

An
Bord
Pleanála

Board Order
ABP-318332-23

Planning and Development Acts 2000 to 2022

Planning Authority: Wexford County Council

Planning Register Reference Number: 20230392

Appeal by Aileen Whelan and Fiona Ryan care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the 6th day of October, 2023 by Wexford County Council to grant permission subject to conditions to Oyster Lane Limited care of Paul O'Brien Associates of Seaview, Forth Mountain, County Wexford in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of the existing building and clearance of the site; the proposed erection of a two-storey family entertainment centre building fronting onto Trinity Street, including the installation of Sedum Green Roofs to the lower roof areas; the installation of external signage; the installation of 40 number car parking spaces and one number coach set down space at ground level including disabled and EV parking bays; bin storage compound; the installation of plant and external equipment; the installation of hard and soft landscaping areas; the linking of the proposed car park with existing Talbot Hotel car park to form vehicular access from Trinity Street together with all associated and auxiliary site works at Trinity Street, Townparks, Wexford.

P.C.

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 Wexford Development Plan 2022-2028, including Objective TV09 that seeks to regenerate and revitalise towns and villages, and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, would not result in a traffic hazard, would not be prejudicial to public health 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 11th day of September 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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 (to include revised elevation drawings and samples of materials) prior to commencement of development. The materials shall include a stone finish that is consistent with and reflects the existing historic stone walls in the area, including those to the Protected Structure (military barracks) and along Barrack Street. Any consequential minor changes to the elevations as a result of this condition shall be included in the details to be submitted to the planning authority for written approval accordingly.

Reason: In the interest of visual amenity.

3. Details of all signage and external lighting relating 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. All public service cables for the proposed development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

5. The demolition and construction of the proposed development shall be managed in accordance with a Demolition and Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide, inter alia, details and locations of proposed construction compounds, details of intended construction practice for the proposed development, including noise management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.

Reason: In the interest of public safety and residential amenity.

6. 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. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

7. 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 or public holidays. Deviation from these times shall 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.

8. The use of the development shall be confined to the following hours:
Monday to Sunday, including bank holidays 0800 to 2200 hours.

Reason: To protect the amenities of adjoining properties.

9. All mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Impact Assessment (AIA) report included in application documents shall be implemented in full. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.


Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest

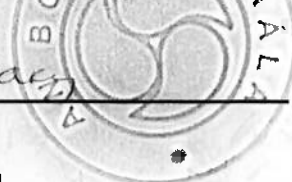
10. Prior to commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

11. 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.


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



Dated this 07 day of January 2025.