

Planning and Development Acts 2000 to 2020

Planning Authority: Leitrim County Council

Planning Register Reference Number: P.20/227

Appeal by Rachael Keaney of Bridge Street, Carrick-on-Shannon, County Leitrim against the decision made on the 17th day of February, 2021 by Leitrim County Council to grant subject to conditions a permission to JS Flynn's Bar Limited care of Conor Gray and Associates Limited of 21 Shannon Cove, Dromod, County Leitrim in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention of the following alterations to existing licenced premises known as Flynn's Bar which is a Protected Structure – (a) construction of a beer garden to the rear of the property, including the provision of canopies fixed to external walls and all associated works such as decorative artificial plants placed along existing walls, (b) change of use of the old storage shed attaching to the adjacent Armstrong's public house to snug areas that now form part of the beer garden to be retained, (c) provision of fire escape to the rear of the property, and (d) removal of external window to store and replacement with external door to access the new beer garden and fire escape to be retained at Flynn's Bar, Main Street, Townparks Townland, Carrick-on-Shannon, County Leitrim.

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 mixed-use land use zoning objective of the site, within which a mix of residential and commercial activity takes place, and to the existing, established use on the site, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would not have an undue impact on the character or setting of the Protected Structure or Protected Structures in the vicinity, and would not seriously injure the residential amenities of the area or of property in the vicinity. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

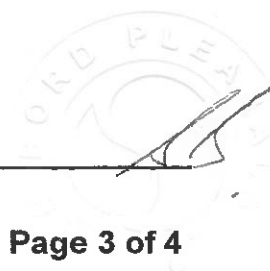


Conditions

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. (a) During the operational phase of the retained development, the noise level arising from the development, as measured at the nearest noise sensitive locations, shall not exceed:
 - (i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Sunday inclusive.
 - (ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.
- (b) Procedures for the purpose of determining compliance with these limits shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this Order.
- (c) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.



Reason: To protect the residential amenities of property in the vicinity of the site.

3. 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.



Stephen Bohan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this *9th* day of *August* 2021.