



Planning and Development Acts 2000 to 2018

Planning Authority: Cork County Council

Planning Register Reference Number: 17/07400

Appeal by Concerned Citizens care of Martin Lane of Clonlough, Mitchelstown, County Cork against the decision made on the 20th day of April, 2018 by Cork County Council to grant subject to conditions a permission to Perks Promotions Mitchelstown Limited care of Colm Cashman of CLC Chartered Engineers, Acorn Business Centre, Blackrock, County Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Change of use of a public house to amusement arcade with associated signage and alterations to front façade of a Protected Structure at 45 Lower Cork Street, Mitchelstown, County 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 town centre zoning of the site as set out in the current Fermoy Electoral Area Local Area Plan 2017, to the existing commercial nature of the building within which the change of use is proposed, and the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed change of use would not seriously injure the amenities of the area or of property in the vicinity, would not result in an excessive concentration of similar-type uses, and would not adversely affect the character of the Protected Structure. The proposed change of use 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 27th day of March 2018, 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. (1) During the operational phase of the proposed development, the noise level from within the premises, as measured at noise sensitive locations in the vicinity, shall not exceed –
 - (a) an $L_{Ar, 30min}$ of 55 dB(A) during the period 0800 to 2200 hours from Mondays to Saturdays (inclusive), and
 - (b) an $L_{Aeq, 15min}$ of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.
- (2) All sound measurements shall be carried out in accordance with ISO Recommendations R 1996:2007: Acoustics – Description and Measurement of Environmental Noise.
- (3) One month following the commencement of operation, the developer shall submit a noise monitoring survey to the planning authority. The report which shall be prepared by a suitably qualified person and in accordance with the requirements of the planning authority shall confirm that the noise mitigation measures have been satisfactorily completed and that the development is in compliance with the limits specified in this condition.

Reason: To protect the amenities of properties in the vicinity of the site.

3. The opening hours of the amusement arcade shall be limited to the period 1000 hours and 2300 hours Mondays to Sundays inclusive,

and the development shall not be open for business at any other times.

Reason: In the interest of orderly development, and in order to protect the residential amenities of nearby residents.

4. Patrons visiting these premises shall do so by way of the main entrance at Lower Cork Street only. The Robert Street access to the site shall be used for emergency access/egress, delivery/collection, waste handling or staff access/egress purposes only. There shall be no use by patrons of any external area to the rear of the permitted amusement arcade as a smoking area or for any other purpose.

Reason: In order to protect the residential amenities of nearby residents.

5. Signage associated with this development shall be restricted to lettering on the shopfront fascia only. The form, colour(s) and size of the lettering shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure that any signage respects the character of the Protected Structure.

6. 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 building or within the curtilage of the site, other than the signage agreed under condition number 5 of this order, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity and to allow the planning authority to assess the impact of any further advertising signs on the character of the Protected Structure through the statutory planning process.

7. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

8. 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.

Philip Jones

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

Dated this day of 2018.