



An
Bord
Pleanála

Inspector's Report ABP-304852-19

Development	Amend opening hours of Aldi store
Location	New Catherine Street, Youghal, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	19/4964
Applicant(s)	Aldi Stores (Ireland) Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Blackwater Retailing Ltd.
Observer(s)	None
Date of Site Inspection	11 th September, 2019
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. The existing Aldi store is located on the eastern side of the town centre of Youghal in County Cork. The store site is bounded to the west by New Catherine Street, to the south by Lower Browne Street, and to the east by Greens Quay. The existing service area for the store is accessed from Store Street to the north which provides access onto the quays. This is a separate access from the customer entrances which are gained from New Catherine Street and Store Street via Lower Browne Street.

2.0 Proposed Development

2.1. The proposed development would comprise the amendment of the opening hours of the Aldi store at Youghal, County Cork. It would amend the hours permitted under Planning Appeal Ref. PL 04.244504, by way of Condition 3 of that permission, from 09.00 hours to 20.00 hours Monday to Saturday and 10.00 hours to 19.00 hours on Sundays and public/bank holidays to 09.00 hours to 22.00 hours Monday to Friday and 09.00 hours to 21.00 hours on Saturday, Sunday and public/bank holidays.

3.0 Planning Authority Decision

3.1. Decision

On 10th June, 2019, Cork County Council decided to grant permission for the proposed development subject to three conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the site's planning history, the reports received, the objection made, and the applicant's submission to the planning authority. The status of Youghal as a ring town was acknowledged. It was submitted that the proposed development meets the town centre locational criteria, has the potential to increase the attractiveness of the town, increase the footfall in the town centre, and enhance the town centre. A grant of permission was recommended.

3.3. Prescribed Bodies

Irish Water had no objection to the proposal.

3.4. Third Party Observations

An objection to the proposal was received from Blackwater Retailing Ltd. The grounds of the appeal reflect the concerns raised.

4.0 Planning History

ABP Ref. 04.244504 (P.A. Ref. 14/05523)

Permission was granted by the Board for demolition of buildings and the construction of a discount food store in June 2015. Condition 3 of that permission was as follows:

3. *The proposed retail unit shall not operate outside the hours of 09.00 to 20.00 Monday to Saturday inclusive, nor outside the hours of 10.00 to 19.00 on Sundays or public holidays.*

Reason: *To protect the residential amenities of the area*

5.0 Policy Context

5.1. Cork County Development Plan 2014

Town Centres and Retail

Objectives include:

Objective TCR 2-1: Town Centre - to maintain, strengthen and reinvent the role of town centres as dynamic, attractive and inclusive environments and enhance their mixed use character by encouraging the retention and development of general office, retail, housing, office based industry, community, civic and entertainment uses.

Objective TCR 4-6 – to support the vitality and viability of the Ring and Larger Towns and to ensure that such centres provide an appropriate range of retail and non-retail functions to serve the needs of the community and respective catchment areas.

Youghal is identified as a ring town

5.2. **Youghal Town Development Plan 2009-2015**

Zoning

The site is within an area zoned Town Centre 3 (Greens Quay) TC-3. The site is seen as a logical progression and expansion of the old town centre and town centre mixed use.

Town Centre

Objectives for the town centre include:

- To promote the development of the town centre as the primary location for retail and other uses that provide goods and services to members of the public.
- To maintain and enhance the mixed use character of the town centre by encouraging the retention and development of general office, retail, housing, office accommodation, community, childcare, civic, community and entertainment uses.

Accessibility

It is an objective to regulate delivery vehicles on a more rational basis so as to enhance the amenities of the old town centre.

For new developments, the elements requiring consideration and provision include:

- Delivery Vehicles: To discourage the use of HGVs for servicing retail outlets except during designated hours.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of the appeal may be synthesised as follows:

- There is serious concern regarding the cross over period between the proposed opening hours of the store and the designated delivery time period.

Typically, the majority of store deliveries would take place outside store opening hours to avoid disruption to car parking and general traffic. There is potential to cause serious congestion.

- Both the planning authority and the Board conditioned the opening hours in their original decisions in order to safeguard the amenities of the area. The proposal changes what was deemed to be appropriate and the increased hours of operation would injure the amenities of the area.
- The proposal is contrary to established development policy in the Youghal Development Plan which has an objective to discourage the use of HGVs for servicing retail outlets except during designated hours.

6.2. Applicant Response

The applicant's response may be summarised as follows:

- The entrance for delivery is separate to the customer entrance. The extended opening hours will not impact on deliveries. The access arrangements for deliveries have been designed by engineers and the Council raised no concerns in relation to traffic impact.
- The appellant does not state how the increased hours of operation will impact on the residential amenities of the area. The opening hours are compatible with those of existing stores in Youghal. The store is proximate to pockets of low to medium density dwellings and there are substantial separation distances between the store and these properties.
- Regarding development plan policy, there are no changes proposed to the designated delivery hours for the store.

6.3. Planning Authority Response

I have no record of any response to the appeal from the planning authority.

7.0 Assessment

- 7.1 I note that the existing Aldi store is located in the town centre of Youghal. This is part of the principal retail core of this town. There is a range of different land uses at this location that include commercial and residential uses. This store has its own car park to the rear which is accessible from the front via New Catherine Street and from the rear from Store Street via Lower Browne Street. There is a delivery area off Store Street to the rear which is wholly separate from the customer car park. Deliveries via the facility accessed off Store Street would not conflict with the access or functioning of the customer car park.
- 7.2 A second important observation to make is that the proposed development seeks solely to extend the opening hours of the store. This proposal does not seek to change delivery times to the store. The delivery times are restricted by the requirements set out in Condition 4 of the Board's decision under ABP Ref. PL 04.244504. There is no reason to suggest that extending the opening hours would infringe on the delivery times required by Condition 4 of the parent permission.
- 7.3 The applicant's original submission to the planning authority drew attention to the opening hours of the main convenience stores in the town of Youghal in order to demonstrate that the opening hours of the Aldi store were more restricted than those of the other outlets. I note that the planning authority did not refute these findings. Furthermore, it is particularly notable that the appellant did not refute these findings. It would, therefore, be reasonable to conclude that the opening hours of the Aldi store in this town centre are more restricted than out main retail outlets and this would appear to be neither fair nor balanced in the provision of retail services in the town centre.
- 7.4 Regarding the appellant's principal grounds of appeal, my considerations are as follows:
- The existing store provides separate access for deliveries. There are no changes proposed for deliveries. There is no reason to suggest the extended opening hours would increase any delivery concerns.

- The existing store is located in the town centre where there are mixed uses. There are other convenience goods outlets in the vicinity which have less restricted opening hours.
- The following objectives of the Cork County Development Plan are noted in relation to town centres:
 - *To maintain, strengthen and reinvent the role of town centres as dynamic, attractive and inclusive environments and enhance their mixed use character by encouraging the retention and development of general office, retail, housing, office based industry, community, civic and entertainment uses. (Objective TCR 2-1 Cork County Development Plan)*
 - *“To support the vitality and viability of the Ring and Larger Towns and to ensure that such centres provide an appropriate range of retail and non-retail functions to serve the needs of the community and respective catchment areas.” (Objective TCR 4-6 – Cork County Development Plan)*
- The following objectives for the town centre are set out in the Youghal Town Development Plan:
 - *To promote the development of the town centre as the primary location for retail and other uses that provide goods and services to members of the public.*
 - *To maintain and enhance the mixed use character of the town centre by encouraging the retention and development of general office, retail, housing, office accommodation, community, childcare, civic, community and entertainment uses.*
- Having regard to the above objectives, it is reasonable to conclude that the proposed development would be compatible with reinforcing the town centre as a primary location for retail uses and would further contribute to its viability and vitality by extending the opening hours in this town core.
- There is no evidence to suggest that the existing store causes any particular concerns for the amenities of residents or others in this town centre location. Furthermore, there is no reason to suggest that a relatively

minor extension of the opening hours, to bring the store to comparable opening hours with other retail outlets, would cause any particular additional adverse impacts on the amenities of residents or others in this location.

- Regarding the Development Plan policy referenced in the appeal, I note once again that there are no proposals to change the deliveries to this store as part of the planning application. The deliveries to this store remain restricted by the requirements of complying with Condition 4 of the Board's previous decision under ABP Ref. PL 04.244504. There would be no conflict with any objective of the Youghal Town Development Plan relating to deliveries by allowing the extension to the opening hours of this retail outlet in this town centre.

8.0 Recommendation

- 8.1. I recommend that permission is granted in accordance with the following reasons, considerations and condition.

9.0 Reasons and Considerations

Having regard to the established retail use on this site, to the location of the existing retail outlet within the town centre of Youghal, and to the objectives set out in the current Cork County Development Plan and Youghal Town Development Plan to promote the town centre as the primary location for retail uses and to support the viability and vitality of the town, it is considered that the proposed development would not adversely impact on the residential amenities of properties in the vicinity, would be compatible with development plan provisions, and would otherwise be in accordance with the proper planning and sustainable development of the area

10.0 Conditions

The proposed retail unit shall not operate outside the hours of 09.00 to 22.00 Monday to Friday inclusive, nor outside the hours of 09.00 to 21.00 on Saturdays, Sundays or public holidays.

Reason: To protect the residential amenities of the area.

Kevin Moore
Senior Planning Inspector

16th September 2019