

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Cork City

Planning Register Reference Number: 16/37146

An Bord Pleanála Reference Number: PL 28.247956

APPEAL by William O’Sullivan of 67 Father Dominic Road, Ballyphehane, Cork and by others against the decision made on the 13th day of January, 2017 by Cork City Council to grant subject to conditions a permission to Gillabbey Taverns Limited care of Cunnane Stratton Reynolds of Copley Hall, Cotters Street, Cork in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Change of use from vacant retail unit to restaurant with hot food take-away including the provision of hardstanding area in yard and reinstatement of access to the lane at the rear of the premises at Number 5 Pearse Square, Ballyphehane, 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 zoning objectives for the area, the nature of the proposed development constituting seating and take-away and the pattern of land use in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property 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 carried out 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 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. The use of the premises as a hot food take-away shall cease on or before the expiration of a period of three years from the date of this order, unless otherwise permitted by means of further planning application.

Reason: To enable the effect of the development on the residential amenities of the area to be reviewed having regard to the circumstances then prevailing.

3. No delivery vehicles (scooters or otherwise) shall access the rear of the property save for overnight parking and delivery of goods to the premises.

Reason: In the interest of residential amenity.

4. The hours of operation of the take-away and delivery service shall be restricted to between 1200 and 2300 hours from Monday to Sunday.

Reason: In the interest of residential amenity.

5. The proposed shopfront shall be in accordance with the following requirements:

- (a) the proposed signs shall be restricted to single fascia sign as per the plans lodged with the application and shall use sign writing or comprise either hand-painted lettering or individually mounted lettering,
- (b) lighting shall be by means of concealed neon tubing or by rear illumination,
- (c) no awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission,
- (d) neither internal nor external roller shutters shall be erected,
- (e) no adhesive material shall be affixed to the windows or the shopfront, and
- (f) no structures/storage areas shall be erected inside the shopfront windows.

Reason: In the interest of visual amenity.

6. 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 prior to commencement of development.

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

7. 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. Grease traps shall be fitted on all kitchen drains.

Reason: In the interest of public health and environmental protection.

8. A waste management plan including the provision for the storage, separation and collection of all waste, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the permitted use.

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

9. 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.

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

Dated this day of 2017.