



An  
Bord  
Pleanála

**Board Direction**  
**BD-004260-19**  
**ABP-304753-19**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14/10/2019.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the Fingal Development Plan, 2017 to 2023 and the applicable 'LC' zoning objective for the area, the Board considers that the proposed development does not unduly impact on the amenity of the surrounding area or of neighbouring property. The proposed development therefore accords with development plan policy and it is therefore considered that the development subject to condition is consistent with the proper planning and sustainable development of the area

In deciding not to accept the Inspector's recommendation to refuse permission, the Board noted the zoning, modest size of the unit and the hours of operation in combination with the range of the other existing uses within the local centre and decided that the proposed change of use was acceptable.

### **Conditions**

1. The development shall be 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

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

2. This permission hereby permits the change of use of a retail unit to an amusement arcade. No change from this permitted use or increase in the area to be used shall take place without the benefit of a further planning permission.

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

3. The amusement arcade use hereby permitted shall operate within the hours of 10:00am and 22:00pm Monday to Sunday inclusive.

**Reason:** In the interest of clarity and to ensure that the development shall be in accordance with the permission, and that effective control be maintained.

4. The following requirements in relation to environmental health shall be complied with in full;

- (i) Noise due to the normal operation of the development hereby permitted shall not cause a noise nuisance to nearby noise sensitive locations and shall not exceed the background level by 10 dB(A) or more or exceed NG4 limits whichever is lesser.

Daytime (07:00 to 19:00 hrs) - 55dB

Evening (19:00 to 23:00 hrs) - 50dB

Night-time (23:00 to 07:00 hrs) - 45dB

- measured from the nearest noise sensitive locations(s).

- (ii) The development hereby permitted shall be operated so that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials, no noise vibration on site as would give reasonable cause for annoyance to

any person in any residence, adjoining the unit or any public place in the vicinity.

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

5. Windows shall be clear and devoid of window graphics. Any roller shutters, roller shutter boxes or other security shuttering for the premises shall be of the open grille type, dark coloured and installed internally behind the line of glazing.

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

6. No additional 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 buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

7. No music or to other amplified sound shall be broadcast externally. Noise emanating from the premises shall be such as not to cause nuisance to the occupants of adjacent properties and users of the public road.

**Reason:** To protect the amenities of the area.

8. All necessary measures shall be taken by the applicant/developer to prevent the spillage or deposit of any materials including clay rubble or other debris on adjoining roads during the course of development. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the applicant/developers own expense. The applicant/ developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction work and shall either make good any damage to the satisfaction of Fingal County Council or pay the Council the cost of making good any such damage upon issue of such a requirement by the Council

**Reason:** To protect the amenities of the area.

**Board Member**

**Date:** 14/10/2019

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Stephen Bohan