



Planning and Development Acts 2000 to 2019

Planning Authority: Wexford County Council

Planning Register Reference Number: 20181696

Appeal by Catherine Morrissey of Ballinaboola, Foulksmills, County Wexford against the decision made on the 1st day of August, 2019 by Wexford County Council to grant subject to conditions a permission to William Whitty care of Des Redmond Draughting and Design of Misterin, Adamstown, Enniscorthy, County Wexford in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of workshop for replacing car windscreens and all associated site works at Ballynabola, Old Ross, 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 a settlement, and the established use on the remainder of the site for car body repairs, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought would not seriously injure the visual or residential amenities of the area, and would be acceptable in terms of pedestrian and traffic safety and would, therefore, not be contrary to the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 12th day of July, 2019, 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 and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The use of the shed the subject of this retention permission shall be limited to the replacement of car windscreens only, and for no other purpose.
- (b) The shed the subject of this retention permission shall only be used between 0800 hours and 1800 hours Mondays to Saturdays inclusive.

Reason: In the interest of clarity and to protect the visual and residential amenities of the area.

3. No car washing or car valeting shall take place within the shed that is the subject of this retention permission, nor at any other location within the overall premises/site, as outlined in red on the submitted site plan, without a separate grant of planning permission.

Reason: In the interest of clarity, to protect the visual and residential amenities of the area, and to allow the planning authority to assess the impact on these amenities of such uses (which are not the subject of the present application for retention) through the statutory planning system.

4. Comprehensive details of the outdoor lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority, within two months of the date of this Order. Sensor only lighting shall be used. No outdoor lighting within the overall premises/site, as outlined in red on the submitted site plan, shall be operational outside of the permitted working hours as set out in condition number 2(b).

Reason: In the interests of residential and visual amenity.

5. (a) During the operational phase of the subject development, the noise level arising from the development, cumulatively with all other noise sources within the overall site, as measured at the nearest noise sensitive location, shall not exceed:-
- (i) An Leq, one hour value of 55 dB(A) during the period 0800 to 1800 hours from Monday to Saturday inclusive.
 - (ii) An Leq, 15 minute value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics – Description and Measurement of Environmental Noise.

Reason: To protect the residential amenities of property in the vicinity of the site.

6. All waste generated from the workshop shall be removed from the site and disposed of by holders of an appropriate waste permit.

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

7. 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 within three months of the date of this Order 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.

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

Dated this day of 2020.