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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Waterford City and County Council**

**Planning Register Reference Number: 18/47**

**Appeal** by Michael Burke care of Bernard Dee of 61 Mellowsquay, Ushers Quay, Dublin against the decision made on the 31<sup>st</sup> day of May, 2018 by Waterford City and County Council to grant subject to conditions a permission to Michael Ryan care of Coda Architects Limited of 1 Swanville Place, Rathmines, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Change of use of a former bank building (a protected structure), from offices (most recently used as an arts centre) to restaurant and public bar use with ancillary kitchen, services, stores and toilet facilities, demolition of glazed roof to rear return (11 square metres), lean-to abutting south gable (18 square metres) and return structure (40 square metres) to rear and abutting three-storey staircase link to Laboratory building to the north gable (five square metres at each level) and block up doors to North gable, construct a single storey extension (148 square metres) to the rear of the ground floor level extension and extend rear basement area (43.5 square metres), re-construct lean-to (18 square metres) abutting south gable with glazed openings to front and rear. Reduce cill level to rear elevation window at ground floor to enable access to extension kitchen area,

construction of a first floor extension to accommodate lift, dumb waiter and services (19 square metres to first floor) to the rear to facilitate making the building accessible. Reduce cill level to two rear elevation windows to enable access to lift and dumbwaiter, existing basement floor level generally, repair of tanking, new partitions, renewal to non-original linings and finishes, existing ground floor level generally, repair of lime plaster and decorative plaster, repair of existing tiled and timber floor finishes, new floor finishes and alterations to non-original finishes. New structural opes and partitions and fittings, existing first floor level generally, removal of non-original internal partitions and toilet fittings and replacement with new internal partitions, toilet fittings, new kitchen and restaurant fittings and services for first floor kitchen, replace existing aluminium windows to ground and first floor with timber sliding sash windows with "Slimlite" double glazing, fire rate existing ground floor ceiling with Rockwool on metal mesh between joists and fire rate existing original doors using Envirograph products, repair of original joinery, shutters and casings, original extant skirtings, re-use of remaining original intact floorboards, repair and localised re-pointing of façade with traditional lime mortar, biocide and remove façade and parapet vegetation, repair cracks to façade and chimneys, and Doff cleaning of façade, replacement of mechanical and electrical services to building, including provision of passenger lift and service dumbwaiter and relocation of main electrical board from entrance hall, redecoration internally and externally on completion, provide two number accessible parking spaces and one number delivery space to rear, hard and soft landscaping including awnings to the external terrace areas, as amended by the further public notice received by the planning authority on the 9th day of May, 2018.

The Bank Building, Meagher Street, Dungarvan, County 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 town centre zoning objective contained in the current Dungarvan Town Council Plan 2012-2018, which seeks to provide for an integrated mix of residential, commercial, community and social uses within the town or village centre, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously detract from the integrity of the protected structure or character of the area, would not seriously injure the visual amenities of the area or of property in the vicinity, would not be prejudicial to public health and would generally 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 on the 25<sup>th</sup> day of April, 2018, 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. Vehicular access and parking arrangements shall be as indicated on Drawing Number PP11 Rev FI submitted to the planning authority on the 25<sup>th</sup> day of April, 2018.

**Reason:** In the interest of clarity.

3. Details of the materials, colours and textures of all the external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. A full architectural survey of buildings proposed for demolition shall be carried out, and shall be submitted to the planning authority prior to commencement of development. Archive standard drawings and a photographic survey shall be prepared in accordance with the requirements of the planning authority and one copy of these shall be submitted to the planning authority, and a further copy shall be submitted to the Irish Architectural Archive.

**Reason:** In order to facilitate the conservation, preservation and/or recording of the architectural heritage of the site.

5. (a) A conservation architect shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.
- (b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic instatement.

- (c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

**Reason:** To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

6. The primary function of the restaurant shall be for the sale of food, meals and refreshments for consumption on the premises and the unit shall not be used exclusively as a public house.

**Reason:** In the interest of preserving the amenities of the area.

7. Signs shall be restricted to signage comprising individually mounted lettering as indicated on Drawing Number PP-04 Rev FI submitted to the planning authority on the 25<sup>th</sup> day of April, 2018.

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

8. 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 buildings or within the curtilage of the site, unless authorised by a further grant of planning permission, other than the signage agreed under condition number 7 above.

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

9. No fans, louvres, ducts or other external plant shall be installed without the prior written agreement of the planning authority.

**Reason:** In the interest of public health.

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. 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 integrated 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.

12. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
  - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

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

**Dated this            day of            2019.**