



An
Bord
Pleanála

Inspector's Report

ABP-319727-24

Development

Retention of first-floor level bar extension and stairway. Permission to enclose the current open section of the first-floor bar level and all associated site works.

Location

'McHugh's Bar', Bridge Street, Carrick on Shannon, Co Leitrim

Planning Authority

Leitrim County Council

Planning Authority Reg. Ref.

243

Applicants

Enda & Caroline McHugh

Type of Application

Retention Permission and Permission

Planning Authority Decision

Refuse Retention Permission and Refuse Permission

Type of Appeal

First Party

Appellant

Caroline McHugh

Observers

1. Kashia Grzeskowiak
2. Gerard Kelly
3. Archways Management Company

Date of Site Inspection

14th January 2025

Inspector

Jim Egan

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1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.056ha, comprises 'Mc Hugh's Bar' located on the east side of Bridge Street, Carrick on Shannon, Co. Leitrim. Bridge Street is located within the urban core of Carrick-on-Shannon, comprising a mix of retail, commercial and residential uses.
- 1.2. McHugh's Bar is a licenced premises contained within a three-storey mid-terrace building and associated rear outbuildings, with a stated floor area of 388.24sq.m.
- 1.3. Buildings adjoining the site to the north and south fronting Bridge Street are of equal height at three storeys. The property to the north comprises a shop at ground floor, and to the south a commercial / office and separate coffee shop unit.
- 1.4. The rear / eastern boundary of the site has pedestrian access from the public realm on the northern side of Flynn's Field public car park. The rear of the site also interfaces with a three-storey mixed use building known as 'The Archways', which comprises ground floor commercial units fronting to the east, and apartments on the upper floors. The area of ground between the rear of the site and the Archways building is brick paved, providing access to the Archways building and also providing a pedestrian link to Bridge Street via an arched laneway c. 25m north of the appeal site.

2.0 Proposed Development

- 2.1. The proposed development, as described within the public notices, comprises of the following:
 1. retention of the first-floor level bar extension to the rear of the existing licenced premises and stairway leading to same. The floor area to be retained measures c.96.5 sq.m. consisting of 90 sq.m. on the first floor and 6.5 sq.m. bar area.
 2. permission is sought to enclose the currently open section of the rear elevation of the first-floor bar level with noise reducing double glazing and noise reducing wall and roof insulation to the first-floor bar extension to be retained.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reasons:

1. Having regard to the scale and location of the extension proposed to be retained and modified, it is considered that the first floor extension negatively impacts on residential amenities of the surrounding area. On the basis of the limited information submitted with the subject planning application, the Planning Authority is not satisfied that the noise mitigation measures proposed, cumulatively with the existing levels of noise emanating from the subject property, would not continue to cause nuisance by way of excessive levels of noise pollution and continue to seriously adversely impact on the residential amenities of adjoining properties. The retention and modification of the extension would therefore be contrary to the proper planning and sustainable development of the area.
2. Having regard to the scale, size, design and location of the extension proposed to be retained and modified, in conjunction with other structures within the covered beer garden, to the rear of a Georgian building located within an Architectural Conservation Area, it is considered that the proposed development is substandard in its architectural expression, presents an inappropriate form of development which is poorly integrated visually with the original period building and is visually obtrusive when viewed from the newly developed public realm to the rear and from adjoining residential properties. The retention and modification of the extension would therefore be contrary to the proper planning and sustainable development of the area.
3. The proposed extension it is sought to retain and modify in conjunction with the scale of the existing bar, beer garden and music venue on the subject property is considered to constitute the overdevelopment of the subject property by virtue of the rear garden of an adjoining property, Canon House, being used to provide bin, bottle and keg storage for the operation of the business and the absence of an obvious outdoor smoking area remaining. The retention and modification of the extension, in conjunction with the scale of existing

development on site, is resulting in the overspill of activities beyond the site boundaries which activities are negatively impacting on the residential amenities of the adjoining properties by way of noise and nuisance. The retention and modification of the extension would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report recommends a refusal. The following is a summary of the key points made:

- The principle of the proposed development is acceptable considering the location and surrounding land uses.
- Refers to policy framework as contained in the Leitrim County Development Plan 2023-2029 and Carrick-on-Shannon Local Area Plan 2010-2019.
- The site is located within an Area of High Visual Amenity (B11 River Shannon and Lakes) and is within the Carrick-on-Shannon Architectural Conservation Area, as designated in the Leitrim County Development Plan 2023-2029.
- The development provides for a piecemeal and haphazard overdevelopment of the site.
- The proposal is poorly integrated visually with the original Georgian period building, and visually obtrusive when read in the context of the newly developed public realm to the rear and from adjoining residential properties.
- Proposal causes an unacceptable adverse impact on the residential amenity of neighbouring properties by reason of noise pollution.
- Cumulative noise impact of proposal and authorised development at ground floor level.
- No noise impact assessment has not been submitted for the proposed noise mitigation measures, which would comprise internal soundproofing to the walls and roof and a sound control glazed screen at the rear elevation.
- Retention permission previously refused by the Planning Authority and An Bord Pleanála for the first-floor level extension.

- Refers to enforcement files on the site including an open case in respect of the first-floor extension for which retention permission is sought and a further case in in respect of alleged use of rear access gate by patrons, contrary to condition of previous permission.
- Storage of refuse bins, kegs, cylinders and bottles appears to be taking place on adjoining property.

3.2.2. Other Technical Reports

District Engineer: Report dated 22nd March 2023 raised no objection to the proposed development, subject to standard conditions in respect of surface water management.

Environmental Health Officer, HSE Environmental Health Service: Report dated 26th March 2023 makes the following points:

- A noise assessment has not been submitted.
- While the application does include measures to achieve a noise level of 55dBA at the perimeter of the structure, no supporting evidence to demonstrate that such measures would be sufficient to mitigate any potential nuisance arising from the development.
- A noise complaint was received by the Environmental Health Service in 2019 in relation to noise impact on a nearby resident.
- Due to the nature of the premises and proximity to residential amenities, there is potential that noise from the proposed development could have a negative impact on local residents and give rise to potentially significant public health concerns.
- A comprehensive noise assessment should be carried out, to include a baseline survey, projected noise resulting from the proposed development and mitigation measures to deal with noise impact.
- Proposed development is currently used as a smoking area. If area is enclosed, then use for smoking area is no longer exempt under the Public Health (Tobacco) Act 2002, as amended.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

3 no. submissions were received during the statutory consultation period, as follows:

Gordon Hughes Auctioneers, on behalf of Deborah Doran, Property Manager, Archways Management Company

- The first-floor extension was refused permission by the local authority and An Bord Pleanála.
- Noise levels are unacceptable and inconsiderate at present.
- Noise levels are intolerable at weekends due to loud music and disruptive behaviour. Archways apartments face onto the unauthorised development.

Kashia Grzeskowiak, resident of Archways Apartments

- Noise from the pub is unacceptable, with nuisance caused by late hours at weekends.
- Proposal will have negative effect on the integrity of the surrounding environment to the rear of the building.
- Increase in footfall also causing nuisance and threat to public health.

Gerry Kelly, Bridge Street

- Proposal is does not have the necessary approvals for construction.
- The structure poses a risk to adjoining buildings and surrounding environment.
- Structure not covered by insurance and thus poses a threat to public safety.

4.0 Planning History

4.1. Appeal Site

P.A. Ref. 19/245 – refers to 2020 grant of retention permission for alterations to the premises including a rear bar extension, new access gate and smoking area including roof canopy. Condition No. 6 of the permission related to noise mitigation and monitoring at the premises.

P.A. Ref. 21/3 – refers to a 2021 grant of permission for internal alterations and change of use of existing first floor level from habitable accommodation to a restaurant.

P.A. Ref. 21/129 / ABP. Ref. ABP-311319-21 – refers to a 2022 split decision. Retention permission refused for the first-floor level extension to the rear of the premises. Retention permission granted for a timber framed structure to support the covered beer garden located to the rear of licenced premises with roof coverings. Reasons for the refusal were as follows:

1. Having regard to the size, scale, design and location of the extension it is considered that the first floor extension negatively impacts on the residential amenities of the surrounding area primarily by virtue of the noise impact and as such would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the building within the Carrick on Shannon Architectural Conservation Area, the façade of the building as presented, inclusive of external finishes, awnings, flagpoles, protruding signage, is considered to be out of character with the streetscape and detrimental to Architectural Conservation Area in which the building is located. The retention of the façade as presented is therefore considered contrary to Policy 11.3c and Objective 11.4a of the Carrick on Shannon Local Area Plan 2010-2019 and Objective 90 of the Leitrim County Development Plan 2015-2021 which seek to protect the external fabric of structures of heritage value in the Architectural Conservation Area, to protect and enhance the Architectural Conservation Area(s) and to conserve and enhance the character of the historic town core of Carrick on Shannon. The retention of the façade would therefore be contrary to the proper planning and sustainable development of the area.

4.2. Enforcement History

The Planner's Report notes the following relevant history of enforcement on site.

P.A. Ref. E-21-017 – On the 12th June 2023 an Enforcement Notice was served in respect of unauthorised works to the rear of the premises.

5.0 Policy Context

5.1. Leitrim County Development Plan 2023-2029

- 5.1.1. Chapter 6 (Urban Settlements), Chapter 9 (Infrastructure and Energy) and Chapter 11 (Heritage & Biodiversity) of the development plan are considered relevant, with the following policies and objectives applicable:

Chapter 6 (Urban Settlements)

- PLACE POL 6 To enhance the visual amenity of settlements and support improvements in the appearance of streetscapes and revitalising spaces.
- PLACE OBJ 1 To facilitate the development of a high quality and distinctive built environment creating a sense of place, with attractive, accessible and safe streets, spaces and neighbourhoods.
- COMPACT POL 1 To facilitate the development of identified Opportunity Sites and underutilised land within the identified boundaries of individual settlements.

Chapter 9 (Infrastructure and Energy)

- NP POL 3 To have regard to acoustical planning in the planning process to ensure that future developments include provisions to protect the population from the effects of environmental noise in the interests of residential amenity and public health.

Chapter 11 (Heritage & Biodiversity)

The site is located within an Architectural Conservation Area (ACA) as identified in Table 11.9 and Figure 11.6 of the County Development Plan.

- ACA POL 1 To ensure the preservation of the special character of each Architectural Conservation Area listed in this Plan (See Table 11.9) by exercising specific design control with particular regard to building scale, proportions, historical plot sizes, building lines, height, general land use, fenestration, signage, and other appendages such as electrical wiring, building materials, historic street furniture, paving and shop fronts.

ACA POL 5 To encourage high quality, contemporary design and materials where appropriate when new buildings are being introduced into an Architectural Conservation Area and the retention of the historic scale and plot size. Such buildings should contribute to the visual enhancement of the area and respect the character of the Architectural Conservation Area as set out in the statement of character (when prepared).

5.2. Draft Joint Carrick-on-Shannon Local Area Plan 2025-2031

- 5.2.1. The site is zoned 'Town Core', the objective of which is *'To maintain and enhance the vitality and viability of the existing town centre through consolidation with an appropriate mix of retailing, commercial, cultural and residential activities. As per the Land Use Zoning Matrix under Section 9.4, 'Commercial' use 'Heavy Commercial is 'Acceptable in Principle' on land zoned 'Town Core'.*
- 5.2.2. Chapter 2 (Town Centre First and Regeneration) and Chapter 8 (Built and Natural Heritage) of the draft LAP (including reference to proposed material alterations) are considered relevant, with the following policies and objectives applicable:

Chapter 6 (Town Centre First and Regeneration)

- TC 3 Reinforce the role of the town centre as a primary location for commercial, civic, social, and cultural and heritage development through the promotion of new high-quality infill and backland development that consolidates the existing urban core.
- TC 5 Ensure that all public and private development proposals make a positive contribution to the built environment of Carrick-on-Shannon, through adherence to the best practice principles for urban design and placemaking as outlined in Chapter 13 of the Leitrim County Development Plan 2023-2029 and in Chapter 12 of the Roscommon County Development Plan 2022-2028.
- TC 8 Facilitate and promote the appropriate development of the Opportunity Sites identified in Carrick-on-Shannon for appropriate uses that will contribute to the renewal, enhancement and regeneration of the town.

Chapter 8 (Built and Natural Heritage)

The site is located within an Architectural Conservation Area (ACA) as identified in Figure 8.1 of the draft LAP.

BNH 1 Maintain, conserve and protect the architectural quality, character and scale of the Carrick-on-Shannon Architectural Conservation Area and to require new developments within or adjacent to the Architectural Conservation Area to respond positively to the existing character of the area.

5.3. Natural Heritage Designations

5.3.1. The site is not located within or adjacent to any designated sites. The closest European Sites are as follows:

- Annaghmore Lough (Roscommon) SAC (Site Code: 001626), located c. 15km to the south
- Cuilcagh - Anierin Uplands SAC (Site Code: 000584), located c. 16km to the north

5.3.2. The Lough Drumharlow pNHA (Site Code: 001643) is located c. 730m northwest of the site.

5.4. EIA Screening

5.4.1. Refer to Form 1 in Appendix 1 (EIA Pre-Screening). Class 10(b)(iv) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for a development comprising urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

5.4.2. Refer to Form 2 in Appendix 1 (EIA Preliminary Examination). Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first party appeal has been received on behalf of the applicants in respect of the Planning Authority's decision to refuse retention permission and permission. The appeal can be summarised as follows:

Reason no. 1 – Noise impact

- Compliance with the 'Night-Time Economy Mitigation Grant Scheme 2023 Guidelines would address the current noise issues.
- A matting system will be fitted to floor and the walls and roof will be upgraded to a higher sound proofing than required by the abovementioned Night-Time Economy Mitigation Grant Scheme 2023 Guidelines.
- Mitigation works can achieve a noise limit standard similar to that approved by the Board under a previous case, referring to Condition 9 on ABP-303566-19.
 - An Leq, 1h value of 55 dB(A) during the period of 0800 to 2200 hours from Monday to Sunday inclusive.
 - An Leq, 15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.
 - At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.
- In addition, no music or amplified sound will be played in the open smoking area at the rear of the premises (at ground floor level) and signs will be erected to encourage patrons to moderate their tone.
- The applicant would employ a noise consultant to oversee the noise mitigation works.

Reason no. 2 – Design, finishes and visual impact

- The first floor level structure is flanked by tall sheds and trees.

- Applicant would be willing to plant mature screening trees in the open space to the rear of the premises to further reduce visual impact.
- Removal of the as-constructed first floor level structure would expose the two-storey permitted building behind.
- A meaningful solution to design, finishes and visual impact would be for the Board to impose a condition which requires the applicant to submit alterations to the rear façade for agreement by the Planning Authority.

Reason no. 3 – Overdevelopment of the site

- Outdoor smoking area reinstated. The transparent sheeting referred to in the Planner's Report was experimental and has since been removed.
- Any storage of bins, bottles and kegs within the right-of-way shaded yellow on the site location plans was for the purpose of collection.

6.2. Planning Authority Response

A response was received on the 30th May 2024 which states that the Planning Authority reiterates the reasons for refusal; that should the development proceed it would be contrary to the proper planning and sustainable development of the area; and requests that the Board uphold the decision of the Planning Authority to refuse permission.

6.3. Observations

Observations have been received from 3 no. parties, all of whom made observations to the Planning Authority during the initial period of public notice. The points made in the observations to the Board can be summarised as follows:

Gordon Hughes Estate Agents, on behalf of Deborah Doran, Property Manager, Archways Management Company

- The first-floor extension was refused permission by the local authority and An Bord Pleanála. The structure remains in place.
- Noise levels are excessive, and the current application will not address the problem.

- Archways Management Company receive complaints from occupants of the apartments on a weekly basis.
- The site is overdeveloped, and the elevated structure overlooks the Archways complex with constant unbearable levels of live music some weekdays and all weekends and also from large volume of people in the elevated structure and smoking area.

Kashia Grzeskowiak, resident of Archways Apartments

- Subjected to excessive noise at the weekends, constituting an invasion of a right to privacy.

Gerry Kelly, Bridge Street

- Structure is substandard and operating without the proper permissions.
- The structure is visibly ugly and not in keeping with the conservation area.
- Noise pollution caused by the use of the structure results in a nuisance to adjoining property / business.

7.0 **Assessment**

Having examined the appeal details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant policies and guidance, I consider that the main issues in this appeal are as follows:

- Relevant Statutory Plan
- Principle of Development
- Residential Amenity
- Scale and Design
- Operation of Business Premises

The issue of Appropriate Assessment Screening also needs to be addressed.

7.1. Relevant Statutory Plan

- 7.1.1. The Carrick-on-Shannon Local Area Plan 2010-2016 was made on the 10th May 2010. Section 18(4)(a) of the Planning and Development Act 2000 (as amended) states that *'A local area plan prepared under this section shall indicate the period for which the plan is to remain in force'*. Within the 'Foreword' section of the LAP, it is stated that the plan is valid for a six-year period from the date the plan is made. There is no record on the Leitrim County Council website that the LAP has been extended. The site was zoned 'Mixed Use' in the Carrick-on-Shannon Local Area Plan 2010- 2016, which has since expired.
- 7.1.2. The site is not zoned in the current Leitrim County Development Plan 2023-2029 which was the plan in effect at the time that Leitrim County Council made its decision. However, the licenced premises is an existing / established use on the site and the proposal relates to development associated with same.
- 7.1.3. Section 18(3) of the Planning and Development Act 2000 (as amended) states that *'When considering an application for permission under section 34, a planning authority, or the Board on appeal, shall have regard to the provisions of any local area plan prepared for the area to which the application relates, and the authority or the Board may also consider any relevant draft local plan which has been prepared but not yet made in accordance with section 20.*
- 7.1.4. The Draft Joint Carrick-on-Shannon Local Area Plan 2025-2031 (made by Leitrim County Council and Roscommon County Council) was published on the 14th August 2024, with the period of public consultation ending on the 4th October 2024. Proposed Material Alterations to the draft LAP were published on the 8th January 2025, with submissions being accepted until 7th February 2025. In accordance with the statutory timeframes under Section 20 of the Planning and Development Act 2000 (as amended), a Joint LAP for the town is due to be made in April / May 2025.
- 7.1.5. On the basis of the foregoing, I consider the relevant statutory plan for the site at this time is the Leitrim County Development Plan 2023-2029, with regard also to the Draft Joint Carrick-on-Shannon Local Area Plan 2025-2031.

7.2. Principle of Development

- 7.2.1. The proposed development relates to works to an existing licensed premises. The subject site is located within Carrick-on-Shannon town centre and under the Draft Joint LAP is zoned 'Town Core', the objective of which is '*To maintain and enhance the vitality and viability of the existing town centre through consolidation with an appropriate mix of retailing, commercial, cultural and residential activities.*' I note that 'commercial' uses are acceptable in principle under this zoning objective, and as such, I am satisfied that the development to be retained is acceptable in principle at this location, subject to its compliance with all other relevant planning policies and development management standards.

7.3. Residential Amenity

- 7.3.1. The Planning Authority's first reason for refusal relates to the noise generated from the use of the first-floor level structure as part of the licenced premises and in the absence of supporting information, a noise impact assessment, the impact of such noise on the residential amenities of the surrounding area, particularly in respect of apartments at the Archways complex east of the site.
- 7.3.2. In responding to the first reason for refusal the applicant outlines that through the implementation of the proposed mitigation measures the development can be operated within the following noise levels:
- An Leq, 1h value of 55 dB(A) during the period of 0800 to 2200 hours from Monday to Sunday inclusive.
 - An Leq, 15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.
 - At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.
- 7.3.3. The proposed mitigation measures comprise the installation of sound proofing to the roof and walls, and the erection of a sound controlled glazed screen on the front / eastern elevation of the structure. By reason of the fact that the roof structure is stepped back from the eastern edge, the glazed screen would extend to a height of c.

2.6m before returning to the elevation of the roof and then extending to the ridge height of the roof in the form of a gable end structure.

- 7.3.4. The observations received on the first party appeal raise concerns in relation to the noise impact associated with the use of the first-floor extension on the residential amenity of residents at the Archways apartment complex and contend that the proposed mitigation measures will not address the issue.
- 7.3.5. The appeal site is located in the town centre which comprises a mix of uses including the established use of the property as a licenced premises. Development Plan Policy NP POL 3 requires consideration of acoustical planning in the planning process to ensure that future developments include provisions to protect the population from the effects of environmental noise in the interests of residential amenity and public health.
- 7.3.6. I note that the covered beer garden at ground floor level at the rear of the premises was permitted under P.A. Ref. 19/245. A noise assessment report was submitted with that application, with recommendations on mitigation measures based on the results of a noise survey carried out on Saturday night / Sunday morning of 19th / 20th September 2019. The survey established a baseline noise environment which included noise monitoring on the pavement outside the Archways apartment complex directly to the rear / east of the appeal site.
- 7.3.7. The noise assessment found that while music from a variety of premises was a feature of the noise measured, the main contributor of noise in the vicinity east of the Archways complex was music from McHugh's Bar. The noise report recommended mitigation measures including the installation of a sound lobby at the access door to the beer garden / smoking area.
- 7.3.8. Condition 6 under P.A. Ref. 19/245 required that all noise mitigation measures recommended in the noise report were to be carried out and that further monitoring was to be conducted with recommendations to be implemented. The condition set out restrictions on noise generating activities within the beer garden and smoking area and outlines that noise emissions at closest noise sensitive receptors shall not exceed the following noise levels:
- Day time 07:00 to 19:00 - 55dBA (LAeq 15 min)
 - Evening time: 19:00 to 23:00 - 50dBA (LAeq 15 min)
 - Night time: 23:00 to 07:00 - 45dBA (LAeq 15 min)

- 7.3.9. A previous application on the site (P.A. Ref. 21129 / ABP-311319-21) sought to retain the first-floor level structure generally how it currently exists. No noise impact assessment was submitted as part of that application, and it is noted that the Environment Department of the Local Authority recommended that such a report should be furnished for consideration. The Planning Authority and the Board refused this element of the application on the grounds of impact of noise on residential amenity.
- 7.3.10. A report on file for the current application received from the Environmental Health Officer, HSE Environmental Health Service recommends that a comprehensive noise assessment should be carried out, to include a baseline survey, projected noise resulting from the proposed development and mitigation measures to deal with noise impact.
- 7.3.11. As noted above, this current appeal outlines that with implementation of the proposed mitigation measures, the first-floor extension can be operated within certain noise limits including 55dBA during the period of 0800 to 2200 hours Monday to Sunday and 45dBA at any other time at nearest noise sensitive receptors. However, no noise assessment is submitted in support of the appeal to demonstrate that such noise levels would or could be adhered to.
- 7.3.12. The apartments at the Archways complex are contained on first and second floor levels with 'Juliette' style balconies on the western and southern elevations, within close proximity of the appeal site. The first-floor level structure on the appeal site is elevated above the other structures towards the rear of the site and, as such, is at a similar level and within the direct line of sight of first floor level apartments at the Archways. I note that the baseline noise survey submitted as part of the application under P.A. Ref. 19/245 was conducted at ground level adjacent to the Archways complex, with recommendations made in respect of the noise emanating from within the premises to the ground floor smoking area, measures that included sound proofing / repair of roof and upper rear wall of the outbuilding having regard to the elevated position of the stage within that building. In my view, in order to adequately evaluate the impact of the first-floor level structure on adjoining residential amenity, a noise survey and associated recommended mitigation measures would need to take account of the elevated nature of the structure in the context of its relationship with above ground level apartments to the east.

- 7.3.13. Furthermore, during a site inspection, I observed 2 no. doors on the inside elevation of the first-floor level structure. These doors, which are not shown on the submitted 'Existing / Proposed Floor Plans', provide direct access to a VIP section and, via a lobby, to the stage area at which the live music is performed.
- 7.3.14. As outlined above, the Board previously refused retention permission (ABP-311319-21) for the first-floor extension on the grounds of impact of noise on residential amenity. The applicant has sought to overcome this refusal by proposing mitigation measures comprising sound proofing to the roof and wall and the erection of a sound proofing glazed screen to the front / east elevation of the structure. The applicant has not submitted a noise impact assessment to provide an evidence-based rationale for the proposed noise mitigation measures and, as such, in my view, there remains uncertainty as to whether such measures would sufficiently address the noise issue. For this reason, I consider that the applicant has not overcome this reason for refusal on the previous Board decision.
- 7.3.15. On the basis of the foregoing, based on the information provided, specifically the absence of a noise impact assessment comprising a baseline survey and recommendations on mitigation, I consider that notwithstanding mitigation measures proposed, the first floor extension structure, by reason of its elevated nature and its location relative to adjacent residential development would impact on the amenities of adjoining residential properties on the basis of noise emanating from the structure, contrary to Policy NP POL 3 of the Leitrim County Development Plan 2023-2029.

7.4. Scale and Design

- 7.4.1. The Planning Authority's second reason for refusal relates to the scale, size, design and location of the proposal, stating that in conjunction with other structures within the covered beer garden to the rear of a Georgian building located within an Architectural Conservation Area, the proposal is substandard in its architectural expression, presents an inappropriate form of development which is poorly integrated visually with the original period building and is visually obtrusive when viewed from the newly developed public realm to the rear and from adjoining residential properties.
- 7.4.2. In responding to the second reason for refusal the applicant outlines that the first floor level structure is flanked by tall sheds and trees, that the applicant would be willing to

plant mature screening trees in the open space to the rear of the premises to further reduce visual impact, and that removal of the as-constructed first floor level structure would expose the two-storey permitted building behind. Furthermore, the applicant suggests that a meaningful solution to design, finishes and visual impact would be for the Board to impose a condition which requires the applicant to submit alterations to the rear façade for approval by the Planning Authority.

- 7.4.3. Observations received on the first party appeal contend that the structure is visibly ugly and not in keeping with the conservation area.
- 7.4.4. The appeal site is located within the Carrick-on-Shannon Architectural Conservation Area (ACA) as identified in Table 11.9 and Figure 11.6 of the County Development Plan. I do note that Section 11.20 of the County Development Plan states that the extent of ACAs was reviewed as part of the preparation of the 2023-2029 County Development Plan and *the extent of these areas has been reduced to ensure that the importance of the fabric of these areas is not diluted*. For the purposes of assessment, I will rely on the ACA boundary as contained in the current County Development Plan.
- 7.4.5. The ACA relates predominantly to the urban core of the town and includes both sides of Bridge Street, and in the case of the eastern side, extends to the rear boundary of properties, including the appeal site. The development of a public car park within the Flynn's Field area to the east of the site and associated public realm works south of the Archways and pedestrian connections through to Bridge Street, have provided a public space interface for the rear of the properties on the eastern side of Bridge Street, including the appeal site.
- 7.4.6. Policy PLACE POL 6 of the County Development Plan seeks to enhance the visual amenity of settlements and support improvements in the appearance of streetscapes and revitalising spaces, while Objective PLACE OBJ 1 seeks to facilitate the development of a high quality and distinctive built environment creating a sense of place, with attractive, accessible and safe streets, spaces and neighbourhoods.

Policy ACA POL 1 seeks to ensure the preservation of the special character of each Architectural Conservation Area, while Policy ACA POL 5 encourages high quality, contemporary design and materials where appropriate and that new buildings should contribute to the visual enhancement of the area. I note also that the Draft Joint LAP for Carrick-on-Shannon includes policies to maintain, conserve and protect the ACA.

- 7.4.7. The structure to be retained is positioned against the eastern / rear façade of an original outbuilding on the site. The original outbuilding is in a semi-detached format with the other half located on the adjoining property to the south. The outbuilding comprises stone walls and a slate roof, hipped on the northern side. Permission granted under P.A. Ref. 19/245 allowed for an extension of the pub into the outbuilding. Drawings submitted under that application indicated that the external structure of the original outbuilding would remain intact. The structure to be retained under this current application comprises a box steel frame with corrugated metal roof sheeting and with sides and floor clad with timber sheeting. The structure has a ridge height of c. 8.45m above ground level, compared to a ridge height of c. 6.93m for the original building to which the structure is attached.
- 7.4.8. The proposed mitigation measures include the erection of a sound controlled glazed screen on the front / eastern elevation of the structure, extending to the ridge of the roof in the form of a front gable. In my view, the application does not provide sufficient details on how this glazed screen would appear on the building in terms of structural support. I consider that the necessity to erect a screen as a mitigation measure contributes to the piecemeal nature of the extension.
- 7.4.9. On the basis of the foregoing, I consider that by reason of scale, design, height, roof profile and location, the structure to be retained is unsympathetic to the original buildings on the site and does not contribute to the visual enhancement of the area in the context of the site's interface with the public realm to the east and, by association, its location within an Architectural Conservation Area, contrary to Policy PLACE POL 6, Objective PLACE OBJ 1 and Policy ACA POL 1 of the Leitrim County Development Plan 2023-2029.

7.5. Operation of Business Premises

- 7.5.1. The Planning Authority's third reason for refusal relates to the consideration of the Planning Authority that by reason of the structure to be retained in conjunction with the scale of existing structures on the site amounts to overdevelopment resulting in the overspill of activities beyond the site boundaries, namely storage of kegs, cylinders, bins, etc, which are negatively impacting on the residential amenities of the adjoining properties by way of noise and nuisance.

- 7.5.2. In responding to the third reason for refusal the applicant states that storage of bins, bottles and kegs within the right-of-way shaded yellow on the site location plans was for the purpose of collection.
- 7.5.3. At the time of inspection, I observed that an area inside the rear gate of the property which includes a yard and flat roofed shed, was being used for the storage of bins, empty bottles, kegs and other items, consistent with plans submitted under previous planning applications, most notably P.A. Ref. 19/245 and 21/129. I did not observe the storage of any such material outside the boundaries of the site, either to the front on Bridge Street or to the rear adjacent to the Archways apartments / public car park, and thus no indication of activities in this regard causing a nuisance to the public or to adjoining residents.

8.0 Appropriate Assessment

Refer to Appendix 2. Having regard to nature, scale and location of the proposed development and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

I recommend that retention permission and permission be refused for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. Having regard to the information on file, and notwithstanding mitigation measures proposed, the Board is not satisfied that the first floor extension structure, by reason of its elevated nature and its location relative to adjacent residential development would not impact negatively on the amenities of residential properties in the surrounding area on the basis of noise emanating from the use of the structure in association with the licenced premises, contrary to Policy NP

POL 3 of the Leitrim County Development Plan 2023-2029, and therefore contrary to the proper planning and sustainable development of the area.

2. Having regard to scale and design, in terms of height, roof profile and materials, the structure to be retained is considered to be unsympathetic to the original buildings on the site and does not contribute positively to the visual enhancement of the area in the context of the site's interface with the public realm and its location within an Architectural Conservation Area, contrary to Policy PLACE POL 6, Objective PLACE OBJ 1 and Policy ACA POL 1 of the Leitrim County Development Plan 2023-2029, and therefore 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.

Jim Egan
Planning Inspector

6th February 2025

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-319727-24		
Proposed Development Summary	Retention of first-floor level bar extension and stairway. Permission to enclose the current open section of the first-floor bar level and all associated site works.		
Development Address	McHugh's Bar', Bridge Street, Carrick on Shannon, Co Leitrim		
1. 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	√
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	√		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	√		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	√	Class 10(b)(iv) - Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. The site is located within the business district of Carrick-on-Shannon town.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	√	Pre-screening determination remains as above (Q1 to Q4)
Yes		

Inspector: _____ Date: _____

Appendix 1 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP-319727-24
Proposed Development Summary	Retention of first-floor level bar extension and stairway. Permission to enclose the current open section of the first-floor bar level and all associated site works.
Development Address	McHugh's Bar', Bridge Street, Carrick on Shannon, Co Leitrim
The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposal comprises retention of the first-floor level bar extension to the rear of the existing licenced premises and stairway leading to same. The floor area to be retained measures c.96.5 sq.m. consisting of 90 sq.m. on the first floor and 6.5 sq.m. bar area. Permission is sought to enclose the currently open section of the rear elevation of the first-floor bar level with noise reducing double glazing and noise reducing wall and roof insulation to the first-floor bar extension to be retained. The development comes forward as a standalone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.

Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The site is not located within or immediately adjacent to any designated site. The proposed development would use the public water and wastewater services of Uisce Eireann, upon which its effects would be marginal. It is considered that the proposed development would not be likely to have a significant effect individually, or in combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector: _____

Date: _____

Appendix 2

AA Screening

I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.

The site is not located within or immediately adjacent to any European Sites. The closest European Sites, part of the Natura 2000 Network are the Annaghmore Lough (Roscommon) SAC (Site Code: 001626), located c. 15km to the south and the Cuilcagh - Anierin Uplands SAC (Site Code: 000584), located c. 16km to the north.

The proposed development is located within an urban settlement and comprises the retention of a first-floor level bar extension to the rear of the existing licenced premises and stairway leading to same. The floor area to be retained measures c.96.5 sq.m. consisting of 90 sq.m. on the first floor and 6.5 sq.m. bar area. Permission is sought to enclose the currently open section of the rear elevation of the first-floor bar level with noise reducing double glazing and noise reducing wall and roof insulation to the first-floor bar extension to be retained. The development would be connected to public services including water and sewerage.

The applicant submitted an Appropriate Assessment Screening Report. The screening report refers to a wider scope of works associated with a previous planning application, including the first-floor level extension being development for which retention permission is currently sought. The report does not refer to the proposed glazed screening to the rear elevation of the first-floor level extension. The screening concludes that the proposal will not give rise to significant adverse impacts on the integrity of any Natura 2000 site.

The Planning Authority concluded that there are no potential significant effects on European Sites and as such AA is not required.

Having considered the nature, scale and location of the proposed development, and having regard to the AA Screening carried out by the Planning Authority, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site.

The reasons for this conclusion are as follows:

- Nature and scale of the proposed development,
- Urban location with access to all public services and utilities,
- The distance from European Sites.

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.