

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Cork City

Planning Register Reference Number: 16/37128

An Bord Pleanála Reference Number: PL 28.247905

APPEAL by Malay Kitchen care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 20th day of December, 2016 by Cork City Council to refuse permission to the said Malay Kitchen for the proposed development.

PROPOSED DEVELOPMENT: Retention of (1) a change of use of the ground floor of Number 6 Paradise Place from a café to a seating area serving existing take-away restaurant, (2) interconnection of units 4, 5 and 6 Paradise Place forming one self-contained fast-food take-away and restaurant, (3) retention of existing associated signage on the front elevation of units 4 and 5 Paradise Place. All works subject to permission for retention are located on the ground floor of a Protected Structure, as listed in the Cork City Development Plan 2016-2021, all at Units 4, 5 and 6 Paradise Place, South Main Street, Cork.

DECISION

GRANT permission for the above proposed development in accordance with the plans and particulars lodged with the said council, 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 provisions of the Cork City Development Plan 2015-2021, to the nature and scale of the amendments proposed to be retained, and to the pattern of retail and leisure development in the area, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the amenities of the area and would not adversely affect the economic viability of the streets in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application 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 within three months of the date of this order and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The shopfront of units 4, 5 and 6 shall be modified in accordance with the following requirements within three months of the date of this order:
 - (a) existing signage on the windows of units 4 and 5 shall be removed,
 - (b) signs shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individually mounted lettering,
 - (c) no awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission,

(d) no adhesive material shall be affixed to the windows or the shopfront.

Reason: In the interest of visual amenity.

3. The developer shall control odour emissions from the premises in accordance with measures including extract duct details which shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this order.

Reason: In the interest of public health and to protect the amenities of the area.

4. 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 within three months of the date of this order 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.

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

Dated this day of 2017.