

An
Bord
Pleanála

Board Order
ABP-309410-21

Planning and Development Acts 2000 to 2021

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 20/131

Appeal by Jacqueline O'Connor care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the 19th day of January, 2021 by Waterford City and County Council to grant subject to conditions a permission to Maurice Glody care of Timothy Guerin of Rocksprings, Newtown, Waterford in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention permission for site development works as constructed and planning permission to complete the site development works for 14 number sites all as per previous planning permission granted under planning register reference number 99/17, An Bord Pleanála reference number PL 24.119683, all at Coxtown, Dunmore East, County Waterford as amended by the revised public notice received by the planning authority on the 15th day of December, 2020.

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 previous planning history of the site, to the residential zoning objective of the site in the current Waterford County Development Plan, and having regard to its design and layout and the established pattern of development in the vicinity of the site, it is considered that the proposed development and the development proposed to be retained, subject to compliance with the conditions set out below, would not seriously injure the visual or other amenities of the area, would be acceptable in terms of pedestrian and traffic safety, and would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out, completed and retained in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted to the planning authority on the 3rd day of December 2020 and by the further plans and particulars received by An Bord Pleanála on the 3rd day of March, 2021, 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. (a) The development works for the 14 number serviced sites hereby retained and permitted shall be carried out as shown on the plans submitted.
- (b) The future development of the individual sites shall be subject to separate applications for planning permission.
- (c) The houses to be constructed on site shall be single storey only.

Reason: In the interest of clarity and visual amenity.

3. (a) The access, internal road network and traffic arrangements serving the site, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such works and shall be carried out at the developer's expense.
- (b) Proposed pedestrian access shall comply with the detailed standards of the planning authority for such works.
- (c) The cul-de sac at the south-western part of the site between site numbers 2 and 6 shall not be used as a vehicular access to/from lands outside the site.

Reason: In the interests of pedestrian and traffic safety.

4. Public lighting shall be provided in accordance with a scheme, 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.

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. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

7. 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. Any existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

8. The site including the open space shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) a plan to scale of not less than 1:500 showing –
 - (i) the species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species.
 - (ii) details of screen and boundary planting which shall not include cupressocyparis x leylandii.
 - (iii) hard landscaping works, specifying surfacing materials, furniture, play equipment for the open space and finished levels.
- (b) specifications for mounding, levelling, cultivation and other operations associated with the open space and plant and grass establishment.
- (c) a timescale for implementation including details of phasing.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

9. 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 section 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.

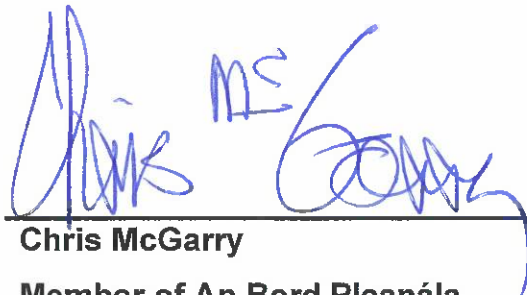
Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the current Development Plan for the area.

10. 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, traffic management and noise reduction measures and off-site disposal of construction/demolition waste.

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

11. 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 of roads, footpaths, watermains, drains, 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 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 of the development.



Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 1st day of June 2022.