



An
Bord
Pleanála

Board Order

PL 12.248556

Planning and Development Acts 2000 to 2017

Planning Authority: Leitrim County Council

Planning Register Reference Number: P.17/36

Appeal by Talwinder Singh care of Planning Consultancy Services of Suite 3, Third Floor, Ross House, Victoria Place, Eyre Square, Galway against the decision made on the 27th day of April, 2017 in relation to the application by the said Talwinder Singh for permission for development comprising (a) change of use of existing ground floor from retail area and dwellinghouse to fast food take-away, and (b) demolition of existing rear extensions and construction new two-storey extension to incorporate ground floor kitchen and associated facilities serving the fast food take-away with private access to the first floor accommodation, with all associated site development works including new external signage, all at Townspark Townland, Main Street and Priest's Lane, Carrick-on-Shannon, County Leitrim in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission for the said demolition of existing rear extensions and construction new two-storey extension to incorporate ground floor facilities with private access to the first floor accommodation, with all associated site development works including new external signage and to refuse permission for the said change of use of existing ground floor from retail area and dwellinghouse to fast food take-away).

Decision

GRANT permission to demolish existing rear extensions and construct new two storey extension to incorporate ground floor facilities with private access to the first floor accommodation in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for the change of use of existing ground floor retail area and dwellinghouse to fast food takeaway based on the reasons and considerations marked (2) under.

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 (1)

Having regard to the location of the proposed development within the development envelope of Carrick-on-Shannon town, to the established use and history associated with the site, to the nature and scale of the proposed development, and to the mix of uses and pattern of development in the area, 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, would be acceptable in terms of traffic and pedestrian safety and convenience, and would be in accordance with the provisions of the Carrick-on-Shannon Local Area Plan 2010-2019. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant the change of use of existing ground floor from retail area and dwelling house to fast food takeaway, the Board concurred with the local authority that the proposed change of use would be contrary to the proper planning and sustainable development of the area and would endanger public safety by reason of traffic hazard.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except for the change of use of existing ground floor from retail area and dwellinghouse to fast food takeaway, and 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. All service lines and cables serving the proposed development shall be located underground unless otherwise agreed in writing with the planning authority.

Reason: In the interest of orderly development and visual amenity.

4. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

5. Details of the materials, colours and textures of all the external finishes to the proposed development, including the windows, canopies and doors, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. No new advertisement or advertisement structure shall be erected or displayed on the building in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

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

7. The provision of commercial accommodation at ground floor shall be associated with the existing use of the premises or with a use which will be subject to a further application for planning permission.

Reason: In the interest of the proper planning and sustainable development of the area.

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 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.

Reasons and Considerations (2)

Having regard to the mixed use nature of development in the vicinity of the site, which contains a significant element of residential uses, and to the location of the site on a heavily trafficked junction, where the width of the footpath and provision of paving fronting the premises is limited, along with the limited public floorspace and lack of internal seating accommodation, it is considered that the proposed change of use would have the potential to impact negatively on the residential amenity of the area by reason of associated noise and disturbance, would endanger public safety by reason of traffic hazard and would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2017