



An  
Bord  
Pleanála

**Board Order**  
**ABP-302507-18**

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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3353/18**

**Appeal** by Paul Filby of 15 Seven Oaks, Drumcondra, Dublin and by Regan Development Limited care of Manahan Planners of 38 Dawson Street, Dublin against the decision made on the 16<sup>th</sup> day of August, 2018 by Dublin City Council to grant subject to conditions a permission to Regan Development Limited in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Permission was granted in June, 2015 (planning register reference number 3757/14 and An Bord Pleanála appeal reference number PL 29N.244496), for a period of three years to operate the conference centre at the Regency Hotel subject to conditions relating to: (a) the use and opening hours of the conference centre and (b) the noise level not to be exceeded from the conference centre. The permission is to be reviewed in June, 2018. Permission is now sought to continue to operate the centre subject to the remaining conditions in the permissions applying to the centre and without the need to reapply again in three years time. All at Bonnington (formerly Regency) Hotel, Swords Road, Whitehall, 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 planning history of the overall hotel development, the established use of the site and the pattern of development in the area, it is considered that, subject to the compliance with the conditions set out below, the subject development would not seriously injure the residential amenities of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. This permission shall apply for a period of two years only, from the date of this Order. The use of the conference centre shall then revert to conference use only, unless prior to the end of the period, planning permission has been granted for a further period.

**Reason:** In the interest of the proper planning and sustainable development of the area, and that the impact of the development may be reviewed having regard to the circumstances then prevailing.

2. The use of music or dancing at the venue shall cease on or before 0100 hours and the conference centre shall not be used as a public dance hall, nightclub, public bar or venue for concerts for which a public dance hall licence is required. The number of permitted music/dancing events held in the conference centre shall not exceed one per week.

**Reason:** In the interests of clarity and the protection of the residential amenities of property in the vicinity.

3. A noise survey and assessment programme shall be undertaken to assess the impact of noise emissions arising from the operation of the conference centre for music and dancing events. The scope and methodology of this survey and assessment programme shall be submitted to, and agreed in writing with, the planning authority within one month of the date of this Order. The results obtained from the programme shall be submitted in writing to quarterly intervals to the planning authority over the period of two years from the date of the planning authority's agreement to the programme. The developer shall carry out any amendments to the programme, or such further mitigation measures, required by the planning authority following the submission of such results, in order to ensure compliance with the requirements of condition 5 of this Order.

**Reason:** In the interests of clarity and the protection of the residential amenities of property in the vicinity.

4. All entrance doors to the conference room shall be self-closing and maintained operational at all times of functional use of the room of which it forms part.

**Reason:** To help in the containment of noise, in the interest of residential amenity.

5. (a) Music played on the premises shall be inaudible at the nearest noise sensitive premises. For this purpose, the LAeq level measured over 5 minutes, when measured in a habitable room, garden or open space at a time when an outside area would be expected to be used, when entertainment is taking place in the premises, shall show no increase when compared with the representative LAeq (5 minutes) level measured from the same position, under the same conditions, and during a comparable period with no entertainment taking place.
- (b) Music played on the premises having a tonal quality shall be inaudible at the nearest noise sensitive premises. For this purpose, the Leq level measured over 5 minutes, in the 50Hz to 160Hz third octave bands inclusive, measured in a habitable room, garden or open space at a time when an outside area would be expected to be used, when entertainment is taking place in the premises, shall show no increase when compared with the representative Leq measured over 5 minutes in the 50Hz to 160Hz third octave bands inclusive, measured from the same position, under the same conditions and during a comparable period with no entertainment taking place.

- (c) The use of any broadcast medium including amplification, televisions, radio or loudspeakers shall be so installed and used so as to ensure that the noise from the use of this equipment is inaudible at the nearest noise sensitive receptor.

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

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

**Dated this            day of            2019.**