



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308378-20

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<b>Development</b>	Section 254 Street Furniture Licence for outdoor seating consisting of picnic style tables and benches
<b>Location</b>	Iasc Seafood Bar , 78 O'Connell Street, Dungarvan, Co. Waterford
<b>Planning Authority</b>	Waterford City and County Council
<b>Planning Authority Reg. Ref.</b>	20472
<b>Applicant(s)</b>	Caitlin Ui Aodha
<b>Type of Application</b>	Section 254 Furniture Licence
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Caitlin Ui Aodha.
<b>Observer(s)</b>	none.
<b>Date of Site Inspection</b>	5 <sup>th</sup> of February 2021.
<b>Inspector</b>	Caryn Coogan

## 1.0 Site Location and Description

- 1.1. The subject site is the ground floor unit of 78 O'Connell Street, Dungarvan Co. Waterford.
- 1.2. The use of the premises is a seafood takeaway and restaurant.
- 1.3. There is a loading bay fronting the premises along the street.

## 2.0 Proposed Development

- 2.1. IASC Seafood Bar and Takeaway serves fresh fish and chips and other speciality fresh fish dishes. The small seating area outside of the front of the shop was removed in order to comply with COVID-19 social distancing requirements. The proposal is 2No. wood picnic tables with benches enabling two small groups or families to eat outside of the premises.

## 3.0 Planning Authority Decision

### 3.1. Decision

Waterford City and County Council refused the development for the following reason:

*It is considered that the location of the proposed street furniture would compromise the functioning of an existing commercial loading bay to the front of the subject premises which would be likely to result in disruption to traffic and parking in the vicinity and may compromise the convenience and safety of road users including pedestrians. It is therefore considered that the proposal would be contrary to the proper planning and sustainable development of the area.*

### 3.2. Planning Authority Report

Preservation of the existing commercial loading bay is considered to be essential given that the two loading bays in the area have been lost in recent times. The hours of operation of the loading bay have been extended to compensate for the lack of alternative loading facilities.

The development proposes the use of the area for outdoor seating from 4.00pm on Tuesdays, Wednesdays and Thursday and from 1.00pm on Fridays and Saturdays, would result in a cumulative loss of eight and a half hours of loading time per week.

Lack of any maps, layout plans or details of the proposed street furniture is of concern.

## 4.0 Policy Context

### 4.1. Development Plan

Waterford County Development Plan 2011-2017 (as varied and extended)

## 5.0 The Appeal

### 5.1. Grounds of Appeal

#### 5.5.1 *Owner's Background and IASC's unique offering*

Applicants family have all fished from Helvic Head for over 150 years. The main catch is monkfish and prawns, and the catches are blast frozen and delivered to IASC, enabling fresh quality produce from trawler to table. This is a long established heritage and tradition in Dungarvan.

#### 5.5.2 *Significant Change in Nature of Business at 78 O'Connell Street*

The premises was bought and refurbished in 2019 at significant cost for a takeaway and small sit down restaurant use. The business requires a high degree of visibility and access to the general public.

#### 5.5.3 *Loading Bay*

There is an extensive large loading bay outside of the premises, it spans the full length of the IASC shop. It is frequently used by large vans and trucks making deliveries along the street. The IASC does not take large deliveries from lorries or large vans. The loading bay is mainly used from morning to midday. The IASC business is open from 4pm Wednesday to Thursday and 1pm Friday, Saturday and Sundays.. the footpath outside is used for queuing during COVID-19 restrictions. Unloading of trucks and movement of pallets can be a hindrance to people queuing.

#### 5.2.4 ***IASC Seafood Bar- Business born during Pandemic***

The business open pre-the pandemic. When the first lockdown was announced the business became a contactless takeaway and delivery service. Following the lifting the restrictions the restaurant was too small to comply with distancing requirements. Part of the business was relocated to No. 86 on the same street. Patron from 86 could use Grattan Square and additional staff was hired, employing over 20 persons.

#### 5.2.5 ***Dungarvan – A Food Lovers Paradise***

Dungarvan is a haven for good food, and it has the Waterford greenway. Outdoor seating at Grattan Square was a huge success during summer of 2020. The License for our outdoor seating has been turned down despite two businesses along the street. We feel disadvantaged because we are not on Grattan Square where potential customers and congregating during fine weather. IASC should be allowed the same privileges as neighbours.

#### 5.2.6 ***Conclusion***

The applicant is requesting:

- (i) an allocated seating space on Grattan Square;
- (ii) Permission to install a seating area outside IASC take away on 78 O'Connell Street. This would include a bordered area with some wooden picnic style tables and branded umbrellas allowing two groups/ families to eat their meals outside.

In terms of the loading bay a workable compromise can be achieved by shortening the length of the bay to allow some space for the operation of IASC opening hours, and the seating can be removed each evening.

## 6.0 **Assessment**

- 6.1. I visited the subject site, IASC Seafood Takeaway and restaurant, 78 O'Connell Street Dungarvan on Friday 5<sup>th</sup> of February 2021 between 13.00-14.00 hours. I noted the sister premises at 86 O' Connells Street was closed. The sister premises is located a number of doors to the east of the subject site. During my inspection, IASC (subject site at 78 O'Connell Street) was opened for business. I noted the loading bay fronting the premises. There were two delivery in the loading bay during

my inspection, one of which was a lorry, as noted from photographs in the Appendix. The lorry unloaded pallets of goods to a premises adjoining No. 86 O'Connell Street, further to the east of the loading bay. It is reasonable to conclude the loading bay is busy with deliveries along the entire street, because the residual street frontage up to Grattan Square, includes bollards alongside the footpath, which prevent sizeable vehicles from parking along the side of the street. This implies deliveries cannot be made along the street except from the designated loading bay to the front of the subject site (takeaway / restaurant).

- 6.2. I have considered the lengthy submission by the applicant concerning the long-established family history for fishing in the locality, the sustainable business provision of seafood from the trawler to the table, and the scale of the business which has grown considerably during a difficult time. I accept the applicant continues to face on-going negative commercial dynamics associated with the pandemic lockdown restrictions affecting restaurants and takeaways.
- 6.3. However, the planning authority's concerns regarding the loading bay are valid. The planning authority consider the preservation of the existing loading bay to be essential given there is no other loading bay to service the street, and the loss of delivery hours due to the provision of two benches for outdoor eating in the loading bay area, would result in a cumulative loss of, 8 hours per week, loading time that would negatively impact on other businesses along the street.
- 6.4. The applicant has requested two items under this Section 254 Licence:
- (a) ***Allocation of seating space at Grattan Square to the east of O'Connell Street.*** In my opinion, this is beyond the remit of this licence application/appeal as this application relates solely to 78 O'Connell Street.
  - (b) ***Permission to install a seating area outside IASC take away on 78 O'Connell Street. This would include a bordered area with some wooden picnic style tables and branded umbrellas allowing two groups/families to eat their meals outside within the portion of the loading bay area fronting the premises.*** I sympathise with the applicant trying to operate a new business during the COVID-19 restrictions. However, the existing loading bay is essential for the safe and continuous servicing of business in the general vicinity. There is no other easily accessible loading bay to service

O'Connell Street, and on street parking of large delivery vehicles is prohibited due to the carparking lane and bollards. There is no alternative loading bay easily accessible for the immediate area. Furthermore, I witnessed IASC open and operating, and the loading bay was simultaneously busy. The placement of tables in the loading bay to service the restaurant would be a danger to patrons and interfere with deliveries in the area, consequently negatively impacting on other businesses, and the safety of pedestrians.

- 6.5 The planning authority states in the reason for refusal the proposed street furniture would compromise the functioning of an existing commercial loading bay and could cause disruption to traffic and parking in the vicinity and may compromise the convenience and safety of road users including pedestrians. I consider the planning authority's concerns are justifiable and on balance, a refusal in this instance is warranted for safety and commercial reasons.

## 7.0 Recommendation

- 7.1. The decision to refuse the licence should be upheld by the Board.

## 8.0 Reasons and Considerations

It is considered that the location of the proposed street furniture would compromise the functioning of an existing commercial loading bay to the front of the subject premises which would be likely to result in disruption to traffic and parking in the vicinity and may compromise the convenience and safety of road users including pedestrians. It is therefore considered that the proposal would be contrary to the proper planning and sustainable development of the area.

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Caryn Coogan  
Planning Inspector

9th February 2021