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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Wexford County Council**

**Planning Register Reference Number: 20190199**

**Appeal** by Lucy Morris and others care of Gary Morris of Forth Mountain, Seaview, Wexford against the decision made on the 10<sup>th</sup> day of April, 2019 by Wexford County Council to grant subject to conditions a permission to Mark Takacs care of Millennium Design of 33 Skeffington Street, Wexford in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Demolition of an existing dwelling house and erection of a fully serviced dwelling unit with provision for site access to rear of site in its place and erection of two fully serviced dwelling houses and all ancillary site works at 73 Upper John Street, Townparks, E.D. Wexford Urban Number 3, Wexford Town, 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**

The proposed development is located in an area zoned to protect and enhance the special physical and social character of the existing town centre and to provide for new and improved town centre facilities and uses in the Wexford and Environs Development Plan 2009-2015 (as extended). In particular, backland development is encouraged as are residential uses including on first floors. Having regard to the modest scale of the proposed development, its relationship with nearby property and subject to compliance with the conditions set out below, it is considered that the proposed development would not give rise to traffic hazard, would not seriously injure the amenity of property in the vicinity through overshadowing or overlooking and would, therefore, be in accordance with the provisions of the Wexford and Environs Development Plan 2009-2015 and 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 proposed development shall be amended as follows:
  - (a) The terrace for the apartment shall not be enclosed and the rear elevation of the apartment shall be amended accordingly.

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. All service cables associated with the proposed development, such as electrical, telecommunications and communal television, shall be located underground throughout the site.

**Reason:** In the interests of visual and residential amenity.

4. 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.

5. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water prior to the commencement of development.

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

6. Public 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 commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling.

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

7. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The front elevation onto John Street Upper shall include two over two panes sliding sash windows.

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

8. Screen walls of concrete block construction or similar durable materials of not less than two metres in height, suitably capped and rendered, shall be provided at the necessary locations so as to screen rear gardens from public view. Details of the specific locations and the extent of the walling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

9. The management and maintenance of the proposed development following completion, shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals providing adequate measures for the future maintenance of the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure the satisfactory completion and maintenance of this development.

10. A house/apartment naming/numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of urban legibility.

11. Site development and building works shall be carried only out between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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 residential amenities of property in the vicinity.

12. 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.

13. 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.

14. 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 the Board 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.

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

**Dated this            day of            2019.**