



An
Bord
Pleanála

Inspector's Report ABP 306505 - 20

Development	Change of use from retail shop to a take-away restaurant/foodway outlet and all ancillary works.
Location	Main Street, Granard, Co Longford.
Planning Authority	Longford County Council
Planning Authority Reg. Ref.	19/259
Applicants	Eoin & Natanagh McGovern
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant(s)	Raja Liaquat Ali
Observer(s)	None
Date of Site Inspection	08 th May 2020
Inspector	Brendan Coyne

1.0 Site Location and Description

1.1. The site (0.07 ha) is located on the southern side of Main Street in Granard and comprises the ground floor and basement level of a three storey mid-terrace premises. The ground floor and basement of the premises is currently vacant (formerly retail use) and the upper floors are residential in use. A gated laneway / right of way to the western side of the site provides access to the rear of the premises. Lands to the rear of the premises contain sheds along its eastern boundary. The adjoining premises to the east appear to be residential in use. A Bank adjoins the site to the west. On-street parking is provided along both sides of Main Street to the front of the premises.

2.0 Proposed Development

2.1.1. Permission sought for the following (as described in public notices);

- Change of use from a retail shop to a take-away restaurant / foodway outlet (57.21 sq.m.).
- All ancillary works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Longford County Council granted permission for the proposed development subject to 14 no. Conditions. Noted Conditions include:

C.2 Prior to commencement of development, submit for the written agreement of the Planning Authority a Site Layout Plan detailing proposed car parking.

C.3 The requirements of the H.S.E shall be adhered to in full.

C.4 Requirements re. advertising signage, grills/ shutters, external lighting and shop front alterations.

C.5 Hours of operations – restricted to between 10am and 01.00am daily.

C.14 Development Contributions.

3.2. Planning Authority Reports

3.2.1. Planning Reports (02nd December 2019 and 20th December 2019)

- The site is located with an area of archaeological potential around Recorded Monument No. LF 010-055 (Granard town).
- Given that the proposed development relates to a change of use, and that no ground works would occur, the proposed development would not impact on the area of archaeological potential.
- The proposal would connect to public mains and sewer.
- Further information was sought regarding the following;
 - The provision of a traffic projection form.
 - Details of proposed car parking.
 - Details of proposed ventilation / external ducting and proposed measures to reduce / prevent nuisance by way of noise, odour etc.
 - Details of proposed refuse storage.
- The drawings / documentation submitted by way of Further Information response detail the following.
 - Regarding car parking, the applicants are willing to accept a Condition that part of the lands to the rear of the site are designated for car parking.
 - The revised drawings show ventilation in the form of an open airduct mounted on the rear wall of the premises.
 - The revised site layout plan shows the provision of a refuse store to the rear of the property.
- The applicant has addressed the issues raised in the Further Information request to the satisfaction of the Planning Authority.
- Given the residential / commercial zoning of the site, the Planning Authority conclude that the proposed development should be granted permission subject to Conditions.

3.2.2. **Other Technical Reports**

Fire Department: No objection subject to Conditions.

H.S.E. – Environmental Health Dept.: No objection subject to Conditions.

4.0 **Planning History**

None for subject site.

5.0 **Policy and Context**

5.1. **Development Plan**

Longford County Development Plan 2015-2021 is the statutory plan for the area. The following provisions are considered relevant:

Zoning: The site is zoned ‘Commercial / Residential’ with the objective ‘To primarily provide for commercial/retail development with a possible element of residential development’.

Recorded Monument: The site lies within the zone of influence of the Recorded Monument LF010-055 which is referred to in Table 6.5 of the Development Plan and described as the site of a medieval town (old town of Granard).

RET 2 (b) Take – Away Food Premises

All applications for take-away premises need planning permission whether it involves a change of use of an existing building or an entirely new building.

The following Planning considerations will apply to any assessment of a planning application for a take-away premises:

- i. The likely impact of the development upon the amenities of the area, including noise pollution, litter, odour, and general disturbance.
- ii. Car parking is of critical importance and the premises will not be permitted at locations where adequate car-parking is not available.
- iii. Developments will not be permitted where they have the potential to detrimentally impact on traffic circulation and safety in an area.
- iv. Details should be supplied at application stage on opening times and traffic.

- v. Applications for such development may be more favourably considered in mixed use locations such as town centres.
- vi. Proximity to residential development will be an important planning consideration in assessing applications for take-away premises.
- vii. Litter bins shall be provided inside the premises.
- viii. Where take-away premises are permitted, noise and disturbance levels will be controlled by imposing strict closing times on the premises.
- ix. Facade design will be carefully controlled and, in particular, the amount and type of advertising signage and lighting. The design shall respect and enhance the existing street character. Corporate logos will be permitted, only where they meet Local Authority design criteria.

Table 5.3: Parking Standards

Parking space requirements for a Take-Away – 6 per unit.

5.2. Natural Heritage Designations

The site is located 5km to the west of the Lough Kinale and Derragh Lough NHA (Site Code: 000985) and SPA (Site Code: 004061).

6.0 The Appeal

6.1. Grounds of Appeal

An appeal was received from Andrew Hersey Planning Consultant representing the third-party appellant Raja Liaquat Ali, against the decision made by the Planning Authority to grant permission for the proposed development. The main grounds of appeal are summarised under the headings below;

6.1.1. Proliferation of Takeaways and Impact on Public Health

- There is already an adequate number of premises on Main Street serving take away food, serving a population of just 816 persons.
- There are 6 no. takeaways on the Main Street in Granard along with a large number of cafes, restaurants, supermarkets and public houses serving food on Main Street.

- Given current statistics regarding obesity levels at a national level, the proposal will impact upon the health and wellbeing of the local community.
- There are 2 no. schools within a 500 metre walking distance of the proposed takeaway. The proposed development would impact on the health of these children.
- The proposed development would be contrary to Goal 3 of The Healthy Ireland Framework 2013-2025 which seeks to “Protect the public from threats to health and wellbeing”.
- The proposal would be contrary to the National Planning Framework 2040, specifically National Policy Objective 26 which seeks to “*Support the objectives of public health including Healthy Ireland and the National Physical Activity Plan, through integrating such policies where appropriate and at the applicable scale with planning policy.*”
- The proposed development would be contrary to public health.

6.1.2. **Impact on Residential Amenity**

- The proposed change of use would have a detrimental impact on the amenities of nearby residents by reason of odours, noise, litter and anti-social behaviour.
- The upper floors of the building are in residential use, as are the premises to either side.
- The Planning Authority has not considered the impact the proposed development would have of the residents of these premises by way of noise nuisance, odours and anti-social behaviour at night-time.
- The proposed extractor on the rear elevation of the premises will result in excessive noise and odours coming into opened windows for up to 15 hours per day.

6.1.3. **Traffic and Car Parking**

- The proposed development, which cannot provide for off-street parking, will exacerbate parking problems in the town which at present is haphazard
- Given that the N55 National Road runs through Granard town and the traffic volumes associated with this road, the proposed development would create a traffic hazard and traffic congestion.

- The Planning Authority granted permission subject to Condition No. 2 requiring the applicant to submit prior to commencement of development, a site layout plan showing car parking, for the written agreement of the Planning Authority. This Condition in effect cannot be complied with until the Council constructs a service road to the rear of the premises.
- The existing arched entrance to the side of the site would not safely service vehicular traffic.
- There is little on-street parking along Main Street.
- The proposed development would impact negatively on traffic safety in the immediate environs of the proposed development and the town in general.

6.1.4. **Appropriate Assessment**

- The proposed development was not screened for Appropriate Assessment. In the absence of this, the proposed development contravenes the Habitats Directive.

6.2. **Applicant Response**

6.2.1. The response received from Cunningham Design & Planning Consultants, representing the Applicants, is summarised as follows;

- The applicants have recently purchased the subject vacant property and neighbouring dwelling, so as to invest in Granard and live and work in their native town.
- Longford County Council and the Granard Municipal Area are in negotiations to provide a car park off Main Street, to the rear of the subject site.
- In the Further Information response, the applicants indicated that they were willing to accept a Condition from the Planning Authority that part of the land to the rear of their property be designated for future car parking, in the event of a grant of permission.
- The appellant incorrectly states that there are persons living over the adjoining Bank premises.

- The applicant asserts that there are not 6 no. fast food takeaway in Granard, as put forward by the appellant.
- The proposed development is ideally located within the town centre and satisfies the various requirements of the Development Plan.
- Adequate provision for litter has been provided for in the form of a refuse storage area to the rear of the premises.
- Adequate car parking provision has been provided for.
- The proposed development will not have a detrimental impact on traffic circulation and safety in the area.
- The proposed development is located in the town centre within a mixed-use zone.
- The applicants are willing to accept a Condition that litter be provided inside the premises and that any proposed lighting or advertising signage be agreed with the Local Authority, prior to commencement of development.

Appendices lodged with the applicant's response include the following;

- Photographs of take away and restaurants in Granard, the adjoining premises and car parking in the vicinity.

6.3. **Planning Authority Response**

The Planning Authority did not respond to the grounds of appeal.

6.4. **Observations**

None

7.0 **Assessment**

- 7.1. I have reviewed the proposed development and the correspondence on the file. I note the Planning Authority were satisfied that the proposed development accords with the policies and objectives of the Development Plan for the area. I am satisfied that the proposed development is acceptable in principle, in accordance with the zoning

objective of the site. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issues are addressed under the following headings:

- Proliferation of Takeaways and Impact on Public Health
- Impact on Residential Amenity
- Traffic and Car Parking
- Appropriate Assessment

These are addressed below.

7.2. Proliferation of Takeaways and Impact on Public Health

- 7.2.1. The appellant objects to the proposed development on the ground that it would result in a proliferation of takeaways in Granard and would impact on the public health and wellbeing of the local community, in particular that of school children in nearby schools.
- 7.2.2. The site is located on Main Street in Granard and is zoned 'Commercial / Residential' with the objective 'To primarily provide for commercial/retail development with a possible element of residential development'. Given the zoning and town centre location of the site, I consider that the development of a takeaway would be acceptable in principle, subject to compliance with relevant Development Plan policy. The location of the proposed takeaway would be in compliance with Policy RET 2(b) which states that 'applications for takeaway food premises may be more favourably considered in mixed use locations such as town centres'.
- 7.2.3. The appellant puts forward in the grounds of appeal that there are 6 no. takeaways on Main Street in Granard along with a large number of cafes, restaurants, supermarkets and public houses serving food along this street. The applicant contest this, stating that there are not 6 no. fast food takeaways in Granard. During site inspection I noted that there are 2 no. take-away facilities further to the south-west along Main Street. The proposal will amount to a total of three take-away type facilities along the entire length of Main Street which is the main commercial street in Granard. I do not consider that the provision of 3 no. take-away facilities along Main Street is excessive. Furthermore, these takeaways, and other restaurants, cafes, supermarkets and public

houses are relatively dispersed along Main Street. Given the absence of an excessive concentration of takeaways in the immediate vicinity of the subject site, it is my view that the proposed development would not result in a proliferation of takeaways at this location.

- 7.2.4. In terms of proximity to schools, the nearest readily identifiable schools are the Sacred Heart Primary School and Cnoic Mhuire Secondary School located c. 400m and 600m respectively to the north-east of the site. Given the walking distance of the proposed takeaway from these schools, it is my view that the proposal would not likely result in the pupils of these schools frequenting the proposed take-away on a regular basis.
- 7.2.5. I recommend, therefore, that the appeal should not be upheld in relation to this issue.

7.3. Impact on Residential Amenity

- 7.3.1. The appellant objects to the proposed development on the grounds that the proposed takeaway would impact on the residential amenity of nearby residents by way of odour, noise, litter and anti-social behaviour. The applicants contest this stating that they are the owners of the subject premises and neighbouring dwelling, and that there are no persons living on the upper floors of the adjoining Bank premises. I note that the applicant's landholding, as outlined in blue on the Site Layout Plan submitted, does not include the adjoining dwelling to the east. Furthermore, I noted during site inspection that the adjoining dwelling to the east is residential in use, and the upper floors of the appeal premises appeared residential in use.
- 7.3.2. Policy RET 2 (b) requires that in the assessment of a planning application for a takeaway (including a change of use of a premises), consideration should be given to the likely impact of the development upon the amenities of the area, including noise pollution, litter, odour and general disturbance.
- 7.3.3. With regards the issue of odour, the proposal provides ventilation in the form of an extractor ventilation unit mounted on the rear wall of the premises. The ventilation flue extends from basement level to first floor level only. The HSE Environmental Health Officer outlined no objections to the proposed development subject to conditions. I note however that this report was received by the Planning Authority prior to Further Information received detailing the proposed ventilation unit. Given that the flue of the ventilation unit does not extend above the windows on the rear elevation of the

premises at first floor level, I have concerns that the ventilation unit (and possible odour emissions) may impact on the amenity of occupants of the premises at upper floor levels of both the subject premises and adjoining properties to either side. This issue can be dealt with by way of Condition.

- 7.3.4. With regard the issue of noise and general disturbance, Condition No. 5 of the grant of permission by the Planning Authority restricts the hours of operation of the proposed takeaway between 10am and 01.00am daily. Given the town centre location of the proposal, the existence of a late night economy and activity along Main Street with nearby public houses, existing levels of background activity and noise along the Main Street / N55 National Route and existing / possible residential use of the appeal premises at upper floor levels and adjoining properties to either side, I consider that the hours of operation of the takeaway should be restricted to hours between 1000 hours and 2300 hours Monday to Thursday and on Sunday and between 1000 hours and midnight on Fridays and Saturdays.
- 7.3.5. Concerns with regards noise emitting from the premises (e.g. music / amplified sound etc.) can be dealt with by way of Condition.
- 7.3.6. With regards the issue of litter and refuse collection, the proposed development provides a secure refuse store in the rear yard of the premises, along its side / north-eastern boundary. The Site Layout Plan submitted details that this refuse store would be served with cleaning and adequate drainage facilities. Elevation drawings / floor plans of this storage shed have not been submitted. This refuse store can be accessed externally via the laneway to the side of the premises. I consider that the proposed refuse store would adequately serve the proposed takeaway. However, in the interest of protecting the amenities of adjoining premises, I consider that in the event of a grant of permission a Condition should be imposed requiring the developer to submit for the written agreement of the Planning Authority details of the proposed refuse store. I am satisfied that details regarding litter management within the site can be addressed by way of Condition. The issue of littering outside the site is beyond the control of the applicants.
- 7.3.7. In conclusion, I consider that subject to appropriate Conditions, the proposed development would not impact on the amenity of the area. I recommend, therefore, that the appeal should not be upheld in relation to this issue.

7.4. Traffic and Car Parking

- 7.4.1. The appellant objects to the proposed development on the grounds that the proposed takeaway cannot provide off-street car parking, would exacerbate parking in the town and create a traffic hazard and traffic congestion along the N55 National Road which runs through Granard town.
- 7.4.2. Table 5.3 of the Development Plan requires that a takeaway provide a minimum of 6 no. parking spaces. The Planning Authority in its grant of permission imposed a Condition (No. 2) requiring the applicant to submit for the written agreement of the Planning Authority a Site Layout Plan detailing proposed areas to be allocated for car parking provision. In response to the Grounds of Appeal, the applicants state that Longford County Council and the Granard Municipal Area are in negotiations to provide a car park off Main Street, to the rear of the subject site. No further details have been provided with this regard.
- 7.4.3. The site contains a yard to the rear of the premises, which is accessed via a gated laneway (c. 2m wide) to its side. I noted during site inspection that off-street parking is provided on both sides of Main Street to the front of the premises for the entire length of the street. Given the modest scale of the proposed takeaway, its town centre location and the availability of on-street parking along Main Street, it is my view that that the Development Plan's car parking standards should be relaxed in this instance. I do not consider that the nature and scale of the proposed takeaway would exacerbate parking in the town or create a traffic hazard and traffic congestion along Main Street. I recommend, therefore, that this ground of appeal should also not be upheld.

7.5. Appropriate Assessment

- 7.5.1. The appellant expresses concern that the proposed development was not screened for Appropriate Assessment, in accordance with the Habitats Directive. The site is located 5km to the west of the Lough Kinale and Derragh Lough NHA (Site Code: 000985) and SPA (Site Code: 004061). Having regard to the nature and modest scale of the proposed development, to the location of the site within a fully serviced urban environment, and to the separation distance and absence of a clear direct pathway to any European site, 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.

8.0 Recommendation

8.1. I recommend that permission be granted subject to conditions, for the reasons and considerations below.

9.0 Reasons and Considerations

Having regard to the town centre location of the proposed development and the 'Commercial / Residential' zoning objective relating to the site, it is considered that, subject to compliance with the conditions set out below, the proposed change of use from retail to a take-away would not result in an overconcentration of such uses on Main Street, would not be prejudicial to public health and would add to the vitality and vibrancy of the town centre. 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, as amended by the further plans and particulars submitted on the 04 th day of December 2019 and by the further plans and particulars received by An Bord Pleanála on the 21 st day of February, 2020, 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.
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	Reason: In the interest of clarity.
2.	<p>Prior to the commencement of development, details of the proposed refuse store shall be submitted for the written agreement of the Planning Authority. The proposed refuse store shall be constructed of permanent materials, adequately serviced with a water supply, drainage and ventilation. The structure shall be raised from the ground and roofed.</p> <p>REASON: In order to ensure that the site is adequately serviced and to protect the amenities of adjoining premises.</p>
3.	<p>Prior to commencement of development, the developer shall submit for the written agreement of the Planning Authority drawings and documentation detailing the following;</p> <p>(i) The provision of a ventilation system that is adequately filtered, externally vented.</p> <p>(ii) The ventilation flue on the rear elevation shall rise above the rear roof eave of the premises.</p> <p>(iii) The noise from the operation of the ventilation system shall be attenuated so as not to cause a noise nuisance to nearby residential properties</p> <p>Reason: In the interests of public health and in the interest of protecting the established amenity of the surrounding area.</p>
4.	<p>The hours of operation shall be between 1000 hours and 2300 hours Monday to Thursday and on Sunday and between 1000 hours and midnight on Fridays and Saturdays.</p> <p>Reason: In the interest of the residential amenities of property in the vicinity.</p>
5.	<p>Litter in the vicinity of the premises shall be controlled in accordance with a scheme of litter control which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the provision of litter bins and refuse storage facilities.</p>

	Reason: In the interest of visual amenity.
6.	<p>Prior to the commencement of development, the applicant shall submit details of the proposed shopfront and signage associated with the proposed take-away use. Details shall include the colour, textures and materials including samples together with details of any proposed illumination of signage. All details shall be the subject of written approval with the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works.</p> <p>Reason: To ensure adequate servicing of the development, and to prevent pollution.</p>
8.	<p>No music or other amplified sound shall be emitted to the public street or broadcast from the premises in such a manner as to cause nuisance to the occupants of nearby properties.</p> <p>Reason: To safeguard the amenities of the area.</p>
9.	<p>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.</p>

	<p>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.</p>
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Brendan Coyne

Planning Inspector

13th May 2020