



Development	Permission sought for (a) Demolition of 4 storey terrace and 4 storey over basement corner building (b) the construction of a 5 storey extension to hotel (c) alterations to front elevation.
Location	The Tower Hotel, The Mall, Waterford through No. 36 The Mall (Protected Structure), through No's 16-20 Lombard Street & Rose Lane, Waterford.
Planning Authority	Waterford City & County Council.
Planning Authority Reg. Ref.	19/82.
Applicant(s)	Neville Hotels.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant(s)	Monica Leech.
Observer(s)	An Taisce.
Date of Site Inspection	31 st October, 2019.
Inspector	A. Considine

1.0 Site Location and Description

- 1.1. The proposed development site is located on the River Suir in Waterford City and fronts onto Adelphi Quay to the north. The subject site comprises a full city block with buildings fronting onto Adelphi Quay to the north east, The Mall to the north west, Lombard Street to the south west and Rose Lane to the south East. The site is currently occupied by the Tower Hotel in Waterford City which wraps around three streets and an additional terrace of 5 x four storey properties fronting onto Lombard Street. The site therefore, occupies a number of prominent corner positions in this area of Waterford City.
- 1.2. The existing hotel and associated buildings within the site generally rise to 5 storeys in height with the penthouse floor set back from the main façade and occupies an area of 0.7ha. The existing buildings on the site occupy floor areas of 12,183m².

2.0 Proposed Development

- 2.1. Permission is being sought, as per the public notices, as follows:
 - a) the demolition of existing 4 storey terrace No.'s 16-20 Lombard Street inclusive and 4 storey over basement corner building at No. 36 The Mall (PROTECTED STRUCTURE RPS. ref.260) including 15 no. hotel rooms and 2 storey laundry and stores to the rear of the Tower Hotel at Rose Lane and
 - (b) the erection of a 5 storey extension to The Tower Hotel consisting of 60 no. guest bedrooms, conference centre with main conference room and 6 smaller conference rooms, break out space and roof terrace at first floor level, stores, toilets, staff facilities, service yard and
 - (c) alterations to existing front elevation of Tower Hotel at The Mall, all at site extending from The Tower Hotel, The Mall, Waterford through No. 36 The Mall (Protected Structure), through No's 16-20 Lombard Street & Rose Lane, Waterford

The planning application was accompanied by the following:

- Accompanying documents, plans, particulars, completed planning application form, public notices and relevant fee
- Cover letter including design statement

- Master Plan & Images
- Conservation Report for no. 36 The Mall, Waterford City.

2.2. Following the submission of a response to the FI request, the applicant included the following:

- An Archaeological Assessment
- An Architectural Impact Assessment
- Agreements with the Port of Waterford in relation to car parking

The response was re-advertised.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant planning permission for the proposed development subject to 25 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report considered the proposed development in the context of the details submitted with the application, the third-party submissions, internal technical and prescribed bodies reports, planning history and the County Development Plan policies and objectives. The report also includes an Appropriate Assessment Screening Report.

The initial report required the submission of further information in relation to the following:

- Archaeology
- Protected structures
- Roads and traffic issues, including parking and footpaths.

Following receipt of the response to the further information request, the final planning report concludes that the proposed development is acceptable and recommends that

permission is granted subject to compliance with conditions as stated. This Planning Report formed the basis of the Planning Authority's decision to grant planning permission.

3.2.1. Other Technical Reports

Roads & Transportation: There are two reports noted from the Roads & Transportation Section of the Council. One identifies requirements in terms of pedestrian connectivity, demolition plan and the construction of footpaths. The second includes the requirement for a Road Safety Audit and a traffic management plan.

Conservation Officer: Notes that a Conservation Report was submitted with the application and considers that a more appropriate assessment would have been an Architectural Impact Assessment and a stronger justification for demolition would be beneficial.

The report notes that there have been permitted alterations to the building which have compromised its architectural integrity and only the steps and railings are of merit. However, the changes to the terrace of buildings now means that these features have no historical or architectural context. It is considered that the building does not contribute to the character of the Mall and should be removed from the RPS.

A similar plaque to the one to William Hobson at 18 Lombard Street, should be erected on the new build.

Following the submission of a response to the FI request, the Conservation Officer submitted a further report which noted the submission of a Conservation Report and Architectural Heritage Impact Assessment, which included a photographic record of the interior of no. 36 The Mall. It is considered that the proposed extension and the existing hotel is 'an identifiably modern intervention, another stage of the evolution of the historic core'. Conditions are recommended.

3.2.2. Prescribed Bodies

Health & Safety Authority: The Authority does not advise against the proposed development in the context of Major Accident Hazards.

Failte Ireland: The report notes the lack of 4/5* hotel accommodation in Waterford as well as a lack of conference facilities. From a tourism perspective, Failte Ireland supports the proposed development in line with all proper planning / environmental and tourism standards and registration requirements once they are being met.

Dept of Culture, Heritage and the Gaeltacht: The report notes as follows:

1. The demolition of protected structures should generally be avoided and should only be permitted in exceptional circumstances. The submitted application does not explain the rationale behind the proposed demolition and does not provide evidence that the adaptive reuse has been considered. Further information required.
2. The proposed site is located within the Zone of Archaeological Potential in Waterford City. An Archaeological Impact Assessment is required to be prepared to assess the potential impact of the development on archaeological remains.

Following the submission of a response to the FI request, the Department submitted a further report which relates to archaeology only, recommending a number of conditions. The report provides no commentary in relation to the demolition of protected structures.

3.2.3. Third Party Submissions

There is 1 no. third party objection noted on the planning authority file. The issues raised are summarised as follows:

- The proposed development is to be developed on lands that the applicant does not have absolute title to.

4.0 Planning History

The following is the relevant planning history pertaining to the subject site:

The applicant advises that pre-planning discussions took place with the Planning Authority.

PA ref: 17/596: Planning Permission granted the following extensions/alterations to the Tower Hotel:

- a) Single/Two storey extension to the existing bar area at ground floor level;
- b) Four storey extension at existing first floor level (containing a new riverside restaurant & 12 no guest bedrooms on 3 floors over);
- c) Two storey bedroom extension at existing second floor level to the rear block fronting Rose Lane (containing 4 no. guest bedrooms);
- d) Single/two storey penthouse extension at existing roof level (containing 20 no. guest bedrooms);
- e) illuminated building mounted signage and,
- f) alterations to existing front and side elevations together with all associated site works.

PA ref: 07/500444: Permission granted for the retention of outdoor seating area to the front of Adelphi Bar.

PA ref: 07/500086: Permission granted for the retention of 2 no. doors, steps and railings from the Adelphi Bar.

PA ref: 00/500069: Permission granted to reopen former entrance as new entrance to restaurant.

36 The Mall:

PA ref 00/508286: Permission sought by PJ Reddy for the change of use from offices to guest house.

PA ref 00508506: Permission sought by Pineview Const. Ltd for alterations and internal layout and replacement stairs.

16 Lombard Street:

PA ref: 00/503463: Permission granted to Mr. J. Leech for the change of use of supermarket to pool tables hall.

ABP ref PL31.210837 (PA ref: 04/500528): Permission refused on appeal, to JCDecaux Ireland Ltd for the retention of the existing 6m x 3m Trivision Advertising Display.

18 Lombard Street:

PA ref: 00/507006: Permission granted to Mr. N. Cummins for the change of use of ground floor to betting office.

5.0 Policy Context

5.1. National Policy

5.1.1. National Planning Framework Project Ireland 2040

The National Planning Framework identifies Waterford as an emerging tourist centre.

5.1.2. Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht 2011).

Having regard to the proposed demolition of a protected structure, and the presence of other protected structures in proximity to the subject site, the *'Architectural Heritage Protection, Guidelines for Planning Authorities'* are considered relevant. These guidelines are issued under Section 28 and Section 52 of the Planning and Development Act 2000. Under Section 52 (1), the Minister is obliged to issue guidelines to planning authorities concerning development objectives:

- a) for protecting structures, or parts of structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest, and
- b) for preserving the character of architectural conservation areas.

The guidelines provide detailed guidance in respect of the criteria and other considerations to be taken into account in the assessment of proposals affecting protected structures. The guidelines seek to encourage the sympathetic maintenance, adaption and re-use of buildings of architectural heritage. Chapter 6 of the guidelines deal with development control while sections 6.8.11 – 6.8.16 deal with demolition.

The Guidelines state:

‘The Act provides that permission may only be granted for the demolition of a protected structure or proposed protected structure in exceptional circumstances. Where a proposal is made to demolish such a structure, it requires the strongest justification before it can be granted permission and will require input from an architect or engineer with specialist knowledge so that all options, other than demolition, receive serious consideration.’

Further to the above, Section 13.8 of the Guidelines relate to Other Development Affecting the Setting of a Protected Structure or an Architectural Conservation area and section 13.8.1 states:

‘When dealing with applications for works outside the curtilage and attendant grounds of a protected structure or outside an ACA which have the potential to impact upon their character, similar consideration should be given as for proposed development within the attendant grounds.’

5.1.3. **National Inventory of Architectural Heritage**

The National Inventory of Architectural Heritage (NIAH) is a unit within the Department of Environment, Heritage and Local Government engaged in compiling an evaluated record of the architectural heritage of Ireland. Where an NIAH survey of a particular area has been published, relevant planning authorities will be provided with information on structures within the area of that survey. The planning authority can assess the content of, and the evaluations in, an NIAH survey with a view to the inclusion of structures in the RPS according to the criteria outlined in these guidelines.

Nos. 17 & 18 Lombard Street are identified on the NIAH and Waterford City Library building is located across the road, at No. 35 The Mall.

5.2. Local Policy

5.2.1. Waterford City Development Plan 2013-2019

The subject site is located within the city centre and on lands zoned City Centre Commercial. It is the stated objective of this zoning 'to protect, provide and improve City Centre Commercial uses'. Hotels are identified as an acceptable use in such zoned areas.

Chapter 5 of the City Development Plan deals with the City Centre and states that it is the aim of the Council to 'protect the role of the city centre and support its expansion as an economic force and capital of the region.' Key elements which can contribute to this aim include 'the conservation of significant elements of the built environment'. The site lies immediately adjacent to the Viking Triangle Architectural Conservation Area as well as the General Architectural Conservation Area, and Section 5.3.2 is relevant. The Plan states as follows:

As a guidance to future private led and public developments in the area, these should protect and enhance the special character of the area and should be in keeping with the civic dignity of the area. This area is located within the Zone of Archaeological Potential and all necessary measures to ensure the protection of the archaeological heritage will be applied. The Architectural Conservation Area designation for the area has been maintained in the Development Plan and therefore it is proposed to prepare guidelines for development in both the public and private realms and these may form the basis of a Special Planning Control Scheme. There is a presumption against demolition of structures or parts of structures in this area, other than where it can be demonstrated that the structure does not contribute to the special character of the area or where the replacement structure would significantly enhance the special character.

Chapter 10 of the Plan deals with Heritage and the following is considered relevant:

- The site is located within the Zone of Archaeological Potential for the city.
- The following Protected Structures are affected by the proposed development:

RPS NO	Street	Property no	
556	Lombard Street	No. 20	Inc. in 2002 list
557	Lombard Street	No. 19	Inc. in 2002 list
558	Lombard Street	No. 18	Inc. in 2002 list
791	Lombard Street	No. 17	Added 3 rd Oct 2005
260	Mall, The	No. 36	Inc. in 2002 list
267	Outside Tower Hotel	Ornamental Lamp Posts	Inc. in 2002 list

On the 19th of February, 2018, the RPS was amended to delete 341 properties including the four Lombard Street properties, nos 17-20, from the List.

It is generally the stated policy of the Council to promote the protection of the architectural heritage of the City and to promote the sustainable reuse of protected structures.

Section 5.4 of the Plan deals with Enhancing Vitality & Viability of the City Centre and the following policies are considered relevant:

- Policy 5.4.5 which seeks to ensure that refurbishment and redevelopment proposals contribute to the environmental quality and are in keeping with the character, of the central area, and
- Policy 5.4.8 which seeks to retain and enhance the existing street pattern, to encourage the retention and refurbishment of existing buildings of character, and to upgrade the physical environment of the city centre's streets and urban spaces.

The site is located within a Flood Zone A.

5.3. Natural Heritage Designations

The development site lies adjacent to the River Suir, approximately 14m to the south of the River, which is identified as the Lower River Suir Special Area of Conservation (Site Code 002137).

5.4. EIA Screening

Having regard to nature and scale of the development, together with the brownfield nature of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a third-party appeal against the decision of the Planning Authority to grant planning permission for the proposed development. The issues raised reflect those as submitted to the Planning Authority and the appeal is summarised as follows:

- It is submitted that the applicant has included 3 pieces of property and a billboard which is not in the ownership of the applicant. No permission has been given to include these areas of land in the application.
- The application only mentions 1 protected structure where there are actually 4 proposed for demolition with 2 ornamental lamp posts also affected. There is no indication that a number of protected structures have been removed from the RPS list. The public notices are therefore inaccurate and mis-leading.
- Questions the willingness of the local authority to permit the destruction of the protected structures, contrary to the City Development Plan objectives.
- The applicant has not demonstrated any exceptional circumstances for the demolitions as required by Section 57 of the Planning and Development Act, 2000.
- No. 36 The Mall is important for its unique architectural importance within the townscape and should not be demolished.
- Lombard Street buildings date from the early 1700s and retain period shop fronts and fenestration while No. 18 Lombard Street is a building of historical importance and all of the buildings facades at least should be retained.

- The proposed design is inappropriate in the streetscape.

It is requested that the Board refuse planning permission.

6.2. Applicant Response

The first party has responded to the third-party appeal as follows:

- The issue of title is not a matter for the Board and Section 34(13) of the Planning and Development Act, 2000, as amended is referenced.
- The description is accurate and the application was validated by the planning authority.
- With regard to the demolition of protected structures, it is submitted that the application was carefully prepared and included a specific conservation report. The Conservation Officer is satisfied with the proposed development.
- It is in accordance with the AHPG that a modern architectural replacement in the streetscape will have quality and will not adversely affect the character of the area.

It is concluded that the grounds of appeal do not raise relevant planning, architectural or conservation issues that would warrant refusal of planning permission.

6.3. Planning Authority Response

The Planning Authority has not submitted a response to the third-party appeal.

6.4. Observations

There is one observation noted on the file from An Taisce. The observation is summarised as follows:

- Issues raised in relation to the adequacy of the public notices and the description of the development.
- The City Development Plan provisions for Protected Structures are cited and it is considered that the information on the construction history and detailing of 36 The Mall, Protected Structure is entirely inadequate.

- It is considered that the 'exceptional circumstances' test for demolition of a protected structure has not been resolved in this case and the requirements of Section 57 of the P&D Act have not been met.
- The significance of 16-20 Lombard Street has not been addressed. Neglect in maintenance cannot be used to justify demolition.
- Nos 17 and 18 Lombard Street are scheduled on the NIAH as being of Regional Importance with No. 18 identified as William Hobsons birthplace, the historical figure in the establishment of European settlement and British governance of New Zealand.

The application which seeks to enhance hotel accommodation, is detrimental to its architectural character in seeking to demolish a landmark corner building and the entire side of a Georgian Street. It is submitted that the design is inappropriate and the quality of the proposed detailing and finish is poor.

6.5. Further Responses

None.

7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards
2. Heritage Impacts
3. Visual Impacts
4. Roads & Traffic
5. Water Services
6. Other Issues
7. Appropriate Assessment

7.1. Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards:

7.1.1. Permission is sought for:

- a) the demolition of existing 4 storey terrace No.'s 16-20 Lombard Street inclusive and 4 storey over basement corner building at No. 36 The Mall (PROTECTED STRUCTURE RPS. ref.260) including 15 no. hotel rooms and 2 storey laundry and stores to the rear of the Tower Hotel at Rose Lane and
- (b) the erection of a 5 storey extension to The Tower Hotel consisting of 60 no. guest bedrooms, conference centre with main conference room and 6 smaller conference rooms, break out space and roof terrace at first floor level, stores, toilets, staff facilities, service yard and (c) alterations to existing front elevation of Tower Hotel at The Mall, all at site extending from The Tower Hotel, The Mall, Waterford through No.

36 The Mall (Protected Structure), through No's 16-20 Lombard Street & Rose Lane, Waterford

7.1.2. The subject site is located within the city centre and on lands zoned City Centre Commercial. It is the stated objective of this zoning 'to protect, provide and improve City Centre Commercial uses'. Hotels are identified as an acceptable use in such zoned areas. In principle, I have no objections to the proposed development. Site specific issues, including the proposed demolition of a protected structure and buildings listed on the National Inventory of Architectural Heritage (NIAH), require to be addressed and considered further.

7.2. Heritage Impacts

Archaeology:

- 7.2.1. The site is located in the historic centre of Waterford city, is within the zone of archaeological potential and is a Recorded Monument along with the entire centre of Waterford City, ref. WA 009-005. The Board will note that an Archaeological Impact Assessment was submitted by the applicant which provided a history of the site and the Viking town of Waterford. With regard to The Mall, the report notes that the 18th Century street was 'laid out on the low-lying ground to the southeast of Dunderry Wall, stretching from Reginald's Tower and the river to Colbeck Street.' The site of the existing Tower Hotel was previously occupied by The Bowling Green, between Rose Lane and the northern part of the Mall and was opened in 1735. The terrace of houses fronting onto Lombard Street are included in the Richard and Scale's Map of 1764, as is No. 36 The Mall, all located to the south of The Bowling Green.
- 7.2.2. The Assessment notes the previous excavations in the area and in particular, the archaeological testing in 2008 of the proposed new City Hall at no. 21/22 The Mall. The cartographic history of the subject appeal site indicates that the site was a marsh until the 17th Century when it was filled for residential purposes. The archaeological resource potential of the site is considered to be low to medium as the site is outside the occupation area of the Viking and later medieval city. Any archaeological potential is likely to arise from the following possible sources;
- Objects lost, discarded or abandoned in the swamp

- Remnants of the Colbeck Mill and associated mill stream, although the exact location of Colbeck Mill cannot be precisely placed within the modern city layout.
- Made ground. Ground created within former marshes in the 17/18th Century may include urban refuse from within the city walls, containing artefacts or demolition material from medieval or later buildings.

7.2.3. In the context of the above, the likely impact of the proposed development is considered in the Archaeological Impact Assessment. Subsurface features in the area are generally unlikely to relate to the Viking and medieval occupation of the City. The possibility of features relating to the documented Colbeck Mill is possible and therefore, there is a likely impact of the development on the archaeological resource of the site. The precise archaeological resource of the site will require verification prior to the commencement of development. In this regard, mitigation is proposed in the form of archaeological monitoring during the grubbing-up of foundations, if undertaken, and archaeological testing following the demolition and removal of the ground floor and basement area.

7.2.4. In the context of the Archaeological Impact Assessment submitted, I am generally satisfied that the development is acceptable subject to compliance with appropriate conditions.

Architecture:

7.2.5. Section 10.2.1 of the City Development Plan deals with Architectural Conservation Areas An Architectural Conservation Area (ACA), as defined in Section 81 of the Planning & Development Act, as amended, is a place, area, group of structures or townscape, taking account of building lines and heights that is of special architectural, historic, archaeological, artistic, cultural, scientific, social or technical interest or value or contributes to the appreciation of protected structures and whose character it is an objective of the Development Plan to preserve.

7.2.6. The Board will note that the Lombard Street properties the subject of this appeal, form the boundary of the General Conservation Area, but do not appear to be included within the ACA. The properties to the west of Lombard Street are included within the General Conservation Area. A similar situation arises for no. 36 The Mall and its location on the boundary of the Trinity Within ACA. As such, the restrictive

policies afforded to the designated ACAs in Waterford City do not necessarily apply in this case. However, I would consider that the development has the potential to have a visual impact on the ACA. I will discuss this matter further in section 7.3 of this report.

- 7.2.7. With regard to protected structures, the Board will note that the City Development Plan 2013-2019 identifies the following properties as protected structures:

RPS NO	Street	Property no	
556	Lombard Street	No. 20	Inc. in 2002 list
557	Lombard Street	No. 19	Inc. in 2002 list
558	Lombard Street	No. 18	Inc. in 2002 list
791	Lombard Street	No. 17	Added 3 rd Oct 2005
260	Mall, The	No. 36	Inc. in 2002 list
267	Outside Tower Hotel	Ornamental Lamp Posts	Inc. in 2002 list

On the 19th of February, 2018, the RPS was amended by resolution of the Council, to delete 341 properties including the four Lombard Street properties, nos. 17-20, from the List. As such, the relevant protected structures affected by the proposed development are No. 36 The Mall and the 2 Ornamental Lamp Posts located outside the Tower Hotel. The Board will note the indication by the applicant in the submitted Conservation Report and Architectural Heritage Impact Assessment that No. 36 was also intended to be removed from the RPS at the same time as the Lombard Street properties. I note that the Conservation Officer of Waterford City & County Council recommends that this property be removed from the RPS list too.

- 7.2.8. Notwithstanding their removal from the Record of Protected Structures, nos 17 and 18 Lombard Street remain on the NIAH. In this regard the following is relevant:

No. 17 Lombard Street, Reg No. 22504151, Date 1780-1800.

Appraisal: An attractive, substantial house of balanced proportions, which retains its original form and massing, together with important early-surviving salient features and materials. However, a replacement shopfront of little inherent artistic design merit does

not enhance the visual appeal of the site at street level. The house, together with the remainder of the terrace (including 22504150/WD-5632-22-152), is an important component of Lombard Street, contributing to the formal quality of the streetscape.

Composition: Terraced two-bay four-storey house, c.1790, retaining early fenestration. Renovated, c.1990, with replacement shopfront inserted to ground floor. One of a terrace of five. Pitched (shared) slate roof with clay ridge tiles, rendered (shared) chimney stacks, and cast-iron rainwater goods on rendered eaves. Painted rendered walls. Square-headed window openings with stone sills. 6/6 and 9/6 timber sash windows. Replacement timber shopfront, c.1990, to ground floor with pilasters, fixed-pane timber display window, timber panelled doors (one with early decorative fanlight; one with overlight), and fascia over having consoles. Road fronted with concrete brick cobbled footpath to front.

No. 18 Lombard Street, Reg No. 22504150, Date 1780-1800.

Appraisal: An attractive, substantial house of balanced proportions, which retains its original form, although the external appearance is not enhanced by the inappropriate replacement fittings to the openings. The house is of significance for its associations with William Hobson (1793 - 1842), first Governor of New Zealand. The shopfront to ground floor has been reasonably well maintained and is of artistic design merit. The house, together with the remainder of the terrace (including 22504151/WD-5632-22-153), is an important component of Lombard Street, contributing to the formal quality of the streetscape.

Composition: Terraced two-bay four-storey house, c.1790. Renovated, c.1890, with shopfront inserted to ground floor. Refenestrated, c.1990. One of a terrace of five. Pitched slate roof with clay ridge tiles, rendered chimney stack, and cast-iron rainwater

goods on rendered eaves. Painted rendered, ruled and lined walls with shared rendered channelled pier. Wall-mounted cast-iron plaque, c.1990. Square-headed window openings with stone sills. Replacement uPVC casement windows, c.1990. Round-headed door opening with rendered surround, replacement glazed timber panelled door, c.1990, and overlight. Timber shopfront, c.1890, to ground floor with panelled pilasters, fixed-pane timber display window, replacement glazed timber panelled door, c.1990, with sidelight, and timber fascia over on moulded consoles with moulded cornice. Road fronted with concrete brick cobbled footpath to front.

- 7.2.9. Having regard to the proposed demolition of a protected structure, properties listed on the NIAH, and the presence of other protected structures in proximity to the subject site, the *'Architectural Heritage Protection, Guidelines for Planning Authorities'* are considered relevant. The guidelines seek to encourage the sympathetic maintenance, adaption and re-use of buildings of architectural heritage. Chapter 6 of the guidelines deal with development control while sections 6.8.11 – 6.8.16 deal with demolition.

The Guidelines state:

'The Act provides that permission may only be granted for the demolition of a protected structure or proposed protected structure in exceptional circumstances. Where a proposal is made to demolish such a structure, it requires the strongest justification before it can be granted permission and will require input from an architect or engineer with specialist knowledge so that all options, other than demolition, receive serious consideration.'

As such, it is required that the demolition of the protected structure, No. 36 The Mall is justified.

- 7.2.10. Further to the above, I consider that Section 13.8 of the Guidelines relate to Other Development Affecting the Setting of a Protected Structure or an Architectural Conservation area is relevant and section 13.8.1 states:

'When dealing with applications for works outside the curtilage and attendant grounds of a protected structure or outside an ACA which have the potential

to impact upon their character, similar consideration should be given as for proposed development within the attendant grounds.'

In the context of the subject site, I have real concerns that the proposed development will significantly impact upon the character of the ACA and protected structures in the vicinity of the site. I am not satisfied that the proposed demolition of the entire terrace of buildings on Lombard Street has been justified or that the buildings are so structurally unsound as to warrant complete demolition.

7.2.11. It is generally the stated policy of the Council to promote the protection of the architectural heritage of the City and to promote the sustainable reuse of protected structures. In the context of the proposed development, I acknowledge that the quality of the protected structure, and those properties listed on the NIAH, has been affected by previous interventions. I also acknowledge the comments of the Conservation Officer of Waterford City & County Council in relation to the proposed development. The Board will note in particular, the historical significance of no. 18 Lombard Street as the birth place of William Hobson. In this regard, condition 19 of the PAs decision to grant planning permission states as follows:

The plaque commemorating William Hobson, First Governor of New Zealand, is to be erected in the location of 18 Lombard Street.

Reason: In order to retain a link to the cultural heritage of the site.

In the event of a grant of planning permission, I recommend that a similar condition be included.

7.2.12. In the context of the protected structure, the submitted Conservation Report and Architectural Heritage Impact Assessment, prepared by DHB Architects, provides a photographic record of the interior of No. 36 The Mall, and it is clear that the building has undergone significant alterations which have affected the internal historical fabric and character of the building. Externally, the introduction of modern windows has also impacted the character of the structure. However, there are a number of elements which remain including the granite steps and railings as well as the front door and door case. The AHIA recommends that consideration should be given to the recycling or re-use of the important surviving elements as part of the detailed design of the new development so that their links to the place are retained. This

recommendation has not been provided for in the overall design of the proposed development. Condition no. 18 of the grant of planning permission states as follows:

Prior to the commencement of works, the applicant shall record the removal of the granite steps, cast iron handrail, cast iron railings and cut stone from the cills, string elevation and railing base, submit details of the storage of these items and provide details with regard to the repair and reuse of these features within the site.

Reason: In order to acknowledge the previous history of the built heritage on the site.

In the event of a grant of planning permission, I recommend that the above condition be included. In addition, I also recommend that the door and door case also be included for repair and reuse within the site.

7.2.13. The AHIA concludes that the building has undergone a number of changes over the years which have denatured the structure to the point where its original purpose and character are no longer legible in its fabric, apart from the elements mentioned above. It is concluded that the building has very little remaining significance as historic fabric and its setting would be better served by being consistent with that of the new hotel development. I have real concerns with this conclusion give the proximity of 3 further protected structures on the Mall, Nos, 29-35 which lie across the street from the protected structure. While I acknowledge that the demolition of the Protected Structure would make the development of the subject site easier, I am not satisfied that its demolition has been justified.

7.2.14. The proposed development, if permitted, will result in the complete loss and redevelopment of the eastern streetscape of Lombard Street, including a protected structure and two properties listed in the National Inventory of Architectural Heritage, identified as being of regional importance. The western streetscape of Lombard Street lies within the General Architectural Conservation Area and in this regard, I consider that the proposed development has potential to significantly impact on the ACA. While I acknowledge that the properties on Lombard Street were removed from the RPS, the inclusion of nos 17 and 18 on the NIAH should warrant further assessment and justification for demolition. I am further concerned that the impact of

the proposed development on the ACA has not been adequately considered or assessed.

- 7.2.15. In addition, I am concerned that there has been no mention or indication as to the fate of the two Ornamental Lamp Posts outside the Tower Hotel, which are included as protected structures in the RPS. It is possible that these lamp posts will not be affected and will be retained in situ but this is not clear in the information provided. In the event of a grant of planning permission, a condition requiring the retention and protection of these lamp posts should be included.
- 7.2.16. In the context of the visual impact associated with the proposed development, and in particular, in terms of its impact on the Conservation Area to the west of Lombard Street, I have concerns in terms of the overall design, height and scale of the proposed development on this elevation. I will address the visual impacts associated with the proposed development and design further below in section 7.3 of this report. However, in terms of the heritage of the subject site, I am not satisfied that the applicant has adequately considered the impact of the proposed development on the adjacent ACA and has not justified any exceptional circumstances to warrant the demolition of a protected structure and two properties identified on the NIAH. I am further concerned that there has been no assessment of the impact of the development on further protected structure, two Ornamental Lamp Posts outside the Tower Hotel. Should the Board be minded to grant planning permission in this instance, further information in this regard is required.

7.3. Visual Impacts

- 7.3.1. The proposed development, if permitted, will result in the introduction of a modern 5 storey buildings, with the penthouse level to be set back from the buildings main façade. The proposed elevation to The Mall will include a circular 4 storey aluminium glazed curtain wall providing a prominent and feature entrance to the proposed conference centre. The penthouse level will also be set back on this elevation. The proposed development will result in buildings rising to 19.2m on the Mall, 18.5m on the corner of The Mall and Lombard Street, 15.5-18m on Lombard Street and 15.5-19m on Rose Lane.

- 7.3.2. The existing buildings rise to 18.2-22.1m (permitted penthouse extension tower under PA ref 17/596), 16.7-18.2m (permitted penthouse level under PA ref 17/596) on the corner of The Mall and Lombard Street, 15.8m on Lombard Street and 9.3-15.6m on Rose Lane. The existing buildings on the site have been considered by the applicant as appropriate for demolition to facilitate the proposed development however, I have indicated above in Section 7.2 of this report my concerns in this regard. While I acknowledge that the buildings on Lombard Street have been removed from the RPS, given the presence of the ACA to the west of Lombard Street, I consider that the existing buildings enhance the wider streetscape by reason of their scale and proportions.
- 7.3.3. While I have advised no objection in principle to the proposed development, and while I have no objection to the contemporary design presented, I am not satisfied that the visual impacts associated with the development on the ACA have been adequately considered. I would also have no real objection to the scale and height of the proposed development but consider that the location of the site has not been fully considered in this context.
- 7.3.4. Section 5.4 of the City Development Plan deals with Viability & Vitality of the city centre and it is the stated policy of the Planning Authority that these concepts are central to sustaining and enhancing city and town centres. Policies of the Council seek to maintain and enhance the role of the City Centre and include as follows:
- Policy 5.4.5 which seeks to ensure that refurbishment and redevelopment proposals contribute to the environmental quality and are in keeping with the character, of the central area, and
 - Policy 5.4.8 which seeks to retain and enhance the existing street pattern, to encourage the retention and refurbishment of existing buildings of character, and to upgrade the physical environment of the city centre's streets and urban spaces

In terms of the above and having regard to the design and scale of the proposed development, I am not satisfied that the applicant has fully considered the context of the site and in this regard, I am not satisfied that the proposed design justifies the demolition of the existing structures on Lombard Street and The Mall. In the absence of a full visual impact assessment, and an assessment of the impact of the design on

the ACA and other protected structures in the vicinity of the site, I consider that the development would be incongruous in terms of its design and scale, which would be out of character with the streetscape and would set an undesirable precedent for future development in this area, contrary to the requirements of the policies of the City Development Plan.

7.4. Roads & Traffic

- 7.4.1. The proposed development provides for a significant addition to the area in terms of potential traffic and parking. The development, if permitted, will result in the provision of an additional 45 hotel bedrooms (60 proposed and 15 to be demolished) between the first and fourth (penthouse) floors, and a conference centre which will provide for a large conference space and 6 smaller conference rooms over the ground and first floors.
- 7.4.2. In terms of parking, the development has a requirement of 41 spaces. No onsite parking is proposed as part of the proposed development. Instead, the applicant has submitted a letter from the Port of Waterford advising that negotiations are ongoing in relation to the provision of overflow parking to service the hotel and conference centre at Clyde Wharf. Clyde Wharf is located within 300m of the site and is operated on a Pay and Display basis.
- 7.4.3. The Board will note that the applicant has advised that the subject development comprises phase two of a three phase development of the landholding, with the phase three application being finalised. It is submitted that phase three will comprise a standalone commercial development facing the street with a three-storey car park development behind, skirting Rose Lane. In the context of the subject site within Waterford City, together with the proposal to demolish 6 existing buildings which include commercial and residential elements, I am generally satisfied that the development can be considered acceptable in terms of car parking.
- 7.4.4. In terms of other roads issues, I am satisfied that during the construction phase of the development, it is likely that there will be impacts on existing traffic. Such impacts will be temporary and measures to minimise impacts should be agreed with the Roads & Transport Section of Waterford City & County Council, prior to the commencement of any development on the site.

7.4.5. The Roads & Transport Section of the Council also identified an issue in terms of the provision of a footpath along Rose Lane to connect to Lombard Street. The Board will note Condition 5 of the PAs decision to grant planning permission which requires the submission of a revised site layout plan to provide for the said footpath. Should the Board be minded to grant planning permission in this instance, I recommend that this condition be included. I also recommend that a demolition plan be prepared and agreed with the Planning Authority prior to the commencement of any development on the site.

7.5. **Water Services**

7.5.1. The proposed development will connect to existing public services in the City. I am satisfied that the development is acceptable in this regard subject to the inclusion in any grant of planning permission, appropriate conditions.

7.6. **Other Issues**

7.6.1. **Public Notices**

Third Parties has raised concerns in terms of the description of the development as the public notices only mention 1 protected structure for demolition. It is submitted that there are 4 protected structures proposed for demolition, being No. 36 The Mall, no. 17 and 18 Lombard Street and 2 ornamental lamp posts located outside the Tower Hotel. The appellant submits that there is no record that either no 17 or 18 Lombard Street or the lampposts have been removed from the list of protected structures. This is not the case and all 4 of the Lombard Street properties are included in the 'Structures deleted' list – which can be seen at <http://www.waterfordcouncil.ie/departments/culture-heritage/heritage/protected-structures.htm>

It is noted that nos 17 and 18 Lombard Street remain on the NIAH. The appellant is correct that the ornamental lampposts have not been deleted and are therefore protected structures which are potentially impacted upon by the proposed development. In this instance, I concur with the appellant that the description of the development does not adequately describe, or provide details relating to, the ornamental lamp posts outside the Tower Hotel. There has been no details provided

a to the fate of these protected structures, and no assessment of the potential impact of them arising from a grant of planning permission in this instance. In the event that the Board is minded to grant planning permission, this issue should be considered and addressed.

7.6.2. Site Ownership

The Board will note that the pertinent issue arising in the third-party appeal relates to a disagreement on the title of the site. I am satisfied that the applicant has provided adequate information to submit the planning application and that this is a civil matter. I would be satisfied that the provision of Section 34(13) of the Planning & Development Act, 2000 as amended, which states 'A person shall not be entitled solely by reason of a permission under this section to carry out any development' is sufficient to ensure that the civil issues is rectified prior to the commencement of development on the site.

7.6.3. Development Contribution

The subject development is liable to pay development contribution, a condition to this effect should be included in any grant of planning permission.

7.6.4. Appropriate Assessment

The site is not located within any designated site. The development site lies adjacent to the River Suir, approximately 14m to the south of the River, which is identified as the Lower River Suir Special Area of Conservation (Site Code 002137). The site is currently occupied by buildings and is not a greenfield site.

Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8.0 Recommendation

I recommend that planning permission be refused for the proposed development for the following stated reasons.

9.0 Reasons and Considerations

1. Having regard to the prominent location of the site, to the established built form and character of The Mall and Lombard Street, where the west side of Lombard Street is included in the Architectural Conservation Area, and to the existing buildings on the site which are considered to be of importance to the streetscape, including protected structures, being No. 36 The Mall and 2 Ornamental Lamp Posts to the front of the Tower Hotel, and 2 properties listed in the National Inventory of Architectural Heritage (NIAH), nos. 17 and 18 Lombard Street, it is considered that the proposed development, consisting of a 5 storey building along the entire eastern length of the street frontage of Lombard Street in particular, would be incongruous in terms of its design and scale, which would be out of character with the streetscape and the ACA, and would set an undesirable precedent for future development in this area. The design is not considered to justify the demolition of the existing structures on the site.

The proposed development would seriously injure the visual amenities of the area, would be contrary to the stated policy of the planning authority, as set out in the current Development Plan, in relation to urban development and urban renewal, and in particular Policy 5.4.5 which seeks to ensure that refurbishment and redevelopment proposals contribute to the environmental quality and are in keeping with the character, of the central area, and Policy 5.4.8 which seeks to retain and enhance the existing street pattern, to encourage the retention and refurbishment of existing buildings of character, and to upgrade the physical environment of the city centre's streets and urban spaces, and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The Board is not satisfied that the Architectural Impact Assessment presented in support of the proposed development adequately address the full extent of impacts on all protected structures, and buildings listed on the National Inventory of Architectural Heritage, within the subject site. In particular, there is no reference to the presence of the 2 Ornamental Lamp Posts to the front of the Tower Hotel, or any assessment on the potential impacts of the development on these protected structures. It is therefore concluded that the development, if permitted would materially and adversely affect the character and setting of the Protected Structures and would, therefore, seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

A. Considine

Inspectorate

6th November, 2019