



An
Bord
Pleanála

Board Order
ABP-303520-19
(ABP-300907-18)

Planning and Development Acts 2000 to 2018

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 17/794

Appeal by Tom O'Regan care of The Planning Partnership of The Coach House, Dundanion, Blackrock Road, Cork City against the decision made on the 18th day of January, 2018 by Waterford City and County Council to grant subject to conditions a permission to Niall Edmondson care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention of a timber and perspex roof over part of the bar yard and all associated site works, at The Spinnaker Bar, Dunmore East, County Waterford.

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 nature of the subject development and its established use, the nature and pattern of uses in the vicinity, the provisions of the current development plan for Dunmore East and the zoning of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development, for which retention is sought, 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. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, 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 and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. No amplified sound or live entertainment shall be carried out or take place in the bar yard area.

Reason: In the interest of residential amenity and to prevent noise nuisance.

3. Within three months of the date of this Order, the developer shall submit to, and agree in writing with, the planning authority a comprehensive management and mitigation plan in relation to noise, odour and other air emissions arising from the site. Details relating to ongoing monitoring and review of the agreed mitigation measures shall form part of this plan.

Reason: In the interest of the protection of the amenities of the area and safeguarding residential amenities.

4. 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.

Dave Walsh

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

Dated this day of 2019.