



An
Bord
Pleanála

Inspector's Report PL02.246693

Development	Single storey restaurant/ café/ bar.
Location	14 Bridge Street, Coothill, Co. Cavan.
Planning Authority	Cavan County Council
Planning Authority Reg. Ref.	15/487
Applicant	Niall O'Leary
Type of Application	Planning Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Perlina McCaffrey
Observer(s)	None
Date of Site Inspection	8 August 2016
Inspector	Anne Marie O'Connor

1.0 Site Location and Description

- 1.1. The appeal site is located in the town centre of Coothill, Co Cavan. Market Street, Church Street and Bridge Street are the main commercial streets in Coothill.
- 1.2. The site comprises an existing shop on Bridge Street (O'Leary's, delicatessen and wine shop) and its curtilage: comprising a yard, garage and outbuildings. The shop has been extended over the years to provide residential accommodation at the back of the retail unit. A small outbuilding/extension is currently being used as a bakery to the rear of the residential element.
- 1.3. The site backs onto a narrow laneway (Inkhorn Lane) which runs along the rear boundary. A block wall and boarded up double width access extend along the boundary. A large hole has also been knocked in the side wall of the site in an irregular fashion. The lane provides rear access to a number of commercial premises, including a supermarket and public house. A two-storey house is located on the opposite side of the laneway and the two-storey apartment building to the side. There are two first floor windows in the side elevation of the apartment building which face the appeal site. An unfinished two-storey apartment building is located further along the lane. The lane can only be accessed by car from the northwest as the access from Market Street is pedestrian only.
- 1.4. There is a shoe shop on one side of O'Leary's, and a fishing tackle shop on the other. The rear yard of the site can also be accessed via a shared access under the first floor of the building occupied by the fishing tackle shop, and across a 'common yard' to the rear of that building. There is a small house just on the far side of the passageway which is not within the appeal site.

2.0 Proposed Development

- 2.1. Planning permission is sought to erect a single storey extension along the rear boundary with Inkhorn Lane to provide a restaurant/ café. The extension will also accommodate a delicatessen preparation/ baking area, and bathrooms. The new unit would be accessed from either Inkhorn Lane, or from Bridge Street through the passageway beside the Fishing Tackle shop and across the yard (described as a 'common yard') and a new covered seating area (within the appeal site). No access is proposed through the existing O'Leary's retail unit. The existing garage is to be retained.
- 2.2. The proposed building measures 9 m in width across the entire rear boundary and 15m in length. It has a mono-pitched roof and ranges in height from 3m at the rear boundary to 4.6m at the other end. An external/ covered seating area is also proposed. Roofing and fenestration materials are unspecified. The walls would be sand and cement plaster finish. A disabled parking space originally proposed to the rear off Inkhorn Lane was omitted in response to a request for further information by the planning authority.

2.3. The proposed development will be served by main sewers and water supply.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant planning permission. The following conditions are of note:

- C.3 Payment of €12,500 in lieu of 5 on-site car parking spaces.
- C.4 Restricts the hours of operation to between 0900 hours and 2100 hours Monday to Saturday.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **Area Planner's** report can be summarised as follows:

- Extension to existing business in the town.
- Principle of use is acceptable within the zoning and the proposed development is in compliance with policies and objectives in the Development Plan.
- The rear entrance was not part of the previous permission and its omission would alleviate some of the concerns raised in the third party submissions.
- **Grant** recommended subject to a condition omitting the rear entrance from Inkhorn Lane (unless required for fire safety).

A supplementary report by the **A/Senior Planner** can be summarised as follows:

- The unfinished residential development has set a precedent for the renewal of the area. Direct access should be facilitated onto the lane as it is imperative to the overall success of the renewal of the area. The residential amenity of the house opposite can be protected by restricting opening hours.
- Car parking requirements can be calculated on the internal dining space only (58m²). This results in a shortfall of 5 spaces.
- Calculation of development contributions should not include the outdoor area. A 50% reduction in contributions is justifiable under the Contribution Scheme as the proposed development is a town centre redevelopment and would create a new front onto Inkhorn lane.
- **Grant** recommended.

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

Two letters of objection were received. The issues raised are covered in the grounds of appeal.

4.0 Planning History

12/174 Change of use from ground floor residential to café and public house, and construction of toilets to rear of retail unit. **Grant.**

5.0 Policy Context

5.1. Development Plan

The relevant plan is Cavan County Development Plan 2015-2020. The site is within the development envelope of Cootehill and is zoned 'Town Core'.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by Pearlena Mc Caffrey, the owner of a dwelling on Inkhorn Lane, opposite the appeal site. The main grounds of appeal are as follows:

- Objection to entrance off Inkhorn Lane where there has been none for over 40 years. Request that the door be omitted.
- Traffic generation, congestion and hazard on Inkhorn Lane. Health and safety risk to patrons using the proposed entrance from cars/ vans on the lane. Ms McCaffrey uses the lane as vehicular access to her property, as do visitors to her house. The alleyway is currently used by residents and business owners for parking and Ms McCaffrey has experienced damage to her car as a consequence of the narrow nature of the laneway.
- Ms McCaffrey parks her car outside her door on the laneway, leaving just 2m for other vehicles, pedestrians etc to pass by. This space is insufficient under

the guidelines contained in Building for Everyone – A Universal Design Approach for safe egress/ access.

- General disturbance including noise, odour, and litter generated by people using the new entrance, traffic, extractor fans, and opening/ closing of the shutter door, and congregating outside the café/ restaurant. The extractor fan should be relocated way from the bedroom windows.
- Objection to the 7 day bar licence. The previous permission permits normal pub hours and could be implemented in conjunction with the current permission resulting in use of the rear access at late hours.
- Loss of privacy resulting from the proximity of the new entrance from Inkhorn Lane.
- The height of the rear elevation wall will restrict the visual outlook from the kitchen of the property as there will be very limited view of the sky. This will also result in loss of light to the sitting room. No objection to a lower wall (2710mm) which had been discussed with the applicant.
- Negative impact on residential amenity including use of the laneway to sit outdoors.

6.2. Applicant Response

The applicant's response to the grounds of appeal can be summarised as follows:

- The proposed development is an extension to an existing business premise with the town centre of Coothill and complies with development plan policy.
- The site is currently underused.
- A new front will be created onto Inkhorn Lane.
- The unfinished residential development on Inkhorn Lane has create a precedent for the renewal of the area.
- The development has been designed so that it does not impact on the existing residential amenities and eliminates overlooking and visual intrusion of the existing properties.
- External finishes are in keeping with traditional finishes used in the town. The development is of a high quality design which respects the form, scale and character of the town and contributions to the existing urban form.
- There is no proposal for a new entrance from Inkhorn Lane as there is a historic access. Photos are submitted.
- The business will be operated as one by the O'Leary family. It is not intended to operate as a public house. There will be no late opening hours and the premises will be closed on Sundays.

- The proposal will not result in anti-social behaviour or noise disturbance.
- It is not envisaged that there will be any additional vehicular traffic generated on Inkhorn Lane.
- The height of the rear elevation and roof profile was altered following discussions with the appellant. The height of the rear wall will be significantly lower than the rear wall currently in place and will improve access to daylight for adjoining properties.
- The proposed development would be built as an alternative to the scheme permitted under 12/177.

6.3. **Planning Authority Response**

No further comments to make.

6.4. **Observations**

None.

7.0 **Assessment**

7.1. The appeal site is located in the town centre of Cootehill and is consistent with the 'Town Core' zoning objective. There is also an extant permission for the expansion of the existing business through the use of the existing residential element of the building for commercial use. The principle of a restaurant/café use on the site is, therefore, acceptable and I consider that the main issues in this appeal can be considered under the following headings:

- Layout and Design
- Residential Amenity
- Other matters

Layout and Design

7.2. Planning permission was granted in 2012 for a change of use of the existing ground floor residential part of the building to café and public house, and the construction of a toilet block in the rear yard (12/172). It would appear from the plans that a bakery and storage space was accommodated in outbuildings in the rear yard at the time of the application which have since been removed. This permission would provide for an extension to the existing O'Leary's retail shop to provide a café/ bar and ancillary facilities. Access was proposed through the existing shop on Bridge Street. The current proposal is essentially the development of an additional planning unit on the same plot, albeit that it will be part of the O'Leary family business. All existing structures, including the garage, will be retained on the site. The new restaurant/

café building will have a separate access from both Inkhorn lane (to the rear) and via the passageway and common yard shared with the adjoining fishing tackle shop. Together with the outdoor covered seating and smoking areas, the proposal would result in site coverage of almost 100%. While it is not unfeasible that a such a high site coverage could be acceptable, the layout and design raise a number of problems in this case.

- 7.3. The development plan policy for designated 'town cores' includes an objective to encourage and facilitate development of backlands in towns and villages, in a way that is sympathetic to the existing streetscape and character of the town or village. The planning authority considers that the access from Inkhorn Lane would contribute to the urban renewal of the area.
- 7.4. Inkhorn Lane extends from Market Street and loops back onto Bridge Street along the rear boundaries of the existing, largely commercial, properties. It is narrow in width (4.8m at the location of the site), with pedestrian only access onto Market Street and no footpath or road markings. The grounds of appeal state that cars associated with businesses on Bridge Street currently use the lane for parking, and that cars reverse back along the lane due to the restricted width. There is one dwelling, that of the appellant, located on the lane opposite the proposed entrance to the café, a 2-storey apartment building which is located on the Main Street side of the appeal site, and there is an unfinished 2-storey apartment building further along the lane.
- 7.5. The laneway has a pronounced backland feeling by virtue of the rear boundaries and the unfinished apartment building. The context is not, in my view, comparable with historic laneways in other towns that might be likely to contribute to the vibrancy and vitality of the town centre. Furthermore, the proposed elevation onto Inkhorn has the appearance of a rear garage or outbuilding with no windows or openings apart from the single doorway. The reason for this is stated to avoid overlooking of the windows of existing residential properties. In this regard I note that the observer's dwelling is less than 5m directly opposite, but this only serves to reinforce my view that Inkhorn Lane is not a suitable frontage for a restaurant/ café use. In any case, the design of the proposal makes little contribution to the creation of a new streetscape or the renewal of the area as desired by the planning authority.
- 7.6. I have considered the possibility of omitting the access from Inkhorn Lane, however the alternative access across land not with the control of the applicant is also not ideal and I note that no letter of consent from the owner of that property has been submitted.
- 7.7. Having regard to the above, I consider that the proposed development represents piecemeal development that would result in the creation of a poor quality urban environment, and would not be sympathetic to the existing streetscape and character of the town. It is my view that the vitality and vibrancy of the town centre would be best served by providing that any extension to the O'Leary business be via the existing unit on Bridge Street.

Residential Amenity

- 7.8. The grounds of appeal express concern regarding the impact of the proposed entrance from Inkhorn Lane on the residential amenity the appellant's house on the opposite side of the lane. I also note a small house is located on the edge of the 'common yard' proposed as the alternative access, and in close proximity to the outdoor seating area. Condition 4 of the planning authority decision restricts the hours of operation to between 0900 hours and 2100 hours Monday to Saturday.
- 7.9. While the separation distance to the appellant's dwelling is quite limited, the height of the front elevation facing Inkhorn Lane (3m) is not excessive and would not result in an unacceptable loss of outlook or light. The lack of windows in the elevation also reduces the potential for overlooking. I am also mindful that the site is located in the town centre and consider that the restriction on opening hours would provide reasonable protection to the residential amenity of property in the vicinity.
- 7.10. I do not, therefore, consider that the proposed development is unacceptable in terms of its impact on residential amenity.

Other matters

- 7.11. No car parking is proposed on site but parking is available on both sides of the Bridge Street. It is stated that deliveries would be in conjunction with the existing business. Condition 3 of the planning authority's decision requires the payment of €12,500 in lieu of 5 on-site car parking spaces, which is calculated on the internal dining space only (58m²). I note that the S48 Development Contribution Scheme makes provision for a contribution of €2,500 per space in Cootehill.
- 7.12. Having regard to the nature and scale of the proposed development its location in a serviced urban area, the separation distance to the nearest European sites, and the lack of a pathway to those sites, I am of the view that no **appropriate assessment** issues arise, and that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be refused for the reasons as set out below.

9.0 Reasons and Considerations

Having regard to poor quality design and layout of the proposed development, and particularly to the access and frontage on Inkhorn Lane, it is considered that the proposed development would result in a piecemeal and substandard form of development that would be detrimental to the existing streetscape and character of

Cootehill. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Anne Marie O'Connor
Inspectorate

20 September 2016