

An
Coimisiún
Pleanála

Commission Order
ACP-323071-25

Planning and Development Act 2000, as amended

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 24/60761

Appeal by Wayne and Walaipon Lee of 4 Briot Grove, Templors Hall, County Waterford against the decision made on the 23rd day of June, 2025 by Waterford County Council to grant subject to conditions a permission to Tony Robinson care of Paul Moran of CDP Architecture, 4 The Mall Street, Lucan, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The proposed development will consist of:
Retaining the existing single-storey detached house on site. Construction of four number three-storey five-bedroom detached houses, with surface car parking spaces for the existing house and new houses, with access to the development from Lacken Road. All with associated site works, public open spaces, landscaping, boundary treatments and drainage, all at Larken Road, Kilbarry, 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 location of the proposed housing within a large residential site which is zoned residential in the Waterford City and County Development Plan 2022-2028 which seeks to 'provide for residential development and protect and improve residential amenity.'
- The policies and objectives of the Waterford City and Council Development Plan 2022-2028 including the criteria set out in Table 3.1 of Volume 2.
- National policy and guidance as contained in Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities Design Manual for Urban Roads and Streets (DMURS) (2013) issued by the Department of Housing, Local Government and Heritage.
- The nature, scale and design of the proposed development and the pattern of existing and permitted development in the area.
- The availability in the area of a wide range of social, community, and water services infrastructure.

- The submissions and observations received in connection with the planning application and the appeal.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development 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 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 27th day of May 2025, 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. Prior to the commencement of development, the developer shall submit the following for the written agreement of the planning authority prior:
- (a) Site layout and elevation drawings showing the provision of a railed boundary along the public road and public space frontage of the site.
 - (b) Revised details for the bin storage area in order to accommodate the appropriate number of bins for five dwellings.
 - (c) Details of all materials, finishes and design of all boundary treatment and screen walls for rear garden areas.
 - (d) Details of tree management and replacement along the western site boundary.

Reason: In the interests of amenities of existing and adjacent properties and to ensure provision of safe and demarcated private gardens and semi-enclosed communal open spaces.

3. (a) The disposal of surface water shall comply with the requirements of the planning authority for such works and services. The developer shall ensure that the storm water outfall and attenuation system is completed prior to the roofing of any units.
- (b) Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority. Details shall be in accordance with the Sustainable Urban Drainage Systems standards as listed in objective UTL 09 Storm and Surface water Management of the Waterford City and County Development Plan 2022-2028 and any deviance from these standards shall be subject to written agreement prior to commencement of any development

on site.

- (c) Upon completion of the surface water drainage system a certificate of compliance by suitably qualified profession with indemnity insurance shall be submitted to the planning authority certifying compliance of the Sustainable Drainage System (SuDS) measures with the required standard.

Reason: In the interest of public health.

- 4. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

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

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

6. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of the agreed landscaping plan. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

7. 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.

8. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters with details, in particular, of managing storm water at all stages of roof and guttering construction, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection residential amenities, public health and safety and environmental protection.

9. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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.

10. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for safe access of construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

11. (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs, and road safety signage shall comply with the detailed construction standards of the planning authority for such works and design standards and as outlined in Design Manual for Urban Roads and Streets (DMURS). Details of all locations and materials to be used shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.
- (b) The northern end of the internal road shall not extend beyond the path serving the northern most dwelling, the resulting space to be landscaped to the satisfaction of the planning authority.

- (c) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority.
- (d) The developer shall be responsible for the provision of a traffic yield sign and appropriate road markings, details of which shall be submitted to the planning authority for written agreement prior to commencement of development on site.

Reason: In the interest of traffic and pedestrian safety.

12. (a) The landscaping scheme as submitted to the planning authority shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.
- (b) The open space area to the north of the site shall be reinstated as open space prior to occupancy of any of the proposed dwellings.
- (c) Subject to the agreement of the planning authority, the developer to provide for pedestrian access through to the open space to the north of the site.

Reason: In the interest of residential and visual amenity.

13. Proposals for a 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 apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

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

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. 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 Coimisiún Pleanála for determination.

Reason: To ensure that the public road is satisfactorily reinstated, if necessary.

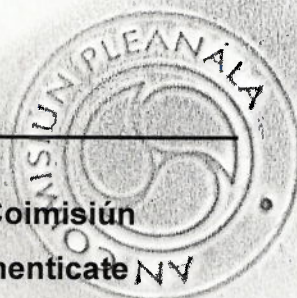
15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.



Declán Moore

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



Dated this 5th day of November 2025