

An
Bord
Pleanála

Board Direction
BD-015336-24
ABP-315957-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/02/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the Town Centre zoning objective of the area, the design, layout and scale of the proposed development and the pattern of development in the area, and the provisions of the Cork City Development Plan 2022-2028 including Section 11.185 (Cafés/Restaurants), it is considered that, subject to compliance with conditions below, the proposed development as modified by the conditions below, would not seriously injure the residential amenities of the area or of property in the vicinity in terms of noise, loss of privacy, overbearing or overshadowing impacts nor would it represent a traffic safety issue in the area. The proposed development for which permission is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

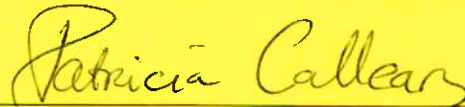
1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 4th day of July 2022 and the 10th day of October 2022 except as may otherwise be required in order to comply 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 development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The premises shall not operate outside of the following hours:</p> <p>Monday to Friday 08:00 to 20.00</p> <p>Saturday and Sunday 09.00 to 20:00</p> <p>Reason: In order to protect the amenities of residential property in the vicinity.</p>
3.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and to protect the environment.</p>
4.	<p>A plan containing details for the management and safe disposal of all waste (and, in particular, recyclable materials) within the proposed development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities, shall be prepared by the local authority prior to commencement of development and shall be placed on the file and retained as part of the public record.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>

5.	<p>The developer shall control odour emissions, including extract ducting and ventilation, from the premises in accordance with measures which shall be submitted to, and agreed in writing with, the planning authority within two months of the date of this order.</p> <p>Reason: In the interest of public health and to protect the amenities of the area.</p>
6.	<p>No music or other sound shall be broadcast or amplified externally from the premises.</p> <p>Reason: In order to protect the amenities of the area.</p>
7.	<p>There shall be no vehicular parking or parking for customers provided on site.</p> <p>Reason: In the interest of traffic safety.</p>
8.	<p>No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.</p> <p>Reason: In the interest of visual amenity.</p>
9.	<p>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</p>

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.

Board Member


Patricia Calleary

Date: 06/02/2024