

An
Coimisiún
Pleanála

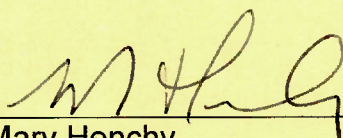
Direction
CD-021282-25
ACP-323035-25

The submissions on this file and the Inspector's report were considered at a meeting held on 13/11/2025.

The Commission decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Planning

Commissioner:


Mary Henchy

Date: 14/11/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the provisions of the Westmeath County Development Plan 2021-2027, the location of the site within the town centre of Mullingar on lands within which a mix of commercial and residential activity takes place, and the existing, established use on the site, it is considered that, subject to compliance with the conditions set out below, the proposal would not seriously injure the residential amenities of the area or of property in the vicinity by reason of noise emissions, overshadowing and overlooking impacts, would not seriously injure the visual amenity of the area or detract from the urban character and context of the town centre, would not contravene the

Westmeath County Development Plan 2021-2027, would not be inconsistent with the First Revision of the National Planning Framework (2025), and would not set an undesirable planning precedent. The proposed development as described in the public notices would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 15th day of April 2025, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>No public address system, or other amplified sound or live music shall be permitted within the outdoor area and the covered external spaces / lounge area. No sound amplification shall be installed in the outdoor area and the covered external space / external lounge area or projected into this area from other areas of the licensed premises, nor shall any television screen, or similar, be installed therein.</p> <p>Reason: To protect the amenities of adjoining properties.</p>
3.	<p>The outdoor area and the covered external space / external lounge area shall not be occupied by the public outside of 1100 to 2230 hours seven days per week. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p>

	<p>Reason: In the interest of protecting the amenity of the nearby residential properties.</p>
4.	<p>(a) Amplified music or other specific entertainment noise emissions from the main premises shall not exceed the background noise level by more than 3 dB(A) during the period 0800 to 2200 hours and by more than 1 dB(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 15 mins and the specific noise shall be measured at LAeq. T 15min.</p> <p>(b) Between the hours of 2200 and 0600 the octave band centre frequencies of noise emissions at 32 Hz and at 125 Hz measured using the LZeq, 5 min metric shall not exceed the equivalent representative L90 Octave Band levels and shall be subject to the same locational and decibel exceedance criteria in relation to background noise levels as set out in (a) above. The background noise levels shall be measured at LAeqT.</p> <p>(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 operates.</p> <p>(d) When measuring the specific noise, the time (T) shall be any 15 minute period during which the sound emission from the premises is at its maximum level.</p> <p>(e) Any measuring instrument shall be precision grade.</p> <p>Detailed plans and particulars indicating sound-proofing or other measures to ensure compliance with this condition shall be submitted to, and agreed in writing with the planning authority, prior to the commencement of development. An acoustical analysis shall be included with this submission to the planning authority. The agreed sound proofing shall be installed before the commencement of development.</p>

	<p>Reason: In order to protect the amenities of residential property in the vicinity having particular regard to the nuisance potential of low frequency sound emissions during night-time hours.</p>
5.	<p>Prior to the operation of the proposed development any noise mitigation measures specified in the submitted Noise Impact Assessment shall be constructed and completed in accordance with the proposed scheme.</p> <p>Reason: In order to protect the residential amenities of property in the vicinity.</p>
6.	<p>A noise monitoring programme shall be submitted to and agreed in writing with the planning authority, to include an annual review undertaken by a qualified acoustic engineer at the nearest noise sensitive location demonstrating compliance with the limits detailed in Condition 4.</p> <p>Reason: In the interest of protecting the amenity of the nearby residential properties.</p>
7.	<p>The flat roof of the proposed first floor extension shall not be accessible except for maintenance purposes only.</p> <p>Reason: In the interest of residential amenity.</p>
8.	<p>Prior to commencement of development, the developer shall submit details for the written agreement of the planning authority which provide for the protection of the building as a swift nest site during construction and operational stages.</p> <p>Reason: In the interest of wildlife protection.</p>
9.	<p>Drainage arrangements, including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
10.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p>

	Reason: In the interest of visual amenity
11.	<p>Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.</p> <p>Reason: To safeguard the amenity of property in the vicinity.</p>
12.	<p>All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
13.	<p>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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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.</p>

Note:

On the facts of the case the site notice and revised site notice and the details submitted with the application, (the notices state the application is for; retention of works, change of use on

first and second floors from residential accommodation to bar and lounge, extension to rear of first floor and associated works) the use of the structure particularly the stage area is not clear. Neither is it clear from the drawings submitted if works are proposed to the development to be retained. If so, drawings clearly identifying the areas that will be subject to additional works would be required. In the absence of this information the Commission considered it necessary to limit the use of the covered external space and extended lounge area to the rear of the existing public house. Any subsequent application should provide clarity on the nature and extent of the proposed use of the structures on site and drawings identifying the extent of proposed works to the existing structures.