

An  
Bord  
Pleanála

## Board Order ABP-313482-22

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**Planning and Development Acts 2000 to 2021**

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

**Planning Register Reference Number: 21/333**

**Appeal** by Desmond and Anne Connery of Mount Martin, Ardmore, County Waterford against the decision made on the 7<sup>th</sup> day of April, 2022 by Waterford City and County Council to grant subject to conditions an outline permission to Jeremy and Alice Buckley care of The E-Project Chartered Architects Limited of 21 Lower Main Street, Dungarvan, County Waterford in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Outline planning permission for the construction of three number detached dwelling units – two number three storey townhouses and one number two storey split level house – including a new entrance and new road frontage wall and all ancillary civil and retaining wall, site development works including public service connections at Middle Road, Dysert, Ardmore, County Waterford, as amended by the further public notice received by the planning authority on the 16<sup>th</sup> day of March, 2022.

### Decision

**GRANT** outline 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 objectives of the planning authority as set out in the Waterford City and County Development Plan 2022-2028, the location of the development within the designated settlement boundary of Ardmore, the small scale and infill nature of the proposed development site and the prevailing pattern and character of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. This grant of outline permission is in respect of development as indicated in the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 4<sup>th</sup> day of March 2022, except as may otherwise be required in order to comply with the following conditions. No development is authorised on foot of this grant of outline permission and no development shall be undertaken until a grant of permission consequent on this outline permission is received.

**Reason:** In the interest of clarity.

2. At the permission consequent stage, the proposed dwellings shall be designed in accordance with the following requirements:
  - (a) the proposed dwellings shall be two-storey only or part single storey/part two-storey and shall not provide for a basement area, and

- (b) the finished floor levels and the floor areas shall be in accordance with the details submitted to the planning authority on the 4<sup>th</sup> day of March, 2022.

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

3. This grant of outline permission relates solely to the principle of the development on this site. The plans and particulars to be lodged for permission consequent on this grant of outline permission shall include the following:
- (a) full design details of the proposed development including all proposed dwellings,
  - (b) contiguous elevations to demonstrate the proposed dwellings and how they will relate to adjoining properties,
  - (c) details of the materials, colours and textures of all the external finishes,
  - (d) a landscape plan prepared by a suitably qualified landscape professional shall be provided to include high quality boundary treatments and landscape finishes including trees planting on private open space, details of boundary treatments including details of the retaining wall to the front of the site and details of boundary treatment between the three proposed dwellings and between the site and adjoining properties.

**Reason:** In the interest of clarity and to define the subject matter for consideration at permission consequent stage for the proposed dwellings.

4. At the permission consequent stage, 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.

5. At the permission consequent stage, the design of the vehicular access, parking areas, shared surfaces, and footpaths and kerbs shall comply with the requirements of the planning authority for such works.

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

6. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Uisce Eireann.

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

7. At the permission consequent stage, a full and detailed construction management plan shall be submitted to, and agreed in writing with, the planning authority, which shall include, inter alia, a construction programme for the works, hours of operation, a traffic management plan, noise and dust mitigation measures and details of construction lighting.

**Reason:** In the interest of residential amenity, traffic/pedestrian safety and the proper planning and sustainable development of the area.

8. 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.

**Reason:** In the interests of visual and residential amenity.

9. 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 urban legibility.


10. 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.

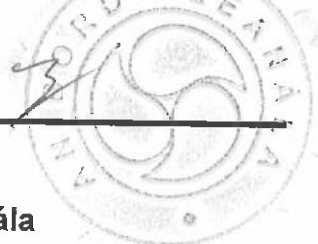
**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

11. 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 at permission consequent stage 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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**Stephen Brophy**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**



Dated this 27<sup>th</sup> day of July 2023