



Planning and Development Acts 2000 to 2019

Planning Authority: Westmeath County Council

Planning Register Reference Number: 18/7243

Appeal by OKR Group of 21 Merrion Square, Dublin against the decision made on the 10th day of May, 2019 by Westmeath County Council to grant subject to conditions a permission to Cinema Properties Limited care of Brian Dunlop Architects of Patrick's Court, Patrick Street, Kilkenny in accordance with plans and particulars lodged with the said Council:

Proposed Development: Extension and upgrade works to the existing cinema to include internal reconfiguration, the construction of four number additional screens and new cinema entrance, local car parking, roadway and hard standing alterations, the relocation of 33 number car parking spaces within the Golden Island Shopping Centre car park, and the construction of a new restaurant unit adjoining the extended cinema building. New cinema and restaurant signage. Demolition works as required to the existing cinema to facilitate the new extension. All associated site and development works at Golden Island Shopping Centre, Athlone, County Westmeath.

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 sites mixed use zoning which seeks to provide for, protect and strengthen the vitality and viability of town centres, through consolidating development, encouraging a mix of uses and maximising the use of land, to ensure the efficient use of infrastructure and services as set out in the Athlone Town Development Plan, 2014 to 2020, it is considered that, subject to compliance with the conditions set out below, the proposed alterations and additions to an existing cinema, together with the provision of a restaurant, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of pedestrian and traffic safety. 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 16th day of April 2019, 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. Details of the materials, colours and textures of all the external finishes and any associated exterior lighting associated with the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. (a) Prior to commencement of development, the applicant shall submit details of proposed signage/advertising including colour and material samples for the written approval of the planning authority. Solid block or painted lettering shall be provided. Internally illuminated hollow plastic and/or neon type signs are not permitted. Roller shutters, if required, shall be located behind the glazing and shall have their shutter boxes located entirely behind the fascia and no part of the shutter or supports shall encroach onto the public area. The shutters shall be of open lattice type and shall not be

used for the display of any form of advertising and shall be “Bronze” anodised or colour coated of a latticed or perforated type.

- (b) No goods, sandwich boards or similar structures shall be displayed outside any of the premises.

Reason: In the interests of townscape and orderly development.

- 4. Apart from the signage agreed at condition number 3, 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.

Reason: To protect the visual amenities of the area.

- 5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Details of the proposed water supply and drainage services, including detailed layouts and specifications, shall be submitted to the planning authority for agreement and no development shall commence prior to the confirmation of such agreement in writing by the planning authority.

Reason: In the interest of public health and to ensure a proper standard of development.

6. Prior to the occupancy of the restaurant unit (including any subsequent changes in occupancy) and the proposed development of the cinema extension, details of the hours of operation shall be submitted to the planning authority for written approval. Business hours shall operate in compliance with agreed details.

Reason: In the interest of orderly development.

7. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the region in which the site is situated.

Reason: In the interest of sustainable waste management.

10. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;

- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (i) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains;

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

11. This permission refers exclusively to permission for an extension and upgrade works to the existing cinema to include internal reconfiguration, the construction of four number additional screens and new cinema entrance, local car parking, roadway, and hard standing alterations, the relocation of 33 number car parking spaces within the Golden Island Shopping Centre car park, and the construction of a new restaurant unit adjoining the extended cinema building, new cinema and restaurant signage, demolition works as required to the existing cinema to facilitate the new extension, all associated site and development works at Golden Island Shopping Centre, and does not relate to the remainder of the building and/or site. Any such uses insofar as they are not already authorised shall require a separate grant of permission.

Reason: To avoid any misunderstanding as to the proper construction of this permission.

12. 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.

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.

Stephen Bohan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this day of 2019