

An
Bord
Pleanála

Board Order
ABP-317058-23

Planning and Development Acts 2000 to 2022

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 22/967

Appeal by Kieran Kennedy of Bramblewood, Ballinakill. Dunmore Road, County Waterford against the decision made on the 11th day of April, 2023 by Waterford City and County Council to grant subject to conditions a permission to Laois Sawmills Limited care of James Reynolds of Viewmount House, Dunmore Road, Waterford in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of single storey extensions to the south-eastern and south-western elevations of Unit 6 Fleur De Lis, Units 7 and 8 Castle Pharmacy and Unit 9 O'Hare's Londis, connection to on-site services and all associated site works at Ballinakill Shopping Centre, Dunmore Road, Waterford as amended by the revised public notice received by the planning authority on the 16th day of March, 2023.

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 provisions of the Waterford City and County Development Plan 2022-2028, including the zoning objective for the site (GB – General Business), which seeks “to provide for and improve General Business uses; this includes suburban district retail and local neighbourhood centres”, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenities of the area, would be acceptable in terms of traffic safety and convenience and would represent an acceptable and proportionate extension of this shopping centre. 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 received by the planning authority on the 8th day of March 2023, 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. Details of all external signage, including road signage and markings, 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 and traffic management.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Site development and building works shall be carried out only between the hours of 0800 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 residential amenities of property in the vicinity.

5. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

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



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

Dated this 7th day of September 2023.