



An
Bord
Pleanála

Board Direction
BD-005796-20
ABP-306505-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20/05/2020.

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 town centre location of the proposed development and the 'Commercial / Residential' zoning objective relating to the site, the Board considered that, subject to compliance with the conditions set out below, the proposed change of use from retail to a take-away would not result in an overconcentration of such uses on Main Street, would not be prejudicial to public health and would add to the vitality and vibrancy of the town centre. 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 submitted on the 04th day of December 2019 and by the further plans and particulars received by An Bord Pleanála on the 21st day of February, 2020, 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. Prior to the commencement of development, details of the proposed refuse store shall be submitted for the written agreement of the Planning Authority. The proposed refuse store shall be constructed of permanent materials, adequately serviced with a water supply, drainage and ventilation. The structure shall be raised from the ground and roofed.

Reason: In order to ensure that the site is adequately serviced and to protect the amenities of adjoining premises.

3. Prior to commencement of development, the developer shall submit for the written agreement of the Planning Authority drawings and documentation detailing the following;

- (i) The provision of a ventilation system that is adequately filtered, externally vented.
- (ii) The ventilation flue on the rear elevation shall rise above the rear roof eave of the premises.
- (iii) The noise from the operation of the ventilation system shall be attenuated so as not to cause a noise nuisance to nearby residential properties

Reason: In the interests of public health and in the interest of protecting the established amenity of the surrounding area.

4. The hours of operation shall be between 1000 hours and 2300 hours Monday to Thursday and on Sunday and between 1000 hours and midnight on Fridays and Saturdays.

Reason: In the interest of the residential amenities of property in the vicinity.

5. 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 commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

Reason: In the interest of visual amenity.

6. Prior to the commencement of development, the applicant shall submit details of the proposed shopfront and signage associated with the proposed take-away use. Details shall include the colour, textures and materials including samples together with details of any proposed illumination of signage. All details shall be the subject of written approval with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works.

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

8. No music or other amplified sound shall be emitted to the public street or broadcast from the premises in such a manner as to cause nuisance to the occupants of nearby properties.

Reason: To safeguard the amenities of the area.

9. 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. 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.

Board Member

Date: 20/05/2020

Paul Hyde