



An
Bord
Pleanála

Board Order ABP-315743-23

Planning and Development Acts 2000 to 2022

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 22952

Appeal by Deirdre Morrissey of The Lady Belle Pub, 13 Grattan Square, Dungarvan, County Waterford against the decision made on the 19th day of December, 2022 by Waterford City and County Council to refuse a licence.

Licence Application: A Section 254 licence for an outdoor dining area at The Lady Belle, 13 Grattan Square, Dungarvan, County Waterford.

Decision

In exercise of the powers conferred on it under section 254 of the Planning and Development Act, 2000, as amended, An Bord Pleanála, directs the planning authority to **GRANT** a licence, based on the reasons and considerations under and subject to the conditions set out below.

REASONS AND CONSIDERATIONS

The Board considered that the granting of a licence, subject to compliance with the conditions set out below, would be in compliance with the Town Centre zoning of the site and other relevant policies of the Waterford County Development Plan 2022-2028.

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In deciding not to accept the Inspector's recommendation to refuse a licence, the Board were satisfied that the location of a seating area within the loading bay to the western side of Crossbridge Street would be in accordance with Policy BH 12 and DM19 of the development plan and that sufficient clarity could be provided to the licensee to ensure that the proposed development would be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. (a) The proposed development shall be carried out in accordance with the plans and details received by the planning authority on the 7th day of November, 2022, except as may otherwise be required in order to comply with the following conditions.
 - (b) This licence applies solely to the loading bay located along the length of the premises on the western side of Crossbridge Street and specifically excludes the public footpath and the public road located along the front (southern) facade of the premises. Tables, seating and wind breakers/barriers provided by the licensee shall be provided within this licenced area only.
 - (c) For the avoidance of doubt, this licence relates to the placing of six tables and seating for a maximum of 24 people, along with associated wind breakers/screens and umbrellas.
 - (d) Prior to commencement of development, a layout plan indicating the location of all tables, seating, wind breakers/screens and umbrellas within and surrounding the licenced area, along with photographic details/brochure samples of all furniture and equipment shall be submitted to, and agreed in writing with, the planning authority.

Reason: In order to clarify the nature and extent of the development hereby licenced and in the interest of the proper planning and sustainable development of the area.

2. This licence is granted for a period of three years from the date of this Order unless otherwise varied, suspended or cancelled by the planning authority.

Reason: To allow for a review of the terms and conditions of the licence having regard to pedestrian convenience and safety and public realm management.

3. (a) Tables/seating and associated wind breakers/screens and umbrellas shall not be placed in the public area before 1200 hours and shall be completely removed from the public area, and securely stored, by 2400 hours each day.
- (b) The existing footpath and the unlicenced area of the public street shall remain unobstructed and open for public use at all times.
- (c) The licensee shall ensure that the placing of tables, seating, windbreakers/screens and umbrellas within the licenced area does not give rise to trip hazards on public footpaths/circulation areas adjacent to and surrounding the licenced area.
- (d) Only the planning authority shall carry out work on the public road/footpath. Holes shall not be made in the public road/footpath. Tables, chairs and wind breakers/screens shall not be bolted or screw fixed to the public road, without the prior written agreement of the planning authority.
- (e) The licensee shall ensure that the area around the licenced street furniture is maintained free from litter and waste material at all times.

- (f) The tables/seating/windbreakers/barriers/umbrellas shall be positioned such that emergency exit doors from the building **or** adjoining buildings are not obstructed. The tables/seating/ windbreakers/screens/umbrellas shall be stored in such a manner so as not to obstruct any exit door or exit route.

Reason: In the interest of the proper planning and sustainable development of the area, as well as pedestrian safety, orderly traffic management and public amenity.

4. (a) A copy of the licence, and any conditions attaching to that licence, shall be prominently displayed at the main entrance outside the premises, so as to be clearly visible by members of the public and officials of the planning authority.
- (b) The licensee shall maintain the area used for tables and chairs or other furniture in an acceptable condition so as not to constitute a nuisance.
- (c) The licensee shall be required to maintain a Public Liability Insurance policy, which provides cover to a minimum value of €6.5 million indemnifying the planning authority against third party claims.
- (d) Furniture and other items shall be removed immediately if requested by the planning authority. The planning authority reserves the right to cancel, suspend or vary the terms of the licence at any time. No claim for damages or loss of income under any heading shall be taken against the planning authority for suspending, cancelling or varying the terms of the licence.
- (e) All costs incurred by the planning authority, including any repairs to the public road and services necessary arising as a result of the operation of the licence, shall be at the expense of the licensee.

- (f) Access for maintenance purposes to public lighting equipment and the associated under-ground or over-head services shall be available at all times.
- (g) All water main covers, sewer manholes and service access points for utilities shall be accessible at all times and no table or chair or other item of street furniture shall be positioned over a fire hydrant.
- (h) The planning authority may reduce the licensed area in any particular case, where the occupied space is required in the interest of public safety to facilitate an event during the course of the licence period.

Reason: In the interests of public safety and the proper planning, maintenance and management of the area.



Stephen Brophy

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

Dated this 29th day of May 2024.