



An
Bord
Pleanála

Inspector's Report

PL06D.247166

Development	Change of use from a bookmakers to a takeaway restaurant.
Location	22C Church Road, Ballybrack, Co. Dublin.
Planning Authority	Dún Laoghaire Rathdown
Planning Authority Reg. Ref.	D16A/0115
Applicant	Alin Dragan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellants	Ballybrack Tidy Towns
Observers	none
Date of Site Inspection	30/11/16
Inspector	Siobhan Carroll

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 90 square metres comprises an existing ground floor retail unit within a parade of retail/commercial units in Ballybrack Village. It is located on the eastern side of the Church Road which is the main road in the Village. There is off-street parking for circa 6 cars to the front of the parade.
- 1.2. The first floor level of the subject premises would appear to be occupied by a Law Firm. The other units within the parade are a pharmacy, barbers and beauty clinic. To the south of the site there is a Public House. The units to the north of the site along Church Road include a Chinese take-away, funeral home and a convenience store.
- 1.3. Dwarf Oaks parade is located on the western side of Church Road. It contains a mix of retail units including a hairdressers, two takeaways and a bed store. It is served by a surface car park to the front.

2.0 Proposed Development

- 2.1. Change of use from a bookmakers to a take-away restaurant

3.0 Planning Authority Decision

3.1. Decision

Permission GRANTED subject to 5 no. conditions

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The report of the area planner reflects the decision of the planning authority.

3.2.2. Other Technical Reports

Water Services, Drainage Planning: No objections, subject to conditions

Transportation Planning: No objections, subject to conditions

Environmental Health Report: Conditions attached

3.3. Third Party Observations

The Planning Authority received eight submissions/observations in relation to the proposal. The main issues raised are similar to those set out in the appeal.

4.0 Planning History

None

5.0 Policy Context

5.1. Development Plan

The site is governed by the provisions of the Dún Laoghaire – Rathdown County Development Plan 2016-2022.

Zoning

‘NC’- which seeks to ‘protect, provide for and/or improve mixed-use neighbourhood centre facilities’

- Restaurant is a permissible use under this zoning objective
- Section 8.2.6.5 refers to Fast Food Outlets/Takeaways

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal has been lodged by Ballybrack Tidy Towns on the 26th of August 2016. The main issues raised are as follows;

- The context of the site within Ballybrack Village is provided. It is noted that there are two commercial areas and two residential areas within the village.
- There are three existing takeaways on Church Road within the village. There is an Italian takeaway and a Chinese takeaway within the landscaped shopping plaza on the western side of Church Road.
- The third takeaway is a Chinese takeaway on the eastern side of Church Road.
- The appeal site no. 22C Church Road is located within a parade containing a Pharmacy and Hairdressers. The subject site was formally a Bookmakers and it has a glass frontage with the entrance to the premises from the forecourt. There is a Law Firm in the first floor which has its entrance adjoining the frontage of the former Bookmakers.
- The appellant's have raised the matter of grease recovery in relation to the operation of a takeaway. They noted that during the Village Renewal Programme which took place between 2000 and 2006 the Council replaced the old Victorian piping on Church Road and Military Road.
- The proposed location of extractor fan for the takeaway has not been indicated. It is noted that the yard to the south is in the ownership of the Ramblers Rest Public House. The yard contains external customer seating and tables.
- In relation to traffic and parking in the Village it is stated that due to the traffic flows from the crossroads it is difficult to park in close proximity to the site. The landscaped plaza on the western side of Church Road has parking to the front. However, the parking area to the front of the Bedroom showroom is private and only for deliveries.
- It was an objective of the Village Renewal Programme to promote social and economic renewal. The Committed do not consider that such renewal has taken place.
- The location of bins to serve the proposed takeaway have not been indicated.

6.2. Applicant Response

A response to the third party appeal has been received from Simon Hoe Architect on behalf of the applicant Mr Alin Dragan on the 15th of September 2016. The main issues raised are as follows;

- The proposal is for a Pizza takeaway restaurant.
- A grease removal unit will be installed in accordance with Note 4 of the conditions attached by the Planning Authority.
- The location of the proposed extractor fan will be in the applicant's landlord's property and not to the yard of the Rambler's Rest Public House. A letter from the landlord indicating his permission for this was provided with the further information submission.
- Regarding traffic and parking considerations, the restaurant will share the dedicated parking with its adjoining commercial neighbours. It is envisaged that the majority of customers will access the premises on foot due to the proximity of housing in the area. A delivery service will also be provided.
- In relation to Village Renewal Objectives it is considered that the business will contribute positively to the social and economic life of the village. The restaurant will include seats and tables for customers which will provide a community amenity.
- The location of the waste bins is indicated on the drawing submitted with the further information. They will be serviced by recycling operatives.

6.3. Planning Authority Response

- It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

7.0 Assessment

7.1. Permission is sought for a change of use from a bookmakers to a take-away restaurant in a ground floor unit of circa 78sq m at No. 22C Church Road,

Ballybrack, Co. Dublin. The site is located with an area with the zoning objective 'NC', which aims 'to protect, provide for and/or improve mixed-use neighbourhood centre facilities'. A restaurant is a permissible use within this zoning.

- 7.2. Section 8.2.6.5 of the Development Plan refers to Fast Food Outlets/Takeaways and it sets out a number of criteria which are to be considered when assessing proposals for fast food/takeaway outlets. They include the need to retain, protect and strengthen the retail mix, overall variety and multi-use function of the area, the existing provision of fast food/takeaway outlets within the locality, the cumulative effect of the proposed development on the amenities of the area and the location of vents and other external services and their impact on adjoining amenities in terms of noise, smell and visual impact.
- 7.3. The appellants have expressed concern at the existing provision of fast food/takeaway outlets in Ballybrack Village and also in relation to traffic and parking considerations and issues relating to the location of extractor fan, waste bins serving the premises and grease recovery in relation to the operation of a takeaway.
- 7.4. Firstly, regarding the number of existing food/takeaway outlets in the Village, there are currently three. There is there is a Chinese takeaway and an Italian Fish and Chip takeaway within the Dwarf Oaks parade of retail/commercial units located on the western side of Church Road. The third premises another Chinese takeaway is located on the eastern side of Church Road and circa 20m from the appeal site. The current proposal is for a Pizza takeaway. There are no existing Pizza takeaways in the Village.
- 7.5. In the vicinity of the appeal site there is a reasonable mix of retail units and services. The premises within the parade contain a barbers and a pharmacy. There is a Law Firm above the subject unit and a Beauty Clinic above the pharmacy. To the south of the subject site there is a public house. The units to the north of the site along Church Road include a Chinese take-away, funeral home and a convenience store.
- 7.6. The units across the road within Dwarf Oaks parade contain a hairdressers, two takeaways, a bed store and an It distribution company. At the junction of Church Road and Military Road there is a petrol service station. Along the northern side of Military Road there is a bookmakers, Public House and a Post Office. On the southern side of Wyattville Road there is a newly opened café. There is a

reasonable mix of existing commercial uses in the area. Accordingly, having regard to the nature of the proposed development and the existing provision of takeaways within the village I do not consider that the proposal would result in an over concentration of fast food/takeaway outlets.

- 7.7. In relation to the matter car parking, the appeal site is located on the Main Street within the Village. Car parking standards are set out in Table 8.2.4 of the Development Plan. It is required in the Development Plan that there is provision of one car parking space per 15sq m of gross floor area for Cafes, Restaurants and Fast foods outlets. The proposed restaurant takeaway has a total floor area of 78sq m which would generate the requirement for 5 car parking spaces. The previous use of the premises a betting shop as per Table 8.2.4 required 1 car parking space per 50sq m. Therefore, the proposal would generate an increase in parking requirements. There is provision for off-street car parking to the front of the parade where the unit is located and there is provision for circa 6 spaces. This area is shared with the other premises which would operate primarily in the day time while the proposed hours of operation of the take away are from 16.30 Hours to 2300 Hours. Therefore, the off-street parking area adjoining the site would primarily be available for usage by customers of the proposed takeaway.
- 7.8. The first party in the response to the appeal also considered that having regard to the proximity of housing in the area that the majority of customers will access the premises on foot. The applicant also confirmed that a delivery service would be provided which would reduce the number of customers directly accessing the takeaway.
- 7.9. Having regard to the location of the appeal site and availability of off-street parking in proximity of the proposed unit and the proximity of housing to the village which would result in some customers walking to premises, I consider that there is satisfactory parking available to serve the proposed takeaway.
- 7.10. The further information response submitted by the applicant to the Planning Authority on the 11th of July 2016 provided details in relation to drainage, vents and external services and litter and waste. The location of the proposed flue to the extraction system is indicated to the rear of the premises on Drawing No. 1601/05A. The owner of the building Mr Pat Dunne submitted a letter indicating his permission for

the installation of a vent of a flu to the rear of the property. In relation to the storage of waste a separate ventilated store is proposed with three wheelie bins for general waste, recycling and glass. The general waste is collected three days a week and the recycling is collected two days a week with the glass once a week.

- 7.11. The concern in relation to waste raised in the appeal refers to the location of bins to serve the proposed takeaway. This may relate to bins within the customer area of the takeaway or outside the premises. In order that the matter of litter generation and waste is satisfactorily address, I would recommend that should the Board decide to grant permission the attachment of a condition requiring the litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.
- 7.12. The matter of grease recovery from the premises was also raised in the appeal. The applicant proposes to install a grease removal unit will be installed in accordance with Note 4 of the conditions attached by the Planning Authority. The note relates to the water supply and foul drainage arrangements being in accordance with the requirements of Irish Water. I would recommend that should the Board decide to grant permission the attachment of a condition requiring that the water supply and drainage arrangements, including the disposal of surface water comply with the requirements of the planning authority and that grease traps shall be provided on all kitchen drains.
- 7.13. The proposed hours of operation are from 16.30 Hours to 23.00 Hours seven days a week. The Planning Authority attached a condition regarding the closing times and required that the premises close at no later than 23.00 Hours on Mondays to Saturdays and no later than 22.00 Hours on Sundays. I consider these closing hours are reasonable having regard to the proximity of residential units within the Village.
- 7.14. In relation to the issue of appropriate assessment, the subject site is located in an established suburban area and is not located adjacent to nor in close proximity to any European sites, as defined in Section 177R of the Habitats Directive. Having regard to the nature and scale of the proposed development and/or the nature of the receiving environment and/or proximity to the nearest European site, no appropriate

assessment issues arise and it is not considered that the proposed development would 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 have read the submissions on file, visited the site, and had due regard to the provisions of the Development Plan and all other matters arising. In the light of this and the assessment above, I recommend that permission be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the zoning objectives for the area, to the nature and extent of the development proposed and to the pattern of land use in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and 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 as amended by the plans and particulars received by the planning authority on the 11th day of July, 2016, 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. 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. Grease traps shall be provided on all kitchen drains.

Reason: In the interest of public health.

3. The developer shall control odour emissions from the premises in accordance with measures including extract duct details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect the amenities of the area

4. The hours of operation of the food takeaway facility shall cease no later than 23:00 hours on Mondays to Saturdays and no later than 22:00 hours Sundays.

Reason: In the interest of the amenities of property in the vicinity.

5. 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 visual amenity.

6. Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.

Reason: In the interest of visual amenity

Siobhan Carroll
Planning Inspector

4th January 2017