



An
Bord
Pleanála

Board Order

PL 93.248388

Planning and Development Acts 2000 to 2017

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 17/126

Appeal by Noel O'Brien of 2 Ballinakill Vale, Ballinakill, Waterford against the decision made on the 11th day of April, 2017 by Waterford City and County Council to grant subject to conditions a permission to Sirgan Limited care of Fewer Harrington and Partners of Studio14, The Atrium, Maritana Gate, Canada Street, Waterford in accordance with plans and particulars lodged with the said Council:

Proposed Development: Change of use from former Xtravision store (zoned general business) to restaurant at ground floor level, with ancillary takeaway/home delivery and function catering to basement floor level, together with all associated site works to include new entrance doors at ground floor level to front elevation, new retractable awning at ground floor entrance to front elevation, new high level window at ground floor level to rear elevation, alterations to existing elevations to provide for new high level window at rear elevation to basement floor level, provision of external intake and extract ventilation from basement floor level to roof level to rear elevation and provision of external signage at former Xtravision building, Glenville, Dunmore 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 nature and scale of the proposed change of use and alterations, to the zoning designation of the area and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, would not constitute a 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 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 shall be between 0730 hours and 2330 hours Sunday to Thursday and between 0730 hours and 0030 hours on Friday and Saturday.

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

3. Details of all external shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

4. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) 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.

5. 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.

6. 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.

7. A plan containing details for the management of waste and in particular recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. Thereafter the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

8. The developer shall install a passive grease separator and grease removal unit on the foul drain connection. Details of proposed equipment and its maintenance, recording and storage 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.

