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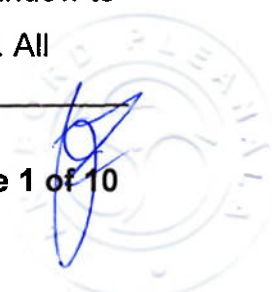
**Planning and Development Acts 2000 to 2022**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 21/6492**

**Appeal** by Andrew Mullen of 20 Leevew, Ballincollig, Cork and by Denise Clifford care of Cunnane Stratton Reynolds of Copley Hall, Cotters Street, Cork against the decision made on the 5<sup>th</sup> day of July, 2022 by Cork County Council to grant subject to conditions a permission to Liverbird Limited care of CLC and Associates of Unit 2C, The Atrium, Blackpool, Cork in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Retention and completion of modifications to existing public house to include the following: 1. Flat roof structures with three number rooflights to replace the existing pitched roofs of the public house. 2. Retractable roof canopy off the rear of the existing public house. 3. Single storey extension to the rear of the existing public house. 4. Open smoking area with roof structure only to the rear of the existing public house. 5. Extension of existing beer garden area to the rear of existing public house. 6. Elevational changes to the existing public house. 7. Converting existing outside shed to the rear of the existing public house to new boiler house and food catering unit with signage/elevation changes. 8. One number window to the eastern boundary on ground level of the existing public house. 9. All



associated site development works. 10. Existing office/w.c's on ground floor/store at first floor plan and stairwell. 11. Second floor dormer windows and roofs to front elevation. 12. Demolish existing walls to enable proposed works. 13. Two number high level stained windows to the western boundary on ground floor level of the existing public house. 14. Converted external space to new covered floor area. Proposed permission to include: 15. New signage to front façade of existing public house. 16. Modify existing two number new windows to the first floor rear elevation of the existing public house at Aunty Biddys, Numbers 9 and 10 Rock Street, Cloyne, 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.**

## **Reasons and Considerations**

Having regard to the location of the site within a village centre location, its zoning as Town Centre/Neighbourhood Centre as set out in the Cork County Development Plan 2022-2028 and to the established use as a public house, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be prejudicial to residential amenity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that noise levels emanating from the proposed development could be satisfactorily ameliorated through adherence to specific conditions.

## 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 received by the planning authority on the 9<sup>th</sup> day of June, 2022, 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 extent of the beer garden shall be in accordance with the capacity layout submitted on the 9<sup>th</sup> day of June 2022. The most southerly section of the site (adjacent to the defined outdoor seating area) shall be used for service related purposes only as set out in the layout of the 9<sup>th</sup> day of June 2022. Access to this area for patrons of the public house is prohibited.

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

3. (a) Noise levels emanating from the proposed development when measured at Noise Sensitive Locations shall not exceed:
- (i) 55dB(A) (30 minute LAR) between 0700 and 1900 hours,
  - (ii) 50dB(A) (30 minute LAR) between 1900 and 2300 hours, and
  - (iii) 45dBA (15 minute Leq) between 2300 and 0700 hours.
- (b) All sound measurements shall be carried out in accordance with ISO Recommendations R 1996 - "Acoustics-Description and Measurement of Environmental Noise".
- (c) Noise Sensitive Location: Any dwelling house, hotel or hostel, health building, educational establishment, places of worship or entertainment, or any other facility or area of high amenity which for its proper enjoyment requires the absence of noise at nuisance levels.

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

4. No music or other amplified sound shall be emitted to the public street or broadcast until the applicant has submitted to and agreed with the planning authority a comprehensive list of all mitigation measures to achieve in full the requirements of condition 3 above.

**Reason:** To safeguard the amenities of the area, including adjoining residential amenity and in the interests of orderly development.

5. (a) Fats, oil and grease (FOG) interceptor/removal equipment shall be installed on the foul discharge pipe from the food preparation and utensil washing area of the development prior to entry to the site's foul drainage network. Foul domestic sewerage shall not discharge via FOG removal equipment. Passive grease traps must be designed, installed, operated and maintained in accordance with EN 1825:2004 (Parts 1 & 2) Or Grease removal units (GRUs) must be designed in accordance with Standard PDI-G101 – Testing and Rating Procedure for Grease Interceptors.
- (b) This grease trap shall be serviced in accordance with manufacturers recommendations. Service records shall be maintained for inspection by the planning authority. Solid matter such as food wastes (cooked or uncooked, plate scrapings) oil of any kind, glass or packaging shall not be disposed of via foul drain.
- (c) Waste oils shall be stored in a secure bunded area. Oil storage areas shall be bunded, either locally or remotely, to a volume of 110% of the largest tank within each individual bunded area. Waste oil shall be removed by appropriately permitted contractor only, and waste removal records shall be maintained for inspection by the planning authority.
- (d) The use of under sink food macerators/food grinders for processing and discharging waste food to the drainage system is prohibited.

**Reason:** In the interest of orderly development and to prevent blockages in the sewer.

6. (a) The ventilation/air extraction system shall incorporate Best Practical Means to limit the manner and quantity of emissions to air from this premises. This system shall have regard to Specification for Kitchen Ventilation Systems DW/172 (Building Engineering Services Association, 2018) and/or CIBSE Guide B Ventilation and Ductwork (Chartered Institute of Building Services Engineers, 2016).
- (b) A maintenance programme shall be put in place and all maintenance of equipment involved in atmospheric pollution control shall be recorded in a log. The log shall be available for inspection by the planning authority.

**Reason:** To safeguard the amenities of the area and prevent odour nuisance.

7. (a) All sanitary accommodation shall ventilate directly to external air providing a minimum of six number air changes/hour. All intervening lobbies between sanitary accommodation and any food service/preparation room shall be ventilated to provide a minimum of three number air changes/hour.
- (b) Infant changing facilities shall be provided in one of the wheelchair accessible W.C.s.

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

8. All solid wastes arising on the site shall be recycled as far as possible. Materials exported from the site for recovery, recycling or disposal shall be managed at an approved facility and in such a manner as is agreed with the planning authority. No such wastes shall be stored on the site except within the confines of the buildings on site. Adequate on-site arrangements for the storage of recyclable materials prior to collection shall be made to the satisfaction of the planning authority.

**Reason:** To safeguard the amenities of the area.

9. All lighting within the site curtilage shall be directed and cowled so as not to interfere with or cause any glare or additional light spill to adjoining residential property. Lighting shall be dimmable and activated by a presence detection system, in accordance with an E2 Zoning designation (TII Guidelines DN-LHT-03038 , 2023).

**Reason:** To minimise light interference.

10. A secure area shall be designated for the storage of all wastes awaiting disposal/recovery. This area shall contain noise mitigation measures to mitigate against glass recycling/disposal activities. Waste storage bins shall be covered at all times when not in use and emptied on a regular basis. This area shall be maintained so as not to cause a litter nuisance.

**Reason:** To safeguard the amenities of the area.

11. Foul drainage shall be to the satisfaction of Irish Water, constructed in accordance with Irish Water Code of Practice for Wastewater Infrastructure - Connections and Developer Services, and subject to a connection agreement prior to any works commencing.

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

12. Prior to commencement of development, the developer shall render the existing arch, details of which shall be submitted to and agreed in writing with the planning authority.

**Reason:** To conserve and enhance the character of the Architectural Conservation Area.

13. Within six weeks of the date of this Order, the developer shall remove the 'Bar Food' sign to the front elevation of the building.

**Reason:** In the interest of preserving the character of the Architectural Conservation Area.

14. 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 character of the Architectural Conservation Area.



15. The developer shall engage the services of a suitably qualified archaeologist who shall monitor, under licence from the National Monuments Service (NMS), all groundworks associated with the proposed development. The ground works shall be carried out under the direction of the appointed archaeologist; no removal of material/ ground works shall take place in the absence of the archaeologist. In the event that archaeological material is found during the course of monitoring, the archaeologist shall have work immediately suspended in that area, pending a decision as to how best to deal with the archaeology. The archaeologist shall immediately notify the Local Authority and the NMS archaeologist to discuss the findings and mitigation strategy. All archaeological features/deposits shall be hand cleaned and clearly visible and no further removal of material/ground works shall take place pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Local Authority Archaeologist and the National Monuments Service in regard to any necessary mitigating action (e.g. preservation in situ, or excavation) and allow enough time to facilitate implementation of the agreed mitigation measures. The developer shall facilitate the archaeologist in recording any material found. The planning authority and the National Monuments Service shall be furnished with a report describing the results of the monitoring.

**Reason:** In the interest of preserving items of architectural interest.

16. Within six weeks of the date of this Order, the western elevation of the boiler house/ food catering unit shall be clad in stone as per the details submitted to the planning authority on the 9<sup>th</sup> day of June 2022.

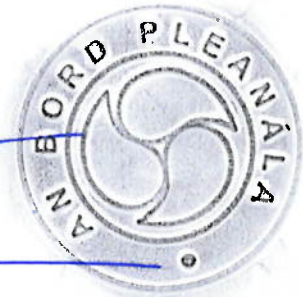
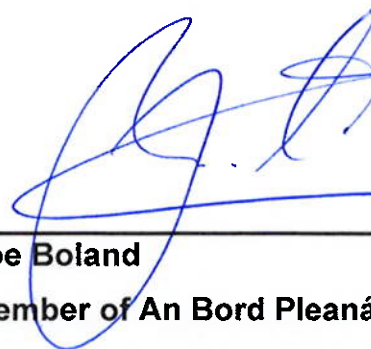
**Reason:** In the interest of visual amenity.

17. Surface water shall not be allowed to flow onto public road.

**Reason:** To prevent the flooding of the public road.

18. 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.



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

Dated this *19<sup>TH</sup>* day of *February* 2024