



An
Bord
Pleanála

**Board Order
PL 02.248812**

Planning and Development Acts 2000 to 2017

Planning Authority: Cavan County Council

Planning Register Reference Number: 17/34

Appeal by Joe O'Hare of Pound Street, Arvagh, County Cavan against the decision made on the 9th day of June, 2017 by Cavan County Council to grant subject to conditions a permission to Paddy McGrath care of Claire O'Neill O'Reilly Associates of Carricknabrick, Loughduff, County Cavan in accordance with plans and particulars lodged with the said Council.

Proposed Development: Change of use of existing butcher shop and kitchen to fast food outlet/takeaway with seated area, toilet and all associated works at Pound Street, Arvagh, County Cavan.

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 Core Development zoning and to the existing commercial use of the site, and given the nature and scale of development proposed, 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 be in accordance with the provisions of the County Development Plan. The proposed development 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 25th day of April, 2017, 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.

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2. The hours of operation shall be between 10.00 hours and 24.00 hours.

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

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3. The developer shall control odour emissions from the premises in accordance with measures, including ducting, details of 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.

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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.

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5. Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

6. 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) No adhesive material shall be affixed to the windows or the shopfront.

Reason: In the interest of visual amenity.

7. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements, other than those agreed under condition number 6 of this permission, shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

