



An
Bord
Pleanála

Board Direction
PL88.249353

The submissions on this file and the Inspector's report were considered at a Board meeting held on 5th March 2018.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the established use of the site for commercial purposes, to the nature and extent of the change of use to restaurant/café and extensions to be retained 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 of property in the vicinity, would not be prejudicial to public health, would not constitute a significant intensification of the site as compared to the established and previous permitted uses, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained 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 within two months of the date of this order, and the development shall be

carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) Within two months of the date of this order a revised site plan with the location of the effluent treatment plant and appropriately sized polishing filter and timescale for installation shall be submitted to, and agreed in writing with, the planning authority. The treatment plant and polishing filter shall be in accordance with the requirements of the Wastewater Treatment Manual 'Treatment Systems for Small Communities, Business, Leisure Centre and Hotels', Environmental Protection Agency. No system other than the type proposed in the submission shall be installed unless agreed in writing with the planning authority.

(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.

(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.

(d) Within three months of installation of the treatment system, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

3. (a) The proposed access arrangements as delineated on site layout drawing No.16151-SL-101 received by the planning authority on the 10th day of July, 2017, shall be completed within three months from the date of this order.

(b) Full details of the roadside boundary treatment and finishes shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the works.

Reason: In the interest of traffic safety

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: To ensure adequate servicing of the development, to prevent pollution and in the interest of traffic safety

5. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no further advertisement signs, advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area

Note: The Board noted that reasons 1 and 2 of the Planning Authority's decision in this case referred to the subject development contravening materially certain provisions of the current Development Plan for the area. The Board did not agree that the reasons involved amounted to material contraventions in this case, and considered that the development was acceptable, for the reasons and considerations outlined in its order, and as recommended by the Senior Planning Inspector. Accordingly, the Board did not consider that it was constrained by the provisions of Section 37 (2)(b) of the Planning and Development Act 2000, as amended, in reaching its decision to grant permission.

Board Member

Date: 5th March 2018

John Connolly