



An  
Bord  
Pleanála

**Board Direction**  
**BD-002191-19**  
**ABP-302789-18**

The submissions on this file and the Inspector's report were considered at a Board meeting held on January 22<sup>nd</sup> 2019.

The Board decided to treat this case under section 139 of the Planning and Development Act, 2000. The Board also decided, for the reasons and considerations set out below, and generally in accordance with the Inspector's recommendation, that the planning authority be directed, as follows:

Attach condition number 2, and the reason therefor, and

Amend condition number 1, so that it reads as follows:-

1. (a) The development shall be retained strictly in accordance with lodged plans and details received on the 10<sup>th</sup> day of August 2018, save as hereinunder otherwise required.
- (b) The use of the beer garden shall be restricted to the period from 12.00 hours to 23:30 hours on all days, and without exception.
- (c) All external speakers shall be removed, and no new speakers shall be erected within the beer garden or anywhere on the exterior of the overall premises. There shall be no playing of amplified music at any time within the beer garden or elsewhere on the exterior of the overall premises.
- (d) Noise levels shall be restricted to 55 dB(A) during use, as measured at the western site boundary.

**Reason:** In the interest of clarity, and in order to regulate the extent and nature of the development hereby permitted, in the interest of protecting the amenities of nearby residential property.

### **Reasons and Considerations**

Having regard to the open nature of the development for which retention is sought, and its location in proximity to nearby residential property, it is considered that the imposition of these conditions, as amended in this order, is appropriate in order to strike an appropriate balance between the protection of the residential amenities of such property and the town centre location of the subject development.

**Board Member**

**Date:** 22<sup>nd</sup> January 2019

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Philip Jones