



An  
Bord  
Pleanála

## Inspector's Report PL17.246701

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<b>Development</b>	Change of use of existing ground floor retail unit to take-away outlet, associated signage and all site development works.
<b>Location</b>	The Square, Oldcastle, Co Meath
<b>Planning Authority</b>	Meath County Council.
<b>Planning Authority Reg. Ref.</b>	KA160255.
<b>Applicant</b>	Samuel Acatincai.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Brendan Browne
<b>Observers</b>	None
<b>Date of Site Inspection</b>	08 August 2016.
<b>Inspector</b>	Anne Marie O'Connor.

## 1.0 SITE LOCATION AND DESCRIPTION

- 1.1. Oldcastle is a small rural town in County Meath, located in the north-west of the county near the border with Cavan, approximately 13 miles from Kells. The Square is the historic centre of the town and still remains a relatively intact urban form with a range of retail and commercial uses.
- 1.2. The appeal site is located in a small row of two-storey terraced building on the southern side of the Square. The ground floor of the building is currently vacant but was last used as a bakery and tearooms ('The Potty Hen').
- 1.3. The building is a protected structure and is located within the Oldcastle Architectural Conservation Area.

## 2.0 PROPOSED DEVELOPMENT

- 2.1. Permission is sought for a change of use of the ground floor from a bakery and tearooms to a take-away outlet (Apache Pizza). The floor area comprises 62m<sup>2</sup>.

## 3.0 PLANNING AUTHORITY DECISION

### 3.1. Decision

The planning authority issued a notification of its decision to grant planning permission. The following condition is of note:

- C.7 Shopfront colour and signage to be as shown on plans and photomontage submitted 18/03/2016.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The report of the area planner recommends a **grant** of permission and can be summarised as follows:

- Site is located in the centre of the town on lands zoned for such uses.
- Use of a vacant property in the town centre is to be encouraged.
- There is no planning policy in relation to a restriction on the number of take-always.
- No negative impacts on the visual or residential amenities of the area.
- The traditional design of the shopfront is acceptable at this location.
- Appropriate Assessment – screened out.

### 3.2.2. Other Technical Reports

Conservation Officer          No objection

### 3.3. Prescribed Bodies

HSE                                  No objection subject to conditions.

### 3.4. Third Party Observations

Two third party submission were made. The issues raised are similar to those set out in the grounds of appeal.

## 4.0 PLANNING HISTORY

None

## 5.0 POLICY CONTEXT

### 5.1. Development Plan

The Meath County Development Plan 2013 and the Oldcastle Written Statement 2014 are relevant.

The site is zoned for B1 'To protect, provide for and/or improve town and village centre facilities and uses'. The site is not in a flood risk area.

Policies relating to *retail* include:

- ED OBJ 8    seeks to ensure the vitality and viability of town centres including the prevention of overdevelopment of particular non retail uses such as takeaways in Core Retail Areas.

Policies relating to *architectural heritage* include:

- CH POL12    Reuse of Protected Structures
- CH POL 13    Retention of original features

## 6.0 THE APPEAL

### 6.1. Grounds of Appeal

The grounds of appeal express serious concern regarding the closure of two hotels in the town and the presence of three charity shops and six take-away. A seventh takeaway is not needed.

## 6.2. Planning Authority Response

The planning authority response states that the issues raised in the grounds of appeal were considered in the course of its assessment of the application. The Planning authority would encourage the proposal to bring back in to use a vacant building in the centre of the town on zoned lands.

## 6.3. Other Party Responses

The applicant has responded to the grounds of appeal as follows:

- No evidence is submitted to support the claim that there are too many take-away outlets in Oldcastle
- The number of charity shops is irrelevant to the application.
- The applicant runs an Apache Pizza take-away in Kells in a professional manner. The proposed use would likewise be well received in Oldcastle.

## 6.4. Observations

None

## 7.0 ASSESSMENT

7.1. I consider that the main issues in this appeal can be considered under the following headings:

- Principle of development
- Visual impact/ Architectural Conservation Area
- Protected Structure
- Other matters

### Principal of Development

7.2. The proposed development is located in the centre of Oldcastle and is consistent with the general zoning objective 'to protect, provide for and/or improve town and village centre facilities and uses'. Objective ED 8 does, however, seek to ensure the vitality and viability of town centres by preventing the overdevelopment of particular non retail uses such as takeaways in Core Retail Areas. The main issue raised in the grounds of appeal relates to an excessive number of take-away outlets in the town.

7.3. Oldcastle is a very attractive small rural town, with The Square, an Architectural Conservation Area, at its centre. The town provides a wide range of commercial and retail services including a bank and supermarket. In relation to the six take-away outlets in Oldcastle, only one is located on The Square (Chinese Gourmet) and the

there is no impression in the town of an overdevelopment of this type of use, or that the proposed development would be to the detriment of the retail offer in the town. Furthermore, the proposal would facilitate the use of an existing vacant property in this town centre location.

### **Visual Impact and Architectural Conservation Area**

- 7.4. The historic form of Oldcastle as a rural market town centred around a market square has been very well preserved. It is a designated ACA and any intervention in the built environment should be considered in this context. As stated above, the re-use of a vacant property at such a key location is to be encouraged. The existing shop front will be retained and the signage replaced with the name of the new business (Apache Pizza). Detail of the colour and font style were submitted in respect of another Apache Pizza site in Kells, and indicates a brown coloured shopfront with white coloured signage. This issue can be dealt with by condition.
- 7.5. The height of the proposed extract flue is proposed at 1m above the eaves on the rear elevation. It will not be visible from The Square or any other public area, and I am satisfied that it will not injure the visual amenity of the area or the integrity of ACA.

### **Protected Structure**

- 7.6. The existing building is a protected structure. A photographic survey of the ground floor has been submitted which shows that the interior walls have been studded and dry lined, the internal doors are modern construction, and there are no internal features of importance. No structural work is proposed internally or externally and the internal layout will be retained with the exception of the provision of a new service counter and the installation of a pizza oven and fryer. The existing fenestration and openings will similarly be unchanged by the proposed development. A mechanical extraction ventilation system is also proposed, with an opening in the rear elevation for extraction.
- 7.7. I am satisfied that proposed development will not compromise the integrity of the protected structure. Objective CH12 of the CDP encourages the reuse of Protected Structures, and I agree that the reuse of the building will prevent it from falling into disrepair.

### **Other Matters**

- 7.8. I note that no **development contribution** condition was attached by the planning authority and that the terms of the Scheme (2016) provide an exemption for changes of use such provided contributions have been paid for the existing use.
- 7.9. The following European sites are located in the vicinity of the site:
- River Boyne and River Blackwater SPA and SAC, 9km to the east
  - Lough Sheelin SPA, 9km to the west

- Lough Bane and Lough Glass SAC is some 9km to the south.

7.10. Having regard to the nature and scale of the proposed development, comprising an application for a change of use, its location in a serviced urban area, the 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 granted, subject to conditions, as set out below.

## 9.0 REASONS AND CONSIDERATIONS

Having regard to the town centre location, the zoning of the site, and the pattern of existing development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not result in an overdevelopment of non-retail uses in the core retail area, would not seriously injure the residential or visual amenities of the designated Architectural Conservation Area or of property in the vicinity or the architectural interest of the protect structure, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 CONDITIONS

1. The development shall be carried out and completed 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.

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

2. The proposed shopfront shall be in accordance with the following requirements:-
  - (a) Signs shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individually mounted lettering. Samples of the proposed materials relating to the shopfront, including colour of the shopfront, shall be submitted to, and agreed in writing with,

the planning authority prior to commencement of development.

(b) no awnings, canopies, lighting, shutters, or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission,

(c) no adhesive material shall be affixed to the windows or the shopfront.

. **Reason:** In the interest of visual amenity.

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. Anne Marie O'Connor

. Inspectorate

13 September 2016