



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320361-24

<b>Development</b>	Partial demolition of existing buildings and change of use from licensed premises to 38 units for student accommodation with associated site development works.
<b>Location</b>	28-32 John Street & 1-3 Manor Street, Waterford, X91 EC2D
<b>Planning Authority</b>	Waterford City and County Council
<b>Planning Authority Reg. Ref.</b>	2360288
<b>Applicant(s)</b>	Causeway Group Limited.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Waterford and South Tipperary CYS
<b>Observer(s)</b>	Eamonn Augustine O'Duibhgeannain.
<b>Date of Site Inspection</b>	3 <sup>rd</sup> December 2024

**Inspector**

Jennifer McQuaid

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## **1.0 Site Location and Description**

- 1.1. The subject site (0.08ha) is located at the corner/junction of John Street & Manor Street in Waterford City and fronts the regional road R680 to the southeast. The site is occupied by a number of buildings, including No's 1, 2 & 3 Manor Street and No's 27, 28, 31 and rear of 31A John Street. The majority of the site is occupied by Sinnott's Bar (vacant). The site also includes 2 no. derelict buildings No's 29 and No's 30 John Street.

## **2.0 Proposed Development**

- 2.1. The development (revised following further information request from Planning Authority) consists of:
- Partial demolition of existing vacant derelict structures at 29 & 30 John Street & retention of building facades.
  - Construction of new three storey buildings and amalgamate with existing Sinnott's property and No's 27, 28, 31, rear of 31A and 32 John Street.
  - Change of use of licensed property to 38no. student accommodation units and all ancillary works.
  - New escape stairwell to courtyard area to rear of 32 John Street.
  - Elevational alterations to No. 3 Manor Street and 27 & 28 John Street, 31 & 32 John Street.
  - All associated site development works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Grant permission subject to 21 conditions.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planning Authority requested further information. The following was discussed:

- Further information submitted, consultation was carried out with the Department and revised design proposals were agreed and a number of conditions were proposed to a grant of permission. The full demolition of the buildings was revised to retention of the building facades.
- Revised drawings were submitted, and 3D models were submitted.
- The applicant confirmed fire escape doors to the rear are for fire escape only and a legal document submitted to confirm agreement with third party lands. Bin storage and bicycle storage removed of the third-party lands and relocated to the side of the building.
- A Student Management Plan was submitted and indicates there is a shortfall of student accommodation, there will be operational management of the student accommodation, and it is intended to have the accommodation available for tourists/visitor rentals during the summer months.

#### 3.2.2. Other Technical Reports

- Newtown Road Carricklawn Wexford: Further information required.
- Conservation Officer: Further information required.
- Roads: No objection. (No report, verbally discussed with Planner)
- Environment: No objection

#### 3.2.3. Conditions

- Condition 4:
  - (a) A suitably qualified conservation professional – conservation accredited architect/engineer/surveyor shall be employed to monitor the works on the site and to ensure adequate protection of the historic fabric during the works.
  - (b) High resolution digital photographs shall be taken on a regular and ongoing basis for the duration of the works and a detailed description of the works undertaken shall be compiled.

- (c) The historical fabric scheduled for demolition shall be “Retained by Record” to ICOMOS standard. This also includes historic fabric that may only be revealed during the course of works.
- (d) A conservation record survey shall be carried out by the conservation accredited professional on all architectural features including windows doors, historic timbers, walls, etc in the building prior to the works commencing.
- (e) Specifications, plans, and method statements prepared by the conservation accredited professional shall be adhered to by the contractor, staff and all involved with the development works.
- (f) To facilitate the recording of the built heritage, a detailed record of works shall be kept and compiled for submission to the Planning Authority after works have been completed.
- (g) The supervising conservation professional shall be responsible for ensuring that all interventions adhere to the statutory and regulatory provisions allowed for in respect of historic structures, and that materials and methodologies utilised in the historic structures are compatible with the historic and traditionally built fabric and are not harmful to sites of ecological significance.
- (h) All repair works shall be carried out in accordance with the best conservation practice as detailed in the approved documentation and the Architectural Heritage Protection Guidelines for Planning Authorities published by the Department of Arts, Heritage and Gaeltacht (2011).
- (i) Method statements for the repair of historic stonework and timbers shall be submitted prior to the commencement of works.
- (j) All specialist conservation works are to be undertaken by appropriately qualified and experienced persons.
- (k) Upon completion of the works, the supervising conservation consultant shall certify to the Planning Authority, for its written agreement, that the specified works have been carried out in accordance with best conservation practice in the field of architectural heritage.

Reason: To ensure that the works shall be carried out in accordance with best conservation practice and to ensure unnecessary damage or loss of any historic fabric either known or revealed during works.

Condition 5:

- (a) The works to the front elevations of the building on John Street and Manor Street shall comply with the Section 10 of the “Development Management Standards”, Volume Two, Waterford City and County Development Plan 2022-2028. Prior to the commencement of works the developer shall submit the following details for the written agreement of the Planning Authority:
- (b) Details for the timber shopfronts including cornice, pilaster and fascia profile details and details of the colours and lighting. Signage shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individually mounted lettering.
- (c) Details of the timber sliding sash windows and doors on the front elevations of the buildings on John Street and Manor Street.
- (d) Details of any window treatment/displays behind the shopfront windows on the ground floor.

Reason: To respect the visual amenity and architectural integrity of the streetscape.

### **3.3. Prescribed Bodies**

- Department of Housing, Local Government and Heritage: Further information requested in relation to revised design proposal to retain the buildings proposed for demolition.

### **3.4. Third Party Observations**

- Fire escape doors open directly on Waterford & South Tipperary Community Youth Service (W.S.T.C.Y.S) car park. No agreement in place and not supported by W.S.T.C.Y.S and would conflict with their own needs for the car park.



## 4.0 Planning History

**20720:** Permission refused for demolition of 29 & 30 John Street and temporary use of outdoor seating area.

1. Having regard to the sites location within Waterford City Centre and a general conservation area as designated in the Waterford City Development Plan 2013-2019 (as extended & varied), the nature of the proposed development and existing established uses on site the proposed development would materially contravene the “City Centre” policies and objectives contained in the current Waterford City Development Plan 2013-2019 (as extended and varied) with particular reference to Policy 5.4.5, Policy 5.4.8 and Policy 5.4.10. Furthermore, it is considered that the proposed development would detract from the streetscape, urban layout and visual amenities of the area in a designated “general conservation area”.
2. On the basis of the details provided with the planning application it has not been demonstrated that the proposed development and intended use would not give rise to noise disturbance and detract from the residential and general amenities of the area and therefore would be contrary to the proper planning and sustainable development of the area.

**15155:** Retention granted of an internally illuminated sign placed behind a first-floor window directly above the main entrance to premises.

**13500013:** Permission granted for creation of new ground level fire escape doorway from the rear of premises trading as Sinnott’s at nos. 1, 2 & 3 Manor Street and nos. 28, 31 and rear of 31A John Street, Waterford. The fire escape would be from the rear of the property at 31A John Street and would open onto a carpark occupied by Edmund Rice Youth & Community Multiplex, Manor Street, Waterford.

**13500006:** Permission granted for Internal and external alterations and change of use of that property and amalgamation with adjoining licensed premises trading at Sinnott's which occupies nos. 1.2 & 3 Manor Street and nos. 28, 31 and rear of 31A John Street, Waterford. The property is currently vacant, and it is proposed that its use would be changed to storage associated with adjoining licensed premises (Sinnott's).

**11500101:** Permission granted to extend existing kitchen & store into existing garage and for an expansion of condition No 9 of previous 02/410 permission to open restaurant to public.

**08500292:** Permission granted for the demolition of nos. 29 & 30 John Street, the construction of a 4 and 3 storey building respectively and all associated site works

**06500474:** Permission granted for a development at this site no's 31 & 31A John Street and no's 1 & 2 Manor Street (development on the corner of Manor Street and John Street), Waterford. this development shall consist of partial demolition of no. 31 A John Street, the construction of a new 3 storey building to be licensed premises.

**06500062:** Permission granted for demolition of the 4-storey building at No. 29 John Street and 2 storey building at No. 30 John Street with the construction of a new 4 storey building.

**03500285:** Permission granted for the demolition of existing buildings at N. 29, No. 30, no 31, and No.31a John St. The construction of a new 29 bed hotel.

**02500597:** Permission granted to alter existing roof profile at Chez K's in accordance with documents submitted.

**01500002:** Permission refused to demolish existing building, re-build new ground floor, licensed restaurant/takeaway basement storage with first and second floor office/nightclub accommodation in accordance with documents submitted at 31a John Street.

**00502496:** Permission granted for extension of premises for use as an Amusement Centre.

**96509836:** Permission granted to retain section of ground floor bar, 1<sup>st</sup> floor store and fire escape stairs.

## **5.0 Policy Context**

### **5.1. Development Plan**

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

The site mainly zoned as Town Core, the objective is to provide for the development and enhancement of town core uses including retail, residential, commercial, civic and other uses. And partially or adjacent an area zoned as Community Infrastructure, the objective is to provide for and protect civic, educational, religious, community, health care and social infrastructure.

Chapter 7, Housing & Sustainable Communities, Section 7.10: In considering planning applications for student accommodation, the Council will have regard to:

- The existing surroundings residential character and amenity.
- The “Guidelines on Residential Developments for Third Level Students’ (2005), and any amendments thereof.
- The provisions of The National Student Accommodation Strategy (2017).
- Circular PL8/2016 APH2/2016. No social/affordable housing will be required with regard to bona fide purpose-built and professionally managed student accommodation.

#### Student Accommodation Policy Objective

H22 We will facilitate provision of high-quality, purpose built and professional managed student accommodation in line with the provisions of the National Student Accommodation Strategy (2017). Purpose built student accommodation should be provided on campus or in suitable locations that are easily accessible to relevant educational institutions/campuses by way of walking, cycling and high quality, convenient public transport.

H23 The Council will support the sustainable distribution and provision of student accommodation in the city centre including through the development of “over shop living” and the development of underutilised sites. Any development must have regard to the following:

- The effect of the proposed development on the amenities of the area, including residential amenity.
- The effect of the proposed development on the existing mix of land uses and activities including the existing student accommodation, in the particular locality.

The site is in Waterford City Architectural Conservation Area (ACA) and Waterford City General Conservation Area.

The site is adjacent protected structure RPS No: WA730634, Pizza Palace, 33A John Street. And City Walls: Grady's Yard John Street Waterford (Archaeological Monument) – SMR No: WA009005001 to 19 (National Monument).

The site is within zone of notification R134132.

Volume 2, Development Management Standards, Section 10 refers to Architectural Conservation Areas

Chapter 11 refers to Heritage

Policies and Objectives

BH5 Architectural Conservation Areas. It is the policy of the Council to:

- Achieve the preservation of the special character of places, areas, groups of structures setting out Architectural Conservation Areas (ACA).
- Protect the special heritage values, unique characteristics and distinctive features, such as shopfronts within the ACA from inappropriate development which would detract from the special character of the ACA.
- Prohibit the demolition of historic structures that positively contributes to the distinctive character of the ACA.
- Encourage the undergrounding of overhead services and the removal of redundant wiring/ cables within an ACA and to assess all further cable installations against its likely impact on the character of the ACA as the cumulative impact of wiring can have a negative impact on the character of ACAs.
- Provide guidelines on appropriate development to retain its distinctive character; and protect elements of the streetscape such as rubble stone boundary walls, planting schemes and street furniture such as paving, post boxes, historic bollards, basement grills, street signage/plaques, etc. which make a positive contribution to the built heritage.

- Retain or sensitively reintegrate any surviving items of historic street furniture and finishes such as granite kerbing and paving that contribute to the character of an ACA.

**BH8 Built Heritage.** It is the policy of the Council to encourage sympathetic development or reuse of historic buildings to promote heritage led economic growth and regeneration whilst not adversely detracting from the building or its setting. Any proposals shall respect features of the special architectural and historic character by appropriate design, materials, scale, and setting.

**BH10 Building Adaption.** It is the policy of the Council to facilitate appropriate, high-quality design solutions for adaptations of Protected Structures and historic buildings in an ACA that carefully consider the design, height, scale, massing, and finishes of adjacent buildings.

**BH11 Maintaining and Enhancing Special Character.** It is the policy of the Council to protect structures and curtilages included in the RPS or historic structures within ACA, from any works which would visually or physically detract from the special character of the main structure, any structures within the curtilage, or the streetscape or landscape setting of the ACA.

**BH13 Vacant and Derelict Structures.** It is the policy of the Council to encourage the sensitive redevelopment of vacant or derelict sites within the ACA and historic cores of the city, towns and villages whilst promoting a high standard design which respects urban plots, roof lines vistas and streetscape.

**BH14 Retaining Built Fabric.** It is the policy of the Council to:

- Encourage the sensitive redevelopment and reuse of the ground floor shop units of Protected Structures or buildings in the historic cores for other uses including residential whilst retaining the shopfront façade, windows and doorways to upper floors.
- Promote the sustainable reuse and refurbishment of vacant upper floors of buildings in the historic core for residential use through incentives such as the Repair and Lease Scheme.

**BH15 Retaining our Shopfronts.** It is the policy of the Council to ensure that all original and traditional shopfronts which contribute positively to the appearance and

character of a streetscape are retained and restored and new shopfronts are well designed, through the sympathetic use of scale, proportion and high quality materials.

AH05 Waterford City Walls and Towers. We will 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. We will continue to protect enhance and promote the City Walls by updating the City Walls Plan (2014) and implement an Interpretation Plan for Waterford Medieval City Walls and Towers.

The site is within 100m of Transport Objective for proposed active travel & /or Public Transport, Waterford City.

The site is zoned as Flood Zone A and B.

## **5.2. National Policy**

- National Planning Framework – Project Ireland 2040
- Sustainable Residential Development and Compact Settlement Guidelines 2024. (Compact Guidelines)
- Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities (2022) (Apartment Guidelines)
- Design Manual for Urban Roads & Streets (DMURS) 2019.
- Guidelines on Residential Developments for Third Level Students' (2005), and any amendment thereof.
- The National Student Accommodation Strategy (2017).
- Circular PL8/2016 APH2/2016. No social/affordable housing will be required with regard to bona fide purpose-built and professionally managed student accommodation.

### 5.3. Regional Policy

- Regional Spatial and Economic Strategy for the Southern Region

### 5.4. Natural Heritage Designations

The site is not located within or adjacent to a Natura 2000 site. The following designated sites are located in close proximity to the proposed site:

- Lower River Suir SAC (Site Code: 002137) located c.0.54km northeast.
- Kilbarry Bog pNHA (Site Code: 001700) located c.1.7km south.
- King's Channel pNHA (Site Code: 001702) located c.2.5km east.
- Grannyferry pNHA (Site Code: 000833) located c.3.2km northwest.
- River Barrow and River Nore SAC (Site Code: 002162) located c.7km east.
- Barrow River Estuary pNHA (Site Code: 000698) located c.7km east.
- Tramore Back Strand SPA (Site Code: 004027) & SAC (Site Code: 000671) located c.9.35km south.

### 5.5. EIA Screening

- 5.5.1. The proposal relates to a change of use from licensed premises to 38 units for student accommodation, partial demolition of existing buildings with connection to public services in Waterford City. The site is located on zoned lands and not within a designated site. Having regard to the nature and scale of development and the absence of any significant environmental sensitivity in the vicinity 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. Please refer to Form 1 and Form 2 as per Appendix 1 below.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal are submitted from the adjoining premises. The concerns raised are:

- Inclusion of fire exit doors which open directly onto Waterford & South Tipperary Community Youth Service (W.S.T.C.Y.S) car park.
- A prior “grant of easement” between the previous owners and W.S.T.C.Y.S no longer stand as the premises now moves to being developed as a residential property.
- W.S.T.C.Y.S intend to build a bicycle shed in this area of the small car park and the emergency exit will be compromised.

## 6.2. **Applicant Response**

- None

## 6.3. **Planning Authority Response**

- None

## 6.4. **Observations**

An observation was received, the following concerns were raised:

- Proposed development is out of place with the surrounding built environment.
- No need for the development. What about the need of the locals or tourists?
- No infrastructure resources or amenities for the development.
- The students will create a nuisance with alcohol and possible substance abuse.
- The demolition and construction phase will create a disturbance with dust and noise etc.

## 6.5. **Further Responses**

The application was referred to An Taisce and they have made the following comments:

- Site is located within the Medieval City walled area, in the main Waterford City ACA and occupies a prominent corner location.



- The corner building is poor quality 1980's date. The terrace buildings on John Street represent the historic urban grain in plot division and streetscape quality.
- Grounds of appeal relate to rear access issue.
- A major urban design improvement has been secured following the recommendations of the Department Development Applications Unit and further information request. This includes the retention of the terraced building on John Street and significantly improves the architectural treatment of the 1980s corner former pub/night club building.

## **7.0 Oral Hearing**

- 7.1. The appellant requested an Oral Hearing be held for the appeal. The Board considered that sufficient information was on file to allow an assessment. Therefore, no Oral Hearing was undertaken.

## **8.0 Assessment**

- 8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issue in this appeal are as follows:

- Principle of Development & Need for the Development
- Other Issues – Construction Phase
- Built Heritage
- Fire Escape & Legal Issues
- Appropriate Assessment

### **8.2. Principle of Development & Need for the Development**

- 8.3. The site is located in Waterford City Centre, the site mainly zoned as Town Core, the objective is to provide for the development and enhancement of town core uses including retail, residential, commercial, civic and other uses. And partial zoned/adjacent to area zoned as Community Infrastructure, the objective is to

provide for and protect civic, educational, religious, community, health care and social infrastructure.

- 8.4. The observation received states that the proposed development is out of place with the surrounding built environment. And that there is no need for the development, nor are there the infrastructure resources or amenities to support the development.
- 8.5. I have reviewed the zoning matrix for the proposed site, student accommodation is permissible in principle in the Town Core zoning and open to consideration in Community Infrastructure zoning. Therefore, I consider student accommodation is acceptable in principle at this location. In addition, objectives H22 and H23 are supportive of student accommodation and recognise the requirement for student accommodation.
- 8.6. I have assessed the Student Demand Report submitted with the application and the report states that in 2024, the National Student Accommodation Strategy outlined for Waterford that there is a shortfall of 343 student bed spaces. The report also confirms consultation was carried out with SETU (Southeast Technology University) and there is currently a waiting list of over 300 people for student beds for September 2024, and this is likely to increase to at least 600. An aerial image was provided of a 0.25km radius having looked at [www.setustudentpad.ie](http://www.setustudentpad.ie) and note there are no student accommodation in this area. Therefore, taking into account the information submitted, I am satisfied that there is a need for student accommodation in this area.
- 8.7. An Operational Student Accommodation Management Plan was submitted, and I note as per section 2.5 Summer Lettings, the applicant intends to accommodate tourists and other visitors outside the academic term times from June to August. It is in my opinion that the proposed accommodation will act as a dual purpose, providing student accommodation during term time and providing tourist accommodation during the summer months (peak times).
- 8.8. Having regard to the zoning and the objectives H22 and H23 as set out in the Waterford City and County Development Plan 2022-2028, the principle of student accommodation in Waterford City is acceptable. The applicant has demonstrated a need for student accommodation; therefore, I accept that student accommodation is required and suitable at this location.

**8.9. Other Issues – Construction Phase, noise, anti-social behaviour**

- 8.10. The site is located in Waterford City Centre, the site consists of existing buildings along the street front of John Street and Manor Street. The applicant had originally proposed to demolish 29 & 30 John Street, however, after a further information request, the applicant proposes to retain all the existing building façades and to reinstate the walls of the building as they would have been prior to the late 20<sup>th</sup> Century demolition and building of the nightclub.
- 8.11. The observation submitted states that the demolition and construction phase will create a disturbance with dust and noise etc.
- 8.12. As I have outlined above, the proposal initially included full demolition of a number of buildings, but this has been reduced and only partial internal demolition will occur. In the event of a grant of permission, a number of conditions will be attached which will specify that the applicant/developer shall comply noise and dust standards, also construction hours will be restricted, and the applicant will be requested to submit a Construction Management Plan prior to commencement. Therefore, it is my opinion that the proposed construction phase will be continually monitored and shall not give rise to any noise or dust issues and shall not cause a detrimental impact on residential amenity.
- 8.13. The observation also refers to students creating a nuisance with alcohol and possible substance abuse.
- 8.14. The applicant has outlined that the Management Company will operate a 4-tier escalation process to deal with anti-social behaviour and will work closely with the universities and their disciplinary procedures. In order to reduce opportunities for anti-social behaviour, students will be notified of “quiet hours; between 10pm and 7am where no external noise should be heard from bedrooms/flats. I am satisfied that the applicant proposal will adequately deal with any potential anti-social behaviour.
- 8.15. Having regard to the proposal put forward by the applicant and the proposed conditions to be attached to any grant of permission, I do not consider that the proposed development will cause a disturbance during construction or create a nuisance during operation.

#### **8.16. Built Heritage**

- 8.17. The subject site is located within the Architectural Conservation Area (ACA) of Waterford City and in Waterford City General Conservation Area. The site is within the City Walls and Watch Tower, identified as National Monuments in Waterford City.
- 8.18. The initial planning application proposed to demolish the building at no. 29 & 30 John Street. However, a further information request was received from the Department of Housing, Local Government and Heritage, they requested the applicant to retain the existing buildings at no. 29 & 30 John Street and to avoid the re-ordering of the streetscape facades, the removal and loss of authenticity of historic fabric and streetscape characteristics.
- 8.19. An observation was received from An Taisce, and they have noted the site is located within the Medieval City Walled Area and in Waterford ACA. They also note the site is a poor quality 1980's build, and that the terrace buildings on John Street represent the historic urban grain in plot division and streetscape quality. An Taisce also note that a major urban design improvement has been secured following the recommendation of the Department.
- 8.20. I have reviewed the further information response from the applicant. The applicant has agreed with the Department and Conservation Officer a revised proposal which involves the sustainable reuse and remaking of the existing buildings to respect the historic streetscape. The revised proposal will maintain the majority of the building facades with internal floor levels comparable to the existing. To the rear, the revised design will reinstate the walls of the building as they would have been prior to the late twentieth century demolition. I consider the revised proposal is acceptable and addresses the issues raised by the Department. I also note that the Department and the Conservation Officer have not raised any further concerns in relation to the revised design.
- 8.21. Having regard to the revised design and the comments from the Department and Conservation Officer, I consider that the revised proposal is acceptable and addressed the initial concerns raised and complies with the comments received from An Taisce.

#### **8.22. Fire Escape & Legal Issues**

- 8.23. The applicant has indicated a double door fire escape to the rear of the property which opens onto the rear car park of the adjoining premises for W.S.T.C.Y.S. The applicant has submitted a legal agreement, stating the applicant has a legal right to provide a fire escape access only.
- 8.24. The grounds of appeal state that the “grant of easement” was between the previous owners and W.S.T.C.Y.S which is no longer applicable as the premises will operate as student accommodation (residential use).
- 8.25. In terms of legal interest, I am satisfied that the applicant has provided sufficient evidence of their legal intent to make an application. The grounds of appeal relate to a civil matter regarding pedestrian access for fire escape purposes only, I consider this is a civil matter between the appellant and the applicant and is outside the scope of this planning appeal. In any case, this is a matter to be resolved between the parties, having regard to the provisions of section 34(13) of the 2000 Planning and Development Act.
- 8.26. In regard to a means of fire escape, I consider that this is an issue with Building Regulations and will be evaluated under a separate legal code and thus need not concern the Board for the purposes of this appeal.
- 8.27. Having regard to the issues raised in the third-party appeal, I do not consider the matters to be relevant to the Board.

## **9.0 AA Screening**

- 9.1. Having regard to the proposed development which relates to a change of use from licensed premises to 38 units for student accommodation, partial demolition of existing buildings with connection to public services in Waterford City. Surface water will be directed to the existing storm water network. The nearest European Site is Lower River Suir SAC (Site Code: 002137) located c.0.54km northeast. It is considered that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant impact individually or in combination with other plans or projects on a European site.

## 10.0 Recommendation

- 10.1. I recommend that permission be granted, subject to the conditions and considerations as set out below.

## 11.0 Reasons and Considerations

- 11.1. Having regard to the location of the site in Waterford City Centre, the zoning of the site, the need for student accommodation at this location and objectives H22 and H23 and policies BH08, BH13 and BH15 in relation to built heritage as set out in the Waterford City and County Development Plan 2022-2028 , it is considered that the proposed development is in accordance with the zoning objective and would not have a significant impact on the character of the area, the ACA or negatively impact on the city centre. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 30<sup>th</sup> June 2023, as amended by further information received on 31<sup>st</sup> May 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason: In the interest of clarity.**

2. The 38no. student accommodation hereby permitted shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided under section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) and shall not be used for any other purpose without a prior grant of planning permission for change of use.

**Reason: In the interests of the amenities of occupiers of the units and surrounding properties.**

3. The proposed development shall be implemented as follows:
  - (a) The student accommodation and complex shall be operated and managed in accordance with the measures indicated in the Student Accommodation Management Plan submitted with the application.
  - (b) Student House Units shall not be amalgamated or combined.

**Reason: In the interests of the amenities of occupiers of the units and surrounding properties.**

3. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.**

4. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

**Reason: In the interest of visual amenity.**

5. Prior to the commencement of the development the applicant/developer shall submit for the written agreement of the planning authority confirmation that:
  - (a) the development will be monitored by a suitably qualified architect with conservation expertise and accreditation and
  - (b) competent site supervision,

project management and crafts personnel will be engaged, suitably qualified and experienced in conservation works.

**Reason: In the interest of the protection of architectural heritage (in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities).**

6. A full architectural and photographic survey of all buildings or elements of buildings proposed for demolition shall be carried out, and drawings and photographs indicating details of these buildings, to a scale acceptable to the planning authority, shall be submitted to the planning authority prior to the commencement of development. Where in exceptional circumstances a building is permitted to be demolished, the record should comprise (a) A full set of survey drawings to a scale of not less than 1:200 to include elevations, plans and sections of the structure, (b) A detailed, labelled photographic survey of all internal rooms, including all important features and fittings, the exterior and the curtilage of the building, (c) a descriptive written account and (d) a 3D digital model where necessary and proportionate. Two copies of this record shall be submitted to the planning authority prior to the commencement of development.

**Reason: In order to facilitate the preservation by record and/or recording of the architectural heritage of the site.**

7. Prior to commencement of development, detailed structural drawings and a construction methodology statement (including the results of detailed structural surveys of the protected structure and all building facades to be retained) indicating the means proposed to ensure the protection of the structural stability and fabric of all these retained structures shall be submitted to and agreed in writing with the planning authority. These details shall include demonstrating the methods proposed to part dismantle and re-instate the existing [façade] and to retain other existing facades as proposed, demolition and excavation arrangements, the proposed foundation system and underpinning, structural bracing and support and method of construction.



**Reason: In the interest of preserving the architectural integrity and heritage value of the retained structures.**

8. Prior to commencement, the applicant/developer shall submit for written agreement from the Planning Authority:
- (a) The works to the front elevations of the buildings on John Street and Manor Street shall comply with Section 10 of the “Development Management Standards”, Volume Two, Waterford City and County Development Plan 2022-2028.
  - (b) Details for the timber shopfronts including cornice, pilaster and fascia profile details and details of the colours and lighting. Signage shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individually mounted lettering.
  - (c) Details of the timber sliding sash windows and doors on the front elevations of the buildings on John Street and Manor Street.
  - (d) Details of any window treatment/displays behind the shopfront windows on the ground floor.

**Reason: To respect the visual amenity and architectural integrity of the streetscape.**

9. (a) The development involves demolition, and construction works in the environs of the City Walls and Watch Tower, identified as National Monument in Waterford City. Development at or in proximity to a National Monument, which is in the ownership of guardianship of the Minister or a local authority, or that is subject to a Preservation Order, shall require the consent of the Minister of Housing, Local Government & Heritage under the National Monuments Act. Ministerial Consent is separate to the planning process. The developer/property owner shall require the consent of the Minister to carry out works in the area of the development, under Section 14 of the National Monuments Act 1930 (as amended by Section 5 of the National Monuments (Amendment) Act 2004).

(b) Detailed plans, section drawings, specifications and method statements for all works associated with the development including any opening-up works within the existing structures and curtilage, demolition/site clearance works, all groundworks (including foundations and services trenches), archaeological monitoring and testing (by a licensed archaeologist), conservation/refurbishment works associated with the development shall require Section 14 Ministerial Consent in advance of any works commencing on site.

(c) The archaeological mitigation strategy to be submitted to the Department of Housing, Local Government and Heritage as part of the Section 14 Ministerial consent application shall include a programme of archaeological monitoring of demolition/site clearance works followed by archaeological testing within the footprint of the approved development layout and in advance of any construction works.

(d) A final report detailing the results of all archaeological supervision and investigative work and any subsequent excavation shall be submitted to the National Monuments Service following the completion of all archaeological works on site and post excavation work. All resulting and associated archaeological costs shall be borne by the developer.

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

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

**Reason: To safeguard the amenity of property in the vicinity.**

11. Noise monitoring locations for the purposes of the construction phase of the proposed development shall be agreed in writing with the planning authority prior to commencement of any development on site.

**Reason: To protect the amenities of property in the vicinity.**

12. Dust monitoring locations for the purposes of the construction phase of the proposed development shall be agreed in writing with the planning authority prior to the commencement of any development on site.

**Reason: To protect the amenities of property in the vicinity.**

13. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

**Reason: In the interest of environmental protection, residential amenities, public health and safety and environmental protection.**

14. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

15. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason: To prevent flooding and in the interests of sustainable drainage.**

16. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

**Reason: In the interest of public health and to ensure adequate water/wastewater facilities.**

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.**

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Jennifer McQuaid  
Planning Inspector

11<sup>th</sup> December 2024

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-320361-24		
<b>Proposed Development Summary</b>	Partial demolition of existing building and change of use from licensed premises to 38 units for student accommodation with associated site development works.		
<b>Development Address</b>	28-32 John Street & 1-3 Manor Street, Waterford, X91 EC2D		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X. Proceed to Q2.
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	X	Class 10 Infrastructure Projects: (b) (i) Construction of more than 500 dwelling units. (b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial uses.)	Proceed to Q3.
<b>No</b>			
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			

Yes			
No	X		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
Yes	X	<p>Class 10 Infrastructure Projects:</p> <p>(b) (i) Construction of more than 500 dwelling units.</p> <p>(b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p> <p>(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial uses.)</p> <p>The site consists of 38. No residential units for students on a site area of 0.08ha.</p>	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
No	X	Screening determination remains as above (Q1 to Q4)
Yes		

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference Number</b>	ABP-320361-24
<b>Proposed Development Summary</b>	Partial demolition of existing building and change of use from licensed premises to 38 units for student accommodation with associated site development works.
<b>Development Address</b>	28-32 John Street & 1-3 Manor Street, Waterford, X91 EC2D
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b> (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The development will consist of demolition of existing buildings and change of use of licensed premises to 38 no. student accommodation within the settlement boundary of Waterford City.</p> <p>The development will consist of typical construction and related activities and works.</p> <p>Surface water will be discharged to public sewer or drain.</p> <p>Wastewater to be discharged to public sewer.</p>
<p><b>Location of development</b> (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The development site measures 0.08 hectares. The size of the development is not exceptional in the context of the existing urban environment.</p> <p>There are existing commercial and residential units adjacent to the site, however, there is no real likelihood of significant cumulative effects with the existing and permitted projects in the area.</p>



<p><b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The subject site is not located within any designated site. The nearest sites are:</p> <ul style="list-style-type: none"> <li>• Lower River Suir SAC (Site Code: 002137) located c.0.54km northeast.</li> <li>• Kilbarry Bog pNHA (Site Code: 001700) located c.1.7km south.</li> <li>• King's Channel pNHA (Site Code: 001702) located c.2.5km east.</li> <li>• Grannyferry pNHA (Site Code: 000833) located c.3.2km northwest.</li> <li>• River Barrow and River Nore SAC (Site Code: 002162) located c.7km east.</li> <li>• Barrow River Estuary pNHA (Site Code: 000698) located c.7km east.</li> <li>• Tramore Back Strand SPA (Site Code: 004027) &amp; SAC (Site Code: 000671) located c.9.35km south.</li> </ul> <p>My appropriate Assessment screening undertaken concludes that the proposed development would not likely have a significant effect on any European Site.</p> <p>The subject site is located in Flood Zones A and B for flooding. However, given the location of the site on an existing premises within the city centre of Waterford and the flood defences in</p>
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		the area, I do not consider flooding will be an issue.
<b>Conclusion</b>		
There is no real likelihood of significant effects on the environment.	EIA is not required.	

Inspector:

Date:

DP/ADP:

(only where Schedule 7A information or EIAR required)

Date: \_\_\_\_\_