



Planning and Development Acts 2000 to 2018

Planning Authority: Louth County Council

Planning Register Reference Number: 1891

Appeal by Anne Dearey of Blue House, Dundalk Street, Carlingford, County Louth and by John McKeivitt of Salley Gardens, River Lane, Carlingford, County Louth against the decision made on the 29th day of March, 2018 by Louth County Council to grant subject to conditions a permission to Gazmend Malaj care of Páraic McKeivitt Architects of Oystercatcher Lodge, Dundalk Street, Carlingford, County Louth in accordance with plans and particulars lodged with the said Council.

Proposed Development: Change of use of existing retail unit together with associated modifications to form new restaurant and take away at 49 Dundalk Street, Carlingford, County Louth (the site is situated within an Architectural Conservation Area).

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 location of the site within the village centre of Carlingford and the pattern of development in the area, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area, would not detract from the character of the Architectural Conservation Area and would not conflict with the objectives of the Louth 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, 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. The hours of operation of the restaurant and take-away shall be restricted to between 1200 hours and 0100 hours Monday to Thursday, and 1200 hours and 0200 hours Friday to Sunday.

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

3. The proposed development shall be in accordance with the following requirements:-
 - (a) Signage shall be restricted to a single fascia sign. Signage shall be contained within the wooden fascia panel, using sign writing or comprising either hand-painted lettering or individually mounted lettering onto the wooden fascia board, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
 - (b) No awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission.
 - (c) No adhesive material shall be affixed to the windows or the shopfront.

Reason: In the interest of visual amenity.

4. 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 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.

5. 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.

6. Litter in the vicinity of the premises and refuse from the premises shall be controlled in accordance with a scheme of litter and refuse 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.

7. 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.

8. Water supply and drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

John Connolly

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

Dated this day of 2018.