



An  
Bord  
Pleanála

## Inspector's Report ABP-305429-19

### Development

Permission sought for the development of a 4-storey apartment block to the rear. Development includes the following:- 3 number 1 bed apartments and 1 number 2 bed apartments at ground floor level, 3 number 1 bed apartments and 1 number 2 bed apartment at first floor level, 3 number 1 bed apartments at second floor level, 3 number 1 bed apartments at third floor level together with all associated site works to include addition of bin store, plant room and a winter garden (A Protected Structure RPS No. 246).

### Location

22 Lady Lane, Waterford.

### Planning Authority

Waterford City & County Council.

### Planning Authority Reg. Ref.

18/843.

### Applicant(s)

James O'Callaghan.

### Type of Application

Permission.

### Planning Authority Decision

Refuse.

<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	James O'Callaghan.
<b>Observer(s)</b>	Dobbyn McCoy Solicitors.
<b>Date of Site Inspection</b>	20 <sup>th</sup> November, 2019.
<b>Inspector</b>	A. Considine

## 1.0 Site Location and Description

- 1.1. The proposed development site is located to the north of The Mall in Waterford City Centre on Lady Lane. The site is bound by the City Wall and is almost completely enclosed, save for a narrow access between no. 22 Lady Lane to the east and the former Presbyterian Church to the west. The access is approximately 2m in width and the gate onto Lady Lane was locked on the date of my site inspection. The site includes the building, no. 22 Lady Lane, while the proposed development will occur on the rear garden area of the site, approximately 17m to the south of Lady Lane, and to the rear of the former church. The City Wall, a Recorded Monument, forms the southern boundary of the site. It is notable that the site levels are significantly higher than the levels of Spring Garden Alley to the south of the site.
- 1.2. The site is currently enclosed to the west, south and east and was inaccessible from any side. There are however, a number of photographs of the rear of the buildings, and the proposed development site, on the planning file. The site is currently dissected by an existing random rubble stone garden wall to the west of the rear garden of 22 Lady Lane and the adjoining rear area of the former church, which has been covered in tarmacadam. The site has a stated area of 0.0819ha.

## 2.0 Proposed Development

- 2.1. Permission is being sought, as per the public notices, as follows:

Permission sought for the development of a 4-storey apartment block to the rear. Development includes the following:- 3 number 1 bed apartments and 1 number 2 bed apartments at ground floor level, 3 number 1 bed apartments and 1 number 2 bed apartment at first floor level, 3 number 1 bed apartments at second floor level, 3 number 1 bed apartments at third floor level together with all associated site works to include addition of bin store, plant room and a winter garden (A Protected Structure RPS No. 246), all at 22 Lady Lane, Waterford.

- 2.2. The planning application was accompanied by the following:

- Accompanying documents, plans, particulars, completed planning application form, public notices and relevant fee

- Cover letter
- Planning Statement
- Architectural Heritage Impact Assessment
- Archaeological Assessment
- Photomontages
- Part V Agreement Letter
- Schedule of Accommodation.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority decided to refuse planning permission for the proposed development for the following reason:

Having regard to the sites location adjacent to 22 Lady Lane RPS WA730246, the former Presbyterian Church RPS WA730601 and recorded monument (Town Defences RMP WA009-005002) within the Trinity Architectural Conservation Area (ACA), it is considered that the proposed development would injure and/or interfere with a recorded monument and negatively impact on the character and setting of existing protected structures and thus would be contrary to the national policy and policies contained in the Waterford City Development Plan 2013-2019 for the protection of sites and features of built heritage and archaeological interest. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

#### **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 includes an Appropriate Assessment Screening Report.

The initial report required the submission of further information in relation to a number of issues including the following:

- Architectural Heritage Impact Assessment
- Mix of units
- Cross sections
- Storage areas, including bin and bike storage areas
- Justification for car-free development
- Open space requirements having regard to no 22 Lady Lane
- Site coverage & plot ratio
- Impacts on boundary walls and protected structures
- Water service issues
- Method statement indicating how the works can be carried out.
- Response to issues raised in submissions / observations.

Following receipt of the response to the further information request, which amended the proposed development to provide for 12 residential units, the final planning report concludes that the proposed development would accord with the zoning objectives for the area. However, given the sites location in close proximity to a recorded monument and a number of protected structures, it was considered that the development would have a significant visual impact and would detract from the setting of the recorded monument and protected structures. The report recommends that permission be refused. This Planning Report formed the basis of the Planning Authority's decision to refuse planning permission.

### 3.2.1. Other Technical Reports

**Environment Section:** No objection subject to conditions

**Water Services Section:** Further information required in relation to the following:

1. Compliance with current drainage separation policies of IW and Waterford City & County Council to be demonstrated
2. Site layout plan to provide for full engineering details for water services

### 3.2.2. Prescribed Bodies

**Dept of Culture, Heritage and the Gaeltacht:** The report notes the location of the site and the proximity to a number of protected structures and within the Trinity Within ACA and Zone of Archaeological Potential. The report notes the proposal to provide a buffer between the development and the City Wall, but that the same buffer is not provided on the north side which may impact on the former Presbyterian Church. Further information is required as follows:

1. A revised Architectural Heritage Impact Assessment required to include photomontages and visualisations from key vantage points.
2. The drawings propose concrete block walls abutting the City Wall which may impact on the fabric of the recorded monument, but the Heritage Impact Assessment suggests a setback to ensure a soft apron to the historic structure. Clarification required and a revised scheme which eliminates the concrete block boundary walls.
3. The development proposes the removal of a wall between the protected structures which will result in the loss of historic plot boundaries.

Following the submission of a response to the FI request, the Department submitted a further report noting that the design of the development has not changed. While Section 4.2.3 of the revised Architectural Heritage Impact Assessment notes that new buildings or elements should always visually relate to the heritage place and should not visually dominate or obscure

views or sightlines of nearby historic buildings, the photomontages submitted suggest that the development will have a significant visual impact.

A third submission from the Department, received after the decision was made, deals with archaeological heritage and notes that the potential for significant archaeological remains surviving in the area is high. The AIA submitted included limited archaeological testing within the confines of the proposed development site and resulted in a number of archaeological discoveries on the site. the Archaeological Impact Statement included in the AIA is not detailed and does not provide a comprehensive archaeological strategy and the full extent of archaeological excavation required in advance of construction works cannot be determined.

**Irish Water:** Further information required.

Following the submission of a response to the FI request, IW acknowledges that the applicant has engaged in regard to a Pre-Connection Enquiry. However, the confirmation of feasibility to connect to IW infrastructure does not extend to fire flow requirements. The foul sewer shall not connect to existing private infrastructure and a connection agreement must be signed.

**An Taisce:** The site is in a sensitive location bound by the medieval City Wall and the 17<sup>th</sup> / 18<sup>th</sup> C. terraced buildings fronting Lady Lane. There is a considerable elevation in the ground between the application site which formed the gardens of the Lady Lane houses and Spring Garden Alley.

The application raises significant issue on site impact and density. It undesirably changes the relationship of the former Presbyterian Church and Lady Lane gardens to the City Wall.

The relation of the new building to the former church and adjoining house to the east is problematic in design and amenity

including quality of light in the interior apartment spaces as well as impact on the existing buildings.

### 3.2.3. Third Party Submissions

There are 3 no. third party objection noted on the planning authority file. The issues raised are summarised as follows:

- The development is out of character with nearby buildings, not in any way in harmony with them and would be overbearing.
- Inappropriate height which will dominate existing buildings and the City Wall in Spring Garden Alley. It should be lower with a roof style similar to nearby buildings and not so close to the City Wall or adjacent boundary walls.
- Archaeological excavations should extend beyond the material which has been accumulated on the site to make the garden.
- Differing site levels of adjoining properties have not been taken into account.
- Issues with pile driving so close to existing boundary walls. How are the walls of adjacent buildings to be protected? Structural impact on adjoining properties a serious concern.
- The development will not enhance the City Wall or the area and is not in accordance with the proper planning and development. The site is located in the heart of the Viking Triangle and the archaeological report states that the proposed development is to fill an urgent need for inner city housing portraying a view that the proposed development is in order regardless of the historic context of the City Wall.
- The location is one of the largest remaining undeveloped areas within the City Walls and should, if to be built on, first be subject to a full and proper open cast excavation, as the potential for archaeology features and finds is high.
- Lack of facilities proposed for residents including for drying clothes.
- Overlooking of adjoining property.
- The development would be to the detriment of the area and would be too near to and visually overpower the City Wall.



- The space should be used as a facility for residents at 22 Lady Lane.
- Issues raised relating to proposed construction access – existing access is just 2.2m in width – and how the developer proposes to deal with this issue.
- The development consists a separate stand-alone building, completely disconnected from the street. It is backland development.
- Security issues raised in terms of lack of connection to the public realm and lack of any natural surveillance from public spaces. The courtyard area created between the proposed development and 22 Lady Lane has the characteristics of an area where antisocial behaviour could take place.

Following the submission of a response to the further information request, 2 further submissions were noted on the planning authority file. The submissions are summarised as follows:

- The revised proposals do little to reduce the overall height and impact and will still have an overbearing impact on surrounding buildings and would be contrary to the proper planning and development of the area.
- The construction access issue has not been addressed, which is essential in the interests of the surrounding property owners and community.
- The development remains disconnected with the street scape and no response to security issues provided.
- The proposed use of augured piles would most likely be the preferred option, however, this does not rule out the possibility of vibrations from the process which needs to be fully addressed prior to the granting of permission. The practicality of locating the required machinery on the site also needs to be fully addressed.
- Inaccurate drawings in relation to the development abutting boundary wall.
- The development, if permitted will result in the loss of recreational use of the balcony to the rear of No. 4 Colbeck Street.
- The proposed garden area to serve the proposed development and the development at No. 22 Lady Lane is entirely inadequate given the number of

people to be accommodated within the overall site. The development constitutes an overdevelopment of the site.

- The design is not sympathetic to the existing structures and does not enhance the City Wall.
- Given the historic nature of the area and its proximity to the City Walls a full archaeological excavation should be carried out pre-planning.

## 4.0 Planning History

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

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

**PA ref: 18/466:** Planning Permission granted for a change of use at basement, ground, first, second, and third floor level from office use to an apartment building. The permission sought for the development includes the following: communal room, laundry room, general store and apartment storage at basement level, 2 number 1 bed apartments at ground floor level, 1 number 2 bed apartment, 1 number 1 bed apartment and sun room at first floor level, 1 number 2 bed apartment and 1 number 1 bed apartment at second floor level, 2 number 1 bed apartments at third floor level together with all associated site works to include addition of two dormer style windows and two roof lights, also removal of two number existing roof lights to the front elevation. Permission is also sought for one number dormer style window and four roof lights, also the removal of one number existing roof light to the rear elevation. Permission is also sought for removal of 1 no. existing chimney breast on western side of building to roof level and also replacement of existing windows and doors on basement, ground, first, second and third floor level (A Protected Structure - RPS No. 246) at 22 Lady Lane, Waterford.

## 5.0 Policy Context

### 5.1. National Policy

#### National Policy / Guidelines

##### 5.1.1. Project Ireland 2040 – National Planning Framework

The NPF includes a Chapter, No. 6 entitled ‘People, Homes and Communities’. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:

- National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.
- National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.
- National Planning Objective 13 provides that “in urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

##### 5.1.2. Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, (DoHPLG, 2018):

These statutory guidelines update and revise the 2015 Sustainable Urban Housing: Design Standards for New Apartments Guidelines. The objective is to build on the content of the 2015 apartment guidance and to update previous guidance in the context of greater evidence and knowledge of current and likely future housing demand in Ireland taking account of the Housing Agency National Statement on Housing Demand and Supply, the Government’s action programme on housing and

homelessness Rebuilding Ireland and Project Ireland 2040 and the National Planning Framework, published since the 2015 guidelines. Aspects of previous apartment guidance have been amended and new areas addressed in order to:

- Enable a mix of apartment types that better reflects contemporary household formation and housing demand patterns and trends, particularly in urban areas;
- Make better provision for building refurbishment and small-scale urban infill schemes;
- Address the emerging ‘build to rent’ and ‘shared accommodation’ sectors; and
- Remove requirements for car-parking in certain circumstances where there are better mobility solutions and to reduce costs.

The guidelines identify specific planning policy requirements in terms of apartments and Development Plans dealing with the mix of unit sizes, while Chapter 3 deals with Apartment Design Standards, including studio apartments, orientation of buildings and dual aspect ratios, storage provision, private amenity spaces and security considerations. Chapter 4 deals with communal facilities, including car and bicycle parking.

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

Having regard to the location of the subject site in terms of a number of protected structures and a recorded monument, the City Walls, 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 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 3 of the guidelines deal with the development plan: Architectural Conservation Areas while section 3.7 deals with development control in ACAs and sections 3.7.1 – 3.7.5 are considered relevant. In addition, Section 3.9 of the Guidelines relate to Design Briefs for Sites of Sub-Areas and Section 3.10 deals with Criteria for Assessing Proposals within an ACA

Further to the above, Chapter 13 deals with Curtilage and Attendant Grounds and Section 13.5 relates to Development within the Curtilage of a Protected Structure and Section 13.8 of the Guidelines relate to Other Development Affecting the Setting of a Protected Structure or an Architectural Conservation area and the following sections are relevant:

- Section 13.8.1
- Section 13.8.2
- Section 13.8.3

#### **5.1.4. 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.

The following structures are identified on the NIAH:

- 22 Lady Lane [NIAH 22504350] – Regional Rating Value.
- Former Presbyterian Church [NIAH 22504351] – Regional Rating Value.
- 23 Lady Lane [NIAH 22504349] – Regional Rating Value.
- 5 Colbeck Street [NIAH 22504345] – Regional Rating Value.

## 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.' Residential is 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 within the Viking Triangle 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.....

Chapter 10 of the Plan deals with Heritage and it is 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. The City Council intends that the status of Waterford in the field of urban archaeology is maintained by ensuring that development within the area of archaeological potential does not adversely impact on the archaeological heritage. The site is located within the Zone of Archaeological Potential for the city Recorded Monument WA009:005 city, and includes the City Walls, Recorded Monument WA009:005002 as well as being located within the Viking Triangle Architectural Conservation Area.

The following policies are considered relevant:

- Policy POL 10.0.2:
- Policy POL 10.1.1:
- Objective OBJ 10.1.2:
- Objective OBJ 10.1.5:
- Objective OBJ 10.1.6:

Section 10.1.1 of the Plan deals with The Walled City and notes that the National Policy on Town Defences, Department of Environment, Heritage & Local Government, 2008, sets out national policy for the protection, preservation and conservation of historic urban defences, and requires that town defences and associated features be considered as a single national monument and treated as such for policy and management purposes. includes a number of policies and objective to protect the city walls. The following policies are considered relevant:

- Policy POL 10.1.8
- Policy POL 10.1.9
- Policy POL 10.1.10
- Objective OBJ 10.1.9
- Objective OBJ 10.1.10
- Objective OBJ 10.1.11
- Objective OBJ 10.1.12

The site includes a protected structure, with other protected structures and NIAH structures lying adjacent as follows:

<b>RPS NO</b>	<b>Street</b>	<b>Property no</b>	
246	Lady Lane	No. 22	Inc. in 2002 list
251	Lady Lane	No. 21	Inc. in 2002 list
252	Lady Lane	Franciscan Friary	Inc. in 2002 list
601	Lady Lane	Former Presbyterian Church	Inc. in 2002 list
790	Lady Lane	No. 23	Added 3 <sup>rd</sup> Oct 2005
89	Colbeck Street	No. 5	Inc. in 2002 list
90	Colbeck Street	No. 8	Inc. in 2002 list

Chapter 13 of the Plan deals with Development Management with section 13.1 dealing with residential development. This section of the Plan identifies a number of qualitative and quantitative criteria and standards which are to be considered in assessing residential developments.

### 5.3. **Natural Heritage Designations**

The development site lies adjacent to the River Suir, approximately 250m 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 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 first-party appeal against the decision of the Planning Authority to refuse planning permission for the proposed development. The appeal is summarised as follows:

- The development is supported by Heritage Conservations and Archaeologist specialists.
- The design was amended to respect the protected structures with mitigation measures to minimise impacts.
- The alterations were in response to the request for further information from the PA and the specialists, Southgate Associates, said ‘the alterations to the architecturally and archaeologically rich location have been designed so that they will be sympathetic to the historic setting’.
- The National Planning Framework states that the city must become more compact and the population expansion should remain within the extent of the city boundaries.



- It is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore, a presumption in favour of buildings of increased height in the city with consideration to the sensitivity of the site due to the number of protected structures and the ACA.
- The applicant has designed accordingly to the advice of heritage specialists. A reduction in the number of units proposed would not adhere to the NPF and other guidelines. A refusal of planning permission will result in an unsustainable development.
- The applicant is willing to take further mitigation measures while minimising the amount of losses to residential units. The mitigation would focus on addressing the former Presbyterian Church and blending with the historic plot divisions in the area.
- Mitigation measures may consist of a steeper roof pitch of at least 45°, the use of traditional materials, historic proportioning systems for opes and the reduction of bulk on the corner overlooking the former Presbyterian Church. The top floor may also be omitted.
- The development maximises the opportunity to create residential density infill sites within the city centre.
- Every measure has been taken to address the Council's concerns with regard to the protection of architectural heritage.
- There must be a balance between the numerous policies and Act's that protect our architectural heritage and the NPF that seeks to increase the density in our cities. The proposed development has adhered to both and a choice must be made to what is financially viable or continued dereliction in an urban infill site.
- The Board should grant permission and encourage this type of development as a model for regenerating the city centre.

It is requested that the Board overturn the PAs decision and grant planning permission.

## 6.2. **Planning Authority Response**

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

## 6.3. **Observations**

There is one observation noted on the file from Dobbyn McCoy. The observation reflects the objections raised with the Planning Authority during their assessment of the proposed development and is summarised as follows:

- Proximity to adjoining properties including security risks.
- Overdevelopment of the site.
- Impacts on recreational amenity of balcony.
- The development will dominate existing properties.
- Impact on City Walls and protected structures, including structurally.
- Inadequate residential amenity / open space proposed to serve the development and the permitted redevelopment of No. 22 Lady Lane.
- The proposed building is not sympathetic to existing structures.
- Given the site levels, the development of a 4 storey building will be equivalent to allowing a five or six storey building from Spring Garden Alley.
- The revised building does not enhance the City Wall or its environs.
- The submissions to date do not address the archaeological dig which should be carried out pre-planning.

## 6.4. **Further Responses**

None. The Board will note that a second observation was submitted but outside the allocated period for receipt of submissions.

## 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. Development Contributions
7. Appropriate Assessment

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

- 7.1.1. 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'. Residential use is identified as an acceptable use in such zoned areas. The site is located in the rear garden area of an existing three storey over basement building at 22 Lady Lane, Protected Structure RPS No. 246, and to the rear of the former Presbyterian Church, Protected Structure RPS No. 601, both located on Lady Lane. Access to the site is via a narrow laneway between the two buildings with a width of approximately 2m. In principle, I have no objections to the proposed development. Site specific issues, including the potential impacts of the development on protected structures, buildings listed on the National Inventory of Architectural Heritage (NIAH) and the City Walls, Recorded Monument, require to be addressed and considered further.

- 7.1.2. In terms of the proposed development, the Board will note that 14 apartments were proposed ranging from 1 bed studios to 3 bed apartments. The original proposal provided for the construction of a 4 storey building which was to be constructed to the north boundary wall with the former Presbyterian Church. To the east, the bin store and part of the building was proposed to be constructed on the boundary wall while the proposed building will be constructed up to the western boundary. The existing garden boundary wall, which runs in a north south direction and separates the rear of no. 22 Lady Lane and the rear of the former Church is to be removed to accommodate the development. The building is to be flat roofed and finished in select brickwork and selected zinc cladding on the upper floor with uPVC or hardwood windows. Parapets will include stone and aluminium and balcony balustrades are to be steel.
- 7.1.3. Following a request for further information a number of amendments were made, reducing the number of apartments to 12 and the development with the building set back approximately 1m from the eastern boundary, but still on the north and western boundaries. The building continues to propose a building which rises to three and four storeys with a 3 bedroom apartment proposed on the third floor, centrally located within the footprint of the proposed building.

The Sustainable Urban Housing: Design Standards for New Apartments, DoHPLG December, 2018

- 7.1.4. The 2018 guidelines update the guidelines from 2015 in the context of greater evidence and knowledge of current and likely future housing demand in Ireland taking account of the Housing Agency National Statement on Housing Demand and Supply, the Government's action programme on housing and homelessness, Rebuilding Ireland and Project Ireland 2040 and the National Planning Framework, published since the 2015 guidelines, and specific policy objectives contained in these guidelines take precedence over policies and objectives of development plans. The aims of the guidelines are to enable a mix of apartment types, make better provisions for building refurbishment and small-scale urban infill schemes, address the emerging 'build to rent' and 'shared accommodation' sectors and to remove requirements for car-parking in certain circumstances.

7.1.5. Chapter 3 of the Guidelines provide Design Standards and I proposed to consider the proposed development against these requirements as follows:

a) *Apartment floor area:*

The Guidelines require that the minimum floor areas be applied to apartment developments. The proposed development provides for the following floor areas:

No of Unit Type	Minimum overall F/A	Proposed F/A	Total F/A
5 x Studio	37 sq m	5 x 43.5 sq m	217.5 sq m
3 x One bedroom	45 sq m	2 x 54.3 sq m 1 x 54.1 sq m	163.2 sq m
0 x Two bedrooms (3 person)	63 sq m		
3 x Two bedrooms (4 person)	73 sq m	3 x 76.0 sq m	228 sq m
1 x Three or more bedrooms	90 sq m	1 x 109 sq m	109 sq m
<b>12 units in Total</b>			<b>717.7 sq m</b>

The development proposes 5 x 1 bed studios, 3 x 1 bedroom, 3 x 2 bedroom and 1 x 3 bedroom apartments. All apartments proposed achieve the minimum floor area required by the guidelines.

The guidelines also provide for the following minimum requirements in terms of the living / dining and kitchen room areas:

**Minimum aggregate floor areas for living/dining/kitchen rooms**

Minimum widths for the main living/dining rooms Apartment type	Width of living/dining room	Aggregate floor area of living / dining / kitchen area*
Studio	4.0 m	30 sq m
One bedroom	3.3 m	23 sq m
Two bedrooms (3 person)	3.6 m	28 sq m

Two bedrooms (4 person)	3.6 m	30 sq m
Three bedrooms	3.8 m	34 sq m

All units generally accord with the above requirements and I am satisfied that the development proposes bedrooms of a size which comply with the requirements in terms of width and floor areas.

*b) Safeguarding Higher Standards*

It is a requirement that 'the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%)'.

In this regard, the following is relevant:

Unit Mix	No of Apartments	Cumulative Min Floor Area
41.6% Studio units	5	5 x 37m <sup>2</sup> = 185m <sup>2</sup>
25% 1-bed units	3	3 x 45m <sup>2</sup> = 135m <sup>2</sup>
25% 2-bed units	3	3 x 73m <sup>2</sup> = 219m <sup>2</sup>
8.4% 3-bed units	1	1 x 90m <sup>2</sup> = 90m <sup>2</sup>
<b>Total</b>	<b>12</b>	<b>629m<sup>2</sup></b>

+ 10%	No of Apartments	Cumulative Min Floor Area
1-bed units + 10%	3	3 x 4.5m <sup>2</sup> = 13.5m <sup>2</sup>
2-bed units + 10%	3	3 x 7.3m <sup>2</sup> = 21.9m <sup>2</sup>
3-bed units + 10%	1	1 x 9.0m <sup>2</sup> = 9.0m <sup>2</sup>
<b>Total</b>	<b>7</b>	<b>44.4m<sup>2</sup></b>

Total Required Minimum Floor Area therefore is **673.4m<sup>2</sup>**. The actual proposed floor area of the amended overall development is **717.7m<sup>2</sup>**. The proposed development is acceptable in this regard.

c) *Dual aspect ratios:*

This issue relates to the availability of daylighting and orientation of living spaces in order to maximise the amenity of occupants of the apartments. The proposed development provides for 12 apartments over four floors in a four-storey height building. The majority of the units have dual aspect, with only the proposed 5 studio units having a single aspect. The aspect however is southern for the studios and therefore I consider this acceptable.

d) *Floor to Ceiling Height:*

It is a specific policy requirement that ground level apartment floor to ceiling heights shall be a minimum of 2.7m, and 3m should be considered for multi-storey buildings. The submitted plans provide a floor to ceiling height at ground floor level of 2.7m with the upper floors having a floor to ceiling height of 2.6m. This is in accordance with the requirements of the guidelines.

e) *Lift & Stair Cores:*

A central core area is proposed to serve the development. Having regard to the limited scale of the proposed development, I am satisfied that the proposed stairs and lift arrangement is acceptable.

f) *Internal Storage:*

The proposed development provides for storage within all apartments. Minimum storage requirements are indicated in the guidelines and it is noted that said storage 'should be additional to kitchen presses and bedroom furniture but may be provided in these rooms. A hot press or boiler space will not count as general storage and no individual storage room within an apartment shall exceed 3.5m<sup>2</sup>.' The Guidelines also advise that storage for bulky items outside the individual units should also be provided, apart from bicycle parking requirements. The minimum storage space requirements are identified as follows:

**Minimum storage space requirements**

Studio	3 sq m
One bedroom	3 sq m

Two bedrooms (3 person)	5 sq m
Two bedrooms (4 person)	6 sq m
Three or more bedrooms	9 sq m

In the context of the proposed development, the Board will note that the submitted drawings indicate that storage is provided within each apartment which complies with the requirements of the guidelines. However, I am not satisfied in this regard as the plans clearly identifies bedroom furniture as general storage areas which is unacceptable. No external storage is proposed. While I note that the guidelines provide for a relaxation in the storage requirements on urban infill schemes, subject to overall design quality, I am not satisfied that the development provides for adequate storage. Should the Board be minded to grant permission in this instance, the storage provision within each apartment should be clearly addressed and alternative layout plans to comply with the guidelines should be submitted for the written agreement of the Planning Authority, prior to the commencement of any development on site.

*g) Private Amenity Space:*

It is a specific planning policy requirement that private amenity space shall be provided in the form of gardens or patios/terraces for ground floor apartments and balconies at upper levels. The guidelines require the following minimum floor area for private amenity space:

**Minimum floor area for private amenity space**

Studio	4 sq m
One bedroom	5 sq m
Two bedrooms (3 person)	6 sq m
Two bedrooms (4 person)	7 sq m
Three or more bedrooms	9 sq m



All apartments are provided with balconies or terraces, all of which appear to meet the minimum requirements, and all private open spaces adjoin and have a functional relationship with the main living areas of the apartments.

*h) Security Considerations*

The Guidelines require that apartment design should provide occupants and their visitors with a sense of safety and security by maximising natural surveillance of streets, open spaces, play areas and any surface bicycle or car parking. Entrance points should be clearly indicated, well lit, and overlooked by adjoining dwellings. Particular attention should be given to the security of ground floor apartments and access to internal and external communal areas.

Access to the proposed apartment development is via a narrow lane, approximately 2m in width, between two existing protected structures. The proposed building is located to the rear of these existing buildings. I am not convinced that the proposed development provides an adequate sense of safety and security in this regard and the access to the entrance is not overlooked.

7.1.6. Chapter 4 of the Guidelines seeks to deal with communal facilities in apartments and deals with access & services, communal facilities, refuse storage, communal amenity space, children's play, bicycle parking and storage and car parking. Given the scale of the proposed apartment block as part of the development, I am satisfied that there is no requirement for a communal room and that the communal areas proposed are adequately sized. In this regard, the following is relevant:

- I am satisfied that the building has been designed to provide appropriate access, albeit I do have concerns in terms of the access to the entrance from Lady Lane via the narrow lane between two buildings.
- In terms of community facilities, having regard to the minimal scale of the development, I am satisfied that such facilities are unnecessary.
- A communal refuse storage area is proposed adjacent to the proposed entrance to the building. The plans identify three large commercial bins to be provided within the store.

- With regard to communal amenity space, it was originally proposed that the development would be served by the winter garden permitted to serve the apartment development in 22 Lady Lane, PA ref 18/466 refers. In response to the further information request, the proposed development was amended to provide for a communal area on the roof of the building, which will be accessible via the lift and the stairs. The guidelines note that roof gardens may be provided but that the future maintenance must be considered in order to ensure that it is commensurate with the scale of the development and does not become a burden on residents.
- The Guidelines require that the recreational needs of children are considered as part of communal amenity space within an apartment development. I am concerned that the development does not provide for the recreational needs of children in this regard.
- Bicycle parking and storage, comprising 18 spaces, is proposed at ground floor level and adjacent to the bin storage area. There is a requirement of 1 space per bedroom, plus 1 space per 2 residential units visitor bicycle parking. The proposed development therefore requires 23 spaces. Given that no car parking is proposed within the scheme, I do not consider it acceptable that the bike spaces provision is below the minimum guideline requirement.
- The proposed development does not provide car parking within the scheme. The guidelines facilitate the elimination of such provision in certain circumstances. Given the location of the site, and the inaccessibility of the site in terms of vehicular access, I am satisfied that no parking is required to serve the proposed development.

7.1.7. Overall, and while the principle of the proposed development is acceptable in terms of the zoning objective afforded to the site, I am concerned that the proposed development fails to comply with a number of elements of the Sustainable Urban Housing: Design Standards for New Apartments, DoHPLG December, 2018, and in particular with regard to storage provision, the recreational needs of children or the communal open space area and bicycle parking and storage. In addition, I am not convinced that the proposed development provides an adequate sense of safety and security in this regard as the access to the entrance is not overlooked. Should the

Board be minded to grant planning permission in this instance, the above issues should be fully addressed.

## 7.2. Heritage Impacts

- 7.2.1. The site is located within the historic centre and within the zone of archaeological potential of Waterford City, a Recorded Monument along with the entire centre of Waterford City, ref. WA 009-005. The Board will note that an Architectural Heritage Impact Assessment was submitted by the applicant, updated following the submission of the response to the FI request. The Assessment provides an overview and context of the site and proposed development, referring to the site as a 'vacant site' to the rear of 22 Lady Lane and former Presbyterian Church, considers the protection and significance of the area and the historic context of the site. The assessment considers the relevant conservation policies and guidelines and considers the potential impacts of the development on a variety of buildings / elements, noting mitigation to minimise impacts. The report concludes with a number of recommendations and a conclusion stating that the alterations to the proposed development site discussed in the report will not negatively impact on the architectural significance of the protected structures or the associated ACA and Zone of Archaeological Potential.

### Architecture:

- 7.2.2. 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. When carrying out development, or when considering proposals for development or redevelopment within the General Conservation Area the Planning Authority shall have particular regard to:
- The effect of the proposed developments on Protected Structures and their settings.

- The impact of proposed developments on the streetscape and urban layout in relation to compatibility of design, materials, and intensity of site use.
- The impact of the proposed development on existing amenities, having regard to traffic and parking and the amenity and utility value of public and private spaces, including open spaces.

7.2.3. The Board will note that the subject site, 22 Lady Lane is located within the Trinity Within ACA. The following policies and objectives are relevant:

- To achieve the preservation of the special character of places, areas, groups of structures or townscape within the city by setting out Architectural Conservation Areas of appropriate extent within the city. (POL 10.2.4)
- To protect the special heritage values, unique characteristics and distinctive features of the Architectural Conservation Areas from inappropriate development which would detract from the special character of the ACA. (POL 10.2.5)
- In considering development applications within the designated ACA's the Planning Authority shall have particular regard to the impact the proposed development will have on the streetscape and urban layout in relation to compatibility of design, materials and use and the impact of the proposed development on existing amenities having regard to traffic and parking and the amenity and utility value of public and private spaces including open spaces. (OBJ 10.2.14)

7.2.4. With regard to protected structures, the Board will note that the City Development Plan 2013-2019 identifies the following properties on and adjacent to the site, as protected structures:

<b>RPS NO</b>	<b>Street</b>	<b>Property no</b>	
246	Lady Lane	No. 22	Inc. in 2002 list
251	Lady Lane	No. 21	Inc. in 2002 list
252	Lady Lane	Franciscan Friary	Inc. in 2002 list

601	Lady Lane	Former Presbyterian Church	Inc. in 2002 list
790	Lady Lane	No. 23	Added 3 <sup>rd</sup> Oct 2005
89	Colbeck Street	No. 5	Inc. in 2002 list
90	Colbeck Street	No. 8	Inc. in 2002 list

7.2.5. There are a number of Protected Structures and building identified in the National Inventory of Architectural Heritage within and adjacent to the site. In this regard the following is relevant:

- a) 22 Lady Lane NIAH reg no 22504350, Date 1780-1820.

Description: Attached five-bay three-storey house with half-attic, c.1800, originally detached. Refenestrated, c.1875. Reroofed and part refenestrated, c.2000. Now in use as offices. Pitched roof with replacement artificial slate, c.2000, clay ridge tiles, rendered chimney stacks, replacement square rooflights, c.2000, and cast-iron rainwater goods on rendered eaves. Painted rendered, ruled and lined walls with rendered channelled piers to ends. Square-headed window openings with stone sills. Replacement 1/1 timber sash windows, c.1875. Replacement uPVC casement windows, c.2000, to ground floor. Round-headed door opening with rendered pilaster doorcase having frieze and moulded entablature over, timber panelled door and overlight. Road fronted with concrete footpath to front.

Appraisal: An attractive and imposing, substantial house of balanced Georgian proportions and reserved Classical detailing, which has been reasonably well maintained to present an early external aspect. However, the gradual replacement of the early-surviving fenestration with inappropriate modern models threatens the historic character of the composition. The house forms a prominent feature in the streetscape of Lady Lane, as a result of its form and massing, and terminates the vista from Francis Place to the north.

b) Former Presbyterian Church reg no 22504351, Date 1860-1880.

Description: Attached six-bay double-height Gothic Revival Presbyterian church, c.1870, with single-bay two-storey advanced entrance bay to north-east having single-bay two-stage truncated tower to north-east on a square plan, and single-bay single-storey lean-to vestry to north-west. Renovated, c.1995, with openings blocked-up to accommodate use as hall. Pitched slate roof (lean-to to vestry) with clay ridge tiles, cut-stone coping, and profiled cast-iron rainwater goods on cut-stone eaves. Flat felt roof to truncated tower. Broken coursed tooled cut-limestone walls with stepped buttresses to nave, and cut-stone course to eaves having 'dentils'. Tooled panel (first stage) and quatrefoil panels (top stage) to tower. Lancet window openings (in tripartite arrangement to tower and to vestry) with cut-limestone block-and-start surrounds having chamfered reveals. Now blocked-up and cement rendered, c.1995. Four-centred-arch door openings to entrance bay and to vestry with cut-stone block-and-start surrounds having chamfered reveals, and tongue-and-groove timber panelled doors with decorative wrought iron hinges. Set back from line of road with section of cast-iron railings to front having cast-iron gate, and tower fronting on to road.

Appraisal: An attractive, small-scale Gothic Revival church, which is of significance as a reminder of the Presbyterian community in Waterford city. The construction in tooled cut-limestone attests to high quality local stone masonry, particularly to the austere detailing that has retained its original form. The church is distinguished by the truncated tower fronting on to the road, and forms an important component of the streetscape, set back slightly from the established line of Lady Lane.

7.2.6. Having regard to the nature and scale of the proposed development, in the context of the subject site, the *'Architectural Heritage Protection, Guidelines for Planning Authorities'* are considered relevant. The guidelines seek to provide guidance in respect of the criteria and other considerations to be taken into account in the

assessment of proposals affecting protected structures. Chapter 3 of the guidelines deal with the development plan: Architectural Conservation Areas while section 3.7 deals with development control in ACAs. In addition, Chapter 13 deals with Curtilage and Attendant Grounds, Section 13.5 relates to Development within the Curtilage of a Protected Structure and Section 13.8 of the Guidelines relate to Other Development Affecting the Setting of a Protected Structure or an Architectural Conservation area.

7.2.7. I consider that Section 13.8 of the Guidelines is relevant including the following:

- Section 13.8.1 which relates to works outside the curtilage and attendant grounds of a protected structure or outside an ACA which have the potential to impact upon their character,
- Section 13.8.2 as it relates to new development both adjacent to, and at a distance from, a protected structure which can affect its character and special interest and impact on it in a variety of ways, and
- Section 13.8.3 and the extent of the potential impact of proposals which will depend on the location of the new works, the character and quality of the protected structure, its designed landscape and its setting, and the character and quality of the ACA.

7.2.8. 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 apartment building of the scale and design proposed has been justified, notwithstanding the NPF policies cited by the appellant in relation to increasing residential density within city centres. I am further satisfied that the development as proposed would have a significant and adverse effect on the character and setting of both protected structures on the site and in the vicinity as well as the Architectural Conservation Area, contrary to the thrust of the Architectural Heritage Protection Guidelines.

7.2.9. 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 planning permission has been permitted for the redevelopment of 22 Lady Lane, protected structure, and its conversion into a multiple residential unit building, PA ref 18/466

refers. However, I am also satisfied that the garden area associated with the property adds to the character of this protected structure and the adjacent protected structures. While I note that the appeal submits the conversion and refurbishment of 22 Lady Lane as 'mitigation' for the proposed development in the rear garden area, and that the whole site has been included in the current application site, the Board will note that a separate planning permission for the existing building is not, and should not, be dependent upon a grant of permission for the current proposed development. I would wholly disagree that the permitted redevelopment of 22 Lady Lane 'mitigates' the scale of the negative impacts a grant of planning permission for the current proposal would give rise to.

- 7.2.10. In the context of the visual impact associated with the proposed development, and in particular in terms of its impact on the Conservation Area, I have concerns with regard to the overall design, height and scale of the proposed development on this elevated site. 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, or the protected structures.

Archaeology:

- 7.2.11. The Board will note that the subject site includes an area of the City Wall which is a recorded monument. Section 10.1.1 of the Plan deals with the Walled City and includes a number of policies which seek to protect, preserve, conserve and restore where appropriate, the upstanding remnants of the city walls. Of particular note, Policy POL 10.1.9 seeks to 'protect the essential character and setting of the City Walls and Towers through the control of the design, location and layout of new development in their vicinity and through the control of changes of use of lands, by the protection of adjoining streetscapes and site features where appropriate and by protecting important views to and from the walls and towers from obstruction and/or inappropriate intrusion by new buildings structures, plant and equipment, signs and other devices; and where opportunities arise to create additional views of the walls and towers.' In addition, the Plan includes policies and objectives to preserve the integrity of the City Walls in its setting, POL 10.1.9, and to aim to achieve a satisfactory buffer area between the development and the city defences in order to ensure the preservation and enhancement of the associated amenity within the historic urban pattern, OBJ 10.1.11.



- 7.2.12. The development the subject of this appeal proposed the construction of a four storey apartment building which will be located approximately 2m from a section of the city walls. The Board will note that the applicant has submitted an Archaeological Assessment of the development in the context of the recorded monument. The Assessment notes that Lady Lane is one of three parallel streets which radiate westwards on the ridge which rises from the apex of the Viking Triangle founded on the confluence of the River Suir and its tributary John's River. These are amongst the earliest streets in Waterford and certainly existed in Viking Age Waterford. Excavations in the area confirm this.
- 7.2.13. The archaeological resource potential of the site is considered to be high and the Assessment notes that while the development itself need not impact on the deeper layers, the piled foundations will cut through them. In terms of mitigation, it is submitted that there is no avoidance of impact to underlying layers from the foundations of such a large building. When the locations of the pile caps are finalised, it is submitted that these areas will be preserved by record following archaeological excavation of the local area. The report submits that the development will not physically impact on the fabric of the city wall as a minimum distance of 2m will be respected. The outer face of the wall will require to be shored to ensure against any destabilisations during piling.
- 7.2.14. The Assessment notes that ten test trenches were excavated over the eastern and western sections of the proposed development site, the results of which are set out in the Archaeological Assessment. The excavations largely returned medieval and post-medieval domestic remains including pottery, walls and drainage features. The Board note the submission from the Department of Culture, Heritage and the Gaeltacht with regard to archaeological heritage, where it is the opinion of the Department that the potential for significant archaeological remains surviving in the area is high. The Department also noted the limited archaeological testing within the confines of the proposed development site which resulted in a number of archaeological discoveries on the site. The Archaeological Impact Statement included in the AIA is not detailed and does not provide a comprehensive archaeological strategy and the full extent of archaeological excavation required in advance of construction works cannot be determined.

7.2.15. As such, 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 any development in the event of a grant of planning permission. In the context of the Archaeological Impact Assessment submitted, I am not satisfied that the development is acceptable and would, if permitted, likely have a significant and negative impact on the City Walls.

### 7.3. Visual Impacts

7.3.1. I have referred to my concerns regarding the potential visual impacts associated with the proposed development in the context of existing properties, protected structures, recorded monuments and the ACA above. The most significant view from the public realm in the vicinity of the site will be from the north, Lady Lane and from the south Spring Garden Alley, immediately adjacent to the City Wall. The proposed development, if permitted, will result in the introduction of a modern 4 storey building, but which will be so elevated above Spring Garden Alley, approximately 5m difference, as to give the impression of a much higher building. The penthouse level will introduce a mansard style roof which is wholly out of context with buildings in the surrounding area.

7.3.2. 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, protected structures and recorded monument, have been adequately considered. I would also have a concern in terms of the scale, height and proposed roof design of the proposed development, and in particular from the south of the site and from the rear of existing properties on Colbeck Street. I consider that the location of the site has not been fully considered in this context.

7.3.3. 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 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. In this regard, I am not satisfied that the

proposed design justifies the development to the rear of a number of protected structures and in such proximity to the City Wall, Recorded Monument.

- 7.3.4. Having regard to the location and context of the site, the revised Architectural Heritage Impact Assessment, submitted following the request for further information, notes that new buildings or elements should always visually relate to the heritage place and should not visually dominate or obscure views or sightlines of nearby historic buildings. The Board will also note the applicant submitted a visual impact assessment, including photomontages of the proposed development. I would submit that the photomontages would suggest that the proposed development, if permitted, would represent a significant visual impact. I consider that the impact of the proposed development on the ACA and other protected structures in the vicinity of the site, is unacceptable. I further 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 in providing 14 additional residential units. In terms of parking, the development has a requirement of 14 spaces, 1 space per unit in Zone 1. No onsite parking is proposed as part of the proposed development. It is accepted that this is in line with policy to encourage a change in the split from car-based community and that the City Development Plan facilitates the payment of a financial contribution in lieu of the required spaces. The Plan also states, that ‘the standard for one space per apartment is to provide for car storage to support family friendly living policies in the city and make apartments more attractive for all residents. It is not intended to promote the use of the car within the city.’
- 7.4.2. In the context of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2018, sections 4.18-4.20 are relevant and provide that developments within central locations, and comprising wholly of apartments, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. In the context of the subject site within Waterford City, I am generally satisfied that the development

can be considered acceptable in terms of car parking. It is also notable that it is unlikely that cars would be able to access the site given the narrow nature of the only access from Lady Lane.

- 7.4.3. 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. A method statement as to how the site is to be accessed and development should also be included given the restricted nature of the access to the site 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. The Board will note the comments of Irish Water in relation to access to services. 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. 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.

#### **7.7. Appropriate Assessment**

The development site lies adjacent to the River Suir, approximately 250m to the south of the River, which is identified as the Lower River Suir Special Area of Conservation (Site Code 002137). The site comprises the rear garden area of no. 22 Lady Lane and the tarmacadamed rear yard area associated with the former Presbyterian Church.

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 existing character and the prevailing pattern of development, the site location within the Trinity Within Architectural Conservation Area and the presence of a number of Protected Structures both on and adjacent to the site as listed in the Waterford City Development Plan, 2013, and to the structures recorded by the National Inventory of Architectural Heritage as having Regional Value supported by Architectural, Artistic and Historical categories of special interest, it is considered that the proposed development, by reason of its overall layout, and its scale, height, massing and design, would be out of scale with its surroundings, would seriously detract from the architectural character and setting of a number of Protected Structures, would materially affect the character of the Architectural Conservation Area, would be detrimental to the visual amenities of the area, and would set an undesirable precedent. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The Board is not satisfied that the Archaeological Assessment presented in support of the proposed development adequately address the full extent of impacts on the City Wall, Recorded Monument which forms the southern site boundary, or the archaeology of the site. It is therefore concluded that the development, if permitted would significantly injure or interfere with a recorded monument, and that the archaeological significance of the site is such that any development of the site in advance of a comprehensive archaeological

assessment, carried out to the requirements of the appropriate authorities, would be premature. The development would therefore, seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

3. The proposed development, by reason of its form, massing, layout and design, on a prominent site in the city and in proximity to the City Wall, would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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A. Considine

Inspectorate

18<sup>th</sup> December, 2019