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**Planning and Development Acts 2000 to 2021**

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

**Planning Register Reference Number: 21/992**

**Appeal** by Anthony and Pauline Power of The Hideaway, Old Crobally Road, Tramore, County Waterford against the decision made on the 16<sup>th</sup> day of December, 2021 by Waterford City and County Council to grant subject to conditions a permission to Sharon McEnery of Uptown Property Developments Limited 15A Main Street, Tramore, County Waterford in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The construction of a part two storey/part three storey four bedroom, detached dwelling house to include new driveway, footpaths, landscaping, boundary treatments and all associated site works. This site was the subject of a grant of planning permission for service sites reference number 19761, all at Site 2 Seanród, Crobally Upper, Tramore, County Waterford.

**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 planning history and 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 and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the character of the area, would not seriously injure the residential amenity of the area and 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 amended by the further plans and particulars received by the planning authority on the 26<sup>th</sup> day of October 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. The approved house shall not be occupied prior to completion of works associated with permission Register Reference 19/761, including the site access and internal carriageway, footpaths, public open space and landscaping, street lighting, boundary treatments and underground services including surface water drainage.

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

3. (a) Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) First and second floor windows at bathroom and stairwells in the northern and southern (side) elevations shall be obscure glass only.

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

4. Prior to the commencement of development, details of boundary treatment to include for the provision of a suitably designed retaining wall along the western site boundary, shall be submitted for the written agreement of the planning authority.

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

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, communal television, telephone and public lighting cables) shall be run underground within the site.

**Reason:** In the interests of orderly development and the visual amenities of the area.

8. 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.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

9. 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.

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

10. 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

*DR. Maria FitzGerald*

**María FitzGerald**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this *7<sup>th</sup>* day of *December* 2022.