



An
Bord
Pleanála

Board Direction
BD-011539-22
ABP-311374-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 6/12/2022.

The Board considered the appeals for ABP-312467-22 and ABP-313427-22 on the adjoining sites at the same meeting.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the Existing Residential zoning that applies to the site under the Waterford City and County Development Plan 2022-2028, under which residential development is acceptable, together with the nature and scale of the proposed development, the planning history of the site and the pattern of development in the area, it is considered that, subject to compliance with the conditions below, the proposed development would not seriously injure the residential amenities of property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

Conditions

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| 1. | The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by additional information submitted on 20 th July 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require |
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| | <p>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 interest of clarity.</p> |
| 2. | <p>Approved houses shall not be occupied prior to completion of works associated with permission Reg. Ref. 19/761, including the site access and internal carriageway, footpaths, public open space and landscaping, street lighting, boundary treatments and underground services.</p> <p>Reason: In the interests of proper planning and sustainable development.</p> |
| 3. | <p>Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to the commencement of development.</p> <p>Reason: In the interest of public health.</p> |
| 4. | <p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.</p> <p>Reason: In the interests of orderly development and the visual amenities of the area.</p> |
| 5. | <p>Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p> |
| 6. | <p>The construction of the development shall be managed in accordance with a Construction 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 intended construction practice for the development, including traffic management and noise reduction measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p> |

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| 7. | <p>Site development and building works shall be carried out only 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 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> |
| 8. | <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 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> |

Note: In deciding to omit the Inspector's recommended condition 2 which required that the rear elevation of each house shall be redesigned to incorporate angled rear-facing first floor windows, which are orientated north, the Board considered that the separation distances between the rear-facing first floor windows for the proposed houses and the appellant's boundary and garden which ranged from 12.3m and 14.04m mitigated the potential for overlooking in this urban environment.

Board Member

Maria Fitzgerald
Maria Fitzgerald

Date: 6/12/2022