

## Board Order PL 28.248867

Planning and Development Acts 2000 to 2017

**Planning Authority: Cork City Council** 

Planning Register Reference Number: 17/37395

**Appeal** by Nora Flynn care of McCutcheon Halley Planning Consultants of 6 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 15<sup>th</sup> day of June, 2017 by Cork City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Change of use of an existing retail unit on ground floor to restaurant use with ancillary take-away and alterations to front elevations including signage, at 16 Homeville Place, Gaol Cross, Western Road, Cork.

## **Decision**

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND condition number 3 so that it shall be as follows for the reason set out.

3. The premises shall be used as a seated restaurant only and not for the sale of hot food for consumption off the premises. The opening hours of the premises shall be between the hours of 0730 and 2300 from Monday to Saturday and between the hours of 1000 and 2200 on Sundays, Bank and Public Holidays.

**Reason:** In the interest of orderly development and to protect the residential amenities of the area.

## **Reasons and Considerations**

Having regard to nature of the location, scale and nature of the development, it is considered that part of condition number 3 is reasonable in the interests of residential amenity and the proper planning and sustainable development of the area.

## **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.

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

Dated this day of 2017

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