

An
Bord
Pleanála

Board Order
ABP-315534-23

Planning and Development Acts 2000 to 2022

Planning Authority: Meath County Council

Planning Register Reference Number: 22/1371

Appeal by Padraic Keogh and David Lacey care of Ger Fahy Planning of Mulhussey, Maynooth, County Kildare and by Huriye and Anthony O'Donoghue of 2 Navan Gate, Trim, County Meath against the decision made on the 9th day of December, 2022 by Meath County Council to grant subject to conditions a permission to Halito Limited care of McKenna and Associates of High Street, Trim, County Meath for development comprising retention of the change of use of two rear store rooms to bar area, retention of a single storey cleaners store located in the yard area, and use of rear yard area as a Beer Garden, retention of elevational changes to the building including, increased height to rear storerooms that have been converted into an additional bar area, provision of a covered area to the side of rear bar area, retractable awning to yard area and revisions to the windows/ roof windows to the covered beer garden area. Retention permission is also sought for a period of 10 years for a single storey prefabricated ladies toilet block which has been installed in the enclosed rear yard area and for the change of use of part of the yard area, which is located next to the entrance to the car park, into additional car parking (five bays), along with four recycling banks and for the retention of a bay for hot food casual trading beside the entrance to this land from Thursday to Sunday from 4pm to 9pm daily. Planning Permission is sought to convert an existing store room within this public house to a cocktail bar, including the creation

of a bar counter/servery area and permission is sought to cover the existing metal roof cladding to the rear bar area to be retained with a corrugated metal or sinusoidal curved metal, finished in a red colour, rendering and painting of the exposed blockwork to the gable end of the public house and all associated site works and services. The building is a Protected Structure and it is located within Trim Historic Core Architectural Conservation area and Trim Zone of Archeological potential'; all at James Griffin Pub, High Street, Trim, County Meath in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for

- (a) the conversion of an existing store room within the public house to a cocktail bar,**
 - (b) the rendering and painting of the exposed blockwork to the gable end of the public house,**
 - (c) the change of use of two rear store rooms to bar area,**
 - (d) the use of the rear yard area as a Beer Garden,**
 - (e) elevational changes to the building including revisions to the windows/roof windows to the covered beer garden area,**
 - (f) the change of use of part of the yard area into additional car parking (five bays) and along with four number recycling banks, and,**
 - (g) the replacement of the existing metal roof cladding with a corrugated metal or sinusoidal curved metal which is finished in a red colour**
- in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.**

REFUSE permission for retention of

- (h) single storey prefabricated ladies toilet block,**
- (i) a bay for hot food casual trading beside the entrance to the site from Thursday to Sunday from 1600 to 2100 hours daily, and,**

- (j) the construction of a single storey cleaners store located in the yard area

based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to:

- (a) the location, nature, scale and design of the proposed development,
- (b) the 'B1' Zoning Objective, as set out in the Meath County Development Plan, 2021-2027, that applies to the subject site,
- (c) the policy provisions of the Meath County Development Plan, 2021-2027, and,
- (d) the specific characteristics of the site and surrounds,

it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed to be retained would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity, would not detract from the architectural significance of the site and surrounding area, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience, and would, therefore, be in accordance with the proper planning and sustainable development of the area.



Conditions

1. The development shall be retained, 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. Within three months from the date of this order, the applicant shall submit to, and agree in writing with, the planning authority, details of the proposed roof finish (corrugated metal or similar in a red finish). The roof shall be completed within one year from the date of this order and the finish shall be applied to the entirety of the roof along the southern and eastern boundary as illustrated on the submitted plans and particulars.

Reason: In the interest of built heritage and orderly development.

3. The existing pre-fabricated toilet and the cleaner's store (6.4 square metres) shall be demolished/removed from site within three months from the date of this order and correspondence shall be submitted to the planning authority notifying same.

Reason: In the interest of built heritage.

4. (a) Within three months from the date of this order, the applicant shall prepare and submit an updated Acoustic Assessment which has been prepared in conjunction with the project architect and which clearly sets out how the recommendations/mitigation measures in the EMB Assessments (24th March 2022 and 10th February 2023) are to be implemented. These measures shall include, but not be limited to the following:
- (i) the trimming of the speaker's output,
 - (ii) the creation of an acoustic lobby,
 - (iii) a clear stipulation that all velux/roof windows and doors shall be closed when amplified music is played internally and the regime for its management, and,
 - (iv) the creation of a log in the event that any complaints are recorded from adjoining residents, to be made available to the planning authority on request.
- (b) Further to this, external amplified music within the beer garden and all external areas within the site shall be prohibited.

Reason: In the interest of residential amenity.

5. (a) Construction Stage - Noise limits for construction activity of 70 dB(A) (LAeq 1 hour) apply between 0800 hours and 1800 hours Monday to Friday inclusive (excluding bank holidays) and between 0800 hours and 1300 hours on Saturdays when measured at any noise sensitive location* in the vicinity of the site. Sound levels shall not exceed 45 dB(A) (LAeq 1 hour) at any other time.

- (b) Operational Stage - There shall be no clearly audible tonal component or impulsive component in the noise emission from the development at any noise sensitive location*, and noise from the development shall not give rise to sound pressure levels (Leq 15 minutes) measured at *noise sensitive locations which exceed the following limits:
- (i) 55 dB(A) between the hours of 0800 and 1800 Monday to Friday inclusive (excluding bank holidays), or
 - (ii) 45 dB(A) at any other time.
- (c) A plan for monitoring noise levels on an ongoing basis is to be submitted for the written agreement of the planning authority within three months of the final grant of permission.

Note: *Noise sensitive location is deemed to be any dwellinghouse, hotel or hostel, health building, educational establishment, place of worship or entertainment, or any other facility or area of high amenity which for its proper enjoyment requires the absence of noise at nuisance levels.

Reason: In the interest of public health and residential amenity.

Reasons and Considerations (2)

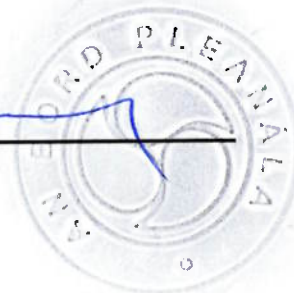
Having regard to the design, finish and location of the structures for which retention permission is sought, it is considered that the cumulative impact of the works detract from the character and setting of the existing Protected Structure. It is considered that the development proposed to be retained would, therefore, be contrary to Policy HER POL 16 of the Meath County Development Plan, 2021-2027 which seeks 'To protect the setting of Protected Structures and to refuse permission for development

within the curtilage or adjacent to a protected structure which would adversely impact on the character and special interest of the structure, where appropriate'. In addition, the provision of a bay for hot food casual trading at this prominent location will contribute to a sense of visual clutter within the streetscape and is, therefore, contrary to Policy HER POL 20 of the Plan which seeks 'To require that all development proposals within or contiguous to an Architectural Conservation Area be sympathetic to the character of the area...'. The development proposed to be retained would set an undesirable precedent for similar development in architecturally sensitive areas and would, therefore, be contrary to the proper planning and sustainable development of the area.



Martina Hennessy

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



Dated this 13th day of May 2024.