

Planning and Development Acts 2000 to 2022

Planning Authority: Tipperary County Council

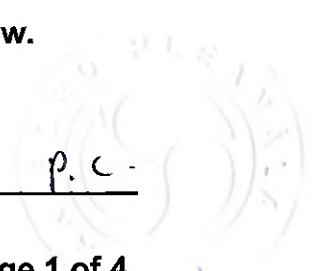
Planning Register Reference Number: 22/421

Appeal by Paul and Róisín Scully of Friar Street, Thurles, County Tipperary against the decision made on the 9th day of August, 2022 by Tipperary County Council to grant subject to conditions a permission to Noel Garraghan care of Craftstudio Architecture, Old Train Station, North Road, Monaghan, County Monaghan in accordance with plans and particulars lodged with the said Council:

Proposed Development: Take-away element to existing restaurant (restaurant permission reference number 98/54/1694) including alterations to the layout and alterations to the facade along Old Baker Street, Friar Street, Thurles, 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.



Reasons and Considerations

The Board had regard to the pattern of development in the vicinity, the nature, form and design of the proposed development that comprises a take-away service to an existing restaurant and to the provisions of the Thurles Town and Environs Development Plan 2009, as varied and extended, including Policy ECON 9: Take-away outlets relating to take-aways which provides that take-away food as part of a sit down restaurant will be considered against the likely impact on local amenity, litter generation and noise. In arriving at its decision, the Board was satisfied that, subject to compliance with the conditions set out below, the proposed development would align with the stated policy and would not adversely affect the residential or visual amenity of the area and that litter and noise are matters that can be controlled, aided by planning conditions, including the requirement for a scheme of litter control and the limiting of opening hours. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board did not share the view of the Inspector that the development would endanger public safety along the R660 regional road (Friar Street) by reason of a traffic hazard arising from on-street parking given the town centre-setting where town speed limits of 50 km/h apply and the availability of public parking in the town, and that parking controls exist for the control of unauthorised parking. The Board took into account the view of the District Engineer who recommended that the development should be granted. In relation to the proposal for the opening of a new access point onto Old Baker Street, the Board considered that it was reasonable to allow access onto the street within a town centre setting and that any impact on local amenity would not be unacceptable and that litter and noise are matters that can be controlled aided by planning conditions including the requirement for a scheme of litter control and the limiting of opening hours.

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. No internally illuminated signage shall be used. No signs, symbols, nameplates or other advertisements shall be erected externally on the buildings, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

3. The hours of operation of the take-away element of the development shall be between 0900 and 2300 hours from Mondays to Sundays inclusive.

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

4. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

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.

Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this *25* day of *October* 2023.