



An
Bord
Pleanála

Board Order
ABP-320361-24

Planning and Development Acts 2000 to 2022

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 2360288

Appeal by Waterford and South Tipperary Community Youth Services care of Christina Fogarty of Manor Street Youth and Community Centre, Manor Street, Waterford against the decision made on the 8th day of July 2024 by Waterford City and County Council to grant, subject to conditions, a permission to Causeway Group Limited care of Mark Weldon of Suites 9 and 10 Station House, Railway Square, Waterford in accordance with plans and particulars lodged with the said Council:

Proposed Development: For demolition of existing vacant derelict structures at 29 and 30 John Street, to construct new three-storey buildings in place of same and to amalgamate both with existing Sinnotts property which occupies numbers 1, 2 and 3 Manor Street and numbers 27, 28, 31, rear of 31A and 32 John Street, Waterford. For the change of use of complete property from licensed premises to student accommodation consisting of seven number bed units at ground floor along with student communal facilities such as dining rooms, activity rooms suitable for gym, games room, reception, social areas, courtyard garden, bicycle storage area, ancillary refuse and maintenance stores, for 19 number bed units at first floor along with further student

communal facilities such as lounges, storage, laundry and living areas, for 12 number bed units at second floor level with further laundry and storage facilities, for construction of a new escape stairwell to courtyard area to rear of 32 John Street, for elevational alterations to number 3 Manor Street and 27 and 28 John Street, namely alterations to windows at ground and first floors, and for further elevational and structural alterations to 31 and 32 John Street, namely to alter the levels of existing floors, for the provision of concrete floor slabs to replace existing timber floors at first and second floor levels, alterations to existing shop fronts and alteration and addition of windows to first and second floors and construction of new roofs, all with associated site development works, all at 28-32 John Street and 1-3 Manor Street, Waterford. The proposed development was revised by further public notices received by the planning authority on the 13th day of June 2024.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

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, subject to compliance with the conditions set out below, the proposed development is in accordance with the zoning objective and would not have a significant impact on the character of the area, the Architectural Conservation Area 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.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as revised by further plans and particulars received by the planning authority on 31st day of 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 38 number 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 interest 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 interest of the amenities of occupiers of the units and surrounding properties.

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.
 - (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, 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 complied 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 the 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.

6. (a) No awnings, canopies or projecting signs or other signs shall be erected on the buildings without a prior grant of planning permission.
- (b) External or internal roller shutters shall not be erected.
- (c) No adhesive material shall be affixed to the shopfront windows.
- (d) Any external lighting and externally visible advertising signs, symbols and nameplates. "Swan neck" projecting lighting, illuminated projecting signs or neon and flashing lights to the interior shall not be permitted.

Reason: In the interest of visual amenity or the Architectural Conservation Area and protection of the built heritage.

7. No plant or equipment, including air conditioning units, extract ducts, fans or condensers, or other than the plant specifically identified and detailed in this permission, shall be erected without a prior and separate planning permission, notwithstanding the exempted development provisions of the Planning and Development Acts and Regulations 2001, as amended.

Reason: In the interest of visual amenity and protection of the built heritage.

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 and 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 hours 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 Environmental Protection Agency'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 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.



Mary Henchy

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *2nd* day of *January* 2025.