

An
Bord
Pleanála

Board Order ABP-315957-23

Planning and Development Acts 2000 to 2022

Planning Authority: Cork City Council

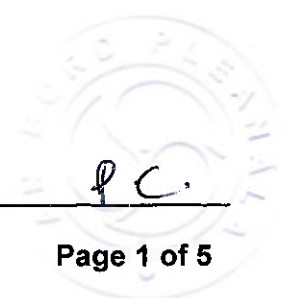
Planning Register Reference Number: 22/41081

Appeal by Michael Hickey and others care of 6 Valentine Villas, The Lough, Cork against the decision made on the 8th day of February, 2023 by Cork City Council to grant subject to conditions a permission to Ronan Power care of Jim Canning and Partners Consulting Engineers of 11 South Mall, Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Change of use of former commercial premises to cafe/bistro at 1B Lough Road, 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.



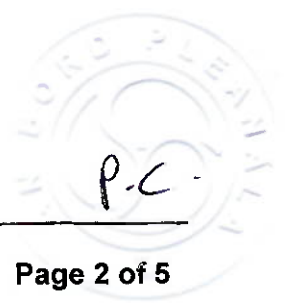
Reasons and Considerations

Having regard to the Town Centre zoning objective of the area, the design, layout and scale of the proposed development, the pattern of development in the vicinity, 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 or of property in the vicinity in terms of noise, loss of privacy, overbearing or overshadowing impacts, and would not represent a traffic safety issue in the area. 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 10th day of October, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.



2. The premises shall not operate outside of the following hours:

- Monday to Friday 0800 to 2000 hours.
- Saturday and Sunday 0900 to 2000 hours.

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

3. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

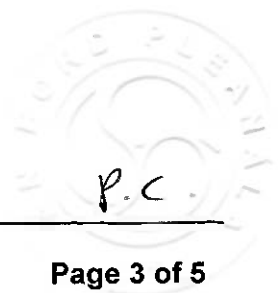
Reason: In the interest of public health and to protect the environment.

4. 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 prepared prior to commencement of development and shall be placed on the file and retained as part of the public record.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

5. The developer shall control odour emissions, including extract ducting and ventilation, from the premises in accordance with measures which shall be submitted to, and agreed in writing with, the planning authority within two months of the date of this order.

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



6. No music or other sound shall be broadcast or amplified externally from the premises.

Reason: In order to protect the amenities of the area.

7. There shall be no vehicular parking or parking for customers provided on site.

Reason: In the interest of traffic safety.



8. No advertisement or advertisement structure (other than those shown on the drawings submitted with the planning application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.



9. 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.

Patricia Callear

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this 12 day of February 2024.