



An  
Bord  
Pleanála

**Board Order**  
**ABP-319174-24**

---

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 235903**

**Appeal** by John Lee and Mary Lee care of John MacCarthy and Partners of 16 Mary Street, Cork against the decision made on the 6th day of February, 2024 by Cork County Council to grant permission subject to conditions to Barnview Limited care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Planning permission for the change of use of the ground floor unit from retail to a family entertainment centre, new signage and all associated site development works at 13 Main Street, Kinsale, 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 which is located within the town centre of Kinsale, the pattern of existing and permitted development in the vicinity which includes a diverse range and mix of uses, the provisions of the Cork County Development Plan 2022-2028, and the site's location within the development boundary of the town of Kinsale, it is considered that, subject to compliance with the following conditions, the proposed development would be in accordance with the stated provisions of the current development plan, would not adversely impact the character of the town centre area, and would not seriously injure the visual or residential amenities of the area or the Architectural Conservation Area within which the site is located. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 20<sup>th</sup> day of September 2023, as amended by the further plans and particulars received by the planning authority on the 11<sup>th</sup> day of January 2024, 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 proposed premises shall be used only as family entertainment centre (no gaming casino gambling) and a change of this use shall not take place without benefit of a further planning permission, notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended.

**Reason:** In the interest of orderly development and to safeguard the amenities of the area

3. The permitted use shall operate between the hours of 1100 to 2200 only.

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

4. (a) Amplified music or other specific entertainment noise emissions from the premises shall not exceed the background noise level by more than 3 dB(A) during the period 0800 to 2200 hours and by more than 1 dB(A) at any other time, when measured at any external position adjoining an occupied dwelling in the vicinity. The background noise level shall be taken as L90 15 mins and the specific noise shall be measured at LAeq.T 15min.
- (b) The background noise levels shall be measured in the absence of the specific noise, on days and at times when the specific noise source would normally be operating; either
- (i) during a temporary shutdown of the specific noise source, or
  - (ii) during a period immediately before or after the specific noise source operates.
- (c) When measuring the specific noise, the time (T) shall be any five 15-minute period during which the sound emission from the premises is at its maximum level.
- (d) Any measuring instrument shall be precision grade.

Detailed plans and particulars indicating sound-proofing or other measures to ensure compliance with this condition shall be submitted to, and agreed in writing with, the planning authority prior to use of the premises. An acoustical analysis shall be included with this submission to the planning authority. The agreed sound proofing shall be installed before the commencement of development.

**Reason:** In order to protect the amenities of residential property in the vicinity having particular regard to the nuisance potential of low frequency sound emissions during night-time hours.

5. Advertisement shall be hand painted lettering on the fascia board only, no signage is permitted in the shop windows, and there shall be no external or spotlight illumination of the shop front.

**Reason:** In the interest of visual amenity and to ensure shop frontage causes no harm to the setting and character of the Architectural Conservation Area and nearby Protected Structures.



---

Declan Moore

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

Dated this 25<sup>th</sup> day of September 2024.