).
- 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.

#### Further Information request

- They had regard to the issue raised concerning overlooking and requested that revised plans be submitted omitting the potential for overlooking of the private amenity space associated with residential properties to the south/south west of the subject site.

- They requested that details of all proposed site boundaries be submitted, including relevant heights of existing and proposed boundaries.

#### Further Information response

Uptown Property Developments Ltd have submitted an F.I response which includes the following:

- They have revised the design to address the concern of overlooking of privacy amenity space associated with residential properties situated to the south/southwest of the subject site. They also note revisions to the front elevation and include revised drawings.
- They have included a drawing showing proposed boundary finishes.
- They submit that these revisions address the concerns about overlooking of private amenity space and are in accordance with the various quantitative and qualitative objectives of the Waterford CDP 2011-2017 and request that permission be granted.
- Revised Public Notices were submitted.

#### Planner's response

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

- They considered the revised proposal addressed the overlooking and boundary issues. They had regard to the planning history of the site and the zoning provisions and considered that the proposal complies with the proper planning and sustainable development of the area. They recommended permission subject to conditions.

### **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 19<sup>th</sup> of August 2021.

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

**21/992** – (ABP Ref. ABP-312467-22) Current appeal on site 2 relating to the construction of a part-2-storey/part-3-storey house and associated site works. The Planning Authority granted permission on the 16<sup>th</sup> of December 2021, 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 and to the north of the subject site.

#### Planning History

**20/786** – Permission granted on 28<sup>th</sup> 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 northern most site.

**19/761** – Permission granted on 29<sup>th</sup> 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 3<sup>rd</sup> 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 7<sup>th</sup> June 2022 and took effect on 19<sup>th</sup> 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 0.052ha. 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

- The burden created to their single storey property and private rear garden area by the significant overlooking from House No.1, House No.2 and House No.3 due to their position, orientation and elevation.
- The proposal for 2/3 storey development on this site is contrary to Waterford CCDDP and Tramore LAP planning policy and to the Urban Design Manual.
- They include photos and diagrams showing house no.1 being constructed as seen from their rear garden, noting the area where the rear boundary is to be built.
- They will have direct views of the side elevation of the house on site no.3 and are concerned about impact on their residential amenity including overlooking and loss of privacy and sunlight to their rear garden area.
- They refer to conflicting plans and elevations and consider that the first floor windows located on the front elevation will also lead to overlooking of their property.
- There is a necessity to ensure their currently enjoyed level of amenity is not diminished by the proposed development.
- The position of the house does not correspond to the original layout as granted in Reg.Ref.19/761.

#### Surface Water Drainage

- There has been a breach of planning conditions in relation to surface water for this site. Currently this site's unmanaged surface water is flooding into their garden, also the developer has diverted water from his site across their land and into a gully between them and Pebble Beach. They query whether this is considered trespass.

- They refer to condition no.6 of the Council's permission relative to the construction of the house on site no.3. They include photos showing flooding on their property from the subject site.
- They refer to the Engineer's Report by Mr T.O.Donoghue re: Flooding to their garden dated 19<sup>th</sup> of November,2021 (Appendix 1)
- They also note correspondence with Waterford Co.Co. advising that they will investigate further (Appendix 2).
- They include Solicitors Letters (Appendix 3).

#### Poor Building Practices to date

- They have regard to enforcement action that has been taken by the Council regarding the status of construction. They also refer to outstanding items and non-compliance with conditions in Reg.Ref. 19/761.

#### Boundary Treatment

- They are concerned about boundary treatments as granted by outline planning permission 19/761 in relation to Site No. 3 (21/991).

#### 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. Seanrod (Reg.Ref. 21/992) 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

- They note the third party concerns and provide details of their revisions to the proposed design as submitted to the planning authority at F.I stage.
- They emphasise that there will be no overlooking from the 3 storey element on site no.3 as the corner windows were omitted at F.I stage. There are no other windows on this elevation apart from a high level window from the landing.
- The proposed dwelling on site no.3 will have no impact on the amount of sunlight to the third party's garden as this is situated to the north.
- They have adhered to the criteria set out in the Urban Design Manual when designing the scheme. The project has ensured that there will be no significant overlooking from site no.3.
- They note that amendments were made to the proposed dwelling on site no. 3 to address overlooking. They provide that Sites 1-3 and Sites 4-7 have their own unique architectural form.
- There will be no ground floor views from site no.3 into the appellant's back garden in view of the 2m high block wall which will provide screening along the boundary.
- When the service site application was submitted, it did not condition that the dwelling was limited to the position and orientation shown. They provide details of the design and layout and note that the dwelling is in a similar location to that shown in Reg.Ref.19/761.
- They submit that separation distances are in accordance with current Development Management policy and guidelines.

### Breach of Planning Conditions re: Surface Water

- This concern is related to a separate planning application (Reg.Ref.19/761) and 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.

### Boundary Treatments

- They note that all proposed boundary details on site 3 are adhering to the planning permission granted in Reg.Ref. 19/761. They refer to the drawing they submitted at F.I stage showing boundary treatments.

### 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 and F.I 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. Reference is had 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 in the northern part 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 on the adjoining (site 2). The latter is now the subject of a concurrent appeal (Reg. Ref. 21/992 – (ABP Ref. ABP-312467-22) 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. 0.52ha. 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 4<sup>th</sup> 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. Private amenity space is to be provided in the rear garden area of the subject site. This is shown on the Site Layout Plan as 189sq.m.

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.

### Revised Plans

7.2.3. The Third Party's concerns about overlooking, loss of privacy and sunlight to their private amenity rear garden area are noted. Site no.3 is to the north of the boundary



of their primary amenity space of their rear garden area. The Planning Authority had regard to their issues raised and requested that revised plans be submitted omitting the potential for overlooking of the private amenity space associated with residential properties to the south/southwest of the subject site.

7.2.4. In response Uptown Property Development Ltd., submitted revised plans (they reference the drawings) to include the following:

- Omitting the corner window to bedroom 1 on the first floor level of the proposed dwelling;
- Omitting the corner window to the snug room on the second floor level of the proposed dwelling;
- Increasing the distance from the proposed dwelling to the southern boundary by reducing the floor area of the proposed dwelling. The distance from the proposed dwelling to the southern boundary as originally submitted was 4.26m and the revised distance is 4.41m.

7.2.5. The First Party submit that omitting the corner windows on the first and second floor level at the front of the proposed dwelling has removed the impact of direct overlooking from these rooms, and thus greatly reduced the impact of overlooking to the residential properties situated to the south west of the site. They note that they have revised the front elevation of the proposed dwelling to provide 2 no. windows (window 03 and window 06) in lieu of the corner windows which have been omitted. They also note that all proposed high-level windows shall be 1.8m from the finish floor level.

7.2.6. Having regard to the revised plans submitted I would consider that the removal of these windows as per the F.I will reduce overlooking of the Third Party rear garden area. Permission Reg.Ref. 20/766 (site no.1) 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.

7.2.7. Having regard to all these issues, it is noted that while the Third Party rear garden adjoins the southern end of site no. 3 that as shown on the revised Site Layout Plan, their house is set back c.58.64m away from the side elevation of the proposed

dwelling. This is considerably in excess of the standard 22m set back for first floor windows. It is shown set back 21.5m from the two storey house to the south west facing the Waterford Road. However, this house is offset and not directly to the rear.

- 7.2.8. A revised drawing has also been submitted showing boundary details. The First Party response to the Appeal notes that all boundary treatments are adhering to outline planning permission Reg.Ref. 19/731. On site I noted that a block capped c. 2m wall block capped wall has been erected around the northern and eastern site boundaries of the appeal site. 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.
- 7.2.9. 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, and consider the revised plans address the overlooking issue. 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.
- 7.3.3. The Third Party provides that significant flooding has taken place in their back garden area in recent times, since the works has commenced on the greater development site area to the north and east of this garden. They have included a Report on Flooding by a Consulting Engineer as an Appendix to their appeal. This has regard to recent flood events. The Report refers to a local stream originating to the northwest of the site, on the northern side of the main Tramore-Waterford Road and notes that this is partially or fully culverted in the general vicinity of the development site. It also notes that in general the condition of the soils would indicate a high-water table. Inspection of the Geological Survey of Ireland maps indicate that the subsoil has a permeability classified as medium and the bedrock is shale. Note is had of flooding that occurs in the winter months in the rear garden areas to the north of the site and of surface water flows.
- 7.3.4. The Report recommends that removal of a land drain and that all flows to be diverted as necessary to an attenuation tank. That the proposed attenuation tank as per Reg.Ref. 19/761 be constructed immediately and that the possibility of a larger attenuation tank be examined. They also recommend that prior to the construction of any new houses being built, that the required and appropriately sized attenuation/soakaway systems be installed and connected to the Council's surface water network as necessary. That calculations with respect to the capacity required should include for the possible reduced permeability of the compacted subsoils.
- 7.3.5. However, while these issues are noted, in this instance their concerns are more relevant to compliance with conditions for surface water drainage relative to the parent permission for the greater site area. 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. Reference is had in particular to condition no12 of the parent permission: *The developer shall inform in writing the Supervision Engineer (Drainage) Metro Area, Waterford City and County Council on commencement of the surface water drainage works for the development, so that suitable site inspection times of the surface water attenuation installation can be agreed.*

7.3.6. Reference is also had to a Warning Letter served by the Council relative to unauthorised works and flooding 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.

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

#### **7.4. Appropriate Assessment**

7.4.1. 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.

7.4.2. 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 as amended by the further plans and particulars submitted on the 21<sup>st</sup> day of February 2022 and by the further plans and particulars received by An Bord Pleanála on the 26<sup>th</sup> day of May, 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

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Angela Brereton  
Planning Inspector

9<sup>th</sup> of November 2022