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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Limerick City and County Council**

**Planning Register Reference Number: 19/1069**

**Appeal** by Donal Harnett of 1 Bridge Street, Abbeyfeale, County Limerick against the decision made on the 8<sup>th</sup> day of May, 2020 by Limerick City and County Council to grant subject to conditions a permission to Padraig Fitzgerald care of Kenneally Murphy and Associates Limited, Main Street, Abbeyfeale, County Limerick in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Retention of existing balcony as constructed to the rear of the Cellar Bar which is a Protected Structure with associated works at the Cellar Bar, The Square, Abbeyfeale, County Limerick.

**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 objective for the site in the Abbeyfeale Local Area Plan 2014-2020, as extended, and the planning history 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 the area, would be in keeping with the established public house use on the site and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The development shall be retained in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 16<sup>th</sup> day of December 2019 and the 29<sup>th</sup> day of April 2020, 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 in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The balcony shall be used solely as a smoking area associated with the public house, shall not be used as an open stage for music or entertainment or any similar use, and shall not accommodate provisions for amplified music externally.

**Reason:** In the interest of residential amenity.

3. Within three months of the date of this Order, the applicant shall submit, for the written agreement of the planning authority, full photographic detail of completed noise mitigation/screen measures for the balcony as submitted to the planning authority on the 29<sup>th</sup> day April 2020.

**Reason:** In the interest of orderly and sustainable development.

4. All lighting within the balcony area shall be directed inwards.

**Reason:** In the interest of residential amenity.

5. The 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.

6. 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 this 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.

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

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**Dated this            day of            2020**