



Planning and Development Acts 2000 to 2020

Planning Authority: Cork County Council

Planning Register Reference Number: 20/5358

Appeal by Amber Oil care of Cunnane Stratton Reynolds of Copley Hall, Cotters Street, Cork and by David Ryan of Cloneyross, Duntahane, Cork Road, Fermoy, County Cork against the decision made on the 21st day of August, 2020 by Cork County Council to grant subject to conditions a permission to McDonald's Restaurants of Ireland Limited care of Thornton O'Connor of 1 Kilmacud Road Upper, Dundrum, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Provision of a drive-thru facility at the existing restaurant and change of use of the existing service access route to a drive-thru laneway. The proposed development also includes directional road marking, a goal post height restrictor at the entrance to the laneway; two number new customer ordering points with canopy tops; three number double digital menu boards (1.64 metres by 0.1 metres by 2.1 metres); one number single digital menu board (0.8 metres by 0.1 metres by 2.1 metres); change of use of the existing service layby to one number grill parking bay adjacent to the west elevation of the restaurant building; 'pay' and 'collection' graphics added to the pay and collection windows respectively along the west elevation of the restaurant building; and a new 15 inch digital marketing screen installed

in the collection window along the west elevation; and all associated site works above and below ground at Motorway Services Area at Junction No. 14 of the M8 Motorway, Gortore and Moorepark, Fermoy, 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 condition 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

In coming to its decision, the Board has regard to the following:

- the objectives of the Cork County Development Plan 2014,
- the Spatial Planning and National Roads Guidelines for Planning Authorities, issued by the Department of Environment, Community and Local Government in January, 2012,
- the planning history of the site,

- the submissions and observations received,
- the decision of the planning authority, and
- the report of the Senior Planning Inspector.

The Board considered that the proposed development, subject to compliance with the condition set out below, would be acceptable in terms of pedestrian and traffic safety, would not seriously injure the vitality and viability of nearby settlements, and would provide a positive alternative option for restaurant users at the Motorway Service Area. 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 concurred with the decision of the planning authority and did not accept or consider that the proposed development constituted a significant additional retail service for the established restaurant but rather provided an alternative option for placing orders at an existing restaurant without any significant increase in floor area. The Board did not accept that the proposed development would reinforce or expand the restaurant facility as a destination for local customers or undermine the vitality and viability of the settlements of Fermoy and Kilworth.

Furthermore, the Board did not accept that the proposed development would increase the attraction of local trips to the motorway service area. The Board was satisfied that the drive-through function would not seriously injure the health and safety purpose of the facility, or add to the number of local trips to the motorway service area via the motorway itself, or attract additional trips along the regional road in the vicinity of the motorway junction.

The Board was satisfied that the proposed development would align with the Cork County Development Plan Objectives and the provisions of the Spatial Planning and National Roads Guidelines for Planning Authorities and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Condition

The development shall be carried out and completed in accordance with the plans and particulars lodged with the application.

Reason: In the interest of clarity.

Paul Hyde

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

Dated this day of 2020.