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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Waterford City and County Council**

**Planning Register Reference Number: 17/837**

**Appeal** by Pat Gibney of 13 Railway Gardens, Station Road, Townparks East, Lismore, County Waterford against the decision made on the 7<sup>th</sup> day of June, 2018 by Waterford City and County Council to grant subject to conditions a permission to Dromana Developments Limited care of Aspect Architecture of 5 The Mews, 12 O'Connell Street, Dungarvan, County Waterford in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Completion of seven number dwellings (six number two-storey semi-detached and one number single storey detached) as originally granted under planning register reference number 04/1943. Planning permission is also required for 12 number new storey and a half/two-storey houses (10 number semi-detached and two number detached), associated infrastructure and all associated works at Railway Gardens, Station Road, Townparks East, Lismore County Waterford. Further public notices were received by the planning authority on the 16<sup>th</sup> day of May, 2018.

## **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.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to the provisions of the current Waterford City and County Development Plan, the planning history of the site, the pattern of development in the area, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not be prejudicial to public health, would be acceptable in terms of pedestrian and traffic safety and would be acceptable in terms of the visual and residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to seek further information, the Board concurred with the decision of the planning authority and was satisfied that, subject to the appropriate condition regarding Irish Water as attached, the proposed development would be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment Screening**

The Board noted the Appropriate Assessment Screening determination carried out by the Inspector. The Board concurred with the Inspector's determination, and adopted the conclusions and recommendations in this regard. The Board was, therefore, satisfied that, having regard to the nature, location and scale of the subject development, the proposed development either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European Sites, in view of the sites' conservation objectives.

### **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 submitted on the 8<sup>th</sup> day of May, 2018, 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 proposed development shall be amended as follows:
  - (a) A footpath shall be provided on both sides of the estate access road and around the open space.
  - (b) House number 48 and the associated turning area shall be omitted.
  - (c) The turning circle shall be relocated to the front of house number 47.
  - (d) A hammer head shall be provided at house number 49.
  - (e) House number 49 shall be redesigned to provide for dual aspect.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of traffic safety and residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

4. No development shall commence until such time as the developer has obtained a connection agreement from Irish Water for the provision of water services necessary to enable the proposed development.

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

5. 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.

**Reason:** In the interest of public health.

6. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of orderly development.

7. 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 hours of working, noise management measures and traffic management measures.

**Reason:** In the interests of public safety and residential amenity.

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to 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 provisions of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

9. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority details in relation to the following:
  - (a) A two-metre wide footpath around the perimeter of the open space and along the southern perimeter of site number 51 and site number 52.
  - (b) A traffic calming scheme for the proposed development which shall be compliant with the Design Manual for Urban Roads and Streets.
  - (c) A site layout plan and other plans/drawings identifying clearly the layout and design of road lining and signing for the entire development including the visitor car parking.

**Reason:** In the interest of traffic safety.

10. (a) A two-metre capped and rendered masonry wall shall be provided to all private amenity areas fronting onto an access road or open space.
- (b) The two-metre high boundary wall abutting dwelling numbers 2, 51 and 49 shall be stepped down along the side elevation of these dwellings and details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

11. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

**Reason:** In the interests of amenity and public safety.

12. The site shall be landscaped in accordance with a scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall include a timescale for its implementation.

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

13. Prior to commencement of development, all tree protection measures shall be put in place and retained until the cessation of construction works. All landscaping shall be completed prior to the first occupation of the proposed development, shall be certified by the landscape contractor on completion and shall be maintained by the developer prior to the development being taken in charge by the local authority.

**Reason:** To ensure the survival of such trees during the construction period and in the interest of visual amenity.

14. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and 96(2) and 3 (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.



15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

16. 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 the 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.

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**Paul Hyde**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2018.**