



An
Coimisiún
Pleanála

Commission Order
ACP-323355-25

Planning and Development Act 2000, as amended

Planning Authority: Cork City Council

Planning Register Reference Number: 25/43907

Appeal by Frank Walsh of Winfield Mews, Blarney Street, Cork against the decision made on the 17th day of July, 2025 by Cork City Council to grant subject to conditions a permission to William Creagh care of Dennis Hennigan and Associates of Green Banks, Ballyvolane, Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of rear single storey garden room extension, including storage areas, side fire escape doors and all associated ancillary site development works, all at The Joshua Tree Bar, 69-70 Blarney Street, Cork.

Decision

GRANT permission for the above 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 'ZO 01 Sustainable Residential Neighbourhoods' zoning for the site, the objective for which is 'To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses', the provisions of the Cork City Development Plan 2022-2028, and the nature and existing use of the overall site, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not unduly impact on the residential amenities of property in the immediate vicinity, would not negatively impact on the surrounding visual amenities, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

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

Reason: In the interest of clarity.

2. The development proposed to be retained shall be used solely for the purposes detailed in the planning application, namely a single storey 'garden room' extension for seating and storage purposes only, ancillary to the existing public house. For clarity, this permission does not include use as a music venue, disco bar or nightclub. No change of use shall take place without a prior grant of planning permission, notwithstanding the exempted development provisions of the Planning and Development Act Regulations 2001, as amended.

Reason: In the interest of clarity and to control the use of the development in order to protect the residential amenities of the area.

3. All windows on the eastern elevation shall be fitted with permanent obscure glazing. The existing openable window on the eastern elevation shall be replaced with a fixed opaque window.

Reason: To protect the residential amenities of the adjoining property.

4. (a) Noise resulting from operations affecting nearby noise sensitive locations shall not exceed the background level by 10 dB(A) or more or exceed the EPA's NG4 limits (Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities) limits, whichever is lesser, (as measured from the facade of the nearest noise sensitive locations). In this regard the Environmental Protection Agency's NG4 Limits are as follows:

- (i) Daytime (0700-1900) 55 dB LAr, T (rated noise level, equal to LAeq during a specified time interval *EPA NG4).
- (ii) Evening (1900-2200)- 50 dB LAr, T.
- (iii) Night-time (2200-0700)- 45 dB LAr, T.

as measured from the facade of the nearest noise sensitive location. Clearly audible and impulsive tones at noise sensitive locations during the evening and night shall be avoided irrespective of the noise level.

- (b) There shall be no speakers, amplified or live music in the 'garden room' seating area or storage areas within the extension that is audible outside the premises.
- (c) Procedures for the purposes of determining compliance with these limits, to include a regular review undertaken by a qualified sound engineer, shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this Order.

Reason: To protect the residential amenities of property in the vicinity.

- 5. Within three months of the date of this Order, the developer shall submit a Service Management Plan for the entire site within the red line boundary, as illustrated on drawing number PA-01, to the planning authority for written agreement. The Service Management Plan shall include layout plans clearly detailing storage areas of adequate size for bins, barrel, kegs, crates etc. The storage of such items shall not be on public footpaths or public roads.

Reason: In the interest of the proper planning and sustainable development of the area.

6. 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 within three months of the date of this Order 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 Coimisiún 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.



Mick Long

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 17th day of December 2025.