



An  
Bord  
Pleanála

## Inspector's Report PL04.247860

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<b>Development</b>	Partial change of use of existing retail units to meditation therapy and dance studio, works to include new entrance to south elevation
<b>Location</b>	Units 4B and 5, St. Patricks Woollen Mills, Douglas, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	16/6693
<b>Applicant(s)</b>	Jean Morris
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Jennifer Murphy
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	12 <sup>th</sup> March 2017
<b>Inspector</b>	Mary Crowley

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## 1.0 Site Location and Description

- 1.1. This appeal site with a stated area of 0.096 ha is located in the Cork suburb of Douglas, within the Woollen Mills complex which comprises small light industrial / commercial type units. Entrance to the Woollen Mills is opposite the Douglas Village Shopping Centre (Tesco) in the centre of Douglas village. In addition to the former Woollen Mills stone building (Protected Structure) a large number of smaller modern buildings have developed in a relatively unstructured way and are occupied by a wide variety of commercial mixed uses. The appeal site is located in the south eastern corner of the complex and is accessed off a narrow access spur which terminates at the subject site. The unit is single aspect and is accessed from the southern elevation. It adjoins unit 5 which has dual access from the north (courtyard area with parking) and south, however it appears that the primary access is from the north. A palisade fence and mature vegetation runs along the eastern and southern site boundary adjoining the appeal unit.
- 1.2. A set of photographs of the site and its environs taken during the course of the site inspection is attached. I would also refer the Board to the photographs available to view throughout the appeal file.

## 2.0 Proposed Development

- 2.1. This is an application for the partial change of use of existing retail unit to meditation therapy and dance studio, with works to include new entrance to south elevation and associated site works. The stated gross floor space of the existing building is 86.9 sqm. The stated estimated number of employees is two.
- 2.2. **Unsolicited further information** was received 8<sup>th</sup> December 2016 in response to the observations recorded on the planning file. The submission set out the following as summarised:
- Red and blue boundary – Unintentional discrepancy in boundary lines. Amended plans attached.
  - Traffic Hazard – Adequate parking provided as per the requirements of the Development Plan. Located in a cul de sac that does not provide for turning and therefore adds to the safety and suitability of the use proposed.

## 3.0 Planning Authority Decision

### 3.1. Decision

Cork County Council granted planning permission subject to one condition that required works to be carried out in accordance with the plans and particulars lodged with the planning authority on 27<sup>th</sup> October 2016.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

3.2.2. The **Case Planner** recommended that permission be granted subject to one condition. The notification of decision issued by Cork County Council reflects this recommendation.

#### 3.2.3. Other Technical Reports

3.2.4. The **Area Engineer** has no stated objection to the development.

### 3.3. Prescribed Bodies

3.3.1. **Irish Water** has no stated objection to the scheme.

### 3.4. Third Party Observations

3.4.1. There are three duplicate third party observations recorded on the planning file from McCutcheon Halley Chartered Planning Consultants on behalf of Jennifer Murphy (appellant in this case). The issues raised related to a discrepancy with the red and blue line boundary, public safety by reason of traffic hazard and congestion and lack of safe pedestrian access to the building.

## 4.0 Planning History

4.1. There was a previous appeal on this site that may be summarised as follows:

**PL 04.240056 (Reg Ref 11/05655)** – Cork County Council decision to grant permission for the change of use from retail to restaurant at Unit 5 St Patricks

Woollen Mills, Douglas, Co. Cork was appealed by a third party. The Board granted permission subject to 9 conditions.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The operative plan for the area is the **Cork County Development Plan 2014 – 2020**. The site is located within the development boundaries for **Cork City South Environs** as set out in the **Carrigaline Local Area Plan (2015, 2<sup>nd</sup> Edition)** and is zoned as an “**Town Centre / Neighbourhood Centre**”. The site forms part of a larger Town Centre Zoning block identified as TC-01. Objective TC-01 sets out the following:

***TC – 01** - It is recommended that an Overall Planning or Development Scheme be prepared for the entire site and which can be implemented on a phased basis. This shall include comprehensive proposals for a mixed use development which caters for a variety of town centre type uses including offices, retail (including urban format retail warehousing in a mixed use building), retail services and some residential.*

*The redevelopment of the site should only result in an increase of 25% to the floorspace to the footprint of the existing buildings. If the developer wishes to increase this density of development they will have to prove that there will be no negative net impact to the proposed improvements to the existing transport network.*

*The site can cater for an additional 70 dwellings. If the developer wishes to increase this density of development they will have to prove that there will be no negative net impact to the proposed improvements to the existing transport network.*

*The redevelopment of the site shall create linked pedestrian routes which will provide safe permeability and connectivity and which shall follow the preferred desire lines to the existing village.*

*Traffic calming management to reduce the severance effect from the Woollen Mills to the Douglas Village Shopping Centre including additional crossing points.*

*Car parking for new development should follow the revised car parking standards of the County Development Plan.*

*The existing historic buildings will be protected and where possible enhanced.*

- 5.1.2. The site adjoins a designated **Architectural Conservation Area** namely West Douglas Street Architectural Conservation Area. In addition, there are two structures proximate to the appeal site that are in the **Record of Protected Structures** namely Douglas Woollen Mills (RPS ID – 00482) and St. Patrick's Woollen Mills (Industrial Estate) (RPS ID – 01243).

## 5.2. Natural Heritage Designations

- 5.2.1. The site is not located within any designated Natura 2000 site. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058) which are located to the north and east of the subject site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. The third party appeal has been prepared and submitted by McCutcheon Halley Chartered Planning Consultants on behalf of Jennifer Murphy and may be summarised as follows:
- The proposed unit is inappropriate for the proposed mediation therapy / dance studio use
  - Validity of the planning application
  - The proposed development would undermine public safety by reason of a traffic hazard
  - Access and Parking arrangements
  - Conservation assessment required

## 6.2. Applicant Response

6.2.1. The first party response to the appeal has been prepared and submitted by Archetech on behalf of the applicant Jean Morris and may be summarised as follows:

- **Appeal** - The appeal is entirely vexatious in nature and is without any real substance.
- **Background** - Units 4B and 5 are located in the south eastern corner of St Patricks Woollen Mills in a relatively quieter part of the complex, which is appropriate for the nature and extent of the applicant's business. Morning sessions are to run from 10am to 1pm up to three days a week with evening sessions from 7pm to 9pm up to four days a week with classes on Saturday or Sunday once a month. The maximum at any one class will be 16 persons with the average attendance of 6 persons per class.
- **Location & Use** - Units 4B and 5 are located within an established area where there is a mix of existing land uses and is zoned a Town Centre Block. The proposed use is compatible with the commercial mixed use nature of St Patricks Woollen Mills, which functions as part of the Douglas District Centre.
- **Validity of Application** – The development description explicitly refers to both units 4B and 5. The application was accompanied by a letter of consent from the stated land owner. Further revised site maps were submitted on 6<sup>th</sup> December 2016. The Case Planner comprehensively deal with this matter.
- **Traffic Safety** – The site is located in a cul de sac which feeds off the open parking area serving all of the units at this location. This is a relatively quiet location relative to other more prominent units in the area while also benefiting from existing car parking resources in the vicinity. No traffic or pedestrian safety issues arise by reason of the proposed hours of operation which are outside peak hours. Neither the Areas Engineer nor the Area Planner raised any concerns with respect to traffic.
- **Car Parking** – Car parking is provided for the benefit of all users of St Patricks Woollen Mills and there is no need to provide for specific car parking

for the proposed use. Neither the Areas Engineer nor the Area Planner raised any concerns with respect to car parking.

- **Conservation** – The proposed site is of no architectural or heritage merit in its own right and is physically and visually removed from the Old Mill buildings of St Patricks Woollen Mills (Protected Structure). The site is also outside the West Douglas Conservation Area.

6.2.2. The submission was accompanied by a 15 no signatories of tenants of St Patricks Mills who are in support of the proposed development as it will enhance and improve the cul-de-sac in the vicinity of Units 4B and 5 St Patricks Woollen Mills.

### 6.3. **Planning Authority Response**

6.3.1. There is no response recorded on the appeal file.

### 6.4. **Observations**

6.4.1. There are no observations recorded on the appeal file.

### 6.5. **Further Responses**

6.5.1. There are no further responses recorded on the appeal file.

## 7.0 **Assessment**

7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application, the planning history pertaining to the site and to my site inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be addressed under the following general headings:

- Validity of Planning Application & Site Boundaries
- Principle / Policy Considerations
- Traffic Safety & Car Parking Arrangements
- Conservation
- Development Contribution(s)



- Screening for Appropriate Assessment

## 7.2. **Validity of Planning Application & Site Boundaries**

- 7.2.1. I note the concern raised in the appeal regarding discrepancies in the drawings submitted with the planning application in that the red and blue line boundaries continue past the existing footprint of the building and encroach on the appellant's land without their consent.
- 7.2.2. As pointed out by the Local Authority Planner the development description explicitly refers to both Units 4b and 5 with the red line site boundary (as amended) around Unit 4B. A letter of consent from the stated site owner was submitted with the application in respect of the subject units. Together with the Case Planner it is acknowledged that the site location map and site layout drawing boundaries (as amended) may extend marginally beyond those shown in the proposed floor plan drawing. However, I agree with Case Planner that with the exception of a proposed new glazed entrance to the front of the unit there are no other external alterations proposed to the existing building on the basis of the drawings submitted and as such no changes are proposed to the footprint of the existing building which is taken as being self-evident and sufficiently identified in the application documentation. Furthermore, the stated owners consent letter is taken as being bona fide and meets the requirement of Article 18 (2)(g) of the Planning and Development Regulations (2001, as amended).
- 7.2.3. In any case I would draw attention to Section 34(13) of the Planning Act that states, that a person is not be entitled solely by reason of a permission to carry out any development. Therefore, should planning permission be granted and should the observers or any other party consider that the planning permission granted by the Board cannot be implemented because of landownership or title issue, then Section 34 (13) of the Planning and Development Act 2000 is relevant.

## 7.3. **Principle / Policy Considerations**

- 7.3.1. The site is located within the designated Carrigaline Local Area Plan (2015 2<sup>nd</sup> Edition) and is zoned as an "Town Centre / Neighbourhood Centre". The site also forms part of a larger Town Centre Zoning block identified as TC-01. Section 14.3.2

Existing Built up Area of the County Development Plan states that within the development boundaries of the main towns, in areas that are not subject to specific zoning objectives, proposals for development will be considered in relation to the following:

- The objectives of this plan;
- Any general or other relevant objectives of the relevant local area plan;
- The character of the surrounding area; and
- Other planning and sustainable development considerations considered relevant to the proposal or its surroundings

7.3.2. The planned change of use of an existing vacant retail unit to a meditation therapy and dance studio at a location where the surrounding area offers a diverse mix of commercial uses within an area designated as a Town Centre is in my view supported by the Cork County Development Plan 2014 – 2020 and the Carrigaline Local Area Plan (2015, 2nd Edition).

7.3.3. Overall I am satisfied that the proposed use accords with the policies for the area as set out in the County Development Plan and the Local Area Plan. I consider the proposed scheme at this location to be acceptable in principle subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance.

#### **7.4. Traffic Safety & Car Parking Arrangements**

7.4.1. The appellant is concerned that the proposed development would undermine public safety by reason of a traffic hazard as the development would create traffic difficulties and congestion in the area, and would seriously undermine public safety by reason of a traffic hazard. It is noted that according to the Area Engineers report parking is defined and is monitored by a contractor.

7.4.2. As The appeal site is accessed from a relatively large existing open parking area that serves several commercial units at this location by means of a short cul de sac. As correctly pointed out by the Case Planner the reality is that there is very limited scope for the provision of any designated parking to the front of the appeal site. Further, as set out in Appendix D Parking Standards of the Cork County Development Plan 2014 – 2020 which effectively states that parking requirements do

not apply in designated town centre locations where the development involves “the refurbishment of an existing occupied or vacant building.” I agree that this policy is applicable in this case.

- 7.4.3. Having regard to the information available with the appeal file I am satisfied that the scheme will not have a significant impact and that the adjacent road network and layout has the capacity to accommodate the proposed development. In conclusion I do not consider that the proposed development will give rise to a traffic hazard.

## 7.5. **Conservation**

- 7.5.1. Concern is raised that as the scheme is located within an Architectural Conservation Area further assessment is required. I have considered the relevant sections of the Development Plan and it would appear that the site is out with the designated Architectural Conservation Area, namely West Douglas Street Architectural Conservation Area. Further there are two structures proximate to the appeal site that are in the Record of Protected Structures namely Douglas Woollen Mills (RPS ID – 00482) and St. Patrick's Woollen Mills (Industrial Estate) (RPS ID – 01243).
- 7.5.2. The proposed site is of no architectural or heritage merit in its own right and is physically and visually removed from the Old Mill buildings of St Patricks Woollen Mills (Protected Structure). Further, the site is also outside the West Douglas Conservation Area. Having regard to the nature and scale of the scheme proposed I am satisfied that the proposed change of use and associated works will not detract from West Douglas Street Architectural Conservation Area or the Protected Structures that are proximate to the site.

## 7.6. **Development Contribution(s)**

- 7.6.1. **Section 48 Development Contribution** – Cork County Council has adopted a Development Contribution Scheme under Section 48 of the Planning and Development Act 2000 (as amended) and is in place since 2004. No Section 48 Development Contribution condition was attached to the notification of decision to grant permission issued by Cork County Council. According to the Case Planner the proposed change of use does not attract a lower level of contributions (other non-

residential @ €16.32) than the existing (retail @ €48.97) and as such development contributions do not apply.

- 7.6.2. **Section 49 Supplementary Development Contribution** - In relation to the Section 49 Supplementary Development Contribution Schemes (re-opening of an operation of suburban rail services on the Cork to Middleton line; provision of new rail services between Blarney and Cork and the upgrading of rolling stock and frequency on the Cobh rail line as demand increases) it is noted that the subject site is located outside the catchment area of these projects (1km corridor) and therefore the Section 49 scheme is not applicable in this case.

## 7.7. Screening for Appropriate Assessment

- 7.7.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest European site (Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058)), it is reasonable to conclude on the basis of the information available, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European site. An appropriate assessment (and submission of a NIS) is not therefore required.

## 8.0 Recommendation

- 8.1. Having considered the contents of the application, the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

- 9.1. Having regard to the nature and scale of the proposed development, the location of the site within Douglas Village, and the mixed use nature of St Patrick's Woollen Mills and the surrounding area, 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, would not adversely affect a protected structure, would not be prejudicial to public health 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 as amended by the further plans and particulars submitted on the 8<sup>th</sup> December 2017, 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 noise level shall not exceed 55 dB(A) rated sound level (i.e. corrected sound level for a tonal or impulsive component) at the nearest noise sensitive location between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. 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.

**Reason:** In the interest of public health and to ensure a proper standard of

development.

#### **4. OPENING HOURS**

5. A plan containing details for the management of waste and recyclable materials within the development, including the provision and location of facilities for the storage, separation and collection of the waste and recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and recyclable materials, in the interest of protecting the environment.

6. 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,
  - (b) lighting shall be by means of spotlights or by rear illumination,
  - (c) no awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission,
  - (d) external roller shutter shall not be erected and any internal shutter shall be only of the lattice or perforated type, coloured to match the shopfront colour, and
  - (e) no adhesive material shall be affixed to the windows or the shopfront.

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

7. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

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

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**Mary Crowley**

Senior Planning Inspector

20<sup>th</sup> April 2017