

An  
Bord  
Pleanála

Board Order  
ABP-314974-22

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**Planning and Development Acts 2000 to 2022**

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

**Planning Register Reference Number: 21/1227**

**Appeal** by Lisa Jones of 15 Station House, McDonagh Junction, Kilkenny against the decision made on the 3<sup>rd</sup> day of October, 2022 by Waterford City and County Council to grant subject to conditions a permission to Catherine Magill care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny in accordance with plans and particulars lodged with the said Council:

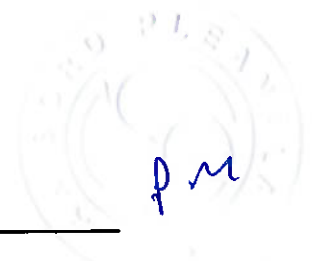
**Proposed Development:** Demolish existing commercial units and for the construction of a new two/three-storey block comprising of seven number one-bedroom apartments, new bin store, new boundary treatments and all associated site development works, all at 26A and 28, Morrissons Avenue, Waterford, as revised by the further public notice received by the planning authority on the 9<sup>th</sup> day of September, 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 location of the site in close proximity to Waterford City Centre and to Objective "H 04", as set out in the Waterford City and County Development Plan 2022 - 2028, which is to promote and facilitate sustainable and livable compact urban growth through the thoughtful consolidation of infill/brownfield site in a way which promotes appropriate levels of compactness, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure residential amenities of the area, would be acceptable in terms of residential amenity, would not give rise to the creation of a traffic hazard 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 23<sup>rd</sup> day of August, 2022 and submitted to An Bord Pleanála on 22<sup>nd</sup> day of November 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 and the development shall be retained and completed in accordance with the agreed particulars.

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

2. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.

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

3. 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 the commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

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



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

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

5. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0900 and 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 the interests of public safety and amenity.

6. 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.

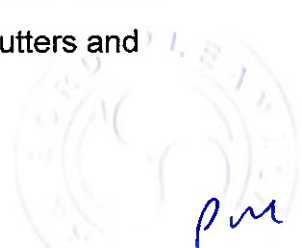
**Reason:** In the interest of public health.

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

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

8. No overhanging of, or trespassing on, adjoining properties and/or lands not in the developer's ownership and/or control, by eaves, gutters and foundations shall take place on foot of this permission.

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



9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting the 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 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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**Peter Mullan**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this *8th* day of *March* 2024.