



An
Bord
Pleanála

Inspector's Report

ABP-314132-22

Development	Construction of 20 no. independent living residential units
Location	Newtown, Tramore, Co. Waterford.
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	211213
Applicant(s)	Kilkenny Investment Property Holding Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Claire and Connie Casey
Observer(s)	None on file
Date of Site Inspection	22 nd July 2023
Inspector	Sarah Moran

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	7
3.3. Prescribed Bodies	8
3.4. Third Party Observations	8
4.0 Planning History.....	9
5.0 Policy Context.....	10
5.1. Waterford County Development Plan 2011-2017.....	10
5.2. Tramore Local Area Plan 2014-2020	11
5.3. Waterford City and County Development Plan 2022-2028.....	11
5.4. Natural Heritage Designations	13
5.5. EIA Screening	14
6.0 The Appeal	14
6.1. Grounds of Third Party Appeal.....	14
6.2. Applicant Response to Third Party Appeal.....	15
6.3. Planning Authority Response to Third Party Appeal	17
6.4. Observations.....	17
6.5. Further Responses.....	17
7.0 Assessment.....	17
8.0 Recommendation.....	22
9.0 Reasons and Considerations.....	23

10.0 Conditions 23

1.0 Site Location and Description

1.1. The site is an irregularly shaped portion of the grounds to the side and rear of an existing nursing home, stated area c. 0.73 ha, within the settlement boundary of Tramore, Co. Waterford. The nursing home is located on the R675 Tramore coast road on the western side of Tramore and has a vehicular / pedestrian access to the R675. The site is currently undeveloped lands with hedgerows at site boundaries to the south and east. It has not been landscaped to serve as an amenity area for the nursing home and the ground is currently disturbed, presumably due to the recent construction of the nursing home. Ground levels within the site fall from west to east. The site is bound as follows:

- Nursing home to the north and west
- Road frontage to the R675 to the west
- Residential areas to the north, east and south

2.0 Proposed Development

2.1. Permission is sought to construct 20 no. independent living units in the grounds of the nursing home. The units comprise three terraces of single storey houses (four no. one-bed units and 16 no. two-bed units), accessed via a new vehicular/ pedestrian access to the R675 to the south of the existing access serving the nursing home. The development also includes public and communal open spaces, landscaping, car and cycle parking, refuse storage areas, drainage and ancillary site works. The existing access from the nursing home is to be retained and gated. The proposed layout includes a 3m wide wayleave along the western side of the site, close to the frontage to the R675, also another wayleave at the northeastern end of the site, where existing services are located. The completed residential development is to be managed by an Approved Housing Body (AHB).

2.2. The application includes the following documentation:

- Planning Design Statement dated 20th December 2021
- Engineering Assessment Report dated 21st December 2021
- Part V agreement

- 2.3. The applicant submitted further particulars to the planning authority on 19th May 2022, in response to a request for further information (RFI), comprising:
- Details of the intended occupancy of the proposed units and the management of the units independent of the nursing home, along with correspondence from the applicant's approved housing partners.
 - Amended layout indicating an area of proposed public open space to serve the nursing home as permitted under reg. ref. 18/294, also details of proposed boundary treatments, landscaping plan and revised bin storage proposals.
 - Revised site plan to provide 31 no. car parking spaces for the proposed residential units.
 - Additional drainage details to address issues raised by WCCC Water Services Engineer.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Waterford City and County Council (WCCC) issued a RFI on 22nd February 2022 in relation to the following matters:
- Details of proposed management company and intended 'independent living' occupancy of the proposed units.
 - Clarification of any legal entitlement of the occupants of the development to use the facilities of the nursing home.
 - Additional details of pedestrian /vehicular links between the development and the nursing home.
 - Details of compliance with development management standards as stipulated in Variation no. 1 of the Waterford County Development Plan 2011-2017, as amended and extended, and the Tramore Local Area Plan, if the proposed units are to be independent of the nursing home in terms of sale or lease.
 - Applicants are advised that the proposed area of public open space to serve Blocks B and C was previously indicated as a 'garden area' to serve the

permitted nursing home on the adjoining site under PD 18/294. The planning authority has concerns that this area is now intended to serve the proposed development and not the nursing home. Unclear how the nursing home can comply with the permission granted under PD 18/294 when this element has been included in the current application. Applicant to address this issue and submitted revised plans as appropriate.

- Revised boundary treatments to adjoining residential properties, inside the existing hedgerow boundaries, which are to be retained.
- Detailed landscaping plan and refuse storage proposals such that bins are located away from the residential boundary to the south.
- Applicant to address concerns regarding provision of an adequate quantum of car parking. Revised road layout design to incorporate SUDS measures.
- Surface water drainage design to address issues raised by the WCC Water Services Engineer. Report on upgrades necessary to facilitate connection to foul and stormwater networks as agreed with Irish Water.

3.1.2. WCCC issued a notification of a decision to grant permission on 22nd June 2022, subject to 16 no. conditions. Condition no. 1 (b) specified the following:

The area of open space indicated as “open space proposed for nursing home 326sqm” and coloured blue on the site plan Dwg. No. FI-1.01 submitted to the Planning Authority on 23rd May 2022 shall be omitted from the development permitted herein in its entirety and the area utilised by the adjacent Nursing Home development as permitted under planning ref. no. 15/173 and extended under planning ref. no. 20/749, the boundary shall be finished as indicated on the aforementioned site plan Dwg. FI-1.01.

Reason: To clarify the documents to which the permission relates and for the proper planning and sustainable development of the area.

Condition no. 2 limited the use/ occupation of the permitted dwellings to persons over 65 years of age or persons who have mobility issues due to long term injury or chronic disease, intellectual disabilities, cognitive issues, or mental health issues and also required the applicant to enter into a section 47 agreement restricting the occupation of the permitted units to persons who belong to the above categories.

The remaining conditions imposed did not require any significant changes or limitations to the permitted development.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

- Report of WCCC Executive Planner, 21st February 2022. Recommends RFI. Further information report of Executive Planner, 10th June 2022, recommends refusal on grounds relating to lack of private amenity space to serve the proposed residential units and poor provision of public open space. Additional comment of Senior Executive Planner, 21st June 2022, recommends permission subject to a section 47 agreement restricting the category of persons who shall occupy the development.
- WCCC Habitats Directive Screening Assessment, 21st February 2022. Concludes that, having regard to the location of the subject site and to the nature of the proposed development, and to the intervening distance with the identified Natura 2000 sites, no AA issues arise in this case and the development either individually or in combination with other plans and projects would not be likely to have a significant effect on a Natura 2000 site.

3.2.2. Other Technical Reports

- WCCC Environment Section, 18th January 2022. Senior Executive Engineer report. No objection subject to conditions.
- WCCC Roads and Transportation. Executive Engineer report, 21st February 2022. Concerns about parking capacity of development, potential issue of cars parking on the ring road. The internal roads design of the development should incorporate SUDS.
- WCCC Water Services Section Senior Engineer (undated), recommends RFI for stormwater drainage details.

3.3. Prescribed Bodies

3.3.1. None on file.

3.4. Third Party Observations

3.4.1. The planning authority received several third party observations submitted by adjacent residents, including the above named third party appellants, which objected to the development on grounds relating to:

- The development is not linked to the nursing home and is independent of same. Lack of clarity regarding access to nursing home services by residents of the development.
- Development is excessive in density and provides inadequate communal garden areas.
- Inadequate communal / public open space provision to serve the development. Lack of remaining open space to serve the nursing home. Permission ref. 20749 for the nursing home included a chapel in an area now indicated as open space.
- Drainage issues. Applicant should address poor drainage conditions adjacent to Seafield, concerns about adverse impacts that would exacerbate existing poor drainage.
- Potential impacts on existing hedgerows at the site and associated biodiversity impacts. Hedgerows should be retained.
- Development should provide an adequate boundary to Seafield, e.g. a concrete block wall, to prevent the potential creation of an informal pedestrian access point, as has happened elsewhere in Tramore. Boundaries should be adequately maintained on an ongoing basis. Concerns about proposed laurel planting inside site boundaries and adequate maintenance of same.
- Concerns about management of proposed communal areas to rear of housing units, also the limited amenity value of same due to overshadowing from existing hedgerows.
- The development will result in the loss of existing biodiversity at the site. The proposed houses should have green roofs to mitigate this loss.

- The proposed refuse storage area is too close to residential properties.
- Development will be car dependent. Inadequate car parking provision. The site is remote from local shops and services. Car parking should be provided adjacent to individual houses rather than in communal areas.

4.0 Planning History

4.1. There is a lengthy planning history for the subject site, as detailed in the WCCC planning report on file. The following planning history is noted in particular, dating to the past ten years.

4.2. Reg. Ref. 13484

4.2.1. Permission granted to Saval Homes Ltd. on 3rd February 2014 for a 70 bedroom two-storey nursing home with part three storey wing to southern side, together with all ancillary accommodation, new vehicular entrance, visitor and staff car parking, all associated site works, services, boundary treatments and landscaped gardens. The development included a single storey chapel with glazed link to proposed nursing home.

4.3. Reg. Ref. 14600059

4.3.1. Permission granted to Saval Homes Ltd. on 28th August 2014 for alterations to the development permitted under ref. no. 13484 to include (i) provision of basement to provide for ancillary services facilities including laundry, deliveries, storage, boiler room, together with amended vehicular access road and footpaths to facilitate same; (ii) provision of high dependency wing comprising a four bedroom unit, 15 no. nursing home bedrooms, day rooms, reduced multi-purpose room, ancillary services to facilitate same, all at second floor level (in lieu of permissioned plant room, equipment store, kitchen, two management accommodation suites, five semi-independent units, meeting room) together with minor internal and external modifications and all other associated site works.

4.4. Reg. Ref. 15173

4.4.1. Permission granted to Saval Homes Ltd. on 27th October 2015 for alterations to permitted development ref. 14600059 to include (i) alterations to external elevations to include reduction in overall height and minor alterations to footprint of nursing

home building together with proposed signage to elevations, also single storey smoking room at ground floor level to rear of property and a smoking room at first floor level within a central courtyard area; (ii) alterations to permitted single storey chapel to the rear of the nursing home to include revisions to external elevations, two no. rooflights, reduction in the height of the roof and increase in the size of the chapel to accommodate 72 people in total, 60 seating and 12 in wheelchairs, and the provision of a separate day room; (iii) alterations to second floor level to accommodate the following: provision of additional 10 no. specific acute care nursing home bedrooms, nurse's station, day room, 12 no. roof lights, ancillary corridors and services to facilitate same, together with minor internal and external modifications and all other associated site works.

4.5. Reg. Ref. 18294

- 4.5.1. Permission granted to David Flynn Ltd. on 14th June 2018 for alterations to partially constructed nursing home and previously approved permission ref. 15173 to include removal of top floor accommodation to provide for a two storey above basement 93 bed nursing home and ancillary accommodation, internal re-design and external alterations to include proposed external render finish, omission of single storey chapel, provision of two no. external courtyards at ground floor level, together with all associated site works.

4.6. Reg. Ref. 20749

- 4.6.1. Permission granted to David Flynn Ltd. on 8th December 2020 for extension of duration of permission ref. 15173.

5.0 Policy Context

5.1. Waterford County Development Plan 2011-2017

- 5.1.1. The previous County Development Plan (as amended and extended) was in force when the subject application was lodged with WCCC on 22nd December 2021.
- 5.1.2. Development plan Chapter 5 provides policy on housing including section 5.5.1, which deals with housing for the elderly and 5.5.2 which deals with housing for persons with disabilities, also section 5.6 on voluntary housing organisations and the co-operative sector. Policy H9 is to support voluntary housing associations and the

co-operative sector in the provision of housing for elderly, people with disabilities, homeless persons or small families at appropriate locations and to further develop relationships with these organisations over the period of the Plan.

- 5.1.3. Development plan Chapter 10 sets out development management standards applicable to residential development including Table 10.4 relating to housing developments in urban areas and section 10.17 relating to nursing homes.

5.2. Tramore Local Area Plan 2014-2020

- 5.2.1. The Tramore Local Area Plan (LAP) 2014-2020 was made by the Elected Members of the former Waterford County Council on 10th February 2014 and is referred to in the planning report on file dated 21st February 2022.

- 5.2.2. The entire nursing home site, including the development site, has the zoning objective 'new residential' under the LAP, with the following stated objective:

To protect the amenity of existing residential development and to provide for new residential development at medium density.

The nursing home and residential land uses are 'generally permissible' under this zoning objective.

- 5.2.3. LAP section 7.11.2, 'Need for Additional Facilities', states that community facilities, including elderly housing units, are necessary to support the increases in population in Tramore.

5.3. Waterford City and County Development Plan 2022-2028

- 5.3.1. The new City and County Development Plan came into effect on 19th July 2022, subsequent to when the subject application reg. ref. 211213 was lodged with WCCC on 22nd December 2021 and to when the subject decision was issued on 22nd June 2022.

- 5.3.2. The new City and County Development Plan includes zoning objectives for Tramore, which supersede the Tramore LAP. The entire nursing home site has the zoning objective 'Existing Residential' with the stated objective:

Provide for residential development and protect and improve residential amenity.

5.3.3. The following policy objectives are noted in particular from development plan Chapter 7 Housing & Sustainable Communities:

H 01 To promote compact urban growth through the consolidation and development of new residential units on infill/ brownfield sites and mews and townhouse developments and support the most efficient use of publicly owned lands for residential and mixed-use developments. This will be achieved through working in collaboration with landowners, the Land Development Agency, The Housing Agency and other statutory and voluntary agencies and by the utilisation of available funding (URDF and RRDF) for plan and nature-based infrastructure led development.

H 09 We will support voluntary housing associations and the co-operative / community sector in the provision of affordable housing at appropriate locations and to further develop relationships with these organisations over the period of the Development Plan.

H 10 We will ensure that groups with specific housing needs such as older people, people with disabilities, the homeless, refugees and members of the Travelling Community are accommodated in a manner that is suitable to their specific needs. We will provide access for these groups to an appropriate range of housing and related support services, delivered in an integrated, sustainable manner which promotes equality of opportunities, individual choice and independent living where possible.

H 11 We will support the provision of housing for older people by providing accommodation in central, convenient and easily accessible locations which facilitate independent living where possible.

H 12 We will facilitate independent living for people with disabilities and older people by supporting the adaptation and retrofitting of existing houses, to ensure they are more environmentally safe and less costly, and the provision of specific purpose-built accommodation, the provision of nursing homes, retirement villages, residential care facilities at appropriate locations in towns and villages. These facilities should be serviceable by infrastructure and amenities including accessible footpaths, local shops and public transport in order to allow the resident to be socially included and to allow better care in the community, independence and access.

H 13 We will support the development of new nursing homes, retirement villages, and residential care facilities within our settlements. We may facilitate their development outside of an existing settlement only where the site is located adjacent to or in close proximity to a settlement, the development would not impact adversely on traffic or public safety, the development is serviceable by way of public water and waste water services, the design and scale of the facility is suitable for the location and there are existing or planned accessible pedestrian linkages to the settlements and its services.

H 20 Where new development is proposed, particularly on smaller suburban infill sites (< 1 ha in area) we will ensure that the residential amenity of adjacent residential properties in terms of privacy and the availability of daylight and sunlight is not adversely affected. We will support lower density type development at these locations. We will 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, such features include front walls, gates, piers, railings, and stone/brick/render work.

5.3.4. A new Tramore Local Area Plan on foot of the new City and County Development Plan is pending.

5.4. Natural Heritage Designations

5.4.1. The following distances to designated sites are noted, having regard to the WCCC Habitats Directive Screening Assessment on file:

- 2.44 km west of Tramore Dunes and Backstrand SAC (000671)
- 1.33 km north of the Mid-Waterford Coast SPA (004193)
- 2.18 km east of the Conifer Plantation – WD4 Wetlands Area

5.4.2. Having regard to the nature and scale of the proposed development, I do not consider that the proposal would be likely to significantly impact the qualifying interests of the European Sites during either the construction or operational phases of development, with regard to their conservation objectives. As such, I consider that no Appropriate Assessment issues arise. In conclusion, I do not consider that the proposed development would be likely to have a significant effect individually or in

combination with other plans or projects on a European site. The WCCC Habitats Directive Screening Assessment on file, dated 21st February 2022, is also noted in this regard.

5.5. EIA Screening

- 5.5.1. Having regard to the nature and scale of the proposed development, comprising 20 no. assisted living units on a 0.739 ha site at zoned and serviced lands within the settlement boundary of Tramore, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Third Party Appeal

- 6.1.1. The third party appeal is submitted by/ on behalf of the owners/occupiers of no. 12 Seafield, which adjoins the southern site boundary. The main points made in the grounds of appeal may be summarised as follows:
- The development will have an adverse impact on the value of no. 12 Seafield.
 - There is a high risk of non-compliance with the condition limiting occupancy of the permitted units.
 - There is insufficient green space to serve the development. There are particular concerns regarding the proposed communal open space adjacent to no. 12 Seafield, which is inadequate to serve the residents of the development and will have adverse impacts on the appellants' property.
 - Inadequate details of proposed boundary treatments, including the ongoing management and protection of the existing hedgerow at the site boundary.
 - The applicant's claims regarding proximity to a local bus service and local shops and services are untrue. The bus service on the R675 is the Tramore to Waterford bus, which bypasses the town and does not serve the local area.

- Concerns about noise and light pollution at the development due to high volumes of traffic on the Coast Road.
- The development will be intrusive and will have adverse impacts on the health of the elderly occupant of no. 12 Seafield.

6.2. Applicant Response to Third Party Appeal

6.2.1. The main points made may be summarised as follows:

- The applicant has completed the nursing home at the site and now seeks to construct 20 no. one and two-bed bungalows to complement the nursing home and complete the development of the entire landholding.
- The site is considered suitable for the proposed residential units due to its proximity to local services and transport and considering the age profile of the community. The applicant has extensive experience in elderly care, has successfully completed a retirement village at Ballygunner, Co. Waterford, and is planning nursing home developments and associated elderly housing at other sites.
- The homes will be managed and maintained by 'Homes for All', an Approved Housing Body (AHB) that specialises in the care of the elderly and those with specific needs.
- Both the nursing home and the proposed development specialise in care for the elderly. Services at the nursing home will be available to residents of the development such as meals, laundry, nursing support, physiotherapy, access to hairdressers, access to activities, etc. Both operations have been designed to have a significant amount of physical connectivity and overlooking to ensure and encourage strong connections and that open areas are connected, adjoined and attached. It is submitted that the development will provide an integrated site to meet the accommodation and care needs of elderly residents and residents with specialist needs with necessary support and care structures.
- The site was chosen specifically for this type of elderly care due to (i) lack of an existing nursing home in Tramore; (ii) location of the site in an established part of Tramore served by a good network of established roads; (iii) site is served by a

bus route and within walking distance of several amenities; (iv) site is directly opposite Tramore Golf Club and clubhouse, which may be used by residents and visitors to the development.

- The site is 500m from Haven Pharmacy and 1.1km to the Tesco shopping district, both on or just off the Tramore ring road and both served with bus stops.
- The occupancy of the proposed houses will be limited by a section 47 agreement as per the permission granted by WCCC.
- The proposed two-bed units are to provide accommodation for a family member of live in carer.
- The proposed communal area to Block A measures c. 425 sq.m. and not 262 sq.m. as stated by the appellant. This equates to 53 sq.m. of communal area per house in Block A. The total communal area for the development is 1,343 sq.m. or 67.15 sq.m. per house. The low profile of the proposed houses will have little impacts in terms of overshadowing of the communal area.
- The development will provide 15% of the site area as two centrally located and overlooked public open spaces.
- Permission was previously granted for 24 no. houses at the site under ref. 071780 PL24.227814, including a 2.5 storey house adjacent to no. 12 Seafield, which was 9.1m tall and 8.5m from the shared boundary with Seafield. This would have a much greater impact than the proposed c. 7m high bungalows. In addition, the floor levels of the proposed houses are much lower than those of the permitted development. The submission includes a cross section indicating a comparison of the relationship between the development permitted under 071870 and the current proposals with no. 12 Seafield. It is submitted that the current proposed development is unlikely be visible from no. 12 Seafield due to its low profile.
- The proposed single storey, courtyard layout development was designed to avoid any adverse impacts on adjacent residential amenities.
- The proposed site boundaries comprise the retention of existing hedgerows and a new 2m high blockwork wall inside the site boundary. This boundary type has

been chosen to ensure protection of the existing hedgerow and not interfere with hedgerow roots with the provision of an adequate setback from same.

- The proposed car parking provision comprises one space per house plus 10 no. visitor spaces, which is well in excess of development plan standards. The site is adjacent to two bus stops for the 360 bus route, which runs from 7am to 11.30 pm, seven days a week.
- The developer is not concerned about noise and traffic impacts from the Coast Road as this is factually incorrect and the experience with elderly residents is that they want to see and witness passing traffic, footfall or movement.
- Drainage issues at the site have been addressed to meet WCCC requirements.
- Construction works will be controlled to prevent impacts on residential amenities, also the boundary to no. 12 Seafield will be completed prior to main building works.
- Refusal of permission will prolong the incomplete nature of the site.

6.3. Planning Authority Response to Third Party Appeal

6.3.1. None on file.

6.4. Observations

6.4.1. None on file.

6.5. Further Responses

6.5.1. None on file.

7.0 Assessment

7.1. I have read through the file documentation and the relevant provisions of the current Waterford City and County Development Plan 2022-2028, as well as the Tramore Local Area Plan 2014-2020 and the previous Waterford County Development Plan 2011-2017 (as amended and extended) and have carried out a site inspection. The main issues are those raised in the planning reports on file and in the grounds of

appeal. Overall, I am satisfied that no other substantive issues arise. I note in this regard that the development site is located on zoned and serviced lands within the settlement of Tramore, that drainage issues have been resolved to the satisfaction of WCCC Water Services Section and that the site is located in Flood Zone C as per the Strategic Flood Risk Assessment of the current development plan. I also note that the applicant has reached a Part V agreement with WCCC as per the document on file dated 16th December 2021. I consider that the relevant issues can therefore be dealt with under the following headings:

- Principle of Development and Relationship with the Nursing Home
- Open Space Provision
- Impacts on Adjacent Residential Amenities
- Boundary Treatments
- Car Parking
- Noise and Light Pollution

These issues may be considered separately as follows.

7.2. Principle of Development and Relationship with the Nursing Home

7.2.1. The site is zoned for residential development under the current City and County Development Plan, which includes zoning objectives for Tramore. I consider that the provision of residential development at this zoned and serviced site is therefore generally acceptable in principle and in accordance with national and local planning policies on compact urban development.

7.2.2. The planning reports on file seek to distinguish between the provision of assisted living units at the subject site, in association with the adjacent nursing home, and the potential provision of a separate residential development. The applicant's documentation on file indicates that the proposed one and two bed residential units are to be occupied by older residents and residents with specific needs in the following categories:

- Over 65s
- Mobility issues due to long term injury or chronic disease

- Intellectual disabilities, cognitive issues
- Mental health issues

The proposed housing units are designed to meet the needs of persons in the above categories. The proposed two bed units are to allow for family members to stay overnight or as accommodation for carers. The development is to be managed by an Approved Housing Body, which has submitted correspondence on file dating to 19th May 2022 detailing the intended use and management of the scheme. The correspondence states that residents of the development will not be entitled to use the facilities of the nursing home as this would result in extra staffing requirements for the nursing home. However, this is contradicted in the applicant's response to the third party appeal which states that services at the nursing home will be available to residents of the development such as meals, laundry, nursing support, physiotherapy, access to hairdressers, access to activities, etc. It is submitted that the development will provide an integrated site to meet the accommodation and care needs of elderly residents and residents with specialist needs with necessary support and care structures. I note that the development does not include the provision of a building containing communal facilities for residents.

7.2.3. I would accept in any case that the proposed development is complementary to the nursing home and that, as per the decision of WCCC, occupancy of the units may be limited by way of a section 47 agreement and also noting the management of the overall development by an Approved Housing Body. I consider that the proposed houses generally provide a satisfactory standard of accommodation in this context and that the provision of supported accommodation is generally acceptable at this location and in accordance with development plan policies on meeting specific housing needs including older people and people with disabilities, ref. H10, H11, H12 and H13 as set out above. While the site is not immediately adjacent to shops and local services, it is located within the settlement boundary of Tramore and adjoins existing residential areas. I also consider that the development will enhance the overall housing mix of the area by providing a new housing typology, in accordance with local and national planning policies on residential development. The development is considered to be acceptable in principle at the subject site on this basis and I consider that the proposed houses will provide a satisfactory standard of accommodation in this context.

7.3. Open Space Provision

- 7.3.1. The third party appeal submits that there is insufficient green space to serve the development. The proposed layouts provide for physical connectivity between the nursing home and the development, including pedestrian connections to the central open spaces, as detailed in section 7.1 of the submitted Planning Design Statement. The development as originally proposed provides three public open spaces, which are stated to equate to 23.3% of the total site area and to exceed development plan requirements for a 15% public open space provision as per the previous County Development Plan and as per Table 3. 1 General Standards for New Residential Development in Urban Areas set out Volume 2 Development Management Standards under the current development plan. The planning authority sought further information on the provision of amenity space for the nursing home and the applicant submitted a revised site plan, ref. drawing no. FI-1-01, such that an open space at the northern end of the site will serve the nursing home. The revised layout provides three public open spaces within the overall development and is considered acceptable given that the remaining public open space area serving the proposed development, stated as 1,122 sq.m., will meet the development plan 15% requirement, subject to the implementation of a satisfactory landscaping scheme, also the provision of pedestrian connections between the nursing home and the open spaces as indicated in the design statement, so that the public open spaces will also provide an amenity for nursing home residents. I consider that these issues may be resolved by condition.
- 7.3.2. The layout does not provide private amenity spaces for individual houses and instead indicates communal areas to the rear of the housing blocks. The communal areas have a combined stated area of 1,343 sq.m. or 67.15 sq.m. per house. This quantitative provision is considered satisfactory. I consider that the provision of communal space in lieu of individual gardens is acceptable given that (i) the spaces are well overlooked; (ii) the development is to be managed by an AHB and (iii) subject to the implementation of a satisfactory landscaping scheme, which may be required by condition, and with regard to the nature of the intended occupancy by the categories of persons set out above.

7.4. Impacts on Adjacent Residential Amenities

- 7.4.1. The third party appeal and the submissions to the planning authority state concerns about adverse impacts on residential amenities at adjoining properties due to visual and overshadowing impacts.
- 7.4.2. The proposed Blocks A, B and C are all single storey and are located between c. 5m and 12m to site boundaries shared with adjoining residential properties. The applicant's further information submission to WCCC includes a cross section indicating proposed ground and roof levels relative to no. 12 Seafield. I accept that the documentation on file provides limited information regarding existing and proposed ground levels and roof levels relative to adjoining residential properties. However, given the low profile, single storey nature of the proposed houses, I do not consider that there is any significant likelihood of adverse impacts on adjacent residential amenities by way of overshadowing, overlooking or visual obstruction such as would warrant a refusal of permission. Final details of ground levels and finished floor levels may be resolved by condition to the satisfaction of the planning authority.
- 7.4.3. I note that the proposed refuse storage areas, as per the revised layout submitted as further information, are away from site boundaries and will not have any significant adverse impacts on adjoining residential amenities.
- 7.4.4. I am satisfied on this basis that the development will not have any significant adverse impacts on residential amenities, subject to conditions.

7.5. Boundary Treatments

- 7.5.1. The third party appeal submits that there are inadequate details of proposed boundary treatments, including the ongoing management and protection of the existing hedgerow at the site boundary.
- 7.5.2. The proposed site boundaries to adjoining residential areas originally comprised a 1.8m high concrete post and timber panel fence, tight to the existing hedgerows at the site boundaries. The originally proposed boundary to the nursing home was a 1.2m high fence of a similar nature. The revised proposals submitted as further information indicate a 2m high blockwork wall, to be provided inside the hedgerows at site boundaries and subject to root retention measures. The revised boundary to the nursing home and open space is a visually permeable 1.2m high railing. I

consider the provision of a blockwork wall inside the hedgerows at site boundaries to be an unsatisfactory solution as it will reduce the amenity value of the hedgerows and is unlikely to be compatible with their long term sustainable retention, continued growth and associated biodiversity value. I recommend that permission is granted subject to the implementation of measures to enhance the hedgerows, as part of an agreed landscaping scheme, along with the strengthening of existing site boundaries where necessary, to the satisfaction of the planning authority. The ongoing management of the hedgerows is also feasible in the context of their location at communal areas within the development rather than to the rear of individual properties, along with the overall management of the entire development by an AHB.

7.6. Car Parking

- 7.6.1. The development provides a total of 31 no. car parking spaces as per the revised layout submitted as further information. This equates to one space per unit plus 11 no. visitor spaces, which is well in excess of current development plan car parking standards as per Table 7.1 of Volume 2 Development Management Standards. The car parking is laid out in communal areas, which allows for efficient use of spaces, rather than spaces dedicated to individual units, in the context of a managed housing scheme. The provision of EV charging facilities may be required by condition. The proposed car parking provision is considered satisfactory on this basis.

7.7. Noise and Light Pollution

- 7.7.1. The third party appeal states concerns about noise and light pollution to the development from the adjacent R675, with consequent adverse impacts on the residential amenity of the proposed houses. Having regard to the proposed site layout, I do not consider that such impacts are likely to arise.

8.0 Recommendation

- 8.1. Having read the appeal and submissions on file, had due regard to the provisions of the Waterford City and County Development Plan 2022-2028, carried out a site visit and all other matters arising. I recommend that permission is granted subject to the conditions set out below.

9.0 Reasons and Considerations

9.1.1. Having regard to the provisions of the Waterford City and County Development Plan 2022-2028, to the residential land use zoning of the site, the nature of the proposed development and to the pattern of development in the surrounds, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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 19th 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses permitted, to occupation by persons who belong to one or more of the following categories:</p> <ul style="list-style-type: none">– who are over 65 years old,– have mobility issues due to long term injury or chronic disease,– intellectual disabilities, cognitive issues,

	<p>– mental health issues,</p> <p>An individual's entitlement to occupy the housing units permitted herein shall be demonstrated by virtue of them either being over 65 years of age or by having a particular health condition /issue outlined in the categories above as documented by a suitably qualified medical professional.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, in the common good.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>The boundaries to adjoining residential areas shall comprise the existing hedgerows as retained, with existing site boundaries reinforced /repaired where necessary. Final details of all other site boundary treatments shall be agreed in writing with the planning authority prior to the commencement of development. Site boundaries to the adjoining nursing home shall provide for pedestrian connections between the development and the nursing home grounds.</p> <p>Reason: In the interest of visual and residential amenities.</p>
5.	<p>The areas of public and communal open space shown on the lodged plans shall be landscaped in accordance with a landscape scheme which shall be agreed in writing with the planning authority prior to the commencement of development, unless otherwise agreed in writing with the planning authority. The landscaping scheme shall also provide for the retention and enhancement of the existing hedgerows at site boundaries. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation.</p>

	<p>Reason: In order to ensure the satisfactory development of the open space areas, and their continued use for this purpose, and to ensure the retention of the existing hedgerows at site boundaries.</p>
6.	<p>Full details of all final ground levels and finished floor levels shall be submitted to the planning authority for agreement in writing prior to the commencement of development.</p> <p>Reason: In the interest of visual and residential amenities.</p>
7.	<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>
8.	<p>The developer shall enter into water supply and wastewater connection agreements with Uisce Éireann (formerly Irish Water), prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
9.	<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 materials and for the ongoing operation of these facilities for each unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
10.	<p>Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting.</p>

	<p>Such lighting shall be provided prior to the making available for occupation of any house.</p> <p>Reason: In the interests of amenity and public safety.</p>
11.	<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.</p> <p>Reason: In the interests of visual and residential amenity.</p>
12.	<p>The internal road and vehicular circulation network serving the proposed development, including turning bay, parking area, 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. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
13.	<p>All car parking spaces shall be provided with functioning electric vehicle charging stations/points. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.</p> <p>Reason: To facilitate the use of electric vehicles.</p>
14.	<p>Proposals for an estate/street name, house 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</p>

	<p>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 placenames for new residential areas.</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 all intended construction practice for the development, including measures for protection of existing development and boundary walls, construction traffic routing and management, construction parking, materials storage, site compound, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
16.	<p>Construction and demolition waste shall be managed in accordance with a final construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
17.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional</p>

	<p>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>
18.	<p>Prior to commencement of development, the developer 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 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>
-----	---

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Sarah Moran
Senior Planning Inspector

24th October 2023