



Planning and Development Acts 2000 to 2018

Planning Authority: Westmeath County Council

Planning Register Reference Number: 17/7234

Appeal by Qiaoxia Chen care of MMKDA Consulting Engineers of 7 Main Street, Athlone, County Westmeath against the decision made on the 16th day of April, 2018 by Westmeath County Council to grant subject to conditions a permission to Noel Ryan care of David McGuinness of 21 Sliabh Rua, Moate, County Westmeath in accordance with plans and particulars lodged with the said Council.

Proposed Development: Change of use from ground floor retail to café-takeaway including connection to existing public services, external signage and all associated site works at Barrack Street, Athlone, County Westmeath.

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 location of the proposed development and the mixed-use zoning objective relating to the site, it is considered that, subject to compliance with the conditions set out below, the proposed change of use from retail to café/take-away would not result in an overconcentration of such uses on Barrack Street, would not be prejudicial to public health and would add to the vitality and vibrancy of the town centre. 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 to the planning authority on the 28th day of March, 2018, 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 the 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 of the proposed shopfront and signage associated with the proposed café/take-away use. Details shall include the colour, textures and materials including samples together with details of any proposed illumination of signage.

Reason: In the interest of visual amenity.

3. 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 shopfront. 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.

4. No goods, sandwich boards or similar structures shall be displayed outside the premises.

Reason: In the interest of visual amenity.

5. Notwithstanding the provisions of the Planning and Development, Regulations 2001, or any statutory provisions 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 building 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.

6. 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.

7. A plan containing details for the management of waste (and in particular recyclable materials) within the development, including the provision of a facilities for the storage, separation and collection of waste and, in particular recycle materials and for the ongoing operation of these facilities within the café/take-away shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and in particular recyclable materials in the interest of protecting the environment.

8. 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 public health and to protect the amenities of the area.

9. 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.

10. The hours of operation shall be between 0900 hours and 2400 hours Monday to Thursday and between 0900 hours and 0200 hours on Fridays and Saturdays and between 0900 hours and 2400 hours on Sundays.

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

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

Dated this day of 2018.