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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: 21/40477**

**Appeal** by Ernest and Margaret Kingston care of Edward Kingston of 6 Bramble Close, Castle Lake, Carrigtwohill, County Cork against the decision made on the 19<sup>th</sup> day of January, 2022 by Cork City Council to grant subject to conditions a permission to Tim Sheehan care of MMOS Civil and Structural Engineers of The Chapel, Blackrock House, Blackrock Road, Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Change of use from existing commercial premises to a café/deli with a wine license, elevational changes, increase in height of the structure and a canopy, all at 17 Military Road, Cork City.

**Decision**

**GRANT permission for the above development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## Reasons and Considerations

Having regard to the site's land use zoning objective (ZO 01 Sustainable Residential Neighbourhoods), the nature and scale of the proposed development, and the provisions of the Cork City Development Plan 2022-2028, including Section 11.185 (Cafés/Restaurants), it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area, would be acceptable in terms of traffic safety and convenience and would align with the relevant provisions of the development plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed 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 received by the planning authority on the 19<sup>th</sup> day of November, 2021, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

P.C.

2. The café/deli shall be operated independently and shall not be jointly operated with the adjoining public house.

**Reason:** In the interest of clarity.

3. The opening hours of the café/deli and take-away shall be between 0800 hours and 2100 hours only.

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

4. (a) The sound from any loudspeaker announcements, music or other material projected in or from the ground floor premises shall be controlled so as to ensure that the sound is not audible in adjoining premises or at two metres from the frontage.

- (b) No speaker announcements, amplified music or other audible material shall be played or broadcast in the outdoor seating area.

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

5. Prior to commencement of development, details of the materials, colours and textures of all external finishes, including signage details, shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of orderly development and the visual amenities of the area.

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6. 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.

7. A plan containing details for the management and safe disposal of all waste (and, in particular, recyclable materials) within the proposed 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. The developer shall enter into water connection agreement(s) with Irish Water prior to commencement of this development.

**Reason:** In the interest of orderly development.

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9. Site development and building works shall be carried out only between 0700 to 1800 hours Mondays to Fridays, inclusive, 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

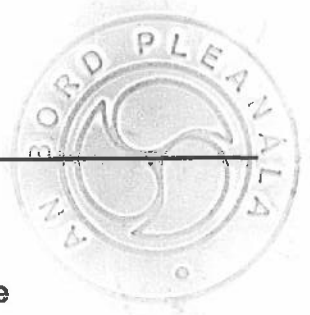
**Reason:** In order to safeguard the residential amenities of property in the vicinity.

*Patricia Calleary*

Patricia Calleary

Member of An Bord Pleanála

duly authorised to authenticate  
the seal of the Board.



Dated this 21<sup>st</sup> day of February 2023.