



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 14 dwelling units comprising of:

- i) One 1 bedroom apartment;
- ii) Five 2 bedroom apartments;
- iii) Seven 2 bedroom two-storey duplex units;
- iv) One 2 bedroom wheelchair accessible apartment

along with all necessary ancillary site development works including: demolition of existing building on site, temporary construction signage, site services, boundary treatment, provision of one disabled car parking space and site landscaping.

Location: Mount Esker, Ballytruckle Road / Inner Ring Road, Waterford City

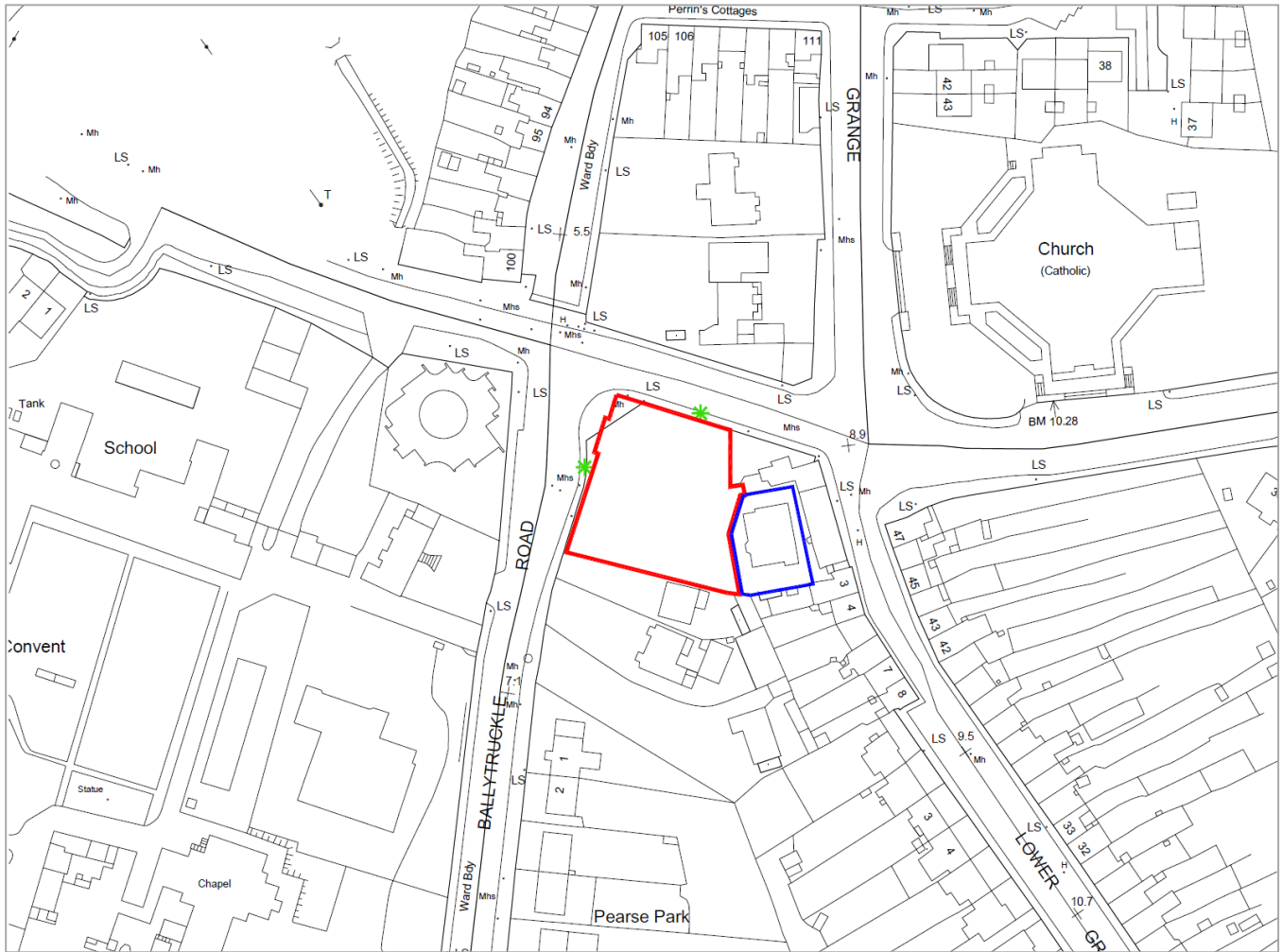
1. Site Context

The site is located at the junction of the Inner Ring Road (R709-6) and the Ballytruckle Road (L1519-3) in Waterford City. It consists of two adjoining properties, measures 0.139 hectares / 0.343 acres, and it contains an existing derelict single-storey dwelling.



The site is located in a built-up area where the policies and objectives of the Waterford City Development Plan 2013-2019 apply and is 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 location and extent of the subject lands are illustrated below.



2. Development Proposals

The local authority proposes the development of a two, three and four storey corner building which would include seven apartments (six two-bedroom and one one-bedroom) and seven two-bedroom duplex units along with all necessary ancillary site development works including: demolition of existing building on site, temporary construction signage, site services, boundary treatment, provision of one disabled car parking space 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 fourteen dwelling units with associated site services. This would take the form of a strong corner building on an infill site within a built-up area of the city close to existing services.

As the proposed development would replace an existing derelict residential property in an 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 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 commenced on Monday 17th February 2020, with notification of commencement at the Waterford Metropolitan District Meeting.

Two site notices were erected on the existing site boundary wall – one facing the Inner Relief Road and one facing the Ballytruckle Road and 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 from 25th February 2020 up to and including 25th March 2020, (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.

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, Waterford City and County Council, City Hall, The Mall or by emailing 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 9th April 2020.

Subsequently, an order made under section 251A of the Planning and Development Act, 2000 (as amended) extended this public consultation period until 5th May 2020.

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

Prior to the deadline on the 5th May, four third-party submissions were received from the following:

- Catriona Daly, St. Ursulas Primary School
- Patricia Power and Shauna de Paor, Ballytruckle Road
- Nicholas Abbott, Lower Grange
- Gary O'Neill, Lower Grange

6. Summary of Issues Raised in Submissions and Associated Responses

The following is a list of the principal issues arising in third party submissions:

- Traffic levels and congestion particularly at peak school drop-off times.
- Potential over-shadowing and over-looking of adjacent properties.
- Instance of foul and surface drains back-flowing near to the proposed development site, from a neighbouring property.
- Potential noise and pollution from the car park.
- Existing vehicle weight restrictions on Ballytruckle Road.
- Footpath widening proposals.
- Arrangement for refuse facilities from the proposed development.
- Concerns of similar development as regards shared-living in a post-Covid-19 environment.
- Future development proposals for the Tower Lodge property
- Security concerns regarding existing properties
- This will set a precedent for future development in the area, in terms of height and density.
- Reference to previous planning applications on the site which were refused by WC&CC.
- Will cause the devaluation of existing neighbouring property.
- Compliance with private open space requirements.

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 the matters raised in the submissions received during the Part 8 public consultation period and addresses each point in turn.

Summary of Issues Raised in Public Submissions and Associated Responses

Issues Raised	Consideration of Issues	Chief Executive Response
Collection and drop-off times at St. Ursulas Primary School (located across the road) are extremely busy. The density of development will add further pressure to an already busy and dangerous junction.	The original Part 8 site was increased in size to include the adjacent (Tower Lodge) site, in order to specifically provide safe off-road parking provision for residents. The existing Tower Lodge building itself is to remain, and will ultimately be refurbished - the site however will be developed to accommodate the parking provision as shown on the Part 8 drawings.	No change to proposal
Reference to footpath widening proposals by WCCC immediately adjacent to the site.	WCCC Roads Department are currently considering road improvements that would help address the existing issues raised in this observation; bollards have been in-situ since January 2020 as a trial-run. This element of work will take place outside this current Part 8 application, by WCCC Roads Dept.	No change to proposal
Developing a 4-storey building next to the existing bungalows along the road will cause overlooking into and from balconies on the south side.	The balconies on the south-side of the proposed development would be located more than minimum 22m from the nearest residential property. There will be a new wall and screen planting along the boundary between the sites - some existing plants and hedging will inevitably be lost during construction work but it is intended to replace damaged planting with semi-mature screen planting.	No change to proposal
Noise / fuel pollution from cars parking in the car park will be distressing to occupants of adjacent property.	Proposed parking will be located behind a new boundary wall and screen planting.	No change to proposal
Odors from 42 refuse bins (3 bins per apartment) will impact the amenity of adjacent property.	There will be 3 large communal bins used for the entire building, and not 3 per apartment. WCCC will enter into a contract with a Facilities Management company, who will be appointed with the responsibility for bin collection on a regular basis., and also to keep bins clean. The bins will also be located behind a new boundary wall and screen planting, approximately x feet from the front door to the residence. No storage on the public footpath is required.	No change to proposal

Question regarding the lack of car parking provision for residents of the proposed development.	It is intended the apartments will accommodate families - a couple, or single-parents with children. It is considered therefore there will be 1x car per apartment max. Also, the design team are cognisant of the fact that there are good quality public transport facilities in the area.	No change to proposal
Sewerage backflows each winter after heavy rain and at high tide times. The proposed development could counteract the flood prevention measures already in place or put the prevention measures under severe pressure.	Appropriate consideration will be given to this fact during design development of the project. This area is not in a Flood Zone according to the OPW Flood Maps. A pre-connection enquiry has been submitted to Irish Water.	No change to proposal
So many people living in close proximity may hamper the control infectious diseases such as Covid-19.	Events such as the outbreak of Covid-19 is a once in a century occasion, which it has proven can be controlled with considered and responsible public distancing measures.	No change to proposal
Question whether WCCC intends acquiring additional property in the vicinity.	WCCC do not propose the acquisition of any additional property at this location as no additional property would be required to carry out the proposed development.	No change to proposal
Concerns for future plans of Tower Lodge property.	WCCC intend to refurbish the existing Tower Lodge house at some point in the future, and outside this scope of this current Part 8.	No change to proposal
Suggests the safety and security of adjacent property will be negatively impacted.	Adjacent property is more at risk and vulnerable now whilst the sites are empty and vacant, thereby allowing unauthorised and unmonitored access. Development of the site and eventual refurbishment of the existing Tower Lodge will provide 24-hour passive supervision.	No change to proposal
Concern that the height and density of the development will set a precedent for other future development in the area.	Precedent for height and density of local development has already been established by the 3-storey, (plus set-back floor), Caherane House opposite, plus the 3 to 5-storey Riverside Walk apartments on the Inner Ring Road. The proposed Part 8 building steps up in height from 2, to 3, and then to 4-storeys at the corner junction only	No change to proposal

Concern that adjacent residential property will be over-looked.	There are no windows on the gable-end of the proposed Part 8 development overlooking the adjacent single-storey property. Any windows directly facing the adjacent residential properties are in excess of the minimum 22m separation distance required by the Waterford City and County Development Plan.	No change to proposal
Concerns that the proposal will devalue existing residential property in the vicinity.	The proposed development would be situated in an urban environment surrounded by city streets, other residential properties and commercial properties. The proposed development is entirely consistent with its context and would not have a negative impact on existing property in the vicinity.	No change to proposal
Drawings do not include the height of the adjoining properties	This information has been provided as clarification of original Part 8 proposals, and is within the updated Part 8 drawings included with the report of the Director of Services, Housing Community and Emergency Services.	No change to proposal
Reference to previous planning application on the site which was refused due to "over-development" (Pl.Reg.Ref. 04/410)	Planning application 04/410 (5 three-storey townhouses) was refused planning permission in October 2004 but permission was subsequently granted for the development of six duplex apartments in March 2006 (Pl.Reg.Ref. 05/561). In more recent times there have been a number of grants of planning permission for developments of this scale and density.	No change to proposal
Concerns regarding traffic safety and congestion in the vicinity of the proposed development.	The proposed development would be located in an existing urban environment and is providing off-street parking for the residents of the scheme. Pre-existing traffic issues associated with school drop off and collection will need to be addressed separately as part of a Mobility Management Plan for all schools in the vicinity.	No change to proposal
Concerns regarding the level of open space provision for the three-bedroom unit.	This information has been provided as clarification of original Part 8 proposals, and is within the updated Part 8 drawings included with the report of the Director of Services, Housing Community and Emergency Services.	Balcony to unit no. 5 to be lengthened
Mention of the Right to Light Prescription Act	The Right to Light Prescription Act 1832, is UK legislation and deals with the right to light as a civil matter and separate from daylight and direct sunlight, as considered by Local Planning Authorities. The right is to a certain amount of light and not to all of the light that was once enjoyed. WCCC are of the opinion that the Part 8 development will have minimal impact on such existing levels.	No change to proposal

<p>Concern regarding reduced natural light to adjacent residential property due to height of proposed development; query regarding the accuracy of the Solar Studies produced by CJFA and asks why the shadow cast by the new development is significantly less than that cast by existing apartments (ie: Caherane House).</p>	<p>The design team architects have produced a series of computer generated Solar Studys which shows over-shadowing occurs on a very limited basis during the winter months only. Regarding the general accuracy of same when compared to the existing adjacent Caherane House, it must be remembered that Caherane house is a 3-storey building with a set-back terrace on top (effectively 4-storeys); the proposed Part 8 development actually starts at 2-storey, rises to 3-storey, and is 4-storey at the corner junction only. This would explain why the shadow cast over adjacent property is significantly less.</p>	<p>No change to proposal</p>
<p>Suggestion that the development by reason of its design, form and layout, to be inappropriate form of development for such a visually prominent location, which in turn will have a negative impact on the corner and streetscape.</p>	<p>The proposed Part 8 development, while actually considered and positively responding to its surroundings, will contribute to the identity and sense of place of this development and the area in general, through the use of considered and high-quality materials .</p>	<p>No change to proposal</p>
<p>Suggestion that the proposed development be reduced by 1-storey with additional accommodation on the site of the Tower Lodge building.</p>	<p>Refurbishing the existing Tower Lodge building has a significantly smaller carbon-footprint than demolishing same and rebuilding on the site. Developing the Tower Lodge site would also reduce the overall site for car parking provision and communal open space requirements. Also there would be potentially significant over-looking issues to the rear of properties on Lower Grange. Therefore it does not make financial or practical sense to split the development as suggested.</p>	<p>No change to proposal</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