

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Meath County

Planning Register Reference Number: RA/150857

An Bord Pleanála Reference Number: PL 17.245840

APPEAL by Mel Beirne of 43 Ard Cluain, Clonee, County Meath against the decision made on the 6th day of November, 2015 by Meath County Council to grant subject to conditions a permission to Halal Kentucky Chicken of Unit 726, Northwest Business Park, Kilshane Drive, Dublin.

PROPOSED DEVELOPMENT: Change of use from retail unit to restaurant/take-away at Unit 2, Ard Cluain, Main Street, Clonee, County Meath.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations 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 its nature and its location within a principally residential apartment block, it is considered that the proposed development would seriously injure the residential amenities of a significant number of dwellings in close proximity, by reason of odour and noise arising from the discharge of fumes directly into the residential courtyard that serves as the private shared amenity area for residents of the apartments, and underneath balconies and apartment windows, as well as from the management of waste activities, which would result in noise and general disturbance in a residential environment that is sensitive to such activity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board had serious concerns in relation to the close proximity of numerous residential units including those immediately adjacent and overhead and their balconies. The Board had particular concerns in relation to the potential for high levels of noise generation from venting/extraction, and the absence of proposals to vent ducting internally to at least one metre above eaves level, and generally concurred with the initial concerns of the planning authority in this matter, which approach was considered to be reasonable. In view of the absence of meaningful and relevant detail in relation to the proposed extraction system, the Board considered that the risk in relation to odour, as well as noise, would be very high, emanating at courtyard level. Neither was any provision made for waste management activity, nor was there any evident means of doing so within the premises. The Board, therefore, considered that the impacts from the proposed development of odour, noise and general disturbance on the apartments and on the private shared courtyard serving them would be unacceptable in terms of residential amenity.

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

Dated this day of 2016.