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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Westmeath County Council**

**Planning Register Reference Number: 21/93**

**Appeal** by Tony Diskin on behalf of Diskin Retail Park Limited of Unit E, Carrick O'Brian Road, Golden Island, Athlone, County Westmeath against the decision made on the 23<sup>rd</sup> day of September, 2021 by Westmeath County Council to grant subject to conditions a permission to INT INV (I) GP Limited care of Joseph Doyle Architects of 5 Adelaide Street, Dún Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** A new development within the Golden Island Shopping Centre car park in two separate locations as follows; 1. Site Area A, North West quadrant – the development will consist of a new single storey pavilion drive through coffee shop (207 square metres). For the sale and consumption, on and off the premises of food and beverages, together with all necessary ancillary site works, including drainage, external seating, signage, landscaping, and the reconfiguration of existing car park, to include proposed building, vehicle circulation route and collection point all to be located in the existing car park. 2. Site Area B North East quadrant – The relocation of 41 number car spaces within the North East corner of the Golden Island

Shopping Centre car park and landscape area. The proposal will also include the reconfiguration of existing pedestrian pathways and landscaping, all at Golden Island Shopping Centre car park, Golden Island (Kilmaine), Athlone, County Westmeath, as amended by the revised public notices received by the planning authority on the 30<sup>th</sup> day of August, 2021. The revised information consisted of the significant further information which include for the following:  
Site A: The redesign of the pavilion coffee shop and external areas, to include the removal of the drive through facility and circulation lane. The provision of new external seat areas and two number universal access car parking spaces. Site B: The removal of all proposed works. Car park and landscaping to remain as existing on site at Golden Island Shopping Centre car park, Golden Island (Kilmaine), Athlone, 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.**



## Reasons and Considerations

Having regard to the site location on lands zoned as 'Mixed Use' proximate to Athlone Town Centre, the policies of the planning authority as set out in the Athlone Town Development Plan, 2014-2020 and the Westmeath County Development Pan, 2021-2027 for the area generally, the planning history and existing use of the site, the pattern of development in the area, 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 constitute an appropriate form of development at this location, would not have an adverse impact on the vitality and viability of the town centre, would not seriously injure the visual amenities or the character of the area, would be acceptable in terms of traffic safety and convenience, would not have significant adverse effects on the environment and 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 as amended by the further plans and particulars submitted on the 16<sup>th</sup> day of August, 2021, 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. 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. A grease trap shall be fitted on the kitchen drain to the satisfaction of the planning authority.

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

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

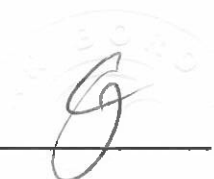
**Reason:** In the interest of public health.

4. Prior to commencement of development, details of the materials, colours and textures of all external finishes to the proposed development inclusive of fascia treatment and signage shall be submitted to, and agreed in writing with, the planning authority.

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

5. Details of all external signage on the building shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of the amenities of the area.

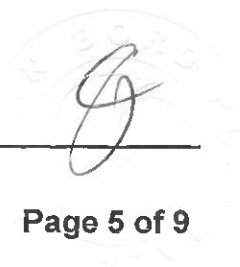


6. Apart from the agreed signage referred to in condition 5 of this order, and notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no further advertisement signs (including any signs installed to be visible through windows), 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:** In the interest of visual amenity and orderly development and to permit the planning authority to assess any such development through the statutory planning process.

7. 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 building. 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.



8. The permitted premises shall be limited to use as a primary sit-down coffee shop with any sale of hot food or beverages for consumption off the premises to be subsidiary. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no change of use of the subject premises from the hereby permitted use as a coffee shop shall occur, unless authorised by a further grant of planning permission.

**Reason:** In the interest of clarity and to allow the planning authority to assess the impact of any subsequent change of use of the subject premises through the statutory planning process.

9. Details of the proposed hours of operation shall be agreed in writing with the planning authority prior to commencement of development.

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

10. Prior to commencement of development, details for the effective control of fumes and odours emanating from the premises shall be submitted to, and agreed in writing with, the planning authority.

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



11. A comprehensive landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
- (a) details of all proposed hard surface finishes, including samples or proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development,
  - (b) proposed locations of trees and other landscape planting in the development including details of proposed species and settings,
  - (c) details of proposed street furniture, including bollards, lighting fixtures and seating, and
  - (d) details of proposed boundary treatment.

The landscaping shall be carried out in accordance with the agreed scheme.

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

12. 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 the commencement of development. The scheme shall include the provision of litter bins and refuse storage facilities.

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

13. 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, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

14. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste. In particular, the plan shall ensure that, during the construction phase, adequate off-carriageway parking facilities shall be provided for all traffic associated with the development, including delivery and service vehicles/trucks, and parking for all construction workers.

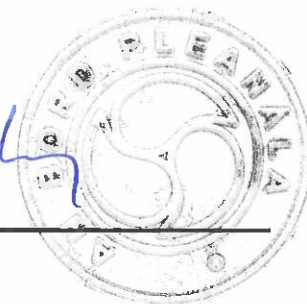
**Reason:** In the interests of public safety and residential amenity.





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

Dated this 9<sup>th</sup> day of JUNE 2022