

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Cork City**

**Planning Register Reference Number: T.P.15/36427**

An Bord Pleanála Reference Number: PL 28.245773

**APPEAL** by Dan and Ann Murphy care of Coakley O'Neill Town Planning Limited of NSC Campus, Mahon, Cork against the decision made on the 22<sup>nd</sup> day of October, 2015 by Cork City Council to grant subject to conditions a permission to Cormac O'Connor care of Gerald McCarthy Architects Limited of Ballyverane, Macroom, County Cork in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Demolition of the former TSB bank building and construction of new retail premises including butcher shop, meat preparation area, store, office, delicatessen and restaurant together with all ancillary site works at Iona Road, Mayfield, Cork.

## **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.**

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **REASONS AND CONSIDERATIONS**

Having regard to the nature, scale and design of the proposed development, to the planning history of the lands, to the zoning objective for the site as set out in the current Development Plan for the area and to the character of the general area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **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 submitted to the planning authority on the 25<sup>th</sup> day September, 2015 and by the further plans and particulars received by An Bord Pleanála on the 11<sup>th</sup> day of December, 2015, 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. Prior to commencement of development, revised first floor plans shall be submitted to, and agreed in writing with, the planning authority incorporating the proposed staff canteen and associated staff locker area into the first floor layout.

**Reason:** In the interest of clarity.

3. The proposed shopfront shall be in accordance with the following requirements:
  - (a) Signs shall be restricted to two fascia signs using sign writing or comprising either hand-painted lettering or individually mounted lettering, one over the entrance to the butchers shop and the second over the entrance to the café. No signage shall be erected on the meat preparation area to the rear.
  - (b) The fascia signs may be spotlit, but internally illuminated signs shall not be used.
  - (c) External roller shutters shall not be erected at any location on the premises, and any internal shutter shall be only of the perforated type, coloured to match the shop front colour.
  - (d) No adhesive material shall be affixed to the windows or the shopfront.

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

4. Notwithstanding the provisions of the Planning and Development Regulations, 2001, 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, other than the shop fascia signs specified in condition number 3 of this permission, 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:** To protect the visual amenities of the area, and to allow the planning authority to assess any further signage or other elements through the statutory planning process.

5. (a) The hours of operation of the development shall be between 0700 hours and 2000 hours only.
- (b) No deliveries shall be taken at or dispatched from the premises outside the hours of 0700 and 2000 Mondays to Saturdays, nor at any time on Sundays or public holidays.

**Reason:** To protect the residential amenities of the area.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

7. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black or slate-grey only, including ridge tiles.

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

8. (a) Parking for the development shall be provided in accordance with Option 1 as submitted to the planning authority on the 25<sup>th</sup> day of September, 2015 with the provision of 10 car parking spaces, maximum and 5% of total car parking spaces shall be allocated for disabled drivers that is, one space.
- (b) One car parking space which is equipped with a functioning electrical vehicle (EV) charging point as well as the provision of ducting to allow for the future fit out of an electric vehicle charge point for at least 10% of the car spaces shall be provided on site. All electrical vehicles charging infrastructure shall be in accordance with the planning authority's detailed standards for Electrical Vehicle Charging Infrastructure.

**Reason:** To ensure a satisfactory parking layout in the interests of pedestrian and traffic safety and of visual amenity.

9. Footpaths shall be dished at the site access in accordance with the requirements of the planning authority. Details of the materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of pedestrian safety.

10. Any takeaway element of the development shall be strictly as described in the particulars and documentation as submitted to the planning authority on the 25<sup>th</sup> day of September, 2015, and shall be ancillary to the main use of the unit as a butchers/deli/café.

**Reason:** In the interest of residential amenity.

11. The entire development on the site shall be operated as a single entity, and no part of the development shall be sold, let or otherwise transferred or conveyed save as part of the overall site.

**Reason:** To restrict the use of the development in the interest of residential amenity.

12. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

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

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

14. (a) Noise during site clearance and construction shall not exceed 65 dB(A), Leq 30 minutes and the peak noise shall not exceed 75 dB(A), when measured at any point off-site.
- (b) Upon commissioning of the structure, noise from activities associated with this development shall not give rise to noise levels off-site exceeding 55 dB(A) Leq, 15 minutes during the hours of 0800-2200 and 45 dB(A), Leq, 15 minutes during the hours of 2200-0800. There shall be no audible tonal or impulsive noise. The developer shall engage the services of a noise specialist to assess compliance with this condition as required.
- (c) Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority details of air extraction and air conditioning proposed. Details shall include type, size, location and noise levels of extractors and ducting.

**Reason:** In the interest of residential amenity.

15. 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.

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

**Dated this            day of            2016.**