



An
Bord
Pleanála

Board Direction

BD-016950-24

ABP-317148-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/07/2024.

The Board decided to make a split decision, to

- (1) grant permission (subject to conditions) for the retention of modifications to the smoking room enclosure area

for the reasons and considerations marked (1) under and subject to the conditions set out below, and

- (2) refuse permission for the retention of modifications to the existing public house including change of use of existing public house to apartments and change of use of detached storage shed to a house.

for the reasons and considerations marked (2) under.

Reasons & Considerations 1.

Having regard to the nature, scale and design of the development proposed for retention, which is the modification to the smoking room enclosure area, and the characteristics of the site and surrounds, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and 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 refuse the modifications to the smoking room enclosure area the Board noted that the Inspectors recommendation was to refuse the appeal in its entirety. However, the Board concurred with the Inspectors view that there were no concerns to raise in this element of the proposal.

Conditions

1. The development proposed to be retained shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. This permission relates only to the retention of modifications to the smoking room enclosure area

Reason: In the interest of clarity

3. 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 within one month of the final grant of permission 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

Reasons & Considerations 2.

1. Having regard to the Development Management Guidelines and Standards of the Meath County Development 2021-2027, the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities Ministerial Guidance issued to Planning Authorities under section 28 of the Planning and Development Acts 2000 (as amended); the standards set out in the Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes, Sustaining Communities, 2007 and to the design and layout of the retention development relating to modifications to the existing public house including change of use of existing public house to apartments and change of use of detached storage shed to a house, the Board considers that the retention development would give rise to substandard residential amenities for current and future occupants by way of poor outlook, insufficient natural light, ventilation, inability to meet minimum requirement space standards, the lack of useable private amenity space, the potential conflict of land uses and further detrimental impact to the residential amenity of occupants arising from the layout, the Board considers the development proposed for retention would be contrary to the proper planning and sustainable development of the area.
2. The Board considered that there was a lack of information, regarding the suitability of the current infrastructure for the treatment of effluent to

accommodate the retention development, to enable an informed decision on the appeal. In the absence of this information in order to properly assess the impact on the local environment, to permit the said development could be prejudicial to public health due to risk of pollution and would not be in accordance with the proper planning and sustainable development of the area.

[**Note:** The Board also noted the failure of the applicant to address the concerns raised by the Local Authority Transportation Engineer but having regard to the substantial reasons for refusal outlined above, decided not to pursue this matter.]

Board Member:


Stephen Bohan

Date: 09/07/2024