

An  
Bord  
Pleanála

**Board Direction**  
**BD-012778-23**  
**ABP-312291-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/07/2023.

The Board decided to make a split decision, to:

GRANT permission for the retention of the change of use within the premises and extension to the rear in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for the retention of the outdoor beer garden and serving area and associated works and structures based on the following reasons and considerations marked (2) under.

#### **Reasons and Considerations (1)**

Having regard to the town centre zoning objective for the site, the pattern of development along Strand Street and the scale, nature and design of the development to be retained, it is considered that, subject to compliance with the conditions set out below, the development to be retained within the existing premises and as extended by the ground floor development would be acceptable in terms of scale and design and would not seriously amenities of the area or of preparty in the vicinity and would be acceptable in terms of protecting the architectural integrity of the protected structure on site. The development to be retained would therefore be in accordance with the proper planning and sustainable development of the area.

#### **Conditions**

1. The development shall be retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars lodged

with the planning authority on 20<sup>th</sup> day of August 2021 and on 13<sup>th</sup>, 22<sup>nd</sup> and 29<sup>th</sup> days of October 2021 , 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 and the development shall be retained and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The following alterations shall be carried out within 3 months of the date of the final grant of permission and as constructed drawings and details shall be lodged with the planning authority within 6 months of this grant.
  - (a) The partially enclosed serving area to the rear of the ladies WC as indicated on the submitted layout plans shall be removed together with its roof and the remaining roof over the extension to be retained shall be made good and match in materials and finish.
  - (b) The side door in the rear elevation shall be permanently closed and not used for public access.
  - (c) The new timber shop front elevation shall be removed and the façade signage shall be reinstated over the entrance door as illustrated in the elevation details in drawing 07-0210J041-002, dated 02-07-2021.

**Reason:** In the interests of the proper planning and sustainable development of the area.

3. The main public entrance shall be from the main street (the original entrance) and the rear entrance shall be for ancillary staff use and fire safety only.

**Reason:** To ensure that the integrity of the retained protected structure is maintained.

4. The developer shall submit proposal for the weathering of external walls of the Protected Structure together with a timeframe for these works. All work shall be completed in accordance with a written agreement of the Planning authority and an agreed schedule with the planning authority. All works shall be completed with 10 months of the final grant of permission unless otherwise agreed in writing with the planning authority.

**Reason:** To ensure that the integrity of the retained structure is maintained and that the structure is protected from unnecessary damage or loss of fabric.

5. (a) A conservation expert shall be employed to manage, monitor and implement the works on site and to ensure adequate protection of the retained and historic fabric during the works. In this regard all permitted works shall be designed to cause minimum interference to the retained building and facades of the structure or its fabric.

(b) All repair and reinstatement works to the protected structure shall be carried out in accordance with best conservation practice

**Reason:** To ensure that the integrity of the retained structures is maintained and that the structure is protected from unnecessary damage or loss of fabric.

6. (a) Amplified music or other specific entertainment noise emissions from the premises shall not exceed the background noise level by more than 3 dB(A) during the period 0800 to 2000 hours Sunday through to Thursday and 0800 to 2200 Friday, Saturday and days before Bank Holidays and by more than 1dB(A) at any other time when measured at any external position adjoining an occupied dwelling in the vicinity. The background noise level shall be taken as L90 and the specific noise shall be measured at LAeq,T.

(b) The octave band centre frequencies of noise emission at 63 Hz and at 125 Hz shall be subject to the same locational and decibel exceedance criteria in relation background noise levels as set out in (a) above. The background noise level shall be measured at LAeqT.

(c) The background noise levels shall be measured in the absence of the specific noise, on days and at times when the specific noise source would normally be operating either,

(i) during a temporary shutdown of the specific noise source, or

(ii) during a period immediately before or after the specific noise source operated.

(d) When measuring the specific noise, the time, (T) shall be any five minute period during which the sound emission from the premises is at its maximum level.

(e) Any measuring instrument shall be precision grade.



Detailed plans and particulars indicating the sound proofing or other measures to ensure compliance with this condition shall be submitted to an agreed in writing with the planning authority prior to commencement of development. An acoustical analysis shall be included in with this submission to the planning authority.

**Reason** In order to protect the amenities of residential property in the vicinity having particular regard to the guidance potential of low frequency sound emission during the night-time hours.

7. Notwithstanding the exempted development provision of the Planning and Development Regulations, 2001 or any statutory provision amending or replacing them, any advertising signs , symbols, emblems, flags, nameplates, canopies or other advertising devises visible from the street shall be the subject of a sperate application for permission to the planning authority.

**Reason:** To enable the planning authority to assess the impacts of any such changes on the character of the protected structure and the visual amenities of the streetscape.

8. Receptables for waste shall be provided and available for use at all times on the premises in accordance with details which shall be submitted to and agreed in writing with the planning authority within 3 months of the date of the final grant of permission.

**Reason:** To provide for a satisfactory standard of development.

9. Landscaping of the site shall be carried out in accordance with a landscaping scheme which shall be submitted to and agreed in writing with the planning authority prior to its commencement. All works shall be completed with 12 months of the date of the final grant of permission.

**Reason:** To ensure the protection of the hedgerow habitat and in the interest of visual amenity .

10. 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 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

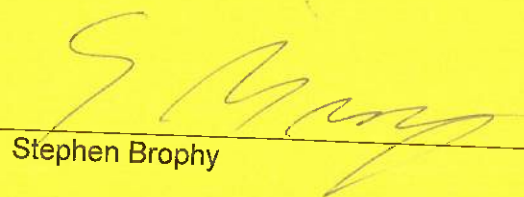
**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

I recommend that permission be refused based on the following reasons and considerations.

**Reasons and Considerations (2)**

The proposed development would seriously injure the residential amenities and depreciate the value of residential properties in the vicinity due to the noise and disturbance generated. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Board Member:

  
Stephen Brophy

Date: 06/07/2023

