



An
Bord
Pleanála

Inspector's Report PL.04.249389

Development	Change of use of ground floor retail unit to amusement arcade and retention of a minor extension to rear.
Location	No. 9 Pearse Street, Kilgarvan, Cobh, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	17/05918
Applicant(s)	Perks Promotions Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Titanic Experience Cobh Ltd.
Observer(s)	None
Date of Site Inspection	25 th January 2018
Inspector	Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The appeal site is in Pearse Square in the centre of Cobh, Co. Cork.
- 1.2. The subject site is located at the northern end of Pearse Square.
- 1.3. Pearse Square has an established mix of ground floor commercial uses including hairdressers, betting office, hotel, public house, restaurants etc. There is permit car parking available along the perimeter of Pearse Square.
- 1.4. The appeal property itself is a ground floor unit however the building forms part of a 3-storey plus dormer building.
- 1.5. The ground floor unit of the appeal building is currently vacant and was formerly an xtra-vision outlet.

2.0 Proposed Development

- 2.1. The proposed development is for the following;
 - a. change of use of ground floor retail unit to amusement arcade with associated elevational changes,
 - b. retention of a minor extension to rear.
- 2.2. The extension to the rear is single storey and the overall floor area is approximately 14.5 sq. metres.

3.0 Planning Authority Decision

Cork County Council decided to **grant** planning permission subject to 12 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 planner's report are as follows;

Assistant Planner

- The key consideration is the suitability of the proposed use given the town centre location.

- Applicant's agent was advised of same concerns at pre-planning stage.
- The Cobh Town Development Plan is the operational plan.
- Key policies include TC01 (protect existing retail core), TCW-03 (non-retail uses at ground will need justification) and TCW-04 (town centre should be developed for comparison and retail convenience). TCW-07 notes that mixed use character will be considered in town centre.
- Key consideration is that the proposal is not retail. The Planning Authority must ensure that a non-retail ground floor unit would not detract from the amenity, vitality and character of the area.
- There is a second planning application (17/5969) for an amusement arcade in the town centre.
- There is not a proliferation of such uses in the town.
- There are vacant retail units present in the town.
- It is considered that all necessary measures should be considered to ensure there are no negative impacts on town.
- The Planning Authority will also have to be mindful of future applications for amusement arcades.
- A 5-year temporary permission is recommended to review impacts of the proposal.
- The building has no issues with architectural heritage.
- The site is located within an ACA and signage and shopfront will be considered in this regard.

The following departments of the Local Authority reported on the proposed development;

3.1.2. Conservation Officer; - No objections subject to conditions.

3.1.3. Area Engineer; - No objections subject to conditions.

3.2. Third Party Observations

There is a third-party submission and the issues raised have been noted and considered. In summary, the issues raised include the following;

- Cobh is a tourist destination.
- Significant tourism investment undertaken in Cobh.
- Amusement arcades attract and encourage social problems.
- The proposal is inconsistent with the tourism vision for Cobh.

3.3. Submissions

There is a submission from Irish Water who have no objections.

4.0 Planning History

- None

5.0 Policy Context

5.1. Development Plan

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

The following policies are relevant;

- TCR 12-1 – Design and Innovation in Retail
- TCR 13-1 – Shopfronts
- ZU 3-8 – Appropriate uses in Town Centres

5.2. Town Plan

The operational development plan is the Cobh Town Development Plan, 2013 – 2019. The appeal site is zoned 'town centre and mixed uses'.

The key policy objectives include the following;

- TC 01 - Town Centre
- TCW-03 - Town Centre
- TCW-04 - Appropriate Uses
- TCW-07 - Maintenance & Enhancement of Mixed Use Character

The following policies in relation to signage are also relevant;

- TCW – 14 – Shopfronts
- TCW – 15 – Advertisement and Signage
- TCW - 16 – Bright neon lights shall not be permitted

6.0 Observations

None

7.0 Appeal

The following is the summary of a third-party appeal submitted by Titanic Experience, Cobh.

- Cobh is establishing itself as a tourism destination in the 'Ancient East'.
- Cobh has been marketed as a destination for families.
- Other tourism projects include port of Cork, the Titanic pier, Spike Island, regeneration of public realm as part of Cobh main drainage upgrade and the existing cruise line terminal proposed for 2020.
- The proposed investment will change the face of Cobh.
- The Development of an amusement arcade does not sit within the future vision for Cobh.
- An amusement arcade will have a detrimental impact on the area.

- Amusement arcades attract social problems including gambling and other localised anti-social behaviour.
- It is submitted that the proposed development contravenes Policy Objective TCW-03.
- Chapter 4 outlines the core objectives for town centres and the proposed development contravenes these objectives.
- The appeal site is in one of the most important locations of the town.
- It is submitted that amusement arcades do not attract the demographic profile to allow the overall town to develop and benefit.
- It is submitted that all reports that have been completed in recent years for the development of Cobh town call for all the developments in the town to enhance the overall tourism offer and particularly for the family demographic.

8.0 Responses

None

9.0 Assessment

I would consider that the principle issues for consideration are as follows;

- Principle of Development
- Design
- Extension

Principle of Development

The submitted appeal argues that the proposed amusement arcade is an inappropriate use in the town centre of Cobh. The appellant submits that an amusement arcade is incompatible with the tourism offer that Cobh intends to provide and the demographic it intends to attract.

In planning terms the principle question arises whether the proposed amusement arcade is consistent with the zoning objective of the appeal site. The appeal site is zoned TC 01 'Town Core – Mixed Uses' and the objective of this land-use zoning is *'to protect and enhance the special physical and social character of the existing core retail area and to provide for new and improved town centre facilities and an expansion of comparison retailing uses in particular'*.

Paragraph 4.4.3 of the Cobh Town Plan sets out that retail will be the primary focus in these areas (Policy Objective TC 01) and other complimentary uses include *'shops, food supermarkets, civic buildings and general offices, car parks, banks and other retail and financial services, professional practices, office-based industry, residential, guest houses, hotels, hostels, restaurants, entertainments, leisure, recreation and community uses'*. I would, importantly for the current appeal, note that *entertainment, leisure and recreation*, are not defined within the Town Development Plan. However, I would consider that the amusement arcade could be classified as entertainment or recreation use.

Paragraph 4.6 of the Cobh Town Plan sets out guidance in relation to the assessment of retail development. Policy Objective TCW-03 is relevant and this policy states that it is objective *'to protect existing retail uses at ground floor level and to control proposals for non-retail uses, (e.g. financial services, bookmakers, takeaway restaurants etc) at ground level to protect the vitality of the town core'*. This policy objective further states that any applications for change of use will need to ensure that proposals will not detract from the amenity, vitality and character of the area. Safeguards are required in relation to hours of operation, littering and odours. The proliferation of uses is outlined as a concern as this would threaten vibrancy and the mixed-use character of the town centre.

I noted from my site inspection that there was a current planning application for an amusement arcade situated along West Beach which is within close proximity to the appeal site. This planning application (i.e. L.A. Ref. 17/5969) is also referred to in the Local Authority's planners report. I have reviewed the website www.corkcoco.ie and

this planning application related to a 4-storey building comprising of an amusement arcade at ground floor level and office and residential on the upper floor levels. Cork County Council granted planning permission, subject to conditions, on the 11th January 2018, and this permission was appealed to An Bord Pleanála on the 5th February 2018. I also noted that there were no amusement arcades currently in operation within the town centre. I would consider on the basis that there are currently no amusement arcades in operation in Cobh that the Board could positively consider this change of use. I would not consider that the granting of the proposed development would result in a proliferation of amusement arcades.

I would accept the views of the appellant that the proposed use is inconsistent with the tourism offer of an historic town. However, the Town Development Plan governs land uses and the proposed amusement arcade is open for consideration within the Town Centre zoning objective. As there is no proliferation of such uses I would conclude that the proposed amusement arcade is acceptable in principle with the zoning objective. I would recommend to the Board, should they favour granting permission, that a temporary permission is granted to review impacts of the proposed use.

Design

The appeal site is located within the Town Centre Architectural Conservation Area in accordance with the provisions of the Cobh Town Development Plan, 2013 – 2019. The relevant policy objectives include TCW-14 and TCW-15. Policy objective TCW - 14 requires shopfronts within ACA's to display a unity with existing buildings and reflect the scale and proportion of adjoining buildings. Policy objective TCW – 15 sets out guidance in relation to advertisements and signage within ACA's. I would also note that the appeal property is a relatively new build and therefore has no architectural heritage of any merit.

It is also notable that the Conservation Officer has no objections to the proposed development and recommends a grant of planning permission subject to conditions.

The proposed ground floor use will retain the existing shop front features. It is proposed to retain the façade and the scale and proportions of the existing shop front will remain. The submitted drawings indicate that the shop front will comprise of clear glazing which in my view is acceptable and the preferred option having regard to condition no. 2 recommended by the Conservation Officer. Although I would note that traditionally shopfronts associated with amusement arcades are usually covered up or partially covered up. I would recommend a condition, should the Board favour granting permission, to ensure that the shopfront is transparent and therefore is consistent with the objectives of the Architectural Conservation Area. Overall I would conclude that the proposed shopfront is acceptable.

Extension

The application also includes a single storey extension to the rear. Having regard to the scale this single storey extension is acceptable.

10.0 Recommendation

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

11.0 Reasons and Considerations

Having regard to the zoning objectives of the Cobh Town Development Plan, 2013 – 2019, and to the nature of the proposed development, it is considered that subject to compliance with the conditions set out below that the proposed development would not seriously injure the amenities in the area, and would therefore be in accordance with the proper planning and sustainable development of the area.

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 use of the building as an amusement arcade shall cease and the associated signage shall be removed on the expiration of a period of five years beginning on the date of the grant of this permission unless a further planning permission for the continuation of the use and development is granted.

Reason: To enable a review of the effect of the use on the amenities of the area.

3. 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.

4. Opening hours of the hereby permitted use shall be confined to between the hours of 1000 hours to 2000 hours.

Reason: In order to limit the hours of operation and in the interest of protecting the amenities of adjoining properties.

5. The noise level from the proposed development during operational stage shall not exceed 55 dB(A) rated sound level at the nearest noise sensitive location between 0800 and 2000 hours, Monday to Saturday 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 residential amenities of property in the vicinity of the site.

6. 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.

7. Water supply and all 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.

8. The construction of the development shall be managed in accordance with a Construction Management Plan which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of waste.

Reason: In the interest of amenities and public safety.

Kenneth Moloney
Planning Inspector

13th February 2018