



The submissions on this file and the Inspector's report were considered at a Board meeting held on 9th February 2018.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, but for a temporary (5 year) period, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to:

- The permission granted under PA reg ref 49/87, which authorised a shed for as a warehouse for furniture on the site,
- The nature of the proposed storage use now applied for, which is not dissimilar in nature to the permitted use,
- The scale and design of the extensions carried out to the main shed which are considered acceptable,
- The provisions of the Mountmellick LAP 2012-2018, under which extension of existing and permitted 'non-conforming' uses is open to consideration, and
- The submissions made in connection with the planning application and appeal,

It is considered that, subject to compliance with the conditions set out below, the proposed change of use (on a temporary five-year basis) and physical structures for retention are acceptable and would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would therefore not be contrary to the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained and carried out in accordance with the plans and particulars lodged with the application and by the further plans and particulars received by An Bord Pleanála on the 4th day of October, 2017, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

- 2(a) Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the retention development shall be restricted to the ice cream and bouncy castle business as specified in the lodged documentation, unless otherwise authorised by a prior grant of planning permission.
- (b) Within 2 months of the date of this permission full details shall be submitted for the written agreement of the Council regarding the total usage of the commercial storage operations from the shed/warehouse structure.
- (c) There shall be no retail sales from the site.

Reason: In the interest of residential amenity.

3. Unless otherwise permitted by a further grant of permission, the proposed use of the premises as set out in Condition 2 above shall expire after 5 years from the date of this order, at which time the permitted use of the premises shall revert to the original permitted use as a warehouse for furniture.

Reason: having regard to the planning history of the site and the land use zoning of the site and the pattern of development in the area, it is considered appropriate to enable the acceptability of the use hereby permitted to be reviewed in light of the

circumstances pertaining at the time, so as to ensure the residential amenities of the area are being adequately protected.

4. The proposed retention development shall be amended as follows:
 - (a) The toilet block is not permitted and shall be removed from site within 2 months of the grant of this permission and revised plans shall be submitted showing the toilet facilities located within the commercial warehouse building.
 - (b) The floodlight shall be omitted and removed from site.
 - (c) Details of any lighting to be provided on site shall be submitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority within 2 months of the grant of this permission.

Reason: In the interests of visual and residential amenity.

5. The activities on site shall be carried out only between the hours of 0800 to 2000 Mondays to Sunday and on 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 noise level shall not exceed 55 dB(A) rated sound level, as measured at the nearest dwelling or at any point along the boundary of the site. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site.

7. 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 (on the building/within the curtilage of the site) unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity and in order to allow the planning authority to assesses the impact of any such advertisement or structure on the amenities of the area.

8. (a) Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

(b) There shall be no washing of bouncy castles or of ice cream vans on-site.

(c) Details including the locations of silt/oil/fuel interceptors shall be provided.

Details in this regard shall be submitted to and agreed in writing with the planning authority within 2months of the grant of this retention permission.

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

9 (a) No display or storage of goods, produce, waste, plant, packaging or crates, machinery or equipment shall be stacked or stored on this site at any time except within such buildings or storage areas as may be agreed in writing with the planning authority prior to commencement of development.

(b) All works shall be carried out within the confines of the building.

Reason: In the interests of residential and visual amenity.

10. A waste management plan including the provision for the storage, separation and collection of all waste, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the permitted use.

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

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.

Board Member

Date: 9th February 2018

Conall Boland