



An
Bord
Pleanála

Board Direction
BD-000346-18
ABP-300907-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22/05/2018.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the nature of the subject development and its established use ; the nature and pattern of uses in the vicinity, the provisions of the current plan for Dunmore East and the zoning of the site, it is considered that subject to compliance with the conditions set out below, the proposed development, for which retention is sought, would not seriously injure the residential 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 grant of permission is for a retention of permission and to carry out works submitted 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 interests of clarity

- 2 No amplified sound or live entertainment shall be carried out or take place in the bar yard area.

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

- 3 Within 3 months of the date of this order the applicant shall submit to and agree with the planning authority a comprehensive management and mitigation plan in relation to noise, odour and other air emissions arising from the site. Details relating to ongoing monitoring and review of the agreed mitigation measures shall form part of this plan.

Reason: In the interest of the protection of the amenities of the area and safeguarding residential amenities.

- 4 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 within 3 months of the date of this order 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.

Board Member

Date: 22/05/2018

Eugene Nixon

Decision Quashed