

An
Bord
Pleanála

Board Order

ABP-315512-23

Planning and Development Acts 2000 to 2021

Planning Authority: Cork County Council

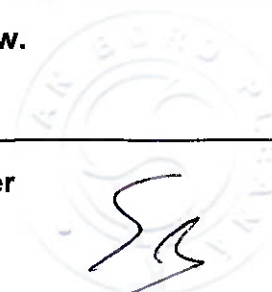
Planning Register Reference Number: 22/06384

Appeal by Kieran Horgan on behalf of The Arches Limited of The Arches Bar and Restaurant, Bellevue, Ballydahin, Mallow, County Cork against the decision made on the 13th day of December, 2022 by Cork County Council to refuse permission for the proposed development.

Proposed Development: Retention of a single storey pavilion structure (floor area 203 square metres) which is located in the existing car park at the rear of The Arches Bar and Restaurant premises. The use of the pavilion structure as an events venue is ancillary to the existing bar and restaurant use on the site. Temporary permission is being sought for a period of five years for the pavilion structure, all at The Arches Bar and Restaurant, Bellevue, Ballydahin, Mallow, County Cork.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.



Reasons and Considerations

1. On the basis of the information provided with the application for retention and with the appeal, the Board is not satisfied that the development proposed to be retained would not have significant adverse impacts on residential amenities by reason of noise. It is considered that the proposed development would, therefore, contravene Objective 'ZU 18-9: Existing Residential/Mixed Residential and Other Uses' of the current Development Plan for the area, which states that non-residential uses in areas subject to the 'ER' zoning objective should protect and/or improve residential amenity. The proposed development would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.
2. The Board is not satisfied, on the basis of the information provided, that the development proposed to be retained would not have significant effects on the Blackwater River Special Area of Conservation (Site Code: 002170) by reason of noise or other anthropogenic impacts, or by reason of additional loading on the Mallow Wastewater Treatment Plant. In this regard, the Board does not accept the appellant's position that the development does not represent an intensification of use of their existing premises.



Stephen Brophy

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

Dated this 29th day of February 2024.