

An  
Coimisiún  
Pleanála

**Commission Order**  
**ABP-320896-24**

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**Planning and Development Act 2000, as amended**

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

**Planning Register Reference Number: 2360411**

**Appeal** by Rose Bell care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the 11<sup>th</sup> day of September, 2024 by Waterford City and County Council grant subject to conditions a permission to Amy Cunningham care of Siobhan Criostoir of The Old Library Building, Friary Street, Dungarvan, County Waterford in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a two-storey apartment with balconies, connection to public sewer and water main along with all ancillary works, all at The Quay, Passage East, 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 provisions of the Waterford City and County Development Plan 2022-2028, the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024, the planning history of the site, the pattern of development in the area, the nature and scale of the development and the existing character of the area, and having regard to the totality of the documentation on file, including third party submissions, and noting the full ventilation of all material issues including the nature of ownership of adjoining lands, 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, would be acceptable in terms of pedestrian and traffic safety, would provide for an acceptable form of residential amenity including open space and would constitute an appropriate form of development at this serviced location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed 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 4<sup>th</sup> day of August, 2024, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

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

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

**Reason:** In the interest of the visual amenities of the area.

3. Prior to commencement of development, details of the Juliet balconies and the side balcony, including proposed supports, railings and ground floor railings to the main entrance and the ground floor terrace area shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of clarity and to ensure that the proposed development is in keeping with the character of the Architectural Conservation Area.

4. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

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

5. 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 or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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



6. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including a demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of sustainable waste management.

7. 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 management measures for noise, dust and dirt and off-site disposal of construction / demolition waste.

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

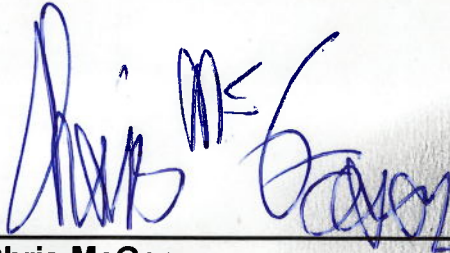


8. (a) Any interference with or damage to the public road caused during the construction of the proposed development shall be made good by the developer to the satisfaction of the planning authority.
- (b) The existing finished road levels shall not be raised or lowered to facilitate the proposed development without the prior consultation and subsequent written agreement of the planning authority.
- (c) All works carried out on the public footpath and/or the public road shall require a Road Opening Licence and Hoarding Licence.

**Reason:** In the interest of public and traffic safety.

9. 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 Coimisiún 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.



**Chris McGarry**

**Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.**

**Dated this**  **day of**  **2025**