

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Wicklow County

Planning Register Reference Number: 15/1023

An Bord Pleanála Reference Number: PL 27.246846

APPEAL by Kenneth Harris of 29 Liam Mellows Avenue, Arklow, County Wicklow against the decision made on the 20th day of June, 2016 by Wicklow County Council to refuse permission to Yellow Lane Business Park Limited care of OTE Solutions of Dublin Road, Arklow, County Wicklow in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: As revised by further public notices received by the planning authority on the 25th day of May, 2016, the proposed development comprises retention of the following: (1) bored well on site for car washing use only, (2) 35 square metres metal clad shed and open air car wash facility along with all site development works, (3) front boundary wall to site, and (4) change of use of part of existing building to dance studio, and permission for timber cladding alterations to all elevations of the metal clad shed at Yellow Lane, Arklow, County Wicklow.

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 siting of the development within established commercial lands, the range of uses proposed, the provision of satisfactory sanitary services to accommodate these uses, and the prevailing pattern of development in the vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area, would not endanger public safety by reason of traffic hazard and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out, retained and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 25th day of May, 2016 and by the further plans and particulars received by An Bord Pleanála on the 29th day of July, 2016, 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 and the development shall be carried out, retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The car wash, associated shed and use of the bored well associated with the car wash is hereby permitted for a period of five years from the date of this order unless, prior to the end of that period, permission for their retention has been obtained.

Reason: To allow for a review of this part of the development having regard to the circumstances then pertaining.

3. Within three months of the date of this order, the following shall be submitted to, and agreed in writing with, the planning authority:
 - (a) Details for the lowering of the concrete pillars along the front boundary wall.
 - (b) The nature and extent of the surfacing of the vehicular entrance and the area between the front boundary wall and the road carriageway.
 - (c) The nature and extent of the proposed boundary fence to be provided along the flank boundary to the north-east of the site.
 - (d) Details of the proposed concrete kerbing along the flank of the car wash bay area, the proposed oil interceptor and associated maintenance programme.

The works associated with the above shall be completed within six months of the date of this order.

Reason: In the interest of orderly development, traffic safety and pollution prevention.

4. The dance studio to be retained shall not operate outside the hours of 1000 hours to 2130 hours.

Reason: In the interest of residential amenity.

5. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, 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: In the interest of visual amenity.

6. Water supply and drainage arrangements, including the attenuation and 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.

7. 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 with one month of the date of this order 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.