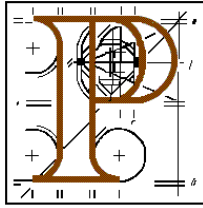


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2364/16

An Bord Pleanála Reference Number: PL 29N.247091

APPEAL by Paul Haigney of 5 Saint Vincent's Cottages, Blackhorse Avenue, Dublin against the decision made on the 19th day of July, 2016 by Dublin City Council to grant subject to conditions a permission to Martin Caffrey of Hole in the Wall Pub, Blackhorse Avenue, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retention of A. Changes to existing front façade consisting of the removal of previous temporary hoarding enclosing a waste area and the construction of an infill flat roofed single storey building. B. The change of use of a previous existing garage to the current use of a kitchen wash and preparation area and C. Changes to the front façade consisting of four number new windows in lieu of previous two number garage doors at Hole in the Wall Pub, Blackhorse Avenue, Dublin.

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 pattern of development in the area and the long-established presence of a public house at this location, together with the requirement to provide suitable ancillary facilities for its operation, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would not seriously injure the residential amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 23rd 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 and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) Noise levels shall not exceed 55 dB(A) corrected for any tonal or impulsive component as measured at the nearest dwelling between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time.
- (b) A scheme of noise mitigation measures shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this order and shall be implemented within six months of the date of this order. These measures shall include the following:
 - (i) Sound proofing and ventilation of the bin storage area.
 - (ii) Use of self-closing mechanisms on external doors.
 - (iii) Improved sealing around door frames.
 - (iv) Fitting of noise attenuators to any openings required for ventilation or air conditioning purposes.
 - (v) Details of the timeframe for activities likely to cause noise disturbance, for example, dish washing, bottle sorting and bin removal.

Reason: To protect the residential amenities of property in the vicinity.

3. The generator and storage tank located to the rear at first floor level and on the bin storage roof shall be removed within one month of the date of this order. No additional development shall take place anywhere on the roof of the premises, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the visual and residential amenities of the area.

4. Water supply and 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.

5. 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 three months of the date of this order 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.

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

Dated this day of 2016.