

An
Bord
Pleanála

Board Direction
BD-018969-25
ABP-319513-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/02/2025.

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 ZU 18-17 and YL-T-01 zoning objectives pertaining to the site under the Cork County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not detract from the residential amenities of the area, would be acceptable in terms of traffic safety and convenience, and would not unduly impact on the character of the Youghal Architectural Conservation Area. The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board, noting the location of the site in the town of Youghal, considered the hours of operation proposed by the applicant were reasonable, and that the amenity of adjoining residential property is protected by the condition relating to noise levels.

Conditions

1. The development shall be retained 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 22nd day of February 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 and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. No further change of use shall take place without a further planning permission, notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended.

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

3. The premises hereby permitted shall not operate outside the hours of 0645 to 1700 Mondays to Saturdays and 0745 to 1700 on Sundays.

Reason: In order to safeguard the amenities of adjoining residential properties.

4. The doorway adjacent to the service/preparation area shall not be used for the purpose of service associated with the use of the premises. This shall include the taking of orders or the serving of take-away products.

Reason: In the interest of residential amenity.

5. No external amplified music shall play within the curtilage of the site.

Reason: To protect the amenities of the area.

6. During the operational phase of the proposed development the noise level shall not exceed (a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and (b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times, (corrected for a tonal or impulsive component) as measured at the nearest dwelling.

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

7. The front of the premises shall comply with the following requirements:
- (a) No awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission.
 - (b) External roller shutters shall not be erected, and any internal shutters shall be of the 'open-lattice' or 'perforated' type and shall be coloured to match the shopfront colour.

Reason: In the interest of the visual amenities of the architectural conservation area.

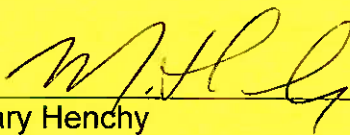
8. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other 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: In the interest of the visual amenities of the area.

9. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
- (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

Board Member



Mary Henchy

Date: 19/02/2025