

**An
Bord
Pleanála**

**Board Order
ABP-310758-21**

Planning and Development Acts 2000 to 2021

Planning Authority: Wexford County Council

Planning Register Reference Number: 20210305

Appeal by John Molloy of 5 Orchard Close, Ardavan, Wexford against the decision made on the 11th day of June, 2021 by Wexford County Council to grant subject to conditions a permission to Monigle Limited care of Stephen Carr Architects of Clonard Village Centre, Clonard, Wexford in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of retail/non-retail/restaurant space (circa 529 square metres) together with associated signage, site works including carparking area, and connection to services at Ballytramon, E.D. Ardavan, Castlebridge, 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 nature, extent and design of the proposed development and to the provisions of the Wexford County Development Plan 2013–2019 as extended, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the character or visual amenities of the area. The proposed development will allow for the development of up to four commercial/retail units. It is appropriate that, in the event that a unit is to be used as a restaurant/take-away, a separate planning application be made to confirm details of its nature and operation.

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 on the 18th day of May 2021, 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. (a) The permitted development is for commercial/retail/professional services use only and full details of the use shall be submitted for the written agreement of the planning authority prior to use.
- (b) The permitted use does not include a restaurant/take-away. Such uses require a prior planning application to determine impacts such as opening hours, noise, odours, staff numbers, and waste management.

Reason: In the interest of clarity.

3. The proposed development shall be amended as follows:

- (a) One car parking space to the south of the building shall be omitted and replaced with suitable bicycle parking facilities. This shall be at a minimum in the form of 'Sheffield Stands'.
- (b) No bicycle parking shall be provided on the footpath area.

Reason: In the interest of promoting sustainable transport use.

4. The junction with the public road, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

5. No additional floorspace shall be formed by means of internal horizontal division within the building(s) hereby permitted unless authorised by a prior grant of permission.

Reason: In order to control the intensity of development and in the interest of ensuring that adequate car parking and service facilities will be provided within the development.

6. Receptacles for waste shall be provided and available for use at all times on the premises in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

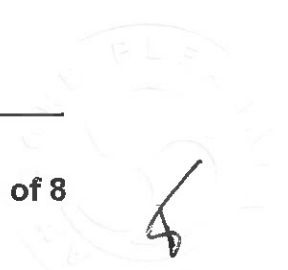
Reason: In the interest of the amenities of the area.

7. Prior to commencement of development, the developer shall provide, for the written agreement of the planning authority:
 - (a) Full details of the proposed external design/finishes in the form of samples and on-site mock-ups. These details shall include photomontages, colours, textures and specifications.
 - (b) Full details of the external signage to the front of the units.

Reason: In the interest of visual amenity.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.



9. (a) 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.
- (b) A grease trap, oil interceptor and a silt trap shall be provided in a location that shall comply with the requirements of the planning authority for such works.

Reason: In the interest of public health.

10. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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 amenities of property in the vicinity.

12. 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.

13. Proposals for a development name, commercial unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

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 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.

T. Ó Niadh

Terry Ó Niadh

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.



Dated this *30th* day of *December*, 2021.