



An
Bord
Pleanála

Inspector's Report

ABP-304304-19

Development	Construction of new coffee shop and trolley bay with alterations to existing entrance.
Location	Killester Shopping Centre, 169 Howth Road, Killester, Dublin 3.
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3914/18
Applicant(s)	Oxtron Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant(s)	Dominic & Angela Slater.
Observer(s)	None.
Date of Site Inspection	7 TH June 2019
Inspector	Sarah Lynch

1.0 Site Location and Description

- 1.1. The appeal site is located within the core of Killester at the junction of the Howth Road and Collins Avenue East. The Supervalu store is located at the western end of an existing parade of shops and occupies a large individual site.
- 1.2. Vehicle access is via one entrance directly off the Howth Road into a large car park which is to the west of the store. Shop access can be gained from both the western and northern elevations.
- 1.3. The building comprises a part two-storey, part single storey red brick building with the two-storey element facing onto the Howth Road and reducing to a single storey to the rear of the site. The proposed location of the café is currently occupied by a covered trolley bay.
- 1.4. The location of the proposed car parking to the front of the property is currently paved and utilised as an open pedestrian area at the front of the store.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - New single storey coffee shop and covered trolley bay.
 - Alterations to brick façade and fenestration.
 - Additional car parking to the front of the store adjacent to the Howth Road.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council determined to grant permission subject to standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The final planners report was consistent with the decision of the planning authority, however further information was requested in relation to the following items:
 - Type of food to be served.
 - Extraction and ventilation.
 - Waste storage.
 - Disabled access.
 - Management of car park.

3.2.2. Other Technical Reports

- Drainage Division – no objections

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

- Two submissions were received from neighbouring properties the concerns raised are as outlined within the grounds of appeal.

4.0 Planning History

A number of permissions have been granted for the extension and alteration of the building. The following are of relevance:

3000/11 Permission was granted for a single storey extension to the rear to accommodate additional floorspace.

0096/01 Permission was granted for first floor extension to accommodate offices and medical centre.

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan 2016-2022

The appeal site is subject to the Z4 zoning objective which seeks to provide for and improve mixed-services and facilities.

- Section 6.5.5 - Employment, Enterprise and Economic Development Sectors
- Table 16.1 Carparking standards

5.2. **Natural Heritage Designations**

None

5.3. **EIA Screening**

5.4. Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required

6.0 **The Appeal**

6.1. **Grounds of Appeal**

An appeal has been lodged by Dominic and Angela Slater who reside on the Howth Road. The grounds of appeal can be summarised as follows:

- Increasing number of cars using carpark.
- Illegally parked cars and delivery trucks block footpath for vulnerable users.
- Multiplicity of cafes in the area.

6.2. **Applicant Response**

- The neighbours' concerns were taken on board and car park is managed.
- Additional spaces are proposed.
- Café will serve largely existing customers.
- Footprint of building is not being significantly increased.
- Proposed development will refresh the building and overall aesthetic.

6.3. Planning Authority Response

- None

7.0 Assessment

The appeal site is located in an area subject to the Z4 zoning objective which seeks to provide for and improve mixed-services and facilities, the principle of retail / restaurant uses are accepted with this zoning objective. The main issues relating to this appeal are those which are raised within the grounds of appeal, appropriate assessment is also considered. I am satisfied that no other substantive issues arise. The issues raised can be summarised as follows:

- Car parking.
- Multiplicity of cafes in area.
- Appropriate Assessment.

Car parking.

- 7.1. It is contended by the appellant that the existing car park does not have capacity to cater for the uses on site, concerns have been raised in relation to illegal parking activity at the site and the appellant infers that the proposed development would exacerbate the current situation.
- 7.2. Table 16.1 of the Dublin City Development Plan outlines the maximum car parking standards for development within the city. In accordance with this table, 1 space per 150sqm of seating area for cafes is permitted, and 1 per 30sqm for retail development is permitted in such locations of the city. The applicant has provided 78 spaces in total, this is inclusive of an additional 6 spaces to the front of the centre.
- 7.3. Car parking on site caters for a number of uses within the building including the grocery store, the proposed café, a hairdresser and chemist and other commercial/office uses at first floor. Therefore, taking having regard to the provisions of the development plan which stipulates maximum standards rather than minimum, the location of the development in an area well serviced by public transport and the close proximity of residential development to the neighbourhood centre, I consider the quantum of car parking proposed to be adequate and in accordance with table 16.1.

- 7.4. It is of note that at the time of site inspection, I observed that the car park was busy and at capacity, however it was actively managed by the staff of the store. I did not observe any illegal parking associated with the store at the time of inspection. An employee was present in the car park directing vehicles and maintaining a free flow of traffic.
- 7.5. Thus, having regard to the car parking standards of the Dublin City Development Plan 2016-2022, the quantum and quality of spaces present and proposed and the active management of these spaces, I consider the proposed development to be acceptable in this regard and in accordance with the provisions of the Dublin City Development Plan 2016-2022.

Multiplicity of cafés

- 7.6. It is contended by the appellant that there are a number of cafes in the vicinity of the site and to permit another would saturate this use within this area. During site inspection I noted a number of different uses within the parade of shops ranging from motor factor across the road, bookmakers, estate agent, bank etc. Given the multiplicity of uses I do not consider that the provision of an additional café would have any negative impact upon the viability of vitality of this area.
- 7.7. Furthermore, it is important to note that Section 6.5.5 of the Dublin City Development Plan 2016-2022 recognises the positive role of café uses in relation to casual employment opportunities and the social importance of cafés in making places attractive for workers and residents. It is of further note that there are no particular policies or objectives which seek to restrict the number of cafés in the city.
- 7.8. As such, having regard to the policy of the Development plan and the commercial nature of the parade of shops, I do not consider that the proposal will negatively impact the vitality or viability of this local centre.

Appropriate Assessment

- 7.9. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the distance to the nearest Natura 2000 sites, 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.

Conclusion

7.10. Having regard to the foregoing assessment, I consider the proposed development to be acceptable and in compliance with the provisions of Dublin City Development Plan 2016-2022 in terms of the suitability of the proposed development in relation to the zoning objective for the site and the level of car parking proposed to cater for the development. Furthermore, the proposed external alterations are considered to be acceptable and will improve the overall aesthetics of the building.

8.0 Recommendation

8.1. Having regard to the foregoing assessment, I recommend that permission is granted subject to conditions.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022, the Z4 zoning objective, the existing pattern of development in the area, and the nature and scale of the proposed development, 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 or give rise to a traffic hazard. 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. Water supply and drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

5. 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 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 construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

6. The café shall operate between the hours of 8am to 7pm Monday to Saturday and 9am to 7pm on Sundays and Bank Holidays unless amended by a subsequent grant of planning permission.

Reason: In the interest of orderly development.

7. No food shall be prepared within the café area and the counter areas shall be for serving purposes only.

Reason: In the interest of orderly development.

8. Any takeaway use shall be fully and wholly ancillary to the primary use as a café. No takeaway function shall take place outside of the operating hours of the café.

Reason: In the interest of orderly development.

9. All waste generated by the café shall be stored within the existing supermarket waste storage area and waste collection shall be as part of the waste collection for the supermarket.

Reason: In the interest of orderly development.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

11. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of streets, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of the development

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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

Sarah Lynch
Planning Inspector

31st July 2019