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Bord  
Pleanála

## Inspector's Report 29S.LC2069

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<b>Development</b>	Street furniture license application
<b>Location</b>	Pavement adjacent 'The Rag Trader', no.39 Drury Street, Dublin 2.
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	SF551
<b>Applicant(s)</b>	Widestar Ltd
<b>Type of Application</b>	License application
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Widestar Ltd
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	08/11/17
<b>Inspector</b>	John Desmond

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## 1.0 Site Location and Description

- 1.1. The application site is located in the south city centre area, on the eastern side of Drury Street, c.90m east of and parallel to George's Street and 20m south of Exchequer street. Drury street accommodates one-way traffic running from south to north onto Exchequer Street. There are pedestrian pavements on either side of the street but the pavement on the east side of the street is of quite restricted width at and within the vicinity of the application site, measuring no more than c.1.65m adjacent the southern boundary and c.1.57m at the northern end. The opposing pavement is significantly wider (I did not measure it).
- 1.2. There are two barrels outside the premises (which is a public house), within the pedestrian pavement and which are marked with the logo of the business premises. There is also a bench outside the premises that encroaches, albeit marginally, onto the public pavement. There are benches on the public pavement outside many commercial premises within the vicinity. The commercial premises within this area are varied.

## 2.0 Proposed Development

- 2.1. The license application is for 2no. tables (only) each of 1.325m X 0.4m, amounting to a total area of 1.06-sq.m, to be located on the public pavement to the front of the premises.

## 3.0 Planning Authority Decision

### 3.1. Decision

**REFUSE** permission on grounds of hazard to pedestrians.

### 3.2. Planning Authority Reports

- 3.2.1. Roads Maintenance Services, Environment and Transportation Department Report:  
The report of the Senior Engineer is consistent with the decision of the Council and the substance of the refusal.

### 3.2.2. Other Technical Reports:

Roads & Traffic – Report of Assistant Engineer (12/05/17) notes the width of the footway as 2.2m. Customers standing at the proposed tables and obstruct pedestrians, resulting in pedestrians stepping onto the busy roadway.

Dublin Fire Brigade – Report of Assistant Fire Chief (27/06/17) raised no objection as the locations of the proposed tables do not obstruct or reduce the width of escape route from the premises or adjoining premises.

Planning & Development – Report of Executive Planner (30/06/17), having regard to s.16.30 of the CDP 2016 and noting the size of the proposed tables and the proposal to locate same within the centre of the 2.2m width footway, objected to the proposal.

## 4.0 Planning History

No relevant planning history.

## 5.0 Policy Context

### 5.1. Development Plan

Dublin City Development Plan 2016-2022

Land use zoning – objective Z2 *‘To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.’*

Specific Objectives – Architectural Conservation Areas

Development Management Standards - S.16.30 Street furniture

### 5.2. Natural Heritage Designations

South Dublin Bay and River Tolka Estuary SPA Site Code 004024 c.3.5km to the east.

South Dublin Bay SAC Site Code 000210 c.3.5km to the east.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The main grounds of the appeal by Widestar Ltd may be summarised as follows:

- The application was made a previous application for a license for two round barrels on foot of correspondence that a license for same was required<sup>1</sup>.
- The Council indicated that the round tables didn't suit and that the width of the pavement would allow a maximum furniture dimension of 400mm width, with which the applicant's proposal complied.
- In view of the proposed furniture dimension relative to pavement width, the applicant disagrees that the proposal would constitute a hazard and would result in pedestrians stepping off the footway onto the roadway.

### 6.2. Planning Authority Response

None

### 6.3. Further Responses

None

## 7.0 Assessment

- 7.1. The main issue for consideration in this appeal is the potential impact on the pedestrian environment. The applicant proposed to keep two tables of 0.4m width X 1.35m length on the public pedestrian footway. The dimension of the pedestrian footway is indicated as 2.2m in width on the site layout plans and this is the dimension in the Council's Assistant Engineer. On inspecting the site, I measured the pavement (from building façade to the edge of the carriageway) no more than c.1.65m adjacent the southern boundary and c.1.57m at the northern end.

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<sup>1</sup> Note, the applicant does not provide a reference number and the reports on the Planning Authority's files do not refer to a previous application.

- 7.2. Drury Street is a category 2 street within the central shopping area defined under the criteria under City Development Plan 2016-2022. Chapter 7 of the Development Plan sets out the Council's strategy and policy approach to transport (e.g. policy MT2), which includes promotion of modal shift from car use to more sustainable and active modes such as walking.
- 7.3. Proposals for street furniture are considered by the Council with the context of development management standards set out under s.16.30 of the Development Plan, which includes, inter alia, consideration of the potential impact on access and visibility. The report of the Council's Planning Officer objected to the proposal due to the size of the tables relative to footpath width. The Council's Road Engineer considered the proposed development would result in pedestrians stepping onto the busy roadway.
- 7.4. The Design Manual for Urban Roads and Streets (2013) divides the pedestrian pavement into three zones – the strip, to accommodate active uses associated with commercial premises; the pedestrian footway to accommodate pedestrian traffic; and the kerb, to allow for overhanging of vehicles and for locating street furniture such as light standards and etc. DMURS provides for a minimum standard of 1800mm for a pedestrian footway to enable two pedestrian walking in opposite directions to pass one another, excluding any 'strip' designed to accommodate outdoor uses associated with commercial premises, such as outdoor terraces, and kerbs. Higher standards would apply within high value contexts such as city centres.
- 7.5. The proposed tables would be located within the pedestrian footway as this old city centre area has no designated strip. The tables would extend between c.700mm to c.900mm from the façade of the premises over the footway, leaving as little as 670mm-750mm to accommodate pedestrian passage, inclusive of the kerb. However, there may not be sufficient space between the tables and the building façade to accommodate customers (less than 400mm in parts), necessitating tables to be pushed further into the footway to accommodate customers. The effective width of the pedestrian footway will be further narrowed by the presence of customers of the public house standing adjacent the outside of the proposed tables.
- 7.6. I would concur with the Local Authority that there is insufficient space to accommodate the proposed tables on the pedestrian footway without necessitating

pedestrians (and wheelchair users) from passing onto the public roadway, thereby inconveniencing pedestrians, even if the pavement width was as wide as the 2.2m dimension indicated on the submitted plans. This is evidently a busy commercial area within the central shopping area, during day and night time. Drury Street accommodates one-way traffic running south to north on a 24-hour basis. The proposed development would therefore endanger the safety of road users, including pedestrians.

- 7.7. **Appropriate Assessment** – Having regard to the nature and small scale of the proposed development and the distance to the nearest European sites, 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 **REFUSED** for the reasons and considerations set out under section 9.0 below.

## 9.0 Reasons and Considerations

1. The proposed tables would be located within the existing pedestrian footway and reduce the effective width of the pedestrian footway such as would necessitate pedestrians to pass onto the public road. The proposed development would therefore inconvenience pedestrians and endanger the safety of pedestrians and road users and would be contrary to the provisions of the Dublin City Development Plan 2016-2022 concerning such development.

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John Desmond  
Senior Planning Inspector

8<sup>th</sup> November 2017