

An
Bord
Pleanála

Board Order
ABP-309067-20

Planning and Development Acts 2000 to 2020

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD20A/0254

Appeal by Recorders' Residents Association care of Pauline Foster of 39 Whitehall Road, Terenure, Dublin against the decision made on the 3rd day of December, 2020 by South Dublin County Council to grant subject to conditions a permission to The Laurels Limited care of Pamela Kennedy O'Connor, Cubetecture Architects of 11 Glen Grove, Cabinteely, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Alterations to existing buildings to provide a Town House Hotel at first floor level of an existing two storey building. The current use is a public house and betting shop at ground floor level with access stairs to a restaurant kitchen area and staff quarters on the first floor. The proposed development comprises a total of nine number en-suite bedrooms with five number double bedrooms and four number four-person family rooms.

Ancillary accommodation is included as follows, a reception area, tea station, linen storage, general storage, laundry and lift with new entrance staircase to the front and staff entrance and fire escape stairs to rear. New internal garden area and staff welfare area are also included on the first floor. Minor amendments are also proposed to the existing public house at ground floor level including removal of existing stairs and new windows to match the

existing windows in lieu of two number doors to front elevation. A new window is proposed to side elevation opening onto the reconfigured external beer garden. A sky light is included in the ceiling of ground floor to improve natural light to the public house from the first floor garden area. A new wheelchair toilet is proposed with a minor extension to the existing storage area to the back elevation, all at 184, 186, 188 Whitehall Road West, Perrystown, 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 local centre zoning of the site within an urban location, the established use and planning history of the site, the relevant policies and objectives of the South Dublin County Development Plan 2016-2020 and the documentation submitted on file, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenity of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The beer garden and first floor garden shall not operate after 22.00 hours on Sunday to Thursday and 23.00 hours on Friday and Saturday. The first floor garden shall be used by hotel residents only.

Reason: In the interest of residential amenity.

3. (a) Amplified music or other specific entertainment noise emissions from the premises shall not exceed the background noise level by more than 3 dB(A) during the period 0800 to 2200 hours and by more than 1 dB(A) at any other time, when measured at any external position adjoining an occupied dwelling in the vicinity. The background noise level shall be taken as L90 and the specific noise shall be measured at LAeq.T.
- (b) The octave band centre frequencies of noise emissions at 63 Hz and at 125 Hz shall be subject to the same locational and

decibel exceedence criteria in relation to background noise levels as set out in (a) above. The background noise levels shall be measured at LAeqT.

- (c) The background noise levels shall be measured in the absence of the specific noise, on days and at times when the specific noise source would normally be operating; either
 - (i) during a temporary shutdown of the specific noise source, or
 - (ii) during a period immediately before or after the specific noise source operates.
- (d) When measuring the specific noise, the time (T) shall be any five minute period during which the sound emission from the premises is at its maximum level.
- (e) Any measuring instrument shall be precision grade.

Detailed plans and particulars indicating sound-proofing or other measures to ensure compliance with this condition shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. An acoustical analysis shall be included with this submission to the planning authority.

Reason: In order to protect the amenities of [residential] property in the vicinity having particular regard to the nuisance potential of low frequency sound emissions during night-time hours.

4. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

5. 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.

6. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

7. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0700 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.

8. 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 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.

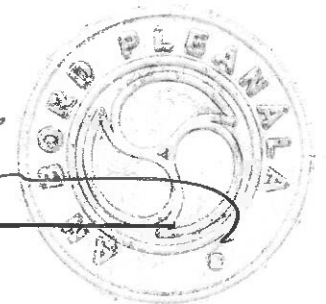


John Connolly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this 2nd day of JUNE 2021.