



An  
Bord  
Pleanála

**Board Order**  
**ABP-307019-20**

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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Offaly County Council**

**Planning Register Reference Number: PL2/20/1**

**Appeal** by Tesco Ireland Limited care of Avison Young of 4<sup>th</sup> Floor, 2-4 Merrion Row, Dublin against the decision made on the 3<sup>rd</sup> day of March, 2020 by Offaly County Council to refuse permission for the proposed development.

**Proposed Development:** Construction of a single storey café building (circa 232 square metres gross floor area) to be used for the preparation and sale of food and beverages for consumption on and off the premises. The proposal also includes associated signage, external seating areas, a bin store, six number bicycle parking spaces, a new pedestrian crossing, the relocation of an existing totem sign and all ancillary site services and site development works at this 0.0765 hectare site in the car park of Tesco, Clonmullen Retail Park, Edenderry, County Offaly.

## **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 provisions of the Edenderry Local Area Plan 2017-2023 and the Offaly County Development Plan 2014-2020, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of impact on Edenderry town centre, would be acceptable in terms of traffic safety and convenience and would not result in a shortfall of car parking spaces serving the development. 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. Details of the materials, colours and textures of all the external finishes to the proposed café building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. Details of the proposed external signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**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 building or within the curtilage of the site, other than that agreed under condition number 3 of this Order.

**Reason:** To protect the visual amenities of the area.

5. The hours of operation shall be restricted to between 0700 and 2200 hours Monday to Sunday.

**Reason:** To protect the amenities of the adjoining properties.

6. The subject premises shall not be used for the sale of hot food for consumption off the premises (that is, takeaway) without a separate grant of planning permission, notwithstanding the provisions of the Planning and Development Regulations 2001, as amended.

**Reason:** In the interest of clarity.

7. Drainage arrangements, including the 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.

8. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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.

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**Dave Walsh**

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

**Dated this            day of            2020.**