



Planning and Development Acts 2000 to 2020

Planning Authority: Tipperary County Council

Planning Register Reference Number: 20/939

Appeal by Teresa Martin of The Corner House, The Square, Newport, County Tipperary against the decision made on the 6th day of October, 2020 by Tipperary County Council to grant subject to conditions a permission to Nike Arra care of Michael Quirke of Quirke Architectural Design, Ballinleenty, Tipperary in accordance with plans and particulars lodged with the said Council:

Proposed Development: Change of use of former shop premises previously in use as a butchers shop to fast food take-away, extract ducting to rear elevation, new entrance ramp in place of existing steps at front door, all associated siteworks as may be required at 27 Main Street, Newport, County Tipperary.

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 North Tipperary County Development Plan 2010, as extended and varied, 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 in accordance with the provisions of the development plan in terms of the use of the vacant commercial unit in this town centre area, would not result in an over concentration of takeaways, would be acceptable in terms of traffic safety and would not seriously injure the amenities of the area. 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. 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 take-away use. Details shall include the colour, textures and materials together with details of any proposed illumination of signage.

Reason: In the interest of visual amenity and the character of the Architectural Conservation Area.

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 and the character of the Architectural Conservation Area.

4. 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 waste and, in particular recyclable materials and for the ongoing operation of these facilities within the take-away shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the premises 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.

5. 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.

6. 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.

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

Reason: In the interest of visual amenity.

8. 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.

9. The hours of operation of the takeaway shall be restricted to between 12.00 hours and 23.30 hours, Monday to Sunday, unless otherwise authorised in a subsequent planning permission.

Reason: In the interest of orderly development and the amenity of adjoining properties.

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

Dated this day of 2021.