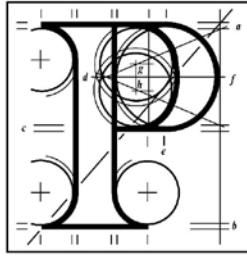


An Bord Pleanála



Inspector's Report

Development: Retention of change of use from a photography studio to a multi-use cultural/recreational building and uses highlighted in the Dublin City Development Plan 2011 – 2017 under zone Z6 at the rear of 46A New Street, The Fumbally Stables, Fumbally Lane, Dublin 8.

Application

Planning authority: Dublin City Council
Planning application reg. no. 3302/15
Applicant: The Fumbally Stables
Type of application: Retention permission
Planning authority's decision: Grant, subject to 9 conditions

Appeal

Appellants: Yuichi Asada & Muireann Grogan
Type of appeal: Third party -v- Decision
Observers: None
Date of site inspection: 8th January 2016
Inspector: Hugh D. Morrison

Site

The site abuts the northern side of Fumbally Lane, which runs between New Street South (N81), in the east, and Blackpitts, in the west. This site is located c. 0.3 km to the south of St. Patrick's Cathedral. It lies within an area that has undergone considerable change with the development of multi-storey mixed use buildings in the adjoining and adjacent sites of Fumbally Square/Cathedral Court and Fumbally Court to the north and south west, respectively. The southern side of Fumbally Lane opposite the site and the applicant's adjacent Fumbally Café is composed of street-fronted, two storey, terraced dwelling houses, while, further to the south, Malpas Terrace is composed of street-fronted, terraced cottages, and Malpas Place is composed of street-fronted, two storey, terraced dwelling houses.

The site itself is rectangular in shape, save for a small appendage adjacent to the north western corner. This site accommodates a two storey stone building, which was originally used at least in part as stables, hence its name Fumbally Stables. It extends over an area of 255 sq m and this building has an internal floorspace of 395 sq m. The aforementioned appendage is a covered smoking area. The principal elevation of the building abuts Fumbally lane. This elevation contains a number of door and window openings. The former comprise three doors, a staff door on the RHS, a patrons' door, which is centrally placed and affords access to the ground floor lobby, and a delivery door to the LHS of the patrons' door. The latter comprise high level windows at ground and first floor levels. The rear elevation also includes a delivery door, with a short pedestrian door set within it that affords access to the smoking area. Other ground floor openings are blocked up and there are no window openings at first floor level; instead this floor is served by rooflights.

The subject building adjoins a similar two storey stone building to the west, it is separated from Fumbally Café by a narrow strip of ground that is gated, and, to the north, lies a piece of vacant undeveloped land, beyond which lies Fumbally Square/Cathedral Court.

Proposal

The proposal would entail the retention of a change of use from a photography studio to a multi-use cultural/recreational building and uses highlighted in the Dublin City Development Plan 2011 – 2017 under zone Z6.

The building has a plot ratio of 1.54 and it covers the entire site.

Planning authority's decision

Draft permission granted subject to 9 conditions, which include ones that relate to noise and fumes/odours, as well as the following two:

2. *The premises shall be used for cultural and community uses, including training courses, with food production being ancillary to the use of the building and the adjoining café and limited to the ground floor rooms of the premises.*

Reason: To clarify the scope of the permission.

3. *Any social or recreational events not directly associated with the main cultural/community use on the premises shall be confined to Fridays and Saturdays, shall be contained entirely within the premises and shall cease at 11.30 pm at the latest.*

Reason: To protect the residential amenities of adjoining occupiers.

Technical reports

- Drainage: No objection.

Grounds of appeal

- Objection is raised to the draft permission insofar as it allows for evening/night time social and recreational use and so would fail to sufficiently protect the amenities of the area.
- Fumbally Stables was previously used as a photographic studio, which opened on weekdays only until 18.00.
- The appellants reside at 4 Fumbally Lane, a protected structure. Their terraced dwelling house lies directly opposite the main entrance to Fumbally Stables across the narrow width of the Lane.
- Fumbally Lane was formerly a quiet street. With the opening of Fumbally Café with its outdoor seating area, this Lane has become noisier, but as the Café closes at 18.00 this was formerly confined to the day time. Now with Fumbally Stables opening for events, some with alcohol, in the evening until as late as 23.30 this has changed radically, due especially to noise and disturbance from people congregating at the front entrance to smoke and/or converse.
- Conditions that seek to control noise emanating within Fumbally Stables fail to address the more pertinent aforementioned noise emanating from those congregating at the front entrance, noise that only arises because of the use of the Stables.
- Attention is drawn to the applicant's web site and the fact that training courses, as distinct from social and recreational events, finish no later than 21.00.

- The employment afforded by the interlinked Fumbally Café and Stables would not be likely to be adversely affected by the exclusion of social and recreational events. Such events would be capable of being accommodated in other premises within the area, which are further away from dwelling houses.
- Attention is drawn to the Z6 and Z2 split along Fumbally Lane. The dwelling houses on the southern side of the Lane are street-fronted and the Lane itself is shallower than most front gardens. Thus, it should be regarded as being within Z2.
- Section 15.9 of the CDP refers to transitional areas between differing zones and it insists that the amenities of the more environmentally sensitive zone should be prioritised in the consideration of development proposals. This Section has not been upheld by the planning authority's draft permission, particularly the acceptance of social and recreational events on Friday and Saturday nights up until 23.30.
- The said acceptance of social and recreational events on Friday and Saturday nights up until 23.30 represents an unreasonable interference with the appellants' constitutional rights and their rights under Article 8 of the European Convention of Human Rights to the peaceful enjoyment of their own home. (Two legal cases are cited: Mileva & Others -v- Bulgaria and Moreno Gomez -v- Spain in this respect).

Responses

The planning authority has not responded to the above cited grounds of appeal.

The applicant has responded.

- They begin by outlining the changing pattern of occupancy on the northern side of Fumbally Lane, which fell during the earlier years of the downturn only to be restored by the activities of the applicants and others. Attention is drawn to the former presence of over 250 employees of "Workday" in Fumbally Square up until 2014 on a 24/7 basis. Access to this Square is from Fumbally Lane and New Street South. Attention is also drawn to extant permissions in the wider area for multi-storey, mixed-use buildings.
- Contrary to the appellants depiction of Fumbally Lane as a quiet street, a list of reported crimes over a 24 month period is set out, a period which extends to before the introduction of the existing use of Fumbally Stables. This use, and the footfall that it generates, promotes the security of the Lane, as does a series of security measures that property owners have installed.

- Fumbally Stables does not have a liquor licence and it does not make alcohol available on the premises, as distinct from some events where BYO alcohol is allowed.
- The applicant sets out a list of training, enterprise, recreational, and cultural events that have taken place within Fumbally Stables, all of which constitute permissible Z6 uses. They also cite examples of private hire and music events that have taken place and they state that requests for other events have been turned down, where such would not accord with the ethos the applicant works to.
- The applicant outlines initiatives that have been taken to communicate with local residents, e.g. Fumbally Stables was open on Culture Night 2015. They also comment on the circumstances that prompted a specific letter of apology to the appellants over one event, when patrons were slow to disperse, but did do so by 23.30. They draw attention to the absence of objection from other local residents on Fumbally Lane.
- By way of response to the foregoing event and the appellants' concerns, the applicant proposes the following measures:
 - The front entrance would be manned when patrons arrive to and depart from evening events.
 - Patrons would be encouraged to use the footpath on the northern side of the Lane.
 - A smoking area to the rear of the premises is now available, so obviating the need for smokers to congregate at the front entrance.
 - Event advertisements will request that patrons be respectful of neighbours.
- In the interests of clarity, the applicants state that they do not advertise events via social media, but by means of printed materials and their website.
- The applicant requests that any permission retain the planning authority's conditions numbered 2 and 3, as they reflect a true understanding of what they are seeking to do.
- The appellants' comments on employment are misplaced, as different teams of employees attend to the Café and Stables albeit the same kitchen is used by both. Again, in the interests of clarity, the not-for-profit basis of Fumbally Stables is emphasised. They are subsidised by the Fumbally Café.

- The two legal cases cited by the appellants are summarised, discussed, and dismissed, as they address situations that are not comparable to that which pertains to Fumbally Lane.

Response to response

The appellants have responded to the applicant's response as follows:

- Concern is expressed that, once the planning scrutiny of Fumbally Stables passes, noisy events, which have subsided, will resume.
- While the *bona fides* of the list of crimes is accepted, attention is drawn to the absence of dates to the 24 month period in question. Attention is also drawn to two incidents, in particular, which occurred on the same evenings as events were being held in Fumbally Stables, thus causing the appellants to question whether such events do, in practise, deter crime.
- With respect to communication with local residents, attention is drawn to the following items:
 - The current proposal is to *retain* the unauthorised use of the premises instigated by the applicant.
 - The absence of objection from other local residents may be accounted for by a number of reasons, including the absence of children from the households in question.
 - The CDP promotes the presence of families within the inner city. For this to be realistic, the amenities of traditionally residential streets such as Fumbally Lane need to be protected.
 - The appellants have resided in their present dwelling house, which is a protected structure, for the last 15 years. They have restored it and they enjoy the commuter free lifestyle that it affords. However, the prospect of weekend night time events may cause them to reconsider their choice of location.
- The applicant's proposed measures for evening events are critiqued as follows:
 - Someone manning the door is a standard minimal requirement.
 - Exclusive use of the footpath is impractical, due to its narrowness. Furthermore, even if this was not the case, the narrowness of the Lane is such that the impact on noise would be negligible.

- Essentially, the appellants concern is over the late opening weekend events, which by their very nature are not conducive to patrons being quiet. In this respect, the exclusive use of the smoking area to the rear of the premises would be difficult to insist upon and, as it is small, its utility for this purpose would be restricted.
- The request on advertisements for patrons to be mindful of neighbours would be unlikely to hold sway with those enjoying a night out.
- With respect to the legal cases cited, notwithstanding the extremer circumstances pertaining to the same, the guiding principles entailed therein are of relevance, i.e. public bodies are under a positive obligation to act to protect the amenities of residents from undue interference, whether this is directly caused by them or by a third party.

Planning history

No recent planning history. Site is the subject of an enforcement enquiry.

Adjacent site at Unit 1, Block 200, Cathedral Court:

- 3797/11: Change of use of existing vacant retail unit (212 sq m) to café with associated works, including the provision of outdoor seating on Fumbally Lane: Permitted, subject to 12 conditions, including one that requires the use of the outdoor seating area to cease each evening by 21.00 hours.

Development Plan

Under the Dublin City Development Plan 2011 – 2017 (CDP), the site lies within an area north of Fumbally Lane that is zoned Z6, wherein the objective is “To provide for the creation and protection of enterprise and facilitate opportunities for employment creation.” To the south of this Lane and along its eastern half lies a residential conservation area, which also includes Malpas Terrace and Malpas Place to the south. This area is zoned Z2, wherein the objective is “To protect and/or improve the amenities of residential conservation areas.” The terraced dwelling houses at Nos. 2, 2A, 3 and 4 Fumbally Lane are protected structures. Section 15.9 of the CDP relates to transitional zones.

Assessment

I have reviewed the proposal in the light of the CDP, relevant planning history, and the submissions of the parties. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use,
- (ii) Amenity,
- (iii) Traffic, and
- (iv) AA.

(i) Land use

1.1 The applicant has submitted a report on their proposal, which states that the subject building dates from c. 1750 and that it was originally used as stables in conjunction with nearby breweries and distilleries in Blackpitts. Since then it has been used as a meat factory, a bakery, and, more recently, a photography studio. The applicant describes the current use of the building, for which they are seeking retention permission, as a general cultural/recreational one. They elaborate on this use by reference to the main spaces within the building, as follows:

Ground floor:

- The kitchen is used daily to prepare food and drink for the neighbouring Fumbally Café. It is also used for food and catering workshops in the evenings and at weekends.
- The long room is used for training events/courses.

First floor:

- The studio is used for yoga and other exercise activities. It is also used for training events/courses in conjunction with the long room.
- The administrative wing is used as an office and staff room.

With the exception of the administrative wing, the other spaces cited above are available for private hire. Examples of private hire events given lie within the aforementioned category of cultural/recreational use.

1.2 The site of the subject building lies within an area that is zoned Z6 in the CDP. Within this zone, the stated objective is “To provide for the creation and protection of enterprise and facilitate opportunities for employment creation” and stated permissible uses include cultural/recreational ones. The applicant’s aforementioned report draws attention to the inter-relationship between the Fumbally Café and the subject building, which is known as Fumbally Stables, and to their combined staff of 28. The Café seeks to source local products and services, thereby supporting employment within the wider area, too. They also draw attention to the fact that some of the courses run within the Stables are

employment related, e.g. the accredited Barista foundational skill one. They thus contend that the use of the subject building fulfils the Z6 zoning objective.

1.3 The description of the proposal refers not only to the use of the subject building as a multi-use cultural/recreational building, but it refers, too, to uses as highlighted in the current CDP under the appointed Z6 zoning. This further reference is ambiguous. It could simply denote the permissible uses that are highlighted in the applicant's report on the proposal, in a bid to fill out the different aspects of the current use of the building, or it could denote all the permissible uses within Z6.

1.4 Section 15.5 of the CDP addresses permissible uses. It states that such uses are generally acceptable in principle in the relevant zone, but they are "subject to normal planning consideration, including policies and objectives outlined in the Plan." The permissible uses listed for Z6 range widely and so to assess the appropriateness or otherwise of each of these uses for the subject building would be an inordinate task, which would in any event require further information about the said uses.

1.5 The planning authority has sought to clarify the scope of its draft permission from a land use perspective by means of condition 2, which states that "The premises shall be used for cultural and community uses, including training courses, with food production being ancillary to the use of the building and the adjoining café and limited to the ground floor rooms of the premises." This condition goes beyond the unambiguous portion of the description of the proposal by referring to community uses and training courses.

1.6 Appendix 29 of the CDP addresses land-use definitions, including that of a cultural/recreational building, which is defined to include a conference centre and a health studio. I consider that a conference centre could reasonably be expected to be a venue for training courses and that a health studio could reasonably be expected to comprise a space used for yoga and other exercise activities. Accordingly, any condition that seeks to clarify the scope of what is being permitted in this case could confidently use the two words "cultural" and "recreational" as a means of summarising what is described in the applicant's report on the proposal.

1.7 The planning authority has sought also to address, by means of condition 3, "Any social or recreational events not directly associated with the main cultural/community use on the premises". This appears to be a reference to the private hire uses of the subject building. However, as the aforementioned private hire events listed by the applicant also come within the definition of cultural/recreational uses, I do not consider that they need to be distinguished from the applicant's own cultural/recreational uses.

1.8 I, therefore, conclude that the current pattern of uses of the subject building, which are proposed for retention, lie within the general category of cultural/recreational use. Such usage is permissible within the Z6 zone and, insofar as it would create/maintain employment either directly or indirectly, it would fulfil the objective for this zone.

(ii) Amenity

2.1 On the southern side of the eastern half of Fumbally lane there is a row of two storey terraced dwelling houses, which include the appellants' at No. 4. These dwelling houses, and other ones further to the south on Malpas Terrace and Malpas Place, lie within a residential conservation area (zone Z2), wherein the objective is to protect and/or improve the amenities of the same.

2.2 In the light of my earlier discussion of the zoning of the appeal site, Fumbally Lane clearly marks the interface between zones Z2 (residential conservation areas) and Z6 (employment areas) and so the development on either side of it lies within a transitional zone area. Section 15.9 of the CDP addresses such areas and it advises that "In dealing with development proposals in these contiguous transitional zone areas, it is necessary to avoid developments which would be detrimental to the amenities of the more environmentally sensitive zone", which in this case would be zone Z2.

2.3 The appellants have stated that their objection to the use proposed for retention relates essentially to the late opening of the building to facilitate this use when it is being undertaken on a private hire basis. Under condition 3 of the planning authority's draft permission such openings would be until 23.30 on Friday and Saturday nights only. Nevertheless, the appellants' objection has been maintained. It is grounded in the noise and disturbance that arises from patrons congregating at the front door to Fumbally Stables at anti-social hours and by the attraction of other people to the Lane by late evening events. They are affected by such noise and disturbance, as their dwelling house is directly opposite this entrance, across the narrow expanse of the single carriageway with narrow footpaths on either side.

2.4 The applicant has responded to the appellants' objection by undertaking to ensure the following:

- The front entrance would be manned when patrons arrive to and depart from evening events.
- Patrons would be encouraged to use the footpath on the northern side of the Lane.

- A smoking area to the rear of the premises is now available, so obviating the need for smokers to congregate at the front entrance.
- Event advertisements will request that patrons be respectful of neighbours.

The appellants have responded to these undertakings as follows:

- Someone manning the door is a standard minimal requirement.
- Exclusive use of the footpath is impractical, due to its narrowness. Furthermore, even if this was not the case, the narrowness of the Lane is such that the impact on noise would be negligible.
- Essentially, the appellants concern is over the late opening weekend events, which by their very nature are not conducive to patrons being quiet. In this respect, the exclusive use of the smoking area to the rear of the premises would be difficult to insist upon and, as it is small, its utility for this purpose would be restricted.
- The request on advertisements for patrons to be mindful of neighbours would be unlikely to hold sway with those enjoying a night out.

I note that the applicant's undertakings relate in the main to management and publicity measures that would not be capable of being conditioned. However, the availability/accessibility of the smoking area would be capable of being conditioned.

2.6 The subject building is of stone construction. Within its principal elevation onto Fumbally Lane, this building is served by high level windows and three doors, a staff one on the RHS and a patrons' one in the centre, which is accompanied by a delivery door into the long room. While no noise assessment of the current use has been undertaken, I would anticipate that the noise insulation properties of the building are reasonable. The planning authority's draft permission includes within it two conditions that would seek to ensure that noise from within the subject building would not cause a nuisance to local residents opposite. These conditions would appear to be ones that the applicant could normally comply with. However, the risk of noise breakout would persist. In the case of the delivery door, such breakout could be addressed by a condition requiring that it not be opened while this room is in use. In the case of the patrons' door, as it would lead into a lobby off which are the long room, the kitchen, and the stairs to the studio, such breakout could not be prevented. During anti-social hours, when the ambient noise level is low, such noise would be likely to be a nuisance to the said residents.

- 2.7 In view of the applicant's aforementioned undertakings, the congregating of patrons at the aforementioned door would be less likely than in the past. Nevertheless, as some patrons may, notwithstanding the presence of double yellow lines on either side of the single carriageway to Fumbally Lane, be set down and collected by car, the environmental impact of such traffic in terms of noise and disturbance would persist and it would have the potential, too, of being a nuisance.
- 2.8 The parties agree that the majority of evening activities in Fumbally Stables conclude by 21.00. The applicant's accept the planning authority's restriction of later openings until 23.30 to Friday and Saturday nights. The appellants' continue to object to the same.
- 2.9 The applicant's Fumbally Café and accompanying outdoor seating area was permitted under application reg. no. 3797/11, subject to a number of conditions, including one which requires that the outdoor seating area cease by 21.00 hours each evening, "To protect the residential amenities of adjoining occupiers." This seating area lies opposite the dwelling houses at Nos. 1A, 2, and 2A Fumbally Lane and underneath apartments in the upper floors of Cathedral Court. It is thus comparable in its proximity and analogous in its impact to the relationship between the patrons' door in the subject building and the dwelling houses opposite at Nos. 3, 4, and 5 Fumbally Lane.
- 2.10 I, therefore, conclude that in view of (a) the CDP's advice with respect to giving weight to the more environmentally sensitive zone within a transitional zone area, (b) the potential for nuisance to local residents arising directly from noise breakout from the subject building and indirectly from traffic movements that may be generated by the use of this building, and (c) the time restriction imposed on the outdoor seating area at Fumbally Café, the amenities of the residential conservation area should be protected by requiring that the use of the said building conclude at 21.00 consistently and without exception.

(iii) Traffic

- 3.1 Fumbally Lane is a single carriageway street with accompanying narrow footpaths. Its carriageway is the subject of both double yellow lines along either side and a one way system that requires vehicles to pass in a westbound direction only, i.e. from New Street South to Blackpitts.
- 3.2 Under the CDP, the subject building lies within Area 2 for car parking purposes. This building has no off-street car parking spaces. The adjacent Fumbally Café, which the applicants operate, has no spaces either. However, railings along its frontage to the Lane provide impromptu cycle parking spaces.

- 3.3 The applicant's report on the proposal outlines how they promote sustainable modes of transport, such as walking, cycling, and the use of public transport (New Street South is an established Dublin Bus route). They state that none of their staff presently drives to work. They also draw attention to the availability of an, as yet, underutilised set down area which extends along the frontage of the said Café with New Street South and beyond to the north and to on-street parking spaces, including mobility impaired spaces, on Blackpitts and Mill Street to the west.
- 3.4 I note that the subject building was previously used as a photography studio and that this use would have generated traffic with the attendant need for parking, although not in the evenings or at weekends. I note, too, that whereas residents would have a greater call on on-street parking spaces in the evenings, other local workplaces would not operate at these times and so the pressure on such spaces would not be inordinate.
- 3.5 I, therefore, conclude that the traffic generated by the proposed retention of the cultural/recreational use in the subject building, and the attendant parking need, would be capable of being accommodated in the surrounding area.

(iv) AA

- 4.1 The current proposal is for the retention of a change of use only to the subject building, which is connected to existing mains services. This building does not lie within a Natura 2000 site and I am not aware of any source/pathway/receptor route between the said building and the nearest such sites in Dublin Bay. Accordingly, I do not consider that the use in question would have any significant effects upon the Conservation Objectives of the said sites.
- 4.2 Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

Recommendation

In the light of my assessment, I recommend that the retention of the change of use from a photography studio to a multi-use cultural/recreational building and uses highlighted in the Dublin City Development Plan 2011 – 2017 under zone Z6 at the rear of 46A New Street, The Fumbally Stables, Fumbally Lane, Dublin 8, be permitted.

Reasons and considerations

Having regard to the provisions of the Dublin City Development Plan 2011 – 2017, the previous use of the subject building, and the planning history of the adjacent Fumbally Café, it is considered that the proposed retention of the cultural/recreational use of this building would, subject to conditions, be permissible under Zone Z6 and compliant with the Objective for this Zone. This use would be compatible with the protection of the amenities of the adjacent residential conservation area, provided it ceases at 21.00 and measures are undertaken to mitigate noise nuisance from within the same. Traffic generated by the use and the attendant need for car and cycle parking spaces would be capable of being accommodated in the surrounding area. No Appropriate Assessment issues would arise. The proposal would thus accord with the proper planning and sustainable development of the area.

Conditions

1. Insofar as the Planning and Development Act, 2000 – 2014, and the Regulations made thereunder are concerned, the development shall be retained in accordance with the plans, particulars, and specifications lodged with the application, save as may be required by the conditions attached hereto. For the avoidance of doubt, this permission shall not be construed as approving any development shown on the plans, particulars, and specifications, the nature and extent of which has not been adequately stated in the statutory public notices.

Reason: In the interest of clarity.

2. The use of the subject building, known as The Fumbally Stables, hereby permitted is for cultural/recreational use only. The kitchen within these Stables shall be used on an ancillary basis to this use and the use of the adjacent café, known as Fumbally Café.

Reason: In order to clarify the scope of this permission.

3. The use of the subject building shall not operate between 21.00 and 07.00 hours on any day.

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

4. The delivery door to the long room from Fumbally Lane shall remain closed at all times when this room is in use for a cultural/recreational activity.

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

5. (a) The outdoor area adjacent to the north western corner of the subject building and included within the site edged red shall be used as a smoking area and it shall be retained insitu as such for the duration of the use hereby permitted.

(b) When the building is in use, access to the said smoking area shall be available at all times.

Reason: For the avoidance of doubt and in order to protect the residential amenities of property in the vicinity.

6. (a) All entrance doors in the external envelope shall be tightly fitting and self-closing.

(b) All windows and roof lights shall be double-glazed and tightly fitting.

(c) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.

Details indicating the proposed methods of compliance with the above requirements shall be submitted to the planning authority within 12 weeks of the date of this order. Thereafter, the details shall be agreed in writing by the planning authority and fully implemented within 24 weeks of the receipt of such agreement.

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

7. Noise levels from the subject building shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise levels from the proposed development shall not constitute reasonable grounds for complaint as provided for in BS 4142: 2014 "Methods for Rating and Assessing Industrial and Commercial Sound."

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

8. The developer shall control odour emissions from the premises in accordance with measures which shall be submitted to the planning authority within 12 weeks of the date of this order. Thereafter, the measures shall be agreed in writing by the planning authority and fully implemented within 24 weeks of the receipt of such agreement.

Reason: In the interest of public health and to protect the amenities of the area.

9. 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.

10. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001 – 2013, or any statutory provision amending or replacing them, shall be displayed or erected on the building unless authorised by a further grant of planning permission.

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

Hugh D. Morrison

Inspector

13th January 2016