



Planning and Development Acts 2000 to 2017

Planning Authority: Wexford County Council

Planning Register Reference Number: 20170952

Appeal by Barty and Anne O'Connor and Bridget O'Connor care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the 13th day of September, 2017 by Wexford County Council to grant subject to conditions a permission to Charles Meyler and Thomas Byrne care of Simon Clear and Associates of 3 Terenure Road West, Terenure, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention of development previously granted under planning register reference number 20101100 as constructed, as a guesthouse with 11 number bedrooms and accessed via the side laneway. The accommodation comprises four number bedrooms at each of first and second floor levels, two number bedrooms and foyer at ground floor, one number bedroom and ancillary storage is proposed at basement level. Works to amend the existing structure are proposed as follows:- construction of roofed enclosure around existing stairway on Tully's Lane; decommissioning of existing external stairway on Tully's Lane and replacement with landscaped planter; provision of additional screening above handrail at existing ramp access; construction of a stone clad boundary wall to the laneway with a steel fire exit door to the laneway; application of frosted opaque film to clear glazing of existing doors and windows at ground floor, first floor and second

floor levels; re-glazing of rear service door at first floor level with frosted glazing; installation of louvred panels over ventilation equipment at second floor level; removal of sliding doors at rear basement level and replacement with window; all at site at Main Street and Tully's Lane, Bunclody, (Newtownbarry Townland), 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 Wexford County Development Plan 2013 – 2019 and the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the retention of the as-constructed building on the site would be appropriate within the town centre of Bunclody and that, subject to the proposed remedial works, this building would be compatible with the visual and residential amenities of the area, would not seriously injure the visual amenities of the area and would be acceptable in terms of pedestrian safety. The development for which retention is sought, and the proposed development would, therefore, not be contrary to the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board noted that the subject development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board had regard to the nature, scale and location of the proposed development, the planning history of the site, the documentation submitted with the application and appeal (including the appropriate assessment screening report submitted with the application), the screening assessment prepared by the Council, the submissions on file, and the Inspector's screening assessment.

The Board accepted and adopted the screening assessment carried out by the Inspector and the conclusion in the Inspector's report in respect of the likely significant effects of the development that has been carried out and the proposed development, either individually or in combination with other plans or projects, on the Slaney River Valley Special Area of Conservation (site code 000781), in view of its conservation objectives. The Board was satisfied that the development that has taken place was not likely to have had a significant effect on this European site, and that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the European Site, subject to compliance with the best practice construction practices set out by the applicant. The Board adopted the Inspector's conclusion that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not required.

Conditions

1. (1) The as-constructed building shall be retained 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.

- (2) The proposed remedial works to this building shall be carried out 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 in each case require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority within three months of the date of this order, or prior to commencement of development, as appropriate, and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed remedial works shall be amended and augmented as follows:-
 - (a) the grey pvc coated metal cladding to the side elevation shall be replaced by a self-colouring nap plaster finish to match the colour of the existing painted nap plaster finish on this elevation,
 - (b) all of the glazing which on submitted drawings is proposed to be fitted with frosted opaque film shall instead be fully replaced by manufactured opaque/frosted glazing.
 - (c) the proposed gateway in the rear wall along the riverbank shall be omitted, and shall be replaced by a continuous wall to match the existing wall at this location,
 - (d) the northern portion of the proposed eastern boundary wall shall be raised in height to coincide with the height of this wall immediately adjacent to the proposed steel door from Tully's Lane,

- (e) the three porthole windows on the side elevation of the proposed enclosure of the external entrance landing, and the entire glazing of the internal stairwells/landings within the building, facing onto the side elevation, shall be provided with manufactured opaque/frosted glazing,
- (f) the existing external stairs, including landings and all steel railings, shall be permanently removed, not decommissioned, and any replacement planter beds shall be so designed as not to be capable of being used as an external platform or terrace,
- (g) the landing window in the rear elevation at second floor level, and large window in the rear elevation at ground floor level (serving the main foyer) shall be provided with manufactured opaque/frosted glazing, and
- (h) the landing window in the rear elevation at first floor level, which gives access to the flat roof, shall be replaced by a window with a cill level not less than 1.1 metres above the finished floor level of the internal floor level at this location. This window shall be provided with manufactured opaque/fronted glazing.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of remedial works, or within three months of the date of this order, whichever is the sooner.

Reason: In the interests of visual and residential amenity and to prevent the opening of a new access to the riverbank.

3. Prior to the commencement of the remedial works, the developer shall submit to, and agree in writing with, the planning authority a timetable for the implementation of all the remedial works, including those specified by condition number 2 of this order.

Reason: In order to ensure that these works are expedited in the interest of visual and residential amenity and to prevent the opening of a new access to the riverbank.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, no change of use of the bedroom in the basement shall occur, unless otherwise authorised by a prior grant of planning permission.

Reason: In order to afford the planning authority control over any change of use, in the interest of residential amenity.

5. (1) Details of shopfront signage to the front elevation of the building, facing the Mall, shall consist of individual raised lettering, without backlighting, or of hand painted signs. Details of such signage shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this order.
- (2) All existing signs, including the projecting sign on the front elevation to the Mall, and all signs along Tully's Lane, shall be permanently removed within three months of the date of this order.

Reason: In the interest of visual amenity, and in order to protect the character of the area, and as no planning permission exists for the signs already erected.

6. Apart from the shopfront signage to be agreed in writing with the planning authority under condition number 5 (a) of the order, and 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 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.

7. Remedial works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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.

8. The noise level shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at any point along the boundary of the site between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of remedial works, or within three months of the date of this order, whichever is the sooner.

Reason: To protect the residential amenities of property 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 within 3 months 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 2018