



An  
Bord  
Pleanála

**Board Direction**  
**BD-002847-19**  
**ABP-303237-18**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/04/2019.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the nature of the proposed development, its location within an existing shopping centre, and to the relevant provisions of the Waterford City Development Plan 2013-2019, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the existing Shopping Centre, would not seriously injure the amenities of the area or of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and convenience. 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.

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

- (2) All new sections of footpath shall be constructed of paving materials to match those of the existing footpaths within the Shopping Centre details of which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of pedestrian safety and visual amenity.

- (3) Prior to the commencement of development, a revised site layout shall be submitted to, and agreed with the Planning Authority indicating a revised location for the 'accessible car parking' spaces which will be removed at the location of the new extension.

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

- (4) Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Saturdays inclusive, 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.

- (5) The proposed restaurant shall operate only between the hours of 07.30 and 23.30 Sunday to Thursday and between the hours of 07.30 and 00.30 on Friday and Saturday.

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

- (6) Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

- (7) The developer shall control odour and noise 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 commencement of development.

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

- (8) Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

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

- (9) No advertisement, advertisement structure or signage other than those shown on the drawings submitted with the application, shall be erected or displayed on the building in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

**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 commencement of development. This Plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

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

(11) 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 Bord 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.

**Board Member**

**Date:** 18/04/2019

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Chris McGarry