



Comhairle Cathrach & Contae Phort Láirge
Waterford City & County Council

**Chief Executive Report
Planning & Development Act, 2000 (as amended), Part XI
Planning & Development Regulations 2001 (as amended),
Part VIII**

Proposed Development of (a) 27 number residential units comprising of; (i) 16 no. 1-bed apartments, (ii) 9 no. 2-bed apartments (iii) 2 no. 3-bed apartments and (iv) a serviced ground floor unit

(b) Supporting development works including (i) temporary construction signage, (ii) demolition of existing buildings on site, (iii) boundary treatments, (iv) landscaping, (v) ancillary accommodation and (vi) all associated site works at Newgate Street / Browne's Lane / Butler Court /Castle Street, Waterford City.

Description of Proposed Works – Consultation:

Summary of the Proposed Works

The development relates to the construction of 27 number residential units comprising of; 16 no. 1-bed apartments, 9 no. 2-bed apartments, 2 no. 3-bed apartments and a serviced ground floor unit at Newgate Street / Browne's Lane / Butler Court / Castle Street, Waterford City. Supporting development works including; temporary construction signage, demolition of existing buildings on site, boundary treatments, landscaping, ancillary accommodation and all associated site works.

Site Context



The City Walls and French Tower, identified as National Monuments SMR: WA009-005011- (SMR: WA009-005012-), adjoin the proposed development to the east along Browne's Lane. The site fronts onto Newgate Street, and runs along Butler Court on its western boundary, with its southern boundary adjoining Castle Street and the French Tower.

The site is currently occupied by a single storey building and commercial sheds which closely adjoin /abut the City Wall. The site has a stated area of 0.3156 hectares and is a brownfield site currently occupied by a commercial business and existing Brothers of Charity property, with a yard used as a car park to the rear of the property and a number of existing outbuildings. The site is accessed from Newgate Street (L90552) and Butler Court (L90554). The surrounding buildings

primarily comprise residential properties i.e. apartments and townhouses, with some mixed use including commercial and community facilities.

Consultation

Details of the proposed development at Newgate Street / Browne's Lane / Butler Court / Castle Street, Waterford City were posted on site, advertised in the local press and placed on public display, in accordance with Part 8 of the Planning and Development Regulations 2001(as amended), and the Planning and Development Act, 2000 (as amended). The public consultation process ran from the 28th October 2022 to the 25th November 2022, with written submissions and observations with respect to the proposed development invited up until 9th December 2022.

Third Party Submissions Received

Three number submissions were received from members of the public, including a submission on behalf of Convent Hill Residents, and one further submission from the Development Applications Unit of the Department of Housing, Local Government and Heritage following referral, in relation to the proposed development.

The comments and observations of all submissions have been considered and taken into account in the assessment of this proposed development.

Assessment & Evaluation

The site has a stated area of 0.3156 hectares with the majority of the subject site zoned "Town Core" in the Waterford City & County Development Plan 2022-2028, with the objective to "Provide for the development and enhancement of town core uses including retail, residential, commercial, civic and other uses". The remainder of the site, a small portion of lands situated to the south and west are zoned as "Open Space" in the Waterford City & County Development Plan 2022-2028, with the objective to "Preserve and provide for open space and recreational amenities". The proposed development does not contravene the zoning objectives for the site.

The site is situated within a zone of archaeological potential, a designated Architectural Conservation Area, with a section of the City Wall closely adjoining the site on its eastern boundary and the French Tower, which are National Monuments. Development at or in proximity to a National Monument, which is in the ownership or guardianship of the Minister or a local authority, or that is subject to a Preservation Order, requires Section 14 Ministerial Consent under the National Monuments Act 1930 (as amended). The proposed housing development and associated groundworks will require Section 14 Ministerial Consent.

Waterford City and County Development Plan 2022-2028 contains a number of policy objectives which relate to the protection of recorded monuments, built heritage and archaeology, such as

BH 32 which relates to Best Practice, BH 34 Promoting Public Awareness, AH 01 National Monuments Act, AH 02 Managing Development, AH 04 Archaeological Impact Considerations,

An Archaeological Desktop Study' prepared by Órla Scully was submitted with the Part 8 application. The Department of Housing, Local Government and Heritage submitted comments with regard to the proposed development. The Department concurs with the findings and recommendations outlined in the archaeological report in relation to the potential impact of the proposed development on any surviving below ground archaeological remains. The Department recommends a number of conditions, which are included below.

It is proposed to construct a 4 storey building fronting out on to Newgate Street which drops down to three stories, on the eastern and western elevations along Butler Court and Browne's Lane the development steps down from 4 stories to two stories. The works, as proposed, are set back from the City Walls and adjacent French Tower. The proposals include the removal of existing sheds, which currently negatively impact on the setting of the City Walls, and the reuse of the area for residential purposes. This will bring a vitality to the area with increased footfall. The proposed green areas will enhance the area and this section of the city walls will now be accessible on both sides, which will promote public awareness and provide a much improved visual setting for the City Walls.

Recommendation

The purpose of the proposed development is to provide 27 number residential units, supporting works including landscaping, boundary treatments and ancillary accommodation on site. Development such as that currently proposed would be in accordance with the policy objectives of the Waterford City & County Development Plan 2022-2028.

The proposed development will support the policies and objectives of the current City & County Development Plan 2022 - 2028 and complies with Ministerial Guidelines, Government policies and with the Regional Spatial & Economic Strategy. It is considered therefore that the development is in accordance with the proper planning and sustainable development of the area.

Thus having regard to the report and details submitted, submissions and referral responses received I would have no objection to the proposal and would recommend that it proceed as outlined and in accordance with the following conditions.

CONDITIONS

1.(a) A detailed visual impact assessment and mitigation report, prepared by appropriately qualified Conservation Architects with urban design skills and expertise in the context of Historic Urban Landscape, in consultation with the archaeologist, shall be prepared and submitted to and agreed with the Department of Housing, Local Government and Heritage in advance of the commencement of any site works.

(b) A detailed archaeological mitigation strategy shall be prepared by a suitably qualified and experienced archaeologist in advance of any site preparation and/or construction works. Such a report should also include a full photographic record of both sides of the wall within the

development site. The French tower, which lies immediately adjacent and in an access area which will be used during construction shall also be considered in this report. Archaeological mitigation strategy to include archaeological monitoring of any demolition/site clearance works and a programme of pre-construction archaeological testing (all licensed under the National Monuments Acts 1930-2014/Section 14 Ministerial Consent under the National Monuments Act 1930 (as amended)). Following the completion of all archaeological work on site and post-excavation work a final archaeological report shall be submitted to the Department of Housing, Local Government and Heritage.

Reason:To ensure that the works shall be carried out in accordance with best conservation practice and in the interest of the protection of the archaeological heritage.

2. A detailed structural engineering/conservation assessment and mitigation strategy shall be prepared by a structural engineer with conservation experience to ensure the continued protection of the city defences, provision of temporary and long-term protective measures and any required stabilisation and conservation works. Such a report will include details of the proposed protection of the historic walls and the French tower in order to prevent damage by construction traffic during all works. The engineering/conservation strategy shall be submitted to and agreed with the Department of Housing, Local Government and Heritage in advance of the commencement of any site works.

Reason: To ensure that the character and integrity of the adjacent City Wall are maintained and protected from unnecessary damage or loss of fabric.

3. Prior to the commencement of works, revised landscaping plans shall be submitted to and agreed with the Planning Department. The revised plans shall consider the reduction in the hard surfaces, and introduction of more soft surfaces. Consideration shall be given to the removal of excessive poles and the reduction in the use of concrete and tarmacadam. Proposals, with regard to surfaces, lighting, signage, poles and handrails shall acknowledge the historic setting of the walls and the actions of the Interpretation Plan for Waterford's Medieval City Walls (2021).

Reason:To ensure that the works shall be carried out in accordance with best conservation practice and in the interest of the sympathetic enhancement of the archaeological heritage.

4. Prior to the commencement of development brochure samples of all external finishes of the development and hard and soft landscaping details shall be submitted to and agreed in writing with the Planning Department.

Reason: To ensure that the works shall be carried out in accordance with best conservation practice and in the interest of the sympathetic enhancement of the archaeological heritage.

5. Public Lighting shall be in accordance with the Waterford City & County Council General Public Lighting Specification.

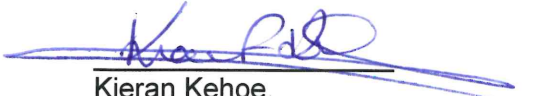
Reason: In the interests of public safety and proper planning and sustainable development of the area.

6. All infrastructure provided to serve the development shall be designed and installed in accordance with the Irish Water Codes of Practice and Standard Details. A detailed design

proposal for the water and wastewater infrastructure shall be submitted to Irish Water for agreement.

Reason:

In the interests of ensuring adequate services to serve the development and the proper planning and sustainable development.



Kieran Kehoe,
Director of Services
Corporate Services, Culture & Planning

10/01/2023