



Planning and Development Acts 2000 to 2018

Planning Authority: Wexford County Council

Planning Register Reference Number: 20171277

Appeal by John Molloy of 5 Orchard Close, Ardavan, Wexford and by Edel Nolan of Burgess, Ardavan, Wexford against the decision made on the 19th day of January, 2018 by Wexford County Council to grant subject to conditions a permission to Trinity JLR Limited care of Trinity Motors of Trinity Street, Wexford in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a new car showroom including mezzanine level, workshop, stores, staff facilities and separate detached single storey valeting building, external car customer/display parking spaces, site lighting, building signage and one number Totem sign. Boundary fencing to secure car compound area, connections to existing public mains sewer and water services and all associated site works at Crosstown, 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 location of the site within the Masterplan Zone 2: Crosstown, as provided for in the Wexford Town and Environs Development Plan, 2009 – 2015 (as extended), the pattern of development in the area, and the nature and scale 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 amenities of the area or of property in the vicinity, would not give rise to a risk of flooding, would be acceptable in terms of traffic safety and convenience and would be in accordance with the zoning objective for the lands. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Having regard to the information on file and to the Inspector's assessment which is noted, the Board is satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely

to have a significant effect on any European Site, in view of the sites' conservation objective, and that a Stage 2 Appropriate Assessment (and submission of a Natura Impact Statement) is not, therefore, required. In this regard, the Board concurred with and adopted the Planning Inspector's conclusions in respect of Appropriate Assessment Screening.

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 on the 19th day of December, 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. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

3. All service cables associated with the proposed development (such as electrical, television, telephone and lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

4. 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.

5. Notwithstanding the provisions of the Planning and Development Regulations 2001 or any statutory provisions amending or replacing them, no signs, symbols, shutters, screens or other such elements, other than those which were shown on the site layout plan and elevation drawings submitted with the application, shall be erected on the buildings on the site or displayed elsewhere on the site unless authorised by a further grant of planning permission.

Reason: In the interest of clarity and visual amenity.

6. External lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Light fittings shall generally be low level and shall be cowled to prevent overspill.

Reason: In the interest of public safety and of visual amenity.

7. The site shall be landscaped in accordance with a scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall include a timescale for its implementation.

Reason: In the interest of visual amenity.

8. The hours of operation of the development shall be submitted to, and agreed in writing with, with the planning authority prior to the commencement of development.

Reason: In the interest of residential amenity.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste

Reason: In the interest of public safety and residential amenity.

10. 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: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

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.

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

Dated this day of 2018.