



Planning and Development Acts 2000 to 2021

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 21/1228

Appeal by Causeway Hospitality Limited of Suites 9 and 10 Station House, Railway Square, Waterford against the decision made on the 24th day of February, 2022 by Waterford City and County Council in relation to the application for permission for development comprising for the indefinite retention of as constructed alterations at Units B1 and B2, namely for indefinite retention of change of use at Unit B2 (210 square metres) from retail to hot food restaurant and amalgamation of same with existing restaurant Unit B1 (223 square metres) forming a restaurant premises with a total area of 433 square metres; for indefinite retention of as constructed outdoor seating areas to front and side of Unit B1 (being 261 square metres and 23 square metres respectively) with associated retractable fabric covered roof system, as constructed clear corrugated roofs and surrounding panelled and glazed windbreakers to the north and south facing sides; for altered roof canopy, glass balustrades and signage; and for indefinite retention of as constructed outdoor seating area (being 42 square metres) to front of Unit B2 with as constructed clear corrugated roof and associated panelled wind breakers, all with associated site development works at Units B1 and B2, Railway Square, Waterford in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a retention permission for the change of use at Unit B2 (210 square metres) from retail to

hot food restaurant and amalgamation of same with existing restaurant Unit B1 (223 square metres) forming a restaurant premises with a total area of 433 square metres and to refuse retention permission for as constructed outdoor seating areas to front and side of Unit B1 (being 261 square metres and 23 square metres respectively) with associated retractable fabric covered roof system, as constructed clear corrugated roofs and surrounding panelled and glazed windbreakers to the north and south facing sides; for altered roof canopy, glass balustrades and signage; and for indefinite retention of as constructed outdoor seating area (being 42 square metres) to front of Unit B2 with as constructed clear corrugated roof and associated panelled wind breakers, all with associated site development works).

Decision

GRANT permission for change of use at Unit B2 (210 square metres) from retail to hot food restaurant and amalgamation of same with existing restaurant Unit B1 (223 square metres) forming a restaurant premises with a total area of 433 square metres; and for indefinite retention of as constructed outdoor seating area (being 42 square metres) to front of Unit B2 with as constructed clear corrugated roof and associated panelled wind breakers, all with associated site development works, in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for as constructed outdoor seating areas to front and side of Unit B1 (being 261 square metres and 23 square metres respectively) with associated retractable fabric covered roof system, as constructed clear corrugated roofs and surrounding panelled and glazed windbreakers to the north and south facing sides; for altered roof canopy, glass balustrades and signage; all with associated site development works based on the reasons and considerations marked (2) under.



Reasons and Considerations (1)

Having regard to the TC – Town Core and OS - Open Space and Recreation zoning objective for the site in the Waterford City and County Development Plan 2022-2028 it is considered that, subject to compliance with the conditions set out below, the proposed development to be retained would be acceptable in terms of the policy requirements of the development plan, would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, 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 and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.



2. The permission herein relates to a change of use at Unit B2 (210 square metres), from retail to hot food restaurant and amalgamation of same with existing restaurant Unit B1 (223 square metres) forming a restaurant premises with a total area of 433 square metres together with the outdoor seating area to the north of Unit B1 (23 square metres) and north of Unit B2 (42 square metres) as per the plans and particulars lodged with the application only.

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

3. 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 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.



Reasons and Considerations (2)

On the basis of the information provided, the Board noted that the larger outdoor seating area to the front and side of Unit B1 (261 square metres) with as constructed retractable roof system and associated corrugated roofs, panelling, wind breakers, canopies and signage would be on lands zoned for Open Space and Recreation. The Board determined that to grant permission for same would not be in accordance with the zoning matrix for the area and would be contrary to the zoning objectives for the portion of the site to the West designated OS - Open Space and Recreation where the objective is 'to preserve and provide for open space and recreational amenities.



Joe Boland

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

Dated this 30th day of June 2023