



An
Bord
Pleanála

Board Direction
BD-017551-24
ABP-319174-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20/09/2024.

The Board decided to grant permission by majority (3:1) 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 location of the site which is located within the town centre of Kinsale, the pattern of existing and permitted development in the vicinity which includes a diverse range and mix of uses, the provisions of the current Cork County Development Plan 2022-2028 and the site's location within the development boundary of the town of Kinsale it is considered that the proposed development would be in accordance with the stated provisions of the current Cork County Development Plan 2022-2028. It is also considered that, subject to compliance with the following conditions, the proposed development would not adversely impact the character of the town centre area or be seriously injurious to the visual or residential amenities of the area or the Architectural Conservation Area within which the site is located. 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 on the 20th September 2023 and the 11th January 2024 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. The proposed premises shall be used only as family entertainment centre (no gaming casino gambling) and a change of this use shall not take place without benefit of a further planning permission, notwithstanding the exempted development provisions of the Planning & Development Regulations, 2001, as amended.

Reason: In the interest of orderly development and to safeguard the amenities of the area

3. The permitted use shall operate between the hours of 11:00 to 22:00 only.

Reason: In the interest of orderly development and to safeguard the amenities of the area.

4. a) Amplified music or other specific entertainment noise emissions from the premises shall not exceed the background noise level by more than 3 dB(A) during the period 0800 to 2200 hours and by more than 1 dB(A) at any other time, when measured at any external position adjoining an occupied dwelling in the vicinity. The background noise level shall be taken as L90 15 mins and the specific noise shall be measured at LAeq.T 15min.

(b) The background noise levels shall be measured in the absence of the specific noise, on days and at times when the specific noise source would normally be operating; either (i) during a temporary shutdown of the specific noise source, or (ii) during a period immediately before or after the specific noise source operates.

(d) When measuring the specific noise, the time (T) shall be any five 15-minute period during which the sound emission from the premises is at its maximum level.

(e) Any measuring instrument shall be precision grade.

Detailed plans and particulars indicating sound-proofing or other measures to ensure compliance with this condition shall be submitted to, and agreed in writing with, the planning authority prior to use of the premises. An acoustical analysis shall be included with this submission to the planning authority. The agreed sound proofing shall be installed before the commencement of development.

Reason: In order to protect the amenities of residential property in the vicinity having particular regard to the nuisance potential of low frequency sound emissions during night-time hours.

5. Advertisement shall be hand painted lettering on the fascia board only, no signage is permitted in the shop windows, and there shall be no external or spotlight illumination of the shop front.

Reason: In the interest of visual amenity and to ensure shop frontage causes no harm to the setting and character of the Architectural Conservation Area and nearby protected structure(s).

Board Member


Declan Moore

Date: 23/09/2024