



An
Bord
Pleanála

Inspector's Report PL.04.249141

Development	Change of use from a vacant retail unit to café / restaurant with outdoor seating.
Location	Unit 2 / 2a, St. Patricks Woollen Mills, Douglas West, Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	17/04800
Applicant(s)	Michele Monaco
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Jean Morris
Observer(s)	None
Date of Site Inspection	21 st November 2017
Inspector	Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The subject site is located off West Douglas Street in Douglas, Co. Cork.
- 1.2. West Douglas Street is a primary commercial street in Douglas. The Douglas Village Shopping Centre, which includes Tesco Extra, is located on the opposite side of the West Douglas Street from the appeal site.
- 1.3. The appeal property is single storey in height and is currently a vacant retail unit which is located to the west of West Douglas Street.
- 1.4. The appeal property is a semi-detached unit and is adjoined on its eastern side by a vacant yard.
- 1.5. There are a number of commercial properties which adjoin the rear aforementioned yard. The front elevation of these properties face onto the West Douglas Street.
- 1.6. There is a mix of uses in the immediate area of the appeal site and this includes a health centre and a furniture shop.

2.0 Proposed Development

- 2.1. The proposed development consists of a change of use from a vacant retail unit to café / restaurant with outdoor seating area in the adjoining yard.
- 2.2. The proposal also includes alterations to elevation, canopy, new signage, bin storage and new gates and alteration of the existing internal layout.
- 2.3. The proposed outdoor seating is located to the side (east) of the existing building and the canopy is proposed over this seating area.
- 2.4. The proposed bin storage will be located to the rear of the proposed outdoor seating.
- 2.5. The proposed signage is located on the established shopfront which has a north facing elevation.
- 2.6. The proposed internal layout includes seating to the front and kitchen and food preparation to the rear.

Additional information was sought in relation to (a) existing / proposed fats oils and grease removal equipment and (b) existing / proposed atmospheric abatement measures.

3.0 Planning Authority Decision

Cork County Council decided to grant planning permission subject to 16 conditions. The conditions are standard for the nature of the development proposed.

3.1. Planning Authority Reports

3.1.1. The main issues raised in the planners reports are as follows;

Area Planner

- Proposed change of use is acceptable in principle and is a welcome use for a vacant building.
- Note 5 in Appendix D of the County Development Plan is relevant in relation to car parking standards.
- There is no objection in relation to parking / access.
- Having regard to the nature of existing landuses it is considered that there are no issues in relation to residential amenity.
- The subject site is not located within the Douglas ACA.
- No objection to security gates.
- Issues in relation to any external plant will need to be addressed.

Senior Executive Planner

- The proposal is acceptable in principle due to zoning and established mix of uses.
- Car parking requirements can be relaxed given County Development Plan policy for sites located in urban areas.
- Further details required in relation to atmospheric control.

- No objections from a design perspective.
- The potential for this development to have impacts on Natura 2000 site has been ruled out.

3.1.2. Area Engineer; - No objection subject to the proposed development.

3.1.3. Environment; - Clarification required in relation to atmospheric emission controls. Noise impact does not appear to be an issue.

3.1.4. Conservation Officer – No objections.

3.2. There is a submission from Irish Water who have no objections to the proposed development.

3.3. **Third Party Observations**

There are is third party submission and the issues raised have been noted and considered.

4.0 **Planning History**

No recent relevant planning history.

5.0 **Policy Context**

5.1. **Development Plan**

The operational Development Plan is the Cork County Development Plan, 2014 – 2020.

Town Centre

The following Town Centre policy objectives are relevant;

- TCR 2-1

- TCR 2-1(e)

Car Parking

Appendix D sets out car parking standards

5.2. Local Area Plan

- 5.2.1. The operational Local Area Plan is the Ballincollig Carrigaline Electoral Municipal District Local Area Plan, 2017.

Zoning Objective

The appeal site is predominately zoned 'Town Centre' falling under the zoning objective SE-T-01. The overall lands zoned SE-T-01 amounts to 4.91 acres and there is an integrated zoning objective for the overall site. The zoning objective states *'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.'*

Architectural Heritage

- The appeal site is not located within the Douglas ACA.
- There is a protected structure located to the rear of the existing yard. This is RPS – ID – 00482, i.e. Douglas Woolen Mills.

6.0 The Appeal

- 6.1. The appeal was submitted by Archetech Ltd. on behalf Jean Morris, Units 4B and 5 St. Patricks Woolen Mills, Douglas. The following is a summary of the main grounds of appeal.
- The proposal will erode the existing and future primary retail functions of St. Patricks Wollen Mills.

- St. Patricks Wollen Mill is the larger town centre zoning block in Douglas having regard to zoning objective SE-TC-01 in accordance with the LAP.
- LUTS recommends 50% of current retail vacancy will be filled by 2020.
- Resturant use is not a retail use in accordance with Planning and Development Regultions, 2001.
- Proposal will undermine the potential for St. Patricks Wollen Mill to fulfill its function.
- Retail at a prominent location is advisable.
- Proposal should be refused as contrary to retail objectives.
- Temporary permission would be good to assess impact.
- Any takeaway use should be controlled. A relevant precedent case is appeal ref. 244123.
- Resturant will become destination in its own right and result in traffic problems. Proposal would undermine traffic safety by reason of traffic hazard.

6.2. Applicant Response

The following is the summary of a response submitted by the applicant's agent;

Policy

- The proposed use is entirely appropriate and in accordance with the LAP and DLUTS.
- The zoning of the subject site is 'town centre / neighbourhood centre' in accordance with the LAP.
- The proposed development is consistent with zoning objective SE-T-01.
- Objective ZU 3-8 of the County Development Plan states that uses in town centres / neighbourhood centres that include retail providing goods and services should be promoted.

- A café / restaurant is a use that provides goods and services to visiting members of the public.
- The Local Authority have acknowledged that the proposal is consistent with Policy Objective SE-TC-01 of the LAP and Objective ZU 3-8 of the County Development Plan.
- The Executive Planner and the Senior Executive Planner consider that the proposal is acceptable.
- It is submitted that given that the proposal is a non-retail use intended to serve the community needs it is entirely consistent with Objective TCR 4-5 of the County Development Plan.
- It is contended that the proposed development is fully consistent with DLUTS.
- The proposed development helps to fill a vacant unit and provide an essential service that compliments the existing retail uses within the St. Patricks Woollen Mills.
- County Development Plan Objective TCR 9-1 states that it is an aim to reduce the amount vacant floorspace within the core retail space by 50%. It is also stated that half of the vacant floorspace will be occupied by retail space and half will be occupied by non-retail use or retail service.

Retail

- The appellants view that the proposal will have a negative impact on the retail vibrancy and vitality of St. Patricks Woollen Mills is refuted.
- Paragraph 3.9.16 of DLUTS recommends a diversity of uses in the town centre as this is an indicator of vitality and vibrancy.
- DLUTS identified a number uses which ensure diversity and these include leisure uses such as café / restaurant.
- DLUTS (2013) concluded that only 13% of uses in Douglas were classified as leisure uses.

- The appellants statement that there is an overconcentration of resturants in Douglas is unfounded.
- Leisure uses include bars, resturants and cafés.
- Since 2013 there has only been a marginal increase in leisure uses in Douglas.
- The proposed café / restaurant will provide healthy competition for similar uses and while providng a service to existing users of the Woollen Mills and surrounding areas.

Traffic

- The intended use of the proposed development is to serve the town centre at St. Patrick's Woollen Mills. As such the proposal is not a destination in its own right.
- The vision of DLUTS is to encourage greater levels of walking and cycling.
- The proposal includes no additional car parking.
- The area to the side of the subject building will be closed off to vehicles which will restrict traffic movement. In addition bollards and pavement to the front of the subject building will be retained which will discourage car use.
- As the proposal will not generate traffic. Pedestrians are prioritised as such no traffic hazard is anticipated.

6.3. Planning Authority Response

None

6.4. Observations

None

6.5. **Assessment**

The main issues to be considered in this case are;

- Principle of Development
- Retail Impact
- Singage
- Parking and Access
- Precedent

6.6. **Principle of Development**

- 6.6.1. The proposed development relates to a change of use from a vacant retail unit to café / restaurant.
- 6.6.2. The subject site is zoned 'Town Centre' in accordance with the provisions of the Ballincollig Carrigaline Electoral Municipal District Local Area Plan, 2017. I will briefly refer to town centre policy objectives as set out in the Cork County Development Plan, 2014 – 2020.
- 6.6.3. Policy TCR 2-1 of the County Development Plan is relevant to the proposed development. This policy states it is an objective to enhance the mixed use character of town centres by encouraging '*the retention and development of general office, retail, housing, office based industry, community, civic and entertainment uses*'. The proposed café / restaurant is essentially an entertainment use and therefore would be consistent with policy objective TCR 2-1 of the County Development Plan.
- 6.6.4. Policy Objective TCR 2-1 (e) also states that proposals for development providing for evening and late night commercial, retail or entertainment uses within or adjacent to the town centre will be supported provided that the development will enhance the

character and function of the area. The proposed entertainment use would enhance the character and function of the area.

- 6.6.5. I would note that there are no specific town centre policy objectives relevant to Douglas in the Ballincollig Carrigaline Electoral Municipal District Local Area Plan, 2017. The Douglas Land Use Transportation Strategy, 2013, (DLUTS) is a non-statutory plan and its objectives and recommendations were incorporated into the Ballincollig Carrigaline Electoral Municipal District Local Area Plan, 2017.
- 6.6.6. I would acknowledge that the Executive Planner and the Senior Executive Planner reporting on the case both considered that the proposed development is acceptable in principle.
- 6.6.7. Overall I would conclude that the proposed development having regard to its location with a designated town centre, its scale, the established mix of uses in the local area and the absence of any residential amenities in the immediate vicinity that the development is acceptable in principle.
- 6.7. **Retail Impact**
- 6.7.1. The appellant makes the argument that there is an overconcentration of restaurants in Douglas Village and that this is having an adverse impact on the vitality and vibrancy of retail uses in the town centre.
- 6.7.2. The application documentation includes no details on whether the proposed café / restaurant will include a takeaway facility. Therefore I would assume, on the basis of the application documentation, that no takeaway facility is proposed. I would therefore recommend to the Board, should they favour granting permission, a condition restricting the operating hours of the proposed development.

6.7.3. I have outlined above that the proposed café / restaurant use is consistent with town centre policy objectives in the Cork County Development Plan and forms part of a mix of uses that contributes to the town centre, i.e. entertainment uses.

6.7.4. I would acknowledge that the subject site is located at the main entrance to the St. Patricks Woollen Mills development. However the location of the site is situated at the edge of the St. Patricks Woollen Mills and in my view will have no adverse impact on established retail uses in St. Patricks Woollen Mills.

6.8. **Signage**

6.8.1. In terms of signage the proposed development includes shopfront signage and also includes signage on the proposed canopy structure.

6.8.2. The existing building includes a fascia board above the glazing area of the shopfront and the fascia board currently has no signage. The proposed development includes signage along this fascia board however the details are insufficient on the application drawings.

6.8.3. I would recommend that should the Board favour granting permission that a condition is attached to the permission ensuring that the signage is appropriate and consistent with the character of the area.

6.8.4. The proposed canopy and the associated signage is a new intervention and based on the submitted drawings I would consider that they would make a positive contribution to the local area.

6.8.5. In terms of considering the impact of the proposal on architectural heritage I would firstly note that the appeal site is located outside the Douglas ACA. The County Development Plan maps indicate that there is a protected structure, i.e. RPS – ID – 00482, i.e. Douglas Woolen Mills located to the rear of the existing yard associated

with the appeal site. I noted from my site inspection that there was no feature of notable conservation merit visible from the public road. Furthermore, the proposed development does not involve an extension of the existing built footprint. As such I would not anticipate any adverse impacts on any established building of conservation merit. I would also note that the report from the Conservation Officer, dated 30th May 2017, concludes that there is no objections to the proposed development.

- 6.8.6. Overall I would conclude that the proposed external alterations are acceptable and would not adversely impact on the character of the area and architectural heritage of the local area.

6.9. **Parking and Access**

- 6.9.1. The appellant is concerned that the proposed development will become a destination in itself and therefore result in additional traffic hazard. However I would consider that there is no evidence to support this argument.
- 6.9.2. The report from the Area Engineer, dated 11th May 2017, concludes that there is no objection to the proposed development and that the Area Engineer notes that the site avails of communal car parking in Douglas Woollen Mills.
- 6.9.3. I would note that car parking standards are set out in Appendix D of the Cork County Council County Development Plan. I would note Advice Note no. 5 in the County Development Plan which states that the car parking standards do not apply to town centres where the development involves the reuse of an existing vacant building.
- 6.9.4. I would consider that having regard to the report from the Area Engineer and the Appendix D of the Cork County Council County Development Plan that the proposed development would be acceptable in terms of parking and access.

6.10. **Precedent**

6.10.1. The appeal submission also raised An Bord Pleanála decision order in relation to appeal ref. 244123 as a precedent. I would note that appeal ref. 244123 relates to the demolition of a dwelling and development for a drive through restaurant facility on a site adjoining the Old Carrigaline Road. The Board refused permission on the grounds that the proposal is visually dominant and out of character with the ACA. The site that relates to appeal ref. 244123 is located some distance from the current appeal case. I would not consider that appeal ref. 244123 would set a precedent for the current proposal as the context to the appeal ref. 244123 differs comprehensively to the site of the current appeal case.

7.0 **Recommendation**

7.1. I have read the submissions on the file, visited the site, had due regard to the Cork County Development Plan, and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

8.0 **Reasons and Considerations**

Having regard to 'Town Centre' zoning of the subject site, the pattern of development in the area and the scale and design of the proposed development, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area and of the property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.0 **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 on the 4th day of April 2017 and the 25th day of July 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. Details of all external signage and finishes shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of protecting the amenities of the Architectural Conservation Area.

3. The proposed unit shall operate between the hours of 08:00 and 18:00, Monday-Saturday as outlined in the details submitted with the application unless otherwise agreed in writing with the Planning Authority.

Reason; To safeguard the amenities of the area.

4. 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.

5. 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.

6. The requirements of the Environment Health Authority shall be ascertained and adhered to in the development.

Reason: In the interest of public health.

7. Prior to the commencement of development the developer shall submit, and obtain written agreement of the planning authority to, a plan containing details of the management of waste (and, in particular, recyclable materials) within the development including the provision of facilities for the separation and the collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

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

8. The site and building works required to implement the proposed development shall only be carried out between 0800 hours and 1800 hours, Monday to Friday and between 0900 hours and 1400 hours on Saturday. No work shall be carried out on Sundays, Bank Holidays or Public Holidays.

Reason: To protect the residential amenities of the area.

9. Prior to the commencement of development a scheme shall be submitted to, and approved in writing by the Planning Authority for the effective control of fumes and odours from the premises.

Reason: In the interests of the amenities of both the immediate neighbours and general surroundings.

10. Prior to the commencement of development a litter management scheme for the proposed development shall be submitted and agreed in writing by the Planning Authority.

Reason: In the interest of protecting the amenities of the area.

11. The noise level shall not exceed 55 dB(A) rated sound level (that is, 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. Noise levels shall be measured at the noise monitoring locations. Monitoring results shall be submitted to the Planning Authority on a 6 monthly basis.

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

12. 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.

Kenneth Moloney
Planning Inspector

21st December 2017