Inspector's Report

PL-501233-WD-26

Development	Change of use from office to residential on first floor and part of ground floor and internal construction work to ground floor to separate office unit from access area to one bedroom self contained apartment.
Location	27 A Queen Street, Tramore, Co Waterford
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	2614
Applicant(s)	Ronan McCarthy and Evelyn Waters
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	First Party v Condition no. 4
Appellant(s)	Ronan McCarthy and Evelyn Waters
Observer(s)	None
Date of Site Inspection	None

Inspector Kenneth Moloney

Contents

1.0 Introduction

1.1. This is a first party appeal against a financial contribution condition (condition no. 4) which was attached to the Planning Authority's notification of intention to grant permission. As this is an appeal in respect of a condition requiring a financial contribution, the provisions of section 48 of the Planning and Development Act, 2000, apply, and the Board is restricted to considering this matter alone and cannot consider the matter de novo. I have therefore confined my assessment to the condition in question.

1.2. Having regard to the nature of the appeal before the Board (i.e. first party against condition) and the information available on file, a site inspection was not deemed necessary in this instance.

2.0 Proposed Development

2.1. The proposed development is for the following.

- Change of use from office to residential at first floor level and part ground floor.
- Ground floor internal works to separate office use from residential access area.
- Existing balcony door and glass at first floor level removed.
- New wall and door inserted to serve access to balcony at first floor level.
- Front elevational changes including screened glass area to first floor balcony.

2.2. The proposed residential use at first floor level is a 1-bedroom unit and the floor area of the residential unit is 87.4 sq. metres. The first-floor residential unit also includes a home office.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to **grant** planning permission, subject to 5 no. conditions. Condition no. 4 is a development contribution condition, and states as follows.

Condition no. 4

3.1.2. The developer shall pay to the Planning Authority a financial contribution of €3,500 (three thousand five hundred euro) 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. The relevant Development Contribution Scheme was adopted by Waterford City & County Council on 9th February 2023. The contribution shall be paid prior to the commencement of development.

Community, Amenity & Recreation	€ 1,400.00
Transportation & Drainage	€ 2,100.00
Total Contributions	€ 3,500.00.

Reason: It is a requirement of the Planning and Development Act 2000 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.

3.2. Planning Authority Reports

3.2.1. The Planning Officer's report dated 1st April 2026, notes the following.

- Site is located within ACA.
- Proposal compliant with SPPR 2 and SPPR 3 of Apartment Guidelines, 2025.
- No car parking provision. Acceptable given Urban Town Centre location.
- No details provided in respect of foul and water connection.

- Contributions are applicable in this instance.
- The total contribution is €3,500. The contributions include Community, Amenity & Recreation (€1,400.00) and Transportation & Drainage (€2,100.00).

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

- None

4.0 Planning History

- L.A. Ref. 07/1802

Permission **granted**, subject to conditions, for a change of use from existing store / garage to office use at ground floor.

- L.A. Ref. 05/1228

Permission **granted**, subject to conditions, for a change of use from residential apartment to office use and erect new signage.

5.0 Policy Context

5.1 Waterford City and County Development Plan, 2022 – 2028

5.1.1. Table 2.2 (Settlement Hierarchy and Typology) of the CDP identifies Tramore as a 'Large Urban Town', which is the third settlement tier in the county settlement hierarchy. 'Large Urban Towns' are Towns and villages of above 1,500 population which provide a housing, employment and or service function. The category is broad and ranges from large commuter towns to more remote towns and villages.

5.1.2. The appeal site is zoned ‘Town Centre’ and the objective for lands zoned Town Centre is as follows:

> *Provide for the development and enhancement of town core uses including retail, residential, commercial, civic and other uses*.

5.1.3. Section 9.15 ‘Living Over the Shop’ advises that the Planning Authority will encourage ‘living over the shop’, subject to suitability of location, standard of accommodation proposed, and the following should be noted in this regard:

- Derogations for older commercial buildings in appropriate cases may be given in respect of private open space, parking, and unit size standards.
- Derogations for car parking may be allowed having regard to parking policy.

5.1.4. The appeal site is located within the Tramore Architectural Conservation Area. CDP Policy Objective BH 05 (ACA’s) is relevant. BH 05 states as follows.

It is the policy of the Council to:

- Achieve the preservation of the special character of places, areas, groups of structures setting out Architectural Conservation Areas (ACA).
- Protect the special heritage values, unique characteristics and distinctive features, such as shopfronts within the ACA from inappropriate development which would detract from the special character of the ACA.
- Prohibit the demolition of historic structures that positively contributes to the distinctive character of the ACA.
- Encourage the undergrounding of overhead services and the removal of redundant wiring/ cables within an ACA and to assess all further cable installations against its likely impact on the character of the ACA as the cumulative impact of wiring can have a negative impact on the character of ACAs.
- Provide guidelines on appropriate development to retain its distinctive character; and protect elements of the streetscape such as rubble stone boundary walls, planting schemes and street furniture such as paving, post boxes, historic bollards, basement grills, street signage/plaques, etc. which make a positive contribution to the built heritage.

- Retain or sensitively reintegrate any surviving items of historic street furniture and finishes such as granite kerbing and paving that contribute to the character of an ACA.

5.1.5. Volume 2 of the CDP includes Development Management Standards and Section 3.4.4 (Minimum Space Requirements for Apartments) refers that minimum floor area for a 1-bedroom apartment is 45 sq. metres. Section 3.4.5 sets out minimum standards in relation to dual aspect requirements.

5.2. Variation no. 1 of the Waterford City and County Development Plan, 2022 – 2028.

5.2.1. Variation no. 1 was made by Plenary Council on the 13th of November 2025. The Variation was proposed to provide for a zoning amendment, the Joint Retail Strategy for the Waterford City Metropolitan Area, Blue / Green Infrastructure Strategy, County Settlement Typology, Core Strategy Policy and Phasing, and Regeneration and Active Land Management. There are no direct amendments to the appeal site.

5.3. Waterford City & County Development Contribution Scheme, 2023 – 2029

5.3.1. The scheme was adopted on the 9th of February 2023.

5.3.2. Section 3 (Classes of Public Infrastructure) provides funding for two classes of public infrastructure and facilities, and this includes ‘Transportation and Drainage’ and ‘Community, Amenity and Recreation’.

5.3.3. Section 7 (Development Contribution Charges) sets out the rates of charges for residential development. The development contribution per residential unit up to 125 sq. m. is €3,500, comprised of Transportation and Drainage (€2,100) and Community, Amenity and Recreation (€1,400).

5.3.4. Section 8 (Exemptions) refers to general and residential exemptions.

5.3.5. Section 9 (Reductions) refers to general and residential reductions, and the following categories of development would attract a reduction in respect of development contributions.

- Frontage developments/streetscape development in the centre of the city, towns and villages, the development of which represent an infill/gap site which would enhance the streetscape will be subject to a 50% reduction.
- In cases of redevelopment projects where it can be demonstrated that no additional demand on infrastructure will arise the equivalent floor area of the structure that is being replaced shall be exempt from development contributions. Any additional floor space shall be charged on a pro-rata basis per the appropriate rate for non-residential development (i.e. net additional floor area).
- The refurbishment or redevelopment of derelict sites that are subject to derelict sites notices or are included on the derelict sites register shall be subject to a 50% reduction of the normal rates.
- The redevelopment of regeneration and opportunity sites such as those identified in Appendix 21 of the Waterford City and County Development Plan 2022-2028 may be subject to a 50% reduction of the normal rates unless Waterford City and County Council has provided alternative financial support for the development of the site.
- In exceptional circumstances the required development contributions may be reduced where this is warranted, having regard to the particular economic, employment generating, social or cultural benefits of the development and/or having regard to the Strategic Outcomes of the Waterford City and County Development Plan 2022 - 2028.

5.3.6. Section 10 (Change of Use) states as follows.

> '*Applications for change of use shall be subject to a 100% reduction where the change of use does not lead to the need for new or upgraded infrastructure/services or where there is no additional demand placed on existing infrastructure*'.

5.4. **The National Planning Framework – First Revision (April 2025)**

Several national policy objectives (NPOs) are applicable to the proposed development. These include NPO 7 (compact growth), NPO 9 (compact growth), NPO 12 (high quality urban places), NPO 22 (standards based on performance criteria), and NPO 45 (increased density).

5.5. **Section 28 Ministerial Planning Guidelines**

5.6. The Planning Design Standards for Apartments, Guidelines for Planning Authorities, 2025 (Apartment Guidelines).

5.7. **Natural Heritage Designations**

- Tramore Dunes and Backstrand SAC (site code 000671) – 1.2km east.
- Tramore Back Strand SPA (side code 004027) – 1.2km east.
- Tramore Dunes And Backstrand pNHA (site code 000671) – 1.4km east.

6.0 The Appeal

6.1. This is a first party appeal against Condition no. 4 (financial contribution). The grounds of the appellants submission can be summarised as follows:

- The appellant disagrees with the financial contribution of €3,500 as financial contributions were previously made for two planning applications relating to the property.
- The previous applications were L.A. Ref. 05/1228, granted on 03/11/2005, and L.A. Ref. 07/1802, granted on 31/1/2008.
- The contribution paid for planning application L.A. Ref. 05/1228 was €7,090 and the contribution paid for planning application L.A. Ref. 07/1802 was €10,544.

6.2. **Planning Authority Response**

6.2.1. The PA submitted a response on the 3rd of June 2026, and the submission contains a copy of the Planner's Report in the assessment and recommendation of the development. This report contains the development contribution calculations. The

Planner's Report is dated 1st April 2026, and I have summarised the relevant parts of this report to the appeal in para. 3.2 above.

6.3. **Observations**

- None

7.0 Assessment

7.1.1. This is a first party appeal against planning condition no. 4 of the PA's planning permission, which requires a development contribution in line with section 48 of the Planning and Development Act, 2000, as amended.

7.1.2. Section 48(10) (b) of the Planning and Development Act, 2000, as amended, makes provision for an appeal to be brought to the Commission where an applicant for permission under section 34, considers that the terms of the relevant development contribution scheme have not been properly applied in respect of any condition laid down by the planning authority. I note that the Commission in considering the appeal is required under the provisions of the legislation to apply the scheme as adopted by the Planning Authority. The Commission have no legal jurisdiction to interpret or evaluate the merits of any financial contribution scheme as adopted by the Planning Authority.

7.1.3. As this is an appeal in relation to the application of a development contribution only, the Commission will not determine the application as if it was made to it in the first instance and will only determine the matters under appeal, which is whether the terms of the Scheme have been properly applied.

7.2. **Application of Development Contribution Scheme – Condition no. 4**

7.2.1. Condition no. 4 requires the applicant to pay a development contribution of €3,500.

7.2.2. The Planning Authority applied a rate of €2,100 for Transportation and Drainage, and €1,400 for Community, Amenity and Recreation for the proposed residential unit.

7.2.3. The appellant submits that the payment of financial contributions in respect of previous planning applications on the subject property, i.e. L.A. Ref. 05/1228 and

L.A. Ref. 07/1802, ensures that a financial contribution is not warranted in this instance. Notably the appellant submits that €7,090 was paid in respect of L.A. Ref. 05/1228 and €10,544 was paid in relation to planning application L.A. Ref. 07/1802, both as development contributions. I have referred to the planning history above in para. 4.0.

7.2.4. I note that Section 8 of the Waterford City & County Development Contribution Scheme, 2023 – 2029**,** includes exemptions in respect of development contributions.

7.2.5. Section 8 ‘Exemptions’ of the development contribution scheme includes general exemptions. However, I would consider that as the subject property is not a protected structure, is not a non-for-profit club / voluntary organisation and is not an appropriate refurbishment / redevelopment within a designated Living City Initiative Area, that the exemptions available under ‘general exemptions’ in Section 8 would not apply to the development the subject of this planning application.

7.2.6. Section 8 also includes exemptions for residential development, and in summary for the following development types;

- Domestic extensions,
- Social housing and affordable housing units,
- Developments for individuals who have made an application for Housing Adaptation Grant for people with a disability,
- Relocation of a dwelling on a site,
- The provision of ‘over the shop’ accommodation for residential purposes.

7.2.7. The proposed development is for the change of use from office to a single residential use at first floor level and I would consider that the available exemption in Section 8, specifically the provision of ‘over the shop’ accommodation for residential purposes, would be a relevant consideration for this development.

7.2.8. The development site is located in the town centre in a commercial area, and the use of the first-floor level for the accommodation for residential purposes would, in my view, fall into an exemption category, i.e. ‘over the shop accommodation for residential purposes’ for a development contribution, in accordance with Section 8 of the Waterford City & County Development Contribution Scheme, 2023 – 2029.

7.2.9. In addition to exemptions to the development contribution scheme, as noted above, the Waterford City & County Development Contribution Scheme, 2023 – 2029, also includes general reductions for development contributions. I have referred to these general reductions above in para. 5.3.5. In respect of these general reductions I would consider as the subject property is not an infill / gap site, a redevelopment site, a derelict site or a regeneration or opportunity site as identified in Appendix 21 of the CDP, a reduction to a development contribution, should a contribution be required, would not meet any of these criteria and therefore a reduction would not be available.

7.2.10. Furthermore, the development of the subject site would not be exceptional having regard to the particular economic, employment generating, social or cultural benefits of the development and therefore would not meet this criterion for a reduction to a contribution, if applicable.

7.2.11. The proposed development relates to a change of use and would not, in my opinion, fulfil any of the criteria under the general reductions of the scheme.

7.2.12. Section 10 (Change of Use) of the contribution scheme states as follows.

> '*Applications for change of use shall be subject to a 100% reduction where the change of use does not lead to the need for new or upgraded infrastructure/services or where there is no additional demand placed on existing infrastructure*'.

7.2.13. I would note that the PA's Planner's report considered section 10 above and concluded that the change of use exemption would not apply in this instance. I would be of the view, that it is unclear from the information available on the file, whether the change of use would have any additional demands on the existing infrastructure. As such, in my view, it has not been demonstrated that the 100% reduction available in section 10 of the adopted development contribution scheme would apply. I would therefore concur with the PA in this instance.

7.2.14. I have noted above that the applicant has submitted that having regard to previously paid financial contributions in respect of planning permissions on the subject site that the financial contribution in condition no. 4 would not be warranted. However, the Commission in considering the appeal is required under the provisions of the legislation to apply the scheme as adopted by the Planning Authority. The

Commission have no legal jurisdiction to interpret or evaluate the merits of any financial contribution scheme as adopted by the Planning Authority.

7.2.15. I have reviewed the exemptions and reductions in respect of the scheme and there is no provision for an exemption or a reduction of a financial contribution in the case whereby previous financial contributions were paid in relation to the development site. Accordingly, I would not concur with the appellant's argument in this instance. Nonetheless, and as noted above, in my opinion, an exemption to the development contribution as contained in Section 8 of the Waterford City & County Development Contribution Scheme, 2023 – 2029, would apply for this development, and therefore condition no. 4 should be omitted.

8.0 Recommendation

It is recommended that Condition no. 4 is **OMITTED**.

9.0 Reasons and Considerations

It is considered that:

> the terms of the Waterford City & County Development Contribution Scheme, 2023 – 2029, were incorrectly interpreted in respect of condition number 4, insofar as the development relates to a change of use from office to residential at first floor level and Section 8 'Exemptions' of the Waterford City & County Development Contribution Scheme, 2023 – 2029, specifically exempts financial contributions for the provision of 'over the shop accommodation for residential purposes'. Therefore, the development, having regard to its residential use at first floor level, would qualify for an exemption to a financial contribution in accordance with the adopted Development Contribution Scheme.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Kenneth Moloney
Senior Planning Inspector

28th July 2026