



An
Bord
Pleanála

Board Direction
BD-009653-21
ABP-310161-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/12/2021.

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 nature and scale of the proposed change of use within an established commercial and entertainments building on a site which is zoned as City Centre Commercial in the current development plan for the area, where the proposed use is permissible, it is considered, subject to compliance with the conditions set out below, the proposed development is in accordance with the zoning provisions for the site and would not seriously injure the visual and residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and development of the area.

Conditions

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| 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 |
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	<p>to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>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 buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the visual amenities of the area.</p>
3.	<p>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, as amended. The contribution shall be paid prior to commencement of development 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.</p>

Note: In deciding to omit the Inspector's proposal to grant a temporary permission for the proposed development, the Board was satisfied that the proposed development of an amusement and gaming facility within an established commercial and entertainment building on the site was acceptable and was in accordance with the proper planning and sustainable development of the area. Furthermore, the Board decided to omit the condition recommending that the facility cease operations after 22.00 hours on the basis that the facility would be managed within the context of the overall complex and would also be subject to the provisions of a separate gaming licence.

Board Member

Maria FitzGerald

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Date: 10/12/2021

