



An  
Bord  
Pleanála

**Board Direction**  
**BD-011210-22**  
**ABP-312754-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 30/08/2022.

The Board decided to refuse the appeal and to grant the section 254 licence, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the nature and extent of the development for which a street licence is sought, to the temporary period of time for which the licence is sought, and to the location of the area on the eastern side of the currently pedestrianised New Street, it is considered that subject to compliance with the conditions set out below, the temporary use of the street as an outdoor seating/serving area for Gibney's on New Street would not seriously injure the amenities of the area, including the amenity of residential properties, would not have an adverse effect on the character and setting of the designated ACA and would not be prejudicial to public safety by reason of traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant the appeal and to refuse the licence, the Board considered the documentation submitted on file, and considered that, having regard to the modest scale of the area proposed to be utilised under the licence, the short temporary period for which the licence was sought and having regard also to the conditions set out in this decision, that no

adverse effects on the character and setting of the ACA or serious injury to the amenity of the area including residential properties in the vicinity would arise.

### **Conditions**

1. Street furniture may be placed on the eastern side of New Street adjoining Gibney's premises in an area measuring 80.25m<sup>2</sup>. The street furniture shall be arranged and maintained so as to maintain a minimum footpath clearance of 1.8m and so as not to obstruct the free flow of pedestrian traffic.

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

2. Street furniture shall only be placed at the above location between 1100 to 2100 hours. All items covered under this licence shall be removed between 2100 hours each night.

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

3. Street furniture shall be maintained in a safe, clean and tidy condition. Adequate waste management facilities shall be maintained at the site by the Gibney's.

**Reason:** In the interest of the visual amenities of the area.

4. No outside amplification/speakers/live entertainment is permitted without prior written consent from the planning authority, and no speaker or amplified within these premises shall be configured in such a manner as to project sound onto the public footway.

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

5. All appropriate public liability insurances shall be in place for the duration of this licence.

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

6. The licence expires on the 31<sup>st</sup> day of May 2022.

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

Board Member

Maria FitzGerald  
Maria FitzGerald

Date: 01/09/2022

