



An  
Bord  
Pleanála

**Board Order**  
**PL 26.248931**

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## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Wexford County Council**

**Planning Register Reference Number: 20170614**

**Appeal** by Ron Walsh of “Emmerdale”, Station Road, Rosslare Strand, County Wexford and by others against the decision made on the 7<sup>th</sup> day of July, 2017 by Wexford County Council to grant subject to conditions a permission to Monigle Limited care of Stephen Carr Architects of Clonard Village Centre, Clonard, Wexford in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Change of use of shop units, with apartments over, to a restaurant with associated storage, refurbishment of the unit, including a ground floor extension and elevational changes at Station Road, Rosslare, 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 provisions of the current Wexford County Development Plan 2013-2019, the location of the site in the established village core and to the nature and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of pedestrian and traffic safety. 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, as amended by the further plans and particulars submitted to An Bord Pleanála on the 22<sup>nd</sup> day of August 2017, 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 proposed development shall be amended as follows:-
- (a) The proposed upstand of cladding to the front and side at first floor level over the single storey extension shall be omitted.
  - (b) All venting from the proposed restaurant shall be carried up to eaves level of the existing building, and shall not be located on, nor project from, the roof of the single storey extension.
  - (c) No plant shall be provided or erected on the flat roof of the proposed single storey extension.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual amenity and to protect the residential amenities of adjoining dwellings.

3. (a) Details of signage on the proposed shopfront, including method of illumination, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.
- (b) No roller shutters shall be erected on the exterior of the development.
- (c) No advertisements shall be placed on the proposed awning, and no advertisements or signage of any kind shall be erected on the side elevations of the existing building or on the side elevations of the proposed extension.

**Reason:** To protect the visual amenities of the area.

4. Apart from the shopfront signage agreed under condition 3 (a) of this permission, and notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no further 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 building 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, and to allow the planning authority to assess any such further signage or advertisements through the statutory planning process.

5. The development hereby permitted shall be used solely as a restaurant, and shall not be used for the sale of hot food for consumption off the premises (that is, as a takeaway).

**Reason:** In the interests of pedestrian and traffic safety, to restrict the nature and extent of the development to that applied for, and in order to protect the residential amenities of property in the vicinity.

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. Before commencement of trading, details of the installation and/or erection of any extraction ventilation system, including details of the methods of noise attenuation and treatment of emissions and filters to remove odours, shall be submitted to, and agreed in writing with, the planning authority and have thereafter been installed. Such works shall be operated at all times when the restaurant is in use, and maintained in accordance with the manufacturer's instructions unless otherwise agreed in writing with the planning authority. All extraction ducting shall be vented above eaves level.

**Reason:** In the interest of public health, residential amenity and orderly development.

8. The restaurant shall not be open for business outside of the following hours:-  
  
Monday to Saturday 8.30 a.m. to 12.00 midnight.  
  
Sundays and Bank Holidays 10.00 a.m. to 12.00 midnight.

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

9. A plan containing details for the management of waste/recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste/recyclable materials including waste oil 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:** To provide for the appropriate management of waste/recyclable materials in the interest of protecting the environment.

10. 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.

11. Details of the materials, colours and textures of all the external finishes to the proposed development, including the windows, canopies and doors, 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.

12. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling shall not exceed:-

(i) An Leq, 1 hour value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.

(ii) An Leq, 15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component. At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

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

13. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays 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.

14. No additional development shall take place on the flat roof area of the extension, including air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

15. 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.

