

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Wexford County

Planning Register Reference Number: 20160604

An Bord Pleanála Reference Number: PL 26.247141

APPEAL by Margaret Butler of Danescastle, Carrig-on-Bannow, County Wexford against the decision made on the 25th day of July, 2016 by Wexford County Council to refuse permission for the proposed development.

PROPOSED DEVELOPMENT: Change of use of existing granted planning 20074463 (Drapery Shop) to use as fast food/takeaway (Kebab and Pizza) (to include alterations to internal of existing building and the installation of two windows to front of building) at Danescastle, Bannow, County Wexford.

DECISION

GRANT permission for the above proposed development in accordance with the plans and particulars lodged with the said council, 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 scale of the proposed development, the established commercial use on the site, its location in the built-up area of Carrick-on-Bannow village, and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenity of the area or of property in the vicinity, would not be prejudicial to public health, would not detract from the retail vitality or viability of the village and would be acceptable in terms of 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. The hours of operation of the proposed development shall be limited to between 16:30 and 23:30 on any day.

Reason: In the interest of the residential amenities of property in the vicinity.

3. The noise level shall not exceed 55 dB(A) $L_{eq,15min}$ (corrected by penalty for tonal or impulsive components) at residential property in the vicinity, including the apartments to the south of the site, between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) $L_{eq,15min}$ at any other time. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority a noise compliance monitoring programme for the proposed development. All noise measurements shall be carried out in accordance with ISO Recommendation 1996 "Acoustics - Description, measurement and assessment of environmental noise". The results of the initial noise compliance monitoring shall be submitted to, and agreed in writing, with the planning authority within six months of the coming into operation of the proposed development.

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

4. No music or other amplified sound shall be broadcast externally from the proposed development.

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

5. Any venting, fans or other extraction to serve the proposed development shall be strictly limited to the north façade of the building. Revised drawings and particulars showing details of an odour management system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To contain odour, in the interest of protection of the amenity of residential property in the vicinity.

6. The odour concentration arising from the proposed development shall not exceed a $C_{98,1-hour}$ value of $30u_E/m^3$ at residential property in the vicinity, including the apartments to the south.

Reason: In the interest of the amenities of residential property in the vicinity.

7. The proposed shopfront shall be in accordance with the following requirements:
- (a) signs shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individually mounted lettering,
 - (b) lighting shall be by means of concealed neon tubing or by rear illumination,
 - (c) no awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission,
 - (d) any internal shutter shall be only of the perforated type, coloured to match the shopfront colour, and
 - (e) no adhesive material shall be affixed to the windows or the shopfront.

Reason: In the interest of visual amenity.

8. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

9. 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 buildings 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.

10. 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 commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

Reason: In the interest of visual amenity Litter

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.

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

Dated this day of 2016.