

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Wexford County

Planning Register Reference Number: 20150895

An Bord Pleanála Reference Number: PL 26.245800

APPEAL by David Whelan of Longraigue, Foulksmills, County Wexford against the decision made on the 28th day of October, 2015 by Wexford County Council to grant subject to conditions a permission to Paul Moran of Shanowle, Foulksmills, County Wexford in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retention and completion of a steel portal framed shed (part built) for the storage of paint and decorating apparatus including power washers and trailers, with sealed bunded area, roof water storage tanks and all associated site works at Shanowle, Foulksmills, 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 nature and modest scale of the development proposed for retention and completion and to the provisions of 18.15.2 and 18.15.3 of the Wexford County Development Plan 2013-2019, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention and completion would be acceptable in terms of traffic safety and convenience, would not seriously injure the amenities of the area and would, therefore, be in accordance with the provisions of the Wexford County Development Plan 2013 to 2019. The development proposed for retention and completion would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained 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 re-commencement of development and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2.
 - (a) The shed shall not be used for any use other than for purposes ancillary to the developer's adjacent dwelling and for the use set out in the documentation on the appeal file, that is, the storage of paints, painting equipment and company vans, save with a prior grant of planning permission.
 - (b) No retail sales, painting, spraying, power washing or any other works of a commercial nature shall be carried out on site, save with a prior grant of planning permission.
 - (c) All containers on site shall be removed within six months of the date of this order.

Reason: In the interests of clarity and residential amenity.

3. Any mature trees and hedgerows on the perimeter of the site shall be retained. Hedgerows shall be reinforced by means of the planting of a mixture of semi-mature evergreen and deciduous trees or shrubs.

Reason: In the interest of residential amenity.

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the proposed use. This scheme shall include the following:
- (a) A plan to scale of not less than 1:500 showing –
 - (i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
 - (ii) Details of screen planting.
 - (iii) Details of roadside/street planting.
 - (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
 - (c) A timescale for implementation.

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 shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

5. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

Reason: In the interest of public health.

6. No advertisement or advertisement structure shall be erected or displayed on the building or within the curtilage of the site 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.

7. An impermeable bunded area providing not less than 110% storage capacity by volume of the expected paint and liquid decoration materials proposed to be stored on site shall be provided. Prior to the commencement of the proposed use, details of this storage area shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest public health and the prevention of water pollution.

8. During the operational phase of the proposed development, the noise level from within the premises, measured at noise sensitive locations in the vicinity, shall not exceed:-
 - (a) an $L_{eq,15\ mins}$ value of 55 dB(A) during the period 0800 to 1800 hours from Monday to Saturday inclusive, and
 - (b) an $L_{eq,15\ mins}$ value of 45 dB(A) at any other time.

All sound measurements shall be carried out in accordance with ISO Recommendations R 1996, "Assessment of noise with respect of Community Response" as amended by ISO Recommendations R 1996-1 and 2 "Description and Measurement of Environmental Noise", as applicable.

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

9. 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.

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

Dated this day of 2016.