



Planning and Development Acts 2000 to 2022

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 2460229

Appeal by Catherine Ryder care of James Reynolds Building Engineers and Project Managers of 8 Bridlewood, Collins Avenue, Dunmore Road, Waterford against the decision made on the 11th day of December, 2024 by Waterford City and County Council to grant permission, subject to conditions, to Martin Doyle and Barry Murphy care of Warren Flavin Architecture of Lios na Learoige, Cnoc an Oir, Williamstown Road, Waterford for the proposed development.

Proposed Development: Works will comprise (a) demolish existing garage and outbuildings, (b) demolish front porch to existing dwelling, (c) construct a new two storey unit with ground floor studio apartment and first floor studio apartment, construct a new studio apartment in the rear courtyard, construct a new porch to the Patrick Street elevation with external access stairs linking the existing dwelling and the new two storey unit and (d) to subdivide the existing house into a ground floor one bedroom apartment and a first floor one bed duplex unit with refurbishment and enlargement of the existing dormer windows to the existing house along with site development works to facilitate the development at 22 Patrick Street, 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 provisions of the Waterford City and County Development Plan 2022-2028, to the 'RS – Existing Residential' land use zoning of the site that allows residential land use, to the 'Metropolitan Area' designation of Waterford City, to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in December, 2022, to the nature of the proposed development and to the pattern of development in the surrounds, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity and would constitute an acceptable form of development at this location. 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 information submitted on the 15th day of November 2024, 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. (a) The proposed two storey front projection facing onto Patrick Street and the associated first floor terrace areas shall be omitted in full by virtue of this condition.
- (b) Prior to the commencement of development, revised plans shall be submitted to, and agreed in writing with, the planning authority making provision for the omission of the proposed two storey front projection facing onto Patrick Street and the associated first floor terrace areas as required by condition number 2(a). Revised proposals for a porch at the front elevation facing onto Patrick Street may be submitted for the written agreement of the planning authority prior to the commencement of development. Revised plans for the treatment of the external garden area to the front of the proposed apartments facing onto Patrick Street shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

(c) Prior to the commencement of development, revised plans shall be submitted to, and agreed in writing with, the planning authority making provision for bike parking to be sheltered.

Reason: In the interest of protection of visual and residential amenities and the proper planning and sustainable development of the area.

3. Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. All recommendations and mitigation measures provided in the Archaeological Impact Assessment received by the planning authority on the 15th day of November 2024 shall be fully implemented.

Reason: In the interest of clarity and proper planning and sustainable development of the area.

5. (a) The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks associated with the development. Prior to the commencement of such works, the archaeologist shall consult with and forward to the Local Authority archaeologist or the National Monuments Service as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation.
- (b) The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.
- (c) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest

6. A plan containing details for the management of waste 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 for each unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

7. Water supply and drainage arrangements, including the attenuation and 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.

8. The developer shall enter into water supply and wastewater connection agreements with Uisce Éireann, prior to commencement of development. A Confirmation of Feasibility for connection to the Uisce Éireann network shall be submitted to the planning authority prior to the commencement of development.

Reason: In the interest of public health.

9. Prior to the commencement of development, the developer shall undertake, and submit to the planning authority, a Refurbishment Demolition Asbestos Survey for the development.

Reason: In the interest of proper planning and sustainable development and public safety.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

11. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

12. The construction of the development shall be managed in accordance with a Construction Environment 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 the intended construction practice for the proposed development, including measures for the protection of existing residential development, traffic management during the construction phase, noise and dust management measures and off-site disposal of construction/demolition waste.

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

13. Construction and demolition waste shall be managed in accordance with a final Construction Waste and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

14. Site development and building works shall be carried only out between the hours of 0700 to 1900 Mondays to Friday and between the hours of 0800 and 1400 hours on Saturday inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

15. 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 *10th* day of *April*, 2025.

