



An
Bord
Pleanála

Board Order
ABP-309645-21

Planning and Development Acts 2000 to 2020

Planning Authority: Cavan County Council

Planning Register Reference Number: 21/3

Appeal by Teresa Nevin of 31 Drumnaveil, Cootehill, County Cavan against the decision made on the 16th day of February, 2021 by Cavan County Council to grant subject to conditions a permission to Rohit Singh care of Peter Culleton of Mullabrack, Shercock, County Cavan in accordance with plans and particulars lodged with the said Council:

Proposed Development: Change use of existing ground floor hair salon to a fast-food and Indian hot food takeaway to include signage together with all ancillary site development works at 72 Market Street, Cootehill, County Cavan.

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 pattern of development in the vicinity, the nature, form and design of the proposed development and compliance with the provisions of the Cavan County Development Plan 2014-2020 relating to takeaways and development in the Town Core, it is considered that subject to compliance with the conditions set out below, the proposed development would not adversely affect the residential or visual amenity of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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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, full details of all signage shall be submitted to the planning authority for their written agreement and shall include handwriting type on timber fascia board (or similar) with external lighting.

No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

3. The hours of operation shall be between 15:00 hours and 24:00 hours Monday to Thursday and between 15:00 hours and 01:30 hours Friday to Sunday.

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

4. 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

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, any change to the display panel, including any increase in the number of posters to be displayed, the scrolling mechanism or the internal/external illumination, shall be the subject of a separate application for permission to the planning authority.

Reason: To enable the planning authority to assess the impacts of any such changes on the amenities of the area

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. 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.

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.



Michelle Fagan

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

Dated this 26th day of May 2021

