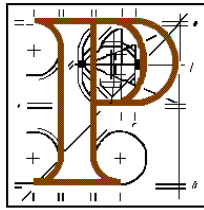


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Offaly County

Planning Register Reference Number: PL2/15/122

An Bord Pleanála Reference Number: PL 19.245412

APPEAL by Luigi Macari and Don Tramontozzi care of Kiaran O'Malley and Company Limited of Saint Heliers, Saint Heliers Copse, Stillorgan Park, Blackrock, County Dublin against the decision made on the 4th day of August, 2015 by Offaly County Council to grant subject to conditions a permission to Shazia Rasheed care of Darren Bermingham of Killowen, Castlejordan, County Offaly in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Change of use at this unit from its current use as a ladies fashion shop to a proposed use as an Indian takeaway/fast-food outlet and any associated works. The proposed development occurs within the curtilage of a Protected Structure. All at Unit 1, 3 O'Connell Square, Edenderry, County Offaly.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the central location of the site within the town of Edenderry and to the scale of development proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the current development plan objectives for the area, would not seriously injure the amenities of the area and 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 8th day of July, 2015, 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. The proposed shopfront shall be in accordance with the following requirements:

- (a) Signs shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individually mounted lettering.
- (b) Lighting shall be by means of concealed neon tubing or by rear illumination.
- (c) No awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission.
- (d) External roller shutters shall not be erected, any internal shutter shall be only of the perforated type, coloured to match the shopfront colour.
- (e) No adhesive material shall be affixed to the windows or the shopfront.

Reason: In the interest of visual amenity.

3. The takeaway facility shall be operated between 0830 hours and 2300 hours Monday to Thursday inclusive and between 0830 hours and midnight Friday to Sunday inclusive.

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

4. Prior to commencement of development, a scheme for the effective control of fumes and odours from the premises, including details of vents and ducting shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of protecting the amenities of the area.

5. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

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

7. 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.

8. 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 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 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.