

An  
Bord  
Pleanála

**Board Direction**  
**BD-014223-23**  
**ABP-314528-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 23/10/2023.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

The Board had regard to the pattern of development in the vicinity, the nature, form and design of the proposed development that comprises a takeaway service to an existing restaurant and also had regard to the provisions of the Thurles Town and Environs Development Plan 2009 as varied and extended including Policy ECON 9: Take-away outlets relating to takeaways which provides that takeaway food as part of a sit down restaurant will be considered against the likely impact on local amenity, litter generation and noise. In arriving at its decision, the Board was satisfied that subject to compliance with the conditions set out below, the proposed development would align with the stated policy and would not adversely affect the residential or visual amenity of the area and that litter and noise are matters that can be controlled aided by planning conditions including the requirement for a scheme of litter control and the limiting of opening hours. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Note:**

In deciding not to accept the Inspector's recommendation to refuse permission, the Board did not share the view of the inspector that the development would endanger

public safety along the R660 regional road (Friar Street) by reason of a traffic hazard arising from on-street parking given the town centre-setting where town speed limits of 50 km/hr apply and the availability of public parking in the town and that parking controls exist for the control of unauthorised parking. The Board took into account the view of the District Engineer who recommended that the development would be granted. In relation to the proposal for the opening of a new access point onto Old Baker Street, the Board considered that it was reasonable to allow access onto the street within a town centre setting and that any impact on local amenity would not be unacceptable and that litter and noise are matters that can be controlled aided by planning conditions including the requirement for a scheme of litter control and the limiting of opening hours.

### **Conditions**

1. The development shall be carried out 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 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. Signage – Insert PA Condition 3 and reason thereof.
3. The hours of operation of the takeaway element of the development shall be between 9.00 hours and 23:00 hours Monday to Sunday.

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

8. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

**Reason:** In the interest of public health.

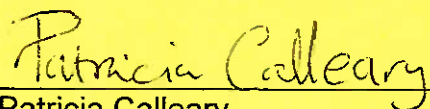
4. Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

**Reason:** In the interest of visual amenity.

6. 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.

**Board Member**

  
Patricia Calleary

**Date:** 23/10/2023



