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**Planning and Development Acts 2000 to 2020**

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

**Planning Register Reference Number: 20/741**

**Appeal** by T & M Reid Limited care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the 4<sup>th</sup> day of February 2021 by Waterford City and County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The development will consist of the subdivision of 40-42 Arundel Square Waterford (into two units A and B as per the submitted plans), together with alterations to existing shopfronts, relocate door on side elevation and change of use of proposed unit A to café at 40-42 Arundel Square, Waterford, County Waterford.

## Decision

Having regard to the nature of the conditions, the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to ATTACH condition number 1(a) and the and the reasons therefor, AMEND conditions numbers 2(a) and 2(b) so they shall be as follows for the reason set out, REMOVE 7(a) and 7(b) and the reasons therefor, REMOVE condition number 10(a) and the reasons therefor, AMEND condition number 10(b) so it shall be as follows for the reason set out.

## Reasons and Considerations

### Attach condition number 1(a)

The condition reflects the planning application as applied for in terms of the use of Unit A as a café.

### Amend conditions numbers 2(a) and 2(b) as follows:

2. Details of the external shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

### **Remove conditions numbers 7(a) and 7(b)**

Having regard to the specific nature of the application, the permission to subdivide the property into two units, alter the shopfronts, relocate the door on the side elevation and change the use of proposed Unit A to café, condition number 7(a) is outside the scope of the application as specifically applied for. In relation to Condition 7(b), use of the upper floors is not necessary for the operation of Unit B and restricting exempted development uses would unduly restrict the development potential of the upper floors.

### **Remove condition number 10(a)**

The condition is open to interpretation and could be construed as restricting the ability of the café to sell some takeaway food as part of its normal operation.

### **Amend condition number 10(b) as follows:**

10. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a floor plan for Unit A (café use) and full details of all extractor fans, vent, ducting. If any of these services are to be located to the front façade, the developer shall clarify why these services cannot be provided to another façade or otherwise be located away from the front façade.

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

## Matters Considered

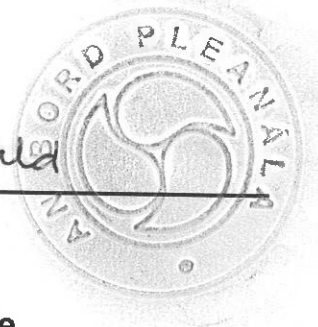
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

*Dr. Maria FitzGerald*

**Maria FitzGerald**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**



Dated this *29<sup>th</sup>* day of *July* 2021