

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Louth County**

**Planning Register Reference Number: 15/726**

An Bord Pleanála Reference Number: PL 15.246060

**APPEAL** by Dundalk Multiplex care of Brock McClure of 63 York Road, Dun Laoghaire, County Dublin against the decision made on the 14<sup>th</sup> day of December, 2015 by Louth County Council to grant subject to conditions a permission to Chandos Investments Public Limited Company and Dalkbridge Limited care of Magahy Broderick Associates of 123 Lower Baggot Street, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Retention (for works carried out) and permission to complete alterations to previously approved permission for a change of use of Units 2, 3 and 4, Dundalk Retail Park, from retail warehouse use to cinema use, Louth County Council Planning Register Reference Number 13520106 (formerly Dundalk Town Council Register Reference Number 13/106), An Bord Pleanála Appeal Reference Number PL 55.242726. The alterations comprise of the reduction in the size of the cinema to be now contained within Units 2 and 3 only and reversion of Unit 4 to retail warehouse use, and for the internal reconfiguration of the ground floor and projector room level including reducing the overall seat numbers from 1,693 to 1,095 in nine cinemas and minor alterations to the elevations including relocation of escape doors to suit the reconfigured internal plan, all at Units 2, 3 and 4 Dundalk Retail Park, Inner Relief Road, Dundalk, County Louth.

## DECISION

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## 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 30<sup>th</sup> 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 For Planning Authorities” issued by the Department of the Environment, Community and Local Government in April, 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, the Louth Retail Strategy and the provisions of the current Louth County Development Plan.

3. (a) The development shall include all proposed flood resilient construction measures detailed in the Flood Risk Assessment received with the permission granted under planning register reference number 13/520106.
- (b) Within three months of the date of this order, the developer shall submit a site specific warning system and evacuation plan to the planning authority.

**Reason:** In the interest 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. No roller shutter, roller shutter box or similar devices shall be erected on the external units to the development without a prior grant of planning permission, notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them.

**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, as amended. 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

**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.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this                      day of                      2016.**