



An
Bord
Pleanála

Board Order
ABP-307971-20

Planning and Development Acts 2000 to 2020

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 20/190

Appeal by Blerti Malaj care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the 28th day of July, 2020 by Waterford City and County Council to grant subject to conditions a permission to Farid Ahmad Mohammad and Waheedulah Nasserri care of John F. Santry Architects of Belvedere, Newtown, Waterford in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retain indefinitely (i) the existing floor plan layout, (ii) the existing front elevational fascia signage and (iii) the existing food menu - All to trade in a full traditional take-away and pizzeria format, including the menu for a full range of take-away food dishes, pizzeria foods, Halal foods and all dishes to include accompanying fried chips, all at 4 Tyrone Road, Lismore Park, Waterford.

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 zoning of the site, the nature of the development proposed to be retained, and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the amenities of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board noted that the application for retention is not in respect of a change of use. The Board also considered that the development proposed to be retained would not impact negatively on the vitality and viability of the local retail centre, or the wider area, and would not seriously injure the amenities of the area.

Conditions

1. The development shall be retained 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 retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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.

3. The hours of operation shall be between 1200 hours and 2330 hours from Sundays to Thursdays inclusive and between 1200 hours and 2400 hours on Fridays and Saturdays. The take-away shall not operate outside of these hours and the kitchen/ventilation system shall not be used outside of these hours for home delivery.

Reason: In the interest of the amenities and of the proper planning and sustainable development of the area.

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

Dated this day of 2021.