



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315557-23

#### Development

The construction of a two-storey building comprising a dental practice on the ground floor and a health and welfare-related consultancy on the first floor.

#### Location

The Vee Centre, The Vee, Cork Road, Waterford.

#### Planning Authority

Waterford City and County Council

#### Planning Authority Reg. Ref.

22914

#### Applicant(s)

Bluebell Development Limited.

#### Type of Application

Appeal.

#### Planning Authority Decision

Refuse

#### Type of Appeal

First Party

#### Appellant(s)

Bluebell Development Limited.

#### Observer(s)

None.

#### Date of Site Inspection

17<sup>th</sup> January 2024.

**Inspector**

Peter Nelson

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## **1.0 Site Location and Description**

- 1.1. The site is located at a prominent junction between Cork Road (R680) and Tramore Road (R657) in Waterford City. The site is approximately 0.5km from the commercial/retail core of Waterford City.
- 1.2. The site consists of a triangular area of open space with a stated site area of 0.1643 hectares. The site outline in blue contains a single-storey commercial development with parking at the front. The subject site is an open area in front of the existing car parking. This section of the site is where the Cork and Tramore Roads meet.
- 1.3. The Manor Court, a residential development, is to the west of the site and to the east are detached commercial units. There is no footpath between the site and the Tramore Road. There is a footpath along the Cork Road. Access to the site is from the Tramore Road. There was previously a petrol station on the site.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the construction of a dual-surgery dental practice on the ground floor and a health and welfare-related consultancy on the first floor in addition to the provision of reception areas, ancillary offices, staff facilities and meeting rooms. The proposed external works to the structure include a roof plant, signage, storm attenuation tanks, reconfiguring the existing car parking layout, and all associated site development works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Waterford City and Council decided on the 13<sup>th</sup> December, 2022 to refuse permission for the development for one reason:

*‘Having regard to the location of the application site at the junction of the Cork Road and the Tramore Rd, the existing uses adjoining the site and the development proposed, which it is considered would attract predominantly vehicular traffic to the*

*site, it is considered that the site layout does not provide adequate car parking arrangements at the site. The proposed development if permitted may therefore result in cars queuing on the public road and a haphazard form of development with cars potentially impeding access to surrounding footpaths and future cycle lane, impeding the safe movement of pedestrians and cyclists as well as vehicular traffic. The proposed development would, therefore, endanger public safety by reason of traffic hazard and as such, would be contrary to the proper planning and sustainable development of the area.'*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The main points of the planning report dated 9<sup>th</sup> December 2022 can be summarised as follows:

- The site is zoned for 'General Business' use in the Waterford City and County Development Plan 2022-2028.
- The proposed use is compatible with the zoning of the site.
- The previous refusal on the site for a retail and office development is noted.
- The impact on the function and primacy of the designated city centre will not be negatively impacted by the proposed development.
- The current proposal proposes the removal of one existing car parking space.
- No details regarding car parking for staff have been provided.
- The planner shares the district engineer's concerns relating to insufficient car parking, and permission should be refused on that basis.
- Service arrangement proposals are considered to be acceptable in this instance.
- The Site Specific Flood Risk Assessment and associated Justification Test are noted.

- The proposed building is not located within any designated flood zone, and the applicant has demonstrated that flood risk is not a concern in this instance.

#### 3.2.2. Other Technical Reports

- The report from Environmental Services dated 25<sup>th</sup> November 2022 stated that there was no objection to the proposed development subject to 3no. conditions.
- The report from the Roads Section recommended refusal relating to the number of available car parking spaces for the development.
- The report from the Water Services Section did not object to the proposed development subject to one condition.

#### 3.3. Prescribed Bodies

The report from Transportation Infrastructure Ireland, dated 9<sup>th</sup> November 2022, had no observations to make.

#### 3.4. Third Party Observations

None recorded.

### 4.0 Planning History

#### **P.A. Reg. Ref: 21/545**

Permission was granted on the 3rd of August 2021 for the retention of a change of use from retail to restaurant use, retention of the additional external seating area, retention of an external shed and external signage on the façade of the restaurant.

#### **P.A. Reg. Ref: 19/723**

Permission was refused on the 9th of July 2020 for the construction of the following:  
- Ground Floor:- 1 number retail unit and ancillary accommodation area to include lift and stairs to serve the first floor. First Floor: - 1 number reception area, 1 number consultation room, 4 number offices, 1 number canteen, together with ancillary accommodation area to include lift and stairs, together with signage and all other associated site works.

This was refused for four reasons relating to the lack of adequate arrangements for delivery and collection of goods on site, the impact of the proposed development on the retail primacy of the city centre, the lack of assessment for flood risk and issues relating to the disposal of surface water.

**P.A. Reg. Ref: 13/500115**

Permission for extension of duration for planning permission 08500264 was granted on the 23<sup>rd</sup> January 2014.

**P.A. Part 8 Planning Application. P8 12/08**

N25 Green Route: The Quay, The Mall & Cork Road.

**P.A. Reg. Ref: 08/500264**

Permission was granted on the 15th of December 2008 for the construction of a mixed-use development consisting of 2 blocks, Block A, is a single-storey retail unit consisting of two shop units. Block B is a two-storey building consisting of a ground-floor shop unit with two consulting rooms at the first-floor level. Permission is also sought for relocation of the existing ESB Sub-station, 18 No. surface parking spaces and all associated site works.

**P.A. Reg. Ref: 07500321**

Permission was refused on the 24<sup>th</sup> March 2008 for the construction of a mixed-use development consisting of 2 blocks. Block "A" is a single-storey retail unit with a curved glass feature canopy. Block "B" is a four-storey building consisting of a fast-

food restaurant with a drive-through facility at ground floor level, office space on the second, third, and fourth floors and a basement car park for 21 spaces and incorporating public/staff facilities to the restaurant. Also, for free-standing development signage, low-level boundary wall, relocating of existing ESB substation, 14 No. surface parking spaces.

## 5.0 Policy Context

### 5.1. Development Plan

The Waterford City and County Development Plan 2022-2028 is the operational plan for the area. This plan came into effect on the 19<sup>th</sup> July 2022.

The site is zoned 'General Business'. The objective of this zoning is *'to provide for and improve General Business uses this includes suburban district retail and local neighbourhood centres'*.

There is a Transport Objective 4 on the Cork Road which includes a proposed Active Travel and/or Public Transport.

#### Relevant Policies

##### **Trans 01**

We will actively support the integration of land use planning and transport in the following way:

- Ensure that land use zonings are aligned with the provision and development of high quality/capacity public transport systems in a manner that reduces reliance on car-based travel, promotes more sustainable transport choice and co-ordinates particular land uses with their accessibility requirements.



- Larger scale, trip intensive developments, such as offices, retail and education, will be focused into central and other locations highly accessible by sustainable transport modes.
- Develop a 10-minute neighbourhood framework for all new and existing urban areas across Waterford and map and identify infrastructural requirements to facilitate its implementation.
- Support the development of a low carbon transport system by continuing to promote modal shift (as per modal ambitions and potential as set out in Table 5.1 and Table 5.2) from private car use towards increased use of more sustainable forms of transport such as cycling, walking and public transport.
- Designing and develop permeable links for walking and cycling in new development areas and retrospectively implement accessible, safe walking and cycling facilities and infrastructure into existing neighbourhoods, particularly at peripheral locations of our urban areas, where feasible and practicable. This will be done through the provision of appropriate pedestrian and cycle facilities. All work to the public realm must take into account the 'whole journey approach' which refers to all elements that constitute a journey from the starting point to destination. All developments must ensure that universal design approach to the built environment is taken into account, including but not limited to footpaths, tactile paving, cycle paths, roads, pedestrian crossing points, town greenways and bus stops/shelters.

## Trans 05

We will develop Waterford City as a concentric city in accordance with the integrated land use and transportation framework set out in the Waterford Planning, Land Use and Transportation Strategy (PLUTS) and we will undertake a review of PLUTS which is based on balanced and compact growth north and south of the River Suir and is supported by integrated land use and transport planning including the development of:

- A Metropolitan Area bus network.
- A Metropolitan Area cycle network.
- Development of a more Walkable City; and

- Other supporting measures including Transport Demand Management and Transport Integration.

### **Trans 07 Supporting Active Travel**

We will promote walking and cycling as efficient, healthy and environmentally friendly modes of transport by delivering a comprehensive network of safe walking and cycling routes, and investigate the potential for quiet routes which will be a high quality, fully connected and inclusive, across the Waterford City and County with associated placemaking, green infrastructure corridors and public realm improvements in accordance with best accessibility practice and promotion of the initiatives contained within Smarter Travel, A Sustainable Transport Future 2009 – 2020 or any update thereof. All proposals shall ensure no adverse impacts on ecological integrity including the Natura 2000 Network.

### **Trans 56**

We will ensure the adequate provision of appropriately located off-street car parking in urban areas to meet the needs of local residents, shoppers and businesses.

### **Trans 62**

We will require all new developments to provide appropriate cycle parking facilities in central, accessible and safe locations so as to assist with supporting modal shift away from private cars to more sustainable modes of transport i.e. Cycling, Walking, and Public Transport in accordance with the bicycling parking standards set out in Volume 2.

## **5.2. Natural Heritage Designations**

Lower River Suir Special Area of Conservation. (002137) C.1.3km from the application site.  
Tramore Back Strand, Special Protection Area (000671) c.8.6km from the application site.

## **5.3. EIA Screening**

Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment

arising from the proposed development. EIA, therefore, is not required. See Forms 1 & 2 in Appendix 1.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The main points of appeal can be summarised as follows:

- The issue of parking and traffic safety has not been brought up in previous planning applications.
- There is an apparent lack of consistency when dealing with planning applications on this site from the planning and roads departments.
- A bicycle parking area is now being proposed south of the building.
- A parking assessment has been submitted, concluding that the car parking would operate safely and efficiently, resulting in no overspill onto adjacent roads.
- Development traffic will not queue on the public road, nor will the proposal impede access to surrounding footpaths or future cycle lanes.
- The development is within 500m of the city centre and has two high-frequency public transport routes running adjacent to either side of the proposed development.
- The proposed development will provide a footpath on the Tramore Road (R675) when none exists.
- The proposed clinics will serve a heavily populated area with good transport links.
- There is a planning precedent for a reduction in car parking in similar granted development.
- The proposed development complies with the principles of the Waterford Metropolitan Area Transport Strategy.

## **6.2. Planning Authority Response**

The main points raised in Waterford City and Council's response dated the 14<sup>th</sup> February 2023, can be summarised as follows:

- The Planning Authority, after consulting with the Road Department and having regard to the location of the application site, considers that the site layout does not provide adequate car parking arrangements.
- The proposed development, if permitted, may result in cars queueing on the public road, with cars potentially impeding access to surrounding footpaths and future cycle lanes, impeding the safe movement of pedestrians and cyclists as well as vehicular traffic.
- The Planning Authority remain unfavourably disposed to the proposed development.

## **6.3. Observations**

- None

## **6.4. Further Responses**

- None

## **7.0 Assessment**

7.1. Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

- Zoning
- Parking and Traffic Safety
- Appropriate Assessment

### **7.2. Zoning**

7.2.1. The site is zoned 'General Business' in the Waterford City and County Development Plan. The objective of this zone is to provide for and improve General Business

uses: this includes suburban district retail and local neighbourhood centres. Health centres/Clinics are permitted in principle in this zoning.

- 7.2.2. I consider the development of this prominent site for health-related uses, subject to compliance with relevant policies and standards, to be acceptable and would not negatively impact the function and primacy of the city centre. The proposal also has the potential to create a robust urban edge to this underutilised site.

### 7.3. Parking and Traffic Safety

- 7.3.1. The reason for refusal related to the lack of adequate car parking for the proposed and existing development and potentially the resulting in cars queuing on the public road and a haphazard form of development with cars potentially impeding access to surrounding footpaths and future cycle lane and impeding the safe movement of pedestrians and cyclists as well as vehicular traffic.
- 7.3.2. Section 7 of Volume 2: Development Management Standards sets out the provision of car parking for specific types of development. In certain categories, different car parking standards apply to Waterford City Centre from other locations in the County. The car parking standards that apply to Waterford City Centre also apply within 250m of a Public Transport Route. This is the case for Medical Clinics & Surgeries. Given that the site adjoins two public transport routes (R675 & R680), I consider the parking requirement of the proposed development to be 1 per consulting room in Waterford City Centre & 1 per employee. There is also a Transport Objective for the Cork Road, which includes a proposed Active Travel and/or Public Transport.
- 7.3.3. I also note that the Waterford City and County Development Plan states that car parking standards (unless otherwise stated) are “maxima” standards.
- 7.3.4. The parking requirements as outlined in the Waterford City and County Development Plan 2022-2028 for the existing development are as follows:

Existing Development (Block A)

Existing	Floor Area	Staff	Parking Requirements (Net Floor Area)	Required Parking
Hairdresser	57.82m <sup>2</sup>	2	Non-food retail	2.3 (3 spaces)

1 per 25m <sup>2</sup>				
<b>Restaurant</b>	66.71m <sup>2</sup>	3	1 per 30m <sup>2</sup>	2.2 (3 spaces)
<b>Total Parking Required</b>				<b>6</b>

7.3.5. The parking requirements as outlined in the Waterford City and County Development Plan 2022-2028 for the proposed development are as follows:

Proposed	Consulting Rooms	Staff	Parking Standards	Required Spaces
<b>Dental Practice</b>	2		1 per consulting room	2
		3	1 per employee	3
<b>H&amp;W Practice</b>	1		1 per consulting room	1
		2	1 per employee	2
<b>Total</b>				<b>8</b>

7.3.6. Having regard to the location of the site adjacent to public transport routes, I consider the total car parking requirement for the existing and the proposed development to be 14 spaces. Seventeen spaces car parking spaces are proposed.

7.3.7. The employee figures for the proposed development appear to be low for the development as proposed. However, three more employees using cars could be accommodated before the development plan reaches the maximum parking space, as stated in the development plan. I reiterate that the car parking standards in the development plan are 'maxima'. The development plan states that the car parking standards are to facilitate a modal shift towards more sustainable forms of transport.

7.3.8. The applicant has submitted a parking survey for the existing development, a projected car trip, and parking demand for the existing and proposed buildings. At the time of highest demand, it is estimated that 13 spaces will be occupied.

7.3.9. The applicant proposes providing seven bicycle parking spaces as part of the appeal. This complies with the bicycle parking standards in the Development Plan.

- 7.3.10. Given the provision of 17 car parking spaces and the proximity of public transport routes, I do not consider that the proposed development will lead to cars queuing on the public road and a haphazard form of development with cars potentially impeding access to surrounding footpaths and future cycle lane, or will impede the safe movement of pedestrians and cyclists as well as vehicular traffic.
- 7.3.11. If the Board is minded to grant permission, I recommend that a condition be attached requiring that at least two spaces the car parking spaces be for the charging of electric vehicles to comply with the Development Management Standard DM 39 as contained in the Waterford City and County Development Plan 2022-2028.

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

Having regard to the minor nature and scale of the proposed development, the site location outside of any protected site, the nature of the receiving environment, and the proximity of the lands in question to the nearest European Site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

#### **8.0 Recommendation**

I recommend that permission be granted for the reasons and considerations set out below, and subject to the attached conditions.

#### **9.0 Reasons and Considerations**

Having regard to the 'General Business' zoning objective in the Waterford City and County Development Plan 2022-2024, relating to the site and the nature and extent of the proposed development, it is considered that the proposal, subject to the conditions set out below, would generally be acceptable in terms of traffic safety and

would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health or the environment.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, on 26<sup>th</sup> of October 2022, and as amended by the further plans and particulars submitted to An Bord Pleanála on the 17<sup>th</sup> of January 2023, 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>Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
3.	<p>The applicant shall enter into a water connection agreement with Uisce Eireann, prior to the commencement of the development and shall adhere to the standards and conditions set out in that agreement.</p> <p>Reason: In the interests of public health.</p>
4.	<p>No advertisement or advertisement structure, other than those shown on the drawings submitted with the application, shall be erected or displayed on the building or within the curtilage of the site, in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.</p>



	Reason: In the interest of visual amenity.
5.	<p>The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide, inter alia, details and location of the proposed construction compound(s), details of intended construction practice for the development, including hours of working, noise and dust management measures, measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
6.	<p>A minimum of 2 spaces of the proposed car parking spaces shall be provided for electric vehicle charging. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of sustainable transport.</p>
7.	<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>

	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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Peter Nelson  
Planning Inspector

27<sup>th</sup> March 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	315557-23		
<b>Proposed Development Summary</b>	The construction of a two-storey building comprising a dental practice on the ground floor and a health and welfare-related consultancy on the first floor.		
<b>Development Address</b>	The Vee Centre, The Vee, Cork Road Waterford.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	<b>X</b>
		<b>No</b>	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>	<b>X</b>		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>		N/A	No EIAR or Preliminary Examination required
<b>Yes</b>		Class 10 (iv)	Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>		<b>Preliminary Examination required</b>
<b>Yes</b>	X	<b>Screening Determination required</b>

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

**Form 2****EIA Preliminary Examination**

<b>An Bord Pleanála Case Reference</b>	315557-23	
<b>Proposed Development Summary</b>	The construction of a two-storey building comprising a dental practice on the ground floor and a health and welfare-related consultancy on the first floor.	
<b>Development Address</b>	The Vee Centre, The Vee, Cork Road Waterford.	
<b>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</b>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<b>Nature of the Development</b> Is the nature of the proposed development exceptional in the context of the existing environment?  Will the development result in the production of any significant waste, emissions or pollutants?	No. The proposed commercial development is not exceptional in the context of the existing urban environment, which is mainly commercial.  The proposed development of a dentist clinic and a welfare clinic will not result in the production of any significant waste, emissions or pollutants.	No  No
<b>Size of the Development</b> Is the size of the proposed development exceptional in the context of the existing environment?  Are there significant cumulative considerations having regard to other existing and/or permitted	The size of the proposed two-storey building is not exceptional in the context of the existing urban environment.  There are no significant cumulative considerations having regard to other existing and/or permitted projects.	No  No

projects?		
<b>Location of the Development</b> Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?  Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?	The proposed development is not located adjoining or will not have the potential to impact an ecologically sensitive site or location significantly.  The proposed development does not have the potential to significantly affect other significant environmental sensitivities in the area.	No  No
<b>Conclusion</b>		
<b>There is no real likelihood of significant effects on the environment.</b>  EIA not required.		

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)