



An  
Bord  
Pleanála

**Board Order**  
**ABP-314043-22**

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**Planning and Development Acts 2000 to 2022**

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

**Planning Register Reference Number: 21/604**

**Appeal** by Michael O'Reilly of Main Street, Ardmore, County Waterford against the decision made on the 16<sup>th</sup> day of June, 2022 by Waterford City and County Council to grant subject to conditions a permission to CFS Structures Limited care of Fewer Harrington and Partners of Studio 14, The Atrium, Maritana Gate, Canada Street, Waterford City in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of 35 number dwellings consisting of one number two-storey detached four-bed dwelling, four number two-storey semi-detached four-bed dwellings, 26 number two-storey semi-detached three-bed dwellings, two number two-storey mid-terraced three-bed dwellings and two number end-terrace three-bed dwellings, new landscaping and boundary treatments, public walkway with lighting from proposed development to Tower Hill, connection to existing estate road (The Cloisters) together with all associated site works and foul & surface water drainage connections, at The Cloisters, Farrangarret, Ardmore, County Waterford. The proposed development was revised by further public notices received by the planning authority on the 21st day of January, 2022

## **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 provisions of the Waterford City and County Development Plan 2022-2028, the Rural Village zoning of the site, the availability of services for development, and the scale of the housing development proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not give rise to adverse visual or residential amenity impacts, would be acceptable in terms of water and wastewater arrangements, would be in keeping with the existing pattern of development and would not give rise to unacceptable impacts on the archaeological and heritage value of the site or its environs. 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 refuse permission, the Board considered that matters relating to certain bedroom ceiling heights were minor in nature in the context of the overall proposal and could be satisfactorily dealt with by an appropriate condition attached to a permission.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further information submitted on the 22<sup>nd</sup> day of December 2021 and clarification of further information submitted on the 25<sup>th</sup> day of May 2022, 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. This permission authorises 29 dwellings.

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

3. The development shall be amended as follows:

- (a) The proposed estate road traversing the central public open space shall be omitted and houses numbers 9 to 12 shall instead be accessed via the estate road in front of houses numbers 13 to 15.
- (b) The lands made available from the omitted road shall be integrated as part of the public open space.
- (c) A pedestrian footpath shall be provided along the route of the omitted road as part of the landscaping of the public open space.

- (d) Bin stores shall be omitted from any public open space areas.

Prior to commencement of development, a revised site layout and associated details shall be submitted to and agreed in writing with the planning authority in this regard.

**Reason:** To provide for satisfactory public open space for the development.

4. (a) Houses numbers 30 and 31 together with the open space adjoining to the west shall be omitted from the development and this area shall instead be maintained free of development.
- (b) A revised future planning application may be submitted for the resultant area comprehensively addressing the following issues:
- (i) passive surveillance and orientation of housing,
  - (ii) substantial topography variation at this location, and
  - (iii) any services or access wayleave issues, as appropriate.

**Reason:** In the interest of residential amenity and orderly development.

5. The developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann, prior to commencement of development.

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

6. Proposals for naming the development and a unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Thereafter, all signage and unit 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. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

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

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

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. Prior to commencement of development, the developer shall submit to the planning authority for written agreement revised drawings and other details confirming compliance of the proposed House Types D and E with the Building Regulations 1997-2017, as amended, with respect to:

- (i) Floor to ceiling height of bedrooms, and
- (ii) positioning of rooflights.

**Reason:** In the interests of residential amenity and orderly development.

10. 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 dwelling units.

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

11. (a) Finished floor levels of the houses, and
- (b) boundary treatments for the site,

shall be as indicated on the Site Plan received by the planning authority on the 25<sup>th</sup> day of May 2022 by way of clarification of further information, with the exception that the southern boundary shall be instead defined by a two metre high block wall and capping.

**Reason:** In the interests of amenity and orderly development.

12. Prior to the occupation of house number 9, the public open space lands positioned to the north of house number 9 shall be landscaped and provided with a pedestrian path to the eastern site boundary in order to facilitate a future pedestrian connection eastwards.

**Reason:** In the interest of amenity and to secure the objectives of the development plan relating to active travel

13. A plan containing details for the management of waste (and, in particular recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular recyclable materials, and for the ongoing operation of these shall facilities for each dwelling unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate waste storage.

14. The construction of the development shall be managed in accordance with a final Construction and Demolition Waste Management Plan and a final Construction and Environmental Management Plan, both of which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. These plans shall provide inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including noise management measures, dust and vibration management measures, construction traffic logistics, parking, mobility and access during the construction phase for workers, emergency vehicles and occupants of

adjacent residential and commercial premises, and off-site disposal of construction/demolition waste and/or by-products.

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

15. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. In this regard, surface water, foul sewer and water supply infrastructure shall be connected to existing services at Upper College Court as provided for in the Clarification of Further Information received by the planning authority on the 25<sup>th</sup> day of May, 2022.

**Reason:** In the interest of public health and surface water management.

16. (a) The developer shall engage an archaeologist, licensed under the National Monuments Acts, to excavate all archaeological features identified within the footprint of the proposed development (as identified during testing 19E0071 B. Sutton). In addition, the archaeologist shall prepare a detailed mitigation strategy for the revised water services connection route and associated booster pump to be submitted to and agreed in writing with the planning authority prior to any site works.
- (b) All required archaeological work associated with the development shall be licensed under the National Monuments Acts 1930-2014. All resulting and associated archaeological costs shall be borne by the developer.
- (c) A final report shall be submitted to the planning authority and the National Monuments Service following completion of the archaeological work.



- (d) Prior to commencement of development, the developer shall submit an Archaeological and Built Heritage Mitigation Strategy to the planning authority. This shall address the impact on the townland boundary and wall between Farrangarret and Monea and shall include archaeological testing as appropriate.
- (e) The developer shall notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including demolition of the existing building, hydrological and geotechnical investigations) relating to the proposed development.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

- 17. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, 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 the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house unit), pursuant to section 47 of the Planning and Development Act 2000, as amended, that restricts all houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost-rental housing.

**Reason:** To restrict new housing development to use by persons of a particular class or description, in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

19. 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 Development Plan of the area.



20. The site shall be landscaped in accordance a landscaping scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully prior to the occupation of the development and any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.

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

21. 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.

22. 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.

  
Stewart Logan

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

Dated this 17<sup>th</sup> day of July 2024.