

An  
Bord  
Pleanála

**Board Order**  
**ABP-313437-22**

---

**Planning and Development Acts 2000 to 2021**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: EF/22/067**

**Appeal** by Maria Burke of The Mall, Youghal, County Cork against the decision made on the 9<sup>th</sup> day of May, 2022 by Cork County Council to grant, subject to conditions a licence to Ger Flanagan of Boardwalk Coffee, Unit 4 Yawl Business Park, Foxhole, Youghal, County Cork.

**Licence Application:** Permanent barrier structure on two sides measuring five metres by 4.24 metres approximately which will be bolted to the ground. The height will be 1.6 metres approximately of which the top 0.8 metres will be Perspex. The third side of the dining area will be the existing kerbing containing trees and the fourth side will be the footpath. We will use tables or benches to accommodate dining and use a canopy to cover from the elements. Four small tables and seating will be provided at The Mall, Youghal, County Cork.

### **Decision**

In exercise of the powers conferred on it under section 254 of the Planning and Development Act, 2000, as amended, An Bord Pleanála, directs the planning authority to **GRANT** a licence, based on the reasons and considerations under and subject to the conditions set out below.

*pm*

## REASONS AND CONSIDERATIONS

It is considered that the location of the proposed street furniture would be consistent with the land use zoning for the area and, subject to compliance with the conditions set out below, would not compromise the safety or movement of pedestrians or other road users or be visually intrusive or seriously injurious to the visual or residential amenity of the area, or of properties in the vicinity. The proposed location of the street furniture would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority, prior to commencement of development, and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. (a) The outdoor seating space shall not be greater than five metres in width and not extend more than 4.25 metres in depth from the edge of the footpath.
- (b) No items are permitted to be placed outside of these areas.
- (c) The facility shall not be occupied after 1700 hours on any day and shall be secured after close of business.

**Reason:** In the interest of clarity.

*pm*

3. The Licensee shall be required to have a Public Liability and Employers Insurance cover to a minimum value of €6.5 million indemnifying Cork County Council against third party claims. The name of the insurance company providing this cover, together with the policy number and date of expiry, shall be stated on the licence. The insurance policy shall be submitted to Cork County Council for inspection before the licence will be issued.

**Reason:** In the interest of clarity.

4. The licence shall be valid until the last day of December, 2022. The outdoor seating and related ancillary structures shall then be removed, and the site's lands reinstated to their original condition unless, prior to the end of the period, continuance has been granted for a further period.

**Reason:** In the interest of clarity.

5. The tables, chairs, and all ancillary structures shall be stored indoors during times outside of the operational hours of the subject cafe.

**Reason:** In the interest of traffic convenience and to protect the amenities of the area.

*pm*

6. (a) The proposed tables, chairs, and ancillary structures must be temporary in nature and easily removed.
- (b) The applicant must ensure that a minimum of two metres clear footpath space remains for pedestrians and cyclists.

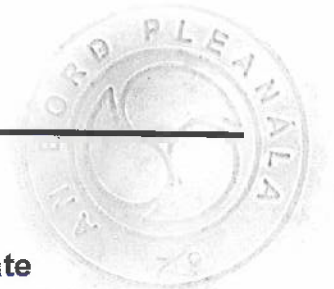
**Reason:** In the interest of clarity.



---

**Peter Mullan**

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



Dated this *10<sup>th</sup>* day of *March*, 2023.