



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323068-25

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| <b>Development</b>                  | Section 254 licence for the placing of tables and chairs on the public road/footpath |
| <b>Location</b>                     | Gogos Café & Deli, Ardfallen Estate, Co. Cork  |
| <b>Planning Authority</b>           | Cork City Council  |
| <b>Planning Authority Reg. Ref.</b> | SF41325  |
| <b>Applicant(s)</b>                 | Gogo's Café & Deli Ltd   |
| <b>Type of Application</b>          | Section 254 Licence  |
| <b>Planning Authority Decision</b>  | Grant  |
| <b>Type of Appeal</b>               | Third Party  |
| <b>Appellant(s)</b>                 | Michael Mescal   |
| <b>Observer(s)</b>                  | None   |
| <b>Date of Site Inspection</b>      | 08 <sup>th</sup> October 2025.   |
| <b>Inspector</b>                    | Clare Clancy   |

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## **1.0 Site Location and Description**

- 1.1. This Section 254 Licence application relates to an existing café is located in Ardfallen Estate which is a mature residential area comprising of low density housing that predominantly comprises of two storey semi-detached dwellings. Lilliput Montessori School immediately bounds the café to the east and both premises are single storey flat roof structures.
- 1.2. Scoil Bhride Eglantine bounds the site to the south and the main vehicular access serving the school is off Eglantine Park road, which is located to the east of the school. The appeal site is located to the west (approx. 21 m) of the Ardfallen Estate / Eglantine Park junction. The R610 Douglas Road is located to the south of the site and the access road from the Douglas Road to the site has on-street car parking with double yellow lines at various intervals.
- 1.3. The licence area relates to a section of the public domain at the front of the café that is currently in use for outdoor dining. The area is enclosed by planter box structures and is occupied by tables and chairs. A retractable awning is in place above the space. At the front of the café, there is a footpath between the planter boxes and flexible bollard posts that are fixed to the ground. An unmarked set down area / off-street car parking is available on the road adjacent to the café which extends to the Montessori school, and there is space for 1-2 cars to park directly outside the café. The Montessori school has reserved its own car parking for drop off and collection which is demarcated by traffic cones.

## **2.0 Proposed Development**

- 2.1. On 05<sup>th</sup> February 2025, a licence under Section 254 of the Planning and Development Act 2000, as amended, was sought for the placement of tables and chairs on the public road/footpath to the front of Gogo's Café and Deli, 47B/C Ardfallen Estate, Douglas, Cork.
- 2.2. The licence application has a stated area of 20 ft x 7.5 ft and includes for the provision of:
  - 5 no. bistro square folding tables (57 cm)
  - 1 no. round folding table (96 cm)

- 14 no. folding chairs

2.3. The licence was accompanied by the following:

- A sketch layout plan detailing the area of extent to which the licence would apply to and the layout of the area with tables and chairs.
- A letter from the applicant's insurance provider regarding public liability insurance for the premises.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. Cork City Council granted a Section 254 Licence for a temporary duration commencing 06<sup>th</sup> March 2025 and expiring on 31<sup>st</sup> December 2025 subject to 30 general licence conditions pertaining to the licence. Of note, the licence permits a maximum of 6 no. tables and 14 no. seated patrons. The permitted hours of the licence are stated as 08:30 to 18:00 Monday – Sunday.

3.1.2. There are 4 conditions attached to the Order dated 06<sup>th</sup> March 2025 which include for the following:

- C1 – The designate area of the layout of the street furniture to in accordance with the drawings and specifications.
- C2 – The licence does not include for canopies.
- C3 – Canopies fixed to the building shall require separate planning permission.
- C4 – Wind breakers shall be subject to written agreement of the planning authority. No advertising permitted on wind breakers other than the name of the premises.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

Other than an email correspondence with the Planning Department, there is no specific planning report referring the application. The email correspondence dated 17<sup>th</sup> February 2025 from the planning officer notes the following:

- The subject application is a renewal of the street furniture licence (SF/413/24) for Gogo's Café and Deli.
- No objection raised having regard to the provisions of the Cork City Development Plan 2022-2028 and recommended that the renewal licence is granted.

3.2.2. A total of 6 no. planning conditions were included in the email. The following are of relevance to note:

- Condition 2 – The licence permits what is outlined in the application.
- Condition 3 – The planters as shown on the drawings did not form part of the development description and are not permitted as part of the licence and would require a separate planning application.
- Condition 4 – No advertising signage/logos to be attached to any free-standing, removable barriers permitted under the licence.
- Condition 5 – Furniture shall not be utilised outside of the permitted opening hours of the premises.
- Condition 6 – No street furniture shall be sited on the public footpath / street outside the permitted hours of use.

The following note was included:

- A person shall not be entitled solely by reason of a license under this section to erect, construct, place or maintain on, under, over or along a public road any appliance, apparatus or structure.

### 3.2.3. Other Technical Reports

It is indicated that as this is a renewal application, and as the number of table and chairs is identical to the 2024 application, an updated report from the Fire Department or An Garda Síochána was not required. Copies of email correspondence from both Cork City Fire Department dated 08<sup>th</sup> July 2024 and An Garda Síochána dated 19<sup>th</sup> June 2024 are appended to the file.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

None.

## 4.0 Planning History

### Appeal Site

- SF/413/24 – Permission granted for Section 254 Licence (same footprint and same number of tables and chairs as current application).
- P.A. Ref. 20/39045 – Permission granted for change of use of 2 no. commercial units to café and deli, alterations to front elevation and provision of retractable awning (14<sup>th</sup> December 2020).

### Adjoining Site (Montessori School)

- P.A. Ref. 07/32626 – Permission granted for continuation of use of the Montessori school and other works including extension to rear and revised playground.

## 5.0 Policy Context

### 5.1. Cork City Development Plan 2022-2028

#### 5.1.1. Volume 1

- The appeal site is located in the South Central Suburbs of Cork City and is zoned 'ZO 01 Sustainable Residential Neighbourhoods'.

#### ➤ Chapter 4 Transport and Mobility

The following objectives are relevant to note:

- Objective 4.1 CMATS – Cork City Council will work in cooperation with the NTA, TII and Cork County Council to fully implement the Cork Metropolitan Area Transport Strategy, including the roll out of projects and programmes in relation to walking, cycling, public transport, BusConnects etc.

- Objective 4.2 Cork City Movement Strategy – Cork City Council will work in cooperation with the NTA to complete the rollout of the City Centre Movement Strategy.
- Objective 4.4 Active Travel – Cork City Council seeks to:
  - To actively promote walking and cycling as efficient, healthy, and environmentally friendly modes of transport by securing the development of a network of direct, comfortable, convenient, and safe cycle routes and footpaths across the city.
  - To support the 15-minute city concept and walkable neighbourhoods with adequate walking and cycling infrastructure connected to high-quality public realm elements, including wayfinding and supporting amenities (benches, water fountains, bike stands).
  - To support the expansion of the Cork Bikes scheme. To accommodate other innovations such as electric bikes, public car hire, and other solutions that will encourage active travel. To support the rollout of the NTA 5 Year Cycle Plan. To support and engage with the Safe Routes to School programme.

➤ Chapter 11 Placemaking and Development Management

- Strategic Objective 9 Placemaking and Managing Development

To develop a compact, sustainable City by ensuring the creation of attractive, liveable, diverse, safe, secure and welcoming and well-designed urban places, communities and neighbourhoods that enjoy a high quality of life and well-being.

Proposals for new development will follow a design-led approach with sustainable, high-quality, climate resilient placemaking at its core. Development should have a positive contribution to its receiving environment delivered by innovative architectural, landscape and urban design, that respects the character of the neighbourhood, creates a sense of place, and provides green spaces and community and cultural amenities commensurate with the nature and scale of the development.

- Section 11.199 Street Furniture



Certain uses in the public realm, including elements of street furniture, can lead to problems of visual clutter and to obstruction of public footpaths for pedestrians, in particular people with disabilities. These elements include newspaper stands, traffic and bus signs, tables and chairs, taxi and bus shelters as well as unauthorised A-frames and spinner stands erected by retailers. It is an objective of the City Council to control the location and quality of these structures in the interests of creating a high-quality public realm.

All outdoor furniture provided by private operators including retailers, publicans and restaurateurs, etc., and utility companies should be to the highest quality, preferably of good contemporary design avoiding poor historic imitation and respect the overall character of the area and quality of the public realm. They shall be located so as to prevent any obstruction or clutter of all footpaths and paved areas including landings. In this regard, street furniture requires either a licence under Section 254 of the Planning and Development Act, 2000 (as amended) or planning permission (including street furniture erected on private lands).

In both instances, the applicant is required to submit details of the location, design, specification and quality of the proposed elements of street furniture. Details of maintenance and cleansing schedules may also be required.

In considering applications for outdoor tables and chairs, the planning authority shall have regard to the following:

1. Size and location of the facility;
2. Concentration of existing street furniture in the area;
3. The visual impact of the structure, particularly in relation to the colour, nature and extent of advertising on all ancillary screens;
4. Impact on the character of the streetscape;
5. The effects on the amenities of adjoining premises, particularly in relation to hours of operation, noise and general disturbance;
6. Impact on access and visibility.

➤ Chapter 12 Land Use Zoning Objectives

- Zoning – ZO 01 Sustainable Residential Neighbourhoods.

- Zoning Objective 1: To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.

The following sections are also relevant:

- ZO 1.1 – The provision and protection of residential uses and residential amenity is a central objective of this zoning. This zone covers large areas of Cork City's built-up area, including inner-city and outer suburban neighbourhoods. While they are predominantly residential in character these areas are not homogenous in terms of land uses and include a mix of uses. The vision for sustainable residential development in Cork City is one of sustainable residential neighbourhoods where a range of residential accommodation, open space, local services and community facilities are available within easy reach of residents.
- ZO 1.2 – Notes that development in this zone should generally respect the character and scale of the neighbourhood in which it is situated. Development that does not support the primary objective of this zone will be resisted.
- ZO 1.3 – Notes that primary uses include residential uses, crèches, schools, home-based economic activity, open space and places of public worship.
- ZO 1.4 – Notes that uses which contribute to sustainable residential neighbourhoods are acceptable in principle in this zone provided they do not detract from the primary objective of protecting residential amenity and do not conflict with other objectives of this Development Plan. Uses include for but are not limited to:

Small-scale local services including local convenience shops; community facilities; cultural facilities; hotels and hostels; live-work units; service stations (petrol filling stations); local medical services; third level education institutes; community based enterprise or social enterprises, health facilities including hospitals.

## 5.2. Natural Heritage Designations

The subject site is not located within any European designated sites, or NHA/pNHAs. The nearest designated sites are as follows:

- SPA: 004030 - Cork Harbour SPA – approx. 646 m to the east.
- pNHA: 001046 - Douglas River Estuary – approx. 646 m to the east.
- pNHA: 001081 - Cork Lough – approx. 784 m to the west.

## 6.0 EIA Screening

The proposed development does not come within the definition of a ‘project’ for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 appended to this report.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

One third party appeal was received from Michael Mescal. The grounds of appeal can be summarised as follows:

- The licence has resulted in the construction of a permanent separating wall around the external facility which is on public property.
- The wall was constructed a number of years ago and is of timber panelling construction embedded in concrete and is a permanent structure.
- It is a very attractive feature and has resulted in an increase in customers using the café resulting in excessive car parking in the vicinity which causes difficulties.
- The café is located at a busy junction and one of the largest primary schools is nearby. Eglantine Park gets a lot of spillover car parking and is on the new BusConnects route. There are only 3 parking spaces outside the premises, and the premises can facilitate a significant number of customers with c. 42 seating places on the premises.
- The numbers using the café has been an issue since it opened. The planning permission was for significantly less seating inside the café P.A. Ref. 20/39045 refers. Cork City Council issued a Street Furniture License providing further

seating. The matter was referred to the Ombudsman (report appended to submission).

## **7.2. Applicant Response**

7.2.1. The applicant's response to the grounds for appeal can be summarised as follows:

### Permanent Separation Wall / Timber Enclosure & Precedent

- This area includes planters surrounding the licenced seating area that was inspected by Cory City Council and was considered a removable element under the scope of the Section 254 licence.
- The licenced area retains the necessary pedestrian clearance and is protected by bollards that were installed by the council to ensure safe separation from traffic. It does not obstruct vehicle movement or reduce the existing parking provisions.
- An Coimisiún Pleanála has consistently interpreted similar features such as planters, windbreakers, low enclosures associated with outdoor seating as removable street furniture capable of regulation under a street furniture licence ABP-321657-25 and ABP-312761-22 refers. In regard to the claim that outdoor barriers and planters were permanent, it was concluded that when these elements are freestanding, supplementary to a seating area, and not attached to the ground, they are considered removable and thus fall under Section 254 Licencing.

### Section 254 Licence Requirements

- Cork City Council in granting the licence followed the statutory provisions of Section 254(1) of the Planning and Development Act 2000 (as amended).
- The layout meets the standards set out in the Council's Street Furniture Form requiring a minimum of 1.8 m footpath clearance in from of the licenced area to main safe pedestrian movement and with additional provisions for emergency services access. The clearance is safeguarded by bollards which provide physical separation between the seating area and vehicular traffic and preventing obstruction or illegal parking on the footpath.

- The parking arrangement outside the cafe has been altered from parallel to diagonal parking, improving space efficiency and maintaining parking availability. Off-street and legal on-street parking remain available in the immediate vicinity, and no designated parking spaces have been removed as a result of the licensed seating.

#### Nature of the Street Furniture and Compliance

- For the purposes of the application process, street furniture is broadly defined as any removable items placed on or along a public road for purposes such as seating, dining, wayfinding, or aesthetic enhancement. This includes for tables, chairs, umbrellas, planters, bollards (temporary).
- The planters at the café are freestanding units placed on the surface of the footpath without foundations or permanent fixtures and have been treated by the council the same way as other licenced street furniture.
- The appellant's claim that the planters are permanent structures and not supported by fact.
- As confirmed by the Ombudsman correspondence, the council conducted multiple site inspections to assess compliance with the street furniture licence and confirmed that the seating area, including the planters which were compliant with the conditions of the licence. The council confirmed that the planters are removable and qualify as street furniture under Section 254.

#### Compliance with Planning Policy & Neighbourhood Benefits

- The site is zoned ZO 01 Sustainable Residential Neighbourhoods.
- The licence enhances local amenities, creates social interaction and supports a walkable mixed-use neighbourhood where residents can access services without driving.
- The decision reflects key objectives of the National Planning Framework – First Revision (April 2025), in particular NPO 8, NPO 12, NPO 14, NPO 27 and NPO 37. In this regard, the café & deli contributes to these objectives by animating the street, providing a pleasant place for residents to meet, and enhances the quality and attractiveness of the neighbourhood. The café can be reached by

walking/cycling and therefore promotes modal shift and sustainable modes of transport.

#### Increased Traffic

- The appellant's submission that the additional seating has increased traffic is unsupported and is at odds with planning policy. The licence encourages local residents to meet their needs close to home.
- Regarding BusConnects, enhanced public transport reduces reliance on private cars and the nearby school is predominantly accessed by bus, walking and cycling. In that context, the café is within walking distance and additional seating complements existing sustainable travel patterns to students, residents, worker, without creating additional vehicular traffic. This aligns with NPO 14 of the NPF.
- The council installed the bollards at the front of the café, and redesigned the nearby parking from parallel to diagonal preserving parking capacity and ensuring pedestrian safety. No designated spaces are removed.

#### **7.3. Planning Authority Response**

None.

#### **7.4. Observations**

None.

### **8.0 Assessment**

Having regard to the above and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Compliance with Section 254 Criteria

#### **8.1. Compliance with Section 254 Criteria**

##### **8.1.1. Introduction**

8.1.2. This appeal is made under Section 254 of the Planning and Development Act 2000, as amended which relates to licensing of appliances, cables, signs, street furniture and other items on, under, over or along a public road. Section 254(5) of the Act states that;

8.1.3. In considering an application for a licence under this section a planning authority, or the Board on appeal, shall have regard to—

(a) the proper planning and sustainable development of the area,

(b) any relevant provisions of the development plan, or a local area plan,

(c) the number and location of existing appliances, apparatuses or structures on, under, over or along the public road, and

(d) the convenience and safety of road users including pedestrians.

I have addressed each of these requirements separately below,

8.1.4. **The Proper Planning and Sustainable Development of the Area**

8.1.5. The licence area is zoned 'ZO 01 Sustainable Residential Neighbourhoods' the objective for which is to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses. I consider that the provision of street furniture to cater for outdoor dining, ancillary to an established commercial café premises in this area, would be acceptable with the zoning objective for the site, as it would improve local services in the area, thereby enhancing community amenities and assist in creating a sense of place in the area. The precedence for outdoor dining at this location was already established by a previous Section 254 Licence (SF/413/24 refers). Therefore, having regard to the foregoing, I am satisfied that the proposal will not have a negative impact on the surrounding area and is in keeping with the proper planning and sustainable development of the area.

8.1.6. **Any Relevant Provisions of the Development Plan, or Local Area Plan**

8.1.7. The applicant's response to the grounds of appeal refers to national planning policy as set out in the National Planning Framework which supports placemaking, ensuring that towns and villages offer a high quality of life that people can live and work in, in close proximity to a range of services and amenities. Reference is further made to

enhanced public realm that can promote a sense of place, and the provision of local services within walking distances of homes and work places, thereby promoting sustainable active travel as alternatives to car usage.

- 8.1.8. Chapter 11 of the development plan relates to placemaking and development management. Under Strategic Objective 9, I note that it is an objective of the council to develop a compact, sustainable city by ensuring the creation of attractive, liveable, safe, and well-designed urban places, communities and neighbourhoods that enjoy a high quality of life and well-being.
- 8.1.9. Sub-section 11.199 of Chapter 11 relates to street furniture. In this regard, the council supports the use of public realm for outdoor uses that require street furniture, subject to a number of criteria. In particular, applications for Section 254 licences seeking to provide street furniture should not impede access to public footpaths or obstruct pedestrians, should not result in a concentration of street furniture in an area, and should not impact on the character or visual amenities of an area, or give rise to impacts on amenities of adjoining properties during the hours of operation.
- 8.1.10. It is submitted in the grounds of appeal that the granting of the Section 254 Licence has resulted in the construction of a permanent separating wall around the external facility which is on public property. The boundary treatment which relates to timber planters that enclose the licenced area is not a temporary structure and is embedded into concrete. The applicant, in response has stated that the planters at the café are freestanding units placed on the surface of the footpath without foundations or permanent fixtures.
- 8.1.11. I note that the property was inspected by an inspector of the council on 11<sup>th</sup> February 2025. The licence issued related to the premises, SF/413/25 refers, authorised the area comprising 2.9 m wide x 7.2 m long with 6 no. tables and 14 no. seats with an appropriate removable barrier at the front of the premises. This is illustrated on DWG Ref. 'Layout of Street Furniture' SF-413-24 (appended to the file).
- 8.1.12. I have reviewed the sketch of the layout of the area to which the Section 254 Licence applies to (appended to Section 254 application) and I note that it shows the area enclosed by an unspecified boundary. I noted at time of site inspection that the area delineated correlates with the footprint of the outdoor dining area on the ground. In this regard, 5 no. bistro tables and 1 no. round table and 14 no. chairs were noted, and the



area was enclosed by a barrier consisting of timber panel planters. This generally reflects the council's 'Layout of Street Furniture SF-413-24' drawing on the file.

- 8.1.13. I note that the matters raised in the grounds of appeal in regard to the construction of a permanent structure i.e. the timber planters boundary which enclose the licenced area, would appear to indicate non-compliance with the conditions of the Section 254 Licence and also raise the matter of alleged unauthorised development.
- 8.1.14. Condition 9 of the licence states that the designated licenced area is required to be enclosed by an approved, free stranding, removable barrier, not exceeding 1.2 m in height, which together with tables and chairs and ancillary equipment must be completely removed each day and stored before the designated expiry time as indicated by the licence. When removed, the tables, chairs or ancillary equipment must not be stored in a public area or in such a way as to impede any escape route or exit from the premises.
- 8.1.15. I note that the Planning Authority (PA) in its consideration of the Section 254 Licence application included a condition which stated that the planters did not form part of the description of development and were not permitted as part of the application, and would require a separate planning application.
- 8.1.16. At time of site inspection, I noted that the timber planters appeared to be freestanding, in that they did not appear to be physically fixed to the public domain by being embedded in concrete. I did not observe other fixtures such as bolts. I noted that they are robust structures and therefore are unlikely to be removable from the public footpath at close of business, as per the requirement of condition 9 of the licence. Notwithstanding, I note that the council is of the view that the timber planter structures are removable barriers and who saw fit to approve the renewal of the Section 254 Licence.
- 8.1.17. Having regard to the foregoing and to the area defined in the application form to which the licence application relates, I consider that the area to be utilised under the licence for a short temporary period would be acceptable in this case and would be consistent with the criteria set out in Section 11.199 of the development plan and the overall policies for placemaking as set out in Strategic Objective 9.
- 8.1.18. In relation to the matter of the boundary treatment i.e. the timber planters, this in my view is a matter to be addressed by the PA, as it would appear to relate to alleged

unauthorised development, having regard to the report of the PA. I therefore would note that enforcement is a function of the local authority and that any matters associated with compliance with previous permissions or otherwise related to the subject site are a matter for the planning authority. Enforcement is outside of the scope of the Commission's functions. Otherwise I see no reason not to grant the Section 254 Licence in this case which would be consistent with the criteria set out in Section 11.199 of the development plan, subject to conditions.

**8.1.19. The Number and Location of Existing Appliances, Apparatuses or Structures On, Under, Over or Along the Public Road**

8.1.20. The café is located in a predominately residential area. I did not observe at time of site inspection other commercial premises with provision for outdoor street furniture on the public domain within the immediate area. I note that the report of the PA did not raise concern with regard to over concentration of such outdoor dining areas or street furniture within the area.

**8.1.21. The Convenience and Safety of Road Users Including Pedestrians**

8.1.22. The grounds of appeal have raised that the number of patrons using the café has been an issue since the premises opened, and that planning permission granted for the premises was for significantly less seating inside the café.

8.1.23. I note that the precedence for this outdoor dining area was established under a previously granted Section 254 licence application and the subject application is a renewal of same. The number of tables and chairs are the same, allowing for 14 patrons to be seated at any one time.

8.1.24. Car parking in the area adjacent to the site is informal and ad hoc. The café is located in close proximity to the junction of Ardfallen Estate and Eglantine Park. There is on-street parking available in the wider area and parking is generally managed by double-yellow lines on the internal access roads. The majority of the dwellings in the area have car parking within their curtilage. The adjoining primary school to the south has its own car parking area, and the Montessori school adjoining the café to the east has a drop off and collection set down area at the front of the playschool marked by traffic cones. The car parking at the front of GoGo's Café is unmarked but as noted earlier, the temporary flexible bollards in place provide separation between the parallel car

parking spaces and the pedestrian passage along the front of the café. Other than that there are no other markers on the ground or in the immediate area identifying set down areas or car parking spaces. The footpath outside the premises is c. 2.5 m wide and is protected by the temporary traffic bollards and I am satisfied that a separation distance of 1.8 m for passage by pedestrians is achieved. I noted that the street furniture had been arranged generally in accordance with the licence agreement and I observed no obstruction of the public footpath by the timber planter boundary.

8.1.25. I would accept that the provision of the outdoor dining area has facilitated increased footfall and likely generated additional traffic, however car parking provision related to the existing café and deli would have been addressed as part of the parent permission related to the use of the café at this site, and I do not propose to revisit that.

8.1.26. In the context of the use of the licenced area, I note that the surrounding area is predominantly characterised by residential development which is served by a local primary school and Montessori school. There are good pedestrian linkages throughout the area and the need to travel to the café directly by car would not be a necessary requirement and would be reduced, given the area that the café serves. Therefore having regard to the site's context which is predominately residential development and the availability of a frequent public transport service operated by Bus Éireann with BusConnects planned to serve the area in the future, and having regard to the temporary nature of the Section 254 licence, I am satisfied that the licence area would not have a material effect on traffic and car parking in the area.

8.1.27. I would note also that the management and enforcement of car parking serving the area would be overseen by the local authority and matters regarding car parking are likely to be reviewed by the PA, particularly in light of national and local policies to increase active travel, reduce car travel and car parking, and encourage walking and cycling which are set out in Objectives 4.1, 4.2 and 4.4 of the development plan. I am therefore satisfied that the proposal aligns with such policies and objectives of the development plan and would therefore not have a material effect on traffic and car parking in the area, or would impact on pedestrian safety.

## 9.0 AA Screening

- 9.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.1.2. The appeal site comprises of an exiting café commercial premises and is located in an established residential area known as Ardfallen Estate which is an urban area c. 2.5 km to the southeast of Cork city centre.
- 9.1.3. This application relates to a Section 254 Licence related to tables and chairs made under Section 254 of the Planning and Development Act 2000, as amended, for the placement of street furniture on the public domain in the area directly to the front façade of the café. No nature concerns were raised in the planning appeal.
- 9.1.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:
- The nature, scale and location of the existing café,
  - The planning history and establishment use of the site,
  - The distance to the nearest European site, intervening land uses and the lack of connections.
- 9.1.5. I conclude, on the basis of objective information, that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on any European designated site(s). Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000, as amended) is not required.

## 10.0 Recommendation

I recommend that the Section 254 Street Furniture Licence be granted.

## 11.0 Reasons and Considerations

Having regard to the nature and extent of the proposed development for which a street licence is sought, to the location of the site which is characterised by predominantly

residential development and other community services in the immediate area, and the policies of the Cork City Development Plan 2022-2028, it is considered that subject to compliance with the conditions set out below, the temporary use of the public domain as an outdoor seating area serving the existing café commercial premises would not seriously injure the amenities of the area and would not be prejudicial to pedestrian safety or public safety by reason of a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

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| 1. | The development shall be carried out 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.<br><b>Reason:</b> In the interest of clarity. |
| 2. | Street furniture shall only be placed at the location between 08:30 to 18:00 hours. All items covered under this license shall be removed outside of these hours and stored within the building.<br><b>Reason:</b> In the interest of the amenities of the area.  |
| 3. | Street furniture shall be maintained in a safe, clean and tidy condition and adequate waste management facilities shall be maintained at the site by the applicant.<br><b>Reason:</b> In the interest of visual amenities of the area.  |
| 4. | No outside amplification/speakers/live entertainment is permitted without prior written consent from the planning authority and no speaker or amplifier within these premises shall be configured in such a manner so as to project sound onto the public footway.  |

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|    | <b>Reason:</b> In the interest of the amenity of the area.  |
| 5. | All appropriate public liability insurances shall be in place for the duration of this license.<br><br><b>Reason:</b> In the interest of public safety. |
| 6. | The licence expires on the 31 <sup>st</sup> Day of December 2025.<br><br><b>Reason:</b> In the interest of the amenity of the area.                     |

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Clare Clancy  
Planning Inspector

02<sup>nd</sup> December 2025

## Form 1 - EIA Pre-Screening

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| <b>Case Reference</b>   | ACP-323068-25  |
| <b>Proposed Development Summary</b>   | Section 254 licence for the placing of tables and chairs on the public road/footpath |
| <b>Development Address</b>  | Gogos Café & Deli, Ardfallen Estate, Co. Cork  |
| <b>In all cases check box /or leave blank</b>   |  |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br><br>(For the purposes of the Directive, "Project" means:<br>- The execution of construction works or of other installations or schemes,<br><br>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) | <input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.                      |
|   | <input checked="" type="checkbox"/> No, No further action required.                  |
| <b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>   |  |
| <input type="checkbox"/> Yes, it is a Class specified in Part 1.<br><br><b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>   | State the Class here   |
| <input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3   |  |
| <b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>   |  |
| <input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road  |  |

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| <p>development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>   |  |
| <p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>  |  |
| <p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p> |  |

| 4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)? |  |
|--|--|
| Yes <input type="checkbox"/>   |  |
| No <input checked="" type="checkbox"/>   |  |

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_