

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Mayo County

**Planning Register Reference Number: P15/183**

An Bord Pleanála Reference Number: PL 16.246578

**APPEAL** by Rathbaun Drive Residents' Association care of Doyle Kent Planning Partnership Limited of 71 Carysfort Avenue, Blackrock, County Dublin against the decision made on the 15<sup>th</sup> day of April, 2016 by Mayo County Council to grant subject to conditions a permission to John McHale care of Patrick O'Grady of Kennedy Gardens, Castlebar, County Mayo in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Development works to the premises known as "Johnny McHale's" public house comprising the following:-

- the construction of a basement to accommodate a cold room and keg storage, area of 39.7 square metres,
- construction of extension to existing ground floor public house area 46.8 square metres,
- construction of extension to existing ground floor toilet area circa 10 square metres,
- conversion of existing residential first floor to public house use 61 square metres,
- construction of extension the first floor for use as public house including toilets area 97.4 square metres,

- provision of external smoking area at first floor 11.5 square metres, and
- all associated site works and services

all at Lower Chapel Street, Castlebar, County Mayo as amended by the revised public notice received by the planning authority on the 22<sup>nd</sup> day of March, 2016.

## **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 location of the proposed development, which involves the extension of a public house, in the town centre, where it is the policy of the planning authority, as set out in the Castlebar & Environs Development Plan 2014 – 2020, to encourage such development, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenities of property in the vicinity, and would be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. (1) 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 submitted on the 27<sup>th</sup> day of August, 2015 and by the further plans and particulars received by An Bord Pleanála on the 8<sup>th</sup> day of June 2016, 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.
- (2) Building design amendments indicated in the submission received by the planning authority on the 23<sup>rd</sup> day of February, 2016 shall not be carried out.

**Reason:** In the interest of clarity.

2. Full details of any external lighting and signage proposed shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of orderly development and visual amenity.

3. Details of the following shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development on the site-
  - (a) type and style of any and all new joinery,
  - (b) render repairs.
  - (c) type and style of all new rainware and fascia, soffit, and
  - (d) colour scheme

**Reason:** In the interest of orderly development and visual amenity.

4. The developer shall agree a noise monitoring programme, for a period of six months after the development coming into operation, with the planning authority. Should independent noise monitoring be required by the planning authority, the cost of such monitoring shall be borne by the developer.

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

5. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

6. Water supply and drainage arrangements, including the attenuation and 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.

7. No loudspeaker shall be placed in the outdoor smoking area and any speakers currently in the area shall be removed prior to the commencement of development.

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

9. The area indicated as a smoking area to serve the development shall not be brought into use as such until the increased height walls surrounding it, shall have been constructed in accordance with the details submitted.

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

10. 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 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.

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

**Dated this            day of            2016.**