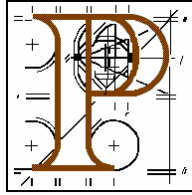


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2010

Wexford County

Planning Register Reference Number: 20100417

An Bord Pleanála Reference Number: PL 26.237126

APPEAL by P.J. Bolger of Castle View House, Upper Main Street, Ferns, Enniscorthy, County Wexford and by Philip Ennis of Main Street, Ferns, County Wexford against the decision made on the 17th day of June, 2010 by Wexford County Council to grant subject to conditions a permission to Sean Lacey care of Ian Doyle of 14 Bayview Drive, Wexford Town, County Wexford in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Internal alterations to previously permitted café and takeaway, and change of use from café/takeaway to restaurant/takeaway and all associated works at Main Street, Castleland, Ferns, County Wexford.

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.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the planning history of the site and having regard to the village centre location of the site and to County Development Plan and Local Area Plan policies, 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 traffic safety and convenience 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, 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. (a) Use of the proposed development for the sale of hot food for consumption off the premises shall not take place outside the following hours:

Monday to Friday:	5.30pm to 10.30 pm
Saturdays:	9.00am to 11 pm
Sundays:	12 midday to 11pm

- (b) The restaurant use shall not extend later than 23.00 hours on weekdays and Sundays and 00.00 hours on Fridays and Saturdays and Sundays of Bank Holiday weekends.

Reason: In the interest of residential amenities and the proper planning and sustainable development of the area.

3. 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.

4. The noise level from this development shall not exceed 55 dB(A) rated sound level (that is corrected sound level for a tonal or impulsive component) when measured at the boundaries of the site between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: To protect the amenities of property in the vicinity of the site.

5. Details of all external signage 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.

6. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

7. The developer shall control odour emissions from the premises in accordance with measures including extract duct details which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

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

8. A grease trap shall be retained on all outlets from the kitchen area prior to discharge to the public water sewer.

Reason: In the interest of public health and the proper planning and sustainable development of the area.

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

Dated this day of 2010.