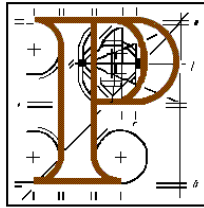


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Carlow County

Planning Register Reference Number: 15/197

An Bord Pleanála Reference Number: PL 01.245550

APPEAL by Chris Leonard of 160 Moorefield Park, Newbridge, County Kildare and by JD Wetherspoon PLC care of Brock McClure of 63 York Road, Dún Laoghaire, County Dublin against the decision made on the 3rd day of September, 2015 by Carlow County Council to grant subject to conditions a permission to the said JD Wetherspoon PLC in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Minor modifications to the front and rear elevations incorporating new and replacement signage and fenestration alterations to provide for new doors onto Tullow Street. Permission is also sought for works to the existing external terrace at first floor level to incorporate circa 59 square metres of existing terrace area into the pub building with pitched glazed roof over; resulting in an external terrace of circa 144 square metres with partial glazed roof over, all at existing licensed premises (formerly known as 'The Traders', 7 Tullow Street, Carlow.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the Carlow Town Development Plan 2012-2018 contained within The Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area 2012-2018, the land use zoning for the area, and the established use on the site, 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. 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 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. Prior to commencement of development, the developer shall submit details, drawings and specifications including materials to be used and colour(s) of the following for the written agreement of the planning authority:
 - (a) The proposed pitched glazed roof over and associated glazed opening doors onto the terraced area at first floor level.
 - (b) The proposed glazed flat roof partially covering the terrace area at first floor level.
 - (c) All external signage and lighting.

Reason: In the interest of visual amenity.

3. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

4. The mitigation measures detailed in the Noise Management Plan submitted to the planning authority on the 10th day of July, 2015 shall be implemented to minimise the noise impact from the proposed development.

Reason: In the interest of public health.

5. Site development and building works shall be carried out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 16.00 on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

6. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

7. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

8. The developer shall pay to the planning authority a financial contribution of €39,551 (thirty-nine thousand, five hundred and fifty-one euro) 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. The application of any indexation required by this condition 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.

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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.