

An
Bord
Pleanála

Board Order ABP-317479-23

Planning and Development Acts 2000 to 2022

Planning Authority: Westmeath County Council

Planning Register Reference Number: 22/464

Appeal by Patrick and Paula Horan of Harbour Street, Mullingar, County Westmeath and by June Connell of Harbour Street, Mullingar, County Westmeath against the decision made on the 6th day of June, 2023 by Westmeath County Council to grant subject to conditions a permission to Limerick Omniplex Limited care of Magahy Broderick Associates of 123 Lower Baggot Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a new part single, part two-storey restaurant (internal floor area circa 269 square metres), circa 6.1 metres high with a raised external dining area at first floor level and associated site works/car parking, all on site adjacent to the proposed Omniplex Cinema, Harbour Street Car Park, Harbour Street, Mullingar, County Westmeath, as revised by the further public notices received by the planning authority on the 11th day of May, 2023.

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 provisions of the Mullingar Local Area Plan 2014-2020, as extended, the zoning of the site for commercial and residential purposes, the design, layout and massing of the proposed development, and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the character of the area or the residential or visual amenities 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 2nd day of May, 2023, 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 proposed principal use shall be a sit-down café/restaurant. Any take-away element shall be ancillary only to the permitted main use of café/restaurant.

Reason: In the interest of orderly development and the proper planning and sustainable development of the area.

3. The café/restaurant shall only open between 0800 hours to 2230 hours Mondays to Fridays, inclusive, and between 1000 hours to 2230 hours on Saturdays and Sundays.

Reason: In the interest of residential amenity and orderly development.

4. No deliveries shall be taken at or dispatched from the premises outside the hours of 0730 to 2000 hours Mondays to Fridays, inclusive, between 0800 to 2000 hours on Saturdays and 0900 hours to 2000 hours on Sundays.

Reason: To protect the amenities of the area and in the interest of the proper planning and sustainable development of the area.

5. The noise level shall not exceed 55 dB(A) rated sound level, as measured at any point along the boundary of the site. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. No external amplified music shall be played within the curtilage of the site.

Reason: To protect the amenities of the area.

7. No advertisement or advertisement structure (other than those shown on the drawings submitted with the 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.

8. 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.

9. Prior to the commencement of development the developer shall enter into a connection agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.


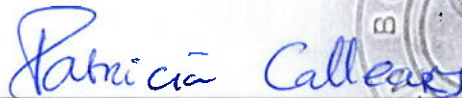
10. The boundary wall common with the two residential properties to the east shall be raised to two metres in height, plastered on both sides and capped. The landscaping and screening along the eastern site boundary shall comply with the landscaping plan received by the planning authority on the 2nd day of May, 2023 or as otherwise agreed in writing with the planning authority.

Reason: In the interest of residential amenity.

11. 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 the Board 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.



Patricia Callear

Member of An Bord Pleanála

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

Dated this 9th day of October 2024.