



An
Bord
Pleanála

Inspector's Report ABP 312721-22

Development	Subdivisions of retail unit, minor alterations and all associated site works.
Location	Griffins Piano, Greenwood Estate, Togher, Cork.
Planning Authority	Cork City Council.
Planning Authority Reg. Ref.	21/40016
Applicant(s)	William Griffin
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Greenwood Residents Association
Observer(s)	None.
Date of Site Inspection	23 rd January 2023
Inspector	Brendan Coyne

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1.0 Site Location and Description

- 1.1. The subject site, measuring 0.02 hectares, is situated on the northern side of a road serving Greenwood Estate, at the junction with Togher Road, in the Togher suburb of southern Cork City. The site comprises a single-story retail unit positioned towards the western end of a parade of retail and mixed-use units located at the entrance of Greenwood Estate. The subject unit is currently occupied by Griffin Pianos, which serves as both a piano shop and workshop. Other establishments within the parade of units include a barber shop to the west and to the east of the subject premises, a stationery/gift shop, an Asian grocery shop, hairdressers, Cork City Partnership office, and a G.P. practice. Adjacent to the front of the units, a loading bay and off-street perpendicular parking are available.
- 1.2. The subject premises has a stated gross floor area of 210 sq.m. and a footprint which extends behind the adjoining stationery and Asian grocery shops. The premises can be accessed via the shopfront facing the road or through two doors on its side elevation. These doors are accessible through a gated pedestrian footpath that runs along the western side of the parade of units. A stream flows along the western side and rear of the premises, while a row of semi-detached two-story dwellings is located directly opposite and further to the east of the parade of units.
- 1.3. Several establishments are located within close proximity to the site, including Togher Boys Primary School, Togher Girls National School and Ways of the Cross Catholic Church, situated within 100 meters to the southwest of the premises along Togher Road. Togher Community Centre and Togher Music School are located adjacent to the northwest of the appeal site along Togher Road. Togher Community Park and Sports Ground are located to the north of the site.

2.0 Proposed Development

2.1. Application as lodged to the Planning Authority on the 19th March 2021.

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

- Subdivision of an existing retail unit to provide an additional retail unit,
- Minor alterations to the side elevation of the building,

- Associated site works.

2.1.1. **Further Information submitted on the 01/12/2021**

2.1.2. Documentation submitted includes;

- Flood Risk Assessment
- Landownership Map
- Proposed Floor Plan

3.0 **Planning Authority Decision**

3.1. **Decision**

Cork City Council GRANTED permission for the proposed development subject to 9 no. Conditions. Noted Conditions include:

- C.2 a) The proposed retail unit shall be used solely as a shop as defined in Article 5 of the Planning and Development Regulations 2001 (as amended). Any change of use, whether it was in the same use class for exempted development of the Planning and Development Regulations 2001 (as amended), or otherwise, shall be subject to the prior permission of the planning authority
- b) No hot food takeaway is permitted as the main use of the proposed unit in this permission.
- c) The hours of operation of the proposed retail unit shall be agreed in writing with the planning authority prior to the first occupation of that unit.
- C.3 Noise level restrictions
- C. 5 Mitigation measures against the risk of flooding, as outlined in the Waterman Consulting Engineers Flood Risk Assessment Report shall be implemented as presented.

3.2. Planning Authority Reports

3.2.1. First Report (12/05/2021)

- The proposal comprises the following:
 - Convert the existing Griffin's pianos unit into two separate units
 - Create a small retail unit to the front (approximately 35 sq.m.)
 - Create a larger unit to the rear, which would be accessed via a narrow pedestrian path located on the west side of the barber's unit.
- Cork County Council's 2015 planning application report on the adjoining site (barbers) noted that the Area Engineer and Area Planner recommended that permission be refused due to the following reason:

The proposed development would reduce the parking space available for the adjacent premises, would result in parking on the adjoining public road and would endanger public safety by reason of traffic hazard and obstruction of road users. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.'

- The Area Engineer noted that while there was no increase in retail floor area, an intensification of use would occur by virtue of the subdivision. However, this recommendation was overturned by the Senior Executive Planner, and permission was granted for the subdivision, which is now operating as a barber shop.
- Regarding the subject application, the Area Engineer has no objection on the basis that the existing unit has a parking allocation, which will remain unchanged due to the subdivision.
- The proposed development would further subdivide the original existing Griffin's pianos unit into two separate units.
- The proposal would create a road-facing unit immediately to the front, which would function as a separate unit from Griffin's pianos unit
- Access to the Griffin's pianos unit would be via the side pedestrian path only.
- It is unclear whether the proposed subdivision would intensify the parking demand.

- During a site inspection, traffic congestion was observed due to school collection traffic/parking.
- During a later inspection, all parking spaces were in use, including the loading bay, even though some of the units are currently not open.
- It appears from the drawings that the current Griffin's piano use will continue from the rear unit, but clarification is needed on the exact retail floor area (existing and proposed) in that unit.
- A change of use (as exempted development) of the rear unit could potentially generate higher footfall/parking demand.
- Clarification in relation to possible future uses/users should be sought for both units.
- The parking bays appear to lie outside of the site area, and it is not clear whether the spaces are shared between all units.
- Seek clarification on the exact retail floor area (existing and proposed) of the rear unit.
- Seek clarification in relation to possible future uses/users for both units.
- Clarify whether the parking bays are shared between all units.
- The proposed rear unit has a backland nature and is only accessible via a narrow footpath to the west of the barber's unit.
- There could be issues regarding possible anti-social congregation and littering of the river if the unit were used as a convenience store with an ancillary hot food counter, which could be an exempted development retail use under the Planning and Development Regulations.
- It is unclear whether the existing use can continue from this space, given the narrowness of the space and servicing requirements/deliveries to the same.
- It is also unclear whether Part M access can be provided to the rear unit.
- The Drainage Section has no objection to the proposed development subject to a condition seeking a brief Flood Risk Assessment having regard to the location of the site in a Flood Risk Zone A.

- The Environment Section recommends that further information be sought in relation to noise generation and waste storage and management.

Recommendation: Request Further information.

3.2.2. Further information was requested requiring the following:

1. The Planning Authority has concerns regarding the backland nature of the rear unit as well as impacts of the possible intensification of uses on site.

(a) Clarify the exact nature of the existing business carried out on site and whether this business is to continue on site from the rear unit or whether another retail use/user is proposed. Clarify the exact retail floor space existing and proposed for this unit and provide annotations of all associated rooms. Clarify whether the unit can be serviced via the existing pedestrian access way and clarify whether this access can satisfy Building Regulations in terms of disabled/universal access/means of escape etc.

(b) Clarify intended days and hours of operation for both units,

(c) Clarify whether an intended user has been identified for the front unit and any associated signage details for same.

(d) Clarify the existing number of existing car parking spaces/loading bays to serve all of the existing commercial units in this location and clarify whether these are shared or allocated per unit. Identify same on a site layout map. Clarify the total retail area of the units within the Applicant's ownership.

2. Submit a brief site-specific flood risk assessment, having regard to the vulnerability and proposed use of the property. The risk assessment shall include proposals detailing the proposed measures to address the risk of flooding within the property, including measures with respect to managing and mitigating flood risk to occupants and users. It shall also address egress from the building in the event of a flood, together with flood resilience & protection of the building. Building floor levels. to Ordnance Datum (Malin Head) shall also be submitted.

3. Identify all potentially significant noise sources at the proposed development site, and their expected noise output quantified by (a) reference to L.W.A. levels or LAeq T levels (at a specified distance) provided by the manufacturer/supplier, (b) reference to typical levels set out in the relevant British Standards BS 4142:2014+A1:2019, or (c)

direct measurement of the equipment onsite or at a similar facility. Items that need to be considered are extract fans, air-conditioning, and plant room. (This is a non-exhaustive list.)

(b) Submit full details of the waste management proposed for the two units. Details shall include proposals on waste reduction, reuse, and segregation, recycling, and vented storage as well as who will manage the waste, dispose of it and present it for collection. The developer shall clearly identify vented bin storage areas of appropriate capacity, clearly identifying on the drawing designated location for same with dimensions clearly visible.

The developer should refer to the British standards BS 5906: 2005 in relation to waste management in buildings to ascertain capacity required for development.

3.2.3. **Second Report (17/09/2021)**

Re. Item No. 1

- The agent of the Applicant has clarified that the Griffin's piano business (sales, restoration, and tuning of pianos) will remain in the rear unit.
- As much of the sales have moved online, there is a reduced need for the showroom space currently in the front part of the unit.
- A drawing of the floor plan has been submitted to show the internal room arrangements of the rear unit.
- The stated days/hours of operation for the piano unit are 9.00 a.m. to 5.30 p.m.
- The Applicant states that the unit is already accessed down the existing side passage.
- An end-user for the front part of the unit, which is to be subdivided and act independently, has not been identified.
- Conditions governing this can be attached, including a condition to ensure no takeaway usage or late-night use.
- The Applicant states that traffic to the piano unit has declined over the years, and it now serves a local need.
- The Applicant states that the existing 10 no. car parking spaces should be sufficient to serve the units.

- The Area Engineer did not raise any concerns regarding parking demand, given that there is no increase in floor area proposed.
- The Area Engineer advises of no further comments to make.
- The Applicant states that additional land is available to the side to provide for disabled access following works on the flood relief scheme.
- It is unclear whether the Applicant or Cork City Council is the owner of this land.

Re. Item No. 2

- A Flood Risk Assessment has been submitted.
- The Drainage Section report considers the response to be inadequate.
- The Drainage Section recommends that Clarification of Further Information be sought in order to address the Flood Risk issues in a comprehensive manner.

Re. Item No. 3

- The Applicant acknowledges that providing a comprehensive response to the items is difficult since an end user for the front (subdivided) unit has not yet been identified.
- An external bin store area is shown to be provided in the area remaining following flood relief works.
- The Environment Section has no objection to the proposed development subject to conditions.
- It is not clear whether the Applicant is the owner of the area to the side of the proposed development.
- Maps have been submitted to clarify this matter, but further clarification is necessary.

Recommendation: Request Clarification of Further Information.

3.2.4. **Clarification of Further Information was requested requiring the following:**

Re. Item 1 - Clarify that where the side passageway is to be widened that the Applicant is the owner of the land and not Cork City Council - where Cork City Council is the owner, submit written consent from the Property Section to carry out any work on its land. Clarify any revisions to boundary treatment in this area.

Re. Item 2 - The Flood Risk Assessment submitted is not satisfactory. Liaise with the Drainage Section of Cork City Council to obtain a copy of the Drainage Engineer's review report wherein a number of concerns relating to the Flood Risk Assessment submitted have been articulated. Address each of these concerns and submit a revised Flood Risk Assessment to the satisfaction of the Planning Authority.

Re. Item 3 - Confirm that the Applicant is the owner of the land on which the bin store is to be sited and not Cork City Council - where Cork City Council is the owner submit written consent from the Property Section to carry out any work on its land. Clarify with elevational drawings the appearance of the proposed bin store, noting its prominent location.

3.2.5. **Third Report (13/01/2022)**

Re. Item No. 1

- A letter has been submitted by the Applicant's solicitors, stating their familiarity with the title of the property.
- The letter confirms that the Applicant is the owner of the land where the proposed widening of the side passage is proposed to be widened.

Re. Item No. 2

- The Drainage Section report outlines no objections to the proposed development.

Re. Item No. 3

- The Applicant's solicitor has provided a letter confirming that the Applicant owns the land where the bin is to be situated.
- From the plans submitted, it appears to the Planning Authority that the bin cage is located outside the landholding marked in blue.
- No details of the bin store have been provided.
- The EO (Environmental Officer) has recommended a condition for a waste management plan.
- The details of the bin storage area shall be agreed with the Planning Department.
- Presently, there are concerns regarding the visual impact of a structure in the proposed area.

3.2.6. Other Technical Reports

Drainage Division - Final Report: No objection subject to Condition.

Environmental Waste Management & Control: No objection subject to Condition.

Development Contributions Report: €0.00 development contributions recommended.

Area Engineer Roads Dept: No objection subject to Condition.

4.0 Planning History

P.A. Ref. 15/6012 Permission granted on 08/12/2015 for the subdivision of the existing retail unit Griffin's Piano to provide an additional retail unit to the west within the existing unit, minor alterations to the front elevation of the existing and proposed retail unit.

Note: The following planning history files are recorded in the Planning Authority report. These are not recorded on the Council's online planning history database.

P.A. Ref. 02/2012 permission granted for alterations and extension to building (Griffin's pianos) for use as additional storage space.

P.A. Ref. 95/952 Permission granted for an extension to piano showroom and workshop (change of plan).

P.A. Ref. 91/2855 Permission granted for an extension to piano and showroom and workshop.

5.0 Policy and Context

5.1. Development Plan

Cork City Council Development Plan 2022-2028 is the statutory plan for the area. The following provisions are considered relevant:

Zoning: The site is zoned 'Z.O. 01, Sustainable Residential Neighbourhoods', with the objective 'To protect and provide for residential uses and amenities, local services and

community, institutional, educational and civic uses'. (Development Plan Map 07 and Section 12.24)

Objective 7.32 Small Local Shops: To support, promote and protect small local shops including corner shops which provide an important retail service at a local level. Any proposed new local shops should serve a local need only and be of a size and scale which would not be detrimental to the health of nearby centres defined within the retail hierarchy and subject to the protection of residential amenity.

Objective 7.35 Assessing New Retail Development: Cork City Council will have regard to the Retail Planning Guidelines for Planning Authorities (2012) and the accompanying Retail Design Manual in determining planning applications for retail development.

Objective 7.36 Vacant Floor Space: To encourage in the first instance that new retail floorspace be directed towards existing vacant units within existing designated centres. Cork City Council will seek to use its powers to tackle vacancy in the centres through active land management measures.

Objective 4.5 Permeability

Chapter 4 - Table 4.6: Car Parking Zones. The Appeal site is located in Zone 2.

Table 11.13: Maximum Car Parking Standards.

5.2. Other Relevant Government Policy / Guidelines

Retail Planning Guidelines (2012)

5.3. Natural Heritage Designations

- 5.3.1. The nearest Natura 2000 European Site is the Cork Harbour S.P.A. (Site Code: 004030), approx. 4 km north-east of the site.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal was received from Carolyn Miller, Chairperson of the Greenwood Residents Association, who resides at No.1 Greenwood Estate. The following concerns were raised in the grounds of appeal:

- Health and safety concerns: The Appellants object to the proposed development on the grounds of health and safety.
- Lack of parking on the street: The current road works at both entrances of the Greenwood Estate have further supported the lack of parking on the street.
- Reduced parking spaces: On completion of the road works, the street parking in the village will be reduced to 9 no. parking spaces in total due to traffic calming measures being put in place.
- Emergency service accessibility: Greenwood Estate is a mature estate where ambulances have had to be called for residents over the last few years. The extra traffic parking will affect any emergency service from entering Greenwood Estate efficiently.
- Overcrowding of businesses: The subdivision of 3 units has resulted in a very busy Doctors Surgery, Cork City Partnership Office, a Hair Salon and Nail Bar, another Hair Salon. The Applicant, William Griffin has already divided his original unit, which now supports an Asian food Shop, a Stationery and gift Shop, a Barber shop, and a Piano Shop.
- Insufficient parking spaces for businesses: All these businesses are open either 5, 6 or 7 days a week and have a total of 9 no. parking spaces, which also support the parking for the training and matches for the pitch behind the shops, the overflow for the music school and community centre across the road, the church, and the Tact centre.
- Parking congestion: The parking for 950 students to be dropped and collected to and from the primary schools and preschools directly across the road causes havoc four times a day with people parking in front of driveways and on top of footpaths.

6.2. Applicant Response

The Applicant's response is as follows;

- The concerns and objections raised have no practical link to the planning application but to development serving the new demographic within the area.
- There is adequate parking adjacent to the school and more spaces available at the church. There are also a series of set-down and drop-off points.
- The statement that the Community Centre and Music School have traffic overflow is disingenuous as they have their own gated entrance with adequate parking.
- Underage football meets for practice on Sunday mornings with little or no interruption to the estate.
- Cork City Council are presently developing Togher Public Realm Enhancement making Togher Village more pedestrian friendly i.e., widening footpaths, providing additional pedestrian crossings and a reduced speed limit of 30 km per hour in the local area.
- The small shopping complex surrounds the people of Togher Village, Greenwood and nearby estates and services are enjoyed mostly by the local community, all within walking distance. These businesses have been an integral part of the community for over 50 years and will continue to serve the growing and diverse needs of the ever-changing local population.

6.3. Planning Authority Response

The Planning Authority confirms that it has no further comment to make in relation to this appeal.

6.4. Observations

None

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows;

- Vehicular and pedestrian safety
- Parking availability and congestion
- Impact on local businesses.
- Appropriate Assessment

7.2. I am satisfied that all other issues were fully addressed by the Planning Authority and that no other substantive issues arise. Accordingly, the issues for consideration are addressed below.

7.2.1. **Vehicular and Pedestrian Safety**

7.2.2. The Appellants object to the proposed development on the basis of potential health and safety concerns arising from increased traffic and parking. In addition, the Appellants express concern that the additional traffic and parking resulting from the proposed development may impede emergency services' access to Greenwood Estate.

7.2.3. The Applicant refutes the appeal, asserting that the concerns and objections presented are not directly related to the planning application but rather to development catering to the new demographic in the area.

7.2.4. In its assessment, the Planning Authority refers to the Area Engineer's Report, which concludes that the proposed development will not adversely affect the public road network. Additionally, the Report indicates that the existing retail unit's parking allocation will remain unchanged due to the unit's subdivision, as there will be no increase in area, and both units will share the same usage.

7.2.5. The proposed development seeks to subdivide the existing Griffin's Pianos retail unit into two distinct units, resulting in the creation of a smaller retail space at the front (42 sq.m.) and a larger unit at the rear. Access to the rear unit would be provided through a narrow pedestrian pathway situated on the western side of the adjacent barber's unit

within the local parade of shops. The Applicant states that the unit to the rear will no longer be used as a showroom but will be used as a workshop area and for storage. Furthermore, the Applicant states that an end-user for the front unit has not been identified.

7.2.6. There are 10 no. parking spaces and a loading bay to the front of the parade of shops/units. The Applicant confirms that parking spaces are not allocated.

7.2.7. Having regard to the foregoing, it is my that the proposed development for the subdivision of the existing retail unit is unlikely to impact vehicular or pedestrian safety or emergency services' access to Greenwood Estate for the following reasons:

(i) The Council's Area Engineer's Report, as referenced by the Planning Authority, states that the proposed development will not adversely affect the public road network. This supports the argument that vehicular safety will not be compromised.

(ii) The rear unit, after subdivision, will primarily be used as a workshop and storage area, which will generate minimal additional traffic or parking requirements. This mitigates concerns about increased congestion or parking issues in the area.

(iii) There will be no increase in the floor area of the subdivided units. Thereby, any additional parking requirements should be minimal and easily accommodated by the existing parking facilities.

(iv) There are 10 no. parking spaces and a loading bay available in front of the parade of shops/units, which should be sufficient to accommodate any additional parking needs.

(v) The existing pedestrian footpath and access points to the premises will remain unchanged, ensuring no disruption to pedestrian safety or emergency services' access.

(vi) Any unauthorised on-street parking is subject to enforcement (clamping and fines) by Cork City Council Parking Services.

7.2.8. In light of the above considerations and in the absence of evidence to demonstrate otherwise, it is my view that the proposed development for the subdivision of the existing retail unit would not adversely impact vehicular or pedestrian safety or emergency services' access to Greenwood Estate. Consequently, I recommend that

the proposed development should not be refused permission on these grounds of appeal.

7.2.9. Parking availability and congestion

7.2.10. The Appellants object to the proposed development, citing inadequate street parking as a primary issue. The Appellants state that this problem is currently exacerbated by road works at both entrances of the Greenwood Estate. The Appellants contend that once completed, these works will result in only 9 no. available parking spaces being available due to the introduction of traffic calming measures. The Appellants state that this number is insufficient to support local businesses operating 5 to 7 days a week. Furthermore, the Appellants highlight that these limited parking spaces also serve various community facilities, including the nearby sports pitch, music school, community centre, church, and Tact centre. The Appellants emphasise that parking congestion is worsened by the drop-off and collection of 950 students attending nearby primary and pre-schools. This results in vehicles blocking driveways and obstructing footpaths, causing significant disruption during peak drop-off and pick-up times.

7.2.11. In response to the grounds of appeal, the Applicant states that the parking situation is adequate, with available spaces adjacent to the school, additional spaces at the church, and a series of set-down and drop-off points provided. The Applicant argues that concerns regarding traffic overflow from the community centre and music school are unfounded, as both facilities have their own gated entrances and sufficient parking. Furthermore, underage football practice takes place on Sunday mornings with minimal disruption to the estate. Additionally, the Applicant states that Cork City Council is currently implementing the Togher Public Realm Enhancement, which aims to make Togher Village more pedestrian-friendly. This includes widening footpaths, providing additional pedestrian crossings, and reducing the speed limit to 30 km per hour in the local area. The Applicant emphasises the importance of the small shopping complex to the local community, as it serves residents of Togher Village, Greenwood, and nearby estates, most of whom are within walking distance of the facilities.

7.2.12. The Planning Authority, in its assessment of the further information submitted, note the Applicant's agent, who clarified that the Griffin's piano business, which deals in sales, restoration, and tuning of pianos, will continue to operate in the rear unit. Due to a shift towards online sales, the need for showroom space in the front part of the

unit has reduced. The piano business will operate from 9:00 a.m. to 5:30 p.m., with access to the unit provided through the existing side passage. The Planning Authority note that while an end-user for the front part of the subdivided unit has not yet been identified, conditions can be attached to govern its usage, including restrictions on takeaway and late-night operations.

7.2.13. The Planning Authority note the Council's Area Engineer Report, which does not express any concerns regarding parking demand, as the proposal does not involve an increase in floor area. The Council's Area Engineer Report states the proposed development will not impact the public road network.

7.2.14. Having reviewed the grounds of appeal, the Applicant's response, and the planning authority's assessment, it is evident that the primary concern raised by the appellants is the perceived inadequacy of available parking spaces in the area. With this regard, it is important to consider the following;

(i) there are 10 no. parking spaces and a loading bay maintained to the front of the parade of shops and subject appeal site,

(ii) there is a considerable amount of parking spaces available in the vicinity, including adjacent to the nearby schools, at the Way of the Cross Catholic church, and at set-down and drop-off points along the Togher Road,

(iii) community facilities such as the Togher community centre and Togher music school have their own parking provision.

It is my view that the availability of such parking in the vicinity and any lacking/overflow thereof should not be used as a reason for refusal for the proposed development. As stated previously, any unauthorised on-street parking in the vicinity of the proposed development is subject to enforcement (clamping and fines) by Cork City Council Parking Services.

7.2.15. The Togher Public Realm Enhancement Scheme, which has since been implemented by Cork City Council, as evident on the date of my site inspection, aims to make the area more pedestrian-friendly, thus potentially reducing the reliance on private vehicles and the demand for parking spaces. Details of such are available on the Cork City Council public consultation website at the following link - <https://consult.corkcity.ie/en/consultation/togher-public-realm-enhancement>.

I observed during the site inspection that the enhancement scheme has retained the 10 no. parking spaces and loading bay to the front of the appeal site.

- 7.2.16. The proposed development provides for the subdivision of the existing Griffin's Pianos retail unit into two distinct units, resulting in the creation of a smaller retail space at the front (42 sq.m.) and a larger unit at the rear. As stated by the Applicant, the Griffin's piano business, which will continue to operate in the rear unit, has shifted towards online sales, reducing the need for showroom space and potentially the number of customers visiting the premises. The Applicant states that the rear unit, will primarily be used as a workshop and storage area, which will generate minimal additional traffic or parking requirements. As such, I consider this element of the proposal would not increase congestion or parking issues in the area.
- 7.2.17. The Applicant states that an end-user for the front unit (42 sq.m.) has not been identified. Notwithstanding this, given that there will be no increase in the floor area of the subdivided units and the stated nature of the unit to the rear, it is my view that any additional parking requirements should be minimal and accommodated by the existing 10 no. parking spaces and a loading bay available in front of the parade of shops/units.
- 7.2.18. The Council's Area Engineer Report confirms that the proposed development will not impact the public road network and outlines no objections to the proposed development.
- 7.2.19. Having regard to the foregoing, it is my view that the proposed subdivision of the existing retail unit would not adversely impact parking in the area. The availability of parking spaces to the front of the appeal site and in the vicinity, and the nature and scale of the businesses operating in the subdivided units indicate that parking demand can be accommodated without causing significant disruption to the local community. On this basis, I consider that the proposed development is acceptable in terms of parking provision and should not be refused permission on these grounds of appeal.
- 7.2.20. **Impact on local businesses.**
- 7.2.21. The Appellants object to the proposed development on the grounds that the subdivision of 3 units has resulted in a very busy Doctors Surgery, Cork City Partnership Office, a Hair Salon and Nail Bar, and another Hair Salon. The Appellants detail how the Applicant, William Griffin has already divided his original unit, which

now supports an Asian food Shop, a Stationery and Gift Shop, a Barber shop, and a Piano Shop.

- 7.2.22. In response to the grounds of appeal, the Applicant states that the small shopping complex surrounds the people of Togher Village, Greenwood and nearby estates and services are enjoyed mostly by the local community, all within walking distance. The Applicant states that these businesses have been an integral part of the community for over 50 years and will continue to serve the growing and diverse needs of the ever-changing local population.
- 7.2.23. The Planning Authority, in its assessment of the proposal, raised no concerns regarding the subdivision of the unit. While the Applicant was unable to identify the end-user for the front unit, the Planning Authority notes that its use could be restricted by way of Condition to ensure it would not be used as a takeaway or late-night use. This was addressed by way of Condition No. 2 imposed on the Planning Authority's grant of permission which requires that the proposed retail unit shall be used solely as a shop as defined in Article 5 of the Planning and Development Regulations 2001 (as amended), and that no hot food takeaway is permitted as the main use of the proposed unit in the permission.
- 7.2.24. Having regard to the nature and scale of the proposed development, i.e. to subdivide the existing Griffin's Pianos retail unit into two distinct units, resulting in the creation of a smaller retail space at the front (42 sq.m.) and a larger unit at the rear to be used as a workshop area and for storage, it is my view that the proposal would be consistent with Objective 7.32 of the Cork City Council Development Plan 2022-2028 which refers to 'Small Local Shops' and seeks 'To support, promote and protect small local shops including corner shops which provide an important retail service at a local level. Any proposed new local shops should serve a local need only and be of a size and scale which would not be detrimental to the health of nearby centres defined within the retail hierarchy and subject to the protection of residential amenity'. Having regard to the proximity of residential dwellings opposite the site, I consider that the terms of Condition No. 2 imposed by the Planning Authority are appropriate and should be imposed in the event of a grant of permission. The terms of this Condition restrict the use of the proposed retail unit to ensure it would not be used as a takeaway or late-night use, thus safeguarding the residential amenity of nearby dwellings. On this basis, it is my view that the scale and nature of the proposed development would not

adversely impact local businesses or the residential amenity of the surrounding area and should not, therefore, be refused permission on this basis.

7.2.25. **Appropriate Assessment**

7.2.26. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, in particular its location in a serviced settlement, and having regard to its separation distance from any European site, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that 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 planning permission should be granted for the proposed development for the reasons and considerations set down below and subject to the following conditions.

9.0 **Reasons and Considerations**

9.1.1. Having regard to the nature, scale and location of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed subdivision of the existing retail unit into two distinct units, would not be detrimental to neighbouring businesses or the residential amenity of the surrounding area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 **Conditions**

1.	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 26 th day of August 2021 and the 16 th day of December 2021, except as may otherwise be required in order
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	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>a) The proposed retail unit shall be used solely as a shop as defined in Article 5 of the Planning and Development Regulations 2001 (as amended).</p> <p>b) No hot food takeaway is permitted as the main use of the proposed unit in this permission.</p> <p>c) The hours of operation of the proposed retail unit shall be agreed in writing with the planning authority prior to the first occupation of that unit.</p> <p>Reason: In the interests of orderly development and the residential amenity of the area.</p>
3.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Prior to the commencement of development, the Applicant shall submit details of the proposed shopfront and signage associated with the proposed retail 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>
5.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing</p>

	<p>with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: In the interest of orderly development and to ensure the provision of adequate refuse storage.</p>
6.	<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>
7.	<p>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 noise / vibration and traffic management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Brendan Coyne
 Planning Inspector

30th March 2023