



An
Bord
Pleanála

Board Order
ABP- 312669-22

Planning and Development Acts 2000 to 2021

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 21/1062

Appeal by William Neville and Sons care of Simon Clear and Associates, 3 Terenure Road West, Dublin against the decision made on the 13th day of January 2022 by Waterford City and County Council to refuse permission.

Proposed Development: Change of use from retail units to live/work units comprising one number, two bedroom apartment with workshop to rear, one number one bedroom apartment with workshop to rear, private open space area to front of block for two apartments, all at Mount Suir Manor, Carrickpherish Road, 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.

Reasons and Considerations

Having regard to the zoning objective for the site, the design and layout of the proposed development, the planning history pertaining to the site, the number and size of retail/commercial/neighbourhood uses remaining on the application site, and the policies and objectives of the Waterford City and County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would provide an acceptable standard of residential amenity for the occupants of the apartments, would improve the visual amenities of the area, would not seriously injure the residential amenities of the area, would not be prejudicial to public health, 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.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board noted that residential is a permitted use on the 'Neighbourhood Centre' zoning and also noted the number and size of retail/commercial/neighbourhood uses remaining in the subject building. The Board was satisfied that the proposed development would not conflict with or otherwise undermine the land use zoning objective for the area. The Board also considered that, subject to condition, and noting the floor areas proposed for the apartments, that the proposal would deliver an acceptable standard of residential amenity for the occupants of the apartments and that these residential units generally complied with national and local guidance and standards and would not adversely impact on the amenities of existing adjacent dwellings. The Board also had regard to national and local planning policy to tackle vacancy and underutilisation in urban areas and considered that the 'own-door' apartments represented a sustainable use of existing vacant and underutilised units at this location and improved the visual amenity 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 received by An Bord Pleanála on the 9th day of February, 2022, 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. The replacement windows and doors to the apartments shall be consistent with those to the existing apartments in the upper floors of the building. Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority, detailed specifications of the replacement window and door frames that shall include dimensions of the width and depth of the frames, materials to be used and finished colour, all of which shall match those of the existing window frames to the existing apartments above. The detailed specifications to be agreed shall include drawings at a scale of not less than 1:20.

Reason: In the interest of visual amenity.

3. (i) The private open space area in front of the two number bedroom apartment shall be extended along the entire frontage of the said apartment (as indicated in drawing number P02 A received by the planning authority on the 15th day of November 2021).

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- (ii) The railings surrounding the private open space areas shall be of a maximum height of 1.1 metres and shall be consistent in design and finish with those existing at the western end of the development.
- (iii) The footpath in front of the apartments shall be relocated to the satisfaction of the planning authority.
- (iv) Proposals for bin storage to serve the apartments shall be submitted to and agreed in writing with the planning authority.

Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority plans and elevations at a scale of not less than 1:20 indicating compliance with this condition.

Reason: In the interests of visual and residential amenity.

- 4. The use of the rooms titled 'workshop/store' (as indicated in drawing number P02 A received by the planning authority on the 15th day of November 2021) shall be ancillary to the residential use of the apartment. It shall be a condition of use that workshop/store activities shall be carried out in a manner such that air emissions, noise and/or odours do not result in significant impairment of, or interference with, amenities or the environment.

Reason: In order to ensure a satisfactory standard of development and in the interest of residential amenity.

- 5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

6. 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.

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.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this *30* day of *May* 2022

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