



## Board Direction

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**Ref: PL31.243463**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 23<sup>rd</sup> September 2014.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, and in accordance with the draft reasons, considerations and conditions set out below.

### REASONS AND CONSIDERATIONS

Having regard to the nature and scale of the proposed development, the 'City Centre Commercial' zoning objective for the area as set out in the Waterford City Development Plan 2013 - 2019, its city centre location, and the pattern 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, 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, 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 out in accordance with the agreed particulars.

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

2. The proposed ventilation extract shall be relocated internally within the building, to facilitate the relocation of its discharge point through the existing chimney stack on the eastern side, or if this is not possible, to a position adjacent to that chimney and below the ridgeline on the southern side of the roof. External ducting is not permitted. Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of the protection of the residential amenity of property in the vicinity, and of the visual amenity of the Trinity Within Architectural Conservation Area.

3. (1) The developer shall strictly control odour emissions from the premises in accordance with measures which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.
- (2) Within three months of the first operation of the proposed development, the developer shall submit to and agree in writing with the Planning Authority a report from a suitably qualified specialist certifying that the odour control system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner so as to prevent nuisance.

**Reason:** In the interest of public health and to protect the amenities of the area.

4. No plant or equipment, including air conditioning units, fans or condensers, or any water storage tanks shall be erected without a prior grant of planning permission, notwithstanding the exempted development provisions of the Planning and Development Regulations.

**Reason:** In the interest of the visual amenities of the subject building, which is identified in the National Inventory of Architectural Heritage as being of artistic and architectural importance at a regional level, in the interest of the visual amenities of the Trinity Within Architectural Conservation Area, and to protect the residential amenity of property in the vicinity.

5. The use of the external seating area or of the external waste management area is not permitted outside of the hours of 09:00 to 21:00, unless authorised by a prior grant of permission.

**Reason:** In the interest of protection of the residential amenity of property in the vicinity.

6. (1) The proposed development shall not operate outside the hours of 09:00 to 23:00 on any day.
- (2) No deliveries or loading/unloading shall take place outside the hours of 09:00 to 21:00 on any day.

**Reason:** To limit the hours of operation and servicing of the development, in the interest of protecting the residential amenity of property in the vicinity.

7. The sale of hot food for consumption off the premises is not permitted, unless authorised by a prior grant of permission.

**Reason:** In the interest of protection of the residential amenity of property in the vicinity, and in the interest of orderly development.

8. The proposed shopfront shall be in accordance with the following requirements, to the written satisfaction of the Planning Authority:
- (a) Other than the signage indicated in the drawings submitted in support of the application, no signage is hereby permitted,
  - (b) The proposed fascia sign shall entail sign writing or either hand-painted lettering or individually mounted lettering,
  - (c) any lighting shall be by means of concealed rear illumination only,
  - (d) no awnings, canopies or projecting signs or other signs shall be erected on the premises,
  - (e) external roller shutters shall not be erected; any internal shutter shall be only of the lattice type, set back behind the shopfront window, and coloured to match the shopfront colour, and
  - (f) no adhesive material shall be affixed to the windows or the shopfront.

**Reason:** In the interest of the visual amenities of the subject building, which is identified in the National Inventory of Architectural Heritage as being of artistic and architectural importance at a regional level, and in the interest of the visual amenities of the Trinity Within Architectural Conservation Area.

9. Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

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

10. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

11. A plan containing details for the management of waste and recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and recyclable materials 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:** To provide for the appropriate management of waste and recyclable materials, in the interest of protecting the environment.

12. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

13. In the event that any ground works may be required, the developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:
  - (i) the nature and location of archaeological material on the site, and
  - (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**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.

14. Section 48 Unspecified

Board Member: \_\_\_\_\_ Date: 24<sup>th</sup> September 2014  
Fionna O' Regan