

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Limerick City and County Council

Planning Register Reference Number: 17/831

An Bord Pleanála Reference Number: ABP-300283-17

Appeal by John Ryan of Rahyvira, Donohill, County Tipperary against the decision made on the 31st day of October, 2017 by Limerick City and County Council to grant subject to conditions a permission to Eoin Ryan care of Denis Morrissey of Fethard On Sea, New Ross, County Wexford in accordance with plans and particulars lodged with the said Council.

Proposed Development: Change of use of the ground floor of an existing building from retail to a fast food takeaway including new signage to front elevation. Retention of new windows, door and new roof to same. Retention of demolition of buildings to rear of same and retention of new extension to rear as built and all associated site works at Lower Main Street, Doon, County Limerick.

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 siting of the proposed development within the village centre of Doon, to the established commercial and residential use of the existing building, to the limited range of existing takeaway outlets within the village, to the layout and infrastructural provisions associated with the proposed use, and to the extent of structural changes undertaken, it is considered that, subject to compliance with the conditions set out below, the proposed takeaway use would not seriously injure the residential or visual amenities of the area, would not undermine the vitality and viability of other similar commercial premises in the village or depreciate the value of properties in the area, and would not undermine the architectural character of the established building. 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, 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. (a) The proposed takeaway shall operate between 08.00 hours and 00.30 hours only. No deliveries shall be taken at the premises outside of the hours 0700 and 1900 from Mondays to Saturdays, or at any time on Sundays, Bank or Public Holidays.
- (b) The developer shall control odour emissions from the premises in accordance with measures, including extract duct details, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

3. Within six months of the date of this Order, the existing windows on the front elevation of the building shall be replaced with timber-framed windows, inclusive of one-over-one timber sliding sash windows at first floor level. Details of the replacement windows shall be submitted to, and agreed in writing with, the planning authority prior to their installation.

Reason: In the interest of visual amenity.

4. Details of the external shopfront finish and signage, exclusive of any backlighting, awning and external roller shutters, shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of development.

Reason: In the interest of visual amenity.

5. No other advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, 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 visual amenity.

6. Water supply, drainage and the disposal of waste, inclusive of control of litter, 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.

7. 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.

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

Dated this day of 2018