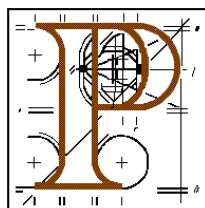


An Bord Pleanála



Inspector's Report

Proposed Development: Permission to demolish adjoining existing dilapidated building (No. 1 Tivoli Gardens, Silversprings) and construct a two storey restaurant with a take away element and drive thru (total floor area 441m²) with infrastructure works including: access, car parking, footpaths, public lighting, internal totem signage, surface water attenuation system and all associated site development works with connection to existing site development works with connection to existing services at Lower Glanmire Road, Tivoli, Montenotte Td, Cork City.

Planning Application

Planning Authority: Cork City Council
Planning Authority Reg. Ref.: 15/36424
Applicant: Atlantic Enterprises Limited
Type of application: Permission
Planning Authority Decision: Grant planning permission

Planning Appeal

Appellants: Rory O'Hare
Observers: None
Type of appeal: Third Party against permission
Site Inspection: 01/02/2016

Inspector: A. Considine

1.0 THE SITE

- 1.1 The subject site is located in the northern area of Cork City, approximately 2.5km from the City Centre, and located off the Lower Glanmire Road, approximately 200m to the east of Lovers Walk Intersection and 120m to the west of the North Ring Road Interchange. The Lower Glanmire Road is the N8.
- 1.2 The site is a brownfield site which has been boarded to the front to prevent access and appears to have been vacant for some time. The site lies between a terrace of houses, Tivoli Gardens, constructed in c1830 and listed on the NIAH, to the east and an existing Maxol garage and Topaz service station to the west. To the north of the site, and at a higher level, there is an apartment development called Tivoli Woods. The River Lee is located to the south of the site, and across the Lower Glanmire Road at a distance of approximately 85m.
- 1.3 The site covers a stated area of 0.22ha and includes No. 1 Tivoli Gardens. No. 1 Tivoli Gardens is an end of terrace, two storey vacant residential property with a stated floor area of 234m². The front, original, part of the house is two storeys and there is a single storey extension to the rear.

2.0 PROPOSED DEVELOPMENT

- 2.1 Permission is sought for to demolish adjoining existing dilapidated building (No. 1 Tivoli Gardens) and construct a two storey restaurant with a take away element and drive thru (total floor area 441m²) with infrastructure works including: access, car parking, footpaths, public lighting, internal totem signage, surface water attenuation system and all associated site development works with connection to existing site development works with connection to existing services at Lower Glanmire Road, Tivoli, Montenotte Td, Cork City.
- 2.2 The development will consist of the construction of a two storey building which will facilitate a take away restaurant over two floors and will have a stated floor area of 441m². The flat roofed structure will be finished using insulated architectural metal panels, Standing seam zinc or similar, painted plaster and timber cladding. The building will rise to a maximum height of 9.2m. It is further proposed to provide a shed which will have a floor area of 17.9m² and will be of 3m high.

2.3 It is advised that the development will connect to the public services. The application was supported by all the relevant documentation including all the relevant plans and drawings, public notices, remittance slip in lieu of appropriate fee for planning application, architects report, engineers report, parking assessment and a schedule of floor areas.

2.4 In support of the proposed development, the following documents were submitted:

- Flood Risk Assessment & Drainage Strategy Report:

This report was prepared to consider the implications of flood risk for the proposed development site. The report identifies flood hazards and seeks to appraise the potential sources of flooding for the site. The probability of flooding is also considered as part of the report and the writer identifies that the site is located within a Flood Zone A and that a justification test is recommended for the site.

The FRA identifies the proposed use of the site as less vulnerable and presents a justification test for the proposed development. The FRA notes the zoning afforded to the subject site and concludes that the proposed restaurant development is a local service and therefore the site is appropriate.

Flood Risk Management Measures are also discussed in the document where four mitigation / remedial measures are proposed as follows;

- The FFI of the building will be 3.1m MOD, with a gradual slope up from the existing road level of 2.4m MOD to the building floor level.
- Doorways and windows will be fitted with a slotted in flood gate to a minimum height of 450mm above FFL.
- To ensure that risk of flooding to the development from the proposed drainage system is limited to severe storms, the proposed drainage system will be designed in accordance with BSEN 752-4:1998 Table 1 – Recommended Design Frequencies. Foul & Storm Sewer MHs within the site shall be fitted with double pressure sealed locked covers to BS EN 124.

- The operator shall subscribe to the early flood warning system provided by the Cork City Council. A Flood Protection Procedure Manual will be developed.

The report concludes that the flood risks associated with the proposed development have been identified and remedial measures provided to minimise the impacts associated with said risks.

- Dilapidation / Structural Survey at 1 Tivoli Gardens:
This report considers the building, 1 Tivoli Gardens and concludes that the structural condition internally and externally is not sound and is in a poor state of repair. It is concluded that the building should be demolished.
- Traffic & Transport Assessment:
The cited purpose of the report is to assess the potential impact of the proposed development of a standalone Drive Thru Restaurant on the existing local transport network and to ensure that the proposed site access and the existing junctions which fall within the scope of the study will have adequate capacity to carry the development traffic and the future growth in existing road traffic to the design year and beyond. An assessment has also been made of the accessibility of the site for cyclists, pedestrians and public transport users.

The proposed layout of the development will provide for an entry only (left only) junction with the N8 to the west of the site with an exit only (left only) junction to the east of the site. The junction analysis carried out predicted that the access to the site would be operating above capacity in the design year 2031 if 50% of traffic turned right out of the development. Traffic surveys were carried out over a 24 hour period on Tuesday 18th of November. Peak traffic flows were identified between 8am and 9am and 4.45pm and 5.45pm. The report acknowledges that as there are no major housing developments within 1km of the site, it is envisaged that the development will almost exclusively be accessed by car. Parking for 20 cars and one disabled access parking spaces are proposed.

A Stage 1 Roads Safety Audit was also submitted, which dealt with two perceived issues, being the left only entry / exit and the location of totem signage.

- 2.5 Following the submission of further information, the proposed development was amended to retain and refurbish No. 1 Tivoli

Gardens and the omission of the bus set down area to the west of the site. It is submitted that the revised site layout has considered the aims of the Design Manual for Urban Roads & Streets (DMURS).

3.0 REPORTS ON PLANNING AUTHORITY FILE

3.1 There are 2 no. internal reports from internal department within Cork City Council including:

Drainage Section: advising no objection subject to conditions.

Transport & Mobility Section: Raises a number of issues to be addressed.

3.2 There is 1 no external report noted on the Planning file from Irish Water advising no objections.

3.3 There are 2no third party submissions / objections noted on the planning file. The issues raised are summarised as follows:

- Demolition of historic building – no. 1 Tivoli Gardens – and impact on historic terrace.
- Roads / pedestrian safety
- Issue with drawings
- Health & safety issues regarding vermin
- Roads & Traffic issues
- Confliction with national guidelines and the Cork City Development Plan 2015

3.4 The Planning Authority report had regard to the policies and objectives contained within the City Development Plan, as well as the zoning afforded to the site and the current uses associated with the site. The report further considered the nature of the proposed development and the submissions made in the course of the PAs assessment of the proposed development. The Planning Officer also dealt with issues associated with EIA and AA, flood risk, zoning, the demolition of No. 1 Tivoli Gardens, design, layout & signage, traffic and car parking, and concluded that further information was required.

3.5 The Planning Authority sought additional information in relation to roads & traffic issues, proposals for the retention of No. 1 Tivoli Gardens, details of external materials, proposed opening hours and landscaping plan.

3.6 Following receipt of response to the FI request, there were three further internal reports from the following:

Transportation and Mobility Division. The report concludes with no objections to the proposed development subject to the inclusion of conditions

Conservation Officer: Advises the inclusion of a condition in relation to the conservation and repair works to No. 1 Tivoli Gardens.

Environmental Waste Management & Control: advises no objection subject to the inclusion of conditions.

3.7 Following receipt of response to the FI request, there are no external reports noted on the Planning file.

3.8 Following receipt of response to the FI request, there are no third party submissions / objections noted on the planning file.

3.9 Following receipt of response to the FI request, the Planning Officers report considered same and noted that the development was acceptable subject to compliance with conditions. The report also deals with development contribution scheme issues and concluded that the following financial conditions be included:

- o Development Contribution of €24,200.14
- o Supplementary Development Contribution in the amount of €8,736.39

4.0 DECISION OF THE PLANNING AUTHORITY

The Planning Authority decided to grant planning permission for the proposed development subject to 12 conditions, generally standard in the main.

5.0 RELEVANT PLANNING HISTORY

The following is the relevant planning history pertaining to the subject site:

TP05/29922: Permission refused at No. 1 Tivoli Gardens, for a five apartment development (total area 409.74m²) including demolition of existing extensions to rear of existing three storey terrace house which is to be refurbished to form two apartment units. Minor alterations to elevations to include three new dormer windows to be incorporated into front side of roof and new window to gable to east elevation. New three storey building to form three apartment units along with common access stairwell to both buildings to be constructed to the rear of the existing terrace house. Developments to include all associated site works, landscaping and provision of parking.

Permission was refused on the grounds of overdevelopment, overshadowing, out of character with the existing pattern of development in the area.

TP05/29937: Permission granted for change of use from service station and retail shop to new four storey over basement mixed use development (total area 4,415.81m²) consisting of 2 basement floors incorporating 58 car parking spaces, ground floor retail area (888.2m²) 6 first floor apartments with roof terrace, 6 second floor apartments with roof terrace, 6 third floor apartments, all with associated site development including ancillary services, accommodation, demolition of existing buildings on site, landscaping new front and side boundary walls with vehicular and pedestrian access.

TP07/32538: Permission granted for change of use of the previously granted ground floor retail use to showroom use, a reduction in show room area from 888.2m² to 707m² and omission of one floor of basement car parking on the previously granted development.

6.0 POLICY CONTEXT:

Local Context:

6.1. Cork City Development Plan 2015-2021:

6.1.1 Chapter 15 of the City Plan deals with land use zoning objectives. The subject site is zoned objective ZO 4, *Residential, Local Services and Institutional Uses* which seeks to protect and provide for residential

uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3.

6.1.2 Chapter 16 deals with Development Management guidelines. Sections 16.88 to 16.91 relate to hot food takeaways / fast food restaurant. Section 16.78 deals with demolition of existing residential dwellings.

6.1.3 The site includes a residential building which is identified in the NIAH and Objective 9.28 aims to protect structures of built heritage interest.

6.2 Cork City Development Contribution Scheme 2012:

The Development Contribution Scheme in prepared in order to comply with the requirements of the Planning & Development Act, 2000 (as amended). Cork City Council, by resolution, made a scheme in 2012.

6.3 Cork City Supplementary Development Contribution Scheme 2015:

The Supplementary Development Contribution Scheme in prepared in accordance with Section 49 of the Planning & Development Act, 2000 (as amended), which enables a planning authority when granting a permission under Section 34 of the Act, to include conditions requiring the payment of a contribution in respect of any public infrastructure service or project as defined in the Act and specified in the Supplementary Development Contribution Scheme. This is relevant due to the fact that the site is located within 1km of the suburban Rail Project as specified in the scheme and a supplementary development contribution will be required in the event of a grant of planning permission.

7.0 GROUNDS OF APPEAL

7.1 This is a third party appeal against the granting of planning permission for the proposed development. The objection is summarised as follows:

- The proposed development results in an over-intensification of the use of the site. The retention of the house has resulted in a reduction in the site area for the development.

- The development will result in traffic hazard
- The development conflicts with national guidelines – Flood Risk Management and Flood Risk Objectives of the City Development Plan, 2015.
- The development if permitted, would be contrary to the proper planning and sustainable development of the area

8.0 RESPONSES TO APPEAL

8.1 Planning Authority response to Third Party Appeal:

The Planning Authority submitted a letter to the Board in response to this first party appeal, advising no further comments.

8.2 First Party response to Third Party Appeal:

The First Party has submitted a response to the Third Party Appeal and presents a background to the planning history associated with the site, together with a consideration of the planning policy and land use zonings afforded to the site. The response is summaries as follows:

- It seeks to clarify that the proposed development is for a standard sit down restaurant with ancillary fast food drive through facility. Planning reasons for limiting 'takeaway' facilities is not appropriate as the 'takeaway' is ancillary to a sit down facility.
- Seeks to justify compliance with the Flood Risk Management Guidelines.
- Issues of principle and detail raised by the appellant have been addressed including in accompanying engineering reports.

The response includes a report from CST Group, Chartered Consulting Engineers and Niall Fitzsimons & Co. Consulting Engineers.

9.0 OBSERVERS RESPONSES TO APPEAL

There are no observations submitted in relation to this appeal.

10.0 ASSESSMENT

10.1 Having considered all of the information submitted with the planning application, together with the appeal documentation and responses, and having undertaken a site visit, I consider it appropriate to assess the proposed development application under the following headings:

1. The principle of the development and compliance with current County Development and Local Area Plans.
2. Flood Risk Assessment & Drainage
3. Roads & Traffic
4. Appropriate Assessment

Principle of development

8.2 The subject site is located within the eastern suburbs of Cork City in Tivoli and on lands which are zoned ZO4 Residential, Local Services and Institutional Uses where it is the objective of the zoning to protect and provide for residential uses, local services, institutional uses and civic uses, having regard to employment policies outlined in Chapter 3. Local services are described throughout the City Development Plan, 2014 as including such as childcare, retail offices, pharmacies, medical consultancies, public houses, small shops, etc. Chapter 15 of the City Development Plan deals with Land Use Zoning Objectives and section 15.10 is relevant in terms of the ZO4 zoning objective.

8.3 The Plan provides that the provision and protection of residential uses and residential amenity is a central objective of this zoning. However other uses, including small scale local services, institutional uses and civic uses and provision of public infrastructure and utilities are permitted, provided they do not detract from residential amenity and do not conflict with the employment use policies in Chapter 3 and related zoning objectives. Small scale 'corner shops' and other local services such as local medical services, will be open for consideration. There is no reference to a restaurant or fast food takeaway in this context. In this regard, it is essential that the proposed development of a stand-alone drive thru fast food restaurant be considered in the context of the zoning objective, and a decision made as to whether it is considered an appropriate local service.

- 8.4 The Board will note the planning history cited by the Planning Authority in terms of the provision of a drive-thru hot food takeaway is considered to be a 'local service'. Indeed, the issue has been considered by the Board in relation to similar type development, PL.28.241382 refers. In this instance, the Board considered 'that the restaurant with hot food take away located on the grounds of a petrol filling station, would be in accordance with the zoning objective for the area and the drive through element did not negate the proposed development from providing local services. The Board decided to condition restricted opening hours for the proposed restaurant, to overcome local concerns regarding anti-social behaviour, to protect residential amenities'. The distinct difference between this decision and the current proposal before the Board is the fact that the proposed development is for a standalone fast food restaurant with drive thru, which is not associated with any other local convenience. That said, I do acknowledge that there are two petrol stations immediately to the west of the site.
- 8.5 In terms of providing a local service, the Board will note that the applicant considers that the primary user of the proposed development will be passing motorists rather than local residents. Indeed, the layout of the site provides primarily for cars rather than pedestrians, and notwithstanding the limited access to residential areas in the immediate vicinity of the site, I am concerned that the development as presented would not accord with the requirements of the zoning objective afforded to the site which is primarily to provide for and protect residential uses and residential amenity. I do not consider that the development as proposed, accords with the zoning objective for the site.
- 8.6 Chapter 16 of the Cork City Development Plan deals with development management while Section 16.88-16.91 relate to Hot Food Takeaways / Fast Food Restaurants. The plan offers guidance in terms of the locations for such developments and in particular, section 16.90 states 'in order to protect residential amenity in suburban areas fast-food takeaway units will only be permitted in district centres, neighbourhood centres and local centres and will be subject to the criteria below. These locations provide the focus for social and commercial activity in any area'. I do not consider that the subject location can be described as a district, neighbourhood or local centre.

8.7 Section 16.91 of the Plan states that 'the provision of hot food takeaways/fast-food restaurants will be strictly controlled having regard to the following:

- Land use zoning and specific objectives contained in the plan (for example Objective 13.4: Protection of Prime and Key Secondary Retail Frontage);

I have considered the issue of land use zoning above and I suggest that the proposed development does not accord with the zoning objective for the site.

- The potential impacts on buildings on the RPS, NIAH or in Architectural Conservation Areas;

The subject site lies immediately adjacent to a terrace of five houses, one of which comprises part of the overall development site. The details submitted failed to provide a contiguous elevation of the overall development, but it can be determined that the scale of the building proposed will reflect the overall height of the adjacent terrace of Tivoli Gardens. The proposed building is scaled at 29.5m wide and rising to 9.2m in height. The scale of the submitted site layout plan is incorrect but it is indicated that there will be approximately 19m between No. 1 Tivoli Garden and the proposed building, with the car park being provided between the two.

In terms of the overall design of the new building, I have no objection and I consider the refurbishment of No. 1 Tivoli Gardens to be a positive in terms of the protection of the terrace.

- The impact on the economic viability of streets;
Not particularly relevant in the subject case.
- The need to safeguard the vitality and viability of shopping areas in the city and to maintain a suitable mix of retail uses;
Not relevant in the subject case.
- The number/frequency of such facilities in the area;
Not relevant in the subject case.
- The effect of fumes, hours of operation, and general disturbance on nearby amenities and residents.
The PA have conditioned restricted hours of operation from between 0700 hours and 2300 hours Monday to Sunday with deliveries between 0700 and 1900 hours.

- The need for adequate ventilation systems which are to be integrated into the design of the building;
Acceptable.
- Design of the unit in particular the shopfront and the need to avoid dead frontage onto the street;
Acceptable.
- Any proposed advertising/lighting is suitable and unobtrusive. Any advertising/signage should be removed on the cessation of operation of the business;
Acceptable.
- Traffic implications resulting from the proposed development including the need to service the business and provide for the parking needs of customers.
Issues relating to roads and traffic will be dealt with separately below.

The Planning Authority may impose restrictions on opening hours of hot food premises where deemed necessary.

I consider this reasonable.

- 8.8 The Board will note that the original proposal for the site involved the demolition of an end of terrace house, No 1. Tivoli Gardens. Following a request for further information, this decision to demolish has been reversed and it is now intended to refurbish the house as part of the overall development. While I consider this a positive aspect of the overall development, I do not consider that a grant of permission should issue for the proposed restaurant to secure the said refurbishment.

Flood Risk Assessment & Drainage

- 8.9 In support of the proposed development, the applicant submitted a Flood Risk Assessment & Drainage Strategy Report. This report was prepared to consider the implications of flood risk for the proposed development site. the subject site lies in a flood risk area zones A and B, but given the location of the subject site, together with the zoning objectives afforded to same, the principle of development can be considered subject to appropriate flood risk assessment. The Board will note that Cork City Council require that a Flood Risk Assessment is prepared for sites located within Flood Risk Areas and having

considered the submitted FRA, raised no objections to the proposed development in terms of flooding, subject to the inclusion of conditions.

8.10 The proposed development has been designed to ensure that the finished floor level of the building will be above the 1 in 1000 year flood level with further works proposed in terms of flood defences in the form of flood gates and the Board will note that Cork City Council has an effective and proven flood warning system which includes evacuation and road closures. The proposed development is also considered as a 'less vulnerable' use in terms of FRA.

8.11 The FRA notes the zoning afforded to the subject site and concludes that the proposed restaurant development is a local service and therefore the site is appropriate. I have discussed this issue above. The submitted FRA identifies Flood Risk Management Measures and four mitigation / remedial measures are proposed as follows;

- The FFI of the building will be 3.1m MOD, with a gradual slope up from the existing road level of 2.4m MOD to the building floor level.
- Doorways and windows will be fitted with a slotted in flood gate to a minimum height of 450mm above FFL.
- To ensure that risk of flooding to the development from the proposed drainage system is limited to severe storms, the proposed drainage system will be designed in accordance with BSEN 752-4:1998 Table 1 – Recommended Design Frequencies. Foul & Storm Sewer MHs within the site shall be fitted with double pressure sealed locked covers to BS EN 124.
- The operator shall subscribe to the early flood warning system provided by the Cork City Council. A Flood Protection Procedure Manual will be developed.

8.12 I accept that the development has been designed in order not to increase flood risk. In terms of the justification test criteria of the FRM Guidelines, the following is relevant:

1. *The subject lands have been zoned or otherwise designated for the particular use or form of development in an operational plan,*

which has been adopted or varied taking account of these guidelines:

I am satisfied that the subject site is zoned for development, and I have discussed the issue of compliance with the zoning objective above.

2. *The development has been subject to an appropriate flood risk assessment that demonstrates:*

- (i) The development proposal will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk;*
- (ii) The development proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as reasonably possible;*
- (iii) The development proposed includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures or the design, implementation and funding of any future flood risk management and provisions for emergency services access; and*
- (iv) The development proposed addresses the above in a manner that is also compatible with the achievement of wider planning objectives in relation to development of good urban design and vibrant and active streetscapes.*

In terms of a consideration of part 2 of the JT Criteria, I would accept that the FRA, has presented mitigation proposals to suggest that the development, if permitted, will not exacerbate or add to flooding risk in the area.

8.13 Further to the above, and in terms of the Flood Zone A designation of the site, the Board will note that the Planning System and Flood Risk Management' Guidelines (2009) advise that "*most types of development would be considered inappropriate in this zone. Development in this zone should be avoided and / or only considered in exceptional circumstances, such as in city and town centres, or in the case of essential infrastructure that cannot be located elsewhere, and where the Justification Test has been applied.*" While the Guidelines provide no definition for 'town centre', I would suggest that the overall development site area is not a 'town centre', rather it is a brownfield site within the suburban fringe of Cork City.

8.14 In terms of drainage the following is relevant:

Surface Water: the applicant has advised that consultations have taken place with Irish Water regarding connections to the public sewer for surface water discharge. While I acknowledge the concerns raised by the third party in this regard, I consider that it is a matter for Irish Water. I also note that the City Council Drainage Engineer has raised no objections in principle and I note the inclusion of conditions to this effect in the City Councils decision to grant planning permission. I also note the intention to consider the provision of a surface water attenuation storage tank should it be deemed necessary by Irish Water. Overall, I am satisfied that this issue can be dealt with by way of appropriate mitigation and is a matter for Irish Water.

Water Services: The proposed development will connect to existing public water and sewer services in the area. There is no objection to same.

Roads & Access:

8.15 In support of the proposed development, the applicant has submitted a Traffic & Transport Assessment to assess the potential impact of the proposed development of the standalone Drive Thru Restaurant on the existing local transport network. The proposed layout of the development will provide for an entry only (left only) junction with the N8 to the west of the site with an exit only (left only) junction to the east of the site. The junction analysis carried out has predicted that the development will be acceptable from a traffic point of view using the restricted left in / left out only junctions. I also note the intention to install lane division bollards to prevent right turn-in movements from the Lower Glanmore Road, should it prove necessary. I note that the Road Design Division of Cork City Council has raised no objections subject to conditions and I am satisfied that this is acceptable.

Appropriate Assessment:

8.16 The subject site is located at a distance of approximately 3km from the nearest European site, being the Cork Harbour SPA, Site Code 004030, which is located to the east of the site. The subject development site itself can be considered a brownfield site within a suburban area and it is to be noted that the River Lee is located

approximately 85m to the south of the site. Given that a Natura 2000 site is located within 15km of the site, the Board will be required to consider the potential effects of the proposed development on the identified European Site. The site must be subject to AA regarding its implications for the Natura 2000 site in view of the site's conservation objectives *"if it cannot be excluded, on the basis of objective information, that it will have a significant effect on that site, either individually or in combination with other plans or projects"* (EC, 2006). In other words, where doubt exists about the risk of a significant effect, an Appropriate Assessment must be carried out.

- 8.17 Having considered the brownfield nature of the proposed development site, together with the planning history and the level of information provided in support of the application, it is considered appropriate to conclude that this project should not proceed to Stage 2 of the AA process and that an Appropriate Assessment is not necessary as there is little or no potential for significant effects to Natura 2000 sites. I am satisfied that there is no potential for impact on any Natura 2000 site, warranting AA.

9.0 CONCLUSIONS AND RECOMMENDATION

It is considered that the proposed development should be refused for the reasons and considerations hereunder.

REASONS AND CONSIDERATIONS

The site is located in an area zoned ZO4 Residential, Local Services and Institution Uses, where it is the objective of the zoning “to protect and provide for residential uses, local services, institutional uses and civic uses”. The primary objective is the provision and protection of residential uses and residential amenity and other uses, including small scale local services, institutional uses and civic uses and provision of public infrastructure and utilities are permitted provided they do not detract from residential amenities. It is considered that the proposed standalone restaurant including a take-away facility and drive-thru is intended to primarily serve passing trade and does not constitute the provision of a ‘local service’ to serve the residential community. Furthermore, it is considered that by reason of its nature, scale and hours of operation, the proposed development would give rise to noise and general disturbance and be contrary to the objective to protect residential amenities. The proposed development would therefore materially contravene the zoning objective for this site and would not be in accordance with the proper planning and sustainable development of the area.

A. Considine

Planning Inspector

29/02/2016