



An
Bord
Pleanála

Inspector's Report

ABP-319622-24

Development	Retention sought for plant at roof level. Permission sought for provision of screen along western edge of roof.
Location	Nos. 144A and 144B (McDonald's Restaurant), Bank Place, Thomas Davis Street, Mallow, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	23/4586
Applicant(s)	McDonald's Restaurants of Ireland Limited
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party v. Grant
Appellant(s)	Carmel Kelly and Hugh Kelly
Observer(s)	None
Date of Site Inspection	21 January 2025
Inspector	Cáit Ryan

1.0 Site Location and Description

- 1.1. The site is located in Mallow town centre, approx. 29km north west of Cork city. This mid-terraced 3-storey commercial building is located on the southern side Thomas Davis Street, at 144A and 144B Bank Place, directly opposite Hibernian Hotel.
- 1.2. The premises is occupied at ground floor level by McDonald's fast food restaurant. It extends at single-storey level to the rear (south) to a drive-thru, which is accessed via a shared access to a surface park. While it is single-storey only, the drive-thru part of the premises is visually prominent as viewed from the car park, given its overall 5.5m height. Thomas Davis Street has a fine urban grain. The area to the rear of the subject site is generally of coarser grain, given the various surface car parking areas and large supermarket premises (Tesco) which is also accessed from the N72 by-pass route (Park Road) further south.
- 1.3. There are permeable routes from Thomas Davis Street to the N72 by-pass route (Park Road) to the south via Deal Yard Lane a short distance to the west of McDonald's, and via Hibernian Way, a partially arched pedestrian route a short distance to east of the subject site.
- 1.4. Windows are boarded-up at first and second floor level on the front elevation, and drawings on file indicate that these upper levels are in separate occupancy to the McDonald's premises. There are no windows on the rear elevation at upper levels.
- 1.5. The site is bounded
 - To the east by a vacant 3-storey premises, which comprises a commercial unit at ground floor level. On site inspection it was noted that refurbishment works to this overall premises were underway.
 - To the west
 - Along its street frontage by a footwear shop. This premises appears to have commercial/storage use at upper levels. No residential use was apparent.
 - Along the approx. southern half of the subject site by a gated vehicular route/amenity area to rear of the 4no. Deal Yard Mews dwelling houses. No.s 1 and 2 Deal Yard Mews only are shown to have rear garden boundaries, of varying rear garden depth. The rear elevations of these 4no.

dwelling houses are in the range of 9m-10m from the side (western) elevation of McDonald's.

- 1.6. Deal Yard Lane has a north-south alignment, and comprises commercial and residential land uses.

2.0 Proposed Development

- 2.1. The development proposed to be retained and proposed development essentially comprises plant at roof level of the McDonald's premises, as shown on plans and particulars originally lodged, as amended by Further Information (FI) and as subsequently amended by Clarification of Further Information (CFI). Having regard to the details shown on the various plans and particulars submitted, outlined below are key elements of the development subject of this appeal.

- 2.2. The planning application as originally lodged sought -

- Retention permission for plant at roof level.
- Permission for the provision of a screen for the plant with a maximum height of c.2.539m along the edge of the roof on the western elevation.

The roof plan shows the plant to be retained, the larger elements of which comprise supply duct, kitchen extract attenuator and toilet extract fan. Smaller plant includes beverage extract fan, cash office A/C unit, admin office A/C, crew roof A/C unit, manager's office A/C unit and multiplex extract fan.

- 2.3. The Further Information (FI) response shows -

- 16no. plant equipment items to be retained
- omission of screen originally proposed along western elevation
- 2no. low-rise planters proposed at roof edge on western elevation
- New 2.5m acoustic screening is proposed approx. 6m from western boundary, to substantially enclose (9) kitchen extract (12) attenuator (10) kitchen extract duct (11) kitchen extract discharge duct.

A Noise Impact Assessment (NIA) and Odour Impact Assessment were submitted.

- 2.4. Clarification of Further Information (CFI) and revised notices –

- 17no. plant equipment items shown on roof plan, including replacement/repositioning of items.
- Proposal to replace and relocate Item (4) vertical attenuator and discharge extract. Item (11) kitchen extract discharge duct proposed as part of replaced equipment will be c.4.8m in height from roof level, located adjacent to existing pitched roof. A new kitchen extract fan (9) is proposed.
- New steps for access over ductwork proposed
- Vent Axia unit QTPW250C (13) toilet extract fan will be fitted with a new attenuator (14) to reduce noise level of the fan.
- Acoustic screening proposed in FI response is omitted in CFI response

3.0 Planning Authority Decision

3.1. Decision

Following a request for Further Information (FI) and Clarification of Further Information (CFI), the planning authority granted permission subject to 13no. conditions. Conditions of note are as follows:

Condition 1: Retention refers to development described on plans lodged on 30 March 2023, 18 December 2023 and 16 February 2024.

Condition 2: Proposed development shall be carried out in accordance with plans lodged on 30 March 2023, 18 December 2023 and 16 February 2024.

Condition 3: Planter planting shall accord with plans submitted on 16 February 2024.

Condition 7: Noise levels when measured from noise sensitive locations shall not exceed 55dBA (30 minute LAR) between 0700 hours and 1900 hours, 50dBA (30 minute LAR) between 1900 hours and 2300 hours and 45dBA (15 minute Leq) between 2300 and 0700 hours. Sound measurements to be carried out in accordance with latest editions of ISO Recommendations R 1996/;1, 2 and 3: Description, Measurement and Assessment of Environmental Noise as appropriate.

Condition 12: Implement noise monitoring programme. Scope and methodology shall be submitted and agreed within 4 months of grant. Submit survey results within 1

month of survey completion. Amendments or additional noise mitigation measures shall be carried out as required by planning authority following survey results review.

Condition 13: Submit report from suitably qualified acoustic consultant/professional within 4 months of grant confirming implementation of NIA recommendations.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Basis for planning authority's decision

Executive Planner (22 May 2023, 22 January 2024 and 16 April 2024)

First Report: Notes applicant is seeking to regularise unauthorised development, that P.A. Ref. 20/5045 does not indicate roof plant, apart from citing roof plan on southern side of roof, and notes contents of internal reports. Considers significant impacts on Blackwater River SAC can be screened out. Recommendation to request FI on 4no. items reflects report.

Second Report: Notes FI response. Recommends FI on 4no. items relating to submitted (1) noise and (2) odour impact assessments, (3) clarification on location of railing and planters, and (4) red line boundary to be indicated on plans.

Third Report: Notes that turbo dynamic fan is being replaced to provide a new modern quieter alternative which will provide better noise and odour management, to be relocated so that new exhaust is further from Deal Yard Mews. Notes acoustic screen is no longer proposed. Recommends grant subject to 13no. conditions.

A/Senior Executive Planner (24 May 2023, 22 January 2024 and 16 April 2024)

First Report: Considers notwithstanding that application is for additional roof plant, it appears that there is no grant of permission in relation to any particular roof plant. Recommends FI on 9no. items.

Second Report: Endorses Executive Planner's report to recommend CFI.

Third Report: Endorses Executive Planner's report to grant permission subject to conditions. Notes that no development contributions apply.

3.2.2. Other Technical Reports

Area Engineer (18 May 2023)

First Report: No objections, subject to 3no. conditions.

Second Report: Recommends permission, conditions to apply as per previous report

Environment (22 May 2023, 19 January 2024, 13 March 2024 and 16 April 2024)

First Report: Recommends FI for (1) Noise Impact Assessment and (2) cumulative air impact assessment of development on sensitive receptors, to include all odour abatement measures

Second Report: Recommends CFI on 4no. items relating to submitted noise and odour impact assessments.

Third Report: Notes additional mitigation measures proposed. No objection subject to 7no. conditions.

Email: Recommends condition relating to servicing noise emission abatement plant.

3.3. Prescribed Bodies

Environmental Health Officer, Health Service Executive (26 March 2023): No observations from a public health viewpoint.

3.4. Observations to the Planning Authority

2no. observations were received by the planning authority on the application originally lodged from Hugh and Carmel Kelly and from Claire Lynch, residents/owners of dwelling houses in Deal Yard Lane.

Issues raised are similar to those raised in the grounds of appeal, and may be summarised as noise and odour pollution, unauthorised plant, proposed screen is not effective acoustic barrier, breach of planning conditions on P.A. Ref. 09/55040, visual and daylight impacts, littering and overlooking and apparent misinformation regarding land ownership.

Further to revised public notices, pursuant to the CFI response, a subsequent observation was received from Hugh and Carmel Kelly, including a report by an acoustic consultant.

4.0 Planning History

P.A. Ref. 09/55040: Permission granted in 2010 to remove storage area, proposed extension to rear of existing restaurant and drive-thru lane in existing car park.

P.A. Ref. 20/6907: Retention permission granted in 2021 at 144A Bank Place, Thomas Davis Street and Hibernian Way Car Park for signage ancillary to drive-thru and for existing overhead barrier at car park entrance accessed off Canon Field.

P.A. Ref. 20/5045: Permission granted in 2021 for change of use of No. 144B from retail unit to restaurant, to amalgamate No.s 144A and 144B to provide enlarged McDonald's, and to amend façade, signage, and revised drive-thru arrangement.

P.A. Ref. EF21050: Enforcement case relating to alleged unauthorised mechanical vents to rear of 144 Davis Street.

Adjoining site:

As viewed on the planning authority's online planning search:

P.A. Ref. 22/6166: Permission granted in 2023 for development, reconstruction and refurbishment of existing 3 storey buildings at No.s 142 and 143 Bank Place, Thomas Davis Street & Hibernian Way, to provide 4 no. housing units and salon and retention of constructed elements.

This site bounds most of the eastern boundary of the current appeal site. On site inspection it was noted that refurbishment/construction works were underway.

5.0 Policy Context

5.1. Cork County Development Plan 2022-2028

The site is zoned **Objective ZU 18-17: Town Centres/Neighbourhood Centres** which includes (a) to promote development of town centres and neighbourhood centres as primary locations for retail and other uses that provide goods or services principally to visiting members of the public. Primary retail areas will form the main focus and preferred location for new retail development. Residential development will be encouraged particularly in mixed use developments while residential use of upper floors of retail and commercial premises in town centres will be encouraged.

Appropriate Uses include hotel and public houses.

Specific Development Objective MW-T-01: Promote the Town Centre as primary area for retail and mixed use development, encourage sensitive refurbishment/ redevelopment of existing sites and promote public realm improvements. Take appropriate consideration of Architectural Conservation Area designation. Flood Risk

The site is located within Mallow Architectural Conservation Area.

The site is within Flood Zone C. Flood Zone A is approx. 120m to the south.

5.2. Natural Heritage Designations

The site is not within or adjacent to a European site. The nearest European site is Blackwater River SAC (Site Code 002170), approx. 300m to south.

5.3. EIA Screening

See completed Appendix 1 - Form 1 on file. Having regard to the nature and type of development proposed, it is not considered that it falls within the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended), and as such preliminary examination or an environmental impact assessment is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The third party grounds of appeal are from the residents of 1 Deal Yard Mews, Deal Yard Lane, Mallow. The grounds of appeal may be summarised as follows:

- Reason for appeal is due to plant noise emanating from McDonalds' restaurant. Refers to attached noise reports from acoustic consultant dated 30 November 2023 and 4 March 2024.

Report dated 20 November 2023:

- 1 Deal Yard Mews is c. 9-10m from McDonald's roof plant compound. Survey took place from 16:15hrs on 15 Nov. to 15:00hrs on 16 Nov. 2023

- Cites Condition 14 of P.A. Ref. 09/55040 (noise condition).
- Cites Condition 5 of P.A. Ref. 20/5045 (noise condition)
- Measurements show that noise levels outside rear master bedroom are 52dB, LAeq, 15min, some 7dB higher than the nighttime limit on P.A. Ref. 20/5045.
- Site does not comply with planning noise conditions on P.A. Ref. 20/5045 during evening between 19:00hrs and 23:00 hrs (marginally in excess +2dB) or between the night period from 23:00hrs to 07:00hrs (in excess of +7dB).
- Noise levels are 2dB(A) higher at first floor level than in rear amenity area.
- There is ever-present tone of 25Hz between 00:30hrs and 05:00hrs.
- Does not comply with noise conditions on P.A. Ref. 09/5045, between Monday and Saturday and is unlikely to meet requirements during day or night period on a Sunday.

Report dated 4 March 2024:

Comments on the submitted CFI noise impact assessment (NIA) –

Extract fan replacement and relocation

- Specification for Woodcock and Wilson extract fan in Fig. 4 to replace Turbo Dynamics Fan does not have any noise data listed. NIA states new fan has a casing breakout of 68dB(A) at 1m.
- No measurements of all rooftop sources. No demonstration of how Turbo Dynamics Fan was determined to be most significant (noise) contributor.
- Fig. 5 indicates new fan c.5-6m north of existing fan location and addition of attenuator and exhaust point. Further 5-8m distance is not of significance.

Kitchen extract fan exhaust attenuator

- Applicant has highlighted need for a silencer on the fan outlet, but have not stated how performance will be maintained. If material and porous liner are choked with grease deposits, its acoustic performance will be compromised.

Duct lagging

- No information of essential decoupling of the ducting from the unit's fan. Fan

mounting and vibration decoupling have been overlooked.

Vent Axia Unit QTP250C Exhaust Attenuator

- Concern that fan decoupling and noise from casing itself not considered.

Predicted Noise Levels

- NIA predicts noise levels at 1 Deal Yard Mews to be 40dB, LAeqT.
- Whilst NIA references BS4142:2014, predictions only consider proposed broadband-specific noise level of 40Db, LAeq. Does not mention necessity to ensure there are no tones at night or that they are likely to warrant a penalty during daytime or evening.

Suggested conditions

- Suggests 7no. conditions
 - (1) Noise tests should be carried out on completion of proposed works
 - (2) Noise assessment should include tonal evaluation
 - (3) Correct NIA omission and incorrect references to Residual Noise Emissions
 - (4) Evaluate plant intermittency and plant should be carefully controlled with programmable speed controllers
 - (5) Check noise emissions 6 and 12 months after commissioning
 - (6) Conduct post-construction scientific measurements at the 4no. residential receptors to verify predicted noise levels are met
 - (7) Insist that specific noise levels will not exceed 40dB, LAeq, 5min at night at nearest residential receptor, and will not be tonal or noticeably intermittent.

Applicant's CFI response

- Applicant did not provide requested schedule of distances for each proposed plant item to residential receptors, but included a scaling reference on the existing noise contour map.

6.2. Applicant Response

The applicant's response to the grounds of appeal may be summarised as follows:

- There are sufficient measures in place to ensure noise levels will be reduced and will comply with stated noise limits. Noise control measures broadly consist of 6no. elements outlined.
- In response to queries in the appeal, the applicant comments –
 - The submitted Noise Impact Assessment (NIA) includes the casing breakout of the proposed replacement extract fan 68dB(A) at 1m
 - Plant noise survey measurement results have been included in the appendix for each noise source present.
- Extract Fan Replacement and Relocation:

Turbo Dynamics Fan was the most significant contributor to noise levels, as a result of proximity to nearby noise sensitive locations (NSLs) and measured noise level. New proposed location of replacement fan (additional 5-8m from dwellings) is such that the existing pitched roof offers some acoustic screening of the fan and exhaust point, and additional noise reduction due to increased distance. The required noise survey upon completion of works will ensure that noise limits have been met.

- Kitchen extract fan exhaust attenuator:

Regular maintenance of kitchen exhaust attenuator will be required. This will be carried out by McDonald's at least every 12 months, or at Operation and Maintenance Manual intervals, whichever is the more frequent. New emission point for kitchen extract fan is further from houses than the existing duct location.

- Duct lagging:

Considers risk of vibration to be negligible. If needed, vibration measurements and inspections can be conducted following installation of noise mitigation works to ensure no resonance occurs as a result of new plant on site. Commissioning testing will ensure there are no tones/impulse sounds upon completion of works.

- Vent Axia Unit QTP250C Exhaust Attenuator

Dominant noise on site is likely to originate from this plant once other sources have been mitigated. Recommends that an attenuator be installed to mitigate and reduce noise emissions from this item. Commissioning noise survey will be conducted to ensure noise limits are not exceeded and that there are no tones or impulsivity

associated with development's plant.

- Predicted noise levels

Commissioning noise surveys will be undertaken on completion of works

6.3. Planning Authority Response

The planning authority states that conditional permission was recommended, having regard to the nature and scale of the development, particulars of the proposal, planning history, site context and potential impacts, and was informed by the assessments of the Area Engineer and Environmental Officer.

6.4. Observations

None.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, the reports of the local authority, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Nature of the Development Proposed to Retained and Proposed Development
- Noise Impacts
- Other Issues – Mallow Architectural Conservation Area

7.2. Nature of the Development Proposed to be Retained and Proposed Development

7.2.1. A synopsis of the key elements of the development proposed to be retained and the proposed development as set out in the plans and particulars originally lodged, and as amended by FI and CFI, is outlined in Section 2.0. While noting all information on file, including the FI noise impact assessment, I consider that the nature and scale of the development subject of this appeal is essentially that as proposed in the plans and particulars lodged as CFI, which has been subject of revised public notices.

7.3. Noise Impacts

- 7.3.1. The third party grounds of appeal relate to plant noise emanating from McDonald's restaurant, and refer to noise reports dated 30 November 2023 and 4 March 2024 attached. These 2no. noise reports attached were previously submitted to the planning authority, and the main issues raised therein are set out in Section 6.0.
- 7.3.2. For clarity, I note that the applicant's response to the grounds of appeal refers to an appendix. However, no appendix is attached to this document.
- 7.3.3. On site inspection noise relating to plant operation was audible on Deal Yard Lane. An existing roof access hatch provides access to the roof from within the building. It was noted on site inspection that there is a large amount of roof plant in place.
- 7.3.4. The applicant's CFI response proposes to replace the Turbo Dynamics Fan, stated to be the most significant contributor to noise levels, as a result of its proximity to nearby noise sensitive locations (NSLs) and measured noise level, by an alternative fan model and its repositioning to a new location at an additional 5-8m from dwellings, whereby the existing pitched roof offers some acoustic screening of the fan and exhaust point.
- 7.3.5. The applicant's response to the grounds of appeal states the new extract fan has a casing breakout sound pressure level of 68dB(A) at 1m, and that this is as provided by the plant supplier in their technical submittal. It continues to state that the required (by condition) noise survey upon completion of the works will ensure that the noise limits have been met.
- 7.3.6. In terms of detail, I note that plant supplier documentation in response to CFI Item 1(b) contains some technical details for the alternative extract fan, but does not appear to include any details relating to noise levels.
- 7.3.7. The CFI Proposed Internal Layout and Roof Plan shows the location of (9) kitchen extract (stated function is fan extracts gases, foul air and moisture build-up created by cooking). This plant is approx. 20m from the rear elevation of No. 1 Deal Yard Lane Mews, as measured from plan.
- 7.3.8. An attenuator (12) is proposed, stated to be part of (11) kitchen extract duct. The kitchen extract discharge duct (11) would have an overall height of 4.8m from roof level, and would be positioned next to the rear elevation of the original premises at

Thomas Davis Street. While noting its height, given its position at the eastern side of the adjoining extended footwear premises (to west), I consider that it would be acceptable in terms of visual impact.

- 7.3.9. The CFI noise impact assessment shows that night time noise levels at rear of No.s 1 and 2 Deal Yard Lane Mews would be 40-45dB(A), and 0-40dB(A) at No.s 3 and 4; Fig. 5: Noise Prediction Contour with Mitigation Measures refers.
- 7.3.10. In this regard I note that the planning authority's Condition 7 stipulates that noise levels between 23:00-07:00 hours are not to exceed 45dB(A), and as such the information on Fig. 5 would comply with this noise level as it relates to the Deal Yard Mews dwelling houses.
- 7.3.11. I consider that the provision of the alternative kitchen fan at the revised location and other associated plant would be acceptable as they relate to Deal Yard Mews properties, subject to a condition stipulating maximum noise levels at various day/evening/night times, as measured from the façade of the nearest noise sensitive location. However, the matter of nearest noise sensitive location is further discussed below.
- 7.3.12. On site inspection I noted that the adjacent building to the east is currently undergoing substantial refurbishment works, that such works have not been completed and that this overall premises does not appear to be occupied at present. There are windows at upper level on the rear (south) elevation of this adjacent property. I note that the P.A. Ref. 22/6166 development permitted at this adjoining site indicates (as viewed on the planning authority's online planning search) that these windows would serve residential units, close to the boundary with the subject site. As such any residential units at this location would be in close proximity to existing and proposed roof plant.
- 7.3.13. I estimate that (9) kitchen extract would be approx. 8.5m from this adjoining premises at its nearest point, as measured from plan.
- 7.3.14. The CFI NIA indicates that night time noise levels closest to the rear of adjacent premises to the east are 45-50dB(A); Fig. 5: Noise Prediction Contour with Mitigation Measures refers. As previously outlined, the planning authority's Condition 7 stipulates that noise levels between 23:00-07:00 hours are not to exceed 45dB(A), and as such the indicated night time noise levels at/in the immediate vicinity of the

adjoining premises would exceed this.

- 7.3.15. Based on the information on file, the existence of any residential units, or permitted residential units, at this adjoining location does not appear to have been taken into account in terms of identifying the nearest noise sensitive location, although I note also that there is no information on file regarding the timeframe of the commencement of any works on the adjoining site.
- 7.3.16. Having regard to all information on file, and having inspected the site and noting its immediate site context, I consider that the provision of the alternative kitchen fan at the revised location would be acceptable, subject to a condition stipulating maximum noise levels at various day/evening/night times, as measured from the façade of the nearest noise sensitive location. In my opinion, the nearest noise sensitive location should include any residential unit, if relevant, to the east of the site.
- 7.3.17. In the event the Board was minded to grant permission, it is recommended that this matter could be addressed by condition stipulating adherence to maximum noise levels.
- 7.3.18. I note also concerns raised in the grounds of appeal relating to tone and to maintenance/cleaning of plant. It is recommended that in the event the Board was minded to grant, that conditions to address these matters be attached. Having regard to the nature of the development proposed to be retained and the proposed development, it is recommended in this particular case that a noise monitoring programme be implemented, details of which to be addressed by condition. In this regard I note that the applicant's response to the grounds of appeal states that commissioning noise surveys will be undertaken on completion of works.
- 7.3.19. Subject to inclusion of recommended conditions, I consider that the proposed development would be acceptable in terms of noise impacts at the nearest noise sensitive locations and would be acceptable in terms of residential amenities of the area.

7.4. Other Issues – Mallow Architectural Conservation Area

- 7.4.1. The site is located within Mallow Architectural Conservation Area (ACA). Existing and proposed plant is not visible from the Thomas Davis Street frontage of the site. While some existing and proposed roof plant would be visible from outside the site to

the side (from Deal Yard Lane) and from car parks to the rear, plant would be partially screened by the existing McDonald's drive-thru. Having regard to the permitted McDonald's restaurant use and associated drive-thru on the overall site, and to the location of plant proposed to be retained and proposed plant, I consider that the development would not adversely affect the character of the ACA.

8.0 AA Screening

- 8.1. I have considered the development proposed to be retained and the proposed development in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended.
- 8.2. The development proposed to be retained comprises existing plant on the roof of the McDonald's restaurant/takeaway premises, and the proposed development comprises new plant and planters. The site is located in Mallow town centre. Land uses in the immediate vicinity of the site along Thomas Davis Street include retail, banks and hotel uses. Surface car parks and a supermarket are located to rear (south) of the site, further south of which is the N72 by-pass (Park Road) and the Blackwater River.
- 8.3. The planning authority considered that having regard to the distance to the Blackwater River SAC (Site Code 002170) and nature and scale of the development in Mallow town, significant impacts on the SAC can be screened out.
- 8.4. The proposed development is not located within or immediately adjacent to any European site comprising a Special Area of Conservation or Special Protection Area. The nearest European site is the Blackwater River SAC (Site Code 002170), approx. 300m to south.
- 8.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European site. The reason for this conclusion is as follows:
 - Nature of works proposed to be retained and proposed works
 - The distance from the nearest European site and lack of connections
 - Taking into account the screening determination by the planning authority

I consider that the development proposed to be retained and the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European site and appropriate assessment is therefore not required.

9.0 Recommendation

I recommend that permission be granted subject to conditions.

10.0 Reasons and Considerations

Having regard to the Objective ZU 18-17: Town Centres/Neighbourhood Centres land use zoning objective which applies to the subject site and to the existing pattern of development in the area, it is considered that subject to compliance with the conditions set out below, the proposed development would be an acceptable use which would not seriously injure the amenities of the area or of property in the vicinity, and would not adversely affect the character of the ACA.

11.0 Conditions

1.	<p>The development shall be retained 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 18 day of December 2023 and the 16 day of February 2024, except as may otherwise be required in order to comply with the following conditions.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>(a) Noise levels from the development, as measured from the façade of the nearest noise sensitive location, shall not exceed</p> <p>(i) Daytime (07:00 to 19:00 hrs) – 55dB(A) Lar, T</p> <p>(ii) Evening (19:00 to 23:00 hrs) – 50dB(A) Lar, T</p>

	<p>(iii) Night-time (23:00 to 07:00hrs) – 45dB(A) LAeq, T</p> <p>(b) Clearly audible impulsive or tonal noise at noise sensitive locations during evening and night shall be avoided irrespective of the level.</p> <p>(c) The kitchen extract fan exhaust attenuator shall be regularly maintained and degreased as per relevant specifications/guidelines. Records in this regard shall be maintained and shall be provided to the planning authority upon request.</p> <p>Reason: To protect the residential amenities of property in the area.</p>
3.	<p>(a) Within 5 months of the date of this Order, the proposed plant shall be installed.</p> <p>(b) Within 2 months of the installation of the proposed plant, a noise monitoring programme shall be implemented to monitor the impact of noise emissions arising from the development hereby permitted, which shall be carried out by a suitably qualified acoustic consultant/professional. Monitoring points shall be located so as to ensure that monitoring is reflective of the noise emanating from the development.</p> <p>(c) Within 1 month of completion of the noise monitoring programme, the results of same shall be submitted to the planning authority.</p> <p>Reason: To protect the residential amenities of property in the area.</p>
4.	<p>No additional development shall take place above roof/parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunications aerials, antennas or equipment, unless authorised by a further grant of permission.</p>

	Reason: To protect the residential amenities of the area and in the interest of visual amenity.
5.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 hours Mondays to Fridays inclusive, between 0700 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenity of property in the vicinity.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Cáit Ryan
Senior Planning Inspector

12 February 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-319622-24		
Proposed Development Summary	Application originally lodged sought: <ul style="list-style-type: none"> • Permission to retain plant at roof level • Permission for new 2.5m screen for plant along western elevation Revised public notices submitted at Clarification of Further Information (CFI) stage. Revised proposal comprises retention of plant at roof level and proposed new plant and planters.		
Development Address	144A and 144B Bank Place, Thomas Davis Street, Mallow, Co. Cork.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	X	
	No		
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			Proceed to Q3.
No	X		No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No			Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			

Yes			Preliminary examination required (Form 2)
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5. Has Schedule 7A information been submitted?			
No	X	Screening determination remains as above (Q1 to Q4)	
Yes		Screening Determination required	

Inspector: _____ Date: _____