



# Comhairle Cathrach & Contae Phort Láirge Waterford City & County Council

## Chief Executive Report

**Section 179(3) (Part XI) of the Planning and Development Act, 2000 (as amended) and  
Part 8 of the Planning and Development Regulations 2001 (as amended)**

Proposal: Residential development of 22 dwelling units comprising of:  
i) Eighteen 2 bedroom / 4 person 2-storey houses;  
ii) Four 3 bedroom / 5 person 2-storey houses;  
along with all necessary ancillary site development works including: temporary construction signage, site services, boundary treatment and site landscaping.

Location: Ballynaneashagh, Butlerstown Road, Waterford City

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### 1. Site Context

The overall site is open and undeveloped and is located within an area to which the policies and objectives of the Waterford City Development Plan 2013-2019 apply.

There are existing detached residential properties immediately to the north and south of the subject site and the lands are zoned "To protect and improve existing residential areas and their amenities and provide for appropriate residential infill opportunities where feasible" in the Waterford City Development Plan 2013-2019.

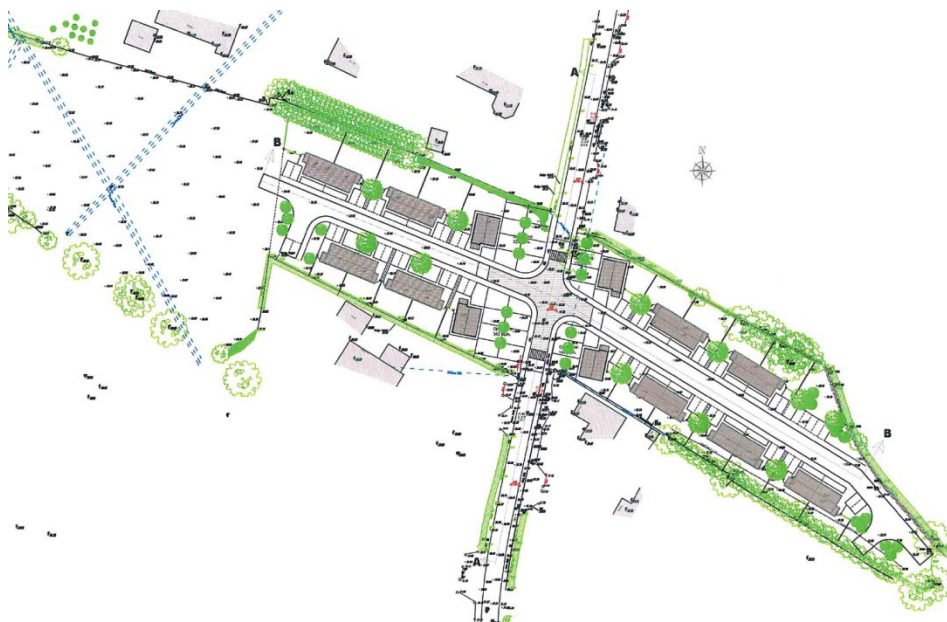
The lands are divided by what is known locally as Ballycashin Hill (L90645) which links the Outer Ring Road (R710) to the south, and the Cork Road (R680) / Ballybeg Drive (L1518) to the north.

The location and extent of the subject lands are illustrated on the map on the following page.



## 2. Development Proposals

The local authority proposed carrying out a residential development on these lands consisting of a total of 22 two-storey dwelling units (eighteen 2 bedroom houses and four 3 bedroom houses) along with all necessary ancillary site development works including: temporary construction signage, site services, boundary treatment and site landscaping.



The detailed design of the proposed units is as set out in the drawings appended to the attached report from Ivan Grimes, Director of Services, Housing Community and Emergency Services.

### **3. Statement of Consistency with the Proper Planning and Sustainable Development of the Area**

The purpose of the proposed development is to deliver 22 two-storey dwelling units with associated open spaces, access infrastructure and site services.

It is proposed that all of the dwelling units would be constructed on lands that area zoned “To protect and improve existing residential areas and their amenities and provide for appropriate residential infill opportunities where feasible” in the Waterford City Development Plan 2013-2019 (as extended).

It is therefore considered that the proposed development would support the policies and objectives of the Waterford City Development Plan 2013-2019 (as extended). Furthermore, it is considered that the layout and design of the proposed development has been formulated having regard to all relevant ministerial guidelines and government policies in relation to new residential development and would be in full compliance with the policies and objectives of the recently adopted Regional Spatial and Economic Strategy of the Southern Regional Assembly.

It is therefore considered that the proposed development would be in accordance with the proper planning and sustainable development of the area.

### **4. Public Consultation**

The Part 8 process started on Monday 21<sup>st</sup> October 2019, with notification of commencement at the Waterford Metropolitan District Meeting.

Two site notices were erected on the existing site boundary gates – one leading into the western part of the site and one leading into the eastern part of the site. An advert was placed in the Munster Express newspaper informing the general public of the commencement of the process.

Plans and particulars of the proposed development were available for inspection, at the Customer Care Offices, Waterford City & County Council, Baileys New Street, Waterford, between the hours of 9.30 am - 4:00 pm Monday to Friday, for the period of 29<sup>th</sup> October 2019 up to and including 27<sup>th</sup> November 2019, (4 calendar weeks - including Bank and Public Holidays).

A copy of the plans and particulars of the proposed development were also available for viewing / downloading from the Waterford City & County Council’s website at [www.waterfordcouncil.ie](http://www.waterfordcouncil.ie).

All submissions or observations with respect to the proposed development, dealing with the proper planning and sustainable development of the area in which the proposed development would be situated, were invited to be made in writing to the Director of Services, Housing Department, WC&CC,

City Hall, The Mall or by emailing [part8housingsubs@waterfordcouncil.ie](mailto:part8housingsubs@waterfordcouncil.ie) either during the initial 4 week public display period outlined above, or alternatively during an additional 2 week period thereafter provided for such submissions, but in either case not later than 4.00 pm. on 12<sup>th</sup> December 2019.

## 5. List of Persons or Bodies who made Submissions or Observations

Prior to the 12<sup>th</sup> December deadline, forty-eight submissions were received from the following:

Annette Buck, Carrigue	John Power, Ballynaneashagh
James Buck, Carrigue	Therese Greaney, Ballynaneashagh
Rachel Buck, Carrigue	Vicky Doherty, Ballynaneashagh
Niamh Buck, Carrigue.	Denise Doherty, Ballynaneashagh
Pauline Connell, Ballynaneashagh	Emmet Doherty, Ballynaneashagh
Joan Mason, Ballynaneashagh	Sharon Doherty, Ballynaneashagh
Sile O'Brien, Ballynaneashagh	Clodagh Doherty, Ballynaneashagh
Plunkett O'Brien, Ballynaneashagh	Nicholas Harrington, Carrigue, Ballynaneashagh
Paula O'Brien, Ballynaneashagh	John Waters, Witches Lane
Kathleen Fitzgerald, Ballynaneashagh	John Waters, Chair of Residents Association
William Butler, Ballynaneashagh	Michael and Martina Walsh, Carrigue
Alice Butler, Ballynaneashagh	Martina Walsh, Carrigue
Pat Butler, Ballynaneashagh	Kenny and Bruna Williamson, Ballynaneasgh
Frank Douglas, Ballynaneashagh	Joseph Crowley, Witches Lane
Joan Power, Witches Lane	Teresa Crowley, Witches Lane
Annette Power, Witches Lane	Zara Crowley, Witches Lane
Tony Foley, Ballynaneashagh	Alex Crowley, Witches Lane
Marian O'Keefe, Ballynaneashagh	Jake Crowley, Witches Lane
Ted O'Keefe, Ballynaneashagh	Sianna Crowley, Witches Lane
Michael Greaney, Ballynaneashagh	Dale McEvoy, Collins Avenue
Betty Lonergan, Ballynaneashagh	Maria Shortall, Carrigue
Francie Lonergan, Ballynaneashagh	Stephen Shortall, Carrigue
Yvonne Lonergan, Ballynaneashagh	Clr Donal Barry, St. Johns Park
Patricia Foley, Ballynaneashagh	Joan Mangan, Carrigue

## 6. Summary of Issues Raised in Submissions and Associated Responses

GDPR regulations restrict Waterford City and County Council from issuing copies of the original submissions within this report, however the table on the following pages sets out each of the matters raised in the submissions received by Waterford City and County Council during the Part 8 public consultation period.

## Summary of Issues Raised in Public Submissions and Associated Responses

Issues Raised	Consideration of Issues	Chief Executive Response
Height of buildings. Proposed WCCC houses are 2-storey while other houses in the area are mainly bungalows. Previously, local residents were not allowed planning permission for dormer-bungalows or two-storey houses.	There is recent precedent in the Ballynaneashagh area of planning approval for 6x private detached 2-storey part-dormer dwellings and all associated site works; planning ref; 13/118, (dated February 2014). There are other 2-storey properties too, eg: an adjacent dwelling is 2-storey, with a converted third-storey, and was granted permission for a 2-storey extension in March 2001 (planning ref; 00500388) whilst other dwellings are also dormer-bungalows.	No change to proposal
Overlooking/privacy. Proposed houses will directly adjacent property from an elevated viewpoint. Loss of privacy and residential amenity due to the proposed scale, location proximity and height of the proposed development.	There are no first-floor bedroom windows overlooking adjacent residential property from the houses referred to in submission. This is due to their considered site-specific design and internal arrangement. Proposed bathroom windows at first-floor will be frosted for privacy and to prevent overlooking.	No change to proposal
Additional drawings, dimensions and line-boundaries required, for clarification purposes.	This information has been provided as Clarification of original Part 8 information, and is appended to the accompanying report of the Housing Department.	Additional information has been provided.
The proposed development of social housing should be an affordable housing scheme in the interests of balance for the housing type developments in the area.	WCCC currently await details of a national affordable housing scheme. The tenure of the dwellings does not materially affect the granting of planning permission and WCCC have secured DHP&LG approval for a social housing scheme on this site.	No change to proposal
The proposed development should be scaled back to a reduced number of bungalow houses, which would be aligned with the other dwelling types in	The density is approximately 22 units / hectare, which is considerably lower (almost 1/3 lower) than other privately funded housing developments located on the periphery of the city which have been recently approved by either the local authority or An Bord Pleanála.	No change to proposal

the area.		
WCCC have not provided a Traffic Impact Assessment / Road Safety Audit / Mobility Management Plan with the application.	<p>A Traffic Impact Assessment is not required for residential developments of less than 200 dwellings, (as per, Table 2.1, Traffic &amp; Transport Assessment Guidelines, by TII, May 2014, and Table 1.4, Traffic Management Guidelines). A Road Safety Audit is required for permanent changes to a National Road, not a housing development. A Mobility Management Plan is only required for developments which may generate significant trip demand which this proposed development will certainly not generate.</p> <p>NOTE: A Traffic Impact Assessment was requested at the Councillors Workshop, = on the grounds of increased traffic on Ballycashin Road, and potential use of an adjoining site for future WCCC use. Although not required for a development of this size, WCCC carried out a full TIA which concluded that the proposal would have a negligible impact.</p>	A full Traffic Impact Assessment has been carried out. No required changes to proposal.
Road Safety. This section of road is extremely busy as it acts as a feeder for the Outer Ring Road to the Industrial estate, WIT, local schools, Walsh Park, the local retailing areas, and residential parts of the city.	This section of road was upgraded within the last 10 years to include widening, pavement, footpath, ramps, public lighting and utilities. There is also a 3.5 tonne weight restriction on this road. There are existing traffic calming measures already in place such as two speed ramps that will be either side of the development access.	No change to proposal
In a previous development at the top of Ballycashin Hill, directly adjacent to the ring road roundabout, planning permission was refused for an entrance directly onto Ballycashin Hill road. Therefore permission for two more entrances onto this road should be refused.	There is no specific detail in this statement as to the location or planning ref number of the refused planning application. However it is likely to be 08/32. The original layout for these two-storey houses had access onto Ballycashin Hill which was considered to be too close to the new ring-road junction. The site layout was revised and application was granted. The Planning Report to the WCCC Director of Services stated that; "Submissions received object to development on the grounds that the area is rural with predominantly single-storey house-types and a deficient road network. I would hold that the	No change to proposal



	<p>character of the area has been fundamentally altered by the (combined) construction of the Outer Ring Road, the proposal... to realign Ballycashin Hill, and the proposal to provide mains services for the area. In these circumstances the continuation of the existing pattern of development on zoned and serviced land, (i.e. single-storey housing on large plots), is unsustainable." (March 2008). The area has to become denser in terms of its built environment.</p>	
<p>Proposal has no regard for the existing characteristics or aesthetic of this rural area. It has no regard to the scale or makes no attempts to assimilate the proposal to reflect the existing properties.</p>	<p>The existing houses in this location are a mix of typologies with different finishes. There is no aesthetic or design that is common to the adjoining properties. The house types developed for this project have (despite the neighbours comments to the contrary) been specifically designed for this site. The design proposes simple housing types and finishes, in a legible layout, giving identity to this "Edge of City" housing scheme. The design for this proposed development meets the development Standard of the Waterford City Development Plan 2013-2019, and the Quality Housing for Sustainable Communities document, issued by the Department of the Environment, Heritage and Local Government.</p>	<p>No change to proposal</p>
<p>Qualitative open space is non-existent and there is no central open space for the occupants to benefit from within the scheme.</p>	<p>Having taken the comments / observations from neighbours into consideration, a revised open space design has been developed for the subject site. The proposed redesign includes:</p> <ul style="list-style-type: none"> <li>• Modern railings to the edge of the space;</li> <li>• Grassed play areas;</li> <li>• Seating areas;</li> <li>• Landscaping including semi-mature trees;</li> <li>• Paved patterns.</li> </ul>	<p>Revise scheme to incorporate redesigned open space as detailed in the report of the Housing Department.</p>
<p>The proposal has no regard to existing building lines or boundary treatments, and the proposed boundary treatments have not been specified.</p>	<p>The proposed development acknowledges and responds to existing building lines along the road. Boundary treatment information has been provided as a Clarification of original Part 8 information, and is attached to the accompanying report of the Housing Department.</p>	<p>No change to proposal</p>

<p>WCCC should have undertaken a shadow-study to understand the impact this development will have on the amenity value of the existing residents.</p>	<p>A Shadow Study was not required for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposed Houses 1 to 5 to the North West of the scheme are designed to be circa 28m to 30m from the existing houses to the north;</li> <li>• The proposed House 6 to the North East of the site is designed to be circa 9.5m from the existing house to the north, and there is an existing mature hedge approx 3m high between the WCCC site and existing house. Unit 6 can be moved southwards by approx 2m which would improve the separation distance.</li> <li>• The proposed scheme is a low density modest 2 storey design, and with approx 12m distances between the proposed houses;</li> </ul> <p>The site is zoned for residential development, so there should be a reasonable expectation that a housing scheme, such as that proposed is likely on this site.</p>	<p>No change to proposal</p>
<p>Concerns regarding the functionality of the proposed opposing entrances which is not good road design or practice, but also the lack of sightlines horizontally and vertically.</p>	<p>There are existing traffic calming measures already in place - two speed ramps that will be either side of the development access. Sightlines will be provided appropriate to the speed limit of the road in accordance with the Design Manual for Urban Roads &amp; Streets.</p>	<p>No change to proposal</p>
<p>WCCC have not provided any justification or mitigation for the removal of the existing mature hedgerows along the front boundaries, the loss of biodiversity, etc.</p>	<p>Removal of the existing hedgerows along the road is intended to provide appropriate and safe sightlines both ways along Ballycashin Road. The subject site lies outside the Proposed Natural Heritage Area (PNHA), Special Area of Conservation (SAC), and Special Protection Area (SPA). A desk-top study was carried out during the early stages of the project. There are no trees of Special Amenity Value on or adjoining the subject site. Mitigation of any loss of biodiversity, as for example feeding source, can be provided through compensation planting of the generous number of replacement trees and shrubs spread across the site.</p>	<p>No change to proposal</p>
<p>WCCC have not carried out or provided any evidence in relation to bat surveys, roosting in existing hedgerows, etc.</p>	<p>There are no trees of Special Amenity Value on or adjoining the subject site. There is no evidence of any bat roosts in this immediate area, there are no manmade structures on the site and the proposed development will not incur loss of any site specific habitat that would result impact bat populations.</p>	<p>No change to proposal</p>



WCCC have no supporting Ecology or Arborist Report, suggesting the development is a design-first solution and environment-second approach.	A desk-top study was carried out during the early stages of the project. The subject site lies outside the Proposed Natural Heritage Area (PNHA), Special Area of Conservation (SAC), and Special Protection Area (SPA).	No change to proposal
Proposed development has very little roadside parking. Questions safe access for bin lorries and delivery trucks.	The development has 51 car parking spaces contained within the site boundary - all off-road. This equates to more than 2 spaces per household, which is in excess of the general requirements of the Waterford City Development Plan. The design team have carried out a Swept Path Analysis to ensure safe and adequate space for movement in and out of the development for bin lorries and delivery trucks.	No change to proposal
Where will children get the bus to school? Bus parking on Witches lane during peak times would cause congestion and concerns regarding traffic safety	The most obvious location for children to get the bus to school would be 300m away at the existing stop on Ballybeg Drive, adjacent to Crystal Mews, thereby negating a requirement for collection on Witches Lane. This in turn links to other services to different parts of the city.	No change to proposal
Suggests the development would act as a catalyst to initiate movement of existing residents away if the traffic, population density, general peacefulness, safety of the area deteriorated due to the addition of the proposed social housing development in its current form.	The design for this proposed development meets the development Standard of the Waterford City Development Plan 2013-2019, and the Quality Housing for Sustainable Communities document, issued by the Department of the Environment, Heritage and Local Government.	No change to proposal
During light rain there is immediate spot flooding and a river appears on Witches Lane from manholes at The Stove Depot, which runs towards the crossroads resulting in flooding at my gate opposite Inn the Doghouse. Claims the drains in Witches Lane are too small in diameter / number.	The design for this proposed development meets the development standard of the Waterford City Development Plan 2013-0219 and incorporates Sustainable Urban Drainage Systems (SUDS) including runoff treatment/attenuation.	No change to proposal

<p>Public footpaths are insufficient both on Ballycashin Hill and Witches Lane. Therefore with an increased number of residents living in the area due to the development, traffic accidents would become more likely.</p>	<p>There is an existing footpath running almost 220 metres on the east side of Ballycashin Hill passing in front of the proposed Part 8, providing access to all the existing and proposed houses. There is no continuous footpath on the western side of the road, however the new development will include a footpath which will provide a link and continuity with those existing and immediately adjacent. Footpaths along Witches Lane are outside the scope of the current proposal.</p>	<p>No change to proposal</p>
<p>Proposed development would have very small gardens of no material benefit to the intended residents.</p>	<p>It has been found that the majority of residents in local authority housing do not want large gardens as they can become a maintenance issue for the tenant. The design meets the development Standard of the Waterford City Development Plan 2013-2019, and the Quality Housing for Sustainable Communities document, issued by the Department of the Environment, Heritage and Local Government.</p>	<p>No change to proposal</p>
<p>The ground is shale and as such likely that building work will cause vibration damage to adjacent property - dilapidation survey requested.</p>	<p>As per the Site Investigation Report, the majority of rock excavation shall be either 'ripping' or 'hard-digging' due to the nature of the bedrock. Rock breaking may be required but will be the exception. A dilapidation survey can be carried out on the immediately adjacent properties prior to works commencing, in order to record the existing condition of the property, and help identify any damage that may arise; this would be standard procedure in such instances.</p>	<p>No change to proposal</p>
<p>Consider the upheaval on a small narrow local road with high traffic levels whilst a building site of this size is operational. The road is unsuitable to take increased traffic flow.</p>	<p>A Construction Management Plan to minimise construction impact during construction phase-would be standard procedure, and would be prepared prior to works commencing on site.</p>	<p>Construction Management Plan to be prepared</p>

I am satisfied that the issue raised in the third party submissions have been addressed in the design of the proposed development, as amended following the public consultation phase. I therefore recommend that the proposed development be approved subject to those amendments specifically referenced in the report of Ivan Grimes, Director of Services, Housing Community and Emergency Services.

## **7. Recommendation**

Having regard to the foregoing, I am satisfied that the proposed development would be in accordance with the provisions of the Waterford City Development Plan 2013-2019 (as extended) and with proper planning and sustainable development of the area. I therefore recommend that the proposed development should proceed with as initially proposed, subject to those amendments specifically referenced and detailed in the report of Ivan Grimes, Director of Services, Housing Community and Emergency Services.

*Michael Quinn,*

Director of Economic Development and Planning

Tuesday, 16 June 2020