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<b>Development</b>	Alterations to public house; comprising additional bar & seating area, enclosed smoking area, beer garden, store, signage, alterations to vehicular entrance, fencing and ancillary works.
<b>Location</b>	'Buglers' Ballyboden House, Ballyboden Road, Dublin 16.
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD18A/0255
<b>Applicant(s)</b>	Mary Bugler
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Mary Bugler
<b>Observer(s)</b>	Glendoher District Residents Assoc.
<b>Date of Site Inspection</b>	20 <sup>th</sup> August 2019
<b>Inspector</b>	Michael Dillon

## 1.0 Site Location and Description

- 1.1. The site, with a stated area of 0.3512ha, is located on the east side of Ballyboden Road, in the suburb of Rathfarnham, Dublin 16. There is a two-storey public house on the site with considerable single-storey extensions to the rear and sides. There is a roofed, outdoor smoking area to the rear of the public house; including an outdoor seating area and an outdoor area covered with a temporary canopy/tent-like structure. There is ground/first-floor residential accommodation to the side and above the public house. There is a large outdoor service yard immediately to the south of the public house – shielded from Ballyboden Road by a 2.2m high, moulded concrete block wall. Air-handling equipment is located within this yard area. There is outdoor seating located in the area between the front façade of the public house and the roadside boundary on Ballyboden Road – which area is landscaped and graced with window boxes. There is a detached, single-storey store building serving the public house – located immediately adjacent to no. 21 Glendoher Close. A small portion of the site, on the southern boundary, is fenced-off from the remainder. This area is not used and is completely overgrown. The car-park to the rear of the building is poorly marked out – but appears to have parking for approximately 64 cars. There is a bottle bank and clothes bank located at the northern end of the site. Floodlighting has been provided for the car-parking area.
- 1.2. Vehicular access to the site is direct from Ballyboden Road, at a point where the 50kph speed restriction applies. There are public footpaths on either side of the road at this location; and public lighting is in place. The vehicular access (immediately to the north of the public house), leads to a surface car-park, located to the rear. There are no gates on this access at present. There is a footpath on the north side of this access. There are two further pedestrian access points to the car-park, from Glendoher Close (housing estate), located to the east.
- 1.3. To the west, the site abuts Ballyboden Road – the boundary with which is a low plinth wall and a higher section of 2.2m high moulded block wall (for the service yard). To the northwest, the site abuts a petrol filling station/shop – the boundary with which is a mixture of plinth wall & railings, railings and brick wall of buildings on site. There appears to be a fire exit from the petrol filling station shop – out into the car-park of the public house. In addition, there are vehicular entrance gates linking the northern end of the car-park with the filling station site (not in use on the date of site inspection by this Inspector). To the north, the site abuts a grassed area (on

which permission has been granted to construct houses) – the boundary with which is undefined (as a small part of the existing car-park is to be added to the grassed area for the housing site). The grassed area is separated from the car-park by a timber fence and vehicular entrance gates. To the east, the site abuts Glendoher Close: the boundary with no. 38 being a high wall; the boundary with the cul de sac turning area being a recently-repaired low wall; and the boundary with a site (on which permission has been granted to demolish a store/shed and construct a house) being the wall/entrance of the single-storey building to be demolished. To the south, the site abuts the garden curtilages of houses on Ballyboden Road/Ballyboden Crescent – the boundaries with which are high walls.

- 1.4. Immediately to the north of the filling station there are two retail units – a barber shop and pizzeria.

## 2.0 Proposed Development

- 2.1. Permission sought on 16<sup>th</sup> July 2018, for development involving alterations to a public house (Bugler's), as follows-

- Construction of single-storey extension (220m<sup>2</sup>) to rear of building: to comprise new bar & seating area, enclosed smoking area, WC and entrance from car-park to the rear. The extension will have part pitched-roof with rooflights and part flat roof
- Provision of beer garden (107m<sup>2</sup>) to rear of the existing public house.
- Construction of covered smoking area to rear of existing public house.
- Single-storey, ancillary storage unit (100m<sup>2</sup>) – with flat roof (2.7m high): an enclosed yard of 230m<sup>2</sup> is proposed with this store.
- Provision of new vehicular entrance from rear car-park to serve the aforementioned enclosed yard.
- Change-of-use of existing WC, to provide additional kitchen area (14m<sup>2</sup>).
- New plinth wall and railings along roadside boundary and along access to car-park – 2.0m high. New pedestrian gates are proposed in this boundary treatment.
- New plinth wall and railings (including two pedestrian access points) along boundary with Glendoher Close housing estate – 2.0m high.

- New vehicular and pedestrian entrance gates from Ballyboden Road.
- Reduction in number of car-parking spaces within the car-park to the rear.

2.1.1. The application is accompanied by the following documentation of note-

- Planning Report – dated May 2018. [I note that the site as outlined in red on an aerial photograph, is not the same as the site outlined in red on the application drawings].

2.2. Following a request for additional information, the following was received by the PA on 4<sup>th</sup> March 2019, as follows-

- Floorplans of the existing public house.
- New 1.2m wide external passageway on southern boundary – to separate the beer garden from private garden curtilages of houses to the south.
- Details of covered smoking area on the northern elevation of the building.
- Details of covered smoking area on eastern elevation of the building.
- Proposed bicycle parking – 8 no. spaces.
- Details of bin store serving the public house. No change is proposed to this arrangement.
- Reduction in height of plinth wall & railings on Ballyboden Road – from 2.0m to 1.3m.
- Details of finishes to proposed extension.
- No additional external lighting is proposed.
- Details of proposed 'Buglers' sign – addressing the car-park.

2.2.1. The submission is accompanied by the following documentation of note-

- Planning Report – dated February 2019.
- Flood Risk Assessment Report – dated February 2019.

### 3.0 Planning Authority Decision

By Order dated 1<sup>st</sup> April 2019, South Dublin County Council issued a Notification of decision to refuse planning permission for 3 no. reasons, which can be summarised as follows.

1. Extension at northern end of the building is located within 0.4m of a 225mm diameter public foul sewer – leaving insufficient wayleave for maintenance purposes. The proposed development would be prejudicial to public health.
2. The smoking area would be entirely enclosed – something which would be prejudicial to public health.
3. Beer garden is located too close to a number of residential properties – to the south and southeast of the site, and would result in noise and general nuisance for residents. This would contravene the RES zoning of the site – ‘To protect and/or improve Residential Amenity’.

## 4.0 Planning History

**Ref. SD18A/0187:** Permission granted by SDCC, to Mary Bugler, for 3 no. dwellings with access from Bolton Avenue. On appeal by 3<sup>rd</sup> Party to An Bord Pleanála (**ABP-302993-18**), permission was granted on 3<sup>rd</sup> April 2019. There is no development to date, on foot of this permission.

**Ref. SD18A/0184:** Permission granted by SDCC, to Mary Bugler, for demolition of single-storey storage unit and construction of a new dwelling. On appeal by 3<sup>rd</sup> Party to An Bord Pleanála (**ABP-302812-18**), permission was granted on 27<sup>th</sup> March 2019. There is no development to date, on foot of this permission.

## 5.0 Policy Context

### 5.1. Development Plan

The relevant document is the South Dublin County Council Development Plan 2016-2022.

- The site is zoned ‘RES’ – ‘To protect and/or improve residential amenity’. Public house use is ‘Open for Consideration’ within this zoning.
- Car-parking standards are set out at Table 11.23 (for non-residential uses). The public house is situated within Zone 1 – maximum of 1 parking space per 30m<sup>2</sup> of floor area.

- Bicycle-parking standards are set out at Table 11.22 (for commercial uses). For 'Bar' use, the rate is 1 space per 5 staff members and 1 space per 150m<sup>2</sup> gross floor area (for patrons).

## 5.2. Natural Heritage Designations

The site is neither within nor immediately abutting any natural heritage designation. The closest such is the Wicklow Mountains SAC (Site code 002122 ) – located some 5.0km to the south.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The appeal from Hughes Planning & Development Consultants, agent on behalf of the applicant, Mary Bugler, received by An Bord Pleanála on 29<sup>th</sup> April 2019, can be summarised in bullet point format as follows-

- The proposed alterations are modest, in the context of the overall level of development on this site.
- The reasons for refusal could have been clarified by way of additional information request.
- The public house provides an important social and recreational function within this neighbourhood.
- It is now proposed to omit the smoking area along the northern boundary of the public house.
- It is proposed to amend the layout of the WC facilities at the northern end of the site – such that no part of the proposed development will be within 3.0m of the 225mm diameter public sewer which traverses the site.
- The enclosed smoking area on the eastern elevation of the premises has been redesigned – including access doors.
- It is now proposed to omit the beer garden.

## 6.2. Planning Authority Response

The response of South Dublin County Council, received by An Bord Pleanála on 10<sup>th</sup> May 2019, indicates that the PA has no further comment to make.

## 6.3. Observations

6.3.1. There is one observation, from Glendoher & District Residents Association; received by An Bord Pleanála on 27<sup>th</sup> May 2019, which can be summarised in bullet point format as follows-

- Development is contrary to the principle of sustainability.
- Development is contrary to Development Plan policies.
- This is an example of poor-quality, piecemeal development.
- Permission was refused in 2002, for a smaller development on this site.
- The applicant does not own all of the site – other family members and a bank have an interest; and have not given their consent to the making of the planning application.
- The applicant has developed an unauthorised beer garden on the site. Noise and lighting from this structure has been injurious to the residential amenities of the area.
- The applicant proposes to erect two gateways, on what is a public right-of-way across the site: this connection has been used for decades.
- The boundary treatment on Ballyboden Road gives the premises the appearance of a fortification.
- No attempt has been made to landscape the site. A considerable number of trees will be removed to facilitate all of the applications on this site.
- No attempt has been made to achieve the objectives of the National Pollinator Plan.
- The reduction in car-parking will result in overspill of parking onto Glendoher Close – something which already occurs at present.
- The gateways will have an impact on the business of the filling station shop.
- There are no proposals for soakways for the car-park.

- There is no clear pedestrian priority within the car-park.
- The bicycle parking facilities are inadequate.
- There is a lack of detail in relation to public lighting.
- Lorries cannot turn within the delivery yard area.
- The new vehicular gate on Ballyboden Road will represent a traffic hazard. New fencing will restrict visibility for drivers of vehicles, exiting the site.
- There is no Traffic Impact Assessment submitted.
- There are no green infrastructure proposals submitted with the application.
- Drawings are of poor quality, and detail has been omitted.
- There is concern as to how oil deliveries to the filling station can be made – if the vehicular access gates are erected.
- The observer was not afforded the opportunity to comment on the additional information submission of 4<sup>th</sup> March 2019.
- The observer concurs with the reasons for refusal.
- The observer represents over 600 households in the area around the public house – and so it is not correct of the applicant to state that there is no objection to the development from neighbours.
- The offer to remove the smoking area and beer garden by the 1<sup>st</sup> Party, is an admission by the applicant that the development is problematic, in terms of residential amenity.
- If the Board is minded to grant planning permission, it should consider the concerns raised by the observer.
- In the interests of natural justice, the observer ought to have been given an opportunity to comment on all drawings/reports on the file. Leaving matters for agreement between the PA and the applicant is not fair to 3<sup>rd</sup> parties.

6.3.2. The observation is accompanied by an annotated copy of an internal report; from Irish Water to SDCC.



## 7.0 Assessment

The principal issues of this appeal relate to drainage, residential amenity, access & parking, and design. I am satisfied that the standard of drawings and level of detail included therein is sufficient, to allow an assessment of the application. In particular, I note the revised design proposals included with the 1<sup>st</sup> Party appeal: an attempt to overcome the reasons for refusal quoted by the PA. The fact that planning permission was refused for a development on this site in 2002, is not a relevant consideration: the development before the Board is not the same as the previous application. The planning appeal before the Board, must be dealt with on its merits. The observer has claimed that the proposal represents piecemeal development. There is no obligation on an applicant to include all possible future development of a site in one planning application. It may be that proposals for the site will change over time. I note that permission has been granted by the Board for two small residential developments on other parts of the wider landholding in this area. No development has taken place to date, on foot of those permissions.

### 7.1. Development Plan

The South Dublin County Council Development Plan indicates that the site is zoned Objective 'RES'. The public house use is long-standing on this site. Public house use is 'Open for consideration' within this zoning. I would be satisfied that the proposed alterations would not conflict with the zoning provision. I note that part of the building is occupied as a residence – at ground and first-floor levels.

### 7.2. Layout & Design

- 7.2.1. The proposed development involves alterations/extensions to an existing public house. In principle, I would see no difficulty with an extension to a long-standing use such as this one – on a busy suburban road, which is also a Regional Road), and which is served by a number of bus routes.
- 7.2.2. A separate store building, which serves the public house (on the eastern site boundary) is to be demolished, to allow for construction of a new house on Glendoher Close – by way of separate planning permission. It is proposed to construct a new 100m<sup>2</sup>, free-standing store, with a flat roof of 2.7m in height. This store is to be located in the extreme south of the site – an area surrounded by

residential garden curtilages on three sides. I would see no difficulty with this structure – and consider that it will not impact in any way on residential amenity. This part of the site is currently derelict and overgrown – permanently fenced-off from the adjoining car-park. I note that the existing store serving the public house is located immediately adjacent to no. 21 Glendoher Close.

7.2.3. The third reason for refusal relates to the impact of the beer garden on the residential amenities of nearby houses. The applicant noted that no objections had been received from adjoining residential properties. As against this, I note that the observer claims to represent over 600 households in the neighbourhood. The additional information submission, of 4<sup>th</sup> March 2019, introduced a buffer passageway between the beer garden and the adjoining gardens to the south. The additional information submission further noted that the beer garden would be closed at 23.30 hours each evening. I note the claim by the observer of noise nuisance from an existing external smoking area and beer garden (which it is claimed is unauthorised). Outdoor seating was in evidence on the date of site inspection on this Inspector – part of which is located within a marquee-like structure. If this structure/area is unauthorised, then it is a matter for SDCC. I would note that the proposed development includes the demolition of the outdoor smoking area structure; and will be constructed on part of the area currently used for outdoor seating. The 1<sup>st</sup> Party appeal proposed the omission of the beer garden, in order to overcome the third reason for refusal, as quoted by the PA. I would see no objection to this proposed omission, and would consider that it overcomes the reason for refusal quoted by SDCC. I would not agree with the contention of the observer, that the omission of this aspect of the development is an acknowledgement on the part of the applicant, that this aspect of the development is problematical. It is always open to the applicant to seek planning permission for a beer garden in the future – and any such proposal would have to be looked at on its merits.

7.2.4. It was originally proposed to provide two new outdoor smoking areas. The one on the northern elevation was omitted – by way of 1<sup>st</sup> Party appeal suggestion. The second, on the eastern elevation, was redesigned by way of additional information submission to SDCC on 4<sup>th</sup> March 2019; and again, by way of 1<sup>st</sup> Party appeal to An Bord Pleanála. The Environmental Health Officer of SDCC had concerns in relation to compliance with the relevant health legislation. The redesign, by way of 1<sup>st</sup> Party appeal submission, would appear to overcome the concerns of the PA, by way of

alteration of access arrangements and provision of openings to the air. I would see no difficulty with this aspect of the development – a necessary facility for patrons.

### 7.3. Access & Parking

- 7.3.1. The vehicular access to the site remains the same – from Ballyboden Road. However, it is proposed to erect gates to restrict access to the existing car-park. The gates have been set back from the back of the footpath – so as to allow space for a delivery truck/van to fully pull-in off the road – even if the gates were closed. The height of the Ballyboden Road plinth wall & railings was reduced to 1.3m, by way of additional information submission of 4<sup>th</sup> March 2019 – so as not to impede visibility for drivers of vehicles exiting the site. A separate pedestrian access is provided linking the car-parking area with Ballyboden Road – by way of a flanking footpath for pedestrian use. Pedestrian access from Glendoher Close is to be maintained (except that two gates will now be provided) – allowing for access through the site, from Glendoher Close to Ballyboden Road, to be closed-off, should the applicant wish.
- 7.3.2. A separate yard is to be provided (230m<sup>2</sup>) for deliveries/collections at the site; where there is none at present. The PA questioned the use of this area, and was satisfied that it was not to be available to members of the public. I would see no difficulty with this arrangement – notwithstanding claims of the observer, that there is no turning circle within the area. There is no requirement for vehicles to be able to turn within a delivery yard. There is an existing external storage yard to the south of the public house, which is to remain in use. This yard is not visible from Ballyboden Road.
- 7.3.3. Table 11.23 indicates maximum parking standards for public house use – at 1 space per 30m<sup>2</sup>. This area is not qualified by the term ‘gross floor area’, as it is elsewhere in the table: it must be assumed to refer to public areas. The existing car-park has a stated capacity of 62 no. cars. There is a public bottle bank and clothes bank which occupy the area of a number of parking spaces. The proposed extension to the public house, creation of a beer garden and associated large yard area, will result in the loss of a number of parking spaces. In addition, a small area at the northern end of the car-park is to be separated off to facilitate the construction of 3 no. houses (for which separate permission has recently been granted by the Board). I calculate that there will be 38 no. parking spaces remaining, if the development, the subject of this appeal, is carried out. SDCC was satisfied that the reduction in the number of

parking spaces was acceptable – and that the development accorded with the required car-parking standards of the development plan.

- 7.3.4. Table 11.22 of the Development Plan relates to bicycle-parking spaces: there are currently none provided. The Plan requires 1 space per 5 staff members and 1 space per 150m<sup>2</sup>. The additional information submission, of 4<sup>th</sup> March 2019, indicated bicycle-parking adjacent to the bottle bank on the site (8 no. spaces). I would consider that this area is too far from the public house; and is not sufficiently supervised. The bicycle-parking should be located immediately adjacent to the public house (for security purposes). It would be appropriate to attach a condition to any grant of permission to issue from the Board, requiring provision of a bicycle rack of 8 spaces – for use by staff and patrons – located immediately adjacent to the public house.
- 7.3.5. The existing car-park area is a shared surface – for cars and pedestrians/cyclists. The car-park is used by motorists (staff and patrons), cyclists, pedestrians, those visiting the bottle bank, and delivery vehicles. It behoves all those using the space to have regard to other users. There is no requirement for dedicated pedestrian/cyclist routes through this site – although the proposals to erect gates will have an impact on where pedestrians/cyclists, in particular, will enter and leave the site. There is no requirement or necessity for a Traffic Impact Assessment submission from the applicant, for a development of this size and type.

#### 7.4. **Water**

##### 7.4.1. Water Supply

The existing public house is served from the 4” public watermain in Ballyboden Road. Details of the water supply were indicated on additional information drawings – received on 4<sup>th</sup> March 2019. The application was circulated by SDCC, to Irish Water, for comment; and the final report from IW, indicates no objection.

##### 7.4.2. Foul Effluent

The existing public house is connected to the public foul sewer network. The additional information submission, of 4<sup>th</sup> March 2019, indicated existing pipework and proposed connections. The application was circulated by SDCC, to Irish Water, for comment; and the final report recommended refusal of permission, because the proposed WC extension at the northern extent of the public house was within

400mm of the outer diameter of an existing 225mm diameter public foul sewer which traverses the site. A minimum set-back of 3.0m is required for access and maintenance purposes. The first reason for refusal of permission reflected this concern. The 1<sup>st</sup> Party appeal includes revised proposals to omit the proposed smoking area and plinth wall & railings on the northern elevation. This would overcome the problem in relation to proximity to the foul sewer. Similarly, it is proposed to amend the proposed WC block, such that no part of the structure is within the 3.0m wide wayleave for the sewer. I would be satisfied that the revised proposals, submitted to An Bord Pleanála on 29<sup>th</sup> April 2019, overcome the first reason for refusal of planning permission, quoted by SDCC.

#### 7.4.3. Surface Water

The proposed extension of the public house will not result in any increase in paved/roofed area. Most of the site is covered with buildings or tarmac for access, storage and car-parking. The area for the proposed 100m<sup>2</sup> store is not paved. Surface water is currently discharged to an existing dedicated public surface water sewer – which traverses the site. The Water Services Section of SDCC had no objection to this arrangement – provided all foul and surface water discharges were kept separate; and to the appropriate pipe. The submission of the observer states that soakways should be installed in the car-park. The proposed development will not result in any alterations to surface water drainage, and the PA was satisfied with the proposals submitted.

#### 7.4.4. Flooding

The additional information submission, of 4<sup>th</sup> March 2019, included a Flood Risk Assessment – dated February 2019. The Owendoher River, on the opposite side of Ballyboden Road, has flooded on occasion. CFRAMS maps indicate that the site is not located within the flood area of this river – although it is located immediately adjacent to it. The floor area of the public house is 70.5m OD, whilst the flood level in the area is 67.5m OD. Commercial development is indicated as being less vulnerable to flooding than other types of development, such as residential or hospital use. Ground investigation on an adjoining site indicated that groundwater was not encountered in a trial hole of 2.6m depth. Groundwater flooding is not an issue in this area. There are no records of any pluvial flooding events in this area. The Water Services Section of SDCC had no concerns in relation to flooding – following receipt of the Flood Risk Assessment Report, on 4<sup>th</sup> March 2019.

## 7.5. Other Issues

### 7.5.1. Development Contribution

As permission was refused by SDCC, there is no record of the amount of development contribution which the proposed development would attract. A condition requiring payment of a development contribution, in accordance with the Development Contribution Scheme in force for the county, should be attached to any grant of permission to issue from the Board.

### 7.5.2. Signage

Drawings submitted indicate a new, ground level, sign on a blank wall, addressing the car-parking area. This sign measures 1m x 4m. The reconfiguration of the WC block, by way of submission received with the 1<sup>st</sup> Party appeal on 29<sup>th</sup> April 2019, would have an impact on the positioning of this sign – and this has been indicated on revised drawings. I would see no objection to the proposed signage – particularly as it will not be visible from Ballyboden Road.

### 7.5.3. Appropriate Assessment

Having regard to limited nature of the proposed development, and to the fact that it will be connected to the public sewer network, 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 an European site.

### 7.5.4. Environmental Impact Assessment

Having regard to the nature and scale of the proposed development and the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination stage, and a screening determination is not required.

### 7.5.5. Archaeology

The proposed development is limited in its footprint. It is located within the curtilage of an existing public house – where most of the area to the rear has been turned into a car-park/storage. I would not consider that the proposed development would require archaeological monitoring.

### 7.5.6. Floodlighting

The additional information submission indicates that there are no proposed alterations to floodlighting on the site: the observation submitted claims that there are insufficient details submitted in relation to this issue. I would be satisfied that the nature and scale of development does not warrant any floodlighting design – particularly where floodlighting already exists for the car-park area.

#### 7.5.7. Right-of-Way

The observation submitted claims that there is a right-of-way across the site from Glendoher Close to Ballyboden Road. No evidence has been submitted to substantiate this claim. Certainly, the proposed erection of gates on both Glendoher Close and Ballyboden Road might impede free pedestrian/bicycle access across this site. I noted a number of pedestrians crossing the car-park; from Glendoher Close to Ballyboden Road; during the time of site inspection. The issue was not addressed in the Planner's Report of SDCC. It is a matter for legal determination as to whether a public right-of-way exists across this site – something which is beyond the scope of the planning system.

#### 7.5.8. Notification of Receipt of Additional Information

It is a matter for the PA, as to how it notifies interested parties of the receipt of additional information. In this instance, I would note that the PA did not consider it necessary to require revised public notices of the changes it sought to the development

#### 7.5.9. Site Ownership

The observation to An Bord Pleanála states that the applicant does not have sufficient legal interest over the entire site – stating that other family members and a bank have an interest. This claim has not been backed up by any documentary evidence. The application form states that the applicant is the owner of the site. I note that section 34(13) of the Planning and Development Act, 2000 (as amended), states- “A person shall not be entitled solely by reason of a permission under this section to carry out any development”. In the absence of any evidence to the contrary, credence must be given to the information on the application, submitted by the applicant to SDCC.

#### 7.5.10. Ecology

The observer complains that no landscaping proposals have been submitted with the application. As the proposed development involves an extension to an existing

public house (largely into a car-parking area) – none such is required. I note that the area between the public house and the roadside boundary has been landscaped. The development will not involve felling of any trees: an area of scrub will be cleared to facilitate the construction of the new store building. There is no requirement for compliance with green infrastructure policies of the Plan with an application such as this. Similarly, there is no requirement for compliance with any National Pollinator Plan.

#### 7.5.11. Access to Filling Station

The observer expresses concern in relation to access to the filling station site for oil tankers, if the entrance gates are erected. I noted the presence of vehicular gates linking the northern end of the existing car-park with the filling station site (closed on the date of site inspection). The proposed alterations will not have any impact on these vehicular gates. If there is any mutually-beneficial arrangement between the two site owners/operators for vehicular access; then this is a private matter and not one of planning concern.

## 8.0 Recommendation

I recommend that permission be granted for the Reasons and Considerations set out below, and subject to the attached Conditions.

## 9.0 Reasons and Considerations

Having regard to the established public house use on this site; the pattern of development in the area; the extent of the site, and the limited nature of the proposed alterations; it is considered that, subject to compliance with the attached Conditions, the proposed development would not be detrimental to the residential amenities of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of pedestrian convenience and traffic safety, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with



the plans and particulars lodged with the application, as amended by further plans and particulars submitted on the 4<sup>th</sup> day of March 2019, and by the further plans and particulars received by An Bord Pleanála on the 29<sup>th</sup> day of April 2019; 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 out in accordance with the agreed particulars

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

2. The proposed beer garden shall be omitted – as indicated in proposals submitted to An Bord Pleanála on the 29<sup>th</sup> day of April 2019.

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

3. Details of external finishes of the proposed extensions to the public house, shall be submitted for the written agreement of the planning authority, prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. Apart from the signage shown on the submitted drawings, no further advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity, and to allow the planning authority to assess any further signage through the statutory planning process

5. Provision shall be made for parking for 8 no. bicycles; immediately adjacent to the public house building. Revised proposals shall be submitted for the written agreement of the planning authority, and the rack shall be installed prior to commissioning of the new extension to the public house.

**Reason:** In the interest of traffic safety and amenity.

6. Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services. In particular, no part of any proposed extension to the public house shall be located within 3.0m of the 225mm diameter public foul sewer which traverses the site from Glendoher Close to Ballyboden Road.

**Reason:** In the interest of public health and to provide a satisfactory wayleave for future maintenance/replacement of the public foul sewer.

7. Construction and demolition waste shall be managed in accordance with a Construction Waste and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government, in July 2006.

**Reason:** In the interest of sustainable waste management.

8. Site development and building works shall be carried out only between the hours 0800-1900 Mondays to Fridays inclusive; between the hours 0800-1600 on Saturdays; and not at all on Sundays or public holidays. Deviations from these times will only be allowed in exceptional circumstances, where prior written approval has been received from the planning authority.

**Reason:** To safeguard the amenities of residential property in the vicinity.

9. Piped music/radio shall not be broadcast externally within the site.

**Reason:** In the interest of residential amenity and the wider amenities of the area.

10. 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 development 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.

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**Michael Dillon,  
Planning Inspectorate.**

**21<sup>st</sup> August 2019.**