



An
Bord
Pleanála

Board Order
ABP-321086-24

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F24A/0340E

Appeal by Paul Phelan of 2 Glebeview, River Mall, Main Street, Swords, County Dublin against the decision made on the 3rd day of October, 2024 by Fingal County Council to grant subject to conditions a permission to CQA Design and Build of Unit B4, Swords Enterprise Park, Feltrim Road, Swords, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The development will consist of change of use of the existing retail unit at ground floor and lower ground floor levels to use as leisure virtual-reality gaming rooms, minor alterations to the existing shopfront to River Mall including new signage and all associated site works, all at Glebeview House, River Mall, Off Main Street, Swords, County Dublin (formerly The Book Haven).

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.

Reasons and Considerations

Having regard to the existing mixed-use nature of the building within which the gaming rooms are to be located, the site's urban location, and also having regard to the land use zoning objective pertaining to the area as indicated in the Fingal Development Plan 2023-2029, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact on neighbouring residential amenities by reason of noise generated, would not adversely impact on the visual amenities of the area and would be acceptable in terms of traffic safety and car parking. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommended refusal reason number 1, the Board considered that, subject to condition, the potential visual impact could be mitigated to within acceptable levels and a refusal on this issue was not warranted in this instance. In relation to concerns regarding potential of a 'dead frontage', the Board noted that the proposed development has its main entrance onto, and addresses, the public lane to the south and the new use as proposed is removing the existing dead frontage and visual disamenity currently created by the unit vacancy.

In deciding not to accept the Inspector's recommended refusal reason number 2, the Board considered that the amenity of neighbouring residential units could be protected by way of conditions, including conditions relating to hours of operation, noise mitigation measures and noise level limits.

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 received by the planning authority on the 1st day of August, 2024 and the 11th day of September 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. All noise mitigation measures identified under the "Noise Impact Assessment and Noise Control Recommendations" as contained with the "Noise Impact Assessment" received by the planning authority on the 11th day of September 2024 shall be implemented in full prior to the commissioning of the gaming rooms.

Reason: To protect the amenity of neighbouring residential units.

3. 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 one 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.

Reason: To protect the amenity of neighbouring residential units.

4. The gaming rooms shall not operate outside the hours of 1000 to 2200.

Reason: To protect the amenity of neighbouring residential units.

5. Prior to the commencement of development, the applicant shall submit to, and agree in writing with, the planning authority, details of the signage/imagery/graphics/finish to be applied to the stud partition to be built inside the line of existing security shutter at the front elevation as indicated on drawing titled 'Details of proposed shopfront & signage' received by the planning authority on the 1st day of August, 2024.

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



Tom Rabbette

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *13th* day of *Feb* 2025.