

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Kerry County Council

Planning Register Reference Number: 16/998

An Bord Pleanála Reference Number: PL 08.248140

APPEAL by John O'Connor of Kool Scoops, Strand Street, Dingle, County Kerry against the decision made on the 9th day of February, 2017 by Kerry County Council to grant subject to conditions a permission to Dawn Holloway care of Moriarty and Bambury Limited of Dyke Gate Lane, Dingle, County Kerry in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Renovate and extend existing public bar previously known as Hannah Griffins' Bar, which is a Protected Structure (Council reference KY 043-027). Works to include: (A) the demolition of single storey flat roofed extension to rear, (B) change of use of: (1) existing ground floor living accommodation to public bar usage, (2) first floor living accommodation to use as restaurant/tea rooms, (3) second floor living area to ancillary service areas to serve proposed, (c) the construction of an extension to the rear to include: at ground floor level: public bar seating area, kitchen, disabled w.c. and ancillary service areas to serve new layout with paved external side access, rear yard/detached storage/refuse and fuel areas, at first floor level: customer toilets and staff area and at second floor level: Manager's apartment, all served by stairs from ground floor side entrance lobby and (d) associated signage and ancillary/site works at Strand Street (Farrannakilla), Dingle, County Kerry.

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 'town centre' land-use zoning of the site and pattern of development in the vicinity, it is considered that, on the basis of the revised design solution submitted to An Bord Pleanála on the 14th day of August, 2017 and subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not negatively impact on the character of Dingles Historic Core Architectural Conservation Area or the Protected Structure status of Hannah Griffin's Bar (Reference KY 043-027), would be compatible with the visual and residential amenities of the area and would be acceptable in terms of traffic safety and convenience. 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, as amended by the further plans and particulars submitted on the 13th day of January, 2017 and by the further plans and particulars received by An Bord Pleanála on the 14th day of August, 2017, 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. The rear garden area to the north of the site shall not be used as a smoking area.

Reason: In the interest of residential amenity.

3. The pitched roof elements shall be finished in a blue/black slate or similar.

Reason: In the interest of visual amenity.

4. 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.

5. (a) The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended demolition and construction practice for the development, including provision of a safe construction access arrangement, dust and noise management measures and off-site disposal of construction/demolition waste.

(b) Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 09.00 to 14.00 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 the interests of public safety and residential amenity.

6. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste, and in particular recyclable materials in the interest of protecting the environment.

7. No additional advertising signs, symbols, flags, emblems or logos shall be erected externally on the buildings or anywhere on site whether or not signs would constitute exempted development or not without a prior grant of planning permission. No internally illuminated or neon signage shall be permitted.

Reason: In the interest of visual amenity and in the interest of the proper planning and sustainable development of the area.

8. The noise level shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at the nearest noise sensitive location that being the adjoining rear garden of the residence to the east of the appeal site between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

9. (a) An RIAI Registered Grade II or III conservation architect shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.

- (b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
- (c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings), staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.
- (d) Items 1 to 9 of the Conservation Officers report dated 6th February, 2017 shall be strictly carried out and adhered. Where required, details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

- 10. No additional development shall take place above roof parapet level, 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 residential amenities of property in the vicinity and the visual amenities of the area.

- 11. That all necessary measures be taken by the contractor, including the provision of wheel wash facilities, to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

12. 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 the 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.

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

Dated this day of 2017.