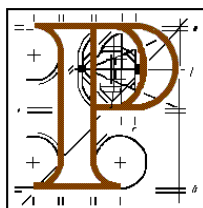


An Bord Pleanála



Inspector's Report

Appeal Reference No:	27.LC2066
Development:	Application for a street furniture licence for 6 No. tables with seating at the Coffee Dock, Bray Seafront, Bray, Co. Wicklow.
Planning Application	
Planning Authority:	Wicklow County Council
Planning Authority Reg. Ref.:	16/807
Applicant:	David Tew
Planning Authority Decision:	Refuse Licence
Planning Appeal	
Appellant(s):	David Tew
Type of Appeal:	First party
Observers:	None
Date of Site Inspection:	9 th January 2017
Inspector:	Emer Doyle

1.0 SITE LOCATION AND DESCRIPTION

The site is located adjacent to the promenade at Bray to the front of a café known as 'The Coffee Dock'. The Coffee Dock is a small café with both indoor and outdoor seating. The outdoor seating on the date of inspection in January was covered by a marquee type structure. It is not known if this area is covered all year round. The Coffee Dock has been open since 1999 and is located at the southern end of Bray seafront, adjoining a large car park. A pedestrian crossing is located to the west of the site with 'Teddys' Ice Cream shop on the other side of the pedestrian crossing. The area to the south of The Coffee Dock was recently resurfaced by the Council and there are a number of large planters in the area.

2.0 RELEVANT HISTORY

05/52 Retention permission granted for 2 No. roller shutters, signage, CCTV cameras, lighting, planters, wind breaker and retractable awning/ canopy fixed to the façade of an existing café plus railings, cobblelock paving, stone kerbs and external lamp standards for an external open area adjacent to the Boathouse Café, at the southern end of Strand Road, Bray with additional fixed seating outside this area for general public use.

3.0 PROPOSED DEVELOPMENT

Licence sought for seating area on the pavement adjacent to an existing coffee shop. The area concerned is located approximately 3m from an existing outdoor dining area associated with the café. It would consist of 6 tables each with 8 chairs. It is also proposed to provide screening around the area and square planters and 2 sunbrellas.

The application was accompanied by a drawing of the proposed seating area as well as photographs of proposed style of seating and tables. The drawings indicate that the area is to be enclosed by screens which would measure c. 2.3m in height.

4.0 PLANNING AUTHORITY DECISION

Planning Report

This report considered that the existing outdoor chairs and tables were unauthorised. The 10m space available at this location was considered to be proportionately sized circulation space. It was considered that this was a heavily trafficked space in terms of footfall and the proposal to put tables and chairs in this space would result in the congestion of the space.

Bray District Engineer

Recommends refusal due to loss of part of a busy pedestrian space.

Permission was refused for two reasons as follows:

1. Having regard to the location of the proposed tables and chairs at a point along the Seafront adjacent to a car park and the junction between the Strand Road and Putland Road, it is considered that the proposed tables and chairs would inhibit and curtail the free flow of pedestrians along the Seafront. The proposal would therefore be contrary to the proper planning and sustainable development.
2. The proposed development would represent the consolidation of the use of an adjoining area for tables and chairs in the absence of a licence for the existing tables and chairs outside the 'Coffee Dock' and contrary to the requirements of Section 254 of the Planning and Development Act 2000 as amended.

5.0 GROUNDS OF APPEAL

The grounds of appeal can be summarised as follows:

- In 2016, Wicklow County Council undertook considerable public realm work outside the Coffee Dock which increased the paved area outside the Coffee Dock. As a result of these works, it became obvious to the appellant that he could further improve his business and also contribute to the public realm by the addition of the proposed development.
- The design inspiration is based on an informal outside seating area in a location closely aligned with outdoor dining and the local authority did not take this into account.
- The DMURS manual requires a pedestrian width of between 1.8 and 4 metres.
- As stated in the planning report- the external area is 10 metres wide, the proposal is 4 metres wide, that leaves 6 metres for pedestrian traffic. It is proposed to leave an average of 2 metres between the existing development and the proposed development- this can be increased if necessary.
- The existing external seating area was granted permission under 05/52 and this should not have been used as a reason for refusal.

6.0 RESPONSES TO GROUNDS OF APPEAL

The planning authority has not responded to the grounds of appeal.

7.0 POLICY CONTEXT

7.1 *Development Plan*

The relevant plan for the area is the Bray Town Development Plan 2011 -2017.

The site is zoned as OS1- Solely Open Space. The objective is to protect and provide for recreation, open space and amenity provision.’

8.0 ASSESSMENT

Having inspected the site and reviewed the file documents, I consider that the issues raised by this appeal can be assessed under the following headings:

- Principle of Development
- Visual and Architectural Impact
- Pedestrian Convenience and Safety
- Planning History
- Appropriate Assessment

Principle of Development

The uses permitted in principle in this zoning under Section 13.2.9 of the plan include open space and public services. The uses not normally permitted but open for consideration include community facilities and recreational facilities/ sports clubs. Restaurant use is not included in either of these categories however I note that it is an established use in this area and as such, I consider that the use is acceptable in principle.

Visual and Architectural Impact

The proposed outdoor seating area is acceptable in terms of the visual and architectural impact. The materials proposed area of a high quality and are acceptable. There is a precedent for outdoor seating in the immediate vicinity of the site.

Pedestrian Safety and Convenience

The primary concern raised by the planning authority is regarding the loss of outdoor space to patrons using the promenade along the seafront. The site is located adjacent to a carpark along the seafront and opposite the junction between Putland Road and Strand Road. There is a pedestrian crossing at this location with ‘The Coffee Dock’ and the seafront on one side of the crossing and ‘Teddys’ ice cream shop on the other side. The promenade walk to

the east of 'The Coffee Dock' along the promenade is c. 13m. The area to the front of 'The Coffee Dock' is c. 11m. The footpath adjacent to the car park narrows to 4m. The Council undertook public realm work in 2016 which included resurfacing and the provision of large planters.

I am of the view that the creation of a seating area at this location would impede pedestrian traffic flow and would leave the area much narrower than the space that is available on the other side of 'The Coffee Dock'. The area proposed for outdoor seating is quite large and measures c. 3.9m x 5.97m. I note that whilst the area between the proposed seating area and the existing seating area is indicated on the plans as 3m and 2.25m when the planters are taken into account, when the existing benches are also taken into account, this reduces the area available to c.1.5m. On a January morning this area was very busy with pedestrians. It is easy to imagine that the area would be hectic on a warm Summer day with high levels of pedestrian traffic. I refer the Board to Photographs 4 and 5 attached to the appeal which give a good illustration of a busy Summer day.

Whilst there is enough space to physically accommodate the seating arrangement proposed, I consider that it would channel pedestrian traffic either side of the outdoor seating area and pedestrians would not be able to enjoy the works recently carried out by the Council or have the same amount of space they currently enjoy on the other side of promenade.

This is clearly a very busy area with pedestrians crossing the pedestrian crossing adjacent to the site to access Putland Road and Strand Road or the ice cream shop on the other side of the pedestrian crossing. Pedestrians would also need to cross over this area to access the adjacent car park. I am of the view that the proposed outdoor seating area would lead to customers and staff movements spilling into the remaining available space which would result in congestion and obstruction of convenience of pedestrian movement.

Planning History

The second reason for refusal of the Council stated the following:

'The proposed development would represent the consolidation of the use of an adjoining area for tables and chairs outside the 'Coffee Dock' and contrary to the requirements of Section 254 of the Planning and Development Act 2000 as amended.'

The response to the appeal states that 'the existing development as exists on site corresponds exactly with that granted under 05/52. The external seating is permitted development, the 6 conditions attached to 05/52 do not preclude the external seating. The external seating therefore does not require a section 254 licence as it has the benefit of planning permission.

The history file is attached to the current application and I have examined the drawings and photographs on file together with the wording of the application. Permission was sought for the retention of 2 No. roller shutters, signage, CCTV cameras, lighting, planters, wind

breaker and retractable awning/canopy fixed to the façade of an existing café plus railings, cobble lock paving, stone kerbs and external lamp standards for an external open area adjacent to the Boathouse Café at the southern end of Strand Road, Bray with additional fixed seating and bins outside this area for general public use.

Having examined the drawings on file and the photographs taken of the development dating to 2005, I am of the view that what now exists on site is different from the development for which retention permission was sought. Retention permission was granted for a wind breaker and retractable awning whereas what now exists is a marquee which is much more enclosed than the wind breaker and retractable awning that was granted permission. This marquee appears to be new and appears to be different from all the photographs attached to the appeal which show either umbrellas covering this area or a different kind of marquee. I note that this area was used for outdoor seating dating back to at least 2005. It is a matter for the Council to decide whether or not to take enforcement proceedings in order to regularise the matter.

Appropriate Assessment

Having regard to the nature, scale and location of the proposed development it is considered that the proposed development would not be likely to have significant effect, individually or in combination with other plans and projects on European sites.

9.0 CONCLUSION AND RECOMMENDATION

It is recommended that the Licence for the outdoor seating area should not be granted as it would significantly impede pedestrian traffic flow in an area with high pedestrian footfall.

DECISION

In exercise of the powers conferred on it under Section 254 of the Planning and Development Act, 2000, An Bord Pleanála hereby **DISALLOWS** the said Appeal based on the reasons and considerations set out below:

REASONS AND CONSIDERATIONS

Having regard to the location of the proposed tables and chairs at a point where there is a high pedestrian footfall in close proximity to a carpark, a pedestrian crossing, and the junction between the Strand Road and Putland Road, it is considered that the placing of tables, chairs, and screens at this location would significantly impede pedestrian traffic flow along the Seafront and would result in congestion and the obstruction of convenience

of pedestrian movement. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Emer Doyle
Inspector
24th January 2017