



An  
Bord  
Pleanála

**Board Direction**  
**BD-002105-19**  
**ABP-301343-18**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14/01/2019.

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 “*town centre*” zoning objective and the location of the site within an “*area of townscape character*”, together with the established nature of the business and the design, scale and layout of the development, it is considered that, subject to compliance with conditions below, the development to be retained and the proposed development would not seriously injure the visual amenities of the streetscape or the residential amenities of property in the vicinity. The development to be retained/ proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be retained 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. The proposed new pitched roof stone clad frontage to the alleyway shall be omitted and the existing gateway access shall be retained.

**Reason:** In the interests of visual amenity and character of the streetscape.

3. Live and/ or amplified music entertainment shall be confined to internal building areas and shall not be played within the covered alleyway or any other external areas.

**Reason:** In the interests of residential amenity.

4. Within 3 months of the date of this order, the developer shall submit to and agree in writing with the Planning Authority proposals for the implementation of the noise mitigation measures, as outlined in the Section 4 of the Acoustic Assessment submitted to the Board on 27<sup>th</sup> day of April 2018.

This shall include but not necessarily be limited to the following:

- a) Installation of sound insulation below the alley roof structure;
- b) Fitting of a gap or insulation strip where roof supports abut neighbouring property walls;
- c) Construction of a rear lobby with automatically closing doors as illustrated in the drawing appended to the Acoustic Assessment;
- d) Construction of a smoking shelter as illustrated in Figure 8 of the Acoustic Assessment to replace existing shelters;
- e) Fitting of noise attenuators to any openings required for ventilation or air conditioning purposes;
- f) Filling of any other gaps to reduce noise from escaping the premises.

The above measures shall be fully implemented with 3 months of the date of the agreement of the Planning Authority and written confirmation of the

completion of these works shall be furnished to the Planning Authority.

**Reason:** In the interests of residential amenity.

5. This permission does not authorise the use of the rear yard as a beer garden. Within three months of the date of this order, the applicant shall submit revised proposals for partial enclosure of the smoking area and for gated access from the smoking area to the rear yard.

**Reason:** In the interests of residential amenity.

6. The bar frontage shall be in accordance with the following requirements: -
  - (a) Signs shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individually mounted lettering;
  - (b) Signage shall be in Irish language only, or if bilingual signage is proposed, Irish language shall be given prominence;
  - (c) Any stone cladding shall be constructed from stone local to the area;
  - (d) All external lights shall be adequately hooded and aligned to prevent spillage of light onto the public road/ adjoining properties;

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

7. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, other than the single fascia sign authorised under condition 6(a), unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area, and to allow the Planning Authority to assess any other signage through the statutory planning process.

8. 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.

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

9. 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:** 14/01/2019

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Terry Ó Niadh