



Board Direction

Ref: PL15.246060

The submissions on this file and the Inspector's report were considered at a Board meeting held on May 23rd 2016.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons, considerations and conditions.

Reasons and Considerations

Having regard to the zoning of the site within an established retail, leisure and recreational area, and to the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought would not seriously injure the amenities of the area or of property in the vicinity, would not adversely affect the vitality and viability of the town centre of Dundalk, and would be acceptable in terms of traffic safety and convenience. The development for which retention is sought would not, therefore, be contrary to the proper planning and sustainable development of the area.

Conditions

1. The development of Units 2 and 3 shall be retained, and the development of Unit 4 shall be carried out, in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 30th day of October, 2015, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. (a) The retail use of Unit 4 shall be strictly for use for the sale of bulky goods as defined in Annex 1 of the Retail Planning Guidelines (2012) and not greater than 10% of the net sales area shall be used for the sale of small goods within this unit. Prior to occupation of the

unit an internal layout and fit out plan indicating the approximate areas for sale of small goods shall be submitted to, and agreed in writing with, the Planning Authority.

(b) Unit 4 shall not be subdivided or amalgamated without a separate grant of permission.

Reason: In order to protect the vitality and viability of the town centre in accordance with the Retail Planning Guidelines, Louth Retail Strategy and the provisions of the Development Plan.

3. (a) The development shall include all proposed flood resilient construction measures detailed in the Flood Risk Assessment received with the grant of permission P.A. Reg. Ref. No. 13/520106.

(b) Within 3-months of the date of this permission the developer shall submit a site specific warning system and evacuation plan for the Planning Authority.

Reason: In the interests of orderly development.

4. This permission does not give approval for any advertising signage or advertisement structures on the subject properties. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements, shall be displayed or erected on the subject buildings or within the curtilage of the site, unless authorised by a further grant of planning permission. Any signage on the cinema (units 2 and 3) that has been erected without a separate grant of planning permission shall be removed within one month of the date of this order.

Reason: To protect the visual amenities of the area, and to allow the planning authority to assess any signage or other elements through the statutory planning process.

5. As PA condition no 4.

Reason: In the interest of visual amenity.

6. The developer shall pay to the Planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid within one month of the date of this order or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Note 1: The Board noted, based on the inspection carried out by the Inspector, that the entire development of the cinema had already taken place, and accordingly determined this aspect of the development solely in terms of retention and also included condition 4 in this context. Furthermore, the Board varied the planning authority's condition no. 9 to stipulate payment of development contributions within a specific time period, rather than prior to commencement of development, noting the planning authority's comment that the financial contributions under the previous permission had not been paid in respect of units 2 and 3.

Note 2: The Board, in coming to its decision, noted and considered the observation made by HWBC Ltd (which had not been referred to by the Inspector in her report).

[Please issue a copy of this Direction with the Board Order]

Board Member: _____ Date: 23rd May 2016
Philip Jones