



Planning and Development Acts 2000 to 2020

Planning Authority: Westmeath County Council

Planning Register Reference Number: 20/6048

Appeal by Ciarán P. Moynihan and Carol Whyte of 28 Oliver Plunkett Street, Mullingar, County Westmeath against the decision made on the 30th day of June, 2020 by Westmeath County Council to grant subject to conditions a permission to Adrian and Deirdre Murphy care of BGM Consulting Engineers of Ranaghan, Castlepollard, County Westmeath in accordance with plans and particulars lodged with the said Council.

Proposed Development: (1) Retention permission for the change of use of 120 square metres of ground floor from retail to café, (2) permission for change of use of the ground floor café to restaurant use, (3) forming two number additional toilet cubicles and a cold room at ground floor level within the existing footprint and (4) all ancillary site services at 30-32 Oliver Plunkett Street, Mullingar, 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 retention of the change of use of 120 square metres of the ground floor from retail use to a café and the proposed change of use from a café to a restaurant would not seriously injure the residential amenity of neighbouring property, would not be prejudicial to public health and would not unduly impact on the character of the Architectural Conservation Area in which it is located. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, 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.
 - (i) The operation of the restaurant shall be limited to between the hours of 0800 and 2200 Sunday to Thursday and between 0800 and 2300 hours on Fridays and Saturdays.
 - (ii) The hours of use of the outdoor area to the rear of the restaurant shall be limited to between the hours of 1000 and 2000 daily.

Reason: In the interest of the residential amenity of properties in the vicinity.

3.
 - (i) Within three months of the date of this Order, the developer shall submit for the written agreement of the planning authority, foul and surface water drainage plans for the proposed development showing the location of all drains, manholes, access junctions, etc. located within the site boundary. The information shall include pipe sizes and gradients of pipes.

- (ii) Water supply and 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 and in order to ensure adequate drainage provision.

4. A gate of appropriate height, materials and finishes shall be provided along the eastern boundary of the open yard to the rear of the premises, restricting public access from the yard to the adjoining private laneway. Details of this gate shall be submitted for the written agreement of the planning authority within three months of the date of this Order.

Reason: In the interest of residential amenity.

5. Live and/or amplified music entertainment shall be confined to internal building areas and shall not be played within the yard to the rear of the premises.

Reason: In the interest of residential amenity.

6. The developer shall control odour emissions from the premises in accordance with measures which shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this Order.

Reason: In the interest of public health and to protect the amenities of the area.

7. Prior to the commencement of development the developer shall submit, and obtain the written agreement of the planning to, a plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities.

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

8. The glazing to the shopfront shall be kept free of all stickers, posters and advertisements.

Reason: In the interest of visual amenity.

9. 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 within three months of the date of this Order 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.

Terry Ó Niadh

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2020.