



Planning and Development Acts 2000 to 2019

Planning Authority: Cork County Council

Planning Register Reference Number: 18/07369

Appeal by Mona O’Sullivan care of Kelleher and Associates Limited of Roxboro, Midleton, County Cork against the decision made on the 20th day of February, 2019 by Cork County Council to grant subject to conditions a permission to Keta Products Limited care of Coakley O’Neill Planning Limited of NSC Campus, Mahon, Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention of change of use of the first floor of Fitzpatrick’s Shop from residential to food preparation, storage, offices and staff facilities, all ancillary to main retail use of the store at Fitzpatrick's Shop and The Great O'Neill Public House, Lackenroe, Glounthaune, 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 long established shop use on the site and to the nature and scale of the development for which retention is sought, it is considered that, subject to compliance with the conditions set out below, the proposed retention of uses ancillary to the shop use would not seriously injure the residential amenities of the area and would otherwise 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 and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the disposal of surface water and the management of fats, oils and greases, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

3. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at any point along the boundary of the site shall not exceed:-
 - (i) An Leq,1hour value of 55 dB(A) during the period 0700 hours to 1900 hours from Monday to Sunday inclusive.
 - (ii) An Leq,1hour value of 50 dB(A) during the period 1900 hours to 2300 hours from Monday to Sunday inclusive.
 - (iii) An Leq,15 minutes value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.
- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

Procedures for the purpose of determining compliance with these limits shall be submitted to, and agreed in writing with, the planning authority within one month of the date of this Order.

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

4. The developer shall control odour emissions in accordance with measures which shall be submitted to, and agreed in writing with, the planning authority within one month of the date of this Order.

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

5. 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 one month 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.

6. The developer shall pay to the planning authority a financial contribution in respect of the Cobh/Midleton – Blarney Suburban Rail Project in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid within one month 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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

Dated this day of 2019.