



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323355-25

<b>Development</b>	Retention of garden room extension, storage areas, fire escape and associated site works
<b>Location</b>	The Joshua Tree Bar, 69-70 Blarney Street, Cork
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	2543907
<b>Applicant(s)</b>	William Creagh
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Frank Walsh
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	08 <sup>th</sup> October 2025
<b>Inspector</b>	Clare Clancy

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## **1.0 Site Location and Description**

- 1.1. The appeal site is located on Blarney Street, approx. 905 m to the west of Cork city centre. The site comprises of a public house which is located on the corner of Blarney Street and River Lane. River Lane bounds the site to the east. The commercial premises is two storey in scale and extends to the rear and has a double frontage onto Blarney Street. The ground levels of the site fall steeply to the south and as a result the ground floor level of the premises sits at a higher level relative to the lane.
- 1.2. The adjoining area is characterised by residential development and there are a number of commercial uses in the vicinity. Blarney Street is narrow with on street car parking available at different points along the road. River Lane extends to the Sunday's Well road (R846) which is located to the south and the lane is gated. Windfield Mews is located on the eastern side of River Lane. There is an existing dwelling bounding the site to the south which is set at a lower level to the subject development due to the ground levels. There is a restaurant adjoining the site to the west fronting onto Blarney Street.

## **2.0 Proposed Development**

- 2.1. Permission is sought to retain the rear single storey garden room extension, including storage areas, side fire escape doors and associated site development works. The following is noted:
  - Site Area – 0.04 ha.
  - Gross floor of existing building – 229 m<sup>2</sup>.
  - Gross floor area for retention – 129.48 m<sup>2</sup>.

A planning statement document and a noise impact assessment are submitted with the application.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

By Order dated 17<sup>th</sup> July 2025, Cork City Council decided to grant retention permission subject to 7 no. conditions. The following conditions are relevant to note:

- Condition 2 – Pre-development condition requiring the submission of a Servicing Management Plan.
- Condition 3 – Obscure glazing on windows on eastern elevation of the rear extension.
- Condition 4 – Limits the use of the single storey garden room extension to seating and/or storage areas only. No speakers or amplification equipment in connection with live or recorded music are permitted.
- Condition 5 – Management of noise levels during operational phase of retained development during the hours of 08:00 to 22:00 Monday to Sunday.
- Condition 6 – Pre-development condition requiring submission of a noise monitoring programme in compliance with the limits set in condition 5.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

One planning report forms the basis of the assessment and recommendation. The following is noted:

- Noted that the original footprint of the licenced premises was granted permission under P.A. Ref. 25729/01 for elevational changes, new shop frontage and to play music, and that the proposed development related to an unauthorised extension accessed directly off the main public bar.
- Overlooking – Noted the windows along the eastern elevation of the premises. The floor level of the room which the windows serve is positioned higher than the ground level of the adjoining lane giving rise to potential overlooking. The existing windows were noted to be obscure by masking and therefore no overlooking occurred. However, should it be removed, potential direct

overlooking of the adjoining residential properties to the east would occur. A condition was included requiring the windows to remain obscured.

- Noise impacts – the eastern elevation was noted to contain louvres which would allow noise to escape. The location of adjoining residential properties was noted and the potential impacts to same. The noise impact assessment was noted and the report of the Environment Section, which recommended conditions to restrict live or recorded music in the area.
- Visual amenities – the design, layout and scale of the works to be retained were noted to be significant having regard to impact on views to the east, and adjacent to River Lane, but no significant visual amenities were noted to arise. It is not visible from Blarney Street.
- It was concluded that EIA and Appropriate Assessment were not required.

#### 3.2.2. Other Technical Reports

- Environment Waste Management & Control – No objection raised subject to the use of the single storey garden room extension being limited to seating and/or storage areas only. No speakers or amplification equipment in connection with live or recorded music.

#### 3.3. Prescribed Bodies

None.

#### 3.4. Third Party Observations

Three third party observers were made by Frank Walsh, Kevin Leahy and Thomas Crowley. The issues raised are largely covered by the grounds of appeal.

### 4.0 Planning History

#### Appeal Site

- P.A. Ref. 95/19135, ACP Ref. PL.28.096204 – This application related to the retention of new block wall at the rear of no. 69 Blarney Street, and retention of an existing slab to be used as an outdoor patio area at the rear of no. 69, and

the erection of a cold room/store. Retention permission was granted, however condition no. 1 (a) required an intended rear wing to the rear of no. 70 incorporating a lounge and toilets to be omitted, (b) the patio area to be removed and (c) no music/dancing activities within the licensed premises existing or proposed (17<sup>th</sup> October 1995).

- P.A. Ref. 98/21867 – Refused permission for musical activities on the licenced premises on grounds of injury of adjoining residential amenities noise generated on premises (25<sup>th</sup> February 1998).
- P.A. Ref. 01/25729 – Permission granted for elevation changes, including new shop front, signage and permission to play music. This relates to the original building fronting onto Blarney Street (05<sup>th</sup> June 2002).
  - Condition 3(c) - Upon commissioning of the structure, noise from activities shall not give rise to noise level off site exceeding 55 dB(A) Leq, 15 minutes during the hours of 0800 – 2200 and 45 dB(A), Leq, 15 minutes during the hours 2200 – 0800. There shall be no audible tonal or Impulsive noise.  
  
(e) Any music shall be so controlled as to be inaudible within the nearest noise sensitive premises.
  - Condition 4 – Noise from the premises shall not exceed the background levels by more than 5 dB(A) during the period 0800 to 2200 hours and by more than 3 dB(A) at any other time when measured at any external position at a noise sensitive premises. The noise shall be measured as Leg, 15 minutes.
- P.A. Ref. 22/41118 – Permission to retain rear single storey garden room extension, storage areas, fire escape doors. Withdrawn.
- Enforcement – E8341 – ongoing.

## **5.0 Policy Context**

### **5.1. Cork City Development Plan 2022-2028**

#### **5.1.1. Volume 1**

- The appeal site is zoned 'ZO 01 Sustainable Residential Neighbourhoods', and adjoins the boundary of Sunday's Well Architectural Conservation Area (ACA).

The main relevant chapters and policies to this development include the following:

➤ Chapter 11 Public Houses / Licenced Premises / Night Clubs

Section 11.187

Public houses and other types of licenced premises play an important role in the Night-time Economy of the City providing a Night-time use which adds to the attractiveness, particularly of the City Centre as a place to visit. Cork City Council will encourage entertainment/cultural/music uses which help create an attraction for residents and tourists and add to the vibrancy of the City Centre. However, there is a need to strike an appropriate balance between the role of these entertainment uses in the economy of the city, while ensuring a balanced mix of uses is maintained and the need to protect the amenities of residents from an over-concentration of late-night venues.

Section 11.188

Applications for new or extensions to existing uses such as public houses and other licensed premises will be assessed having regard to the following:

1. The need to ensure a balanced mix of uses in designated centres and prevent an inappropriate, over-concentration of late-night venues. Such uses will generally not be permitted in predominantly residential areas;
2. The amenity of neighbouring residents and occupiers including hours of operation, environmental quality and impact on the streetscape. Noise emanating from and at the boundaries of these establishments are issues which will need to be addressed in planning applications for such establishments. Noise insulation and reduction measures, especially relating to any mechanical ventilation or air-conditioning, will be required to be submitted with any such planning application;
3. Traffic management and deliveries;
4. Shopfront treatment, signage and lighting.

➤ Chapter 12 Land Use Zoning Objectives



- Zoning – ZO 1 Sustainable Residential Neighbourhoods.
- Zoning Objective 1: To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.

The following sections are also relevant:

- ZO 1.1 – The provision and protection of residential uses and residential amenity is a central objective of this zoning. This zone covers large areas of Cork City's built-up area, including inner-city and outer suburban neighbourhoods. While they are predominantly residential in character these areas are not homogenous in terms of land uses and include a mix of uses. The vision for sustainable residential development in Cork City is one of sustainable residential neighbourhoods where a range of residential accommodation, open space, local services and community facilities are available within easy reach of residents.
- ZO 1.2 – Notes that development in this zone should generally respect the character and scale of the neighbourhood in which it is situated. Development that does not support the primary objective of this zone will be resisted.
- ZO 1.3 – Notes that primary uses include residential uses, crèches, schools, home-based economic activity, open space and places of public worship.
- ZO 1.4 – Notes that uses which contribute to sustainable residential neighbourhoods are acceptable in principle in this zone provided they do not detract from the primary objective of protecting residential amenity and do not conflict with other objectives of this Development Plan. Uses include for but are not limited to:

Small-scale local services including local convenience shops; community facilities; cultural facilities; hotels and hostels; live-work units; service stations (petrol filling stations); local medical services; third level education institutes; community based enterprise or social enterprises, health facilities including hospitals.

## **5.2. Natural Heritage Designations**

- SPA: 004030 - Cork Harbour SPA – approx. 5.95 km to the southeast.
- SAC: 001058 - Great Island Channel SAC - approx. 10.36 km to the southeast.
- pNHA: 001058 - Great Island Channel - approx. 10.36 km to the southeast.
- pNHA: 001082 – Dunkettle Shore – approx. 6.0 km to the east.
- pNHA: 001046 - Douglas River Estuary – approx. 5.35 km to the southeast.
- pNHA: 000094 - Lee Valley – approx. 2.51 km to the west.
- pNHA: 001081 - Cork Lough – approx. 1.34 km to the south.

## **6.0 EIA Screening**

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 appended to this report.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

One third party appeal was received from Frank Walsh whose property is located to east of River Lane. The grounds of appeal may be summarised as follows:

- The applicant is operating an unlicensed premises and the development the subject of the appeal is unauthorised development.
- The noise impact arising from the development is considerable and unbearable and causing disturbances to sleep and enjoyment of back garden.
- The extension overlooks directly third party property and impacts on the property owner's privacy by customers.

- At weekends antisocial behaviour is a frequent occurrence on Blarney Street and the behaviour is intimidating. Patrons of the bar interfere with the appellant's property and leave litter in the front garden. Gardaí are frequently called.

## **7.2. Applicant Response**

None.

## **7.3. Planning Authority Response**

None.

## **7.4. Observations**

None.

## **8.0 Assessment**

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

- Principle of Development
- Impact on Residential Amenity
- Other Matters

### **8.1. Principle of Development**

- 8.1.1. The appeal site relates to the Joshua Tree Bar which is an existing licensed premises located within an area that is broadly characterised by residential development. Although the public notices describe the subject development as a garden room extension and includes for storage spaces, I consider that the subject development has the characteristics of an extension having regard to the type of construction and

materials used which are permanent in nature and which have provided for a fully enclosed and roofed structure. I therefore consider this to be an extension of the existing public house and propose to assess same accordingly.

- 8.1.2. The site is zoned 'ZO 01 Sustainable Residential Neighbourhoods' the objective for which is 'to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses'. Under this zoning objective, a public house is not listed as a use that would be acceptable in principle. However, on the basis that the use of a public house is already established on the site, the extended area can be considered, subject to meeting all other relevant planning standards including impacts on residential amenities. These matters will be considered below.

## **8.2. Impact on Residential Amenity**

### Overlooking

- 8.2.1. The area the subject of retention relates to the ground floor of the premises at the rear and eastern side of the building. Due to the ground levels in the area, the extended ground floor area is raised and is positioned at a higher level than the adjoining lane. There are 6 no. windows on the eastern elevation which I noted at time of site inspection appeared to be obscured by adhesive material. The eastern boundary of the site is setback by c. 3.5 m from the nearest third party boundary. All though the window opes. are positioned such that they can be construed as having a direct line of sight in the direction of the private amenity spaces of the neighbouring residential properties to the east, I noted at time of site inspection having viewed the internal area, that it was not possible to view directly into these adjoining third party properties due to the window panes being obscured.
- 8.2.2. Notwithstanding, as it appeared to me that the window panes were obscured by adhesive material applied to the glazing, this plausibly can be removed and therefore the potential for overlooking would arise. I note that the PA was satisfied that subject to the glazing in the windows remaining obscured and non-transparent at all times, that this would address potential overlooking and the PA included condition 3 to address this. I would concur with the PA on this matter, and I am satisfied that subject to a similar condition, that the issue of potential overlooking can be satisfactorily

mitigated and prevented. On that basis, I recommend that such a condition is included by the Commission, in the event of a grant.

### Noise

- 8.2.3. Noise levels arising from the subject extension is raised in the grounds of appeal and is described as considerable and unbearable. The premises is located in a predominantly residential area and the appellant's property is located to the east of River Lane. It is noted that there are other residential properties in close proximity to the appeal site also, to the north, south and west. The end dwelling in Panorama Terrace Upper backs onto the rear of the site.
- 8.2.4. I note that the use of the extension relates to ancillary space to the main bar area and is described in the public notices as a garden area which for all intents and purposes is a beer garden and which is labelled as such on DWG Ref. PA-03. The extension also facilitates storage spaces. It is explained in the file details that the subject extension was built following the collapse of part of an old stone retaining wall located at the rear of the property. I note that the owner reconstructed the wall and ultimately enclosed the entire structure including the external yard area.
- 8.2.5. The nature of the activities within a beer garden would typically be associated with patrons talking/shouting and other general activities with the running of a licensed premises. At time of site inspection, I observed that the internal floor area of the subject extension was laid out with tables, chairs and stools, however there was no bar serving area within the extension itself. Therefore, it was evident to me that the space is used for seating purposes and would be an ancillary space to the main bar itself. No loudspeakers, sound system or stage area to host live music events was noted. One of the smaller windows could be opened, the remainder however appeared to be fixed, i.e. they are not designed to be opened. All window glazing was obscured, and a number of roof lights were observed in the ceiling above.
- 8.2.6. I am satisfied that the main source of noise relates to the congregation of people socialising within the space and the general activities associated with managing/running the area such as glass collection, cleaning etc. Other disturbances would include for closing of doors, raised voices, disturbance from kegs, unpleasant odours. It was also evident to me that the main sources of noise emissions arise from one of the smaller windows which can be opened, and the timber louvers positioned

on the eastern elevation. There are 6 no. roof lights which may also contribute to noise emissions.

- 8.2.7. A Noise Impact Assessment (NIA) was undertaken by the applicant, and the survey was carried out on Thursday 22<sup>nd</sup> June 2023 by Malone O'Regan Environmental. The methodology was based on International Standard ISO 1996: Acoustics Description and Measurement of Environmental Noise which would be the general accepted guidance standard for NIAs.
- 8.2.8. I note that this NIA was carried out in response to a further information (FI) request related to P.A. Ref. 22/41118, which was subsequently withdrawn. Notwithstanding, from review of the NIA, I note for the Commission that the scope of the assessment was informed by the details in the request for FI of that file which are set out in Section 1.1 of the NIA report, and that the assessment is focused on the existing extension, which is the subject of this appeal. It should also be noted that the survey uses parameters outlined in Condition 3 (c) and Condition 4 of P.A. Ref. 01/25729 in assessing the predicated noise levels. This permission however relates specifically to the main bar area of the Joshua Tree bar and not to the extension. However, I note that predicted noise levels were required to be addressed as per these conditions, as part of the FI request pertaining to P.A. Ref. 22/41118.
- 8.2.9. I note for the Commission that the NIA specifically states that no speakers were evident within the premises at time of survey, the extension is not set up to stage live music, there were no windows at ground level within the development, and that the assessment carried out for predicted noise levels related to noise from people speaking/talking, as the subject development did not facilitate music.
- 8.2.10. A total of 5 no. Noise Sensitive Receptors (NSR) were identified, and these include for the nearest residential properties to the appeal site (Figure 3-1 and Table 3-1). The Noise Monitoring Locations (NML) were set up as per the locations in Figure 3-1.
- 8.2.11. The survey measured background noise levels at the selected residential properties that would be likely to be most impacted by the subject development. Baseline acoustic measurements were taken of the existing environment from the NMLs to characterise the locality which are set out in Table 3-3 of the report. I note that the noise recorded from the activities related to everyday activities and are described as ambient sound such as traffic noise and urban noise (pedestrians passing by). The

results of the base line survey for each of the NMLs for Day-time and Night-time was observed to be  $\leq 41$  L dB(A) which would be within the limit levels for existing residential development Day-time 55dB(A) / Night-time 45 dB(A). These are summarised in the table below.

Baseline Findings Summary				
NMLs	Day-time $L_{\{Aeq,t\}}$	Night-time $\text{dB(A)}L_{\{Aeq,T\}}$	Background Noise $LA90$	Difference/Change in Back $LA90$
1	Window Open 41dB	Window Open 38dB	Day-time Window Open <b>26dB</b>	<b>5db</b>
	Window Closed 40dB	Window Closed 38dB	Day-time Window Closed <b>31dB</b>	
			Night-time Window Open <b>25dB</b>	<b>4dB</b>
			Night-time Window Closed <b>29dB</b>	
2	51dB	47dB	<b>41dB</b> <b>39dB</b>	<b>2dB</b>

3	66dB	59dB	Evening <b>42dB</b> Night <b>39dB</b>	<b>3dB</b>
4	46dB	44dB	Day-time <b>41dB</b> Night-time <b>39dB</b>	<b>2dB</b>

8.2.15. I note that the premises was less than 50% of capacity occupied on the June Thursday evening when the noise survey took place. Music commenced c. 9 pm and concluded c. 12 midnight. The survey recorded the noise arising from general operations of the pub located to the front of the extension which included recycling of glass and movement of kegs. The fire escape doors were noted to be generally closed, 6 no. skylights were opened for ventilation, and a window on the eastern wall was opened. It identified noise associated with the subject development as people talking/shouting, and music inside the venue (main bar).

8.2.16. The results of the survey confirmed that music was audible at the NML locations 02, 03 and 04, and in particular NML 02 positioned on River Lane and NML 04 positioned to the east of River Lane in a private garden. It was acknowledged that as the subject development was integrated with the activities associated with the main bar area, that it was difficult to distinguish the extension independently.

8.2.17. I note that the typical noise limits for residential areas are Day-time 55 dB(A) and Night-time 45dB (A). This is an accepted standard limit for development to operate within and Condition 3(c) of P.A. Ref. 01/25729 for the main bar area had already limited noise levels to these standards. Therefore, noise contribution from the subject development was evaluated in accordance with these parameters. This would relate to the subjective assessment of changes in noise levels in terms of perceived change and loudness. In this regard, the change in dB arising from the subject development at each of the NSRs was evaluated and it was confirmed that activities associated with the bar were audible during Day-time and Night-time at these locations.

8.2.18. From the information presented, I note that NM01 was set up inside the property of the dwelling backing onto the rear (south) of the appeal site i.e. NSR 04 and that both



NSR 03 and NSR 04 are noted to be associated with NM 01. The measurements indicate for Day-time limits recorded from inside the house with the windows opened and closed were similar at 40-41dB. For the background levels measured, windows opened recorded a value of 31dB and windows closed 26dB with a difference of 5dB between the measurements. At Night-time, the level recorded when the windows were both opened and closed was 38dB. The background difference recorded was 39dB with windows opened, and 25dB with windows closed. This gave a difference of 4dB. Both figures indicate that a change in sound level was within the range of 3-5db which is perceptible, but which was within the range for Day-time and Night-time noise limits.

8.2.19. NM03 was positioned on Blarney Street and NSR 05 is associated with this monitoring station. The recorded information indicates that noise levels during the evening were at 42dB and a Night-time 39dB. This represents a change in sound level by 3dB and at Night-time is less, which would indicate that the change is negligible within the Day-time and Night-time noise limits.

8.2.20. NM04 appears to have been set up in the rear back garden of the appellant's property, and the report indicates that NSR 01 and NSR 02 are associated with this monitoring station. The activities associated with the Joshua Tree pub were audible during the Day-time and Night-time, whilst other dominant sources were noted i.e. traffic, street noise. The recordings taken at Day-time were 46dB and at Night-time 44dB. The background noise levels were recorded at 41dB for Day-time and 39dB for Night-time. The change in noise level during the Day-time was recorded at 5dB, and a Night-time 4dB. The sound level change in dB for both periods is within the range of  $\geq 3\text{dB}$  or  $< 5\text{dB}$  which would indicate that the source of noise would not have an adverse impact.

8.2.21. The conclusion of the survey in relation to the subject extension demonstrated that the noise limits for Day-time 55 dB(A) and Night-time 45dB (A) and as per condition 3 of P.A. Ref. 01/25729 were not exceeded for both periods, and that no mitigation measures were required for the operational phase of the subject development.

8.2.22. NM 02 was used to determine the predicted noise impact of the subject extension and is set out in Section 4.1 of the report. NM 02 was set up on River Lane adjacent to the timber louvres on the eastern wall of the premises. It is identified in Table 2-3 as 'Site Emission' which would suggest that this was the main source of emission identified. Audible noise from people chatting/shouting was recorded from the development and

was a steady noise source. From the results set out in Table 4-2, I note that predicted levels would be less than the noise limits for Day-time 55 dB(A) and Night-time 45dB (A).

8.2.23. Section 5 of the NIA relates to proposed mitigation measures and notes that no mitigation measures are required for the operational phase of the subject development. It can be conducted in a manner without resulting in sound levels at the closest NSRs breaching typical noise nuisance level. In this regard, it is confirmed that the existing development presented the following design measures:

- No speakers within the development
- No live events within the development
- No ground level windows within the development
- The development is restricted to the existing pub opening hours
- No general public access via the development from River Lane
- No mechanical ventilation or air conditioning units on the development.

8.2.24. Based on the information presented in the NIA, it has been demonstrated that the subject extension operates within the acceptable noise limits for existing residential development Day-time 55dB(A) / Night-time 45 dB(A) which relates to the noise levels associated with people congregated in the area socialising and other noise activities associated with the running of a bar and the subject development. I note that the Environment Waste Management & Control section of the council raised no objection to the subject development, however recommended that a condition be included to restrict noise levels to that previously conditioned under P.A. Ref. 01/25729 which are referenced in Section 4.0 of this report. It also restricts the use of the extension as a seating area and storage area only. In addition, no speakers or means of amplification equipment were permitted to be used in connection with the playing of live music or recorded music in the area, in such a way that is audible outside of the premises. This condition was included as condition 4 of the final grant. In my opinion the wording of the condition contradicts the rational of the NIA as the assessment carried out was based on the noise being generated by congregated people socialising within the extension, and noise associated with the management of the area as described earlier. It is my consideration that this condition should be replaced with a condition which

restricts the use of the extension solely for seating and storage purposes only and for clarity, should not include the use of the garden room as a music venue, disco bar, or night club.

8.2.25. It is my consideration that the window on the eastern elevation which can be opened is a significant source for noise escaping. It is located c. 3.5 m to the nearest third party boundary and is located at a height. This in my opinion has negative implications for the nearby residential amenities particularly at Night-time. In this regard I consider that the window should be replaced with a window similar to that existing on the eastern elevation. Therefore, should the Commission decide to grant permission, I recommend the inclusion of such a condition. Subject to these conditions and a condition regarding noise limits and monitoring of noise limits, I am satisfied that the subject extension will not unduly impact on surrounding residential amenities and that the proposed development would in accordance with the zoning objective for the site.

### **8.3. Other Matters**

#### Conditions

8.3.1. The following conditions were included in the final grant:

- Condition 2

This condition relates to the provision of a Servicing Management Plan for the whole site within the red line boundary as per DWG Ref. PA-01. At time of site inspection, I noted that bins and kegs were stored on the public footpath adjacent to Blarney Street. As there is no external service yard serving the overall development, I consider that this condition is necessary to clarify and manage the storage requirements for the licensed premises, to ensure that barrels/kegs etc are not stored on the public footpath causing obstructions and therefore recommend the inclusion of the PA's condition in the event of a grant.

#### Anti-social Behaviour

8.3.2. The appellant has raised other concerns in relation to the subject development that relate to anti-social behaviour, in terms of littering, loitering and general disturbances. I note from the submission the concerns which have been raised relate to the existing

bar, which the appellant states spill out onto Blarney Street and is a regular occurrence.

- 8.3.3. I acknowledge the concerns raised by the appellant, however the subject development forms part of an established licensed premises which is located in an area characterised by residential development. The subject development is an extension to the licensed premises and the works in my view would not be unreasonable in the context of the existing / permitted use of the site. I note that there is no access from the premises onto River Lane, other than access for fire safety purposes only, and that the main entrance is off Blarney Street. I further note that the opening hours of operation for any licenced premises would be conditioned per the Publican Licence for such premises. In that regard, the issues raised relating to anti-social behaviour are not planning considerations, and the policing of such problems are matters for other appropriate authorities and An Garda Siochana. In this regard, it is not within the remit of the planning legislation to address matters of anti-social behaviour.

#### Unlicensed Premises

- 8.3.4. The appellant submits that the subject extension is operating as an unlicensed premises. In relation to this matter and compliance with a Publican's Licence for the overall premises to which the subject development relates to, I note that this is a separate legal code and therefore does not concern the Commission for the purposes of this appeal.

## **9.0 AA Screening**

- 9.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.1.2. The appeal site is located in a suburban area of Cork city centre approx. 1.25 km to the west. The closest European site(s) relative to the appeal site lie approximately as follows:
- SPA: 004030 - Cork Harbour SPA – approx. 5.95 km to the southeast.
  - SAC: 001058 - Great Island Channel SAC - approx. 10.36 km to the southeast.
- 9.1.3. The subject application relates to the retention of an extension to an existing licensed premises known as the Joshua Tree Bar.

- 9.1.4. The planning authority considered that the proposed development should not exercise a significant effect on the conservation status of any European designated site, and Appropriate Assessment was not necessary.
- 9.1.5. 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 effect on a European Site. The reason for this conclusion is as follows:
- The nature, scale and location of the development.
  - The intervening land uses between the subject site and the European site.
  - The distance between the appeal site and European sites and the absence of hydrological or other ecological pathways to any European site.
- 9.1.6. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## **10.0 Water Framework Directive**

- 10.1.1. The subject site is located within an existing residential area in the suburban area of Cork city. The nearest WFD River Sub Basins is the BRIDE (Cork City)\_020 (IE\_SW\_19B140300) and the nearest Ground Waterbodies is the Ballinhassig East (IE\_SW\_G\_004).
- 10.1.2. The subject development comprises the retention of an extension to an exiting public house which is a licensed premises.
- 10.1.3. The Ground Waterbody WFD Status 2019-2024 for Ballinhassig East IE\_SW\_G\_004 is valued at 'good'.
- 10.1.4. No water deterioration concerns were raised in the planning appeal.
- 10.1.5. I have assessed the subject development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent

deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Nature of works i.e. the small-scale nature of the development
- Lack of hydrological connection.

#### 10.1.6. Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

### 11.0 Recommendation

I recommend that retention permission is granted for the proposed development for the reasons and considerations set out below.

### 12.0 Reasons and Considerations

Having regard to the zoning objective for the site 'ZO 01 Sustainable Residential Neighbourhoods' 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 to the nature and use of the existing site, it is considered that subject to compliance with the conditions set out below, the retention of the subject development would not unduly impact on the residential amenities of property in the immediate vicinity, would not negatively impact on surrounding visual amenities, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

1.	<p>The development shall be retained in accordance with the plans and particulars lodged with the application, as received by the planning authority on the 23<sup>rd</sup> day of May 2025, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The development to be retained shall be used solely for the purposes detailed in the approved plans and particulars, namely a single storey 'garden room' extension, including storage areas, ancillary to the existing public house. For clarity, this permission does not include use of the 'garden room' and storage areas 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).</p> <p><b>Reason:</b> In the interests of clarity and to control the use of the development in order to protect the residential amenities of the area.</p>
3.	<p>The windows on the eastern elevation shall be permanently fitted with obscure glazing.</p> <p><b>Reason:</b> To protect the residential amenities of the adjoining property.</p>
4.	<p>The existing operable window on the eastern elevation shall be replaced with a fixed window, similar to that existing on the eastern elevation, or a similar suitable alternative. Within three months of the date of this Order, the developer shall submit revised proposals for the approval and written agreement of the Planning Authority.</p>

	<b>Reason:</b> To protect the residential amenities of property in the vicinity of the site.
5.	<p>No live music, DJ loud music or background music or other music shall be permitted in the 'garden room' seating area or storage areas within the extension.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity of the site.</p>
6.	<p>(a) Noise resulting from operations affecting nearby noise sensitive locations shall not exceed the background level by 10 dB(A) or more or exceed EPAs 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). Environmental Protection Agency's NG4 Limits:</p> <ul style="list-style-type: none"> <li>a) Day-time (0700-1900) 55 dB LAr, T (rated noise level, equal to LAeq during a specified time interval *EPA NG4)</li> <li>b) Evening (1900- 2300)- 50 dB LAr, T</li> <li>c) Night-time (2300- 0700)- 45 dB LAr, T.</li> </ul> <p>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.</p> <p>(b) There shall be no outbreak of amplified music from any activities, at these premises.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity of the site.</p>
7.	A noise monitoring programme shall be submitted to and agreed in writing with the Planning Authority, to include an annual review undertaken by a qualified sound engineer at the nearest noise sensitive locations, demonstrating compliance with the limited detailed in Condition 5.



	<p><b>Reason:</b> In the interest of protecting the amenity of the nearby residential properties.</p>
8.	<p>Within three months of the date of this Order, the developer shall submit a Servicing Management Plan for the whole site within the red line boundary as illustrated on DWG Ref. 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. The storage of such items shall not be on public footpaths or public roads.</p> <p><b>Reason:</b> In the interest of the proper planning and sustainable development of the area.</p>
9.	<p>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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> 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.</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.

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Clare Clancy  
Planning Inspector

18<sup>th</sup> November 2025

## Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ACP-323355-25
<b>Proposed Development Summary</b>	Retention of garden room extension, storage areas, fire escape and associated site works
<b>Development Address</b>	The Joshua Tree Bar, 69-70 Blarney Street, Cork
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	

<p><b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b></p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## WFD – Stage 1 Screening

<b>WFD IMPACT ASSESSMENT STAGE 1: SCREENING</b>			
<b>Step 1: Nature of the Project, the Site and Locality</b>			
<b>An Coimisiún Pleanála ref. no.</b>	ACP 323355-25	<b>Townland, address</b>	The Joshua Tree Bar, 69-70 Blarney Street, Cork
<b>Description of project</b>		Retention of garden room extension, storage areas, fire escape and associated site works	
<b>Brief site description, relevant to WFD Screening,</b>		The site is located within an urban area service by piped public services. The development the subject of retention refers to an existing extension at the rear of the pub.	
<b>Proposed surface water details</b>		Existing. No issue arises.	
<b>Proposed water supply source &amp; available capacity</b>		Existing. No issues arise.	
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>		Existing. The proposed development will not impact on same.	
<b>Others?</b>		Not applicable	