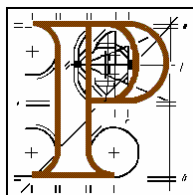


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2013

Skibbereen Town

Planning Register Reference Number: 13/57009

An Bord Pleanála Reference Number: PL 76.242590

APPEAL by Noel O'Driscoll care of Cunnane Stratton Reynolds of 3 Molesworth Place, Dublin 2 against the decision made on the 20th day of September, 2013 by Skibbereen Town Council to grant subject to conditions a permission to Denis Collins care of O'Donovan MacConville and Associates of The Square, Skibbereen, County Cork in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Change of use of part of existing off-licence and nightclub to restaurant with takeaway facility, to reduce the size of the existing off-licence shop front and construct a new shop front for off-licence and restaurant with takeaway facility at Gortnaclohy, Main Street Car Park, Skibbereen, County Cork.

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.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the location of the proposed development in the town centre as zoned in the Skibbereen Town Development Plan 2009 - 2015, the pattern of commercial development in the area, the existing use of the site for commercial purposes, the retention of an active daytime use on the frontage, and the availability of paid public parking in the vicinity of the site it is considered that the proposed development would, subject to the conditions set out below, be in accordance with objectives of the current development plan for the area and 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 submitted on the 27th day of August, 2013 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. The hours of operation shall be between 1200 hours and 2330 hours Monday to Friday and between 1200 hours and 0100 hours on Saturday, Sunday and public holidays.

Reason: In the interest of amenity.

3. The restaurant and takeaway use permitted by this grant of permission shall operate as a single use and the hours set out in condition number 2 shall apply to the provision of both restaurant and takeaway services.

Reason: In the interest of clarity.

4. Details of the proposed amended shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of the amenities of the area.

5. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

6. Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

7. Litter in the vicinity of the premises 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 the commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

Reason: In the interest of visual amenity.

8. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities 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 and, in particular recyclable materials, in the interest of protecting the environment.

9. Prior to commencement of development the location of all ventilation fans and smoke extractors which may be located on the public street façade of the building shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of public health and to protect the amenities of the area.

10. Water supply and drainage arrangements, including the provision of grease traps, shall comply with the requirements of the planning authority for such works.

Reason: In the interest of public health.

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 the Board to determine the proper application of the terms of the scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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 day of 2014.