

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

**Offaly County**

**Planning Register Reference Number: 16/251**

An Bord Pleanála Reference Number: PL 19.247699

**APPEAL** by Tony's Café care of Jim Brogan of Unit 1B Laurel Lodge Business Centre, Laurel Lodge, Castleknock, Dublin against the decision made on the 10<sup>th</sup> day of November, 2016 by Offaly County Council to grant subject to conditions a permission to Shaw Properties (Birr) Limited care of Joe Errity of Lisheen, Birr, County Offaly in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Change of use of existing ground floor retail unit to takeaway pizzeria with associated signage and all ancillary site works at Connaught Street, (Townparks Townland), Birr, 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 town centre/mixed use land use zoning objectives for the area, the pattern of land use in the vicinity and the nature and scale of the proposed change of use, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, 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 and with the further plans and particulars submitted on the 19<sup>th</sup> day of October, 2016, 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 commencement of development, the developer shall submit to, and agree in writing with, the planning authority details in relation to the following:

(a) Proposed signage details, including the size, materials to be used for the fascia, colours of signage banner and letters and the proposed complementary paint colours for the entire front elevation.

(b) Lighting details.

**Reason:** In the interest of visual amenity and the protection of Birr Heritage Town.

3. No adhesive material or posters shall be affixed to the windows or doors of the shopfront.

**Reason:** In the interest of visual amenity and the protection of Birr Heritage Town.

4. The hours of operation shall be between 15.00 hours and midnight Monday to Thursday, between 14.00 hours and midnight Friday and Sunday and between 14.00 hours and 01.30 hours on Saturday.

**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 the commencement of development. The scheme shall include the provision of litter bins and refuse storage facilities.

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

6. (a) Noise emissions from construction activity shall not exceed at the nearest noise sensitive location the following:
- (i) An Leq, 1h value of 55 dB(A) during the period 08.00 hours to 20.00 hours.
  - (ii) An Leq, 15 min value of 45 dB(A) during the period 20.00 hours to 08.00 hours.
- (b) Audible tonal or impulsive components shall be minimised at any noise sensitive location.

Procedures for the purpose of determining compliance with these limits shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of environmental protection and orderly development.

7. 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.

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.

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

**Dated this            day of            2017.**