



An
Bord
Pleanála

Board Order
ABP-312634-22

Planning and Development Acts 2000 to 2021

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 21/792

Appeal by Thomas and Sheila Leonard of 4 Barley Grove, Ballinakill Downs, Waterford and by Others against the decision made on the 20th day of January, 2022 by Waterford City and County Council to grant subject to conditions a permission to Tony Robinson care of CDP Architecture of 4 The Mall, Main Street, Lucan, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of two four-storey apartment buildings with setbacks at third floor level (Block A, 10 number one bed and 20 number two bed units and Block B, 10 number one bed and 20 number two bed units) with a total of 60 number apartments with access to the development from Ballinakill Downs access road. The development also includes for 60 number car parking spaces, 60 number bicycle spaces and dedicated bin storage all located at basement level, with the provision of three number accessible car spaces at surface level along, minor modification of existing car park layout associated with Ballinakill Shopping Centre to provide for 22 number replacement surface car parking spaces for the sole use of the shopping centre and its patrons, all with associated private open space,

ancillary site development infrastructure including plant rooms, internal roads, footpaths, all landscaping, including open space areas, boundary treatments, all associated engineering and site works necessary to facilitate the development, all on a site of 0.69 hectares at Ballinakill Shopping Centre, Dunmore Road, Waterford. The proposed development was revised by further public notices received by the planning authority on the 17th day of November, 2021.

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 'General Business' zoning which applies to the site under the Waterford City Development Plan 2013-2019 (as extended), under which residential development is stated to be generally acceptable in principle, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of development, would not seriously injure the character and visual amenities of the area, would not seriously injure the amenities of residential property in the vicinity and would be acceptable in terms of traffic and pedestrian safety. The proposed development 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 information submitted to the planning authority on the 10th day of November, 2021 and the 20th day of December 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 development shall be amended as follows: -
 - (a) The bin storage area as indicated on the Proposed Site Plan with Ground Floor (drawing reference number 3.1.005 Revision B submitted as clarification of further information to the planning authority on the 20th day of December 2021), shall be relocated such that it abuts the boundary wall with the vehicle access ramp to the basement.
 - (b) A suitable play area. for children up to six years of age, as described in the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities, 2020, shall be provided in the area of open space adjoining the bin storage area.

- (c) The balconies serving apartment numbers 26 and 27 within Block B shall be fitted with obscured glazed screening to a height of 1.8 metres.
- (d) Apartment numbers 4, 5, 12, 13, 20 and 21 within Block A shall incorporate a high-level window a minimum of 1.8 metres above floor level on the south-east elevation.
- (e) The cycleway route to the rear basement ramp shall be omitted and replaced by a footpath connection that leads to the shopping centre.
- (f) Proposed parking space numbers 17-22 inclusive and 55-57 inclusive shall be omitted from the development and the resultant space shall be incorporated into the open space as part of the development.

Prior to commencement of development, revised plans shall be submitted to, and agreed in writing with, the planning authority, which reflect the above required amendments.

Reason: In the interests of proper planning and sustainable development and residential amenity.

3. Apartments shall be provided with dedicated storage space in accordance with the requirements of the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities, 2020.

Reason: In the interest of residential amenity.

4. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

5. The access to the site shall comply with the planning authority's requirements for same and shall incorporate Design Manual for Urban Roads and Streets (2019) place-making principles.

Reason: In the interest of road and pedestrian safety.

6. Prior to the occupation of development, a Car Parking Management Plan shall be submitted to and agreed in writing with the planning authority. This plan shall indicate how spaces will be assigned and how use of the car parking will be continually managed. Car spaces shall not be sold, rented or otherwise sub-let or leased to other parties.

Reason: In the interests of orderly development and traffic safety.

7. Communal open space, which shall include a children's play space, shall be provided and laid out in accordance with the planning authority's requirements. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

8. A hard and soft landscaping strategy and boundary treatment plan shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The development shall thereafter be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

9. Boundary treatments for private open spaces at ground floor level shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

10. The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health and orderly development.

11. Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services. 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 proper site drainage.

12. Public lighting shall be provided in accordance with a public lighting scheme details of which shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interests of amenity and public safety.

13. The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the proposed development shall be provided with electrical connections, to allow for the future provision of future charging points and in the case of 10% of each of these spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of the design of, and signage for, the electrical charging points (where they are not in the areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of suitable transportation.

14. 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. In this regard, ducting in accordance with the requirements of the planning authority shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

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

15. 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 include details of intended construction practice, noise and dust management measures, traffic management, parking proposals for construction workers on the site and storage of materials and waste within the site.

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

16. Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

17. 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.

18. Prior to commencement of development, the developer 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.

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 of the area.

19. 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 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.

20. 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

Maria FitzGerald

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



Dated this 7th day of June 2022.