



---

**Planning and Development Acts 2000 to 2019**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 18/06250**

**Appeal** by Mona O’Sullivan care of Kelleher and Associates Limited of Roxboro, Midleton, County Cork against the decision made on the 15<sup>th</sup> day of April, 2019 by Cork County Council to grant subject to conditions a permission to Keta Products Limited care of Coakley O’Neill Town Planning Limited of NSC Campus, Mahon, Cork in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** The proposed development will consist of the demolition of (1) The Great O’Neill Public House, which includes the demolition of a habitable house of 116.83 square metres on the first-floor, and the smoking area and stores to the rear (2) The portacabin storage to the rear of Fitzpatrick’s shop (3) The first-floor level of the two number former dwellings used for storage, ancillary to the shop, to create a two-storey storage area with new mezzanine level. The proposed development will also consist of the construction of (1) A two-storey extension of the shop to the east to replace the demolished public house, for use as an extended retail and deli unit at ground floor and storage, food preparation, offices and staff facilities at first floor, resulting in an increase in net retail area of 207.46

square metres; (2) An ATM on the front facade to replace existing doorway on the western side of the shop; (3) A two-storey extension to the rear of the shop for use as storage, food preparation, offices and staff facilities; (4) A goods lift and plant area to the rear. The proposed development will also include modifications to the layout of the shop; a glazed facade at ground floor; the replacement of doors and windows; provision of sash windows at first floor; new signage and all ancillary site works, all at Fitzpatrick's Shop and The Great O'Neill Public House, Lackenroe, Glounthaune, County Cork, as amended by the revised public notice received by the planning authority on the 19th day of December, 2018.

## **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.

## **Appropriate Assessment**

### **Appropriate Assessment Stage 1**

The Board considered the Screening Report for Appropriate Assessment, the Natura impact assessment, the Construction Environmental Management Plan and all the other relevant submissions and carried out both an appropriate assessment screening exercise and an appropriate assessment in relation to the potential effects of the proposed development on designated European sites.

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Cork Harbour Special Protection Area (Site Code: 004030), and the Great Island Channel Special Area of Conservation (Site Code: 001058), are the only European sites in respect of which the proposed development has the potential to have a significant effect.

### **Appropriate Assessment Stage 2**

The Board considered the Natura impact statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European sites, namely, the Cork Harbour Special Protection Area (Site Code: 004030), and the Great Island Channel Special Area of Conservation (Site Code: 001058), in view of the sites' Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- (i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (ii) the mitigation measures which are included as part of the current proposal, and
- (iii) the conservation objectives for the European sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European sites, having regard to the sites' Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European sites, in view of the sites' Conservation Objectives.

## Reasons and Considerations

Having regard to the long established commercial uses on the site and to the nature, scale, design, character and layout of the proposed development, it is considered that the proposed development would not adversely impact on the residential amenities of adjoining properties, would not endanger public safety by reason of traffic hazard and would, therefore, be in accordance with the provisions of the current Cork County Development Plan and the Cobh Municipal District Local Area Plan. 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 19<sup>th</sup> day of December, 2018 and the 20<sup>th</sup> day of February, 2019, 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. 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 prior to the commencement of development.

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

5. Details of the external shopfront finish and signage, exclusive of any backlighting, awning and external roller shutters, shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of development.

**Reason:** In the interest of visual amenity.

6. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

7. 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.



8. 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 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 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.**