



An
Coimisiún
Pleanála

Inspector's Report ABP-320080-24

Development	Change of use from a fitness centre (permitted by Cork County Council Planning Reference 14/5046) to a gaming/ amusement arcade with storage area and all ancillary site development works.
Location	Unit No. 4, Westside Retail Park, Ballincollig, Co. Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	24/42854
Applicant(s)	Coalquay Leisure Limited
Type of Application	Planning Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Coalquay Leisure Limited
Observer(s)	Aileen Twomey Sara Kenny Liz Flanagan Tina Prendiville

Shauna and Debbie Cooney
Claire O'Grady
Karl Walsh
Natasha Mulroy
David and Paula Murphy
Lisa Marie Kelleher
Lauren O'Shea
Patrick and Gwen White
Mary Coughlan
Cian O'Mahony
Sharon Flanagan
Jacqueline O'Leary
Darragh O'Callaghan
Sara Meloni
Patricia Griffin
Gerardine McNamara
Albert Deasy
Jackie McCarthy

Date of Site Inspection

6th May 2025

Inspector

Phillippa Joyce

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1.0 Site Location and Description

- 1.1. The appeal site is located at Unit 4, Westside Retail Park, south of Ballincollig town centre. Westside Retail Park is a detached building comprising several individual retail units, with surface car parking to the front (north), circulation space to the sides (east, west), and a service area to the rear (south). Access to the Park is via Harrington Street to the north.
- 1.2. Unit 4 is centrally located within the building, with a rectangular footprint (appeal site is stated as measuring c.0.035ha). The unit has a main entrance and shop front in the northern elevation, addressing the car parking area/ Harrington Street, and a separate service access to the rear. The unit has two levels of accommodation (first floor is a mezzanine level) with a stated floorspace of 520sqm.
- 1.3. At the time of my site inspection, the unit is presently vacant. The retailers operating at the Park include Aldi (Units 1 and 2), Regatta Great Outdoors (Unit 3), Maxi Zoo (Unit 5), and Mr. Price (Unit 6).
- 1.4. The area surrounding Westside Retail Park includes the established residential areas of Castle Park to the east, Beech Park to the south, and (recently constructed) Newenham Mews to the west. Adjacent to the west are the grounds of St. Mary and St. John's Church and graveyard. To the north of the site, bound by Harrington Street, Baker Street and Bothar Saclay is Time Square, a plaza with several commercial units including the Reel Picture Cinema.

2.0 Proposed Development

- 2.1. The proposed development comprises a change of use of Unit 4 from a fitness centre (as permitted under PA Ref. 14/5046) to a gaming/ amusement arcade with an associated storage area and all ancillary development works.
- 2.2. The amusement arcade floorspace is proposed at ground floor level (indicated as 347.5sqm) and the first floor level is proposed for associated storage space (172.5sqm). The proposed works include alterations to the internal floorspace from the current layout to accommodate same (revised internal walls and stairwell to access first floor level). No works, including revisions to/ additional signage, are proposed to the front or rear elevations of the unit.

3.0 Planning Authority Decision

3.1. Summary of Decision

- 3.1.1. The application was lodged to the planning authority on 12th April 2024. On 6th June 2024, the planning authority issued a Notification of Decision to Refuse Permission for one reason, as follows:

‘Having regard to the pattern of development in the area, it is considered that the proposed development, by virtue of the adult orientated nature of the use and proximity to existing retail outlets that are intrinsically family friendly, constitutes a use which would not satisfactorily integrate with the existing retail offering, resulting in serious injury to Westside Retail Park and existing retail occupiers. The location of the proposed development away from primary and secondary thoroughfares, with negligible levels of incidental footfall and inadequate levels of passive surveillance, particularly during later hours is considered to have a high potential for nuisance in the immediate vicinity. It is considered that the proposed amusement centre by virtue of scale and proximity to another amusement centre represents an excessive concentration of this use type in the area, would conflict with the Long-term Strategic Regeneration of the area, would seriously injure the amenities of the area and would therefore, be contrary to the proper planning and sustainable development of the area.’

3.2. Planning Authority Reports

- 3.2.1. Planner’s Report

The key points from the planner’s report include the following:

- Submits site-specific context of the proposal requires consideration (due to the wide application of the ZO 03 ‘Long-term Strategic Regeneration’ zoning objective across the city and the broad range of use types permitted thereunder).
- Identifies an existing amusement centre in close proximity to the proposal granted permission under planning reference TP 07/10004 (Figure 2, pg. 8).

- Considers the proposal will result in an excessive concentration of amusement centres at this location (due to the scale of the proposal (stated as 520sqm) and proximity to another similar use).
- Acknowledges commercial leisure activities are permissible under the zoning but finds the proposal to be contrary to the type of leisure activities envisaged for the strategic zone.
- Refers to CDP Section 10.213, which identifies cafés, restaurants and accessible green space as being required for Ballincollig.
- Finds the proposed amusement centre use is at odds and incompatible with the existing retail use at Westside Retail Park.
- Considers the proposal would not satisfactorily integrate with the prevailing family friendly retail offering and would detract from the existing businesses in the immediate vicinity.
- Aligns the use of the proposed development to a public house (due to age restriction on entry and proposed hours of operation).
- Finds the proposal to likely cause nuisance to the receiving area, particularly in later hours (due to the proposed operation hours (until 1am 7 days a week), site location with negligible levels of incidental footfall, and inadequate levels of passive surveillance).

3.2.2. Other Technical Reports

Area Engineer: No objection, no condition.

Contributions: No objection, no condition.

3.3. Prescribed Bodies

None requested.

3.4. Third Party Observations

- 3.4.1. The planning authority indicates 54 third-party submissions were received during the assessment of the application, and summarises the key issues raised.

- 3.4.2. I have reviewed the submissions on the case file and confirm several of the issues raised therein continue to form the basis of the observations on the appeal case, which are outlined in detail in Section 6.0 below.

4.0 Planning History

Appeal Site

PA Ref. 14/5046

Retention permission granted in August 2014 to O. Fehily for the change of use of retail unit to fitness centre including first floor mezzanine.

Similar Uses

PA Ref. 07/10004 (implemented and operating as Jaykay Leisure Casino)

Unit 11, Tus A Bhaile, Time Square, Ballincollig (to north of site)

Permission granted in September 2007 to J. Healy for a change of use of existing retail unit to games/ amusement arcade, signage, and associated site works.

PA Ref. 22/41330

No. 16 Washington Street West, Cork City

Permission granted in November 2022 to Dromboy Ltd for alterations to the gaming arcade/ casino permitted under PA Ref. 21/40770 and the existing ground floor cafe for the change of use of a portion of the cafe to accommodate an extension of the permitted gaming arcade/ casino, subsequent reduction in floor area of the existing cafe, internal modifications including the provision of new and relocated toilet facilities, elevational changes to the existing building and all other ancillary site development works.

5.0 Policy Context

5.1. Cork City Development Plan 2022-2028

5.1.1. The applicable development plan for the appeal case is the Cork City Development Plan 2022-2028 (CDP). The CDP contains map-based designations and policy in several chapters which establish the context for the proposed development.

5.1.2. The relevant CDP map-based/ mapped designations include:

- The site is zoned as ZO 03 ‘Long-term Strategic Regeneration’ which seeks *‘To provide and promote a mix of residential, employment and other uses in the long term, to ensure the creation of a vibrant, compact and sustainable urban area’* (Vol 2, Map 16: Ballincollig and Hinterland).

5.1.3. The relevant CDP policy and objectives¹ include:

- Chapter 2 Core Strategy
 - Objective 2.24 Underutilised Sites
- Chapter 7 Economy and Employment
 - Policy in Section 7.60 Commercial Leisure: *Commercial leisure facilities are those run on a profit basis and include cinemas, family entertainment centres such as bowling, indoor children’s play centres, fitness centres, gyms, swimming pools, hotels, restaurants, public houses etc. Commercial leisure facilities generate a high level of movement and are best located in places that offer the highest levels of accessibility to a range of transport modes, in particular public transport.*
 - Objective 7.17 Commercial Leisure: *Encourage a broad range of commercial leisure activities in key locations and in suitable locations throughout the city.*
 - Objective 7.37(d) Vibrant and Mixed-use Centres
- Chapter 10 Key Growth Areas and Neighbourhood Development Sites
 - Policy in Section 10.213 Ballincollig: Retail

¹In this subsection, I cite CDP policy and objectives which are key to the appeal (Section 11.191) or have not been otherwise provided in the case file. I direct the Commission to the applicant’s Cover Letter, the planning authority report, and/ or the applicant’s First Party appeal, for the other CDP policy and objectives.

- Policy in Section 10.223 Ballincollig: Future Initiatives (Regeneration Area at Main Street South/ Time Square)
- Objective 10.59 Ballincollig Westside Shopping Centre
- Chapter 11 Placemaking and Managing Development
 - Policy in Section 11.191 Amusement Centres/ Arcades

Amusement centres/ arcades generally include the playing of amusements with-prize machines and/ or amusement only (e.g. video gaming) as the main use. In assessing applications for amusement centres / arcades, the proposal must demonstrate:

 - 1. It will not cause harm to neighbouring properties in terms of noise and general disturbance;*
 - 2. The external appearance and design of the amusement centre shall not detract from the streetscape and it is recommended that an appropriate shop front with a window display be included in proposals;*
 - 3. Appropriate opening hours;*
 - 4. An excessive concentration of amusement centres/ arcades will not be permitted.*
 - Policy in Section 11.192 Casinos/ Private Member's Clubs
- Chapter 12 Land Use Zoning Objectives
 - Policy in ZO 3.3.

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is not located in or immediately adjacent to a European Site, a Natural Heritage Area (NHA) or a proposed NHA (pNHA).
- 5.2.2. The European site designations in proximity to the appeal site include (measured at closest proximity):
 - Cork Harbour SPA (004030) is c.10.45km to the east.
 - Great Island Channel SAC (001058) is c.17.22km to the east.
- 5.2.3. The pNHA designations in proximity to the appeal site include:

- Lee Valley pNHA (000094) is c.1.02km to the northwest.
- Ballincollig Cave pNHA (001249) is c.1.04km to the southwest.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. This is a first party appeal against the decision of the planning authority to refuse permission for the proposed development. The appeal grounds include the following issues:

Planning Authority Decision

- Refers to potential regeneration opportunities of zoning objective, which is more aspirational than realistic (due to the extensive quantum of lands so zoned, including relatively modern locations such as the Westside Retail Park).
- Fails to adequately consider the CDP policies and objectives supporting the Night-time Economy.
- Does not acknowledge the role of commercial leisure and entertainment venues in ensuring that urban centres remain vibrant throughout the day and evening, avoid instances of vacancy, and add to the variety to uses for communities.
- No allowance given for the nature of the permitted fitness centre (extended hours of operation, adult orientated, not integrated with retailing uses).
- Decision relies on CDP Section 10.213, which does not preclude amusement arcades as a form of commercial leisure, indicating general uses rather than a prescriptive list.
- Decision appears to be subjective, based on personal preference, impression of an undesirable use, and local opposition rather than evidence.
- Inconsistent decision making by the planning authority, as precedents exist for similar permissions being granted elsewhere in the city (11 such operations exist).

- In such cases, the use has been positively referred to, acknowledged as offering variety in terms of activity and contributing to the night-time economy.
- Examples of these operations are intrinsically linked with family friendly experiences, complementary uses (restaurants), and in locations close to several schools (e.g., Victorian Quarter area).

Long-term Strategic Regeneration Zoning Objective and Integration with Existing Retail Offering

- There is no evidence supporting the contention that the proposal will give rise to issues in relation to integration with the existing retail offer.
- No issues of integration arose in relation to the permitted fitness centre use, an adult-oriented use (as gyms generally have an over-18-year membership policy).
- Other retail units in the Park (Mr Price, Regatta, Maxi Zoo and Aldi stores) are standard retail outlets, no more intrinsically family friendly than other retail outlets on Ballincollig Main Street which operate alongside a number of adult oriented uses (public houses, bookmakers, casino).
- Proposal will make a positive contribution to the Park by returning a currently vacant unit into active use.
- Majority of new retail development will be consolidated in the town's Core Retail Area/ ZO 06 'Urban Town Centre' zoning objective, with more mixed use development anticipated in the ZO 03 zoning, such as the appeal site.
- Role of commercial leisure and entertainment venues is increasingly important in ensuring that centres remain vibrant throughout the day and evening.
- Stemming urban decline can only be addressed by facilitating a broader diversification of uses, thereby meeting the wider needs of any community.

Creation of Nuisance

- Rejects the position that, as the proposal is not situated on a main throughfare, the level of footfall and passive surveillance would result in a high potential for nuisance for the immediate vicinity, particularly in the later hours.

- Several precedent decisions for gaming operations to be more favourably located outside of the established retail core and within secondary retail or commercial areas (due to loss of retail/ higher value commercial uses from these primary retail areas).
- Gaming arcades are bona fide town centres uses, for which policies have been adopted to guide their location and management (regulated and licenced in a similar manner to bookmakers and public houses).
- All gaming/ amusement arcade activities are indoors, and proposal will not result in any noise management issues on the receiving environment (separation distances with residential areas between 65m-100m)
- The proposed use will not necessitate any early morning/ late night deliveries and loading which may occur at the adjacent retail units.
- Similar to the previous fitness centre use, the proposal will provide passive surveillance for the immediate vicinity during its extended opening hours, enhance the safety and usability of this area for night-time use.
- No nuisance associated with traffic generation as users of the proposal will likely travel on foot thereby resulting in a decrease in vehicular trips in the local network and parking demand at the Park.
- No negative impact on character of the streetscape, as no alteration to signage except to name. invites prior to commencement condition agreeing final signage.

Excessive Concentration of Use Type

- Questions planning authority's rationale for concluding there is an excessive concentration of the type of use and the overall calculation of floorspace in the area.
- Only one other similar use in Ballincollig, Jaykay Leisure Casino, which is located c.250m walking distance from the proposal, with a floor area of c.80sqm.
- Ballincollig is described as the largest urban town in Cork City, with a 2022 Census population of 19,069 (based on Ballincollig Electoral Division).

- Planning authority reference to proposed amusement arcade floorspace being 520sqm is incorrect, as the proposed gaming use is confined to the ground floor (an area of c.347sqm) with ancillary storage at first floor level (172.5sqm).
- Calculates the proposal and the existing operation will yield an overall gaming/ amusement arcade floor area of c.467sqm.
- Compares with the existing situation in Cork City centre, where there are 11 such premises serving a population of 24,399 persons (2016 Census).
- Specifically refers to the Victoria Quarter which has three gaming premises (The Macau Club, Victoria Casino and Gold Rush) within a distance of c.220m and an aggregated gaming floor area of c.1,240sqm.
- Rejects the planning authority's finding that the proposed development, resulting in an increase from one to two such premises serving the town of Ballincollig, could be considered excessive proliferation.

Conclusion

- Highlights temporary permissions in instances where there is uncertainty regarding the precise impact of the proposed use (e.g., PA Ref. 22/41330 granted permission for 48 months).
- While an experienced operator of similar uses, the applicant acknowledges a temporary permission may present a compromise if considered necessary.

6.2. Planning Authority Response

- 6.2.1. No response has been received from the planning authority on the appeal.

6.3. Observations

- 6.3.1. Observations have been received from 22 named persons with addresses given in Ballincollig (Castlepark, Time Square, Daffodil Fields, Church View, Inniscarra Road, Millrange, Old Quarter, Muskerry Estate, Carrigrohane), Cork City (Bishopstown, Ovens) and County Cork (Macroom). The key issues raised include the following:

Contrary to the City Development Plan

- Not contribute to achieving the overall objective of the land use zoning.

- Not appropriate for the regeneration zoning and should be in the town centre zoning.
- Not meet the requirements of policy in Section 11.191.
- While casino is technically a leisure activity, does not align with the types of facilities identified as being suitable for Ballincollig in Section 10.213.

Amusement Arcade/ Gaming/ Casino Operations

- Risks associated with placing a large gaming/ amusement arcade/ Munster's largest casino near schools and residential areas.
- Introduction of such a venue increases the risk of undesirable behaviours, crime, disturbance, littering.
- Proposal is similar in context to a proposal in Fermoy (ABP PL04.300542), which the Board refused permission for.
- Comparisons with gaming operations in Cork City are not equivalent/ not realistic/ off the mark/ unfair as Ballincollig and Cork City play different roles/ perform different leisure functions.
- Introducing a gaming/ amusement arcade shifts the focus from community and family values to gambling and entertainment.
- Ballincollig already has a notable presence of gambling establishments (betting offices, casino).
- Antisocial behaviour associated with existing operation.
- Allowing a gaming use of this nature and size would dominate and distort the nature and character of the evening economy in Ballincollig.

Inappropriate Location

- Adult-only super casino does not fit into the retail park, designed to cater to families and children.
- Location is not suitable for this use as it is too isolated from the town centre.
- No passive surveillance for the use, too isolated.

- Undermines the vitality and vibrancy of the town centre and will lead to fragmentation and displacement of commercial uses from the town centre.
- Unsuitable location as the retail park services family and community needs.
- Inappropriate location proximate to houses, a church and two national schools.
- No compelling reasons given for why the site is suitable for a super casino.
- Super casino is fundamentally wrong for Westside Retail Park and Ballincollig as a whole.
- Should be located in Cork City centre.

Negative Impact on the Area

- Will cause severe, have serious integration issues.
- Will cause harm to neighbouring residential properties due to noise and general disturbance.
- Proposal is incompatible with existing businesses and character of the retail park.
- Will result in a persistence of dead street frontages which will detract from the streetscape and public realm.
- Proposal has potential for negative social impacts on community.
- Proposal will compromise the appeal of Ballincollig as a community-oriented area.
- Planning authority's comparison of impacts to those of public houses correct.
- Adverse impact on the amenity of the town due to likely increase in litter and waste (e.g., Ballincollig's Tidy Town Status).
- Potential to adversely affect property prices.
- Potential to adversely affect town residents' wellbeing and mental health.

Hours of Operation

- Hours of operation are not justified, wholly unsuitable, inappropriate.

- Operating until 1AM is not appropriate as no other businesses in the retail park operate until 1AM.
- Late night hours result in noise and disturbance, disruptive for residents' sleep and peace.
- No business in Ballincollig is open this late, not even the pubs.

Other Matters

- Gambling addiction and its attendant problems are a scourge in society.
- These developments normalise gambling posing a serious risk to young people.
- Casinos and schools are not a good mix.
- Planning authority's decision is well-considered, correct, comprehensive, must be upheld.
- Inaccurate criticisms of the planning authority's decision.
- An Bord Pleanála has a moral obligation to refuse permission and stop gambling.
- Misleading, inaccurate, unfounded comparisons with the previous fitness centre use.
- Bringing a vacant property back to use is not sufficient to justify permitting this use.
- Misrepresentation about the rates of vacancy in southern Ballincollig.
- Lack of details on external appearance and shop frontage.

7.0 Planning Assessment

7.1. Introduction

7.1.1. Having reviewed the appeal, examined the documentation on the case file including third party observations, inspected the site, and had regard to the relevant policy context, I consider that the main issues in the appeal to be as follows:

- Principle of Development

- Definitions of Use
- Impact on Neighbouring Properties
- Streetscape and Design
- Hours of Operation
- Concentration of Amusement Arcades
- Other Matters

I propose to address each item in turn below.

7.2. Principle of Development

Zoning Objective

- 7.2.1. In the CDP, the appeal site is zoned as ZO 03 Long-term Strategic Regeneration, the objective of which is *'To provide and promote a mix of residential, employment and other uses in the long term, to ensure the creation of a vibrant, compact and sustainable urban area'*. Section ZO 3.3 outlines the range of permissible uses within the zone which includes the category of 'commercial leisure'.
- 7.2.2. In CDP Section 7.60 (see subsection 5.1.3 of this report above), commercial leisure developments are described as facilities which are run on a profit basis, and include, inter alia, operations such as cinemas, entertainment centres, play centres, and public houses. In CDP Table 11.13, relating to car parking standards, I note that 'amusement arcade' is listed as an example of/ under commercial leisure.
- 7.2.3. The proposed development seeks the change of use of the subject premises from a fitness gym to a 'gaming/ amusement arcade' (as described in the public notices). For the purposes of this assessment, I consider the proposed gaming/ amusement arcade use to come within the scope of the commercial leisure category.
- 7.2.4. Third party observations state the proposal fails to achieve the overall objective of ZO 03 land use zoning and is an inappropriate use for the regeneration zoning.
- 7.2.5. The proposed development is a permitted in principle use class under the ZO 03 zoning and an atypical use class, thereby widening the commercial leisure offer available in the town's economy. Accordingly, I consider the proposal complies with the applicable zoning objective and provisions of ZO 3.3.

Commercial Leisure Development

- 7.2.6. Regarding the principle of commercial leisure development, I note that CDP Objective 7.17 requires a 'broad range' of commercial leisure activities to be encouraged at 'suitable locations' throughout the city.
- 7.2.7. In terms of the type of activity, I consider the proposed use to be an infrequently proposed activity, thereby achieving the objective's requirement for a broader range of activities to be provided/ offered for use. Related, the proposal would increase the variety of leisure and entertainment uses in the town, thereby meeting a wider range of leisure demands from residents/ visitors. In this regard, the proposal complies with CDP Objective 7.37(d) by sustaining economic activity in the area throughout the day and evening.
- 7.2.8. With regard to suitability of the proposed location, I have reviewed CDP Chapter 12 Land Use Zoning Objectives and Vol 2, Map 16: Ballinacollig and Hinterland. I note that only three of the 21 zoning objectives include the category of 'commercial leisure' as a permissible use therein. While there is a large landbank in Ballinacollig (south of the town centre) zoned as ZO 03 Long-term Strategic Regeneration, I consider that 'suitable locations' which are appropriate for the proposed use in terms of planning and commercial viability are likely to be somewhat limited and/ or restricted.
- 7.2.9. The suitability of the proposal's location is a key issue raised and considered in the planning authority decision, appeal grounds, and third-party observations. The basis of the planning authority's refusal reason includes the location of the subject premises being away from primary and secondary thoroughfares, resulting in a high potential for nuisance in the immediate vicinity (due to the low levels of footfall and passive surveillance at the location). These positions are reiterated in third-party observations.
- 7.2.10. Appeal grounds regarding the suitability of the location of the proposal include that the majority of new retail development would be consolidated in the town's Core Retail Area/ ZO 06 'Urban Town Centre' zoning objective, and that gaming operations are more appropriately located outside of the established retail core and within secondary retail or commercial areas.

- 7.2.11. In having undertaken my site inspection, while I note the planning authority's position that the subject premises is not on a primary or secondary thoroughfare and concerns raised by observers, I do not concur with the conclusion that it is therefore an unsuitable location for the proposed use.
- 7.2.12. Additionally, I do not consider the proposal's location to be remote from the town centre, or isolated in and of itself. The premises is c.200m walking distance from Main Street and c.100m from Time Square, both central well trafficked locations easily and safely accessible via straight, unobstructed footpaths with public lighting.
- 7.2.13. The subject premises is a centrally located unit within the established Westside Retail Park with several destination-trip retailers (Aldi, Mr. Price, Maxi Zoo, and Regatta Outdoors) attracting a diverse range of customers. On the northern side of Harrington Street, is Reel Picture Cinema, also a destination-trip commercial leisure operation. At the time of my site inspection, I observed the receiving area (Time Square and particularly the retail park), experiencing high levels of activity (people at various units, different modes of transport used).
- 7.2.14. I concur with the applicant's appeal grounds relating to suitable locations for uses such as the proposal. The proper planning of the area would require the protection of the town centre and retail core as the primary location for higher value retail and commercial uses. The receiving area displays several characteristics of a secondary commercial area and includes other complementary commercial leisure uses. In this context, I consider the subject premises to be a suitable location for the proposal.

Site Specific Policy and Objective

- 7.2.15. The CDP contains policy and objectives relating to the future development of Ballincollig. These include policy in Sections 10.213 and 10.223, and Objective 10.59 which are specific to the Main Street South/ Time Square area (CDP, pg.395) and the Westside Retail Park, within which the subject premises is located.
- 7.2.16. Section 10.213 states the town requires more leisure activities in the form of cafés, restaurants and accessible green space, and identifies the Main Street South/ Time Square area as the optimal location to diversify the retail and leisure offering in the town. Policy in Section 10.223 expands on same, encouraging the general redevelopment of this area, reduction in dead frontages, and enhanced pedestrian connectivity.

- 7.2.17. The planning authority's decision refers to the requirements of Section 10.213, finding that the proposal does not satisfy same due to its not being a café, restaurant or green space. Third party observers are highly critical of the nature and location of the proposal, it's not conforming with Section 10.213, and it's compromising the appeal of Ballincollig as a family and community-orientated area.
- 7.2.18. While I acknowledge the proposal is not one of the above, I consider the policy requirements of Sections 10.213 and 10.223 to be generally desirable, applicable to the wider area, and not a prerequisite for development at the site.
- 7.2.19. CDP Objective 10.59 Ballincollig Westside Shopping seeks to '*Support the long-term redevelopment of the West Side shopping centre to accommodate mixed use residential and retail development*'. The appeal grounds include an overview of the historical context for the inclusion of the objective in the CDP arising from previous plans.
- 7.2.20. The proposal is for a change of use from a fitness gym to an amusement arcade. In terms of use classes, while neither the permitted nor proposed uses are residential or retail, I consider that the main purpose of the stated objective is to support the redevelopment of the full site, i.e., the entire Westside Retail Park complex.
- 7.2.21. Such redevelopment would require a comprehensive approach to the retail park involving agreement with all unit owners/ occupiers (the blue line boundary on the Site Location Plan indicates the subject premises and adjacent Units 5 and 6 are all under the control of the same owner).
- 7.2.22. In this context, I do not consider the proposal would, in and of itself, prejudice the achievement of CDP Objective 10.59, impede the future redevelopment of the retail park, or the regeneration of the Main Street South/ Time Square area.

Conclusion

- 7.2.23. In principle, I conclude the proposed development complies with the ZO 03 Long-term Strategic Regeneration zoning objective pertaining to the site, will not in and of itself prejudice the future redevelopment of Westside Retail Park or the regeneration of the Main Street South/ Time Square area, is consistent with Objective 7.17, and is a form of suitably located commercial leisure development for which there is strong policy support in the CDP.

7.3. Definitions of Use

- 7.3.1. At this point, I consider it necessary to provide clarity on the proposed use and to outline the way in which I consider it appropriate to assess same.
- 7.3.2. From a review of the applicant's documentation (cover letter, appeal), the planning authority report, and several third-party observations, there is a high degree of cross-referencing between two separate commercial leisure developments, as identified in the CDP, i.e., amusement arcades and casinos.
- 7.3.3. CDP Section 11.191 includes policy on Amusement Centres/ Arcades (cited in subsection 5.1.3 of this report above). Section 11.191 provides the following definition: *'Amusement centres/ arcades generally include the playing of amusements with prize machines and/ or amusement only (e.g. video gaming) as the main use'*.
- 7.3.4. Section 11.192 includes policy for Casinos/ Private Member's Clubs. Section 11.192 does not provide a description of the use, in similarity to that provided in Section 11.191 for amusement arcades. However, in providing the above definition for amusement arcades, I consider it reasonable to infer that casinos are not as so-defined, that being, casinos' main use is not for amusement or entertainment purposes.
- 7.3.5. I consider that a casino can be reasonably understood as an operation engaging in conventional monetary gambling with a floorplan layout including predominantly tables and/ or (to a lesser extent) slot machines. Further, a casino may offer a different type of commercial leisure experience, cater for a different customer base, and/ or require later operation hours to be commercially viable.
- 7.3.6. Both CDP Sections outline the planning considerations to be had when assessing proposed developments for each type of operation. While there are similarities in the issues to be considered, these are nevertheless different types of facilities, and the CDP makes a policy distinction between the uses.
- 7.3.7. In the interests of clarity for all parties, in undertaking this assessment, I have had regard to the applicant's description of development and the associated floor plans submitted with the application. The proposed use is described as a gaming/ amusement arcade with no reference to casino (I highlight to the Commission that

under PA Ref. 22/41330, permission was sought for a 'gaming arcade/ casino' operation).

- 7.3.8. The proposal's associated ground floor plan (entitled 'gaming arcade') indicates a layout dominated by rows of machines (there is one table), a change station, a coffee/ tea station, an office, and a kitchen area, and the first floor plan (entitled 'storage'), indicates a layout free of equipment (see Dwg No: 7065_0100_A, Proposed Floor Layouts).
- 7.3.9. As such, I identify the applicable CDP policy for the assessment of the proposal as being that in Section 11.191 Amusement Centres/ Arcades. In addition to the definition cited above, the policy includes four issues which the proposal is required to demonstrate compliance with/ achievement of (11.192 includes five such issues for casinos). I propose to address each of these issues in the following subsections.

Conclusion

- 7.3.10. In conclusion, due to the description of development on the public notices and in response to the differences in CDP policy, clarity is required for all parties regarding the nature of the proposal and the policy context guiding its assessment. In the event of a grant of permission, to avoid any ambiguity, I recommend the type of operation permitted at the subject premises be specified and the associated use of the internal floorspace be conditioned accordingly.

7.4. Impact on Neighbouring Properties

Policy Requirements

- 7.4.1. CDP Section 11.191 lists four planning issues to be considered in the assessment of the proposed amusement arcade use at the subject premises. Firstly, the proposal is required to demonstrate that it will not cause harm to neighbouring properties in terms of noise and general disturbance.
- 7.4.2. The planning authority's reason for refusal includes that the proposed development (by virtue of the adult-orientated nature of the use and proximity to existing retail outlets that are intrinsically family friendly) would fail to satisfactorily integrate with the existing retail offering, resulting in serious injury to Westside Retail Park and existing retail occupiers.

- 7.4.3. I consider these elements of the refusal reason to align with 'general disturbance' as stated in Section 11.191. I propose to consider harm caused to the neighbouring properties in terms of noise in the first instance, and then that of general disturbance.

Noise Disturbance

- 7.4.4. In considering disturbance from noise, third party observations raise concerns regarding the high potential for noise disturbance associated with the use and the hours of operation.
- 7.4.5. The applicant indicates that as all the amusement arcade activities are indoors, the proposal will not result in any noise issues for or nuisance to neighbouring properties. I concur with the applicant's position and also consider that potential noise impacts can be appropriately managed by way condition in the event of a grant of permission. I recommend the standard An Coimisiún Pleanála condition be attached addressing same.

General Disturbance

- 7.4.6. In considering general disturbance, third party observations raise concerns regarding general disturbance associated with the proposal, including about lack of integration, and the risk of undesirable behaviours, crime, littering, and antisocial behaviour.
- 7.4.7. The appeal grounds include that there is no evidence demonstrating that the proposal would fail to integrate with the existing retail offer, there are no identified integration issues associated with the previous fitness centre use (also adult-orientated), the adjacent units are standard retail outlets which are no more 'intrinsically family friendly' in nature than other retail outlets on Main Street (proximate to several adult-orientated businesses), and there would be no traffic management issues associated with conflicting set downs and/ or deliveries.
- 7.4.8. On review of the planning authority's decision, I generally concur with the applicant's appeal grounds (save for the proposed hours of operation extending notably beyond those of the adjacent retail outlets discussed in subsection 7.6 below). I do not identify any objective evidence cited or relied upon by which it could be reasonably concluded that the proposal would cause harm to the adjacent retailers in terms of general disturbance.

- 7.4.9. Amusement arcades are legitimate uses in urban centre settings, for which planning policies have been completed to inform their location and management. Further, I highlight the applicant's point that such operations are regulated and licenced in a similar manner to bookmakers and public houses (i.e., separate to the planning system).
- 7.4.10. In respect of the adjacent retail outlets, I do not consider that their nature (i.e., predominantly mainstream convenience retailers) is such as to be vulnerable to any adverse effects that could arise from the proposed use, and certainly not any more than would be associated with other adult-orientated uses such as, for example, bookmakers or public houses.
- 7.4.11. In terms of access and traffic management, I consider that the proposed use would generate levels of customer activity, traffic generation, and parking demands that would be in the range and/ or no greater than that experienced by the neighbouring convenience retailers (Aldi, Mr. Price).
- 7.4.12. Indeed, it is reasonable to anticipate that trips to the proposal would likely be on-foot by pedestrians due to the general accessibility of the site, and the proximity to Main Street and other complementary commercial leisure operations such as the Reel Picture Cinema. I consider it reasonable to accept the applicant's position that the proposed use would not necessitate any early morning or late-night deliveries and loading, which would conflict with those of the adjacent retail units.

Positive Effect

- 7.4.13. Finally, in respect of the adjacent retail outlets, I consider that there are likely to be positive benefits arising from the proposal. These are associated with the return to use of a currently vacant unit at the retail park, thereby complying with CDP Objective 2.24 by encouraging and facilitating the re-use of vacant premises and underutilised sites.
- 7.4.14. Also, I consider several of the retail outlets and the proposed development are likely to be destination-trip operations, that are complementary, mutually beneficial uses, economically sustaining each other. Further, I consider that once operational the proposal will increase levels of footfall and surveillance at the subject premises, thereby enhancing the safety and usability of this area for all times of the day, but particularly for evening/ night-time use.

Residential Amenity

- 7.4.15. In the third-party observations, there is strong opposition to the proposal due to a range of negative effects submitted as impacting on the residential amenities of properties in the area including noise and general disturbance.
- 7.4.16. In respect of neighbouring properties, I note that there are no residences adjacent to the subject premises. The premises is a central unit within a detached building, so is bound to the east and west by other units in the main building, which in turn does not abut/ is not adjacent to any residential property.
- 7.4.17. I calculate minimum separation distances of c.70.2m between the premises and residential properties on Castlepark and Beech Park, and of c.80.65m to that on Newenham Mews. I note that within the intervening areas between the premises and residences, in addition to other buildings, there are circulation areas, surface parking, screening, open spaces, and landscaping.
- 7.4.18. Having regard to the separation distances, the nature of the intervening areas, and attachment of appropriate conditions, while I acknowledge the concerns of third-party observers, I do not consider that the proposed development would negative impact or unduly injure the residential amenity of property in the receiving area.

Conclusion

- 7.4.19. In conclusion, I consider that subject to conditions (hours of operation, noise management), the potential for excessive and injurious levels of noise and disturbance to neighbouring properties can be reasonably excluded. Conversely, the proposal has potential to make a positive contribution to the retail park through bringing back into use a vacant unit, being a complementary use to that of the adjacent retailers and by serving as a destination-trip leisure commercial leisure operation economically benefitting the receiving area.

7.5. Streetscape and Design

- 7.5.1. The second planning issue listed in Section 11.191 for consideration in the assessment, is that the external appearance and design of the amusement centre does not detract from the streetscape. The policy section also recommends that an appropriate shopfront with a window display be included.

- 7.5.2. Third party observations raise concerns regarding the likelihood of a dead shop frontage, the adverse impact on the streetscape/ retail park, and the lack of any clear proposals for same from the applicant.
- 7.5.3. I have reviewed the plans and particulars and note that the proposal does not include any changes to the design of the existing front elevation of the unit. The applicant indicates that the only proposed change is to the name on the front elevation signage of the subject premises and, if considered necessary, invites a condition requiring prior to commencement agreement with the planning authority on same.
- 7.5.4. The front elevation of the subject premises has an asymmetrical design with that of Unit 3, adjacent to the east. I note that the front elevation and entrance area of the unit include a notable amount of glazing.
- 7.5.5. While I do not consider that the proposed change in signage (i.e., of the premise's name) as described requires any prior to commencement agreement, due to the asymmetrical designs of Units 3 and 4 and the extent of glazing in the front elevation of the subject premises, I recommend that any further/ additional signage, advertisements, shopfront displays, shuttering etc be restricted/ prohibited by condition.
- 7.5.6. Accordingly, subject to condition, I consider that the external appearance and design of the proposed amusement arcade will not detract from the streetscape of the retail park.

7.6. Hours of Operation

- 7.6.1. The third planning issue listed in Section 11.191 for consideration in the assessment, is that the proposal is required to have appropriate opening hours. The proposed hours of operation for the amusement arcade are from 9am until 1am, Monday to Sunday.
- 7.6.2. The opening hours are a key consideration in the assessment having regard to the planning authority's refusal reason, the applicant's counter appeal grounds, the concerns raised by third parties, and the policy context for assessment.
- 7.6.3. In its decision to refuse permission, the planning authority linked concerns regarding the location (low levels of footfall and passive surveillance) and the hours of

operation (particularly later hours) to an increased potential for nuisance to be caused to the area.

- 7.6.4. In the appeal grounds, the applicant rejects the locational concerns, highlights the fitness centre use operated extended opening hours (6.30am-9pm), states the proposal results in an increase in opening hours by 1.5hrs, submits that the proposal will result in increases in footfall and passive surveillance in the area, and submits that the decision gave insufficient consideration to the proposal's contribution to the night-time economy.
- 7.6.5. Third party observations state the proposed hours of operation are not justified, wholly unsuitable, and inappropriate.

Appropriate Opening Hours

- 7.6.6. In considering appropriate opening hours, I have reviewed the planning register, relevant planning history cases (see section 4.0 of this report above), and conducted internet searches to identify opening hours of retail outlets in Westside Retail Park (Aldi, Regatta, Maxi Zoo and Mr Price) and of proximate commercial leisure operations (Reel Picture Cinema, Jaykay Leisure Casino).
- 7.6.7. The hours of operation of Aldi are 8am-10pm, Mr. Price are 8.30am-10pm, Reel Picture Cinema are c.11am-11.30pm, and Jaykay Leisure Casino are 10am-12am (information correct as of the date of this assessment).
- 7.6.8. In subsection 7.2 above, I outlined in depth the reasons why I consider the subject premises to be a suitable location for the proposed development. In so doing, I explain why I do not agree with the planning authority's conclusion on the matter. However, I do agree with the importance placed on there being adequate levels of footfall and opportunities for passive surveillance for the proposal.
- 7.6.9. I consider the proposed development can benefit from the footfall and surveillance associated with other operations which have similar opening hours. In this regard, I consider that the opening hours of the proposed use should be revised to more closely align with those of the adjacent retailers and proximate commercial leisure operations.
- 7.6.10. I identify an appropriate morning opening time of 9am and a night closing time of 11pm. These times are staggered between the equivalent times of the main retailers

and other commercial leisure developments (i.e., morning opening times of 8am-10am, and night closing times of 10pm-12am). For the Commission's clarity, I recommend the proposed opening hours be revised from 9am-1am Monday to Sunday to 9am-11pm Monday to Sunday.

- 7.6.11. The planning merit in revising the opening hours includes that the proposal can benefit from the current levels of footfall and surveillance associated with the key destination-trip operations (i.e., the main retailers and commercial leisure uses). Aligning the opening hours would also be mutually beneficial, as the proposal will likely be a destination-trip operation and in turn increase incidental footfall and surveillance for other businesses in the receiving area. Revising the proposed hours of operation, in particular, the closing times of the proposal will also allow business activities and associated customer movements in the area to be staggered.
- 7.6.12. While I acknowledge the revised hours of operation involve a reduction in the closing time of the proposed development by two hours, I highlight that the opening times would still allow economic activity over a sustained period of the day and evening, and the reduced closing time of 11pm would still allow the proposal to contribute to the town's night-time economy, thereby complying with CDP Objective 7.37(d).
- 7.6.13. To ensure a robust assessment of appropriate opening hours, I have reviewed the planning history at the site and that of similar uses. Of the 'fitness centre' permitted at the subject premises under PA Ref. 14/5046, there was no condition attached specifying opening hours. Of the 'games/ amusement arcade' permitted at Time Square under PA Ref. 07/10004 (operating as Jaykay Leisure Casino), the available information indicates there were no conditions attached to the grant of permission. Of the 'gaming arcade/ casino' operation permitted under PA Ref. 22/41330 (referred to in the appeal grounds, amending that permitted under PA Ref. 21/40770), Condition 2 permitted the use for a period of 48 months, and Condition 3 specified opening hours of 9am to 11pm, Monday to Sunday.

Temporary Permission

- 7.6.14. For the Commission's clarity, I highlight that the applicant raises the potential for the proposed development to be granted on a temporary basis, referring to precedent cases (such as PA Ref. 22/41330 described above). While I acknowledge temporary permissions can be used to gauge the nature and extent of impact, if any, of a

proposal on a receiving area, I do not consider a temporary permission to be necessary in this instance.

- 7.6.15. This is because, as outlined in depth in subsection 7.2 above, I consider the proposal to be acceptable in principle, in an appropriate location, and in compliance with several CDP policies and objectives.

Conclusion

- 7.6.16. In conclusion, having regard to the nature of the receiving area and relevant planning history, I consider there to be planning merit in revising the proposed hours of operation and recommend this be addressed by condition. I consider that appropriate opening hours for the proposed use at the subject premises are 9am-11pm, Monday to Sunday. I conclude that, operating within these hours and subject to other conditions, the proposed development would not cause injury to or adversely impact on the amenities of the receiving area.

7.7. Concentration of Amusement Arcades

- 7.7.1. The final planning issue listed in Section 11.191 for consideration in the assessment, is that the proposal shall not result in an excessive concentration of amusement centres/ arcades.
- 7.7.2. The planning authority's reason for refusal includes that the proposed amusement centre (by virtue of its scale and proximity to another amusement centre (the Jaykay Leisure Casino operation on Time Square is identified)) represents an excessive concentration of this use type, resulting in serious injury to the amenities of the area.
- 7.7.3. The appeal grounds include that there is only one other similar use in Ballincollig (i.e., Jaykay Leisure Casino, c.250m walking distance, with a floor area of c.80sqm), the planning authority overstated the floor area of the proposed development at c.520sqm instead of c.347sqm, the proposal and the existing operation will yield an overall gaming/ amusement arcade floor area of c.467sqm for the town's population of c.19,000 persons.
- 7.7.4. Third party observations include strong opposition to the proliferation of gambling operations, referring to betting offices and the casino in Ballincollig, and several arcades and casino establishments in Cork City.

- 7.7.5. As I highlighted in subsection 7.3 above in respect of definition of uses, the case documentation includes several cross references between amusement arcades and casinos. Due to the description of development and CDP policy, there is a distinction between the activities.
- 7.7.6. In the appeal grounds, the applicant undertakes analysis on the number, quantum of floorspace, and locations of 'gaming premises' in Ballincollig and Cork City, and population figures for both urban centres. On the basis of the analysis (outlined in subsection 6.1 of this report above), the applicant rejects the planning authority's conclusion that the proposed development, resulting in an increase from one to two such premises serving the town of Ballincollig, could be considered excessive proliferation.
- 7.7.7. I note the final issue of Section 11.191 refers to not permitting proposals which would result in a concentration of amusement arcades (section 11.192 includes a comparable assessment issue for casinos). That being, the issue to be considered here is the concentration of amusement centres and not casinos (or indeed betting offices as cited by third-party observers).
- 7.7.8. For the Commission's clarity, I have reviewed the planning history available for Jaykay Leisure Casino. I note permission was granted (in 2007, i.e., prior to current CDP policy requirements) for a games/ amusement arcade. From internet searches, it would appear that the operation functions primarily as a casino with an amusement arcade (gaming) component (information correct as of the date of this assessment).
- 7.7.9. In any event, whether the existing operation is a casino, an amusement arcade, or a combination, the proposed development would represent the first or potentially the second amusement arcade in Ballincollig. In my opinion, I do not consider that in either scenario could permitting the proposal reasonably or rationally be described as resulting in an excessive concentration of amusement centres in the area.
- 7.7.10. In respect of the floorspace quantum, I note the appeal ground, and that the amusement arcade use is only proposed at ground floor level. As outlined in subsection 7.3, I recommend the associated use of the internal floorspace be conditioned accordingly.

Conclusion

7.7.11. In conclusion, overall, I consider that the proposed development, subject to conditions, complies with and satisfies the planning requirements of CDP Section 11.191 with regard to the nature and extent of impacts on neighbouring properties, design, opening hours, and intensity of amusement arcade use in the area.

7.8. Other Matters

7.8.1. For the Commission's clarity on other matters, as indicated by the Contribution Section's report, a development contribution condition is not applicable in this instance. The proposal includes for internal construction works and I recommend these be subject of condition for the protection of the amenities of property in the area.

7.8.2. There are extensive third-party concerns regarding antisocial behaviour (including an increase in crime) associated with the proposal. The planning system cannot be used for policing purposes. In this regard, I note the applicant's position that amusement arcades are regulated and controlled in manner similar to that of bookmakers and public houses.

7.8.3. A proposed development is required to operate within the conditions attached to a permission and any non-compliance with same is an enforcement matter for planning authority.

8.0 Appropriate Assessment

8.1. Screening Determination for Appropriate Assessment

8.1.1. In accordance with section 177U(4) of the Planning and Development Act 2000, as amended (2000 Act), and on the basis of objective information, I conclude that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (Stage 2) under section 177V of the 2000 Act is not required.

8.1.2. This conclusion is based on:

- Nature, scale and location of the proposed development.
- Qualifying interests and conservation objectives of the European sites.

- Absence of any meaningful pathways to any European site.
- Distances from European sites.
- Standard pollution controls and project design features that would be employed regardless of proximity to a European site and the effectiveness of same.

8.1.3. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

9.0 Environmental Impact Assessment

9.1. Pre Screening for Environmental Impact Assessment

9.1.1. The proposed development is not a class for the purposes of Environmental Impact Assessment (EIA) as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination (see Appendix 1).

10.0 Water Impact Status Assessment

10.1. Screening Determination for Water Impact Status Assessment

10.1.1. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive (WFD) which seek to protect and, where necessary, restore surface water and ground waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

10.1.2. I conclude that the proposed development will not result in a risk of deterioration on any waterbody (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively, or on a temporary or permanent basis, or otherwise jeopardise any waterbody in reaching its WFD objectives and consequently can be excluded from further assessment.

10.1.3. This conclusion is based on:

- Nature, scale and location of the proposed development.

- Objective information presented in the case file and from verified sources.
- Absence of/ proximity to closest surface watercourses.
- Lack of any meaningful hydrological connection to any waterbody.
- Use of best practice construction practices during construction phase.

11.0 Recommendation

Following from the above assessment, I recommend that permission is GRANTED for the development as proposed due to the following reasons and considerations, and subject to the conditions set out below.

12.0 Reasons and Considerations

The Commission considers that, subject to conditions, the proposed development would be consistent with the applicable ZO 03 'Long-term Strategic Regeneration' zoning objective and other policies and objectives of the Cork City Development Plan 2022-2028, would be a permissible form of commercial leisure development at an appropriate location in Ballincollig town, would not seriously injure the residential or visual amenities of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application to the planning authority, 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 development shall be implemented as follows:

- a) The premises shall operate as an 'amusement centre/ arcade' in accordance with the definition in Section 11.191 of the Cork City Development Plan 2022-2028.
- b) The amusement centre/ arcade use shall be confined to the ground floor level only. First floor level floorspace shall be used for storage/ ancillary purposes only to the main use. No machines, or other equipment associated with the amusement centre/ arcade shall be made available for use by customers at the first floor level.
- c) No part of the premises shall operate as a Casino/ Private Members' Club.

Reason: In the interests of clarity, to comply with the provisions of the development plan, and to maintain effective control on the development.

3. The premises shall operate between the hours of 9am and 11pm (09.00-23.00), Monday to Sunday. No use shall be made of these premises outside these hours.

Reason: To protect the amenities of the area, and maintain effective control on the development.

4. No signage, advertising structures, advertisements, security shutters or other projecting elements, including flagpoles, (including that which is exempted development under the Planning and Development Regulations, 2001 as amended), other than those shown on the drawings submitted with the application, shall be erected or displayed on the subject premises or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity and to protect the character of area.

5. a) No music or other amplified sound shall be emitted to the public street or broadcast in such a manner as to cause nuisance to the occupants of nearby properties.
- b) All entrance doors in the external envelope of the premises shall be tightly fitting and self-closing.
- c) All windows and roof lights shall be double-glazed and tightly fitting.
- d) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.
- e) Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To safeguard the amenities of property in the vicinity.

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: To safeguard the amenities of property in the vicinity.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Phillippa Joyce

Senior Planning Inspector

29th July 2025

Appendix 1: Environmental Impact Assessment – Pre-Screening

1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA?	
(“Project” means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
☒ Yes, it is a ‘Project’. Proceed to Q2.	
☐ No, no further action required.	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3.	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/ exceed the thresholds?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.	
☐ Yes, the proposed development is of a Class and meets/ exceeds the threshold.	
☐ Yes, the proposed development is of a Class but is sub-threshold. Proceed to Q4.	
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
☒ No	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____