



An
Bord
Pleanála

Inspector's Report ABP-321618-25

Development	Demolition of garage, porch and outbuildings, construction of 2no. apartments and porch and 3no. studio units with all associated site works.
Location	22 Patrick Street, Waterford, X91 CYW9
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	2460229
Applicant(s)	Barry Murphy & Martin Doyle
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	James Reynolds on behalf of Ms. Catherine Ryder
Observer(s)	None.
Date of Site Inspection	21 st February 2025
Inspector	Matthew McRedmond

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1.0 Site Location and Description

- 1.1. The subject site is located at 22 Patrick Street, Waterford City and is bounded by Patrick Street to the north and Mayor's Walk to the west. The site is adjoined by residential properties to the east and to the south. The site is 0.033 hectares in area and currently consists of a semi-detached, two-storey dwelling, with a single storey garage adjoining the western elevation and outbuildings to the side and rear, which also adjoins an existing property to the south.

2.0 Proposed Development

- 2.1. The proposed development consists of the following:
- Demolition of existing garage, outbuildings and front porch.
 - Construct a new two storey unit with 2no. studio units (1 at ground floor, 1 at first floor).
 - Construct a new studio unit in rear courtyard.
 - Subdivide existing house to provide 1no. ground floor apartment (1-bed) and 1no. first floor, duplex apartment (1-bed)
 - Construct new porch to Patrick Street/north elevation with external access stairs accessed from the rear.

3.0 Planning Authority Decision

3.1. Decision

On the 11th December 2024, Waterford City and County Council granted permission for the proposed development, subject to 19no. conditions.

Relevant conditions include:

Condition 1 – Proposed two-storey projection and associated first floor terrace facing Patrick Street shall be omitted.

Condition 2 – Revised proposals for a front porch may be submitted to the Planning Authority. The proposed stairwell between the two apartment blocks shall be internalised.

Condition 7 – Requires an asbestos survey prior to the commencement of development.

Condition 8 – Adequate storage for waste receptacles to be provided within each individual residence and the waste storage areas.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Local Authority Planner had regard to the locational context of the site, national and local planning policy, the referral responses received, and submissions made on the application. Their assessment included the following:

- The principle of the proposed development is acceptable under the ‘Existing Residential’ land use zoning and national policy to promote high density. Given the surrounding mix of commercial, retail and residential, the proposed use would not be out of character for the area.
- The site is in need of redevelopment, the proposal will be traditional in design and materials/finishes with cement render and fiber cement slates to match existing. The bulk, scale and mass of the proposal is acceptable.
- The proposed development will cause minimal overlooking.
- Proposed unit mix is acceptable given the City Centre location of the proposal and no car parking proposed in the development.
- SPPR 2 of the Apartment Guidelines is noted for smaller urban infill sites where unit mix may be relaxed.
- Minimum floor area requirements are met in the proposed development.
- The proposed development would comply with light requirements as set out in National policy and the Waterford CCDP.
- Minimum ground floor ceiling heights of 2.4m are achieved in what is a building refurbishment scheme.

- The Planning Authority identified that further information is required in relation to a number of items.

Further Information Response

3.2.2. The applicant submitted a further information response in November 2024 that included the following details:

- An Archaeological Impact Assessment based on desktop analysis.
- Confirmation that test trenches have not been completed for archaeological analysis due to the built up nature of the site currently.
- Acceptance of archaeological costs to be borne by the developer.
- Request that Irish Water connection agreements be subject to condition.
- Revised site layout to include 6 bike spaces for bike parking within the development.

Planning Authority Response

3.2.3. The Planning Authority considered the submitted further information details to be acceptable and recommended a grant of permission.

3.2.4. Other Technical Reports

- **Environment** – No objection subject to conditions.

3.3. **Prescribed Bodies**

Department of Housing, Local Government and Heritage – Requested that further information be provided in relation to the archaeological context of the site, including an archaeological impact assessment and test trenching. Appropriate response provided by the applicant at FI stage.

3.4. **Third Party Observations**

3.4.1. There was one submission on file. The main issues highlighted are as follows:

- Concern in relation to site drainage that travels through adjoining properties No. 23 and 24 before connecting to public sewer. Request that direct connection to public sewer at Patrick Street is provided.

- Party wall between observer's property and subject site should be adequately treated to prevent exposure to elements and water leakages.
- Fire safety will need to be addressed up to roof level including attic space where there is a party wall between the subject site and the observers roof space.

4.0 Planning History

WCCC Ref. 95509562 – Retention permission granted for extension to existing property at 22 Patrick Street.

WCCC Ref. 00505516 – Permission granted for dormer window at existing property.

WCCC Ref. 00505381 – Permission granted for porch at 22 Patrick Street.

5.0 Policy Context

5.1. National and Regional Planning Policy

- 5.1.1. The NPF is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. National Strategic Outcome No. 1 is 'Compact Growth'. Activating strategic areas and achieving effective density and consolidation, rather than more sprawl of urban development, is a top priority.
- 5.1.2. The NPF contains several policy objectives that articulate the delivery of compact urban growth as follows:
 - NPO 3 (b) aims to deliver at least 50% of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.
 - NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards.

- NPO 27 seeks to integrate alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility.
- NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location.

5.1.3. Relevant national policy also includes Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities, 2024 ('the Compact Settlement Guidelines') which supports the more intensive use of sites in locations served by existing facilities and public transport. The Compact Settlement Guidelines supersede the Guidelines on Sustainable Residential Development in Urban Areas and accompanying Urban Design Manual. Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities (2022) are also relevant to the subject proposal.

5.1.4. It is worth noting the National Planning Framework is currently undergoing a comprehensive review to reflect changing population and demographic projections for Ireland, which will necessitate revised housing targets countrywide. 50,500 new dwellings per annum are required to meet demand, scaling up to 60,000 homes in 2030.

5.2. Rebuilding Ireland – Action Plan on Housing and Homelessness 2016

5.2.1. This is a government initiative which identifies the critical need for accelerating housing supply.

5.3. Regional Spatial and Economic Strategy for the Southern Region

5.3.1. Waterford City and Metropolitan Area is identified as a primary economic driver within the RSES for the Southern Region. The RSES provides a Waterford Metropolitan Area Strategic Plan (MASP).

5.3.2. National Policy Objective 7 states that the strategy for Waterford, Cork, and Limerick is, 'to accelerate the development of these Cities to grow by at least half, i.e. by 50% to 60% to 2040'. NPO 8 sets out the Minimum Target Population for Waterford City and Suburbs by 2040 of 81,000. This will require targeted growth focused on significant housing and employment locations identified.

- 5.3.3. Waterford MASP Policy Objective 1 sets out objectives a-e for the development of Waterford Metropolitan Area. The following objective is of relevance:

“b. It is an objective to promote the Waterford Metropolitan Area as a cohesive metropolitan area with (i) the city centre as the primary location at the heart of the metropolitan area and region (ii) compact growth and regeneration of the Metropolitan Area across the city centre and suburbs, (iii) active land management initiatives to deliver housing and employment locations in a sustainable, infrastructure led manner.”

5.4. **Waterford City and County Development Plan 2022-2028**

- 5.4.1. The Waterford City and County Development Plan 2022-2028 (WCCDP) is the relevant statutory plan that applies to the subject site. The Plan designates Waterford as the City Metropolitan Area within the County Settlement hierarchy.

Zoning

- 5.4.2. The appeal site has a land use zoning of ‘Existing Residential’ – ‘Provide for residential development and protect and improve residential amenity.’

Specific Development Objective

The site is located adjacent to the Water City General Conservation Area and is located within zone of notification R134132 in relation to Sites and Monuments Records (SMR).

Core Strategy Policy Objectives

- 5.4.3. The following policies and objectives of the Plan are of relevance:
- CS 03 Compact Growth - In a manner consistent with NPO 34 and 35, we will promote and support an efficient, equitable and sustainable pattern of residential and other development that delivers compact growth and critical mass for sustainable communities in Waterford, by managing the level of growth in each settlement.
 - CS 13 Settlement Strategy - In a manner consistent with the settlement typologies and respective policy objectives of the SRSES, we will: “Support the development of Waterford City as the Regional Capital, a University City

and international location of scale and primary driver of economic and population growth in the Southern Region”.

General Housing Policy Objectives

5.4.4. Other policies of the Development Plan of relevance to the subject proposal are summarised as follows:

- H02 – Ensure new developments are appropriate in terms of scale, form, character and location in relation to services and amenities and that proposals are designed in accordance with applicable guidance and standards.
- Section 3.2 of the Development Plan sets out that *“In the application of densities, it is also important to recognise and reflect the function and character of the urban area (i.e. city, towns, villages and settlement nodes), as set out in the settlement hierarchy in Volume 1: Section 2.9 - Table 2.2”*
- DM05 – A range of criteria will be considered in relation to residential proposals including proximity to public transport and services, design and layout, size and scale of the proposed development and ability to propose its own density among other physical features of the site such as topography.

Table 3.1 of the Development Plan sets out a range of standards for new residential developments including 15% public open space, private open space quantum, separation distances of 22m, car parking standards (2 spaces per 3-bed or more units), sightlines of 70m in 50kph areas, compliance with DMURS.

5.5. Natural Heritage Designations

The site is located 330m south of the Lower River Suir SAC (Site Code 002137).

5.6. EIA Screening

5.6.1. I have had regard to the determination of the Planning Authority in relation to EIAR requirements. Having regard to the nature of the proposed development comprising the development of demolition of an existing dwelling and replacement with 5no. residential units, within an established urban area and where infrastructural services are available, 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. See completed Form 1 and 2 at Appendix 1.

6.0 The Appeal

6.1. Grounds of Appeal

A Third-Party Appeal has been submitted against the decision made by Waterford City and County Council to grant permission for the proposed development.

The grounds of appeal can be summarised as follows:

- Concern in relation to site drainage and impacts on the appellants property. Request that the subject proposal connects directly to main sewer at Patrick Street without passing through neighbouring properties. Details of connection request to Uisce Eireann are unclear and the appellant requests more details.
- The proposed demolition of existing structures will expose an existing party wall with the appellant's property. Appropriate treatment to prevent water ingress at external walls and fire safety concerns at attic level should be provided. Similarly, appropriate treatment of shared chimney stack is required. The fire safety of proposed studio apartments is also queried.
- The proposed changes required by Condition 2 of the grant of permission will result in no private amenity space for two apartments. The communal yard to the rear will be taken up with bin storage and bike racks, leaving no space for shared/replacement amenity.
- The layout of the shared stairwell to apartment No. 2 and No. 3 at first floor level is queried in relation to Part M compliance (access) and Part K (fire safety). A window is required for ventilation and it is queried where this window will be located and any additional impacts such as overlooking.
- Adequate bin storage and standard storage areas are not provided. Additional storage for bins will be required given the various types required and access to the rear storage area is not convenient for Apartment No. 1 and Studio 1.

- Additional concerns were raised in relation to apartment mix with over 60% studio apartments and the absence of rear elevation and section drawings to allow for adequate assessment.
- The appellant generally has no issue with the proposed development if the above items of concern can be addressed.

6.2. **Applicant Response**

The applicant provided a response to the grounds of appeal, which can be summarised as follows:

- The validity of the appeal is questioned as the address of the appellant is not provided.
- A pre-connection confirmation from Uisce Eireann is provided with the response from the applicant that confirms connections are possible without upgrades as existing connections are to be utilised.
- Existing party walls will be adequately retained and protected during construction with contact details provided for any enquiries during construction. The existing chimney stack will be retained with the flue on the applicant's side capped with a 'pepperpot' cowl to prevent water entering the flue.
- The attic in the application property has been in use for accommodation since the 1980's. All building works will be done in compliance with building regulations including fire safety requirements. All works can be undertaken without the requirement to enter neighbouring properties. Adequate means of fire escape are provided to the three studio apartments via a window. Escape routes of <9m can also be achieved without a material alteration of the proposed layout.
- The applicant notes the appellant had the option to comment on the proposed front porch and balconies at application stage. The applicant would accept the conditions to remove the porch and front balconies as recommended by the Planning Authority.

- The removal of private amenity space is permissible on urban infill sites of less than 0.25ha, as set out in the 'Sustainable Urban Housing: Design Standards for New Apartments 2022 (Guidelines for Planning Authorities)'.
- The applicant submits there is ample space to accommodate the required flight of stairs and landings in accordance with building regulations and notes an enclosure is not proposed.
- Details of bin storage are confirmed with bin storage in the front yard for Apartment 1 and Studio 1. Apartment 2 and Studio 3 would have bins located in the bin store as permitted. Studio 2 in the rear yard would have bins located in the small yard area.
- While internal storage areas are not shown on the floor layouts all of the apartments are over the minimum floor area requirements with capacity to fit additional storage.
- The proposed dwelling mix with a higher percentage of studio units is permitted under the Apartment Guidelines which allows a level of discretion for Planning Authorities on a case by case basis. The Planning Authority Assessment confirmed the proposed unit mix was acceptable at this town centre location.
- The site survey submitted with the application provided elevations and sections including those of the neighbouring property.
- The appeal is invalid, however, there are no grounds of appeal raised that would merit the appeal being upheld.

6.3. Planning Authority Response

Planning Authority confirmed that all relevant issues were addressed in detail as part of the assessment of the third-party submissions made during the assessment of the application. The Planning Authority considers that the proposed development was granted permission following a detailed and robust assessment which included input from another department within Waterford City and County Council and external referral bodies. The Planning Authority strongly urge An Bord Pleanála to uphold its decision to grant permission for this development.

6.4. Observations

None.

6.5. Further Responses

6.5.1. The third-party appellant provided a response to the applicant's response to the appeal. The main points of the third-party response can be summarised as follows:

- Confirms that the appellant lives at No. 23 Patrick Street, in the property adjoining the appeal site.
- Drainage issues have existed in the past and direct connection to the public mains is a reasonable request.
- Reiterates their request to protect the party wall between the subject site and the appellants property and the associated flat roofs. The appellant seeks that no adverse impacts on their property result from exposure of this wall.
- Fire safety treatment of attic party wall should be appropriately managed and confirmed.
- Objects to proposed design changes being made by way of condition. This could lead to a substandard development that the appellant will have to live beside.
- Relaxation of unit mix is not appropriate for this development as it is deficient in a number of aspects.

7.0 Assessment

7.1. Having reviewed the details and appeal documentation on the file, the submissions made, having inspected the site, and having regard to relevant local and national policy and guidance, I conclude that the main issues are the following:

- Drainage
- Party Wall
- Fire Safety
- Unit Mix

- Bin Storage
- Private and Communal Amenity Space
- Other Issues

7.2. Drainage

- 7.2.1. The third-party appeal submits that the existing drainage arrangement runs through their property before joining the public main and highlights a concern in relation to any blockages that may occur that would damage their dwelling.
- 7.2.2. The first party response to the appeal included a letter from Uisce Eireann that confirms water and waste water connections to the network are feasible without infrastructure upgrades.
- 7.2.3. The Confirmation of Feasibility from Uisce Eireann, as submitted by the applicant in response to the appeal, is based on the 5 apartment units proposed at the subject site, 22 Patrick Street. I consider it to be standard practice that a final connection agreement would be agreed between the landowner/applicant and Uisce Eireann prior to the commencement of development. I am satisfied that Uisce Eireann have confirmed adequate capacity for the subject proposal, that no specific upgrade works are required to avoid blockage events and the subject proposal is acceptable in terms of drainage connections.

7.3. Party Wall

- 7.3.1. The third-party appeal queried the treatment of the party wall between their own property at 23 Patrick Street, and the appeal site.
- 7.3.2. No. 23 Patrick Street is located to the east of the appeal site and there is currently a party wall providing support to a flat roof that is proposed for demolition in the subject proposal.
- 7.3.3. In the applicant's response to the appeal, they set out that all relevant precautions will be put in place to retain and preserve the party wall during construction works and will be adequately protected from water ingress.
- 7.3.4. I consider it to be standard construction practice in an infill, urban environment that a certain level of construction management is required in relation to party walls when works adjoining existing properties is undertaken. The applicant has indicated

suitable assurances that existing integrity of the wall will be maintained, and contact details will be provided in the event of any queries. I further consider that this can be ensured by way of condition to ensure appropriate construction mitigation measures are put in place.

- 7.3.5. I therefore do not consider there to be any significant impacts on the party wall that would merit refusal in this instance.

7.4. Fire Safety

- 7.4.1. The third-party appeal submits that there is a fire safety risk in relation to the party wall that is shared at attic level, and in relation to the subject proposal including the access stairs to upper-level apartments and fire exit routes.
- 7.4.2. I note the applicant has provided that the proposed building can meet all fire safety requirements and that the existing building has provided accommodation for a number of years, whereby the subject proposal will be a continuation of this arrangement.
- 7.4.3. I note Condition 2(b) of the Planning Authority grant of permission required that the stairwell between the two blocks consisting of Apartments 1 and 2 and Studio 1 and 3 shall be internalised and the front elevation should include fenestration to activate this elevation.
- 7.4.4. The Planning Authority have provided no rationale for the internalisation of the subject stairwell, and I do not consider there to be an identifiable reason for this design change. The front elevation would benefit from an alternative treatment to animate this frontage, particularly given the condition to remove the front porch proposed.
- 7.4.5. In conclusion, I consider any issues with relation to Fire Safety and Certification is part of a separate process, beyond the remit of this assessment and which the applicant will need to satisfy at a later stage. Fire Safety is not a matter for the Board, and I therefore do not consider there to be any alterations necessary in this context should the Board grant permission.

7.5. Unit Mix

- 7.5.1. The third-party appeal submits that as the proposal is 100% one-bed and studio apartments, it does not comply with unit mix requirements.

- 7.5.2. The proposal provides 2no. 1-bed apartments and 3no. studio apartments.
- 7.5.3. Paragraph 2.22 and SPPR 2 of the Apartment Design Guidelines provides that some level of flexibility should be provided for small-scale refurbishment and urban infill schemes of up to 0.25ha. *‘Where up to 9 residential units are proposed, notwithstanding SPPR 1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e. up to 4 units) comprises studio-type units’.*
- 7.5.4. I consider the subject proposal to be a small scale, urban infill site which is 0.033ha in area. SPPR 2 provides that there shall be scope for planning authorities to exercise discretion on a case by case basis when applying the standards set out in the guidelines and subject to overall quality of the proposed development.
- 7.5.5. The subject proposal is in a City Centre location, within walking distance of a host of services and amenities and accessible from a range of public transport options. The proposal provides for a compact form of development at an infill site in need of regeneration. I also note the Planning Authority assessment identified the proposed mix and density could be supported. I am therefore satisfied that the unit mix is acceptable at this location.

7.6. Bin and General Storage

- 7.6.1. The third-party appeal submits that there is not adequate bin storage for the subject proposal and general storage is also inadequate.
- 7.6.2. The applicant’s response to the appeal provides additional details in relation to bin storage and notes Condition 6 of the Planning Authority grant of permission that requires details in relation to Construction and Demolition Resource Waste Management.
- 7.6.3. The submitted drawings/site layout plan illustrate a bin storage area in the rear yard for 4 wheelie bins. I note the applicant’s response to the appeal in relation to bin storage and suggestions that larger ‘Eurobin’ as used in apartment developments will fit through the side access if required. Alternatively, smaller wheelie bins can be provided for individual apartments in dedicated ‘aesthetically pleasing’ bin storage areas.
- 7.6.4. In general, I am satisfied that there is sufficient space within the subject proposal to provide adequate bin storage for the development. Condition 6 of the Planning

Authority grant of permission is in relation to construction waste management. Condition 8 of the Planning Authority grant of permission is more specifically related to operational waste management. I consider a similar condition would be appropriate in this instance to agree the details of bin storage and management with the Planning Authority prior to the commencement of development.

- 7.6.5. In relation to general storage areas, I note these have not been indicated on the submitted drawings within each apartment. Section 3.34 of the Apartment Guidelines allows for the storage requirement to be relaxed in part on a case-by case basis for urban infill or refurbishment schemes. I note the one-bed apartments exceed minimum floor area requirements by between 7-10sqm for the one-bed apartments and by 4sqm in the case of the proposed studio apartments. Although specific storage areas are not indicated on the submitted floor plan drawings, I consider some level of adaptability of space to be appropriate for this infill/refurbishment scheme. I consider there to be sufficient flexibility in the layout of the proposed units to allow for adequate storage for bulky household items and do not consider this to be a reason for refusal in this instance.

7.7. Private and Communal Amenity Space

- 7.7.1. The third-party appeal expressed concern that two apartments (Apartment 2 and Studio 3), will have no private amenity space as a result of proposed conditions 1(b) and 2, that require the front porch with private amenity space balconies to be removed from the proposed scheme. Concern is also raised in relation to removal of rear communal space to accommodate bicycle parking.
- 7.7.2. In the first instance, it is necessary to address the principle of removing the front porch and associated first floor balconies from the subject proposal. While there is an existing front porch at the subject site, the concept of first floor balconies facing Patrick Street on the front elevation of buildings along this street is not characteristic of the surrounding area, which is primarily 2-3 storeys in height with a traditional entrance door at ground floor and standard fenestration facing the street. The provision of a first-floor balcony at the front elevation would not protect existing residential amenity and I therefore accept the principle of removing the front projection from the subject proposal by way of condition.

7.7.3. In relation to the removal of private amenity space for Apartment 2 and Studio Unit 3, I refer to paragraph 3.39 of the Apartment Guidelines which states:

“Private amenity space standards for apartments are set out in Appendix 1. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, private amenity space requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality.”

7.7.4. While I acknowledge the applicant’s intention to provide private amenity space and active animation to the front façade of the building, I consider front balconies at this location to be out of character with the area and therefore should be removed from the scheme. Condition 2(a) requests revised treatments to the front proposed apartment building to be agreed, and I consider this to be an acceptable approach to providing a suitable design treatment in the proposed scheme.

7.7.5. In relation to communal open space to the rear, I note the provisions of Paragraph 4.12 of the Apartment Guidelines which states: *“For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, communal amenity space may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality.”*

7.7.6. I consider the City Centre location of the subject proposal to provide appropriate replacement facilities and amenities to allow a relaxation of communal open space requirements in this instance.

7.7.7. Given the City Centre location, which is adjacent to a range of services and amenities, as well as outdoor amenity spaces, I consider it acceptable for Apartment 2 and Studio Unit 3 to have no dedicated private amenity space, and for a reduction in communal open space, in accordance with the provisions of the Apartment Design Guidelines for refurbishment schemes.

7.8. Other Issues

7.8.1. Issues associated with the provision of appropriate information in relation to drawings of the rear of the property, as raised in the third-party appeal are noted. However, any issues with the validation of applications are a matter for the Planning Authority. Validation are not matters for the Board and I do not propose to address these issues in this report.

- 7.8.2. The application documents included survey drawings, elevations and sections that included sufficient details of the rear of existing buildings to allow a full assessment of the proposal to be undertaken. The application was the subject of a period of public consultation and open to public comment over a 5-week period, as is statutorily required for all planning applications and I note the appellants used this period to make written submissions that did not reference the level of detail in submitted plans. I consider the submitted details are sufficient and allow a full assessment of the proposal to be undertaken.

8.0 AA Screening

- 8.1. Having regard to the minor nature and scale of the development under consideration, the site location within an existing built-up area outside of any protected site, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

9.0 Recommendation

- 9.1.1. Having regard to the above assessment, I recommend that planning permission be granted subject to the conditions below.

10.0 Reasons and Considerations

- 10.1.1. Having regard to the provisions of the Waterford City and County Development Plan 2022-2028, to the 'RS – Existing Residential' land use zoning of the site that allows residential land use, to the 'Metropolitan Area' designation of Waterford City, to the provisions of the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (December 2022)', to the nature of the proposed development and to the pattern of development in the surrounds, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity and would constitute an

acceptable form of development at this location. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 1st May 2024 and by the further information submitted on the 15th November 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interests of clarity.</p>
2.	<p>(a) The proposed two storey front projection facing onto Patrick Street and the associated first floor terrace areas shall be omitted in full by virtue of this condition.</p> <p>(b) Prior to the commencement of development revised plans shall be submitted to and agreed in writing with the Planning Authority making provision for the omission of the proposed two storey front projection facing onto Patrick Street and the associated first floor terrace areas as required by condition 2a). Revised proposals for a porch at the front elevation facing onto Patrick Street may be submitted for the written agreement of the Planning Authority prior to the commencement of development. Revised plans for the treatment of the external garden area to the front of the proposed apartments facing onto Patrick Street shall be submitted and agreed in writing with the Planning Authority prior to the commencement of development.</p> <p>(c) The front elevation wall between the two apartment blocks facing onto Patrick Street shall be animated by fenestration or an alternative finish. All</p>

	<p>works required by this condition shall be submitted in revised plans and details and shall be agreed in writing with the Planning Authority prior to the commencement of development.</p> <p>Reason: In the interests of protection of visual and residential amenities and the proper planning and sustainable development of the area.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>All recommendations and mitigation measures provided in the Archaeological Impact Assessment received by the Planning Authority on the 15th November 2024 shall be fully implemented.</p> <p>Reason: In the interest of clarity and proper planning and sustainable development of the area.</p>
5.	<p>The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks associated with the development. Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the NMS as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation.</p> <p>The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.</p>

	<p>Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.</p> <p>Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest</p>
6.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
7.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
8.	<p>The developer shall enter into water supply and wastewater connection agreements with Uisce Eireann, prior to commencement of development. A Confirmation of Feasibility for connection to the Irish Water network shall be submitted to the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of public health.</p>

9.	<p>Prior to the commencement of development, the developer shall undertake, and submit to the planning authority a Refurbishment Demolition Asbestos Survey for the development</p> <p>Reason: In the interests of proper planning and sustainable development and public safety.</p>
10.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
11.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development.</p>
12.	<p>The construction of the development shall be managed in accordance with a Construction Environment Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of the intended construction practice for the proposed development, including measures for the protection of existing residential development, hours of working, traffic management during the construction phase, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
13.	<p>Construction and demolition waste shall be managed in accordance with a final construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to</p>

	<p>commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
14.	<p>Site development and building works shall be carried only out between the hours of 0800 to 1900 Mondays to Friday and between the hours of 0800 and 1400 hours on Saturday inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
15.	<p>(a) Any interference with or damage to the public road or footpath, caused during the construction of the development shall be made good by the developer to the satisfaction of the District Engineer (Metro Area), Waterford City & County Council.</p> <p>(b) No overhanging of, or trespass on, adjoining properties by eaves, gutters, foundations etc. shall take place on foot of this permission</p> <p>Reason: In the interests of public and traffic safety and the proper planning and sustainable development of the area.</p>
16.	<p>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</p>

	<p>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.</p> <p>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.</p>
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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.

Matthew McRedmond
Senior Planning Inspector

11th March 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321618-25		
Proposed Development Summary	Demolition of garage, porch and outbuildings and redevelopment of existing house to provide 5no. apartments in total including new studio apartment to rear.		
Development Address	22 Patrick Street, Waterford City, Co. Waterford		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	√
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	√	Class 10 (b) (i)	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	√		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	√	Proposed 5 unit development does not meet or exceed 500 unit dwelling threshold	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	√	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector: _____ Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321618
Proposed Development Summary	Demolition of garage, porch and outbuildings and redevelopment of existing house to provide 5no. apartments in total including new studio apartment to rear.
Development Address	22 Patrick Street, Waterford City, Co. Waterford
<p>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.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(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>	Proposed 5-unit residential development is not out of context at this urban location and will not result in any significant waste or pollutants.
<p>Location of development</p> <p>(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>	Site is adequately removed from the Lower River Suir SAC and is adequately setback from protected structures in the vicinity to minimise any potential impacts.

Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).		Proposed 5-unit residential development is not likely to give rise to any significant impacts locally or transboundary. Construction impacts will be short term and temporary and can be adequately mitigated and managed.
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	No
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)