



An  
Bord  
Pleanála

**Board Order**  
**ABP-320590-24**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Waterford City and County Council**

**Planning Register Reference Number: 24/60116**

**Appeal** by Alexander Flynn care of Stuart Gethings of Ballybreen, Killealy, Enniscorthy, County Wexford against the decision made on the 19<sup>th</sup> day of July, 2024 by Waterford City and County Council to grant subject to conditions a permission to Michael Clarke care of Paul Curran of 17 Marine Drive, Riverstown, Tramore, County Waterford in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Change of use of ground floor from pub to retail unit, refurbishment of existing ground floor with new shopfront, new bicycle shed, new bin storage, and new toilet/change facilities, demolition of first floor rear extension of residential unit over pub, change of use of and extension of residential unit over existing pub to four number two-bed apartments and one number studio apartment and all associated site works at 13 Main Street, Tramore, County Waterford. The proposed development was revised by further public notices received by the planning authority on the 25<sup>th</sup> day of June, 2024.

## **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 location of the site in Tramore town centre, the zoning of the site, and the objectives H 05 (Regeneration Policy Objectives) and H 20 (Protection of Existing Residential Amenity Policy Objectives) as set out in the Waterford City and County Development Plan 2022-2028 , it is considered that the proposed development would be in accordance with the zoning objective and, subject to compliance with the conditions set out below, would not have a significant impact on the architectural character of the area, the adjoining or adjacent National Inventory of Architectural Heritage listed buildings or negatively impact on the residential amenity of the adjacent properties. 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 13<sup>th</sup> day of June 2024, 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. All external shopfronts and signage shall be in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to the provision of such shopfronts and signage. Where agreement cannot be reached between the applicant/developer and the local authority, the matter shall be referred to An Bord Pleanála for determination. The signage shall be lit by external illumination only.

**Reason:** In the interest of visual amenity.

3. The flat roof at third floor level, as indicated the plans and particulars received by the planning authority on the 13<sup>th</sup> day of June 2024, shall not be used as private amenity space to serve the one-bedroom apartment at attic level. Access to this flat roof area shall be for maintenance purposes only.

**Reason:** To protect the residential amenities of neighbouring properties.

4. The proposed shopfront shall conform to the following requirements:
- (a) Signage shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individual mounted lettering,
  - (b) Lighting shall be by means of concealed neon tubing or by rear illumination,
  - (c) No awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission, and
  - (d) External roller shutters shall not be erected, and any internal shutters shall be of the 'open-lattice' or 'perforated' type and shall be coloured to match the shopfront colour.

**Reason:** In the interest of the visual amenities of the area

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

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

6. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** To prevent flooding and in the interest of sustainable drainage.

7. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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.

8. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

**Reason:** In the interest of environmental protection, residential amenities, public health and safety and environmental protection.

9. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of reducing waste and encouraging recycling.

10. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

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 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.



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Tom Rabbette

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

Dated this 17<sup>th</sup> day of Dec, 2024.