



An
Bord
Pleanála

Board Order ABP-314897-22

Planning and Development Acts 2000 to 2022

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 22/522

Appeal by Coherent Enterprises Limited care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the 5th day of October, 2022 by Waterford City and County Council to refuse permission.

Proposed Development: Change of use of ground floor restaurant kitchen to Class 4 Use (production kitchen), change of use of the main ground floor restaurant and ancillary bar servery floor area to amusements and gaming use and associated works, all at The Forum (Licensed Premises), The Glen, Waterford.

Decision

GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to section 3.4, Policy Objective W City 10 and DM 26 of the Waterford City and County Development Plan 2022-2028, the Board noted that while casinos exist elsewhere in Waterford City, there were none within the Glen and, therefore, the proposed development would not result in a proliferation of such similar frontages/uses on the street or in the immediate vicinity.

Having regard to the provisions of the Waterford City and County Development Plan 2022-2028, including DM 26 and Policy Objective W City 10, the nature and scale of the proposed change of use within an established commercial and entertainment building on a site which is zoned as TC Town Core in the Waterford City and County Development Plan 2022-2028 where the objective is to provide for the development and enhancement of town core uses including retail, residential, commercial, civic and other uses, and where the proposed uses are open for consideration, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in accordance with the zoning objective for the site, would not detract from the visual amenity of the area, would not seriously injure the residential amenity of surrounding properties and would not endanger public safety or convenience by reason of traffic generation or otherwise. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 received by the planning authority on the 12th day of September, 2022, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of all external elevations and signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the amenities of the area and visual amenity.

3. The noise level shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at the nearest noise sensitive residential location between 0700 and 1900 hours, Mondays to Fridays, inclusive, and shall not exceed 45 dB(A) at any other time.

Reason: To protect the residential amenities of property in the vicinity.

4. A noise monitoring programme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, to include an annual review undertaken by a qualified acoustic engineer at the nearest noise sensitive location. The developer shall carry out any amendments to the subject development requested by the planning authority subject to the review.

Reason: To protect the amenity of the nearby residential properties.

5. The developer shall control odour emissions from the premises in accordance with measures, including extract duct details, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

6. Receptacles for waste shall be provided and available for use at all times on the premises in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the amenities of the area and to provide for a satisfactory standard of development.

7. Three number bicycle parking spaces shall be provided within the site. The layout and demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

8. 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.



Mary Clegg

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

Dated this 8th day of April 2024.