

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2011

Waterford City

Planning Register Reference Number: 11/79

An Bord Pleanála Reference Number: PL 31.239425

APPEAL by RGDATA of Rock House, Main Street, Blackrock, County Dublin against the decision made on the 19th day of July, 2011 by Waterford City Council to grant subject to conditions a permission to Jim Boland care of Oliver Dempsey Architects of 2 Dyehouse Lane, Waterford in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Change of use of unit 2 from retail warehousing use to use as a discount food store and all associated site development works at Former Bolands Waterford City, Cork Road, 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.

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 'General Business' land use zoning objective for the area as defined in the Waterford City Development Plan 2007-2013 wherein Retail Use is specified as a 'generally acceptable in principle use' under section 10.15 of the development plan, the pattern of development in the area, the Retail Planning Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local Government in January, 2005 and having regard in particular to the limited scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the land use zoning objective for the area, would not adversely impact upon the vitality and viability of existing retail centre developments in the area and would not materially contravene the Retail Planning Guidelines. 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 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. This permission relates to a total retail sales area of 495 square metres at ground floor level as submitted and as identified on the submitted drawings received by the planning authority on the 26th day of May, 2011.

Reason: In the interest of clarity.

2. This permission is for a period of five years from the date of this order.

Reason: To assess the cumulative impact of retail development in the vicinity of this site on the vitality and vibrancy of Waterford City Centre.

3. The development permitted herein shall be used solely as a discount food store as defined in the Retail Planning Guidelines. No comparison goods shall be sold or material change of use shall take place without a prior grant of planning permission.

Reason: To comply with the Waterford City Development Plan Retail Policy and in the interest of the proper planning and sustainable development of the area.

4. Prior to the commencement of development, the developer shall submit details including samples and brochures as necessary of any external lighting and signage for the proposed development which does not require a separate permission for the written agreement of the planning authority.

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

5. The developer shall provide sufficient area for the storage of waste bins to cater for all waste generated on site which shall be stored on site and out of view of the general public. Details of the bin storage area, the type and number of bins, the waste contractor and the contract agreement, including collection permit details and the proposed frequency of removal of refuse shall be submitted to and agreed in writing with the planning authority prior to the first occupation of the development.

Reason: In the interest of visual amenity and the proper planning and sustainable development of the area.

6. 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. 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

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

Dated this day of 2012.