

An
Bord
Pleanála

Board Direction
BD-012441-23
ABP-313082-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/06/2023.

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 city centre location of the proposed development and the centre zoning objective relating to the site it is considered that, subject to compliance with the conditions set out below, the proposed change of use from betting shop to a commercial kitchen for the purposes of food preparation for consumption off the premises only, would not be prejudicial to public health and would add to the vitality and vibrancy of the city 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 25th day of November 2021 and on the 2nd day of February 2022, 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. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. A daily refuse collection system shall be operated from the premises when the premises is in operation. The laneway adjacent to the premises shall not be used for the storage of any food waste.

Reason: In the interest of public health and orderly development.

4. A plan containing details for the management of waste (and in particular recyclable materials) within the development, including the provision of a facilities for the storage, separation and collection of waste and, in particular recycle materials and for the ongoing operation of these facilities within the premises 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.

5. The developer shall control odour emissions from the premises in accordance with measures including extract duct details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location or at any point along the boundary of the site shall not exceed:-

(i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.

(ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

(b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

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

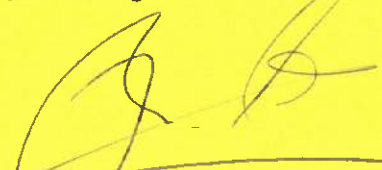
7. Details of the external shopfront and signage shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the development.

Reason: In the interest of visual amenity.

8. The hours of operation shall be between 1600 hours and 2200 hours Thursdays to Sundays unless otherwise agreed in writing with the Planning Authority.

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

Board Member



Joe Boland

Date: 13/06/2023

