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**Planning and Development Acts 2000 to 2021**

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

**Planning Register Reference Number: 20/703**

**Appeal** by Michael and Jean Farrell care of O'Neill Town Planning, Planning and Development Consultants of Oakdene, Howth Road, Howth, County Dublin and by John Stewart care of John Stewart FRIAI and Associates Architects of Oakdene, Newtown Road, Waterford, County Waterford against the decision made on the 5<sup>th</sup> day of August, 2021 by Waterford City and County Council to grant subject to conditions a permission to Integon Limited care of Fehily Timoney and Company of Core House, Pouladuff Road, Cork in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Permission including all demolitions is sought for a function room extension to the hotel which consists of the following: the construction of a sunken permanent function room including bar, storage and toilets with an overall gross floor area of 532 square metres; basement courtyard, lift and two number stairs, external courtyard (circa 390 square metres) service ramp and gravel footpath, universal bedroom, ESB substation and external plant area and all ancillary works. Retention permission is sought for the temporary erection of one number marquee structure with a Gross Floor Area of 320 square metres and three number sheds (circa 40

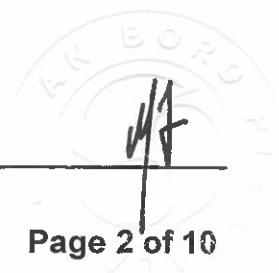
square metres) for a period of 18 months. The development is at the Haven Hotel, Dunmore East, County Waterford which is a Protected Structure, as revised by the further public notices received by the planning authority on the 13<sup>th</sup> day of July, 2021.

## **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.**

## **Reasons and Considerations**

Having regard to the zoning objective for the site in the Waterford County Development Plan, 2011-2017, as extended, and the location of the site within the grounds of the Haven Hotel and within the settlement boundary of Dunmore East, it is considered that, subject to compliance with the conditions set out below, the development for which retention permission is sought and the proposed development would be acceptable in terms of the policy requirements of the development plan, would not adversely affect the character of the protected structure, would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity and would not be prejudicial to public health. The development for which retention permission is sought and the proposed development 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 as amended by the further plans and particulars submitted on the 6<sup>th</sup> day of July, 2021 and by the further plans and particulars received by An Bord Pleanála on the 28<sup>th</sup> day of September, 2021, 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. (a) The period during which the temporary marquee may be used is for a limited period of 18 months from the date of grant of planning permission. Upon expiry of this period, the marquee and all associated site works shall be removed from the site permanently.
- (b) The period during which the three number temporary sheds may be used is for a limited period of 18 months from the date of grant of planning permission. Upon expiry of this period, the three number sheds and all associated site works shall be removed from the site permanently.

**Reason:** Having regard to the nature of the development as proposed and in the interest of orderly development it is appropriate to specify a period of validity of this permission.

3. (a) Amplified music or other specific entertainment noise emissions from the Marquee and the permanent function rooms shall not exceed the background noise level by more than 3 dB(A) during the period 0800 to 2300 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 exceedance 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.
- (f) During the holding of events in the temporary marquee all music shall cease at 23.00 hours.

- (g) The developer shall install a permanent noise monitoring point with equipment to IEC 61672 (minimum Class 2) location and details to be agreed with the local authority, to monitor noise from the site. This monitor shall facilitate the remote monitoring of the noise levels by the local authority.
- (h) The developer shall install an electric noise limiter on the sound system in both the marquee and the permanent function rooms, to ensure if the noise level exceeds a threshold measured as likely to cause a breach of the noise limit above, the sound system will cut off. This noise limiter shall be calibrated against the noise readings from the noise monitoring point at least once a year.

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 use of the premises. 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. (a) Details of the proposed ground excavations and construction of the proposed function room shall be submitted to and agreed in writing with the planning authority prior to commencement of work on site.
- (b) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.
- (c) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
- (d) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

**Reason:** To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

5. Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

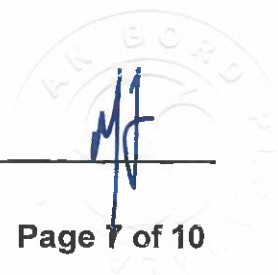
**Reason:** In the interest of public health.

7. The developer shall enter into a water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.



9. No advertisement or advertisement structure (other than those shown on the drawings submitted) the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected (on the building/within the curtilage of the site) unless authorised by a further grant of planning permission.

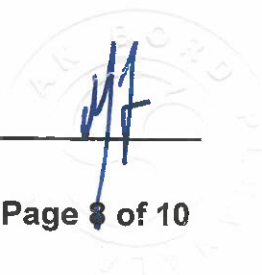
**Reason:** In the interest of visual amenity. In order to allow the planning authority to assess the impact of any such advertisement or structure on the amenities of the area.

10. The landscaping scheme shown on drawing numbers 20314-2-101 and 20314-2-102, as submitted to the planning authority on the 6<sup>th</sup> day of July, 2021, shall be carried out within the first planting season following substantial completion of external construction works. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

11. External lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of amenity and public safety.



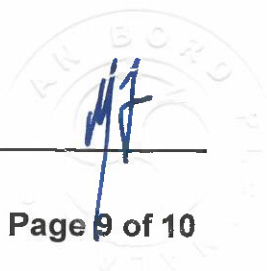


12. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

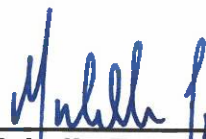
13. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.



14. 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.

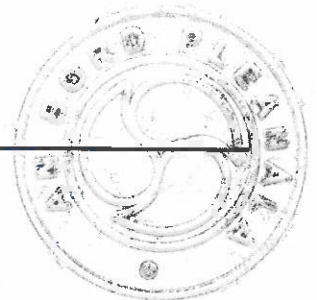
**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Michelle Fagan

Member of An Bord Pleanála

duly authorised to authenticate  
the seal of the Board



Dated this 13<sup>th</sup> day of June 2022