

Planning and Development Acts 2000 to 2022

Planning Authority: Cork City Council

Planning Register Reference Number: 23/41730

Appeal by Stephen and Gemma Marshall care of John MacCarthy and Partners of 16 Mary Street, Cork against the decision made on the 22nd day of March, 2023 by Cork City Council to grant subject to conditions a permission to Ozzy's Coffee Dock care of Tony O'Sullivan Architects Limited of 64 The Glenties, Macroom, County Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permission for retention for coffee dock serving take-away refreshments and snacks, sewer connection and all associated works at Ozzy's Coffee Dock, Belmont, Rochestown, 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 zoning objective of the area, the design, layout and scale of the development proposed to be retained, and the provisions of the Cork City Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would accord with the Cork City Development Plan 2022-2028, would not detract from the residential amenities of the area or surrounding properties and would not cause pollution. The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application and appeal, 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 and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The development to be retained shall be used as a coffee dock serving take-away refreshments and snacks only. No hot food take-away is permitted.

Reason: In the interest of clarity.

3. The hours of operation of the coffee dock shall be between 0800 hours and 1900 hours Monday to Saturday inclusive and between 0800 hours and 1800 hours on Sundays and public holidays.

Reason: In the interest of the residential amenities of property in the vicinity.

4. The coffee dock shall not be sold, let or otherwise transferred or conveyed, save as part of the existing dwelling.

Reason: In the interest of public health, due to the dependency of the coffee dock on the existing dwelling for staff welfare facilities.

5. 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.

6. The developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann.

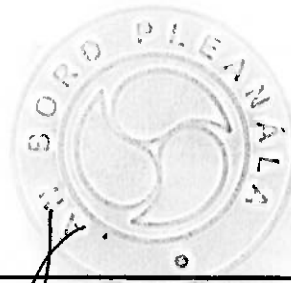
Reason: In the interest of public health.


7. No dust, litter, mud or debris from the site shall be carried onto or deposited on the public road/ footpath. Public roads and footpaths in the vicinity of the site shall be maintained in a tidy condition by the developer during the lifetime of the development.

Reason: In the interest of road safety.

8. 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.




Mary Cregg

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

Dated this 17th day of April 2024