



An
Bord
Pleanála

Board Direction
BD-005051-20
ABP-305539-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 29/01/2020.

The Board decided by a majority of 2:1, to make a split decision, to

- (1) grant permission (subject to conditions) for the extension of opening hours from 07:00-23:00 to 07:00-00:00 (midnight)

for the reasons and considerations marked (1) under and subject to the conditions set out below, and

- (2) refuse permission for alterations to existing car park layout for 9 no. additional standard car parking spaces and 1 no. additional accessible parking space, additional medium height landscaping and associated site works.

for the reasons and considerations marked (2) under.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board agreed with the Inspector with regard to the inappropriateness of the proposed addition to the current parking provision on site, but noting the Inspector's reference to the complex and mixed character of the area, the Board considered that the extension of opening hours at the established restaurant, by one hour per day from 23:00 hours to 00:00 hours, would not seriously injure the amenities of property including residential property in the area, given the pattern of development in the area, and the location of the nearest houses on the opposite side of Kinsale Road, a major traffic artery.

REASONS AND CONSIDERATIONS (1)

Having regard to the pattern of development in the area, the nature of the established restaurant use on site, the established boundary treatment along Kinsale Road adjoining the restaurant building and the location of the nearest houses on the opposite side of Kinsale Road, a major traffic artery, it is considered that, subject to compliance with the condition set out below, the extension of the permitted restaurant opening hours by one hour to 00:00 hours would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITION.

1.

The hours of operation of the restaurant facility shall be restricted to within the period 07:00 hours to 00:00 hours (midnight) daily.

Reason: In the interest of the residential amenities of property in the vicinity.

REASONS AND CONSIDERATIONS (2)

According to the Cork City Development Plan 2015-2021, the site is located in an area for which a maximum parking standard of 1 space per 20 square metres of net floorspace applies for restaurant use. The Development Plan states that these maximum standards are set in order to constrain car trip generation and to promote patronage of 'green' transport modes. Having regard to the fact that the permitted parking provision at the subject site is already in exceedance of the development plan standard, it is considered that the provision of an additional 10 number spaces would contravene the relevant objectives set out in the Development Plan, would lead to a potential intensification of traffic movements at the site which would be

likely to give rise to conflicting traffic movements in the area, and also would be inconsistent with Condition No.1 of planning permission T.P 14/36158 (An Bord Pleanála Ref: PL 28.244280) which limited the number of parking spaces at the site to 42, in order to provide an appropriate balance between car parking spaces and landscaped buffer within the site. The proposed development of additional parking at the subject site would, therefore, be contrary to the proper planning and sustainable development of the area.

Board Member:

Date: 29/01/2020

Chris McGarry