

An  
Bord  
Pleanála

**Board Order**

**ABP-316302-23**

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Laois County Council**

**Planning Register Reference Number: 22/544**

**Appeal** by Florence White and Thomas Perrott of Main Street, Abbeyleix, County Laois against the decision made on the 20<sup>th</sup> day of March, 2023 by Laois County Council to grant permission subject to conditions to John McIlroy on behalf of Ellmagabb Limited care of Leslie Colton Engineering and Architectural Services of "Underhill", Rathmore, Stradbally, County Laois in accordance with plans and particulars lodged with the said Council.

**Proposed Development: Protected Structure:** Retain development consisting of (a) altered location of LPG gas tank, (b) altered building to the side of kitchen providing a covered passage way, (c) building to the rear of kitchen which accommodates a cold room, freezer and preparation area, (d) extended dining area including a bar area, and (e) a retaining wall constructed 7.5 metres away from rear of cold room building and associated and necessary site works at McEvoy's Bar and Restaurant (listed façade RPS 069 and NIAH number 1290074), all at Main Street, Abbeyleix, County Laois.

## 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 Town Centre zoning of the site and the development objectives for Abbeyleix in the Laois County Development Plan 2021 - 2027, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained at an established licensed premises would enhance commercial activity in the town centre, including the night-time economy, would respect the existing character of the Architectural Conservation Area, would not adversely impact upon the Protected Structure, would not unduly impact upon the residential amenities of properties in the vicinity, 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, as amended by the further plans and particulars received by the planning authority on the 20<sup>th</sup> day of December 2022 and the 23<sup>rd</sup> day of January, 2023, 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, carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Within four weeks of the date of this permission, details prepared by an Engineer with professional indemnity insurance, shall be submitted to, and agreed in writing with, the planning authority, for the removal of the soil from the vicinity of the adjoining boundary wall to the north, at least to the levels prior to the retaining wall being constructed, the support or sloping of the face of the embankment thus exposed, and any support necessary for the boundary wall in the immediate vicinity. When agreement on the foregoing has been reached, the planning authority shall determine the period within which the work is to be undertaken and the work shall be carried out under the supervision of an Engineer.

**Reason:** In the interest of clarity.

3. (a) Outside the building, whether under the canopy or otherwise, there shall be no use of television, no live music, and no sound amplification.
- (b) External services equipment/structures such as cooling devices, extractor fans, and services flues, shall require a separate grant of planning permission except for such services/equipment indicated in the plans submitted with the application.

**Reason:** In the interests of the amenities of the area and the protection of the Protected Structure.

4. No steps or other access shall be provided to facilitate use of the raised area at the rear of the site except in accordance with a separate grant of planning permission.

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

5. Full details of any external lighting and signage proposed shall be subject to the prior written agreement of the planning authority. Any lighting structure shall be cowled and directed away from the boundaries of the site and adjoining properties.

**Reason:** In the interests of orderly development and visual amenity.

6.
  - (a) The canopy area shall only be used as a dining area and ancillary bar associated with the main premises. It shall not be used as a standalone bar.
  - (b) The canopy area shall not be used beyond 2200 hours on the days of operation.
  - (c) Access through the canopy area for fire escape purposes shall be permitted at any time.

**Reason:** in the interests of clarity and the amenities of the area.

7. Water supply and drainage arrangements, including the 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.

8. Prior to commencement of operation of the development hereby retained, the developer shall enter into water and/or waste water connection agreement(s) with Uisce Éireann.

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

9. 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 use 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.

  
  
\_\_\_\_\_  
**Stewart Logan**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

Dated this *28* day of *February* 2024.