



An
Bord
Pleanála

Inspector's Report

ABP-315534-23

Development

Protected Structure: Retention for change of use of two store rooms to bar area and use of rear yard for use as beer garden. Permission to convert existing store room to cocktail bar.

Location

James Griffin Pub, High Street, Trim, Co. Meath.

Planning Authority

Meath County Council

Planning Authority Reg. Ref.

22/1371.

Applicant(s)

Halito Limited.

Type of Application

Permission & Retention Permission.

Planning Authority Decision

Grant of Permission & Retention Permission.

Type of Appeal

Third Party v Grant of Permission & Retention Permission.

Appellant

~~Dara McNeel~~
Harry and Anthony O'Donoghue.
Padraic Keogh and David Lacey.

Observer(s)

None.

Date of Site Inspection

31st March 2024

Inspector

Enda Duignan

1.0 Site Location and Description

- 1.1.** The address of the appeal site is James Griffin Pub, High Street, Trim, Co. Meath. The site is located on the southern side of High Street, opposite the junction of High Street and Haggard Street within Trim town centre. The site has a rectangular shape with a stated area of c. 0.096ha. The site comprises a double storey property which is in use as a public house and includes a single storey element which extends to the rear. An open air smoking area and beer garden is located to the rear of the property. There is also a pre-fabricated toilet block located within the beer garden area.
- 1.2.** The surrounding area is reflective of the site's town centre location, with the area characterised by a mix of retail, commercial, residential and recreational uses. The site is drawn from a larger property, which is also in the ownership of the Applicant. These lands are located to the south and east of the appeal site (0.399 hectares) and comprises a large area of hardstanding which is used as a fee paying public car park.
- 1.3.** The existing building is designated as a Protected Structure (RPS Ref. No. 91223) under the Meath County Development Plan (CDP), 2021-2027 and the site is located within the Trim Historic Core Architectural Conservation Area.

2.0 Proposed Development

- 2.1.** The proposed development seeks planning consent for the conversion of an existing store room within the public house to a cocktail bar, including the creation of a bar counter/servery area. The bar area will have a total floor area of 8.4sq.m. and is located within the single storey element of the building which extends to the rear of the site. Permission is also sought to cover the existing metal roof cladding to the rear bar area with a corrugated metal or sinusoidal curved metal which is finished in a red colour. In addition, consent is sought for the rendering and painting of the exposed blockwork to the gable end of the public house and all associated site works and services.
- 2.2.** The development also comprises various works which require retention permission. These works comprise:
 - The change of use of two rear store rooms to bar area,

- The construction of a single storey cleaners store located in the yard area,
- The use of the rear yard area as a Beer Garden,
- Elevational changes to the building including,
- Increased height to rear storerooms that have been converted into an additional bar area,
- Provision of a covered area to the side of rear bar area,
- The provision of a retractable awning to yard area,
- Revisions to the windows/roof windows to the covered beer garden area.
- The retention permission for a period of 10 years of the single storey prefabricated toilet block within the enclosed rear yard area, and,
- The change of use of part of the yard area located adjacent to the car park entrance, into additional car parking (five bays), along with four recycling banks and for the retention of a bay for hot food casual trading on this land from Thursday to Sunday from 4pm to 9pm daily.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority granted permission for the proposed development subject to compliance with 5 no. conditions.

Conditions of note included:

Condition No. 2.

The prefabricated toilet block shall be valid for a period of five years from the date of the grant of planning permission. On the expiry of this period the pre-fabricated structure shall be removed from the site and the site reinstated to its former condition unless their continued use or a revised structure is permitted by reason of a future planning permission.

Reason: In the interest of proper planning and development.

Condition No. 3.

The details of the metal roof cladding to the rear bar area to be replaced with corrugated metal shall be agreed in writing with the Planning Authority prior to commencement of the works.

Reason: In the interests of visual amenity.

Condition No. 4.

The parking bay for hot food casual trading shall operate from Thursday to Sunday from 4pm to 9pm only.

Reason: In the interests of Clarity.

3.2. Planning Authority Reports

3.2.1. Planning Report

3.2.1.1. The Meath County Council Planning Report forms the basis for the decision. The report provides a description of the appeal site and surrounds and provides an overview of the proposed development, the planning history of the site and surrounds and the policy at local level that is applicable to the development proposal. The report also summarises the observations on the planning file.

3.2.1.2. In terms of their assessment, the Planning Authority noted that the existing and proposed development was compatible with the B1 zoning that was applicable to the site. However, it was not considered appropriate to permit the prefabricated toilet block for 10 years and a 5 year temporary permission was recommended. In terms of built heritage, it considered that the development to be retained and proposed development was in accordance with the provisions of Meath County Development Plan 2021 – 2027 and a grant of permission was recommended.

3.2.2. Other Technical Reports

Transportation Department: Report received stating no objection.

Water Services: Report received stating no objection subject to compliance with a condition.

Chief Fire Officer: Report received stating no objection subject to compliance with a condition.

Conservation Officer: Report received stating no objection.

3.2.3. Prescribed Bodies

Irish Water: Report received stating no objection subject to compliance with conditions.

3.2.4. Third Party Observations

3.2.4.1. A total of four (4) no. observations were received from the following Third Parties:

- Huriye & Anthony O'Donoghue,
- David Lacey & Padraic Keogh,
- Brendan Keogh,
- Kathleen Keogh, and,
- Deborah Ward.

3.2.4.2. It is noted that both Huriye & Anthony O'Donoghue and David Lacey & Padraic Keogh are also the Third Party appellants in this case and the matters raised in the observations on file are broadly similar to those in the grounds of appeal. I will discuss these matters in further detail in Section 6.0 of this Report.

4.0 Planning Authority Decision

4.1. Site Planning History

TA200917: Permission refused by the Planning Authority for the retention of the change of use of two rear store rooms to bar area, retention of prefabricated ladies toilet block within yard area, retention of a single storey cleaners store located in the yard area, and use of rear yard area as Beer Garden/yard. Retention permission was also sought for elevational changes to the building including, increased height to rear storerooms that have been converted into an additional bar area, replacement roof covering to rear building, provision of a covered area to the side of rear bar area, replacement roof at an increased pitch to existing storerooms to east elevation of the building, revisions to the windows/roof windows to the covered beer garden area and all associated site works and services. Planning permission also refused for a covered walkway access to the ladies toilet block located in the yard area. The application was refused for the following 5 no. reasons:

1. The proposed development, by reason of its design and scale, is considered to be out of character for its setting and, if permitted, would seriously detract from the character and setting of James Griffen Public House, a protected structure (ref. TT036-017). It is the policy of the Planning Authority, as set out in the

Meath County Development Plan, 2013 to 2019, as varied, (CH POL 10) 'To conserve and protect the architectural heritage of Meath.' It is considered that the proposed development materially contravenes this policy and therefore, if permitted, would be contrary to the proper planning and sustainable development of the area.

2. The proposed development, if permitted, would materially affect the character of the protected structure (James Griffen Public House, ref. TT036-017) and its setting in the Trim Architectural Conservation Area (ACA). It is considered that the proposed development would adversely affect the Architectural Conservation Area and is therefore considered to be contrary to the proper planning and sustainable development of the area.
3. The proposed development is not considered to be consistent with recommendations and guidance set out in the Architectural Heritage Protection Guidelines for Planning Authorities, 2011 (Section 28 Ministerial Guidelines). In particular, Section 6.8.3 states that 'Extensions should complement the original structure in terms of scale, materials and detailed design while reflecting the values of the present time.' The proposed extensions are not considered to be consistent with the above guidance and therefore, if permitted, would be contrary to said Ministerial Guidelines and contrary to the proper planning and sustainable development of the area and would establish an undesirable future precedent.
4. Having regard to the restricted nature of the site, together with the established pattern of development in the surrounding area, it is considered that the proposed development, by reason of its built form, scale, design, layout and intensification of use, would constitute overdevelopment and a substandard form of development. The proposed development, as presented, has the potential to seriously injure the amenities of the area and, if permitted, would be contrary to the proper planning and sustainable development of the area.
5. The proposed development, as presented, materially contravenes the terms of condition no. 1 of planning reg. ref. no. TA170751, has the potential to seriously injure the amenities of the area and, if permitted, would be contrary to the proper planning and sustainable development of the area.

TA170751: Permission granted for the extension of the existing Beer Garden and the

construction of a new pitched roof to cover this extended Beer Garden and for all ancillary works and services. Permission was Granted on 27/09/2017 subject to 5 no. conditions.

TA150594: Extension of Duration of Planning Permission Ref. No. TT.900012. which was granted by the Planning Authority on 04/08/2015.

TA140672: Permission granted for the demolition of existing shed, a revised car park and car park entrance/exit layout, connection to public services and all associated site works. Permission was granted on 11/12/2014 and subject to 8 no. conditions.

TA140008: Permission granted for development which consisted of the reinstatement of an external wall to the side of existing public house.

TT900012: Retention permission granted for the change of use of former stables/stores at rear of public house to bar & lounge areas, change of use of former store to bar area, change of use of former yard area to beer garden and change of use of former storage shed to open smoking area to rear, retention permission was also sought for various internal and external alterations to the existing structures arising from the change of uses as previously mentioned. Planning Permission also granted for various alterations to existing public house including re instatement of plaster wall finishes, to remove existing perspex roof over beer garden area, to re instate original ground level of rear yard & garden area, to re instate former boundary between yard/gardens with new wall, replacement of metal palisade fencing with new screen wall incorporating gateways adjoining existing outbuildings, replacement of existing entrance gateway & screen wall, part change of use of existing yard to ancillary car parking and all associated site works. Permission was granted on 09/09/2010.

5.0 Policy Context

5.1. Meath County Development Plan (CDP), 2021-2027.

- 5.1.1. Trim is identified as a Self-Sustaining Growth Town under the Meath County Development Plan (CDP), 2021-2027. The 'Vision' for Trim as detailed in Section 3 of the town's 'Written Statement' is 'For Trim to be an attractive heritage town with a diverse modern economy and a vibrant centre complementing its nationally significant

cultural heritage and picturesque setting adjacent to the historically significant Trim Castle and the River Boyne’.

5.1.2. Under Map 38(a) of the current CDP, the appeal site is attributed a B1 (Commercial Town or Village Centre) zoning, the objective of which is ‘To protect, provide for and/or improve town and village centre facilities and uses.

5.1.3. **Relevant Town Development Policies and Objectives (Section 17.0) include:**

- **TRM POL 1:** To continue to support the consolidation of Trim as an attractive heritage town with a diverse modern economy and a vibrant centre complementing its nationally significant cultural heritage and picturesque setting.
- **TRM OBJ 1:** To secure the implementation of the Core Strategy of the County Development Plan, in so far as is practicable, by ensuring the household allocation for Trim as set out in Table 2.12 of the Core Strategy is not exceeded.
- **TRM OBJ 4:** To facilitate infill and backland development within the town centre in the context of their contribution towards the enhancement of the existing streetscape, the ACA and the visual amenities of the central part of Trim.
- **TRM OBJ 7:** To support the development of Trim's tourism product as a key focus for enterprise and employment generation.

5.1.4. To the south of the appeal site is a recorded monument at St Mary's Augustinian Abbey and is referred to today as the ‘Yellow Steeple’. Policies and objectives relating to archaeology include:

- **HER POL 3:** To require, as part of the development management process, archaeological impact assessments, geophysical survey, test excavations or monitoring as appropriate, for development in the vicinity of monuments or in areas of archaeological potential. Where there are upstanding remains, a visual impact assessment may be required.
- **HER POL 4:** To require, as part of the development management process, archaeological impact assessments, geophysical survey, test excavations or monitoring as appropriate, where development proposals involve ground clearance of more than half a hectare or for linear developments over one kilometre in length; or developments in proximity to areas with a density of

known archaeological monuments and history of discovery as identified by a suitably qualified archaeologist.

- **HER OBJ 2:** To ensure that development in the vicinity of a Recorded Monument or Zone of Archaeological Potential is sited and designed in a sensitive manner with a view to minimal detracting from the monument or its setting.
- **HER OBJ 3:** To protect important archaeological landscapes from inappropriate development.

5.1.5. The appeal site is located within the Trim town centre and Historic Core Architectural Conservation Area (ACA). The existing public house is also listed as a Protected Structure (RPS Ref. No. 91223). Regard is therefore given to Section 8.7 (Architectural Heritage) of the current CDP. Policy Objectives relevant to the development proposal include:

- **HER POL 14:** To protect and conserve the architectural heritage of the County and seek to prevent the demolition or inappropriate alteration of Protected Structures.
- **HER POL 16:** To protect the setting of Protected Structures and to refuse permission for development within the curtilage or adjacent to a protected structure which would adversely impact on the character and special interest of the structure, where appropriate.
- **HER POL 17:** To require that all planning applications relating to Protected Structures contain the appropriate accompanying documentation in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities (2011) or any variation thereof, to enable the proper assessment of the proposed works.
- **HER POL 18:** To require that in the event of permission being granted for development within the curtilage of a protected structure, any works necessary for the survival of the structure and its re-use should be prioritised in the first phase of development.
- **HER POL 19:** To protect the character of Architectural Conservation Areas in Meath.
- **HER POL 20:** To require that all development proposals within or contiguous to an ACA be sympathetic to the character of the area, that the design is

appropriate in terms of height, scale, plot density, layout, materials and finishes and are appropriately sited and designed with regard to the advice given in the Statements of Character for each area, where available.

5.2. National Policy and Guidance

5.2.1. Regard is had to:

Architectural Heritage Protection - Guidelines for Planning Authorities 2011.

5.3. Natural Heritage Designations

- 5.3.1. There are no European designated sites within the immediate vicinity of the site. The nearest designated sites are the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and the River Boyne and River Blackwater Special Protection Area (SPA) (Site Code: 004232), which are located c. 200m to the south of the site.

5.4. EIA Screening

- 5.4.1. My assessment is that the form of development proposed and proposed to be retained, and which is the subject of this application, is such that it would not be of a class for the purposes of EIA as per the classes of development set out in the Fifth Schedule of the Planning and Development Regulations, 2001 (as amended). No mandatory requirement for EIA therefore arises and there is also no requirement for a sub threshold assessment.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Two (2) no. Third-Party appeals were received by:
- Huriye and Anthony O'Donoghue; and,
 - Padraic Keogh and David Lacey.

Huriye and Anthony O'Donoghue

- 6.1.2. The appellant has an address at Navan Gate Street, Trim, Co. Meath. This property is located to the east of the appeal site and adjoins the boundary with the existing public car park which is identified as being within the control of the Applicant. The grounds of appeal can be summarised as follows:

- Residential amenity,
- Local amenity,
- Over-bearing,
- Noise & Disturbance,
- Over-intensification of use,
- Non-compliance - scope of unauthorised development, and,
- Planning policy / appropriate assessment.

6.1.3. Although the B1 zoning of the site is acknowledged, the appellant notes that Applicant's site is on the edge of the town and is notably the very last B1 commercially zoned business on the street, before merging with an expanse of residential housing. In addition, the protected local amenity of the Porch fields and The Yellow Steeple, is located a short distance from the applicant's rear boundary wall. Consequently, it is asserted that falling within this zone does not allow the Applicant the right to unfettered exploitation of its site, and for the Applicant's commercial endeavours, to take precedent over all else, at any cost, as allowed by the Council's current grant.

6.1.4. Up until 2019, the Applicant's pub was in keeping with a traditional Irish pub, in size and layout, ensuring footfall remained within reasonable perimeters. The applicant's pub has since been reconfigured by a series of unauthorised developments undertaken in 2019, to facilitate its transition from a traditional pub to a party venue. Its exponential growth in 2019, and changes to design and layout, has allowed for the over-intensification of use of space.

6.1.5. Central to all grounds of the appeal, is that the venue is in no way, noise attenuated, and therefore, as a party venue, that relies principally on amplified sound, both within its internal and external fabric, has serious, adverse consequences on its noise sensitive neighbours and has caused the loss of residential amenity. Inserting 18 Velux windows instead of the approved glazed, apex roof, further exacerbates their noise complaint and disturbance. The Applicant's dominant use of retention permission serves as a pathway to achieve unfettered exploitation of its site. To date, no meaningful consideration or solutions have been offered by the Applicant to appease noise sensitive residents who remain seriously affected by the development.

- 6.1.6. In terms of background, the appellant notes that the Applicant applied for permission (TA170751) in 2017 to extend its existing beer garden and for the construction of a new pitched roof to cover the extended garden area. The plans provided for a new glazed apex roof with no openings and was viewed favourably by the appellant as it was by far superior to the existing Perspex roof.
- 6.1.7. The appellant notes that it important for residential owners to not be demotivated from buying protected structures to ensure their long term survival. Having already invested heavily in the development/restoration of their own home, it is contended that Council's current decision has ultimately undermined their own planning grant. In support of the appeal, 2D and 3D plans, an impact statement, conservation report and full photographic study of the entire site has been enclosed. The investment needed for these buildings is extensive and the proper implementation of adaptive reuse for buildings of architectural and historical value require considered and expert planning from the outset. Commercial developers who offend on such a scale should be compelled to redress non-compliance, without the reward of regularisation. Enforcement is vital to the integrity of the planning system and residential owners right to its amenity should not be undermined by the Council because it sits within a town setting. It is stated that the Applicant has clearly now transitioned into a party venue and operates from Thursday to Sunday. Within its regular programme of events, the applicant advocates music as an integral part of its platform and supporting material from its official Instagram account is enclosed with the appeal.
- 6.1.8. A venue that relies on amplified music, which replaces a roof with no openings, with 18 Velux windows, will have a major and detrimental impact on noise sensitive neighbours. Together, with the unauthorised beer garden, the proposal gives rise to significant and prolonged noise generation particularly during the night time period when the pub is usually at full capacity. The appellant notes that the 18 Velux windows not only act as an open top roof, but also serve the vital role in providing ventilation. The control measures therefore proffered by the EMB Assessment, of keeping the windows closed during the generation of amplified sound, are not considered workable.
- 6.1.9. The appellant notes that the Applicant's noise assessment offers no valuable bearing

to the application because:

- It is a one-off test arranged by the applicant and provides no average reading.
- The survey is contrived to wholly benefit the applicant.
- The noise report recommends that a series of mitigation measures be put in place so as to monitor and control noise levels. The mitigation measures principally rest on the fact that all windows must be closed during the operation of amplified music.
- Based on previous lack of performance, it is contended that the mitigation measures are yet another false show of commitment, proffered solely for the purposes of obtaining permission/retention.

6.1.10. In terms of archaeology, the site is within close proximity to the Yellow Steeple monument. It is stated that a visual impact statement should have been commissioned in this instance as it is considered that the visual impact from our streetscape shows how it has been negatively impacted as a result of unauthorised location of the Thai van, the placement of the applicant's recycling bins and the parking bay which contribute to an adverse effect on visual amenity.

6.1.11. The appellant notes that remedial works carried out by the applicant are as a result of those outlined in application Ref. TA200917, to address and replace the vast use of sub-standard materials used in the expanse of its unauthorised build. It is stated that redress must not be viewed favourably and should be solely viewed through the lens of enforcement and not as a pathway to obtaining retention permission for the scope of work undertaken.

6.1.12. Considering the building's location and protected status and the applicant's planning record, the appellant notes that it would be wrong of the Applicant to assert ignorance and not concede that planning permission was intentionally bypassed. The Applicant has undertaken the majority of development works without planning consent or assessment.

6.1.13. The appellant does not accept that the Applicant is using adaptive reuse in the way it is intended, but merely using it to mitigate contraventions that preceded the COVID pandemic to justify a number of unauthorised developments. It is stated that the

applicant site's exponential growth in early 2019, facilitated by a series of unauthorised developments intentionally, subjugated the planning system and manipulated loopholes to suit individual will.

6.1.14. In terms HER POL 18 of the current Plan, the appellant does not accept that the multiple store sheds used by the applicant, fall into this category. By intentionally bypassing planning and without conservation restraints, the applicant has been able to bolster capacity in a way that would not have been possible had planning been sought in the first instance and appropriate assessment undertaken. This can clearly be seen by the decision taken by the council in the previous application to refuse permission. The COVID pandemic should not be allowed to justify the retention of a series of earlier unauthorised developments. Infinite support of adaptive reuse cannot be sustained when it is at the detriment of the Council's protected structure policies and objectives.

6.1.15. The appellant notes that the applicant's rear boundary wall abuts the Porch Field and Yellow Steeple. The protected area is a hub for both domestic and international tourists, local residents and the wider community. The proposal is considered to be contrary to HER OB 28 of the current Plan as the excessive and incessant noise, which takes place on a regular basis, is projected towards our home and those within the environs of the Porch field, particularly during the Summer months when visitor number are much higher and when our garden is in optimum use. It is stated that outside amplified sound be prohibited as it is imperative to protect the integrity of the space.

6.1.16. Significant concerns are raised with respect to the location of the bay for which is utilised for hot food casual trading in terms of odour and nuisance.

6.1.17. In view of the incumbent extension in venue opening times, it is imperative that proper sound attenuation is installed and that the ability to open any roof windows. The appellant asks whether the windows may be sealed rather than replaced, and that amplified sound be prohibited externally. As a party venue, appropriate sound attenuation is requested to be installed externally to mitigate noise and disturbance. It is stated that compelling the applicant to install proper noise attenuation measures is

entirely a reasonable measure for party venues that rely on amplified sound.

- 6.1.18. Allowing anything other than outright refusal, only serves to reward the Applicant, erasing the litany of material contraventions past and present. The Board is requested to reexamine the facts and that meaningful noise attenuation measures be imposed upon the Applicant to mitigate the results of the unilateral changes and unauthorised developments.

Padraic Keogh and David Lacey

- 6.1.19. An appeal submission has been prepared on behalf of Padraic Keogh and David Lacey who reside in a property to the west of the appeal site. It is confirmed within the submission that the appellant's mother also resides in a property on the larger site, and she has lived in the family home at this location for more than 50 years. As a result of the constant noise disturbances, the submission notes that the appellants are forced to appeal this decision in the interests of maintaining an acceptable level of residential amenity. It is stated that the extensive unauthorised development including a retractable roof with no noise insulation has resulted in a miserable residential environment for the appellant.

- 6.1.20. The submission notes that the appellants sensitively renovated and extended the family home in 2018. During their planning process, the Planning Authority were very concerned about the impact of their proposed development on the character and setting of the Yellow Steeple which is located to the south of their property and to the south of the appeal site. The appellants feel that the same level of consideration and concern for the impact on the setting of the Yellow Steeple has not been applied to this proposed development and that no consideration has been given to the impact of the proposed development on the character and setting of this area which is an ACA.

Planning Policy

- 6.1.21. The appellant's submission has regard to the policy provisions at national and local level that are considered to be relevant to the consideration of the appeal given the existing building is designated as a Protected Structure and the site is located within an ACA. In terms of the relevant planning policy (Architectural Heritage Protection Guidelines for Planning Authorities, 2011) (referred to herein as the Guidelines), it is argued that the Guidelines have not been adhered to in this instance. It is stated that

the Planner's report fails to assess the proposed development in the context of these Guidelines but instead relies on a statement from the Conservation Officer. No details have been provided as to how the Conservation Officer's extensive concerns have been addressed in what appears to be a complete U-turn from their original stringent opposition to the development. The appellant notes that the current proposal is effectively the same as the previous application save for a new proposal to provide a red roof over the existing roof with absolutely no detail as to the finishes or type or how this will integrate with the Protected Structure.

- 6.1.22. It is contended that the Applicants have carried out the blatant destruction of a Protected Structure through the unauthorised removal of the roof of the outbuildings and their unauthorised change of use to a bar. The extensive unauthorised development is of such a scale that it has fundamentally altered the character and setting of the Protected Structure and is inappropriate for its setting within an ACA.
- 6.1.23. The submission notes that no account has been taken of the impact of the extensive breaches of the established plot width and building grain that has taken place with the Applicant simply extending out into the back gardens of the adjoining structures over time. The narrow plot widths are being replaced incrementally by large unauthorised development. This has the effect of seriously corroding and undermining the setting and character of this designated ACA.
- 6.1.24. The outbuildings were originally subservient to the main building and yet as a result of this new extensive development will dramatically alter the character and setting of this protected structure when viewed from the street, the car park and the Yellow Steeple. The submission notes that there also has been no assessment of the impact of this proposed development on the character and setting of the Yellow Steeple.
- 6.1.25. The submission contends that the development will erode the fabric of this architectural conservation area by increasing the plot width and constitutes a gross overdevelopment of the site. It is stated that the materials and finishes to be used are unknown as no samples have been provided and it is therefore impossible to prove that the proposed development as revised will be any better than the existing substandard finishes.

- 6.1.26. Section 3.2.10 of the Guidelines highlights the importance of roofing materials in an area and yet no details of the proposed materials for the roof have been provided with this application. Having regard to the prominent location of the appeal site and the potential visual impact on the protected structures, it is imperative that a detailed visual analysis be carried out and a full visual impact assessment be undertaken to assess how the proposed development will integrate with the existing Protected Structures within the ACA.
- 6.1.27. The submission also has regard to the various policy provisions of the current CDP which relate to archaeology and built heritage. It is stated that no archaeological assessment appears to have been carried out in respect of this development notwithstanding the fact that this site is within an archaeological zone of influence. This is considered to be contrary to the policy of the Plan and at a minimum, an archaeological desktop assessment should have been provided with the application.
- 6.1.28. The submission contends that the development fails to comply the current Plan's policy for Protected Structures and ACAs. The submission notes that the gross overdevelopment of the site results in a failure to protect the setting of this protected structure and also the setting of the Yellow Steeple a recorded Monument ME036-048021. The submission notes that the proposed food truck is not an appropriate development adjacent to a protected structure and would undoubtedly detract from its character and setting. The temporary portacabin toilets are unacceptable in the grounds of a Protected Structure and should not be permitted even on a temporary basis. The Conservation Report submitted with the planning application confirms that the pre-fabricated toilets are "poorly sited" and are built using unsuitable materials and yet this was ignored in the decision to grant permission. The appellant goes on to note that a retention application should not confer any advantage over the application which must be treated as if it was not there.
- 6.1.29. The appellant notes that the cluster of buildings within the appeal site were included in the ACA and were therefore considered worthy of protection. The proposed development seeks to destroy the original cluster of structures and replace it with almost 100% site coverage and extensions into neighbouring properties thereby

permanently altering the original plot widths of the area. The outbuildings associated with a protected structure are also protected and are equally important for their modest forms as they contribute to the character and setting of the main building. The appellant contends by increasing the height and scale of the original outbuildings, the proposed development has serious implications on the setting of the Protected Structure as these buildings now become visually dominant and thus reduce the overall quality and integrity of the main building.

6.1.30. The appellant's grounds of appeal can be summarised as follows:

The proposed development by reason of its scale, nature and noise are having a detrimental impact on the residential amenity of our clients.

6.1.31. It is noted that the unauthorised development that was carried out was not in accordance with the plans and particulars of that permission and it is materially different from that permitted development and it could be argued that TA170751 was never implemented. As that permission was not taken up, the entire scale of the development permitted under TA170751 is open for review under the assessment of this application. The appellant notes that an alteration of the red line in order to achieve appropriate site coverage on paper is not an acceptable solution to gross overdevelopment of original historical plot widths.

6.1.32. Concerns are raised with respect to the new large outdoor beer garden / night club area has now been developed closer to the appellant's home. This is in addition to the central outdoor smoking area and the outdoor beer garden at the rear of the site adjacent to the new bar areas. The knock on effect of the new beer gardens and smoking areas used to cater for outdoor music and noise is seriously impacting the appellant's residential amenity and their ability to sleep at night. Concerns are raised with respect to the 22 no. openable velux windows that were installed which increases the noise impact experienced by the appellant. It is argued that at a very minimum these, velux windows must be removed and there should be no provision for windows which can be opened when music is playing inside the venue.

The excessive noise associated with the outdoor use is unacceptable and no effort has been made to reduce the noise associated with this operation.

6.1.33. In support of the appeal, video evidence has been submitted to demonstrate the level

of noise that the appellant's have had to suffer every weekend prior to the initial retention application. While it is acknowledged that the Applicants have turned off outdoor amplification in advance of the current retention application, the appellants are concerned that outdoor amplified music will return, post planning, given the flagrant disregard to the planning code by the applicant to date, and especially as noise restrictions have not been addressed adequately by the Planning Authority in its current grant of permission. It is highlighted that there is no mention whatsoever by way of condition of any noise limiting measures, despite the planners accepting major cause for concern in the first retention application.

6.1.34. The appellant has raised significant concerns with respect to the adequacy of the Noise Report that accompanied the application and they have highlighted the information that would be typically required in a document such as this. The submission notes that a comprehensive suite of mitigation measures should be provided in order to achieve compliance with the relevant EPA standards. These measures shall include:

- Relocation of the beer garden,
- Limiting the number of people in the beer garden.
- Installation of noise barriers in the applicant's property and in their client's property if deemed necessary by the noise model.
- Introduction of shrubbery/greenery along the edges of the perimeter wall to add further sound absorption.
- Removing the outside toilets to prevent congregation of people outside.
- Installation of appropriate insulation in alternative suitably designed roof and walls.
- Removal of all velux windows.
- Condition preventing amplified music from being played.
- Noise monitoring to be carried out every 6 months and submitted to the Planning Authority.
- Keeping the door from the pub to the beer garden closed to prevent breakout noise. If this proves impractical, the creation a lobby area with an extra automatically closing door.

The proposed development is and would be visually unacceptable and seriously

detracts from the character and setting of the protected structure.

The proposed toilet block which is temporary in nature is unacceptable in the context of this protected structure and ACA.

The proposed Food Truck in the ACA is also unacceptable and detracts from the quality of the ACA.

The scale of the proposed development is unacceptable and constitutes overdevelopment of the site and a corrosion of traditional plot widths of the ACA.

The proposed development is contrary to the Statutory Guidelines on Conservation and the Development Plan.

6.1.35. The concerns regarding the impact on the proposal on the architectural character of the site and surrounds is reiterated in the grounds of appeal. As the buildings are visible from the car park to the rear and from the Yellow Steeple, it is stated that they are quite exposed and due to their scale and materials proposed would seriously detract from the character and setting of the protected structure and the ACA.

6.1.36. The submission notes that the lack of detail regarding the finishing of the roof is unacceptable and makes it impossible to establish how the proposed development might integrate with the existing protected buildings. It is stated that there is no justification for proposing a red roof at this location and the type and colour of roof proposed is more rural than urban and is inappropriate within this designated ACA. Similar concerns are highlighted with respect to the location of the proposed temporary toilet block within the curtilage of the Protected Structure and the Food Truck within the ACA and their negative impacts on same.

The proposed development would if permitted seriously devalue our clients' property.

6.1.37. The submission notes that the appellant's invested considerably in sensitively restoring their family home and converting outbuildings to the rear into a family flat. The appellant's and their mother's home has proper insulation and modern glazing so they have done everything in their power to reduce the noise and yet the extent of noise they are experiencing remains unbearable. The pub and house have been in situ for many years and until recent years our clients have had no issue with the pub until the extensive unauthorised development took place. On this basis, it is requested that permission be refused on the grounds that it would result in the devaluation of the

appellant's property due to excessive noise levels.

The proposed development should be refused on the basis of past failures to comply.

- 6.1.38. Having regard to the applicants' history of repeated unauthorised development and persistent non-compliance with planning permissions, it is contended within the submission that Section 35 should apply in this instance particularly having regard to the status of the site as a Protected Structure and its location within an ACA.

The comments of the Conservation Officer in respect of the previous application which was refused remain applicable in this current application.

- 6.1.39. The appeal submission notes that the Conservation Officer's report in respect of the previous application was very critical of the application and the unauthorised development that was carried out. It is contended that the concerns of the Conservation Officer have not been overcome in this application and they remain relevant to this application. The submission provides a response to each of the points raised by the Conservation Officer within their report and the previously refused application (i.e. Ref. TA200917) and it is contended within the submission that the concerns raised have not been addressed by the current proposal.
- 6.1.40. The appeal submission's concluding statement outlines why the development should be refused and a raft of sample refusal reasons have been included. In support of the appeal, the appellant has enclosed video footage demonstrating noise impacts associated with the operation of the development, extracts from the pub's Facebook page which advertise events which are held in the rear of the property and a copy of the Conservation Officer's report associated with Ref. TA200917.

6.2. Planning Authority Response

- 6.2.1. A submission was received on 8th February 2023 which requests the Board to uphold the decision of the Planning Authority.

6.3. First Party Response

- 6.3.1. A response has been prepared on behalf of the Applicant in response to the 2 no. Third Party planning appeals. The submission notes that the premises has a notable number of permissions and to the extent that both appellants complain of noise from

this public house (with the second appellant suggesting that it is now a night club). It is contended that this item, along with the remaining issues, has already been considered by the Applicant and the Council. It is stated that complaints by the appellants have all been addressed and this is not a case where the appellants' concerns have been ignored but rather where the third-parties disagree with the expert views of the Council and by the applicant's multi-disciplinary design team. The current application sought to address the concerns which were expressed by the Planning Authority (Ref. TA200917), either through changes to the proposal or through the lodgement of additional information.

- 6.3.2. The submission notes that the application includes positive alterations to the existing public house such as the reinstatement of plaster wall finishes, the removal of an existing perspex roof over the beer garden area and the reinstatement of the original ground level of the rear yard and garden area, as well as the replacement of the existing metal palisade fencing with a new screen wall. It is argued that these features, along with the remainder of this development, have been endorsed by a Conservation Architect and would enhance the character and appearance of the James Griffin Public House.
- 6.3.3. The Applicant's submission to the 2 no. Third Party Appeals provides a response to the substantive issues raised, namely heritage & noise considerations, the detail of which shall be discussed in further detail within the assessment of this appeal. The submission also encloses additional responses to the appeals from Gaffney and Cullivan, Conservation Architects and by Searson Associates, Consulting Engineers.
- 6.3.4. In conclusion, the submission contends that the development has been modified to reflect the Local Authority's requirements on the last occasion, insofar as heritage issues are concerned and has been endorsed by a specialist Conservation Architect and by the Council. In addition, the proposal is accompanied by acoustic reports which shows how noise levels from this premises fall squarely within the bounds of reasonable tolerance, given the authorised use of this premises as a public house and given the proximity of other late-night activities. The submission emphasises that the Applicant has secured planning consent for a variety of proposals on this land over the past thirteen years or so, with the effect that the overwhelming majority of this public

house premises is entirely lawful. It is stated that the application which is now before the Board for adjudication does not involve an intensification of activity, but instead, minor improvements to this structure which are acceptable.

6.4. Observations

6.4.1. None.

6.5. Further Responses

6.5.1. None.

7.0 Assessment

The main issues to be considered are those raised in the Third Party's grounds of appeal and the First Party response and I am satisfied that no other substantive issues arise. It is noted that the issue of appropriate assessment also needs to be addressed.

The various issues can be dealt with under the following headings:

- Principle of Development & Intensification of Use.
- Built Heritage.
- Residential Amenity.
- Appropriate Assessment.

7.1. Principle of Development & Site Suitability

7.1.1. As detailed earlier in this report, there has been a number of planning applications on the appeal site in recent years. Notably, planning permission was granted in 2017 under Ref. TA170751 for an extension of the existing beer garden and the construction of a new pitched roof to cover the extended area. Internal works comprised the demolition of internal timber clad walls between the beer garden, a lounge area and a yard area to the rear of the property. The permitted pitched roof had a glazed apex with the remainder of the roof finished in a dark slate. The development was not carried out in accordance with the plans and particulars and the Applicant then sought under Ref. TA200917 to regularise the various works carried out site. In summary, these works comprised:

- The construction of a modified roof over the extended beer garden with 18 no. roof lights.
- A retractable awning between this pitch roof (including the roof lights) and the

roof the new bar and the pitch roof (including the roof lights).

- Demolition of the existing galvanised roof above the store rooms along the eastern side of the building. The height of the internal walls to the store rooms were increased with the creation of attic space and new lean to roof above with a black profiled sheet metal finish.
- The change of use of two store rooms at the rear of the property to provide a new bar area. Works comprised the increase in height of the southern boundary wall and the provision of a new metal roof above with clear plastic rooflights. The roof then extended to the west to cover a partially enclosed yard area.
- The change of use of an existing yard area to a new beer garden with a total floor area of 103.8sq.m.
- The provision of a prefabricated ladies toilet block with the new beer garden, and,
- The construction of a cleaner's store.

7.1.2. The application was refused by the Planning Authority as the proposal was considered to be contrary to local and national policy provisions due to its impact on the character of the existing Protected Structure and wider ACA. The Planning Authority also formed the view that the development had the potential to seriously injure the amenities of the area by reason of its built form, scale, design, layout and intensification of use as it would constitute overdevelopment and a substandard form of development. The Applicant is now seeking to regularise unauthorised works and additional works are now proposed to address the previous concerns of the Planning Authority and overcome the previous reasons for refusal.

7.1.3. The appeal site is located within Trim town centre and on lands zoned 'B1' (Commercial/Town or Village Centre) under the current Plan. The zoning objective seeks 'To protect, provide for and/or improve town and village centre facilities and uses'. The guidance within the Plan is that the primary land use in B1 zones is employment generating, service and retail provision. Within their assessment of the application, the Planning Authority was satisfied that the existing and proposed development were compatible with the B1 zoning applicable to the site. Notwithstanding this, the appellant's have raised significant concerns with respect to the expansion of the existing premises, the intensification of the existing use and the

associated amenity impacts. Whilst the Applicant's response to the appeals assert that the development does not involve an intensification of activity, but instead, minor improvements to this structure, this is evidently not the case. The Applicant has undertaken works to convert existing storage rooms to provide an additional bar area (53.39sq.m.), a covered area directly accessible from this bar (27.8sq.m.) and a new beer garden along the western boundary (103.8sq.m.) in lieu of a previously existing yard. As noted in the foregoing, the Planning Authority in their assessment of the previous retention application (i.e. Ref. TA200917) formed the view that the development represented an excessive intensification of the permitted use under planning Ref. TA170751 which, together with the associated unauthorised beer garden, had the potential to impact negatively upon the established amenities in the area and it was recommended that permission should therefore be refused. Whilst I acknowledge that the current proposal is supported by an Acoustic Report, the Planning Authority have not engaged in this issue in any meaningful way, and it is therefore unclear how the current application has overcome the previous concerns regarding the intensification of use and its associated impacts. Although the public house is established at this location and the principle of the extensions are generally acceptable given the town centre location of the site, the key issues which require further consideration relate to built heritage and the potential impact of the development on residential amenity of established residences within the surrounds. The following sections of my report will discuss these matters in further detail.

7.2. Built Heritage

- 7.2.1. The existing property is designated as a Protected Structure under the current Plan (RPS Ref. No. 91223) and the site is also located within the Trim Historic Core ACA. From an examination of the previous application for retention (i.e. Ref. TA200917), it is evident that the key concerns of the Planning Authority's Conservation Officer related to the new roof constructed above the storage rooms, the new bar and the external area, all of which are located along the eastern and southern site boundaries. Notably, the use of profiled metal sheeting and u.P.V.C. was considered to be unacceptable and should be taken down and an appropriate roof installed. Concerns were also raised with respect to the pre-fabricated toilet block within the new beer garden area and it was recommended that it be removed.
- 7.2.2. In the case of the current application, the Planning Authority's Conservation Officer

has indicated within their report on file that they have met with the Applicant and agents on site to agree a resolution for the extensive unauthorised development. It goes on to note that they agree with the submitted plans and proposals and they had no further architectural conservation comments. This conclusion was accepted in the Planner's Report on file. The principal revision to the current proposal is that the Applicant is now proposing to cover the existing metal clad roof (and rooflights) along the eastern and southern boundary with a 'corrugated metal or sinusoidal curved metal finished in a red colour'. A condition of the permission has been included which requires details of metal roof cladding to be submitted to the Planning Authority for written approval prior to the commencement of the proposed works.

- 7.2.3. In support of the application, the Applicant had submitted a Conservation Impact Assessment prepared by Gaffney & Cullivan Architects (Grade 2 Conservation Architect). In Section 6 of this report, an assessment is provided of the various works which required permission and retention permission. In terms of the southern wall (i.e. increase in height), it is stated the quality of workmanship in the extended wall is to a high standard and comparable in terms of both material and execution to the pre-existing walls. However, the new work remains legible and distinguishable from the original and is therefore consistent with good conservation practice. It is also contended that the increase in the height of the roof (i.e. over the new bar) is a minor intervention that does not materially detract from the protected structure. Justification is also provided within the report for the change of use of the storage rooms, the extension of the roof to the side of the bar, the changes to the roof above what was previously an enclosed beer garden (roof lights provided in lieu of glazed apex) and the creation of a storage room. It is noteworthy that the report contends that the toilet block is not an appropriate addition to this building. It is stated that it is poorly sited and is finished in materials that are not designed to endure and have no real compatibility with the rest of the protected structure. It is accepted within the report that its retention may be appropriate on a short-term basis given it is not visible from any external aspect and therefore its negative impact on the Protected Structure is minimised.
- 7.2.4. The Third Party appellants have raised significant concerns with respect to the impact of the proposal on the architectural character of the site and surrounds. The

submissions have detailed the various policy provisions that are relevant to a proposal of this nature, and they have outlined in detail as to why the proposal fails to comply with same. In terms of the provisions of the current Plan, I note that it is policy (HER POL 15) to encourage the conservation of Protected Structures, and where appropriate, the adaptive re-use of existing buildings and sites in a manner compatible with their character and significance. In addition, the setting of Protected Structures should be protected, and permission should be refused for development which would adversely impact on the character and special interest of the structure (HER POL 16). Whilst the height of the rear boundary wall has been increased to facilitate the change of use (i.e. new bar area), the increase in height is relatively modest (i.e. matches side wall), and the converted bar is subservient in scale to double storey element of building fronting High Street. Having regard to the scale and height of this structure, its location to the rear of the property and the separation distances between this modified element and the main double storey volume, I am satisfied that the proposal does not unduly erode or detract from the character of the existing Protected Structure. In my view, the proposal constitutes an appropriate adaptive re-use of this space and is therefore considered to be in accordance with National Guidelines and the policy provisions of the current Plan.

- 7.2.5. However, having inspected the appeal site and examined the plans and particulars, I would share the concerns of the Planning Authority with respect to the roof finish that has been utilised above the various storage rooms, the converted bar and the external area, all of which are located along the eastern and southern boundaries. Whilst the appellants have raised concerns regarding the lack of detail on the plans and particulars for this finish and it is contended by them that it is inappropriate for it to be agreed by way of condition, I am satisfied that it is reasonable for details/samples to be submitted to the Planning Authority (Conservation Officer) for written approval. The Applicant's conservation report indicates that the installation of a corrugated, curved profile metal roof is consistent with the premises. They note that the material will be "new", however it is appropriate that it reads as such, and the material is sympathetic to the roof covering that was present on these sheds/outbuildings historically. I am satisfied that a finish of this type is acceptable in this instance. Notwithstanding this, it is evident that the works carried out by the Applicant detract from the character of the existing structure and the revisions have been proposed to ameliorate the impact. In

my view, the Planning Authority's decision has failed to include a mechanism to ensure that the works are carried out and completed within a reasonable timeframe. In the absence of this, there is a possibility that the works may not be constructed within the life of the permission. In this regard, I recommend the inclusion of a condition which shall require the Applicant to submit details of the roof finish within two months of the grant of permission and there shall be a requirement for the works to be completed within one year of the final grant of permission. The condition shall also stipulate that the finish is applied to the entirety of the roof along the southern and eastern boundary as illustrated on the submitted plans and particulars. I note that the Planning Authority's condition only stipulated that the finish be applied to the roof above the bar area.

- 7.2.6. Permission has been sought by the Applicant to temporarily retain an existing pre-fabricated toilet block (i.e. 10 no. years) within the beer garden area which is also the subject of retention. Although it was permitted by the Planning Authority, a condition was included which restricted the period to 5 no. years. The appellants in this case have highlighted significant concerns with respect to the existing toilet block which they contend is contrary to the policy provisions of the current Plan. The Applicant's Conservation Report indicates that these toilets are not an appropriate addition to this building. It is stated that they are poorly sited and are finished in materials that are not designed to endure and have no real compatibility with the rest of the protected structure. They go on to note that it is only reasonable to retain them for a temporary period on account of their location in the centre of the site. Whilst I acknowledge that the block may have been constructed in response to challenging circumstances during the Covid 19 pandemic, its continued retention has not been adequately justified and it is my view that the installation of a structure of this nature is not compatible with a Protected Structure. In addition, I have concerns that the proposal may set an undesirable precedent for similar development elsewhere. The proposal is considered to be contrary to the policy provisions of the current Plan, in particular HER POL 16 which seeks to protect the setting of Protected Structures and to refuse development within their curtilage which would adversely impact their character. Therefore, I recommend the inclusion of a condition which requires the existing structure to be removed from site within 3 months of the final grant of permission. I have similar concerns regarding the cleaner's store (6.4sq.m.) which has been constructed to the

rear of the property and requires regularisation. Whilst I accept that it is a modestly sized addition, I would concur the commentary contained within the Applicant's Conservation Report which notes that the cumulative impact of minor interventions such as this cannot be permitted to continue unabated, and this is another small element that is being justified because the premises is a public house. Although the report has sought to justify its retention, it is my view that the store room is an unsympathetic addition to the existing Protected Structure which ultimately detracts from its character, and I therefore consider its removal to be warranted in this instance.

7.2.7. The Applicant seeks permission to retain an area of the existing yard to provide additional car parking. It is also sought to retain a bay for hot food casual trading Thursday to Sunday (4pm to 9pm daily). Although the appellant's have raised concerns with respect to this aspect of the proposal in terms of its impact on the character of the ACA, traffic related concerns and odour related impacts, the suitability of this element of the proposal does not appear to have been considered by the Planning Authority in their assessment of the application. Whilst I acknowledge that the vans are temporary in nature and elevations would not typically be required, the submitted site layout plan does show a food truck and a fridge van along with 2 no. gazebos. Planning permission (Ref. TA170336) had previously been granted by the Planning Authority for a similar proposal. However, this site was located to the rear of the existing premises within the public car park, and I note that permission was granted for a temporary period only (i.e. 3 no. years).

7.2.8. The Applicant's submission in response to the grounds of appeal invites the Board to accept that hot food outlets are found in all town and village centres in the entire country and that this take-away use is entirely acceptable in this particular area. Indeed, it is stated that a hot food outlet, as a land-use, is entirely consistent with the location of this site within the commercial core of Trim and no part of the Development Plan suggests that this type of development is impermissible in the Trim ACA. I note that a rationale has not been put forward as to why the hot food van has been relocated from the rear of property to its current location. However, one could reasonably assume that it was relocated to an area of the site that benefitted from greater footfall. The van in its current location is prominently located within the existing streetscape and I am conscious of HER POL 20 of the current Plan which seeks to require that all

development proposals within or contiguous to an ACA be sympathetic to the character of the area. Whilst it is not uncommon for uses such of this to be located within architecturally sensitive areas, these typically form elements of a town or village market. The current proposal is more ad-hoc in nature and I have no doubt that the parking of vans and their associated gazebos would contribute to a sense of visual clutter within the streetscape, albeit with this impact being timebound. Therefore, I do not consider the retention of this element of the proposed development to be acceptable at this location, particularly when there may be an alternative location within the wider site where it could be more readily accommodated. Should the Board come to a difference conclusion on this matter, I recommended that a condition be attached which restricts its use for a temporary period of time.

7.2.9. To the south of the appeal site is a recorded monument at St Mary's Augustinian Abbey and is referred to today the 'Yellow Steeple'. The appellant has raised concerns that the increase in footprint and the provision of an incongruous red roof will dramatically alter the character and setting of this protected structure when viewed from the Yellow Steeple. In addition, it is noted that there also has been no assessment of the impact of the proposed development on the character and setting of the 'Yellow Steeple'. Objective HER OBJ 2 of the current Plan seeks 'To ensure that development in the vicinity of a Recorded Monument or Zone of Archaeological Potential is sited and designed in a sensitive manner with a view to minimal detracting from the monument or its setting. Although the monument is visible from High Street, I am satisfied that the proposed development does not detract from or negatively impact the character of the monument or its setting.

7.2.10. The proposal also seeks consent to convert an existing store room within the public house to provide a new cocktail bar which includes a bar counter/servery area. Overall, I am satisfied that the internal revisions to this element of the building would not detract from the character of the existing Protected Structure and the proposal is therefore acceptable.

7.3. Residential Amenity

7.3.1. The Third Party appellants have raised significant concerns with respect to the existing development and in particular, noise impacts associated with its operation. Irrespective of the site being located within the town centre and the land use being

generally compatible with zoning objective (i.e. zoned B1), the residential amenity of the existing residences in the area cannot be disregarded. As discussed in Section 7.1 of this report, it is evident that the proposal constitutes an intensification of an established use, and I note that this particular issue formed a previous reason for refusal under Ref. TA200917. The appellant's primary concerns would appear to relate to the installation of operable rooflights in lieu of the previously permitted glazed apex roof, the intensification of use on site and noise impacts associated with new the beer garden. The adequacy of the Applicant's acoustic assessment has been questioned by an appellant and video footage has been enclosed within the appeal which demonstrates associated noise impacts. The submission notes that it is clear from the enclosed videos that the appellant has been experiencing the equivalent of a nightclub from his property when amplified music was playing in the beer garden or when 'velux' windows were open. The appellant's submission notes that outdoor amplification had been turned off in advance of lodging the application, however, concerns are raised that the outdoor amplified music will return post planning.

- 7.3.2. The current application was supported by an acoustic report which indicated that as part of the assessment, 2 no. outdoor noise monitoring stations were set up with one at the east side of the premises (adjacent to the car park barrier) and the second situated on the west side of the premises, adjacent to the boundary wall. I note that a station was also set up to record the internal noise levels. The recorded results were tabulated in the assessment with each measurement taken at 5-minute intervals between 23:00 – 00:45 and included periods when the music within the premises was turned off. As highlighted above, the appellant has questioned the adequacy of this report and notes that the assessment does not have any information on the expected levels at noise sensitive locations (NSLs) and it is stated that the Noise report fails to acknowledge that the EPA recommended night time noise criterion of 45dB LAeq [1]. It is acknowledged that noise emissions from pubs and clubs may arise from a variety of associated sources, including mechanical services equipment, deliveries and waste disposal, and noise from patrons. However, it noted within relevant policy documentation (i.e. Environmental Noise Guidance for Local Authority Planning & Enforcement Departments, AACI, 2021) that breakout music noise is the source that gives rise to the majority of complaints within the sector and is a substantive issue in each of the appellant's grounds of appeal. Whilst the appellant has referred to the EPA

and WHO recommendations, it is noted that there is no formalised, universally applied method for assessing music noise from pubs and clubs and in Ireland and the UK. However, reference is usually made to the Good practice guide on the control of noise from pubs and clubs (Institute of Acoustics (IOA), 2003), and Effective management of noise from licensed premises (British Beer and Pub Association, 2003). I note that the Applicant's acoustic consultant indicates that the tests were carefully planned and executed to address the specific sound. In the case of the subject proposal, the specific sound was Entertainment Music Breakout (EMB). Given the nature of the proposed development, I am satisfied that methodology adopted in the assessment is acceptable in this instance.

- 7.3.3. The acoustic assessment notes that there are several "amplification" zones in the Pub which may have to have the individual group of speakers' output trimmed or adjusted back. In respect of the West station, this is close to the smoking area and a degree of break-out, consequent on the doors being opened is to be expected. Trimming back the permissible sub-bass and bass maximum levels in this location is appropriate in conjunction with additional sealing and some form of acoustic lobby is indicated. The report notes that the goal for this location is a reduction in the breakout level of 7 dB in the sub-bass and 9 dB in the bass level. The acoustic assessment indicates that the degree of breakout in respect of the East station is less, partly because of the distance, the building envelope and the absence of doors leading out on this side. It is stated that a modest reduction in the maximum levels of 4 dB in the sub-bass and 2 dB in the bass is indicated. It is also recommended that a designated person should be required to enter in a log, confirmation that all velux/roof windows were closed and so remained for the duration of the music, together with details of the commencement and conclusion times of same, the type of music being played, and confirmation that routine checks were conducted during the music to ensure doors meant to be closed were, in fact, fully closed. Should any complaints be recorded/notified to the Pub, these will be entered into the log along with the time, the complainant's details, identity of the staff member who took the complaint and their action to determine and remedy the cause of the breakout. The assessment concludes that the above measures will form the basis for a robust and responsible music control programme and one which can be operated to provide enjoyable levels of music for patrons whilst providing effective control in respect of proximate noise-sensitive residences and residents.

7.3.4. Although the various recommendations have been outlined within the Applicant's assessment, I note that there are no conditions which could give residents a degree of comfort that noise could reasonably be controlled on site or provide an avenue through the enforcement process to highlight concerns if adverse noise impacts persisted. Therefore, I recommend the inclusion of a condition which requires the Applicant to prepare and submit an updated Acoustic Assessment which has been prepared in conjunction with the project architect and which clearly sets out how these recommendations/mitigation measures are to be implemented. These measures shall include trimming of the speaker's output, the creation of an acoustic lobby, a clear stipulation that all velux/roof windows and doors shall be closed when amplified music is played internally and the regime for its management and the creation of a log in the event that any complaints are recorded from adjoining residents. The updated report shall be submitted to the Planning Authority within 3 months of the final grant of permission. Whilst I am satisfied that the provision of the external beer garden is acceptable at this location, it is my view that condition should also stipulate that all external amplified music within the beer garden and all external areas within the site is prohibited. Concerns have been also highlighted that the proposed development will negatively impact the value of the appellant's property. Subject to compliance with these conditions, I am satisfied that an appropriate balance can be struck between preserving the residential amenity of existing residences whilst reasonably facilitating the expansion of the established use at this town centre location.

7.4. Appropriate Assessment

- 7.4.1. The site is not located within or contiguous to a Natura 2000 site. The nearest designated sites are the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and the River Boyne and River Blackwater Special Protection Area (SPA) (Site Code: 004232), which are located c. 200m to the south of the site.
- 7.4.2. Taking into consideration the nature, extent and scope of the proposed development and the development to be retained, the nature of the receiving environment and the location of the site in a serviced urban area and with no direct hydrological or ecological pathway to any European site, no appropriate assessment issues arise and it is not considered that the proposed development and the development to be retained

would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. Grant of permission and retention permission is recommended for:

- The conversion of an existing store room within the public house to a cocktail bar,
- The rendering and painting of the exposed blockwork to the gable end of the public house,
- The change of use of two rear store rooms to bar area,
- The use of the rear yard area as a Beer Garden,
- Elevational changes to the building including revisions to the windows/roof windows to the covered beer garden area,
- The change of use of part of the yard area into additional car parking (five bays) and along with 4 no. recycling banks, and,
- The replacement of the existing metal roof cladding with a corrugated metal or sinusoidal curved metal which is finished in a red colour.

8.2. Refusal of retention permission is recommended for:

- Single storey prefabricated ladies toilet block,
- A bay for hot food casual trading beside the entrance to the site from Thursday to Sunday from 4pm to 9pm daily, and,
- The construction of a single storey cleaners store located in the yard area.

9.0 Reasons and Considerations (1)

9.1. Having regard to:

- The location, nature, scale and design of the proposed development,
- The 'B1' Zoning Objective that applies to the subject site,
- The policy provisions of the Meath County Development Plan, 2021-2027, and,
- The specific characteristics of the site and surrounds,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not detract from the architectural

significance of the site and surrounding area, is acceptable in terms of the public health 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 retained and carried out and completed in accordance with the plans and particulars lodged with the application, 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. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Within 3 no. months of the final grant of permission, the Applicant shall submit to the Planning Authority (Conservation Officer) for written agreement, details of the proposed roof finish (corrugated metal or similar in a red finish). The roof shall be completed within 1 no. year of the final grant of permission and the finish shall be applied to the entirety of the roof along the southern and eastern boundary as illustrated on the submitted plans and particulars.

Reason: In the interest of built heritage and orderly development.

3. The existing pre-fabricated toilet and the cleaner's store (6.4sq.m.) shall be demolished/removed from site within 3 months of the final grant of permission and correspondence shall be submitted to the Planning Authority notifying same.

Reason: In the interest of built heritage

4. Noise

Within 3 months of the final grant of permission, the Applicant shall prepare and submit an updated Acoustic Assessment which has been prepared in conjunction with the project architect and which clearly sets out how the

recommendations/mitigation measures in the EMB Assessment (24th March 2022) are to be implemented. These measures shall include, but not limited to the following:

- The trimming of the speaker's output,
- The creation of an acoustic lobby,
- A clear stipulation that all velux/roof windows and doors shall be closed when amplified music is played internally and the regime for its management, and,
- The creation of a log in the event that any complaints are recorded from adjoining residents.
- Further to this, external amplified music within the beer garden and all external areas within the site shall be prohibited.

Reason: In the interest of residential amenity.

5. Noise Control

Construction Stage - Noise limits for construction activity of 70 dB(A) (LAeq 1 hour) apply between 0800 hours and 1800 hours Monday to Friday inclusive (excluding bank holidays) and between 0800 hours and 1300 hours on Saturdays when measured at any noise sensitive location* in the vicinity of the site. Sound levels shall not exceed 45 dB(A) (LAeq 1 hour) at any other time.

Operational Stage - There shall be no clearly audible tonal component or impulsive component in the noise emission from the development at any noise sensitive location*, and noise from the development shall not give rise to sound pressure levels (Leq 15 minutes) measured at *noise sensitive locations which exceed the following limits:

55 dB(A) between the hours of 0800 and 1800 Monday to Friday inclusive (excluding bank holidays), or

45 dB(A) at any other time.

Note: *Noise sensitive location is deemed to be any dwelling house, hotel or hostel, health building, educational establishment, place of worship or entertainment, or any other facility or area of high amenity which for its proper enjoyment requires the absence of noise at nuisance levels.

Reason: In the interest of public health and residential amenity.

11.0 Reasons and Considerations (2)

11.1. Having regard to the design, finish and location of the structures for which retention permission is sought, it is considered that the cumulative impact of the works detract from the character and setting of the existing Protected Structure. The development to be retained is therefore considered to be contrary to Policy HER POL 16 of the Meath County Development Plan, 2021-2027 which seeks 'To protect the setting of Protected Structures and to refuse permission for development within the curtilage or adjacent to a protected structure which would adversely impact on the character and special interest of the structure, where appropriate'. In addition, the provision of a bay for hot food casual trading at this prominent location will contribute to a sense of visual clutter within the streetscape and is therefore contrary to Policy HER POL 20 of the current Plan which seeks 'To require that all development proposals within or contiguous to an ACA be sympathetic to the character of the area...'. The development would set an undesirable precedent for similar development in architecturally sensitive areas and would therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Enda Duignan
Planning Inspector

02/02/2024

Appendix 1 - Form 1 EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-315534-23		
Proposed Development Summary	Retention for change of use of two store rooms to bar area and use of rear yard for use as beer garden. Permission to convert existing store room to cocktail bar.		
Development Address	James Griffin Pub, High Street, Trim, Co. Meath.		
Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	Yes
		No	No further action required
Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
Conclusion			
No	X		No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: 02/04/2024