



Planning and Development Acts 2000 to 2018

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 18/669

Appeal by Serkin Yigit of 2 Plunket Road, Kingsmeadow, Cork Road, Waterford against the decision made on the 22nd day of November, 2018 by Waterford City and County Council to grant subject to conditions a permission to Noel Frisby care of Fewer Harrington and Partners of Studio 14, The Atrium, Maritana Gate, Canada Street, Waterford in accordance with plans and particulars lodged with the said Council.

Proposed Development: The extension of Unit Number 7 and change of use of this unit from retail to restaurant and the provision of new associated signage. Permission is also sought for alterations to the main entrance doors on the north-west elevation along with the erection of a 9 metre by 2.5 metre wall sign on the south-west elevation and a 5.5 metre by 1.5 metre wall sign on the north-west elevation - both signs to be illuminated, together with all associated site works at Waterford Shopping Centre, Lisduggan, 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 nature of the proposed development, its location within an existing shopping centre, and to the relevant provisions of the Waterford City Development Plan 2013-2019, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the existing Shopping Centre, would not seriously injure the amenities of the area or of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and convenience. 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. All new sections of footpath shall be constructed of paving materials to match those of the existing footpaths within the Shopping Centre, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of pedestrian safety and visual amenity.

3. Prior to commencement of development, a revised site layout shall be submitted to, and agreed in writing with, the planning authority indicating a revised located for the 'accessible car parking' spaces which shall be removed at the location of the new extension.

Reason: In the interest of the proper planning and sustainable development of the area.

4. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Saturdays inclusive, and not at all on Sundays or public holidays. Deviation from these times shall 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.

5. The proposed restaurant shall operate only between the hours of 0730 and 2330 Sunday to Thursday and between the hours of 0730 and 0030 on Friday and Saturday.

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

6. 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: To ensure adequate servicing of the development, and to prevent pollution.

7. The developer shall control odour and noise emissions from the premises in accordance with measures including extract duct details 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. Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

9. No advertisement, advertisement structure or signage other than those shown on the drawings submitted with the application, shall be erected or displayed on the building in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

10. 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 noise management measures and off-site disposal of construction/demolition waste.

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

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 the 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.

Chris McGarry

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

Dated this day of 2019.