



An
Bord
Pleanála

Board Direction
BD-004550-19
ABP-304866-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/11/2019.

The Board decided to refuse permission for the following reasons and considerations.

Reasons and Considerations

The proposed change of use would provide for residential development located directly above, and within the same building, as a large established public house/licensed premises and off-licence, that also incorporates an outdoor seating area. On the basis of the information submitted with the application and appeal, the Board is not satisfied that there would not be a likely adverse impact on the residential amenity of prospective residents, from the operations of the public house/licensed premises, especially with regard to potential noise impact. Furthermore, the proposed change of use would not be in accordance with the relevant provisions of the South Dublin County Development Plan 2016-2022, including, Policy H17 Residential Consolidation, and section 11.3.2 (the requirement for mitigation measures, to address possible sources of external noise in 'living over the shop' cases). The proposed development would, therefore, in the absence of detailed noise mitigation measures, seriously injure the residential amenity of prospective residents and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board agreed with the Inspector, that given the history of the site and to broader Government policy which supports residential supply, the proposed change of use to residential could be considered as potentially acceptable in principle and that matters including overlooking, provision of amenity space would be reasonably addressed by reference to the documentation submitted to An Bord Pleanala at appeal stage. However, given the direct overhead proximity between the proposed residential units and the established public house/licensed premises, and by reference to the relevant provisions of the development plan, it was considered that full details of noise mitigation and management measures, incorporating for example, confirmed works to the fabric of the prospective residential units, (such as window glazing, floor insulation etc.), along with detailed commitments with regard to management of noise arisings from the public house/licensed premises, (such as limitation of amplified music levels, hours of operation of the external seating area) and a confirmed management strategy for the overall building, would be required as part of any formal documentation submitted at application stage before any planning assessment of such a scheme could reasonably be completed and that such matters could not be left over for agreement by condition.

Board Member

Date: 19/11/2019

Chris McGarry