



Planning and Development Acts 2000 to 2018

Planning Authority: Wexford County Council

Planning Register Reference Number: 20180083

Appeal by Victor Bridges care of Dermot Troy Design of Gentstown, Tomhaggard, County Wexford against the decision made on the 16th day of March, 2018 by Wexford County Council to grant subject to conditions a permission to Melcorpo Commercial Properties ULC care of Oppermann Associates of Unit D1, The Steelworks, Foley Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will consist of: (a) Proposed change of use from retail to café/restaurant, (b) proposed new shopfront, (c) proposed new internally illuminated fascia signage, (d) proposed new fire escape door to north-east elevation and (e) proposed new retractable canvas awning to front elevation, all at Unit 8 Redmond Square Shopping Centre, Redmond Road, 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 Town and Environs Development Plan 2009 to 2019 and the location of the site within the defined secondary retail core under the County Retail Strategy, the long term vacancy of the unit, the planning history of the overall development 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 visual amenities of the area nor result in an over proliferation of restaurant units in this area and would have no material impact on the vitality and viability of Wexford Town Centre. 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 restaurant shall not be open for business outside of the following hours:

Monday to Friday 0800 hours to 2330 hours. Saturdays 0900 hours to 2330 hours and Sundays and Bank Holidays 1000 hours to 2330 hours.

Reason: In the interest of orderly development.

3. 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: To restrict the nature and extent of the development to that applied for, and in order to protect amenities of property in the vicinity.

4. (a) Details of signage on the proposed shopfront, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. No illuminated signage, whether external or internal shall be provided.
- (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 elevation of the existing building.

Reason: To protect the visual amenities of the area.

5. Apart from the shopfront signage agreed under condition number 4(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.

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. The developer shall control odour emissions from the premises in accordance with measures, including ducting, details of which 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.

8. 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.

9. 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.

10. 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.

11. 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 amenities of property in the vicinity.

12. Prior to commencement of development, the developer shall liaise with the Iarnród Éireann Infrastructure office to determine the required boundary treatment adjacent to the rear access door and railway. Details of the boundary treatment shall be submitted to, and agreed in writing with, the planning authority. The agreed boundary shall be provided prior to the opening of the restaurant to the public.

Reason: In the interest of public safety.

13. A grease interceptor must be installed and working on all wastes from the kitchen or food preparation area.

Reason: In the interest of public health.

Terry Ó Niadh

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

Dated this day of 2018.