

An
Bord
Pleanála

Board Direction
BD-014453-23
ABP-314829-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/10/2023.

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 southern side of O' Connell 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 The Fiddlers Bar would not seriously injure the amenities of the area, including the amenity of adjoining properties 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.

Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with Westmeath County Council on the 15th of June 2021,

except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity

2. The hours of operation shall be limited to 11am to 10pm after which all street furniture shall be removed from the street

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 applicant.

Reason: In the interest of public safety.

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 30th September 2022.

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

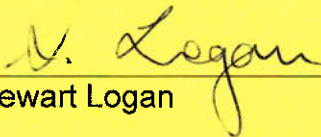
7. The street furniture shall be arranged and maintained so as to be maintained clear of the public footpath and so as not to obstruct the free flow of pedestrian traffic.

Reason: In the interest of public safety.

Note:

In deciding to grant the Section 254 Licence, the Board noted the Inspectors recommendation to revoke the licence. However, it was noted that the licence had been granted by the planning authority and that the appellant was appealing the condition attached to that licence specifying expiration of the licence on 30th September 2022. The Board concurred with the Inspector's assessment that the licence had been granted for a temporary period to enable the business to continue during the restrictions of the Covid 19 pandemic but these circumstances had changed and it was appropriate for the licence to expire on the specified date.

Board Member


Stewart Logan

Date: 07/11/2023

