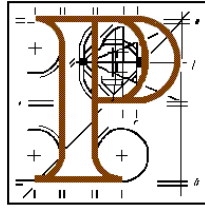


An Bord Pleanála



Inspector's Report

PL29N. 245917

DEVELOPMENT: Alterations and additions to a shopping centre

ADDRESS: ILAC Centre, Moore Street, Dublin 1

PLANNING APPLICATION

Planning Authority: Dublin City Council

Planning Authority Reg. No.: 3287/15

Applicants: Chartered Land Management and Irish Life Assurance plc

Application Type: Permission

Planning Authority Decision: Grant permission subject to conditions

APPEAL

Appellant: Mel MacGiobúin

Type of Appeal: 3rd party vs. grant

Observers: None

DATE OF SITE INSPECTION: 5th April 2016

INSPECTOR: Stephen J. O'Sullivan

1.0 INTRODUCTION

- 1.1 This report deals with a third party appeal against a decision of Dublin City Council to grant permission for alterations to a shopping centre.

2.0 SITE

- 2.1 The site consists of the ILAC shopping centre that stands between Henry Street, Parnell Street and Moore Street in Dublin's city centre. The proposed works would be carried out in the vicinity of Moore Street on the southern side of the internal Moore Mall within the centre. This part of the centre is occupied by 11 ground floor retail units between 70m² and 110m² in area. Five of the units face Moore Street, and five Moore Mall. There is another unit of 197m² on the first floor above the corner unit beside the entrance to the shopping centre. There is no accommodation above the other single storey units. The front of the units facing Moore Street is setback to provide a covered walkway between Sampson's Lane and the entrance to the shopping centre. The walkway is 3m wide and has a different surface treatment from the public footpath beside it. The corresponding area on the northern side of the entrance to the centre has been incorporated into a shop, with a glazed façade on the inner edge of public footpath and a line of bollards along its outer edge. There is a coloured canopy that extends over the public footpath on Moore Street to the south of the entrance to the centre, with a glazed canopy on the corresponding location to the north.

3.0 PROPOSAL

- 3.1 The proposed development comprises various works to the ILAC centre around its entrance from Moore Street. It would amalgamate 12 existing units with a combined floor area of 916m² into 4 retail units with a combined floor area of 787m² and a café of 326m². The café would occupy two floors at the entrance to the shopping centre, with frontage onto Moore Street. The rest of the Moore Street frontage would be occupied by one of the shops with a floor area of 372m² on one floor. The existing walkway that runs beneath a canopy along Moore Street from the corner with Sampson's Lane to the entrance to the shopping centre would be incorporated into the shop and café by the installation of a new glazed façade on the edge of the public footpath. The site layout plan also shows the erection of a line of bollards along the public footpath in front of the new façade but outside the boundary of the application site. The existing coloured canopy would be replaced with a flat glazed canopy.

4.0 POLICY

- 4.1 The Dublin City Development Plan 2011-2017 applies. The site is zoned as part of the city centre under objective Z5. Moore Street is a category 2 shopping street in chapter 10 of the plan. These streets are identified as having a mix of retail and non-retail uses, with a policy to encourage further development of retail frontages. Policy RD12 refers to the provision of larger

shop units in the retail core where these are required by mainstream fashion outlets. Policy RD26 is to ensure that Dublin adapts to developments in retail formats and changing lifestyles. Section 16.1.3 of the plan states that building frontages should provide appropriate enclosure to streets. They should have consistent heights relative to existing buildings and their plan form should prioritise the provision of a consistent building line, giving enclosure to the street or space.

5.0 HISTORY

5.1 There has been a series of planning applications for development effecting the units in the ILAC centre to the north of its entrance from Moore Street, as set out below. The grants of permission appear to have been implemented.

- Reg. Ref. 2131/13 – the planning authority granted permission on 10th May 2013 for alterations to the ILAC centre including the amalgamation of units facing Moore Street.
- Reg. Ref. 3028/13 – the planning authority granted permission on 4th November 2013 for alterations to the ILAC centre including the extension of the front of the building along Moore Street and the installation of a new canopy to the north of the entrance to the centre.
- PL29N. 244819, Reg. Ref. 2174/15 – the board refused permission on 24th July 2015 to retain signage on the front of the Dealz shop at No44-45 Moore Mall.
- Reg. Ref. 2570/15 – the planning authority granted permission to change the use of the unit 77 of the ILAC centre at Moore Street from retail to restaurant.

6.0 DECISION

6.1 The planning authority decided to grant permission subject to 13 conditions, none of which significantly altered the proposed development.

7.0 REPORTS TO THE PLANNING AUTHORITY

7.1 Submissions – an observation was made to the planning authority that objected to the development on grounds similar to those raised in the subsequent appeal.

7.2 Planner's report – The initial report states that the provision of a café and the amalgamation of units would reduce the number of shops facing Moore Street from 6 to 1. This would not be acceptable from a retail and streetscape viability point of view. The proposed building line is acceptable, as is the proposed amalgamation of units within the ILAC Centre. It was recommended that

further information be sought regarding the impact of the development on the streetscape and market trading along Moore Street. The subsequent report accepted the applicant's position that proposed amalgamation of units would provide a refurbishment of outdated units whose current offering of lower order retail goods and short term lettings was not successful. The contact maintained between the applicant and the market traders at Moore Street was also noted. A grant of permission was recommended.

8.0 GROUNDS OF APPEAL

8.1 The grounds of appeal can be summarised as follows-

- The proposed development would involve the loss of pedestrian space along Moore Street reducing the public role and space on that street. The city development plan recognises that public market spaces are a way to maintain and enliven the public realm. The proposed development ignores this policy. No cogent planning grounds have been advanced as to why a high level of small units are detrimental for proper planning and development.
- The proposal to erect bollards would make trading conditions more difficult for street traders which would go against the council's policy to maintain street trading as a focal point of Moore Street.
- The proposed reduction in the number of units reducing the permeability of this side of the street and makes it less attractive for street trading. The site is within the wider context of the battle site of 1916 and the reduction in the permeability of the public realm is a concern.

9.0 RESPONSES

9.1 The planning authority's response stated that it had no further comments.

9.2 The applicant's response can be summarised as follows-

- The proposed development is the second phase of works to Moore Street and Moore Mall within the ILAC Centre. The first phase was carried out under permission Reg. Ref. 3028/13 and involved the amalgamation of small units on the northern side of Moore Mall to provide two shops with a new façade on Moore Street. It established a building line along the street that the current proposal would follow. It replaced a dark covered walkway along the street where anti-social behaviour was ongoing, in particular the illegal sale of tobacco. The Revenue Commissioners wrote to the applicant stating that the covered canopy and numerous small shops facilitated such activity. A copy of the letter was submitted. The proposed development would increase footfall and vitality along Moore Street. The ILAC Centre has been in place since the 1980s and enclosing

the covered walkway will have no impact on the historical appreciation of Moore Street.

- The applicant concurs with the appellant's position on the importance of street traders for Moore Street. It is anticipated that market traders will benefit from the new physical environment and will as the anticipated increased footfall having already seen an uplift from the phase 1 works. The small shops on Moore Street lack the modern services, large floorplates and glazed frontages demanded by modern high street retailers. The uncertainty as to when they would be redeveloped meant that they are occupied on lower rents than would otherwise be the case. The perception of decay and dereliction reduced the attractiveness of the market. The proposed development would address these issues and has the support of market traders, with copies of three letters from stallholders and their committee submitted to attest to this.
- There is a significant potential for service and delivery vehicles to damage the proposed façade along Moore Street, as similar damage from such vehicles has regularly occurred to the existing canopy, hence the proposed bollards similar to those provided in the phase 1 development.
- It is anticipated that the provision of a high end retailer and café by the proposed development will improve the vitality and footfall of Moore Street, and create a more attractive pedestrian environment than the existing dark walkway with numerous lower order businesses. The provision of a new entrance to the proposed café would improve the permeability of the street. Larger format shops are supported by the development plan, in particular policy RD12 and RD 26. It is crucial that the ILAC Centre adapts to retail trends and provides the retail format required by modern retailers in order to maintain its role and that of the wider shopping area around Henry Street.

10.0 ASSESSMENT

10.1 The proposed uses are consistent with the location of the site in the city centre on a category 2 shopping street. The proposed amalgamation of shop units in a modern building that is not of architectural or historic interest is supported by policy RD 12 of the development plan and is acceptable. The maintenance of frontage and access onto Moore Street from the proposed 372m² shop and café will protect the vitality of that street and the pedestrian permeability of the area. The design of the new façade along Moore Street is unobjectionable.

10.2 The proposed development would not change the built form or function of the ILAC centre to a significant degree, so it would not have a significant impact on the setting of the national monument at Moore Street or the places associated with the Easter Rising.

10.3 The proposed development would impinge upon the pedestrian environment along Moore Street simply by reducing the amount of space upon which one could walk. Moore Street is a busy central street with a high footfall, particularly at its southern end from Henry Street to the entrance to the ILAC centre. It is not entirely pedestrianised, and the frequent passage of vehicles and trolleys along the central carriageway discourages people from walking there. The footpath along the effected part of Moore Street is not particularly wide, at approximately 2 metres, and the operation of market stalls there further reduces the space available for pedestrian passage. There is a possibility, therefore, that the proposed development would contribute to a crowded and awkward pedestrian environment that would put people off from visiting Moore Street and patronising the businesses there, as argued by the grounds of appeal. Nevertheless the applicant's response on this issue is persuasive. The covered walkway is a recessed and relatively dark area. It does not make a positive contribution to the visual character of the street. The illicit trading of which the Revenue Commissioners complained was prevalent in the area at the time of inspection, even when most of the regular shop units and market stalls there were closed. So the proposed development would remedy unpleasant features which would provide some justification for the reduction in space for pedestrians that it would entail. The proposed development would also provide a more consistent building line, which would be supported by the guidance set out at section 16.1.3 of the development plan.

10.4 The proposed bollards are not justified. They would hinder the operation of market stalls on this part of Moore Street and would further reduce the effective width of the public footpath. The type of bollard proposed is similar to that installed on the northern side of the entrance to the shopping centre. It has a crude and unsightly appearance and would detract from the character of an historic street. The bollards that are shown on the submitted plans are outside the boundaries of the application site on the public roadway. They were not mentioned in the published description of the development. So it is not clear whether they are part of the development for which permission was validly sought in the present application. They should not be part of a development authorised on foot of it.

11.0 RECOMMENDATION

11.1 I recommend that permission be granted subject to the conditions set out below.

REASONS AND CONSIDERATIONS

The proposed development would accommodate uses on the site that would be in keeping with its city centre zoning under the Dublin City Development Plan 2011-2017, as well as with that plan's designation of Moore Street as a category 2 shopping street in the retail core of the city. The proposed amalgamation of retail units in a modern building would be in accordance with policies RD12 and RD26 of the development plan. The design of the revised frontage onto Moore Street would be acceptable and would not detract from the historic and architectural character of the street. It would provide a more consistent building line, which would be in keeping with the guidance at section 16.1.3 of the development plan, and would improve the level of passive supervision and the perceived levels of security along the street without unduly hindering pedestrian movement or the operation of the market stalls there. As such the proposed development would be likely to add to the vitality and viability of Moore Street. Therefore, subject to compliance with the conditions set out below, it would be in keeping with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 5th day of November 2015 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The bollards along the public footpath shown on the plans and elevations submitted with the application shall be omitted from the authorised development.

Reason: The bollards would be visually obtrusive and would unduly hinder pedestrian traffic and the operation of the markets stalls on Moore Street in a manner that would have a negative effect on the character and vitality of the

street, and their erection would involve works on the public road outside the boundaries of the application site on land which is not in the control of the applicant.

3. The authorised shop in the amalgamated unit numbered 82-85 and the authorised café shall have their primary entrances from Moore Street as shown on the plans and elevations submitted with the application. The entrances shall be open to customers whenever the café or shop in that premises is open to customers.

Reason: To protect the character and commercial vitality of Moore Street

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

Reason: In the interest of the amenities of the area

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. Loudspeakers shall not be erected on the exterior of the authorised café or shops, or within the shops so that the sound from them is audible outside the said premises.

Reason: To protect the character and amenities of the area

7. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these

times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity

8. Noise monitoring locations for the purposes of the construction phase of the proposed development shall be agreed in writing with the planning authority prior to the commencement of any development on site.

Reason: To protect the amenities of property in the vicinity.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

10. The developer shall pay to the planning authority a financial contribution in respect of Metro North in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the

matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Stephen J. O'Sullivan
5th April 2016