



Planning and Development Acts 2000 to 2018

Planning Authority: Donegal County Council

Planning Register Reference Number: 18/51229

Appeal by Boden Projects Limited care of Harley Planning Consultants Limited of 1 Melmount Park, Strabane, County Tyrone against the decision made on the 27th day of September, 2018 by Donegal County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development

Retention of the change of use of part of the rear service yard to a beer garden including a steel shipping container converted to a bar/servery and steel canopy structure over, along with all associated site development works. The Brewery Bar, Market Square, Letterkenny, County Donegal.

Decision

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to ATTACH condition number 2 and the reason therefor and to AMEND condition number 1 so that it shall be as follows for the reasons set out.

1. (a) The development shall be retained strictly in accordance with lodged plans and details received on the 10th day of August 2018, save as hereinunder otherwise required.
- (b) The use of the beer garden shall be restricted to the period from 12.00 hours to 23:30 hours on all days, and without exception.
- (c) All external speakers shall be removed, and no new speakers shall be erected within the beer garden or anywhere on the exterior of the overall premises. There shall be no playing of amplified music at any time within the beer garden or elsewhere on the exterior of the overall premises.
- (d) Noise levels shall be restricted to 55 dB(A) during use, as measured at the western site boundary.

Reason: In the interest of clarity, and in order to regulate the extent and nature of the development hereby permitted, in the interest of protecting the amenities of nearby residential property.

Reasons and Considerations

Having regard to the open nature of the development for which retention is sought, and its location in proximity to nearby residential property, it is considered that the imposition of these conditions, as amended in this order, is appropriate in order to strike an appropriate balance between the protection of the residential amenities of such property and the town centre location of the subject development.

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.

Philip Jones

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.