



An
Bord
Pleanála

Inspector's Report 305360-19

Development	Street furniture
Location	99A New Cabra Road, Dublin 7
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	SF/582
Applicant(s)	Grasp Network Ltd.
Type of Application	Street furniture licence application
Planning Authority Decision	Refuse
Type of Appeal	First Party v. Decision
Appellant(s)	Grasp Network Ltd.
Observer(s)	Lorcan Sirr
Date of Site Inspection	6 th November 2019
Inspector	Louise Treacy

1.0 Site Location and Description

1.1. No. 99A New Cabra Road, Dublin 7 is a two-storey, mid-terrace commercial property which is occupied by an Insomnia coffee shop use. The site forms part of a parade of local neighbourhood centre units located on the northern side of New Cabra Road. There is a one-way traffic system in operation to the front of the site, with a row of parallel car parking spaces on either side. One free-standing sandwich board was noted to the front of the coffee shop on the date of the site inspection. Traffic signage poles and free-standing sandwich boards were noted elsewhere along the public footpath to the front of the neighbourhood centre.

2.0 Proposed Development

2.1. The proposed development comprises 2 no. tables and 4 no. chairs with a wind breaker, positioned on either side of the entrance to the Insomnia coffee shop. The total area of the proposed street furniture is 4 m².

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The licence application was refused on 11th June 2019 on the grounds that the street furniture would constitute a hazard to pedestrians and may result in pedestrians stepping off the footpath onto the roadway. It was considered that a remaining footpath width of less than 1.8m would seriously impact on pedestrian mobility, access and visibility at this location.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.3. The Planning Department objected to the granting of the licence on the basis that the remaining footpath width would be less than 1.8 m, which would seriously impact on pedestrian mobility, access and visibility at this location.

3.3.1. **Other Technical Reports**

3.3.2. **Transportation Planning Division:** Recommended that the application be refused.

3.3.3. Serious concerns noted regarding the encroachment of the outdoor seating area into the narrow public footpath, serving to reduce the street and cause an obstruction to pedestrian movements and which may result in pedestrians stepping off the footpath into the roadway. The granting of a licence would set an undesirable precedent along the stretch of the commercial units.

3.3.4. **Dublin Fire Brigade:** No objection from a fire safety perspective on the condition that the location of the seating is not permitted to obstruct or reduce the width of an escape route from the building or adjoining buildings. The use of gas heaters is not permitted.

4.0 **Planning History**

4.1. **PA Reg. Ref. 2343/17:** Planning permission granted on 7th June 2017 for a change of use from shop to café and coffee shop, with a new shopfront and signage.

5.0 **Policy and Context**

5.1. **Design Manual for Urban Roads and Streets**

5.2. Minimum footway widths are based on the space required for two wheelchairs to pass each other (1.8 m). In densely populated areas and along busier streets, additional width must be provided to allow people to pass each other in larger groups. The width of footways should increase from *Suburbs* (lower activity), to *Neighbourhood* (moderate activity) and to *Centres* (higher activity) and as development densities increase. The width of footways should also increase according to function from *Local* (lower activity), *Link* (moderate activity) to *Arterial* streets (moderate to higher activity) as connectivity levels increase.

5.3. Figure 4.34 of the Design Manual illustrates the amount of space needed for pedestrians to pass each other with respect to pedestrian activity levels. A minimum space of 1.8 m is indicated for two people to pass each other comfortably in areas of

low pedestrian activity, with 2.5 m being desirable in areas of low to moderate pedestrian activity.

5.4. **Development Plan**

5.4.1. **Section 16.30 Street Furniture:** Certain uses in the public realm, including street furniture, can lead to problems of visual clutter and to obstruction of public footpaths for pedestrians, in particular people with disabilities. It is an objective of Dublin City Council to control the location and quality of these structures in the interests of creating a high-quality public domain.

5.4.2. In considering applications for outdoor tables and chairs, the planning authority will have regard to:

- The size and location of the facility;
- Concentration of existing street furniture in the area;
- The visual impact of the structure, particularly in relation to the colour, nature and extent of advertising on all ancillary screens;
- Impact on the character of the streetscape;
- The effects on the amenities of adjoining premises, particularly in relation to hours of operation, noise and general disturbance;
- Impact on access and visibility.

5.5. **Natural Heritage Designations**

5.5.1. None.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. An appeal has been lodged by Vincent JP Farry and Co. Ltd. Planning and Development Consultants on behalf of the applicant. The grounds of appeal can be summarised as follows:

- Street furniture can enhance the appearance and function of a neighbourhood centre and is a normal part of commercial activity in such centres;
- The proposal would comprise a low-profile addition to the streetscape, with the development being proportionate to the size of the retail premises and shopfront;
- The footpath is sufficiently wide to accommodate the proposed street furniture with two pedestrians walking in opposite directions. The assessment of the footpath width by the Planning Officer and Transportation Planning Division of Dublin City Council is incorrect;
- The on-street car parking and one-way system to the front of the shop is akin to a shared surface in terms of how it operates. On the rare occasion where a pedestrian may be required to step off the footpath into the space between parked cars, this would not affect public safety to the degree which would warrant the withholding of consent in this instance;
- The Board is invited to consider granting the licence on a temporary basis in lieu of a refusal should any concerns remain in relation to the proposed development.

6.2. Planning Authority Response

6.2.1. None.

6.3. Observations

6.3.1. One observation on the application was made by Mr. Lorcan Sirr, who objects to the placing of street furniture at this location on the basis it would impede pedestrian flows and impact negatively on footpath users with reduced mobility and those with buggies and strollers. It is also submitted that the granting of a licence would create a precedent at this location which would ultimately detract from the overall usability of the footpath.

7.0 Assessment

- 7.1. The main issue for consideration in this case is the potential impact of the proposed street furniture on the pedestrian environment along the public footpath.
- 7.2. The proposed street furniture comprises 2 no. tables and 4 no. chairs positioned on either side of the coffee shop entrance (depth of 1 m x a width of 4 m). The tables and chairs will be enclosed by a 1 m high wind breaker screen with moveable metal posts.
- 7.3. Dublin City Council's Planning Officer noted that the public footpath outside No. 99A New Cabra Road is 2.5 m in width, reducing to 1.5 m with the proposed street furniture in place. The Transportation Planning Division of Dublin City Council noted the footpath width to be approx. 2.6 m, reducing to 1.6m with the street furniture in place. The applicant's agent highlights these discrepancies and asserts that the correct footpath measurement to the front of the café unit is 2.85 m.
- 7.4. The café shopfront is characterised by large vertical glazing panels which extend between the fascia board and ground level and which are recessed behind the shopfront pilasters. The plan and elevation drawing (S2-Feb 2019) which accompanies the licence application indicates a footpath width of 2.6 m between the shopfront pilasters and the footpath edge. This drawing also confirms that the footpath width increases to 2.8 m between the footpath edge and the recessed shopfront glazing panels. I note that it is proposed to place the street furniture directly in front of the shopfront glazing panels on either side of the café entrance. Thus, based on the drawings which accompany this application, the appropriate footpath measurement in considering the suitability of the proposed street furniture is 2.8 m.
- 7.5. DMURS guidance indicates that a minimum clear distance of 1.8 m is required for two people to pass each other comfortably in areas of low pedestrian activity, with 2.5 m being desirable in areas of low to moderate pedestrian activity. Based on the information provided with the licence application, a clear distance of 1.8 m would remain along the footpath with the street furniture in place, which is considered acceptable in this instance based on the level of pedestrian activity observed during my site inspection.

7.6. It is acknowledged that the café forms part of a busy parade of commercial units with an associated level of regular pedestrian activity. It is further acknowledged that the parallel parking spaces to the front of the neighbourhood centre are subject to high levels of activity. However, during my site inspection I observed that traffic speeds along the one-way system are generally low as a result of cars slowing down to enter car parking spaces or waiting for spaces to become vacant.

7.7. While the Planning Authority's concerns regarding pedestrians stepping onto the roadway are noted, in my opinion, the proposed street furniture would not result in a hazard to pedestrians at this location given the scale of development proposed, the arrangement of the parallel car parking spaces between the public footpath and the local access road and the low traffic speeds observed.

7.8. Notwithstanding the foregoing, I note the concerns which have been raised by the observer and the Planning Authority regarding potential conflicts with pedestrian movements at this location. I further note the applicant's willingness to accept a temporary consent in this instance. On that basis, it is considered that the granting of a licence for a temporary period of 1 year would be reasonable in order to enable the impact and acceptability of the street furniture to be re-assessed in the interests of amenity and public safety. This matter can be addressed by way of condition.

7.9. **Appropriate Assessment**

7.9.1. Given the nature and scale of the development and the location of the site relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

8.0 **Recommendation**

8.1. It is recommended that the licence be granted subject to the conditions set out below.

9.0 **Reasons and Considerations**

9.1. Having regard to the width of the footpath where the proposed street furniture is to be located, the area of the footpath still available for pedestrian use after the street

furniture has been positioned and the limited scale of the development, it is considered that the proposed street furniture would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>This licence is for the use of 2 no. tables and 4 no. chairs only in an area which shall not extend more than 1 metre beyond the façade of the building, including the wind break screens and support stands.</p> <p>Reason: In the interests of orderly development and pedestrian safety.</p>
2.	<p>A clear footpath distance of 1.8 m shall be maintained beyond the street furniture at all times.</p> <p>Reason: In the interest of pedestrian safety.</p>
3.	<p>The wind break screens shall be of a plain or neutral colour and shall not be more than 1 metre high. No advertising, apart from the name of the premises, shall be used on the screens without the prior written agreement of the planning authority.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>This licence is granted for a temporary period of 1 year from the date of the Board's Order.</p> <p>Reason: To enable the impact and acceptability of such street furniture at this location to be re-assessed and in the interest of amenity and public safety.</p>
5.	<p>The appropriate rental and table charges shall be paid to Dublin City Council within 3 months of the date of this Order.</p> <p>Reason: It is considered reasonable that the applicant contributes to Dublin City Council for the use of the public pavement.</p>

Louise Treacy

Planning Inspector
3rd December 2019