

An
Bord
Pleanála

Board Order
ABP-319622-24

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 234586

Appeal by Carmel and Hugh Kelly of 1 Deal Yard Mews, Deal Yard Lane, Mallow, County Cork against the decision made on the 17th day of April 2024 by Cork County Council to grant, subject to conditions, a permission to McDonalds Restaurants of Ireland Limited care of Thornton O'Connor Town Planning of 1 Kilmacud Road Upper, Dundrum, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention permission is sought for plant at roof level. Permission is sought for the provision of a screen for the plant with a maximum height of c.2.539 metres along the edge of the roof on the western elevation, at numbers 144A and 144B (McDonald's Restaurant), Bank Place, Thomas Davis Street, Mallow, 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 'Objective ZU 18-17: Town Centres/Neighbourhood Centres' land use zoning objective which applies to the subject site, as indicated in the Cork County Development Plan 2022-2028, to the permitted and established use on this urban site, and also having regard to the existing pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention and 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 Architectural Conservation Area. The development proposed for retention and proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 18th day of December 2023 and the 16th day of February 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, unless otherwise stated, and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) Noise levels from the development, as measured from the façade of the nearest noise sensitive location, shall not exceed:
- (i) Daytime (07:00 to 19:00 hrs) – 55dB(A) Lar, T
 - (ii) Evening (19:00 to 23:00 hrs) – 50dB(A) Lar, T
 - (iii) Night-time (23:00 to 07:00hrs) – 45dB(A) LAeq, T
- (b) Clearly audible impulsive or tonal noise at noise sensitive locations during evening and night shall be avoided irrespective of the level.
- (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.

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

3. (a) Within two 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. The noise monitoring programme, which shall include identification of the location of the monitoring points, shall be agreed in writing with the planning authority prior to its implementation.
- (b) Within one month of completion of the noise monitoring programme, the results of same shall be submitted to the planning authority.

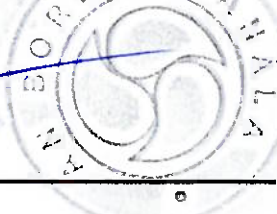

Reason: To protect the residential amenities of property in the area.

4. 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.

Reason: To protect the residential amenities of the area and in the interest of visual amenity.

5. 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.

Reason: In order to safeguard the amenity of property in the vicinity.



Tom Rabbette

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

Dated this 21st day of Feb 2025.