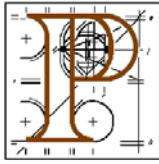


# An Bord Pleanála



## Inspector's Report

**Application Ref.:** PL28.245683

**Development:** Change of permitted use from retail to gymnasium at a ground floor unit, Block F, Blackpool Retail Park, Cork.

### **Planning Application**

Planning Authority: Cork City Council

Planning Authority Reg. Ref.: 15/36514

Applicant: Chandos Investments PLC

Planning Authority Decision: Grant Permission

### **Planning Appeal**

Appellant(s): Deirdre Doyle

Type of Appeal: Third Party V Grant

Observers: None

Date of Site Inspection: 9<sup>th</sup> December 2015

**Inspector:** **Kenneth Moloney**

## **1.0 SITE DESCRIPTION**

The appeal site is located within the established Blackpool Retail Park in Blackpool, north of Cork City. The appeal site comprises of a fully completed 4-storey building at the northern end of the retail park. The 4-storey building is currently vacant.

The existing building has car parking provision located to the immediate north of the four-storey building. There is also on-street car parking on the opposite side of the public road from the 4-storey building.

There is a small amenity park situated directly opposite the public road adjacent to the 4-storey building and this park has a small river flowing in a north – south direction.

## **2.0 PROPOSED DEVELOPMENT**

- The proposed development is for a change of use at ground floor level from permitted retail use to a gym.
- The floor area of the proposed unit is 956 sq. metres.

## **3.0 PLANNING HISTORY**

- L.A. Ref. 06/31320 – Permission **granted** for construction of a development incorporating surface car parking for 20 cars, 1 retail unit (floor area 956 sq. metres) subdivided two units, service yard etc with general offices with additional optional use for medical and related services and associated stair and lift lobby escape stairs on first, second and third floor area.
- The relevant conditions include;
  - Condition no. 5 – Requires the provision of 20 bicycle stands
  - Condition no. 6 – Submit a commuter mobility management plan

## **4.0 PLANNING AUTHORITY'S DECISION**

### **4.1 Reports**

#### **Planner's Report:**

- Concludes that the proposal accords with the policy objectives for the area.
- Car parking provision is acceptable.
- No development contribution required.

#### **Internal Reports:**

There are two internal reports on the file:

- Drainage Division: - No objection subject to conditions.

- Environment Waste Management & Control; - No objections subject to conditions.

Objection: There is one third party objection on the planning file and the issues raised have been noted and considered.

Submissions: There is a submission from Irish Water who has no objections to the proposed development.

#### **4.2 Decision**

The Planning Authority decided to **grant** planning permission subject to six conditions. The conditions are standard for the development proposed.

### **5.0 GROUNDS OF APPEAL**

Deirdre Doyle, of Watergrasshill, Co. Cork, lodged a third party appeal and the grounds of her appeal are summarised as follows;

#### Parking

- Car parking provision is inadequate.
- It is contended that neighbouring similar type gym facilities provide in excess 200 dedicated spaces.
- There is inadequate disability spaces and no provision for bicycle spaces.

#### Traffic

- Traffic will be severely impacted as gyms attract a lot of people at both peak and off-peak times.
- The proposal is different proposition to what the planners originally agreed.
- A retail unit would have completely different traffic implications.

#### Flooding

- The OPW CFRAM 2010 study highlighted the need for flood defence measures in Blackpool.
- The proposed change of use could have serious environmental impacts.

### **6.0 RESPONSES**

#### **Second Party Response**

The Planning Authority submitted a response stating that they had no further comments.

## **First Party Response**

The applicant's agent submitted a response and the following is the summary of the response submission.

### **Car Parking Provision**

- The overall car parking resource serving the retail park has a floor area of 1,072 sq. metres. This is available to all units in the Blackpool Retail Park including Block F.
- This overall car parking resource is located in a multi-storey car park situated approximately 100m from the appeal site.
- The appeal site is located within Parking Zone 2A as designated in the Cork City Development Plan, 2015 – 2021. The proposed development is located adjacent to a public transport corridor.
- It is an objective of the City Development Plan to permit fewer car parking spaces within such zones.
- It is submitted that the proposed use would generate a car parking requirement of 6.5 spaces whereas the existing retail use has a car parking requirement of 19 spaces.
- The proposed change of use improves the car parking situation at the subject site. This improvement is recognised in the local authority's planner's report.
- Therefore the car parking provision is more than adequate and meets the City Development Plan requirements.

### **Disability Car Parking and Bicycle Parking**

- There are 2 no. spaces located adjacent to Block F identified for disability car parking. This is double the City Development Plan requirement.
- Bicycle parking for Blackpool Retail Park is located in a covered area which is situated to the side of the central plaza which is approximately 150m from the site.
- The applicants are required to comply with the conditions of L.A. Ref. 06/31320. Condition no. 5 of this permission requires the provision of 20 no. bicycle stands in a convenient location on the site.
- The applicant confirms that they will comply with the conditions of this parent permission.
- It is contended that adequate car parking provision is made for people with disabilities and cycle parking.

### **Traffic Impact**

- The appellants have submitted no evidence in relation to traffic generation for the proposed development.
- The applicant is required to comply with the conditions of L.A. Ref. 06/31320. Condition no. 6 of this permission requires the applicant to submit a commuter mobility management plan to the Planning Authority. The applicant will comply with the terms of this condition should the Board grant permission.

- The proposed development is consistent with Objective 14.2 of the Cork City Development Plan, 2015 – 2021. It is the policy of Cork City Development Plan, 2015 – 2021, to encourage multi-purpose trips to Blackpool Retail Park, as well as non-vehicular journeys.
- It is submitted that the proposed gym use will function as a local facility attracting a high proportion of customers on foot from existing residences, employment areas and the retail areas.
- It is therefore considered that the proposal will not alter the pattern or level of existing traffic movements at Blackpool Retail Park.
- The Planning Authority accepted this argument in the assessment of a proposed change of use from a retail use to gym use at the City Gate Complex in Mahon (L.A. 10/34361).
- It is contended that the proposed development will not result in undue traffic impacts.

#### Environment Impact

- The parent permission for the site was the subject of an Environmental Site Investigation Report prepared by ARUP Engineers. This permission has several planning conditions safeguarding the environmental integrity of the subject site.
- In relation to flooding the proposed change of use relates to a vacant unit within an established building. There is no new floor space proposed.
- The risk of flooding occurring due to the proposed development does not arise.
- The Planning Authority drainage division has no objections to the proposed development.

## **7.0 POLICY CONTEXT**

### **7.1 City Development Plan**

Cork City Development Plan, 2015 – 2021, is the operational Development Plan.

- The zoning of the appeal site is 'District Centre'
- Paragraphs 4.10 – 4.18 outlines the District Centres within the plan area.
- Part G of Chapter 15 outlines Car Parking Standards.

### **7.2 Local Area Plan**

The North Blackpool Local Area Plan, 2011, is the operational LAP.

The following is a summary of the strategic vision for the LAP;

- Create a high quality, vibrant, distinct and accessible mix-use urban centre.

- Protect and improve residential neighbourhoods from detrimental traffic impacts.
- Respect and enhance the built heritage and architectural character of the area.
- Preserve and enhance the built heritage and architectural character of the area.

## **8.0 ASSESSMENT**

The main issues to be considered in this case are: -

- Principle of Development
- Car Parking Provision
- Traffic
- Flood Risk
- Appropriate Assessment

### **Principle of Development**

The appeal site is zoned Z08 'District Centre' in accordance with the provisions of the Cork City Development Plan, 2015 – 2021. The objective of this land-use zoning is *'to provide for and /or improve district centres as mixed use centres, with a primary retail function which also act as a focus for a range of services'*.

Paragraph 15.15 of the Cork City Development Plan, 2015 – 2021, states that District Centres will also provide a focus for other uses in addition to retail and these shall include retail warehousing, retail office, commercial leisure, services and residential uses. Commercial leisure facilities are defined in paragraph 3.37 of the City Development Plan and these include gyms.

I would also note Objective 4.4 'District Centres' of the Cork City Development Plan, 2015 – 2021, which states it is an objective of the Suburban District Centres to provide a range of retail and non-retail functions to serve the needs of the community and respective catchment areas.

The appeal site is located at the northern edge of the established Blackpool Retail Park. The Blackpool Retail Park has a range of retail uses and retail service uses.

I would consider, subject to protecting the amenities of the area, that the principle of the subject change of use is acceptable having regard to the 'District Centre' zoning objective of the appeal site.

## **Car Parking Provision**

The appeal site is located within a Zone 2A Car Parking Area in accordance with Figure 16.1 of the Cork City Development Plan, 2015 – 2021.

The floor area of the proposed unit is 956 sq. metres and in accordance with Table 16.8 of the Cork City Development Plan, 2015 – 2021, sets out the required car parking provision. The required car parking provision for the permitted retail use ranges from approximately 19 spaces to 9.5 spaces, depending on whether the retail use is convenience retail or retail office / retail services. I would note that in accordance with the Table 16.8 the required car parking provision for the proposed gym use is approximately 6.5 spaces. The permitted use, i.e. retail, has established car parking provision within the Blackpool Retail Park and there is also 20 car parking spaces situated to the immediate north of the 4-storey building.

In considering the car parking provision I would have regard to the permitted use, albeit vacant, on the appeal site which is retail, the operational hours of the proposed use which will generally occur outside of standard business hours and also the district centre location.

However more significantly I would acknowledge that the car parking requirements for the proposed use is less than the permitted use. Therefore I would conclude that the car parking proposals are acceptable for the change of use.

## **Traffic**

In relation to concerns regarding traffic I would consider that the parent permission (L.A. Ref. 06/31320) which is the grant of permission for the 4-storey building has established that the traffic generation and access is acceptable for the permitted retail use. The Board would be aware that it is not possible to revisit this permission at this point.

The applicant submits that the appellant in raising concerns of traffic implications has not supported this by any objective evidence and I would acknowledge this.

I would consider at peak-times a gym is likely to include week nights and weekends, including Sundays. These times are also busy times for a retail use.

The location of the appeal site is also relevant when considering traffic generation as given its central location within Blackpool, a northern inner suburb located approximately 1.5km – 2km from Cork City Centre, the proposed gym will attract customers by foot and bicycle. The applicant's response submission outlines the location for bicycle shelters servicing the existing retail use.

Overall I would consider that the proposed change of use, having regard to the car parking standards as set out in the City Development Plan and the likely traffic generation from the proposed use, would not intensify traffic generation in the area and would not adversely impact traffic or result in a traffic hazard.

### **Flood Risk**

I would note from the local authority's planners report that the appeal site is not located with Flood Zones A or B as designated by the Flood Risk Management Guidelines for Planning Authorities.

In relation to concerns of flood risk I would consider that the proposed development will not result in any additional construction and relates solely to a change of use from a vacant retail use to proposed gym. I would not consider on the basis of the information on the file and a visual observation of the area that the proposed gym would result in any significant intensification than the permitted use on the appeal site. In conclusion I would not consider that the proposed change of use would be a concern in terms of flood risk.

### **Appropriate Assessment**

Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an inner suburban and fully serviced location, no appropriate assessment issues arise.

## **9.0 RECOMMENDATION**

I have read the submissions on the file, visited the site, had due regard to the development plan and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

### **REASONS AND CONSIDERATIONS**

Having regard to the zoning objectives of the current Development Plan for the area and to the nature of the proposed development, it is considered that subject to compliance with the conditions set out below that the proposed development would not seriously injure the amenities in the area, would be acceptable in terms of traffic safety and convenience and would therefore be in accordance with the proper planning and sustainable development of the area.

### **CONDITIONS**

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 points of detail to be agreed with the planning



authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

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

2. The proposed development shall be carried out in full compliance with the conditions of the governing permissions TP 06/31320, except where otherwise amended by this grant of permission and/or required by the conditions contained in this schedule.

**Reason:** In order to define the scope of the permission in the interests of proper planning and sustainable development.

3. Details of all external signage and finishes shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of protecting the amenities of the area.

4. The noise level from the proposed development during operational stage shall not exceed 55 dB(A) rated sound level at the nearest noise sensitive location between 0800 and 2000 hours, Monday to Saturday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

5. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of development.

7. Prior to the commencement of development the developer shall submit, and obtain written agreement of the planning authority to, a plan containing details of the management of waste (and, in particular,

recyclable materials) within the development including the provision of facilities for the separation and the collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

**Reason:** To provide for appropriate management of waste and in particular, recyclable materials, in the interest of protecting the environment.

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Kenneth Moloney  
Planning Inspector  
20<sup>th</sup> January 2016