



An
Bord
Pleanála

Board Order ABP-314341-22

Planning and Development Acts 2000 to 2022

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 21/1004

Appeal by Kieran Kennedy of Bramble Wood, Dunmore Road, County Waterford against the decision made on the 21st day of July, 2022 by Waterford City and County Council to grant subject to conditions a permission to Laois Sawmill Limited care of MW Design Limited of 31 Rocksprings, Clarinwood, Tramore, County Waterford in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of an enclosed bin store in the existing rear yard area to serve existing neighbourhood centre all with associated site development works, all at Ballinakill Shopping Centre, Dunmore Road, Waterford, as revised by the further public notices received by the planning authority on the 28th day of June, 2022.

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.

Reasons and Considerations

Having regard to the zoning objective for the site, the design and layout of the proposed development, the planning history pertaining to the site, and the policies and objectives of 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 would not seriously injure the residential amenities of the area, would not be prejudicial to public health, would be acceptable in terms of traffic safety, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 received by the planning authority on the 15th day of June, 2022 and by the further plans and particulars received by An Bord Pleanála on the 6th day of September, 2022, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.



2. This permission shall be for a period of three years from the date of this Order. The bin store and all associated site works shall then be removed unless, prior to the end of the period, permission for its retention shall have been obtained.

Reason: To allow for a review of the development having regard to the circumstances then pertaining and in the interest of visual amenity.

3. A plan containing details for the management of waste and, in particular, recyclable waste within the development, including the provision of facilities for storage, CCTV monitoring, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste in the interest of protecting the environment.

4. (a) The bin storage areas shall be contained within the site boundary and as shown on the revised Site Plan received by the planning authority on the 15th day of June, 2022. These areas shall be fenced off in accordance as per the details submitted, within two months of the grant of this permission.

(b) Bin storage shall not be permitted on the opposite (eastern) side of the road, adjacent to the third-party property, and existing structures at this location shall be removed.

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



5. Prior to commencement of development, details of the bin washdown area and associated surface water drainage measures to serve the bin storage areas shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of public health.

6. Litter in the vicinity of the bin storage areas shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.



The image shows a handwritten signature in blue ink over a circular official seal. The seal contains the text 'AN BORD PLEANÁLA' around the perimeter and a stylized logo in the center. A horizontal line is drawn across the signature and seal.

Joe Boland

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this 6TH day of December 2023.