



---

**Planning and Development Acts 2000 to 2019**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: 19/38537**

**Appeal** by McDonald's Restaurants of Ireland Limited care of Arthur Gibney and Partners of 5 Rosemount Terrace, Dundrum Road, Dundrum, Dublin against the decision made on the 4<sup>th</sup> day of September, 2019 by Cork City Council to refuse permission for development comprising alterations to existing car park layout for nine number additional standard car parking spaces and one number additional accessible parking space, additional medium height landscaping and associated site works, and the extension of opening hours from 0700-2300 hours to 0700-0000 hours (midnight), all at McDonald's Restaurant, Kinsale Road/Tramore Rod, Ballyphehane, Cork in accordance with the plans and particulars lodged with the said Council.

**Decision**

**GRANT permission for the extension of opening hours from 0700-2300 hours to 0700-0000 hours (midnight) in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the condition set out below.**

**REFUSE permission for alterations to existing car park layout for nine number additional standard car parking spaces and one number additional accessible parking space, additional medium height landscaping and associated site works based on the reasons and considerations marked (2) under.**

## **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 (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 0000 hours (midnight) 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 and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 2300 hours to 0000 hours (midnight), 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.

## **CONDITION**

The hours of operation of the restaurant facility shall be restricted to within the period 0700 hours to 0000 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 floor space applies for restaurant use. It is stated in the Development Plan 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 standard set out in the Development Plan, 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 number 1 of planning permission granted under planning register reference number T.P 14/36158 (An Bord Pleanála reference number 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.

---

**Chris McGarry**

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

**Dated this            day of            2020.**