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**Planning and Development Acts 2000 to 2020**

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

**Planning Register Reference Number: 20/172**

**Appeal** by Ben O'Neill of 19 O'Connell Street, Dungarvan, County Waterford against the decision made on the 24<sup>th</sup> day of November, 2020 by Waterford City and County Council to grant subject to conditions a permission to Lawrence Kelly care of BGDA Architects of Amberwood Studio, Washington Land, Rathfarnham, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Change of use of part of existing public house to retail unit, and change of use of part of existing public house to one number apartment, including communal area, internal alterations along with all ancillary services, all at 21 O'Connell 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 provisions of the current Development Plan for the area, to the "Retail Planning Guidelines for Planning Authorities" issued by the Department of the Environment, Community and Local Government in April 2012, to the existing use on the site as a public house and residential unit and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply the zoning objective for the area in which the site is located, would be acceptable in terms of its location within the town centre, would be in accordance with provisions of the Development Plan in relation to planning. 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 to the planning authority on the 29<sup>th</sup> of October, 2020, 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 construction of the development shall be managed in accordance with a Construction and Demolition 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, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and residential amenity.

3. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be run underground within the site.

**Reason:** In the interest of orderly development and the visual amenities of the area.

4. 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 and to ensure a satisfactory standard of development.

5. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

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

6. 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 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



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**John Connolly**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this 28<sup>th</sup> day of APRIL 2021.