



Planning and Development Acts 2000 to 2017

Planning Authority: Louth County Council

Planning Register Reference Number: 16/662

Appeal by Deepka Abbi of Holly Cottage, Newry Street, Carlingford, County Louth against the decision made on the 6th day of July, 2017 by Louth County Council to grant subject to conditions a permission to Boules Ventures Limited care of P. Herr and Associates of 2 Jocelyn Place, Dundalk, County Louth in accordance with plans and particulars lodged with the said Council.

Proposed Development:

Retention of: extension of external single storey stores in rear yard. Underground gas storage tanks. Change of use of commercial store to commercial kitchen at basement level. Basement level extension to accommodate proposed stairs. (2.80 square metres). Extension to original toilet area to accommodate proposed internal stairs and less abled toilet facility at ground floor (Newry Street) level. External patio decked area to rear of caretaker's accommodation at first floor level. A new roof over restaurant snug area at ground floor level. Bridge access, including emergency exit doorway from dining area to neighbouring self-catering short stay holiday accommodation external stairs/gangway.

Permission for: Extension at basement yard level to include the toilet area. Internal alterations to include new emergency exits. Remove existing rear access gates and replace with proposed new timber access gates with emergency exit door at Woods Lane. Proposed rear extension to caretaker's accommodation at first and second floor levels to accommodate w.c. and stair access. Proposed new sunroom extension to the rear of caretaker's accommodation at first floor level. Proposed two number dormer windows to front elevation at second floor level. Proposed velux window to front and rear elevation at second floor level. Proposed alterations to north elevation to remove three windows and replace with one window and all associated site development works at Jordan's Bar and Restaurant, Newry Street, Carlingford, County Louth.

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 zoning objectives for the area and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought and the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be likely to lead to a risk of flooding and would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out, completed and retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 14th day of June, 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, completed and retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
- (a) The external door on the rear elevation at first floor level which provides access to the flat roof area shall be removed and replaced with a window as indicated on drawing number 3606-FI-006, submitted to the planning authority on the 14th day of June, 2017. The deck area and associated balustrade at first floor level shall also be removed and no access to the remaining flat roof area is hereby permitted.
 - (b) The proposed panoramic window on the northern elevation of the dining area shall be omitted, and the existing arrangement of window openings shall be retained.
 - (c) The stairwell extension to the rear of the public house which serves the caretaker's residential unit shall be omitted, and stair access to the second floor shall instead be provided within the envelope of the existing building.
 - (d) The bridge access, including emergency exit doorway from the dining area to the neighbouring self-catering short-stay holiday accommodation external stairs/gangway shall be omitted and the doors in the dining room area shall be replaced by a window.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this order and shall be fully implemented to the written satisfaction of the planning authority prior to the premises being open to the public.

Reason: In the interests of visual and residential amenity.

3. The store area in the yard to the rear of the public house shall not be used as a public bar or serving area without a prior grant of planning permission.

Reason: In the interest of residential amenity.

4. The flood resilient construction measures outlined in Section 3.0 of the Flood Risk Assessment Report submitted to the planning authority on the 14th day of June, 2017 shall be fully implemented in carrying out the development.

Reason: In the interest of mitigating flood risk.

5. Details of the proposed access gates from Woods Lane to the site shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this order.

Reason: In the interest of visual amenity and to protect the amenities of the Architectural Conservation Area.

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. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 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.

9. Notwithstanding the provisions of the Planning and Development Regulations, 2001, as amended, 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 building 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.

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 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.

11. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of the shortfall in the provision of car parking spaces. The amount of the contribution 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 for determination. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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

Dated this day of 2017