

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Cork City

Planning Register Reference Number: T.P. 15/36604

An Bord Pleanála Reference Number: PL 28.246038

APPEAL by Michael Mescal on behalf of Dolphin Rugby Football Club of Post Office Box 183, Togher, Cork against the decision made on the 22nd day of December, 2015 by Cork City Council to grant subject to conditions a permission to McDonalds Restaurants of Ireland care of Tom Phillips and Associates of 80 Harcourt Street, Dublin.

PROPOSED DEVELOPMENT: Retention of boundary treatment on the western boundary, which encompasses a green paladin fence (measuring 2.4 metres high) over a dark grey painted block wall with concrete capping (height varying to suit the ground level), at Musgrave Park, Kinsale Road/Tramore Road, Ballyphehane, Cork.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the long established usage of the sports ground to the west of the site, the Board considered that the western boundary treatment indicated on the original planning application, planning register reference number 13/35825, was a more appropriate treatment and saw no reason to allow it to be changed. The retention of the boundary treatment would, therefore, seriously injure the amenity of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board had regard to the longstanding use of the adjacent sports ground and considered that the boundary treatment proposed to be retained would seriously injure the amenity of this facility.

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

Dated this day of 2016.