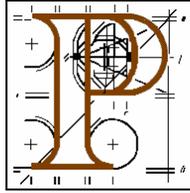


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2010

Waterford City

Planning Register Reference Number: 09/129

An Bord Pleanála Reference Number: PL 31.235964

APPEAL by Lar Power and others of Beechwood, Richardson's Folly, Waterford and by others against the decision made on the 6th day of January, 2010 by Waterford City Council to grant subject to conditions a permission to Respond! Housing Association of High Park, Grace Park Road, Drumcondra, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Refurbishment, conversion, and internal alterations to Saint John's College, Waterford, a Protected Structure, for use as sheltered housing with ancillary consulting, office and communal facilities and all ancillary services along with 60 number one bed apartments of which 21 will be in the existing building and 39 in new three storey high blocks, along with conversion of outbuildings to accommodate ancillary office and consultation rooms, new boundary wall, gateways, plant room and associated site development work and access from Richardson's Folly, all at Saint John's College, Waterford.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the existing protected structure on site, its former use and the nature of the proposed development, the pattern of development in the vicinity and to the objectives of the planning authority as set out in the Waterford City Development Plan, 2007-2013, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 24th day of June, 2009 and the 2nd day of December, 2009, 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.

Reason: In the interest of clarity.

2. Units 1 and 2 on the ground floor of the new block shall be amalgamated to form one, dual aspect apartment. Similarly, Units 14 and 15 on the first floor and Units 27 and 28 on the second floor shall be amalgamated.

Revised drawings showing compliance with these requirements shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

Reason: To reduce the number of single aspect, north facing units in the proposed development.

3. Prior to the commencement of works, the developer shall make a record of the existing protected structure. This record shall include:
 - (a) a full set of survey drawings to a scale of not less than 1:50 to include elevations, plans and sections of the structure, and
 - (b) a detailed, labelled photographic survey of all internal rooms (including all fixtures and fittings), the exterior and the curtilage of the building.

This record shall be submitted to the planning authority prior to the commencement of development and one copy of this record and a full set of drawings of the proposed works to the protected structure shall be submitted to the Irish Architectural Archive.

Reason: In order to establish a record of this protected structure.

4. The proposed boundary wall enclosing the complex shall be omitted and replaced by a low level wall/plinth with railings. A detailed specification and design for this revised boundary treatment shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: To protect the character and setting of a protected structure.

5. Prior to the commencement of development the applicant shall submit detailed proposals to be agreed in writing with the planning authority in relation to signage and road markings to be implemented at the proposed vehicular entrance to ensure no conflict between traffic associated with the proposed development and that associated with the dwelling immediately to the west of the entrance.

Reason: In the interest of traffic safety and orderly development.

6. All matters relating to the demolition, alteration, renewal or repair of existing historic fabric should be referred to the planning authority for prior written agreement in terms of best conservation philosophy and practice to be applied. Such referral shall take the form of monthly written progress reports and onsite meetings as required. In this regard details including a meeting schedule shall be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: In the interest of the proper conservation of the historic structures.

7. Prior to the commencement of development the following details shall be submitted to and agreed in writing with the planning authority;
- (a) A revised detail for the roof lights providing a central mullion.
 - (b) Details of security measures to be put in place to protect the fireplaces during the course of the works, note advice regarding same is available in Chapter 15 of the Development of the Environment, Heritage and Local Government's Architectural Heritage Protection Guidelines for Planning Authorities.
 - (c) Full details including opening sections of the dormer windows, with the lower transoms omitted. Note if opening sections are to be provided these shall be symmetrical, with a rebated pair of outward opening casements in each dormer with curved glass planes above fixed.
 - (d) Revised details making provision for the glass planes in the doors leading to the conservatory on the south east elevation to be of equal size, this shall be achieved by raising the bottom timber rail of the door.
 - (e) Full details of all external lighting, hard landscaping and external finishes of the apartments, including a colour scheme.

Reason: In the interest of conservation.

8. The developer shall employ an archaeologist to carry out monitoring of any sub-surface works carried out within the proposed development site, such as associated service trenches, reduction in ground levels etc. Should archaeological material be found during the course of archaeological monitoring the developer shall facilitate the archaeologist in halting ground works fully recording the material. The developer shall advise The Heritage and Planning Division of the Department of the Environment, Heritage and Local Government with regard to the appropriate course of action, should archaeological material be discovered. The archaeologist shall prepare and submit a report describing the results of Archaeological monitoring to the planning authority and to The Heritage and Planning Division within six weeks of the completion of any Archeological monitoring.

Reason: In order to preserve the archaeological heritage of the area.

9. (a) Prior to the commencement of development a bat survey shall be undertaken on site by a suitably qualified specialist within the active bat season, from the beginning of March to the end of September and preferably during the the peak of activity in July and August, in order to determine the current roosting locations within impacted structures and trees. A report of the findings shall be submitted to the planning authority and The Natural Heritage Division of the Department of the Environment, Heritage and Local Government for written agreement prior to the commencement of development.
- (b) The proposed development shall be carried out in accordance with the measures outlined in the bat assessment submitted to the Planning Authority on the 2nd day of December 2009 with any planned roof works taking place during the autumn or winter months between October 1st and February 28th. Note an application for a derogation license shall be made to the Species Protection Unit, National Parks and Wildlife Service prior to the carrying out of any works to the roof of St. John's College.

Reason: To protect existing bats roosts within the site.

10. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

11. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

12. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development and the visual amenities of the area.

13. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

14. Prior to commencement of development the developer shall submit, and obtain the written agreement of the planning authority to, 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.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

15. The site shall be landscaped in accordance with a scheme of landscaping, details of which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The scheme shall include a timescale for its implementation.

Reason: In the interest of visual amenity.

16. Prior to commencement of development, a management scheme providing adequate measures relating to the future maintenance of private open spaces, and communal areas in a satisfactory manner shall be submitted to and agreed in writing with the planning authority.

Reason: To ensure the adequate future maintenance of this private development in the interest of residential amenity.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2010.