

An
Bord
Pleanála

Board Order
ABP-313954-22

Planning and Development Acts 2000 to 2022

Planning Authority: Laois County Council

Planning Register Reference Number: 21/835

Appeal by Brid Higgins of 19 Derrymore, Portarlinton, County Laois and by others against the decision made on the 9th day of June, 2022 by Laois County Council to grant subject to conditions a permission to Denisa Miraka care of Fergus Fenlon of Geashill, Tullamore, County Offaly in accordance with plans and particulars lodged with the said Council.

Proposed Development: (a) Change of use from former public house to restaurant incorporating take away facility at ground floor level and (b) demolition of existing first floor residential extension and permission to construct new residential extension at first floor level and all associated works, all at The Former Continental Public House, Main Street, Portarlinton, County Laois.

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 zoning objective for the area and the pattern of land use in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 received by the planning authority on the 19th day of April, 2022, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The use of the premises shall be in accordance with the details as submitted with the planning application, namely restaurant with an ancillary takeaway facility at ground floor level and a single residential unit at first floor level. No change of use shall take place without a prior grant of planning permission notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended, and any statutory provision amending or replacing them.

Reason: To protect the amenities of property in the vicinity.



3. 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 prior to commencement of development.

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

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

Reason: In the interest of visual amenity.

5. A waste management plan, including the provision for the storage, separation and collection of all waste, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the permitted use.

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

6. Water supply and drainage arrangements, including the attenuation and 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 to ensure a proper standard of development.

7. The hours of operation shall be between 1200 hours and 2400 hours.

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

8. No advertisement or advertisement structure (other than those shown on drawings submitted with the planning application) shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

9. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.

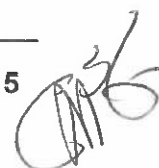
Reason: To protect the amenities of the area.

10. The construction of the proposed development shall be managed in accordance with a Final Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public safety and residential amenity.



11. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0900 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.





12. 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.



Chris McGarry

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

Dated this  day of  2023