



An
Bord
Pleanála

Inspector's Report

ABP-312669-22

Development

Change of use from retail units to live/work units comprising 1 no. 2 bedroom apartment with workshop to rear, 1 no. 1 bedroom apartment with workshop to rear, private open space area to front of block for 2 apartments.

Location

Mount Suir Manor, Carrickpherish Road, Waterford.

Planning Authority

Waterford City and County Council

Planning Authority Reg. Ref.

211062

Applicant(s)

William Neville & Sons

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

William Neville & Sons

Observer(s)

None

Date of Site Inspection

19th of October 2022

Inspector

Angela Brereton

1.0 Site Location and Description

- 1.1. The application site is located in Mount Suir Manor on the northern side of Carrickpherish Road, a road that provides a link from the north part of Waterford City to the R170 inner link road. This is a very busy wide distributor road and there is a bus service along the Carrickpherish Road. Mount Suir is a small housing estate dating from around 2007 in the townland of Bawndaw, Gracedieu, a new suburb west of Waterford City – about 3km by road from the City Centre. It is sited on a south facing slope overlooking a shallow valley separating it from older suburbs. Carrickpherish Road, a modern urban link road, runs along the base of the valley, linking the newly developing area to Gracedieu Road, the main link to the city and the national road network. The Mount Suir Manor development consists of a mixed apartment scheme with retail/commercial units on ground floor.
- 1.2. The subject development is located within Block 2 as part of a multi-purpose development that has mixed use and apartments overhead, built around a podium communal open space (stated area 4000m²) elevated over sub-podium car parking. Access to the undercroft car parking is from Mount Suir Manor residential estate access road, close to the junction with Carrickpherish Road. The majority of the ground floor units which were built for retail/commercial use including those the subject of this application remain unused and vacant. This area of the block is adjacent to/adjoins the entrance to the undercroft parking area.
- 1.3. The block is 4/5 storey with mainly vacant commercial on ground floor and there are residential apartments with balconies overhead. There is a narrow green strip and paved area in front of the block. On site I noted that it appeared that only two commercial uses have taken up the ground floor commercial of the development. These are grocery store '88 Eight to Eight' and 'Family Dragon Chinese Take Away'. Despite the amount of residential apartments and dwellings in the vicinity there appears to be no other commercial units within proximity. In addition to the undercroft parking there is parking along the road frontage.
- 1.4. This is a new development area and while applications have been made, many of them have not yet been decided and the land remains as yet undeveloped. There is a housing development to the northwest of the site in Mount Suir Manor. There is a

concurrent appeal on the opposite side of the road for a mixed-use development Ref. ABP-308850-20 refers.

2.0 Proposed Development

2.1. It is proposed to provide for the following:

- A Change of Use from Retail Units to Live/Work Units comprising 1no.2 bedroom apartment with workshop to rear, and
- 1no. bed apartment with workshop to the rear,
- Private open space area to front of Block for all 2 apartments.

All at Mount Suir Manor, Carrickpherish Road, Waterford.

2.2. A letter has been submitted by Halley Murphy & Associates Architects providing a rationale for the proposed development.

3.0 Planning Authority Decision

3.1. Decision

Waterford City and County Council refused permission for 3no. reasons summarised as follows:

- The proposed development would be contrary to the balanced orderly development of the Carrickpherish Neighbourhood as a centre and focus of the north-west suburbs and the delivery of a sustainable neighbourhood as provided for in the Waterford City Development Plan 2013-2019, as extended and varied and contrary to the proper planning and sustainable development of the area.
- It has not been demonstrated that the proposed workshop units would not have the potential to negatively impact the residential amenities of existing residential properties in the area and would therefore be contrary to the proper planning and sustainable development of the area.
- In the absence of adequate proposals for private amenity space to serve the proposed residential units it is considered that the proposal would be contrary

to the provisions of the Design Standards for New Apartments, 2020, Department of Housing, Local Government and Heritage. 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 Planner's Report had regard to the locational context of the site, planning history and policy. Their Assessment included the following:

- The application site is located on lands zoned 'Mixed Use' as designated in the Waterford City Development Plan 2013-2019 (as extended and varied). The principle of the uses accord with the zoning objectives of the site.
- Under Reg.Ref. 21/243 permission for a change of use to retail units to 5no. live/work units was refused planning permission. They provide details of this.
- They note that a 'Neighbourhood Centre' is proposed for Carrickphierish under the WCDP 2013-2019 (the combined total of convenience floorspace should not exceed 3,500sq.m net).
- In the absence of either a constructed neighbourhood centre or an extant permission for same the lands to the south/southwest of the existing retail units at the application site represent the only current opportunity for services to serve the expanding neighbourhood to be provided.
- They have concerns about the intended use as workshops in such close proximity to residential use and the potential for negative impact on amenities.
- No details are provided in relation to the intended use of the workshop, store and concerns in relation to the intended uses in reason no. 2 of the refusal in Reg.Ref.21/243 have not been addressed.
- They have concerns about open space provision for the apartments and bin storage.

- It has not been demonstrated that the proposed units comply with the standards as set out in the 'Sustainable Urban Housing: Design Standards for New Apartment Guidelines by Planning Authorities, 2020 for residential units.
- They recommended refusal for 3no. reasons.

3.3. Other Technical Reports

None noted on file.

3.4. Prescribed Bodies

None noted on file.

3.5. Third Party Observations

The Planner's Report noted that no Submissions were made.

4.0 Planning History

The Planner's Report has given a detailed history of the apartment block and mixed use units. This includes the following where permission was granted subject to conditions by the Council:

- Reg.Ref.21243 – Permission refused to William Neville and Sons Construction for a 'Change of use from retail units to 5no. live/work units comprising 1 no. 2 bedroom apartment with workshop to the rear, 4no. 1 bedroom apartments with workshops to the rear, 1no. 1 bedroom apartment (total 6no. apartments) private open space areas to front of block for 6 apartments, alterations to elevations all at units 1,2,3,7.
- Reg. Ref. 17646 – Permission granted for 2nd Extension of Duration 05/500419.
- Reg.Ref.16713 – Permission granted for 1st Extension of Duration 05/500419.
- Reg. Ref 08500111 – Permission granted for an amalgamation of retail units F/G & H (under construction) planning ref.no.05/419 into one retail unit.

- Reg.Ref.07500463 – Permission granted for a change from shop to hot food takeaway premises and erection of illuminated signage to shop front.
- Reg.Ref. 05500419 – Permission granted to William Neville Construction Ltd for mixed development in two blocks as follows: Block 1-3 storey (2 storey over carpark) apartment block with 18 apartments, Block 2 – 6 storey varying to 4 storey block with 108 apartments, 8 retail units, creche, ancillary accommodation, ground level carpark and 1st floor open space deck.

Development Sites noted in the Vicinity

As noted there have been a number of appeals for development land in the vicinity. These include the following:

- PL93.308850 – Reg.Ref.20660 – Current appeal for the construction of a mixed-use development at a site of approx. 5.25ha. The development to consist of: (1) A mixed use Commercial Building with ancillary garage etc; (2) A mixed use retail and residential building; (3) A single storey Childcare Facility with rooftop photovoltaic solar panel array, ancillary private outdoor play area and dedicated vehicle parking/drop off area; (4) A total of 102 no. dwellings with rooftop photovoltaic solar panel array etc.

This case has yet to be decided and is located on the opposite side to the subject site to the southwest of the Carrickphierish Road.

- ABP-302427-18 BD -002492-19 – The Board considered that it is appropriate that a notice be issued to the planning authority to state that this site to the west remain on the Vacant Sites Register.

This concerns lands opposite and to the west of the subject site.

5.0 Policy Context

5.1. National and Regional Planning Policy

- National Planning Framework, 2018
- Regional Spatial and Economic Strategy for the Southern Region, 2019
- Design Manual for Urban Roads and Streets, 2019

- Sustainable Urban Housing: Design Standards for New Apartments 2020
- Retail Planning Guidelines 2012
- Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, 2009
- Urban Design Manual: A Best practice Guide, 2009

5.2. **Waterford City & County Development Plan 2022-2028**

The new Waterford City and County Development Plan was adopted on 7th June 2022 and took effect on 19th July 2022. The application was considered under the previous Waterford City Development Plan 2013-2019 (as amended), which has now been superseded.

It is of note that the city and county development plan commits to preparing new local area plans for a number of towns during its lifetime including:

- Waterford City, principally the City South East Suburb (Kilbarry) and City North West Suburb (Gracedieu).

It is provided that these LAPS will incorporate the land use zoning objectives and higher level strategies as set out in the city and county development plan while focusing on issues relevant to the local context.

Chapter 3 – Waterford City & MASP

This has regard to policies and Objectives for the City: The NPF, RSES and MASP. And includes regard to integrated land use and housing and regeneration.

Housing Policies and Objectives - include in summary:

H01 – To promote compact urban growth through the consolidation and development of new residential units on infill/ brownfield sites...

H02 - In granting planning permission, they seek to ensure new residential development:

- Is appropriate in terms of type, character, scale, form and density to that location.
- Is serviceable by appropriate supporting social, economic and physical infrastructure.

- Is serviceable by public transport and sustainable modes such as walking and cycling.
- Is integrated and connected to the surrounding area in which it is located; and,
- Is designed in accordance with the applicable guidance and standards of the time (these are listed).

H04 – This seeks to promote and facilitate sustainable and liveable compact urban growth through the thoughtful consolidation and of infill/ brownfield sites in a way which promotes appropriate levels of compactness while delivering healthier and greener urban spaces and residential amenities.

H17: This seeks to encourage the establishment of attractive, inclusive and sustainable residential communities in existing built-up areas and new emerging areas including by:

- Ensuring a suitable variety and mix of housing and apartment types, and sizes/tenures is provided in individual developments to meet the lifecycle adaptation of dwellings and the differing needs and requirements of people and families.

A number of additional points are mentioned to support housing mix and integrated and sustainable residential development.

Chapter 4 includes regard to Retail

Section 4.12 provides the Retail Strategy. The purpose of the retail strategy is to:

- Implement Policy Objective 19a of the MASP and the objectives of the Retail Planning Guidelines, with a key aim being to ensure that Waterford City fulfils its role as the principal retail destination and major economic driver in the County and the South East region.

Section 4.12.2 notes the Retail Context and refers to the Retail Strategy in Volume 3, Appendix 4 and includes note of the following documents:

- Retail Planning Guidelines for Planning Authorities – 2012.
- Retail Design Manual – 2012.
- Waterford City and County Retail Strategy 2020.

- The Retail Hierarchy.
- Assessment of Retail Developments.

Section 4.12.5 Town Centre First/Sequential Approach. Section 4.12.6 Retail Hierarchy and Local Shopping.

Section 11 – Use Zoning

The land use zoning objectives are set out in Table 11.1. This should be read in conjunction with the Land Use Zoning Matrix (Table 11.2) which specifies which development types are 'Permitted in Principle' (I), 'Open to Consideration' (O) and 'Not Permitted' (X) on each land use zone.

Section 3.2 of the Plan has regard to Waterford City Supplementary Core Strategy. This identifies the framework for the new spatial expression of Waterford. Table 3.2 refers to Potential Regeneration Sites and this and Figure 3.3 Waterford City Core Strategy Map refer to Carrickphierish Neighbourhood Centre. It is also included in Appendix 21 as one of the 'Regeneration and Opportunity Sites.' Objective OPS24 refers.

As shown on the Combined Map in Volume 4 of the said Plan, the site is within the area shown blue and zoned for 'Neighbourhood Centre'. It is of note that the general objective for the subject site and the area including the development land on the southern side of the Carrickphierish Road (Current appeal PL93.308850 refers) is as follows:

OPS24 relates i.e: Development on this infill site should provide strong architectural design as a key landmark design for Carrickphierish Neighbourhood. Create a mixed use medium/high density development on both sides with an emphasis on community, neighbourhood scale retail uses, apartments and residential city living. Any development on this site must provide for adequate open space and facilitate the development of a walkway/cycle route and green infrastructure links connecting the Carrickphierish Road with the IDA Industrial Estate to the south and surrounding residential developments. Provide a strong architectural response and be designed to an exceptional standard with a desirable street edge addressing the Carrickphierish Road. The site has potential to accommodate taller building(s).

The land to the north of the subject site which includes the blocks in the scheme to the north of the access to the carpark is zoned 'RS' i.e: *Provide for residential development and protect and improve residential amenity.*

Volume 2 contains Development Management Standards for Residential Development.

Section 3 – Residential Development

The following policies are of note:

DM 05 – Supports increases in residential densities in appropriate sustainable locations.

DM 06 – Supports variety/mix in dwelling types.

Section 3.4.2 provides the General Residential Development Design Standards

This includes that the design and layout of individual dwellings should provide a high-quality living environment. Table 3.1 provides General Standards for New Residential Development in Urban Areas.

Section 3.4.3 provides the Apartment Standards

The design and layout of new apartments should provide comfortable accommodation for a variety of household types and sizes – including families with children - over the medium to long term. Regard should be given to relevant Government Guidelines, including Design Standards for New Apartments, Guidelines for Planning Authorities, 2020. All apartment schemes should provide for a mix of units; comprising of one bedroom, two-bedroom and family units as set out above in the Housing Mix section.

Section 3.4.4 provides the Minimum Space Requirements for Apartments as set out in the 2020 Apartment Guidelines. Section 3.4.5 provides for a minimum of 33% dual aspect units – DM 07 relates. Section 3.4.6 refers to Floor to Ceiling Heights, with 2.7m being the minimum for ground floor units.

Section 5.2 refers to District/Neighbourhood Centres. DM 14 refers.

District suburban and Neighbourhood Centres are intended to cater for the daily shopping and service needs of the immediately surrounding neighbourhood, and will consequently be generally small in scale. In dealing with applications in local

centres, any analysis should take cognisance of changing shopping trends and the social and economic circumstances of the area.

Section 7.1 and Table 7.1 refers to the Car Parking Standards. 1-2 bedrooms requires 1 space.

Section 8.8 refers to DMURS – Policy DM 47 refers.

5.3. Natural Heritage Designations

The Council have included a Habitats Directive Project Screening Assessment. This includes note of the following Natura 2000 sites:

- This site is 0.83km southwest of the Lower River Suir SAC (Site Code:002137 Version: 1.08);
- The site is 9.38km north of the Tramore Back Strand SPA (Code:004027 Version:1.02).

They also have regard to Fresh Water Pearl Mussel Catchment Area, Wetland areas and the tributary of the River Suir, all of which are located some distance from the subject site.

5.4. EIA Screening

Having regard to the nature and small scale of the proposed development, which consists of a change of use to an existing mixed-use development located in a fully serviced, urban area, and its proximity to the nearest sensitive location, 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

Simon Clear & Associates Planning and Development Consultants have submitted a First Party Appeal on behalf of William Neville and Sons. They have regard to the background and planning history of the permitted mixed-use development, to the

merits of the proposed development and to the Planning Authority Decision. Their Grounds of Appeal include the following relative to the Council's reasons for refusal:

Reason no.1

- This planning application was treated as a re-run of a previous application, whereas it was a different proposal to one previously submitted and it should have been treated and assessed on its own merits by reference to the latest context and Government guidance.
- The covering letter with the application covered all of the issues that emerged in the reasons given for refusal. They submit that this was not taken into account by the planning authority.
- The Council's decision to refuse specifically that relating to 'Housing for All' The Apartment Design Guidelines 2020 that were referenced were improperly interpreted in relation to the proposed development.
- These units were constructed as part of the mixed-use apartment scheme c.15 years ago and the part referred to in this application was never occupied and has deteriorated due to lack of use in the meantime. This part of the building is to be refurbished for use as apartment accommodation, in a live/work configuration.
- Notwithstanding the available derogations the subject apartments clearly meet and exceed all the requirements of the Apartment Design Guidelines 2020, without the need for specific internal dimensions to be set out on drawings.
- They refer to the land use zoning in the Waterford CCDP 2022-2028 and provide that while it is policy to protect neighbourhood centres in general, the existing and future development plans provide for extensive additional areas zoned for mixed-use development in neighbourhood 1, which can accommodate additional retail development.
- They note other lands zoned for mixed use in this area of Carrickphierish Road and refer to the Draft Plan.
- The planning authority reasoning ignores the availability of future applications for permission for change of use, which could be sought to revert permitted apartments to retail should demand ever overtake what is available.

- Additional retail services can be provided on foot of permission in designated locations along the spine of a traffic calmed Carrickphierish Road, which will accommodate more local shops and services as required to support expansion of the overall neighbourhood.

Reason no.2

- Having regard to the proposed workshop uses the existing permission allows these units to be occupied as shops/services that could have impacted on the apartments overhead by reason of noise, odour or nuisance.
- Work/live is encouraged by Government policy and in the context of a mixed use development. A condition can be imposed that the proposed work element be operated so as not to negatively impact on the residential amenity of the area by reason of noise, odour or nuisance.

Reason no.3

- This refers to potential adverse impact from the location of the proposed private amenity open space for the apartments on the amenity of future residents. They note that the Traffic Division provided no report on the subject application, whereas they had on the previous application.
- They include a drawing showing the proposed strip of private amenity open space to the front of the proposed apartment units. The grass verge outside the site can be surfaced to provide a public footpath on public land.
- There is a very wide junction in this location and there are several references in the draft Waterford CCDP 2022-2028 that traffic calming will be introduced on Carrickphierish Road to enhance safe active connectivity within the neighbourhood.
- To suggest that the refurbishment and use of these shopfronts for residential use would negatively impact on the urban edge and streetscape is unreasonable. The existing vacant street front is a dis-amenity, which has persisted since 2009 and will be mitigated to some extent by refurbishment and change of use.
- The outcome of this proposed development, if permitted, will be that of 5 units currently unoccupied, 2 units will be occupied for residential work/live use and

3 units will remain vacant for uptake as retail/service units should any demand for same arise at this location.

Government Policy

- They refer to the Government's new initiative of 'Housing for all' and note that they have signed up to the Lisbon Declaration to eradicate homelessness in Europe by 2030. The explanation of need identifies 60,000 families on waiting lists in 2021 and sets out a number of pathways to eradication.
- They refer to Appendix 1 'Pathway to Eradicating Homelessness, Increasing Social Housing Delivery and Supporting Social Inclusion'.
- They note the Government's new initiative (under S.I of 2018), to simplify the re-use of unused space in buildings to increase housing supply, by making change of use and refurbishment Exempted Development in certain circumstances. – Appendix 2 refers.
- They provide that this exemption is currently under review for extension of duration (to 2025) and to facilitate an increased range of allowable conversions to residential with a simplification of limitations and requirements – Appendix 3 refers.
- The planning authority has failed to take into account overall Government policy that identifies a housing and accommodation crisis and the Government's responsibility to eradicate homelessness by 2030.

Conclusion

- They submit that therefore the reasons for refusal cannot be sustained. The applicants reviewed the previous refusal and made significant revisions, which was clearly described in the application and covering letter.
- The application is not a straightforward re-run of a previous application and should not be assessed as such.
- They request that permission be granted with the attachment of appropriate conditions.

6.2. **Planning Authority Response**

There is no response from the Planning Authority on file.

6.3. **Observations**

None noted on file.

7.0 **Assessment**

7.1. The main planning considerations relevant to this appeal case are:

- Principle and Rationale
- Residential Amenity
- Appropriate Assessment

7.2. **Principle and Rationale**

- 7.2.1. National policy advocates utilising of existing buildings as part of a strategy to achieve compact growth in serviced areas and primarily in towns where higher densities are appropriate. In this case the site is located on the outskirts in a relatively new development area which is within the boundaries of Waterford City. The apartment blocks and ground floor retail units on this corner site, have frontage to Carrickphierish Road and the subject units front Mount Suir Manor. Much of the surrounding lands are yet to be developed, and as noted in the Planning History Section above, various planning applications have been lodged, some with decisions pending.
- 7.2.2. Waterford City and County Development Plan 2022-2028 notes the importance of housing and regeneration across the city and its diverse neighbourhoods to achieve compact, infrastructure led growth. Table 3.2 provides a list of Waterford City Potential Regeneration Sites. As shown on the land use zoning map Objective OPS24 relates to a 'Neighbourhood Centre for Carickphierish'. The site area for this is given as 7.2ha. This relates primarily to the development area on the opposite side to the south of the Carrickphierish Road, which has yet to be developed. However, it

also includes the subject vacant retail units, which are located on the ground floor of the apartment blocks in Mount Suir Manor.

- 7.2.3. The 'Neighbourhood Centre' includes for mixed use development which permits residential development in principle. However, regard is had to planning history where the parent permission (Reg.Ref.05500419) included 8no. shop units at ground floor level of this mixed-use apartment development fronting Carrickphierish Road and Mount Suir Manor. To date only two of these units has been developed for separate retail and takeaway uses. These are corner units located at the junction of Mount Suir Manor with the Carrickphierish Road.
- 7.2.4. The Planning Authority has concerns about the loss of the retail units and that this would undermine the consolidation of retail/commercial units on the ground floor of this apartment block within the 'Neighbourhood Centre' land use zoning. That policies for consolidating retail in this area including within these ground level units raises potentially conflicting issues regarding the future use of these long-term vacant retail units.
- 7.2.5. Residential use is permitted under the 'Neighbourhood Centre' zoning of the site and is established on the floors above ground floor in the building on the site. The proposed change of use from retail to residential does not contravene the use zoning objective. However, it would contravene the approved layout and the conditions of the parent permission. Having regard to the planning history the issue of precedent is also of note.
- 7.2.6. It is noted that the letter submitted on behalf of the applicant with the application provides that they have reviewed the refusal of permission for conversion from unused retail to work/live residential (Reg.Ref.21/243 refers) which provided for the change of use from retail units 5no. live/work units. They consider that the Carrickphierish Neighbourhood Centre (CNC) is oversized for the neighbourhood. They provide that the potential viability of the CNC is better on the distributor road frontage where passing trade can add to viability. That the potential on the estate road is less. Therefore, they submit, that this application for the conversion refers to 2 units facing the estate road only, leaving sufficient retail and commercial space within the CNC commensurate with the needs of the area.

- 7.2.7. The Appeal Statement submitted by the applicant in response to the planning authority's decision to refuse notes that government policy is supportive of residential use to assist in the provision of housing to reduce homelessness (Appendices 1- 3 refer). That this is a building conversion project where a building provided for a particular purpose i.e retail, has not been used for that purpose and has remained vacant since construction.
- 7.2.8. However, I would note that it does not follow from the acceptability in principle of residential use in an area that any particular development would necessarily be in keeping with the provisions of a development plan, or wider planning policy. The issue in this case is not whether residential use is appropriate to this area, but whether apartment development should be provided within the ground floor of the permitted retail units along the street frontage within the designated 'Neighbourhood Centre' when there is currently limited retail provision to serve the existing and future local population. Also, whether the proposed conversion to live/work units would be in accordance with the proper planning and sustainable development of the area.

7.3. Residential Amenity

- 7.3.1. This proposal involves the change of use from 2no. vacant retail units to live/work units comprising 1no. 2 bedroom apartment with workshop to the rear, 1no. 1 bedroom apartment with workshop to the rear and private open space area to the front of the block for 2no. apartments. The units face onto the estate road Mount Suir which is primarily a residential area to the northwest of the junction with Carrickphierish Road.
- 7.3.2. Floor plans, Sections and Elevations have been submitted. These show the living area to the front and the proposed workshop/store area to the rear of each of the units. The g.f.a. of the 2no. units for change of use/conversion is given as 240sq.m.on the application form and with a combined floor area of 235sq.m in the appeal statement. The floor plans refer to these units as (5) and (6). The 1no. bedroom apartment has a floor area of 106sq.m gross and the 2no. bedroom apartment (129sq.m. gross). It is noted that as scaled on the floor plans these are gross areas which include the workshop/store areas at the rear. While they are

accessed by a door to the rear of the living space, I would consider them as a separate floor space to the living space of the apartments.

- 7.3.3. Regard is had to the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2020'. The Planner's Report notes that the site is considered to be in an 'Intermediate Urban Location' within the context of these Guidelines. Appendix 1 provides 'Required Minimum Floor Areas and Standards'. This is 45sq.m for a one bedroom and 73sq.m for a two bedroom (4 person) apartment. In this case the 1no. bedroom apartment is shown c.65sq.m and the 2no. bedroom apartment is shown c.80sq.m. While a Schedule of Floor Areas has not been submitted, as shown on the plans (scale 1:200) the floor areas of the proposed apartment units appear to comply with or exceed the minimum standards for one and two bedrooms as provided in the Guidelines.
- 7.3.4. It is of note that Section 3.4.6 of the Waterford CCDP 2022-2028 and Policy DM 08 refers to Apartment Floor to Ceiling Height, being a minimum of 2.7m from ground floor apartments. This is as per the guidance in Section 3.22 of the 'Sustainable Urban Housing Design Standards for New Apartments' 2020. It is noted that the Sections show a floor to ceiling height of 2.5m being available in the units, which would be lower than recommended guidance of 2.7m for ground floor apartments.
- 7.3.5. As shown on the Elevations it is proposed to replace the existing door and window of the frontage of the retail units, with a new window and door unit for each of the apartments. It is noted that as shown on the Floor Plans bedroom no.1 in unit (6) will have a small front window area. The apartments will be single aspect and west facing. As shown, there will be no windows on the rear elevation for the proposed workshop/store use.

Open Space

- 7.3.6. The First Party provide that the apartments have rear access (via the workshop/store area) to existing carparking and to the extensive podium communal open space (4,000sq.m elevated over sub-podium car parking) serving the existing residential development. The existing retail units do not have access to private open space. Appendix 1 of the Apartment Guidelines 2020 provides that a 1no. bedroom apartment requires 5m and a two bedroom 6-7m (3-4 person) of private amenity open space.

- 7.3.7. However, this proposal includes that private open space area for the 2no. apartments would be provided to the front of the block. The First Party provide that this area is currently located on private lands. This currently forms a paved area and grass strip between the frontage of the block to Mount Suir Manor and the footpath. On the day of the site visit there were cars parked along the road frontage. Residential use requires some privacy for its occupants. I note the units are on the side of a sloping site and adjacent to the entrance to the undercroft car parking area. I would be concerned about the privacy, security and amenity value of this area, for both units as private open space and for the enjoyment of future residents.
- 7.3.8. Section 3.35 of the Apartment Guidelines 2020 relates to the provision of Private Amenity Space and refers to the overall design quality and Section 3.40 to Security Considerations including the need for a 'privacy strip' where adjoining public areas, noting the need for landscape design and boundary treatment. While reference is had to availability of communal open space, it is important to ensure quality private open space in accordance with standards is available.
- 7.3.9. In this respect regard is had to Volume 2 of the Waterford CCDP 2022-2028 and to Section 3.4.3 which provides the 'Apartment Standards' and includes: *Private open space for apartments shall be provided in the form of patios, balconies, or roof gardens, with patios and balconies forming an integral part of the scheme design as set out in the Guidelines.* The detailed design for the proposed front elevation does not reflect the established character of the street frontage. If the Board were minded to grant permission for the change of use than the issue of design and layout should be addressed, as should the provision of private open space for the proposed apartments.

Workshop use

- 7.3.10. The Council's second reason for refusal is concerned that there is an absence of detailed information regarding the intended use of the proposed workshop units and concern that they will impact adversely on the amenities of existing residential. The First Party response provides that home/work has been proven to be demonstrably viable in the past few years and that there has been a considerable increase in home working at a tech-level in recent years without any demonstrable effect upon the amenities of neighbouring residential properties. They advise a condition could be

imposed that the proposed work element be operated so as not to negatively impact on the residential amenity of the area by reason of noise, odour or nuisance. That 'workshop' can be interpreted at 'workspace'.

- 7.3.11. However, it is noted that these areas have no windows and would present a relatively enclosed space. The workshop/store areas have rear access and face the (undercroft) car parking area. I noted this area appeared dimly lit and has little natural light on the day of my site visit. I would be concerned that they are not well located and details have not been submitted as to proposed usage in the context of the other units including the residential overhead. If the Board decides to permit, I would recommend that it be conditioned that they not be used for habitable purposes, and that their use be restricted to ancillary to the dwelling units.

Other issues

- 7.3.12. No details are provided of bin storage. The Planner's Report noted that the cover letter with the previous application, indicated that the overall common amenity area, including the bin storage area which serves the then proposed 6 apartments. No details are attached to the current proposal and the area for bin storage has not been indicated on the submitted plans. It is noted that general design guidelines for Refuse Storage relative to sufficient communal storage are referred to in Section 4.8 of the Apartment Guidelines 2020.

Conclusion

- 7.3.13. I would consider that the frontage that the proposed apartments would present to the street at ground floor level would therefore be much less animated than a retail use. It would provide a new concept for private open space, incorporating the frontage, rather than the integrated balconies provided for the existing apartments above. The absence of any setback or privacy strip on the street means that activity on the street could impinge on the amenity of the proposed apartments. It would also present a much less animated frontage than other nonretail uses that might be located there, including commercial or community services, or offices. So, even if it were accepted that retail use was not viable on the ground floor on the site, the proposed residential use would constitute dead frontage to a greater extent than other non-retail uses that might be viable.

7.3.14. With the exception of two of the units, the shopfronts on the site are in vacant condition. However, it is not considered that an absence of maintenance would justify granting permission for a development that would be substandard. Having regard to the above I would consider that the design and layout of the proposed apartment units including the provision of private open space and workshop store areas to the rear would be substandard and would not comply with the Residential Design Standards for Apartments in Section 3.4.3 of the Waterford CCDP 2022-2028. In addition, they would not comply with the 'Sustainable Urban Housing: Design Standards for New Apartments in particular relative to the provision of private amenity space and ceiling heights. As such they would create an undesirable precedent and be contrary to the proper planning and sustainable development of the area which is within the land use zoning that forms part of Carrickphierish Neighbourhood Centre.

7.4. Appropriate Assessment

7.4.1. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, no appropriate assessment issues arise and it is not considered that the proposed 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

8.1. I recommend that this proposal be refused for the reasons and considerations below.

9.0 Reasons and Considerations

1. The proposed change of use of these ground floor retail units permitted as part of the overall mixed-use development (register reference 05500419 refers) to two number apartment units with workshop/store to the rear, would result of the loss of these retail units in a development area that is not well served with such uses and is within the frontage of Carrickphierish Neighbourhood Centre (Objective OPS24 refers). As such it has not been demonstrated that this proposal would not be detrimental for the amenities of the area and would not set an undesirable precedent for such changes of use

resulting in the loss of retail units along the road frontage and be contrary to the proper planning and sustainable development of the area.

2. The proposed single aspect ground floor apartment units, having regard to their locational context, adjacent to the entrance to the under-croft parking, would be substandard in relation to floor to ceiling heights and the provision of quality open space and as such would not comply with the Apartment Standards in Section 3.4.3 and 3.4.6 (Development Management Objective DM 08) Volume 2 of the Waterford City and County Development Plan 2022-2028. The proposal would not comply with the 'Sustainable Urban Housing: Design Standards for New Apartments 2020', which are Section 28 Guidelines for the purposes of the Planning and Development Act 2000 (as amended). In particular relative to floor to ceiling heights for ground floor apartments (section 3.22) and the provision and overall design quality of the private amenity space (section 3.35). In addition, it has not been demonstrated that the proposed workshop/store areas to the rear of these units would be well integrated with the residential use of the apartment units and would not impact adversely on the residential amenities of the area. As such the proposal would be contrary to the proper planning and sustainable development of the area.

Angela Brereton
Planning Inspector

6th of December 2022