



An
Bord
Pleanála

Inspector's Report ABP-302616-18

Development	Retention permission for the change of use from bank to health services building
Location	Upper Georges Street, Wexford, Y35 AW96
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20180920
Applicant(s)	Health Service Executive
Type of Application	Retention Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Donal & Rosemary McAleenan & Others
Observer(s)	None
Date of Site Inspection	17 th December 2019
Inspector	Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.117ha is located at the south east corner of Upper Georges Street and Mount George in the centre of Wexford Town. The existing building is a detached 3-storey, flat roofed commercial building which is recessed from the public road and footpath. There is a staff parking area to the rear accessed from the south of the building that is barrier controlled. Car parking outside the building is restricted by double yellow lines with metered car parking along Upper Georges Street. There is housing in the immediate vicinity of the appeal site, with 3-storey terraced town housing to the north towards the northern end of Upper Georges Street and apartment development opposite the site.
- 1.2. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file. These serve to describe the site and location in further detail.

2.0 Proposed Development

- 2.1. This is an application for the retention of permission for the change of use from bank to health services building (a total floor area of 671.6sqm). Permission is also sought for a new extension consisting of lift shaft (8.7sqm) over three floors, external signage, associated elevational alterations and all site and ancillary works at the existing HSE Building, Upper Georges Street. Improvements are also proposed to the appearance of the front of the building with a select stone finish at ground floor level and new windows. New signage is also proposed.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Wexford County Council issued a notification of decision to grant permission on the 28th August 2018 subject to 5 no generally standard conditions. It is noted that no restricted use conditions are attached.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

- The **Case Planner** notes that there is no enforcement in relation to the building. There is no objection to the development subject to conditions. The notification of decision to grant permission issued by Wexford County Council reflects this recommendation.

3.2.2. Other Technical Reports

- **Executive Engineer**, Borough District of Wexford – No objection subject to standards conditions.
- **Chief Fire Officer** – Requirement for a Regularisation Certificate and adequate means of escape.
- **Health & Safety Authority** – No observations.

3.3. **Prescribed Bodies**

3.3.1. There are no reports from any prescribed bodies recorded on the appeal file.

3.4. **Third Party Observations**

3.4.1. There are 7 observations recorded on the planning file from (1) Cllr George Lawlor MCC, (2) Sean Meehan & Brendan Roche, (3) Donald & Rosemary McAleenan, (4) Michael Power, (5) Raymond Shannon & Others, (6) Peter Hussey and (7) Ger Cashman. Issues raised relate to the use of the building, high volume of traffic in the area, lack of parking, visual impact, anti-social behaviour and negative impact on tourism.

4.0 **Planning History**

4.1. There is no evidence of any previous appeal on this site.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative plan for the area is the **Wexford Town and Environs Development Plan 2009 – 2015** (as extended to 2019). The site is zoned “Town Centre (TC)” but is not within the designated retail core and where the objective is *to protect and enhance the special physical and social character of the existing Town Centre and to provide for new and improved Town Centre facilities and uses*. Office, medical and related consultant uses are “permitted” uses under the Town Centre zoning matrix.
- 5.1.2. The **Wexford County Development Plan 2013 – 2019** deals with Medical Centres / Surgeries / Health Centres in Section 18.9.5. It is stated that *medical centres / surgeries and local health centres which meet the needs of and are easily accessible to local service users will be favourably considered in existing built up area and neighbourhood centres provided they do not impact on residential amenity and have adequate parking availability. One-stop primary care medical centres and GP practises will be encouraged at locations which are easily accessible to members of the wider community. Change of use applications from residential to health care facilities / surgeries will only be considered where the privacy and amenity of adjacent occupiers can be preserved and the proposal does not have a detrimental effect on local amenity by way of an increase in traffic, car parking or noise*.
- 5.1.3. Section 16.7 Healthcare set out the following. *Healthcare facilities are essential to ensure that the residents of the county have access to the care that they need. Healthcare is provided by a range of State, private, community and charitable service providers. The Health Service Executive’s policy approach reflects a shift away from traditional hospital-based care towards more community-based care with increased emphasis on meeting people’s needs at local level within primary care teams. The Council will facilitate the provision and expansion of built facilities to ensure accessible healthcare services are integrated into communities throughout the county. Nursing homes and residential care homes should be integrated wherever possible into the residential areas of towns and villages where residents can avail of reasonable access to local services*.

5.1.4. It further states that *medical centres/surgeries and local health centres which meet the needs of and are easily accessible to local service users will be favourably considered in existing built up areas and neighbourhood centres provided they do not impact on residential amenity and have adequate parking availability. One-stop primary care medical centres and GP practices will be encouraged at locations which are easily accessible to members of the wider community.*

5.1.5. **Objective CF23** states that it is an objective *to promote the improvement and expansion of health and medical care facilities in the county which meet the needs of and are easily accessible to local service users, subject to normal planning and environmental criteria and the development management standards contained in Chapter 18.*

5.2. **Natural Heritage Designations**

5.2.1. The site is not located within a designated Natura 2000 site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. The third party appeal has been prepared and submitted by Donald & Rosemary McAleenan & Others who have requested that the decision is overturned and permission refused. The appeal may be summarised as follows:

- **Location** - The HSE operated this facility without consent for 20 years or so. The HSE took over the building from the ACC Bank and ran it as an administrative centre only. No clinical work was ever carried out there. It is now intention of the HSE to run the said facility as a “Community Addiction Centre”. The appeal is not against the provision of services for people with drug, alcohol and other addiction or other dependency issues. It is the decision to locate those services in disproportionate numbers in small historical, touristic, residential and commercial location of the town. The presence of such a facility would cause daily nuisance, anti-social behaviour, intimidation and threats of violence. Further schools are in close proximity to the proposed centre and children use the streets to walk to school.

- **Use** - The retention of a change of use for a “Health Service Building” is a vague and broad meaning that conceals the specific future purpose and activity of an “Addiction Centre / Facility”. Submitted that new activities will include clinical swap testing, urine sampling, injections and blood sampling, addiction counselling, psychiatric assessments, group counselling, crèche facilities for users, prescription of methadone, needle exchange etc.
- **Portlaoise Project** - The Portlaoise Project (addiction centre), as an example, is situated opposite the prison and beside the hospital, a much less sensitive location that will not undermine an established residential area of the town. It is also making services available to neighbouring counties. A total of 945 service uses are currently being dealt with by the Portlaoise addiction centre. Submitted that it is hard to accept a figure of 45 to 50 that the HSE in Wexford have spoken of.
- **Traffic Danger & Car Parking Facilities** - The centre has inadequate parking for staff and service users and is therefore not appropriate. There is limited space for parking on one side of the street, the other is a double yellow line to allow for passing traffic.
- **EIS** - A full EIS should be commissioned to take account of what actual services it is proposed to be provided. The existing report on file is based on a standard Health Services remit, without the full defined services of an Addiction Centre and therefore should be deemed not fit for purpose. Submitted that the decision to concentrate several facilities for vulnerable people across the county and beyond in this small and historic quarter of the town, threatens to radically alter the character and sustainability of the local community and economy.
- **Alternative Locations** – (1) There is a new state of the art “Primary Care Health Centre” recently opened in Grogans Road Wexford at the cost of €8m. The HSE have said that they are currently issuing Methadone prescriptions from this location one afternoon per week. It could easily house their full Addiction Facility needs, in addition to which they are in the process of constructing a 120 space car park to this facility. (2) There is also the ELY Hospital, Ferrybank, Wexford that is ideally located and would facilitate an

Addiction Centre and it is not in a residential area and it also has car parking facilities.

- 6.1.2. The appeal was accompanied by inter alia local press publications, photographs, details of Portlaoise Project, supervised injection facilities approved by cabinet and alternative locations being looked at by the HSE in Wexford Town (newspaper articles attached).

6.2. Applicant Response

- 6.2.1. The first party response to the appeal has been prepared and submitted by Peter Thompson, Planning Solutions on behalf of the Health Service Executive (HSE). The response may be summarised as follows:

- **Planning History** - The planning application seeks to regularise the oversight of not obtaining planning permission for change of use from bank to health and medical services (from Class 2 office use to Class 8 Health and Medical Services) when the subject property was acquired by the former South Eastern Health Board around 2000. The existing health and medical use has been carried out from the premises since it was acquired without incident. The use of the property over the last 20 years or so has not given rise to any objections to the planning authority, evidenced by the absence of any enforcement action. Had permission been granted at that time change of use would not have been required now to introduce the SMS (Substance Misuse Service) or any other primary care service into the building.
- **Zoning** – The existing premises are within a location zoned “Town Centre” in the Wexford Town and Environs Development Plan 2009 – 2015 (as extended) where “office, medical and related consultant” uses are permitted under the zoning. The application description for the provision of a “Health Service Building” was correct and accurate. The HSE currently provides a range of community health, social and welfare services which, by Development Plan zoning definition, fall under the umbrella of “Local Health Centre”. “Health Centre” is also a Class 8 use under the Regulations which covers all public medical and health service office use. It would have been

incorrect to have described the proposed use as a single service from within the wide range of services offered by the HSE.

- **Community Addiction Centre** - There are no proposals for the subject property to become a Community Addiction Centre. It is possible the HSE Substance Misuse Service (SMS) which is a primary care service, will be made available from the property to those in the local community in need of this service, but no final decisions have been made. The provision of SMS is an option, as is the provision of services to deal with other forms of addiction. If introduced, addiction services will form part of a wider range of primary care services. Submitted that at present the following range of services are provided at the subject property
 - 1) Medical Cards
 - 2) European Health Insurance
 - 3) Community Ophthalmology Scheme
 - 4) Long Term Illness
 - 5) Home Care Packages
 - 6) Fair Deal Scheme
 - 7) Staff Payroll
 - 8) GP Leave Entitlements
 - 9) GP Subsidy Scheme
 - 10) Pharmacy Payments
- **SMS Use** – The SMS is a primary care service and is not under the provision of the mental health services. Specialist mental health services are provided elsewhere in Wexford Town. If the SMS is introduced most of the activities suggested (sampling / testing, counselling and assessments, needle exchange etc) will occur. Prescriptions are dispensed from pharmacies around town. If introduced the service would likely be delivered from the ground floor level with the public counter and associated services being relocated to the first floor and accessible by stairs and the proposed lift.
- **Residential Amenity** - There is no immediate plan to introduce the SMS or any other addiction service from the premises at present. It is not anticipated that the hours of business (current public opening hours are 9am to 5pm), staff numbers or the number of clients and patients visiting the property will vary from those of previous years. The permission is simply to regularise the

health service use which has been ongoing over the years. Submitted that the building is of limited size and this will regulate the number of clients attending at any one time. Should new services be introduced, such as SMS, the hours of business, staff numbers or the number of clients and patients is unlikely to change. There is no reason to believe that any change in the nature or range of services offered will have any adverse impacts on local schools, those walking to school or tourism.

- **Opening Hours** - If the Board is minded to restrict hours of opening to safeguard residential amenities, particularly in the event the SMS is introduced at some point in the future, the provision of opening hours similar to those of Community Addiction Centre in Wicklow Town (Mon to Fri 8.00am to 7.00pm and Sat, Sun and Bank Holidays 9.00am to 12.00pm (PL86.217610 refers)) would meet the needs of the HSE south.
- **Alternative Locations** - The primary Health Care centre on Grogans Road and Ely Hospital suggested by the appellant are noted. The HSE South is reviewing all of its options in this regard at present. Its final decision on where such services should be delivered will primarily focus on the best interest of the service users and consideration to the concerns raised by member of the public.
- **EIS** - The proposed change of use is not a category of development listed under Schedules 5 of the Planning and Development Regulations 2001 – 2018 which would require an EIS.
- **Traffic & Parking** – The proposed extension will not increase the floorspace within the building therefore no additional parking demand will arise from increased numbers. The nature of the existing public service provision and any future changes to that are and will largely remain on an appointment only basis. Therefore traffic movements are regulated. The site is within an easy walking distance of public transport connections in an around the retail core of the town centre. There is metered on street parking opposite and close by and there are a number of public car parks within easy walking distance.
- **Anti-social Behaviour** – This has not been an issue in the past and there is no reason to believe it will be a particular issue in the future even if SMSs are introduced.

- **Permitted Addiction Centres** - Previous cases considered by An Bord Pleanála involving the introduction of addiction services have been permitted on the basis of good natural surveillance of external areas include PL86.217610, PL06S.202278 and PL29N.234727. In the current case the building is set back from the public footpath and there is a wide paved area to the front of the building which receives natural supervision from all floors. There is also good natural surveillance from the housing opposite.
- **Portlaoise Project** – The proposed facility in Portlaoise will be a dedicated “Community Addiction Centre” offering addiction treatment services on a 9 – 5 Monday to Friday basis. The out of hours GP services will also operate from this building. This is not the type of facility proposed for the subject property which will continue to provide for a wide range of health services.

6.3. **Planning Authority Response**

6.3.1. There is no response recorded on the appeal file.

6.4. **Observations**

6.4.1. There are no observations recorded on the appeal file.

6.5. **Further Responses**

6.5.1. There are no further responses recorded on the appeal file.

7.0 **Assessment**

7.1. Wexford County Council issued a notification of decision to grant permission on the 28th August 2018 for the retention of permission for the change of use from bank to health services building (a total floor area of 671.6sqm) and permission for a new side extension consisting of lift shaft (8.7sqm) over three floors, external signage, associated elevational alterations together with all site and ancillary works at the existing HSE Building, Upper Georges Street. The decision was subject to 5 no generally standard conditions. No restricted use of the building conditions were attached. The decision was appealed by a third party who raised inter alia specific

concern in relation to the future opening of an addiction centre / facility at this location.

7.2. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Class of Use
- Addiction Centre
- Other Issues

8.0 Principle

8.1. The operative plan for the area is the Wexford Town and Environs Development Plan 2009 – 2015 (as extended to 2019). The site is zoned “Town Centre (TC)” where *office, medical and related consultant* uses are “permitted” uses under the Town Centre zoning matrix. While I am satisfied that the principle of the retention of a “health service” use may be acceptable subject to compliance, with the relevant policies, standards and requirements set out in plan, further consideration of the nature of use proposed to be retained is required. Accordingly the matter of “use” is discussed in further detail below.

8.2. With regard to the proposed lift shaft to the side of the building together with the proposed signage to the front of the building measuring 1000mm x 1500mm and comprising aluminium with polished stone together with associated elevational alterations I am satisfied that such works will not detract from the parent building nor impact the visual or residential amenities of the immediate area. Accordingly there is no objection to same.

9.0 Class of Use

9.1. The public notices state that retention of permission is sought for the change of use from a bank to a “health services” building. No further details are provided with the planning application as to the nature of the “health services” provided.

9.2. Much of the third party appeal centres on the possible future use of part of this building as a primary care facility where an addiction centre / facility and associated uses could be provided. The applicant in their response to the appeal is of the view that the use being retained is that of a health centre where medical services are provided to the public and where the provision of a Substance Misuse Service (SMS) would be permitted. It is further stated that they are seeking to regularise the oversight of not obtaining planning permission for change of use from bank to health and medical services (from Class 2 Office Use to Class 8 Health and Medical Services) when the subject property was acquired by the former South Eastern Health Board around the year 2000.

9.3. The applicant states that a use providing “community health, social and welfare services” such as the services currently provided at the property by the HSE South, would fall into Use Class 8; *“Use (a) as a health centre or clinic or for the provision of any medical or health services (but not the use of the dwelling house of a consultant practitioner, or any building attached to the dwelling house of within the curtilage thereof, for that purpose); (b) as a crèche; as a day nursery; (d) as a day centre”*. It is submitted that the description for the provision of a “Health Service Building” is considered to be correct and accurate and that it would have been incorrect to have described the proposed use as a single service from within the wide range of services offered by the HSE. It is stated that at present the following range of services are provided at the appeal property:

- Medical Cards
- European Health Insurance
- Community Ophthalmology Scheme
- Long Term Illness
- Home Care Packages
- Fair Deal Scheme
- Staff Payroll
- GP Leave Entitlements
- GP Subsidy Scheme
- Pharmacy Payments

- 9.4. The applicant submits that a Use Class 8 covers the full range of health, medical and welfare services delivered by the HSE, including uses whereby the public could call in unannounced seeking a service or by appointment only. It is also stated that the range and nature of community health, social and welfare services provided by the HSE have changed over time as a result of changes in service providers, legislation, demands, social and economic circumstances etc and will continue to change. However, it is stated that from a planning perspective, providing the changes remain as changes to the provision of community health, social and welfare services, they will continue to fall within the same use class (i.e. Class 8 of the current Planning and Development Regulations 2001 to 2018) and do not require further planning permission.
- 9.5. While the range of services are extensive and clearly relate to health care they would appear to be predominantly administrative in nature. For example it does not appear that the Community Ophthalmology Scheme i.e. medical treatments and minor procedures is provided directly within the building rather an application for same is processed. Similarly with Long Term Illness assistance or the Fair Deal Scheme where long term nursing care does not appear to be provided within the building.
- 9.6. I also refer to the floorplans accompanying the planning application that would support the view that this is an office building. While there is a public counter in the existing layout there is no reference to any rooms designated for any use other than office and ancillary office use i.e. there are no clinicians rooms or medical treatment rooms identified. Further the layout indicates that the majority of space is either open plan or shared office space with a limited number of single room office spaces. It was also noted on day of site inspection that the existing signage at the building refers to “Wexford Community Services” and not that of a “health centre or clinic”.
- 9.7. It is further noted that there is no evidence of a designated public reception area in the new floor layout plans. However the applicant states that that the public counter in the revised layout will be in the open plan foyer at ground level. While I appreciate that the floor plans may in the main be for illustrative purposes it is my view that as a public counter is absent from the plans it would appear that facilitating public access is not the primary focus of use for this building. It is also noted from the proposed floor plan that the first and second floor layout appear to remain the same while the ground floor is amended through the introduction of more single room offices. Again

it is noted that there are no clinicians' rooms or medical treatment rooms identified. The absence of a public counter together with the proposed floor plan reinforces the position that the main use of this building is office / administration albeit for the processing of a wide range of health service applications.

- 9.8. Having regard to the information available there is nothing to suggest that any primary care clinician, medical or health services are currently provided at this building. Accordingly it is my view that the "health services" to be retained at this building can be more aptly described as coming within the scope of "Class 3" of Part 4 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended) i.e. "use as an office, other than a use to which Class 2 of this Part of the Schedule applies". It is therefore recommended that should the Board be minded to grant permission that the use of this building be restricted to a Class 3 use only unless authorised by a separate grant of planning permission.

10.0 **Addiction Centre**

- 10.1. While I am satisfied in this case that the use to be retained is that of Class 3 it is my view that it is also worth addressing the position of whether or not an addiction centre comes within the scope of Class 8 of Part 4 of Schedule 2 of the Planning and Development Regulations, 2001 in the interest of clarity and completeness. In this regard I refer to An Bord Pleanála Referral Reference Number Case 06F.RL.2762. In this referral case a question arose as to whether change of use from community services to use for dispensing of treatments for addictions, offices and consulting rooms is or is not development or is or is not exempted development. The Board determined that the permitted use on the site was a "day centre" as defined by article 5 (1) of the Planning and Development Regulations, 2001 and therefore a class of use coming within the scope of class 8(d) of Part 4 of Schedule 2 of the Planning and Development Regulations, 2001.

- 10.2. Following on from this position the Board further stated;

the proposed use, for dispensing of treatments for addictions, offices and consulting rooms, has particular material implications in terms of the proper planning and sustainable development of the area, including in respect of the potential impact on the amenities of the area and of property in the vicinity

and in respect of public health, security, noise and general disturbance, such that it is considered to be 'sui generis' and not to constitute a type of use coming within the scope of class 8 of Part 4 of Schedule 2 of the Planning and Development Regulations, 2001.

- 10.3. The Board concluded that the proposed change of use from community services to use for dispensing of treatments for addictions, office and consulting rooms, constituted a material change of use and, therefore, is development and that the said change of use does not come within the exempted development provisions of section 4(1) of the Planning and Development Acts, 2000-2010 or of Article 6 or Article 10 of the Planning and Development Regulations, 2001, as amended.
- 10.4. Consequently even if it had been established that the current use of this former bank building to be retained was now that of a health centre use coming within the scope of Class 8 of Part 4 of Schedule 2 of the Planning and Development Regulations, 2001 and same was permitted retention permission; the introduction of an addiction centre or substance misuse service would constitute a material change of use that would not come within the exempted development provisions as it is a sui generis use.

11.0 Other Issues

- 11.1. **Appropriate Assessment** - Having regard to the nature and scale of the proposed development comprising the retention of permission for the change of use from bank to health services building, new lift shaft, external signage and associated elevational alterations and its distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.
- 11.2. **EIA Screening** – Having regard to the nature and scale of the proposed development comprising the retention of permission for the change of use from bank to health services building, new lift shaft, external signage and associated elevational alterations in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment

impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

- 11.3. **Development Contributions** – Condition No 2 & 3 of the notification of decision to grant permission issued by Wexford County Council required the payment of Development Contribution in respect of works consisting of the provision or improvement of the public roads (€52.20) and community facilities (€34.80). Wexford County Council has adopted a Development Contribution scheme; Wexford County Council Planning Authority Area Development Contribution Scheme 2018, under Section 48 of the Planning and Development Act 2000 (as amended). The scheme states that *where development results in a change of use, credit will be given against contributions due in respect of the development e.g. change of use from industrial to retail only the difference in the per m./sq. floor area would be charged – no negative levies will apply or credit be carried forward*. However in the case of an application for retention the scheme clearly states that **no exemptions shall apply to any applications for retention of development** (emphasis added). It is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000 for the entire building including the new lift shaft.
- 11.4. The matter of the development contribution was not raised in any submissions to the Board. Having regard to the nominal levy applied by Wexford County Council together with the foregoing recommendation that the levy is applicable on the entire building, the Board may wish to seek the views of relevant parties prior to deciding this case.

12.0 Recommendation

- 12.1. It is recommended that permission be **GRANTED** for the reasons and considerations set out below.

13.0 Reasons and Considerations

- 13.1. Having regard to the zoning objective for the site as set out in the Wexford Town & Environs Development Plan 2009-2015 (as extended to 2019), the established

pattern of development in the area, the nature of the use to be retained together with the location, scale and design of the proposed lift shaft 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 or property in the vicinity, would be acceptable in terms of traffic safety and would therefore be generally in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1. The development shall be 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 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. Unless authorised by a separate prior grant of permission, the premises shall be used only for use as an office as described in Class 3 of Part 4 of Schedule 2 of the Planning and Development Regulations 2001 (as amended). The premises shall not be used for any commercial activities, as a substance misuse service, the dispensing of medicines or needle exchange facilities unless authorised by a separate prior grant of permission.

Reason: To clarify the extent of the permission, in the interest of orderly development and the protection of the amenities of the area.

3. No advertisement or advertisement structure (other than the signage shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity

4. The construction of the lift shaft shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

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

5. Site development and building works shall be carried out only between the hours of 0800 to 1800 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.

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. As set out in the Wexford County Council Planning Authority Area Development Contribution Scheme 2018 ***no exemptions shall apply to any applications for retention of development*** (emphasis added). Therefore the Section 48 levy shall be applied to the entire building including the proposed new lift shaft. 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.

Mary Crowley,
Senior Planning Inspector,
30th January 2019