



An  
Bord  
Pleanála

**Board Order**

**PL 04.248696**

---

## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 16/05931**

**Appeal** by Liam Edwards of “Riverview”, Douglas East, Cork against the decision made on the 19<sup>th</sup> day of May, 2017 by Cork County Council to grant subject to conditions a permission to Rahber Limited care of O’Leary Architecture and Design of Ouvane, Rathmore Lawn, South Douglas Road, Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of flat roof to rear yard and use of rear yard as wash up area, opening up of wall over counter level between pick up area and kitchen, erection of signage (individual non-transparent raised letters) and new exit door from the staircase to the East Douglas Street façade and permission for retention of lighting to illuminate signage to the East Douglas Street façade, to existing single storey restaurant food take-away collection area building on East Douglas Street adjoining the Lal Quila Restaurant, Douglas, County Cork. The subject property is to the South East of, and attached to, a Protected Structure housing the restaurant.

## **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 'Existing Built Up Area' zoning of the subject site, the pattern of development in the area, the established use on the site and the scale and design of the proposed development, it is considered that, subject to compliance with conditions set out below, the proposed development would not seriously injure the amenities of the area and 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, as amended by the further plans and particulars submitted on the 25<sup>th</sup> day of April 2017, 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 proposed development shall be modified as follows:
  - (a) The proposed signage above the door on the front elevation shall be omitted.
  - (b) The proposed four number spotlights shall be removed.

Revised drawings showing compliance with the above requirements shall be submitted to the planning authority for written agreement prior to the commencement of development.

**Reason:** In the interest of protecting architectural heritage and residential amenities of the local area.

3. 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 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.

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

**Reason:** In the interest of public health and to ensure a proper standard of development.

5. The requirements of the Environment Health Authority shall be ascertained and adhered to in the development.

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

6. Prior to the commencement of development, the developer shall submit, and obtain written agreement of the planning authority to, a plan containing details of the management of waste (and, in particular, recyclable materials) within the development including the provision of facilities for the separation and the collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

**Reason:** To provide for appropriate management of waste and in particular, recyclable materials, in the interest of protecting the environment.

7. The site and building works required to implement the proposed development shall be carried out only between 0800 hours and 1800 hours, Monday to Friday and between 0900 hours and 1400 hours on Saturday. No work shall be carried out on Sundays, Bank Holidays or Public Holidays.

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

8. Prior to the commencement of development, a scheme shall be submitted to, and agreed in writing with, the planning authority for the effective control of fumes and odours from the premises.

**Reason:** In the interests of the amenities of both the immediate neighbours and general surroundings.

9. Prior to the commencement of development, a litter management scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of protecting the amenities of the area.

10. The noise level shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at the nearest noise sensitive location between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Noise levels shall be measured at the noise monitoring locations. Monitoring results shall be submitted to the planning authority on a six monthly basis.

**Reason:** To protect the amenities of property in the vicinity of the site.

11. A schedule, and appropriate samples, of all materials to be used in the roof construction, including sound proofing materials, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure an appropriate standard of development and in the interest of residential amenity.

12. 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 the 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                                      2018**