

An
Bord
Pleanála

Board Order
ABP-321295-24

Planning and Development Acts 2000 to 2022

Planning Authority: Laois County Council

Planning Register Reference Number: 23/60457

Appeal by Stuart McCaul and Lynda Moorhead and others care of Whyte Planning Consultants Limited of Great Connell, Newbridge, County Kildare against the decision made on the 24th day of October, 2024 by Laois County Council to grant subject to conditions a permission to Shay Gallagher care of Hughes Planning and Development Consultants of 85 Merrion Square South, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will consist of retention permission for (i) the construction of one number covered beer garden (178 square metres) at the rear of the public house comprising bar and seating area, (ii) car park to the east of the public house comprising 39 number car parking spaces, (iii) one number pedestrian access gate to beer garden and one number vehicular access gate to the car park and (iv) all boundary treatments, ancillary works and landscaping necessary to facilitate the development at The Railway Bar, Station Road, Cooltederry, Portarlinton, 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 provisions of the Laois County Development Plan 2021-2027 and the Portarlington Joint Local Area Plan 2018-2024, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area 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 27th day of September 2024, 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. The development to be retained shall be used solely for the purposes detailed in the approved plans and particulars, namely an enclosed 'beer garden' with bar, ancillary to the public house. For clarity, the permission does not include use of the 'beer garden' as a music venue, disco bar or night club. No change of use shall take place without a prior grant of planning permission (notwithstanding the exempted development provisions of the Local Government Planning and Development Regulations, 2001, as amended).

Reason: In the interest of clarify and to control the use of the development in order to protect the residential amenities of the area.

3. (a) All noise mitigation measures set out in the Noise Management Plan and the Post Mitigation Noise Impact Assessment, received by the planning authority on the 27th day of September, 2024, shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this permission.
- (b) No live or DJ or loud music shall occur in the 'beer garden' with bar area. Background music only is permitted in this area.
- (c) No background music or other music shall be permitted in the outdoor smoking/seating areas or car park.
- (d) Noise resulting from operations affecting nearby noise sensitive locations shall not exceed the background level by 10 dB(A) or more or exceed Environmental Protection Agency's NG4 limits (Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities), whichever is lesser (as measured from the facade of the nearest noise sensitive location) Environmental Protection Agency's NG4 limits:

- (i) daytime (0700-1900) 55 dB LAr, T (rated noise level, equal to LAeq during a specified time interval Environmental Protection Agency NG4),
- (ii) evening (1900-2300) 50 dB LAr, T, and
- (iii) night-time (2300-0700) 45 dB LAr, T.

as measured from the facade of the nearest noise sensitive location. Clearly audible and impulsive tones at noise sensitive locations during the evening and night shall be avoided irrespective of the noise level.

- (e) There shall be no outbreak of amplified music from any activities, at nearby noise sensitive locations.
- (f) The operator shall keep a log of all noise and disturbance complaints from neighbouring properties. The recorded log of all complaints shall be retained on site and shall be readily available for inspection by the planning authority should it be so required.

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

- 4. No advertisements, signs or advertising apparatuses shall be erected on the structure, on the site or adjoining public thoroughfare without a separate grant of planning permission, notwithstanding the provisions of Part 2 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

Reason: In the interests of visual amenity and traffic safety.

5. (a) The car park layout shall be redesigned to remove spaces numbered 29-39 from the western boundary with the adjacent houses and to relocate them to the centre of the car park or elsewhere. No parking spaces shall be within six metres of said boundary. The revised layout shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this Order.
- (b) The car park surface shall be repaired, parking spaces marked out and a surface water disposal system installed, to the satisfaction of the planning authority.

Reason: In the interests of residential amenity, patron safety and public health.

6. Arrangements for disposal of surface water from roofs, entrances, paved areas and parking areas shall comply with the requirements of the planning authority for such works and services.

Reason: In the interests of environmental protection and public health.

7. (a) Lighting shall be LED technology luminaires with minimum 10-year warranty. Lighting levels shall conform to IS EN 13201.
- (b) Any external lighting shall be cowled and directed away from the public roadway and adjoining properties.

Reason: In the interests of traffic safety and residential amenity.

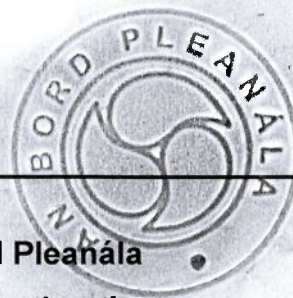
8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid within eight weeks 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.



Declan Moore

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



Dated this 31st day of MARCH 2025.