



An  
Bord  
Pleanála

**Board Direction**  
**BD-001685-18**  
**ABP-301616-18**

The submissions on this file and the Inspector's report were considered at a Board meeting held on November 19<sup>th</sup> 2018.

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

### **Reasons and Considerations**

Having regard to the town centre zoning of the site in the current Fermoy Electoral Area Local Area Plan 2017, to the existing commercial nature of the building within which the change of use is proposed, and the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not result in an excessive concentration of similar-type uses, and would not adversely affect the character of the Protected Structure. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 27<sup>th</sup> day of March 2018, 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.

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

2. (1) During the operational phase of the proposed development, the noise level from within the premises, measured at noise sensitive locations in the vicinity, shall not exceed –
  - (a) an  $L_{Ar, 30min}$  of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday (inclusive), and
  - (b) an  $L_{Aeq, 15min}$  of 45 dB(A) at any other time.
- (2) All sound measurements shall be carried out in accordance with ISO Recommendation R 1996:2007; “Acoustics – Description and Measurement of Environmental Noise”.
- (3) One month following the commencement of operation the developer shall submit a noise monitoring survey to the planning authority. The report which shall be prepared by a suitably qualified person and in accordance with the requirements of the planning authority shall confirm that the noise mitigation measures have been satisfactorily completed and that the development is in compliance with the limits specified in this condition.

**Reason:** To protect the amenities of properties in the vicinity of the site.

3. The opening hours of the amusement arcade shall be limited to the period 10.00 and 23.00 hours Monday to Sunday inclusive, and the development shall not be open for business at any other times.

**Reason:** In the interest of orderly development, and in order to protect the residential amenities of nearby residents.

4. Patrons visiting these premises shall do so by way of the main entrance at Lower Cork Street only. The Robert Street access to the site shall be used for emergency access/egress, delivery/collection, waste handling or staff access/egress purposes only. There shall be no use by patrons of any external area to the rear of the permitted amusement arcade as a smoking area or for any other purpose.

**Reason:** In order to protect the residential amenities of nearby residents.

5. Signage associated with this development shall be restricted to lettering on the shopfront fascia only. The form, colour(s) and size of the lettering shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and to ensure that any signage respects the character of the Protected Structure.

6. 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 building or within the curtilage of the site, other than the signage agreed under condition 5 of this order, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity and to allow the planning authority to assess the impact of any further advertising signs on the character of the Protected Structure through the statutory planning process.

7. Prior to commencement of development, the developer shall submit, and obtain the written agreement of the planning authority to, a plan containing

details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

8. Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

**Board Member**

**Date:** 20<sup>th</sup> November 2018

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Philip Jones