

AN BORD PLEANÁLA	
LDG- ABP- <u>061737-03</u>	
09 MAR 2023	
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Time: <u>Silipon</u>	By: <u>Haris</u>

SECTION 5 REFERRAL TO AN BORD PLEANÁLA FOLLOWING DCC DECISION TO GRANT SECTION 5 EXEMPTION CERTIFICATE IN RELATION TO THE TRAM CAFÉ & PUBLIC TOILET, CLONMEL STREET, DUBLIN 2 (REG. REF. 0014/23).

Thursday, 9 March 2023



Prepared by:
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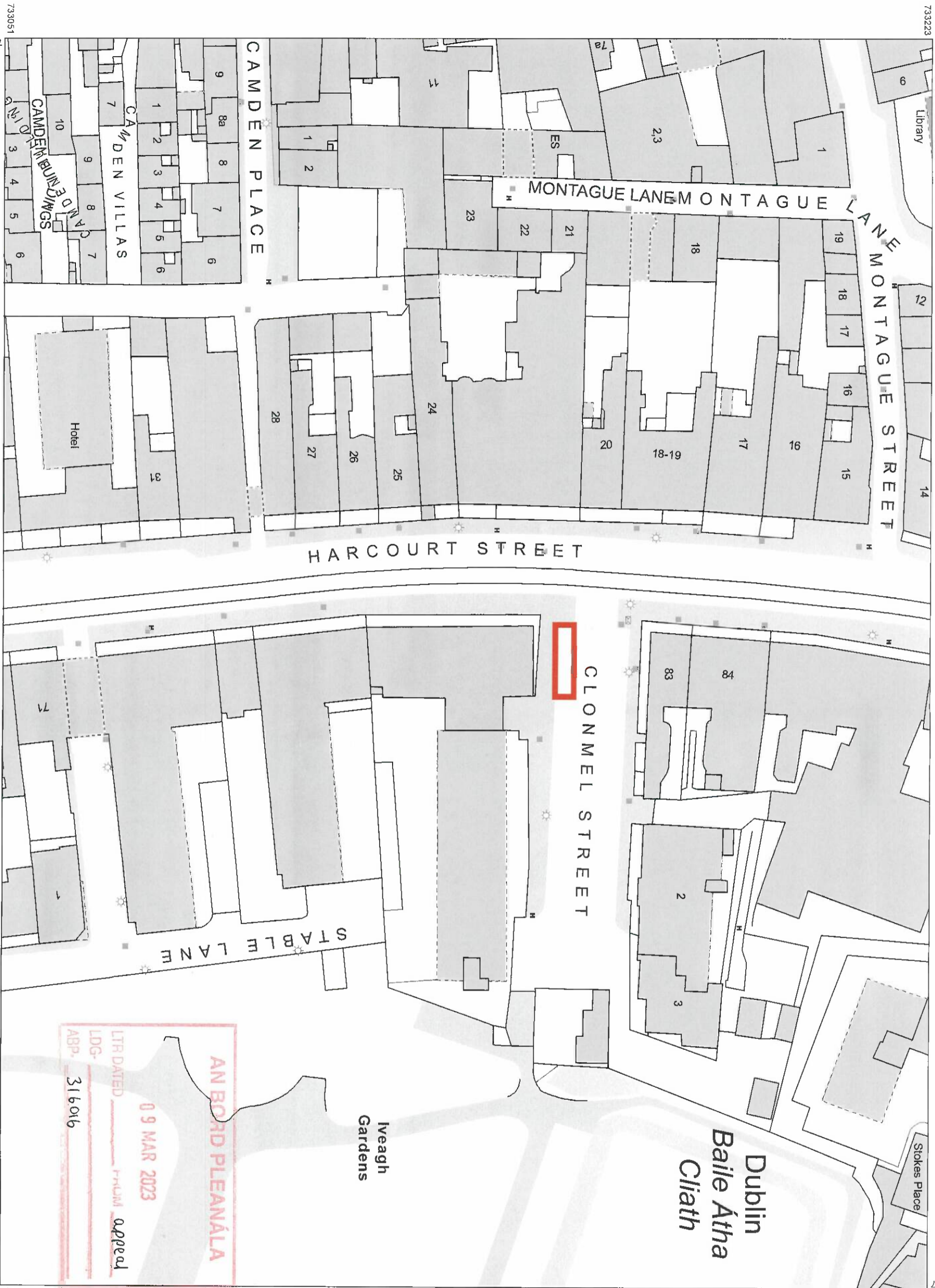
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Planning Pack Map



CENTRE COORDINATES:
ITM 7156681,733137

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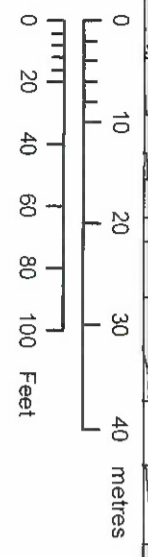
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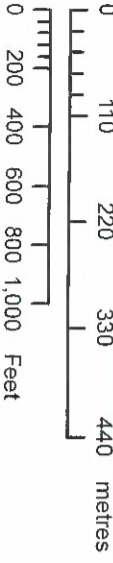
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Site Location Map



OUTPUT SCALE: 1:10,560

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APPENDIX B: COPY OF THE DCC PLANNER'S REPORT DATED 10 FEBRUARY 2023 24



The Secretary
An Bord Pleanála
61-64 Marlborough Street
Dublin 1
D01 V902

Thursday, 9 March 2023
[By hand.]

Dear Sir / Madam

RE: SECTION 5 REFERRAL TO AN BORD PLEANÁLA FOLLOWING DUBLIN CITY COUNCIL'S DECISION TO GRANT SECTION 5 EXEMPTION CERTIFICATE FOR DCC REG. REF. 0014/23 ON RELATION TO THE USE OF A REPURPOSED SHIPPING CONTAINER TO SELL TEA/COFFEE AND ASSOCIATED GOODS, PROVISION OF PUBLIC TOILET, AND ANCILLARY ELEMENTS AT THE SITE OF 2 NO. LOADING BAYS ON CLONMEL STREET, DUBLIN 2

1.0 INTRODUCTION

1.1 Overview of this Referral to An Bord Pleanála

Tom Phillips + Associates¹ hereby seek that An Bord Pleanála reviews Dublin City Council's *Notification of Declaration on Development and Exempted Development*, dated 10 February 2023 on Reg. Ref. 0014/23 (enclosed in Appendix A) under Section 5 (3) (a) of the *Planning and Development Acts 2000* (as amended).

This Declaration seeks to establish under Section 5 of the *Planning and Development Act 2000* (as amended) (hereafter referred to as the Acts) as to whether or not development comprising a Repurposed Shipping Container (RSC) and ancillary elements at The Tram Café, Clonmel Street, Dublin 2, constitutes development and / or exempted development under the provisions of the Acts and the *Planning and Development Regulations, 2001* (as amended) (hereafter referred to as the Regulations).

We enclose a cheque made payable to An Bord Pleanála in the sum of €220.

We seek confirmation from An Bord Pleanála (through the issuing of a *Declaration* under Section 5 of the *Planning and Development Acts 2000* (as amended) that the components and ancillary elements detailed in this *Section 5 Referral* is or is not development or is or is not exempted development.

The questions to be determined in respect of the subject elements may be described as follows:

1. 'Whether the Repurposed Shipping Container (RSC) utilised as a tea / coffee take away counter (selling tea and coffee and associated goods) is or is not exempted development within the meaning of the Act?'

¹ No. 80 Harcourt Street, Dublin 2, D02 F449.

2. 'Whether the outdoor seating area and public toilets utilised as ancillary elements for The Tram Cafe is or is not development or is or is not exempted development within the meaning of the Act?'
3. 'Whether the connections (water, electricity etc.?) is or is not development and is or is not exempted development within the meaning of the Act?'
4. 'Whether the associated signage and advertising is or is not exempted development within the meaning of the Act?'

Dublin City Council issued a Declaration on 10 February 2023. With respect, it is unclear from the Declaration how or why the Planning Authority arrived at its conclusions?

1.2 Summary of the Subject Site

The elements defined in this *Section 5 Referral* Subject Site consist of the:

1. Use of a Repurposed Shipping Container (RSC) to sell tea and coffee and other associated type goods (cakes, pastries, protein balls, sandwiches, soup etc.);
2. Use of a Repurposed Shipping Container (RSC) for public toilets;
3. Provision of outdoor seating at sides of Repurposed Shipping Container (RSC); and
4. Provision of associated signage and advertising signage.

1.3 Site location

The Tram Café is located in a Repurposed Shipping Container (RSC), located across 2 No. suspended loading bays on Clonmel Street, Dublin 2.

Clonmel Street is Unzoned.



Figure 1.1: Location of the Tram Café indicated approx. by the green line boundary on Clonmel Street. Note that Clonmel Street is unzoned. (Source: Dublin City Development Plan 2022-2028, volume 3 Zoning Maps, Mapset E, annotated by Tom Phillips + Associates, March 2023.)



Figure 1.2: Location – Approx. location of The Tram Café shown on Clonmel Street, Dublin 2. (Source: Google Earth Pro, annotated by TPA, December 2022.)

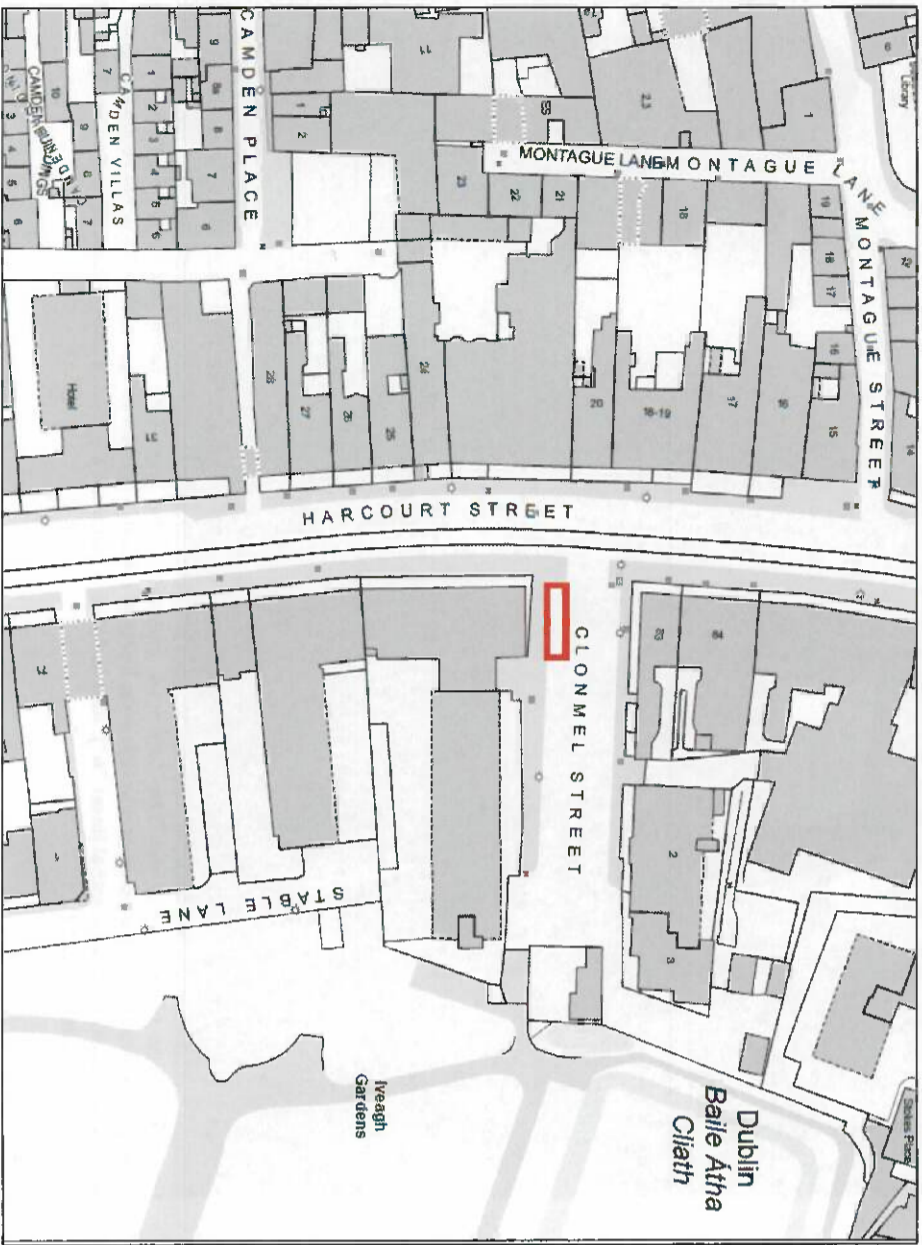


Figure 1.3: OSI Location Map of Subject Site on Clonmel Street, Dublin 2 (red). (Source: OSI (Copyright Licence No. CYS150311197), annotated by Tom Phillips + Associates, January 2023.)

We note that the Tram Café is located on a street where there is no through vehicular traffic, although there is a number of private car parks associated with several office developments on the street – including the Department of Foreign Affairs – Irish Aid.

Clonmel Street is a *Cul de Sac* to vehicular traffic, but during daytime hours there is permeability to pedestrians through the Iveagh Gardens to Hatch Street, Earlsfort Terrace, and to Saint Stephen's Green South.

Furthermore, Clonmel Street opens onto Harcourt Street, which is a relatively quiet road regarding vehicular traffic although the Green Line Luas does operate in both directions on Harcourt Street.

The suspended loading bays that are currently occupied by the Tram Café would, under normal circumstances be utilised by delivery drivers and couriers associated with the office developments nearby.

Typically, during the summer months, large crowds convene on the Iveagh Gardens for an array of events such as concerts, food festivals (*Taste Dublin*), comedy gigs etc.

The large crowds that attend these events can form long queues on Clonmel Street that tend to occupy the footpath now partially occupied by the Tram Café.

It is unclear how the bottlenecking created by the Tram Café (particularly the access ramp to the toilet) is to be mitigated.

2.0 BACKGROUND INFORMATION

2.1 Detailing the Elements of the Tram Café, Clonmel Street, Dublin 2

The subject site consists of the primary element RSC and ancillary elements defined in this *Section 5 Referral* – namely the Repurposed Shipping Container (RSC), Public Toilets, Outdoor Seating Area, Associated Signage and Advertising and 2 No. suspended Loading Bays.

2.1.1 Repurposed Shipping Container (RSC)

The Repurposed Shipping Container (RSC) is shown in Figure 2.1 below. Note that the RSC is clad with timber cladding that act as a means for the plants in the planting boxes to climb and increase the aesthetic appeal of the structure.

We note that those planting beds have been used by passers-by as a means of dumping rubbish (see Figure 2.1 to 2.13).

How this planting feature is function during the aforementioned summer-time events in the Iveagh Gardens is a concern.

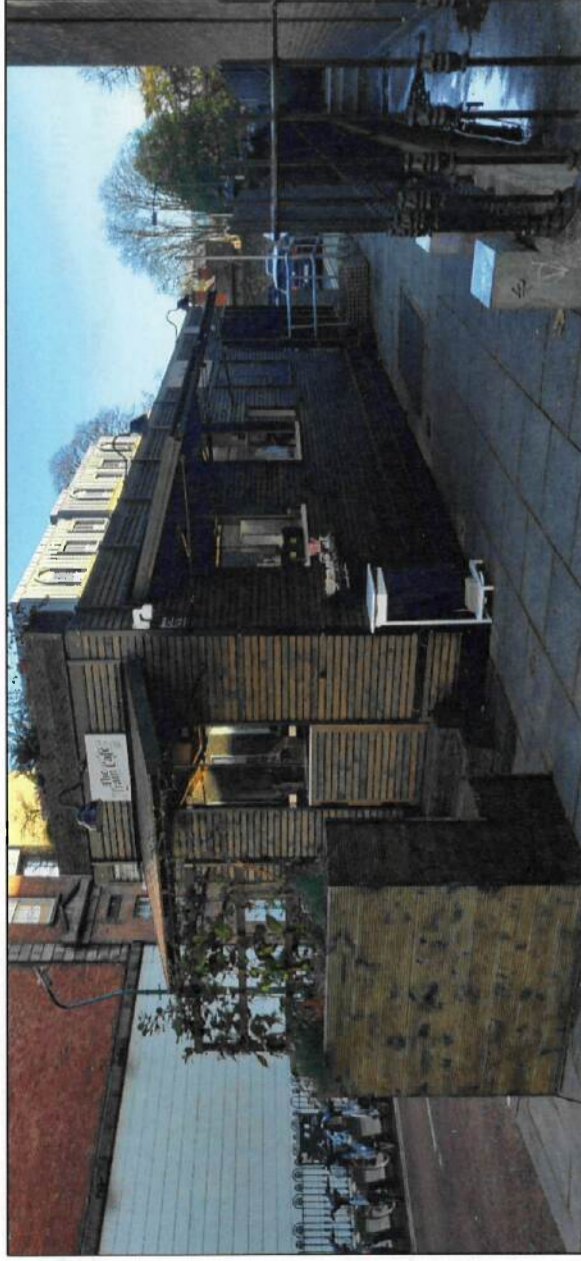


Figure 2.1: View of the Repurposed Shipping Container, clad in timber and planting beds located on Clonmel Street, Dublin 2. Note that due to the close proximity of the Tram Café to the inside edge of the footpath – it is difficult to get a complete photo of the front elevation of the RSC. (Source: Tom Phillips + Associates, December 2022.)



Figure 2.2: View of the rear of the Tram Café – i.e. the side of the Tram Café facing into Clonmel Street. Note the inset photographs showing the dumping of miscellaneous items of rubbish – some a danger within the public realm – such as a glass which when broken could be lethal (Inset "A"). Also included a cap from a bottle of vodka (Inset "B"). (Source: Tom Phillips + Associates, December 2022.)



Figure 2.3: View of the rear of the Tram Café – i.e. the side of the Tram Café facing into Clonmel Street. Note the miscellaneous item of rubbish – some a danger within the public realm on Harcourt Street, a busy pedestrian thoroughfare. (Source: Google Earth, January 2023.)

2.2 Public Toilet

There is a Public Toilet provided on the eastern end of the Tram Café (see Figure 2.4).

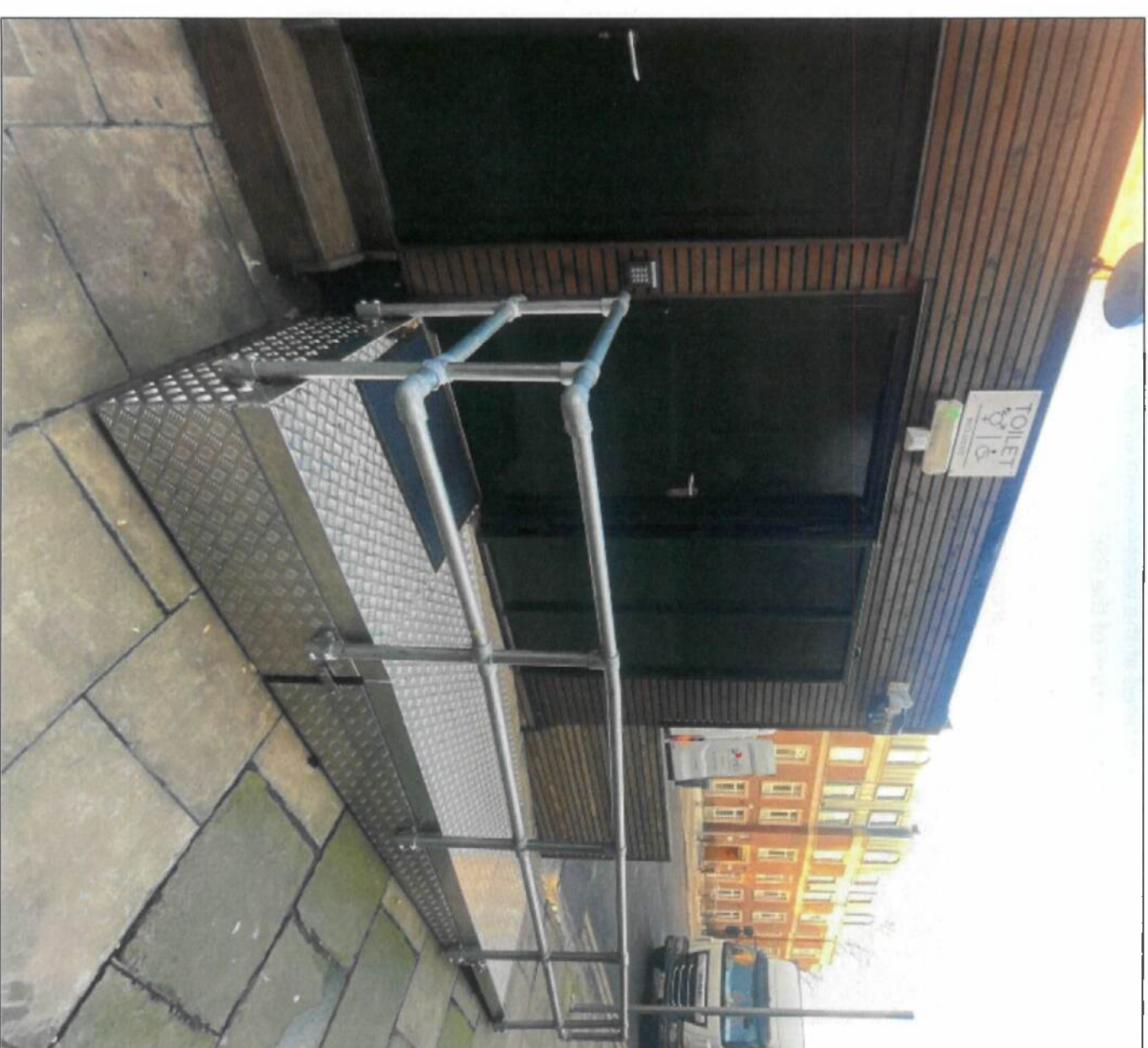


Figure 2.4: View of the Public Toilets provided as part of the Tram Café. On site visits, it was observed that people – seemingly not customers were able to use this facility. The Toilet is accessed by an apparently accessibility friendly ramp – however, we do not have accurate dimensions of this ramp and cannot be certain that it is within regulation. (Source: Tom Phillips + Associates, December 2022.)

There is a ramped access to the Toilet facility. This ramp occupies part of the public footpath and does so without planning permission.

2.3 Outdoor Seating

There are 2 No. locations at the Tram Café where outdoor seating is provided.

1 No. outdoor seating is located at the western end of the Tram Café (closest to Harcourt Street) and is separate from the structure of the RSC or associated cladding.

Although, while separate, the seating is designed in keeping with the aesthetic of the cladding on the RSC and the associated planting areas (see Figure 2.5).

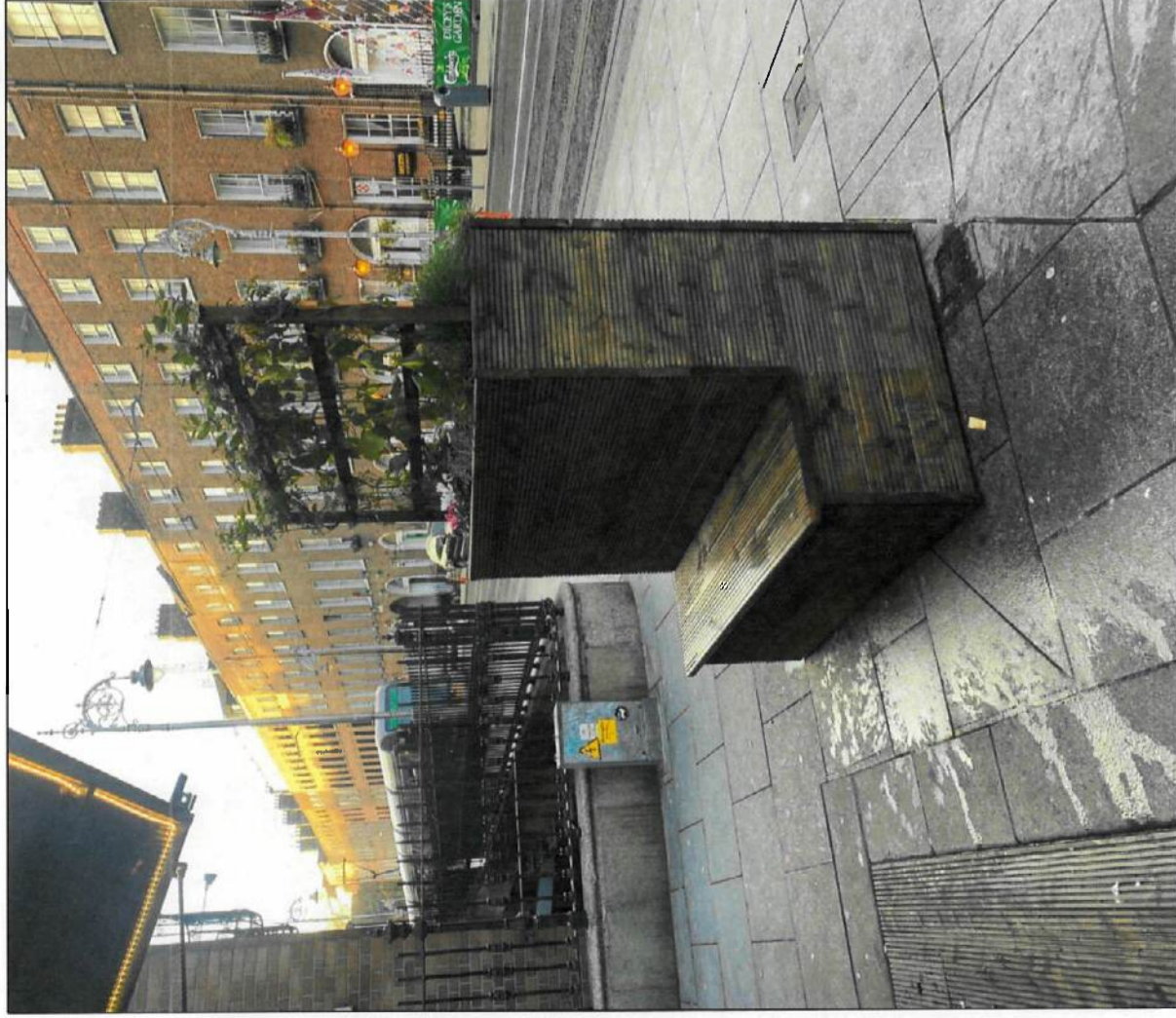


Figure 2.5: View of the Outdoor Seating area No. 1 – located closest to Harcourt Street. This seating area is a standalone structure – apart from the RSC and includes planting. (Source: Tom Phillips + Associates, December 2022.)

Outdoor Seating area No. 2 is located at the eastern end of the Tram Café (closest to the Iveagh Gardens) and is adjoining the RSC and associated timber cladding (see Figure 2.6).

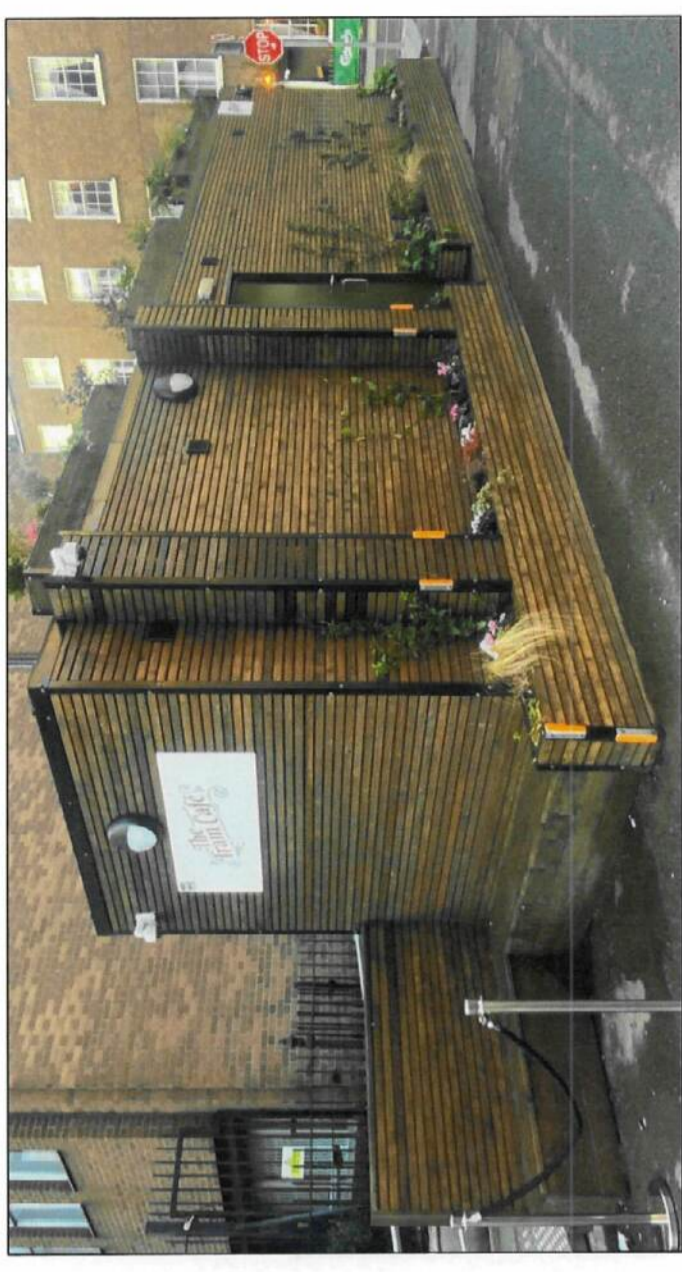


Figure 2.6: View of the eastern end of the Tram Café showing the Outdoor Seating area No. 2 adjoining the RSC and associated timber cladding. (Source: Tom Phillips + Associates, December 2022.)

2.4 Associated Signage and Advertising

The Tram Café comprises of a number of signage elements.

The signage is both attached to the façade of the RSC and associated timber cladding and includes standalone sandwich board signs.



Figure 2.7: View of the sandwich board, which tends to be located at the western end of the Tram Café (closest to Harcourt Street). The sign provides information on what goods are sold from the RSC. Note that the sign is double sided. (Source: Tom Phillips + Associates, December 2022.)



Figure 2.8: View of a chalkboard menu sign attached to the front façade of the Tram Café. (Source: Tom Phillips + Associates, December 2022.)



Figure 2.9: View of branded signage located on the eastern façade (closest to the Iveagh Gardens) of the RSC. (Source: Tom Phillips + Associates, December 2022.)

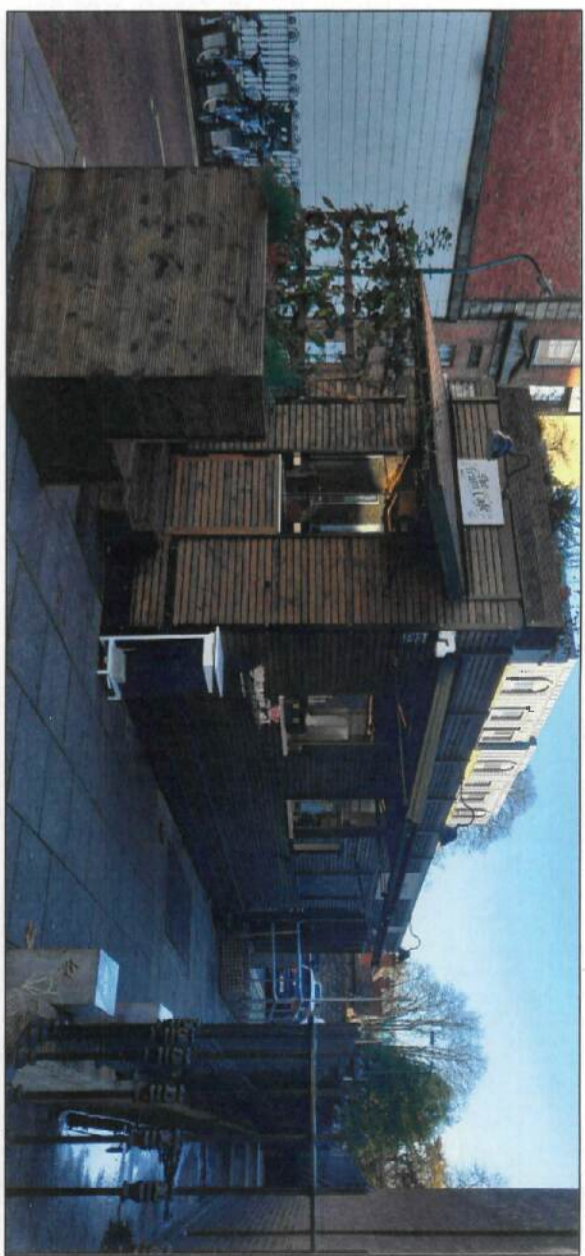


Figure 2.10: View of the branded signage located on the western façade (closest to Harcourt Street) of the RSC. (Source: Tom Phillips + Associates, December 2022.)

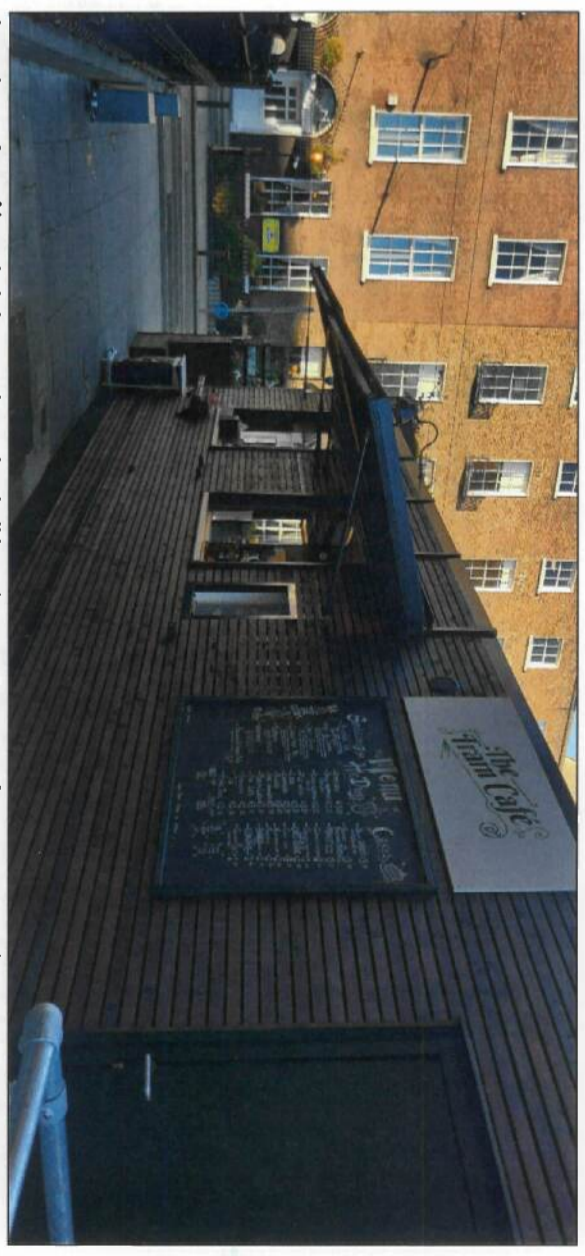


Figure 2.11: View of branded signage above the chalkboard menu sign on the front elevation of the RSC. (Source: Tom Phillips + Associates, December 2022.)



Figure 2.12: View of the branded signage located on the western end (closest to Harcourt Street) of the rear façade. (Source: Tom Phillips + Associates, December 2022.)

2.6 Diminished visibility for traffic exiting Clonmel Street across a live LUAS track

The nature and placement of the RSC and associated seating diminished the visibility of road users exiting Clonmel Street across a live LUAS track.

The associated seating element of the Tram café blocks the visibility of road users from being able to see pedestrians walking along Harcourt Street who are crossing Clonmel Street. Harcourt Street is a busy pedestrian thoroughfare, with many pedestrians crossing at Clonmel Street. The seating area blocks the view of drivers rendering it difficult to see pedestrians approaching the Clonmel Street Junction and *vice versa*, with pedestrians' views of Clonmel Street and Harcourt Street traffic being obscured.

This is the same case for the LUAS which runs along Harcourt Street, Passing Clonmel Street. Cars must cross an active LUAS track to merge on to Harcourt Street. This RSC and seating area diminish the views for both parties, increasing the precariousness of the Clonmel Street junction for all users.

Figure 2.14 below illustrates the diminished views of road users to observe pedestrian and LUAS traffic.

2.5 2 No. Suspended Loading Bays

The RSC and associated elements have resulted in the suspension of 2 No. Loading Bays.

The Loading Bays are utilised by delivery drivers and couriers to and from the several office developments in the local area.

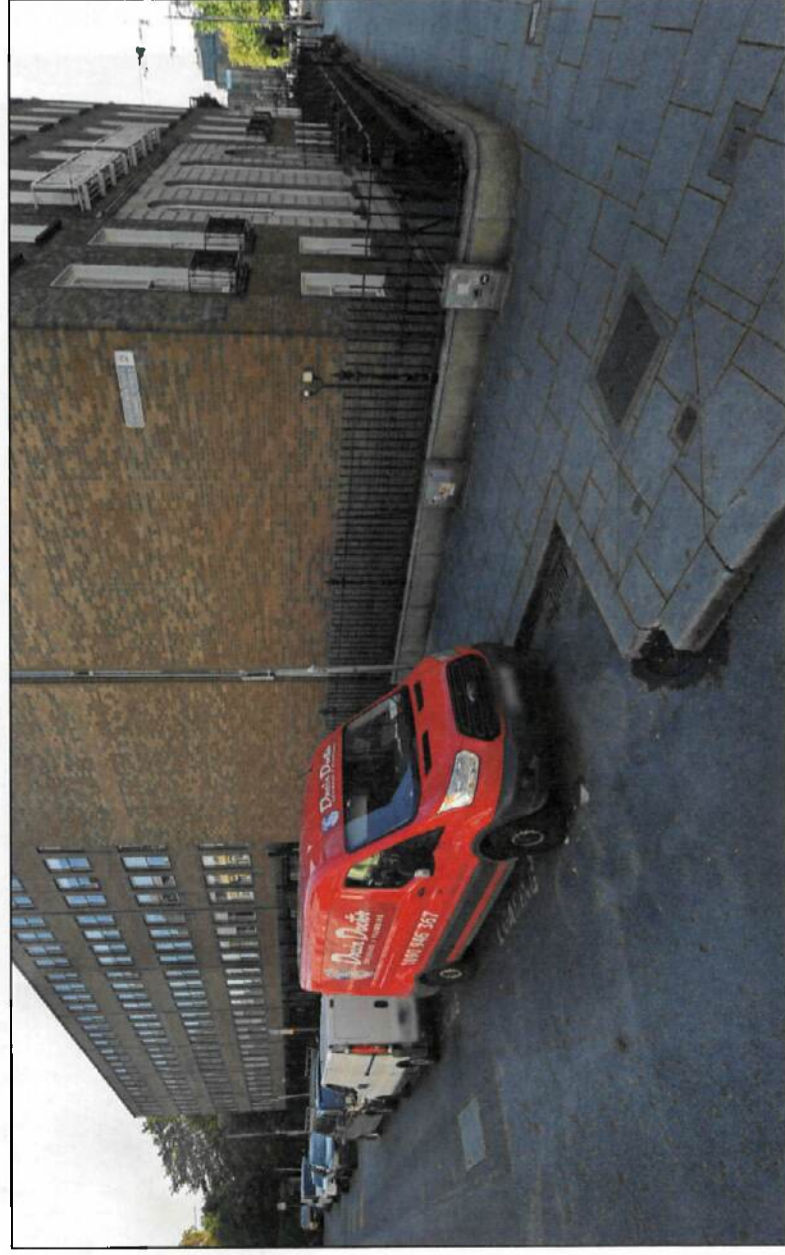


Figure 2.13: View of what are now the Suspended Loading Bays, taken in September 2019, prior to the establishment of the Tram Cafe. (Source: Google Street View, September 2019.)

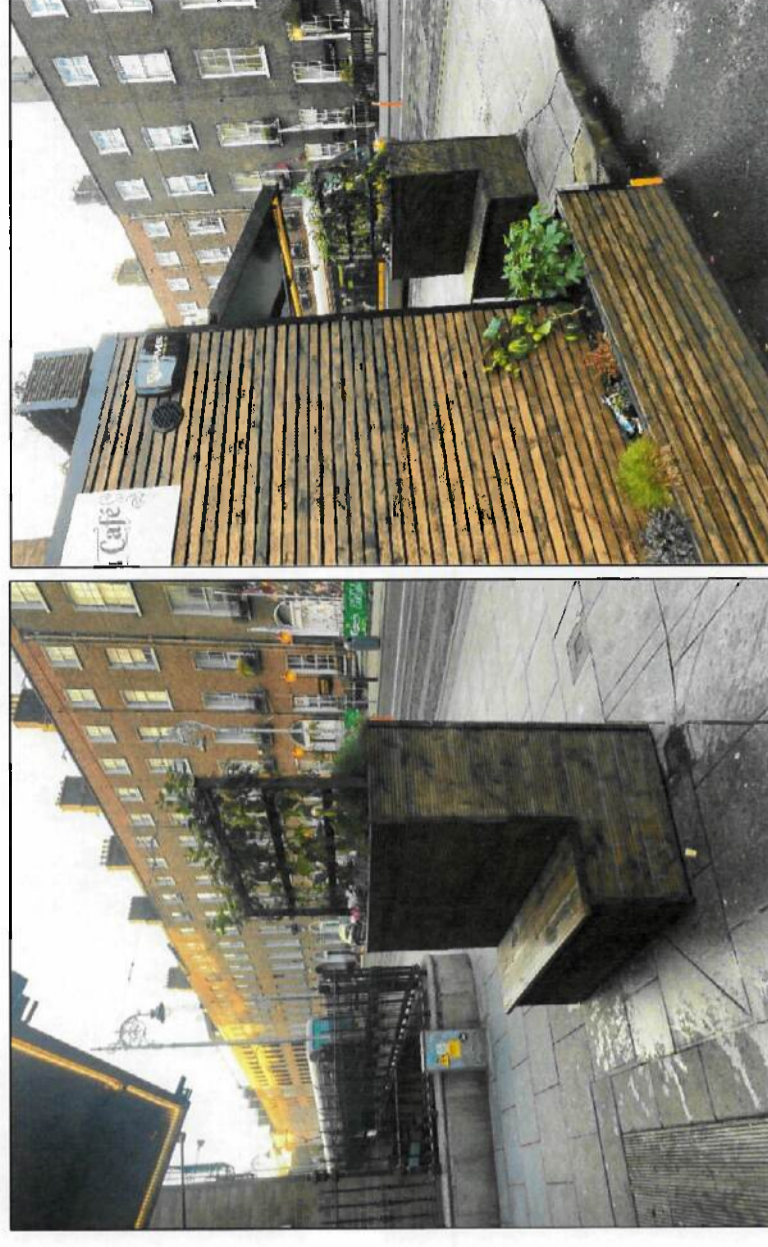


Figure 2.14: Diminished view of road users from Clonmel Street, with the Tram Cafes associated seating area blocking the view of pedestrians and LUAS traffic on Harcourt Street, and *vice versa*. (Source: Google Street View, September 2019.)

3.0 ASSESSMENT OF THE DUBLIN CITY COUNCIL'S PLANNER'S REPORT DATED 10 FEBRUARY 2023

Dublin City Council's *Planner's Report* dated 10 February 2023 (see Appendix B) provides an assessment of the Tram Café that forms the basis of DCC's Decision to Grant an Exemption Certificate.

We outline some key issues regarding that DCC *Planner's Report* in this Section.

3.1 DCC Planner's Disregard of Location of Tram Café

The DCC *Planner's Report* opens by stating that the location of the Tram Café is:

"located across 2 No. loading bays on Clonmel Street, Dublin 2."

The *Planner's Report* continues stating:

"Clonmel Street is unzoned due to it being a city road. However, the adjoining streets are zoned Z8, the objective of which is 'to protect the existing architectural civic design character and to allow only for limited expansion consistent with the conservation objective."

[Our emphasis.]

The DCC *Planner's Report* swiftly disregards the fact that Clonmel Street is unzoned and rather arbitrarily attributes the Objectives of a different zoning category to the subject site (the Tram Café).

We note that Section 14.3.2 of the *Dublin City Development Plan 2022-2028* states:

"Development proposals in respect of these unzoned lands will be considered in accordance with the policies and objectives of the plan. Regard will also be had to their compatibility with adjacent land-uses and zonings."

The DCC *Planner's Report* attributes the land-use zoning Objectives from Objective Z8 – *Georgian Conservation Area* to the Tram Café.

The aim of Objective Z8 – *Georgian Conservation Area* is:

"to protect the existing architectural civic design character and to allow only for limited expansion consistent with the conservation objective."

While Policy BHA9 in the *Dublin City Development Plan 2022-2028* states:

"Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible."

3.2 Development Assessed Without Sufficient Documentation

3.2.1 Opinion of Qualified Conservation Architect Apparently Absent

There is no evidence that a qualified conservation architect has assessed the Development of the Tram Café – this would likely be unacceptable as part of a similar Application made by a private citizen.

As such, we find no qualified opinion stating that the development of the Tram Café on unzoned lands at Clonmel Street, Dublin 2 is compatible with the adjacent land-use zoning – ultimately showing disregard on the part of Dublin City Council for Section 14.3.2 of the *Dublin City Development Plan 2022-2028*.

In our opinion, such a leap of logic would not be acceptable in a Planning Application made by a private citizen for the same or similar Development – so why is it acceptable for a Planning Authority to treat zoning Objectives so arbitrarily?

3.2.2 Opinion of Qualified Traffic Engineer Apparently Absent

Section 9(1)(a)(iii) of the *Planning and Development Regulations 2001* (as amended) states:

9 (1) – "Development to which article 6 relates shall not be exempted to development for the purposes of the Act –

(a) – "if after carrying out of such development would –

(iii) – "endanger public safety by reason of traffic hazard or obstruction of road users"

We note that the placement of the Signage elements detailed in Section 2.6 of this *Referral* obstruct road users – a particular concern is that the obstruction occurs in close proximity to the two-way Lusas line on Harcourt Street.

Furthermore, the door located to the rear of the Tram Café (the side of the RSC that faces out onto Clonmel Street) is not designed to accommodate road safety.

There is no indication to vehicle users on Clonmel Street that this doorway opens out onto the street.

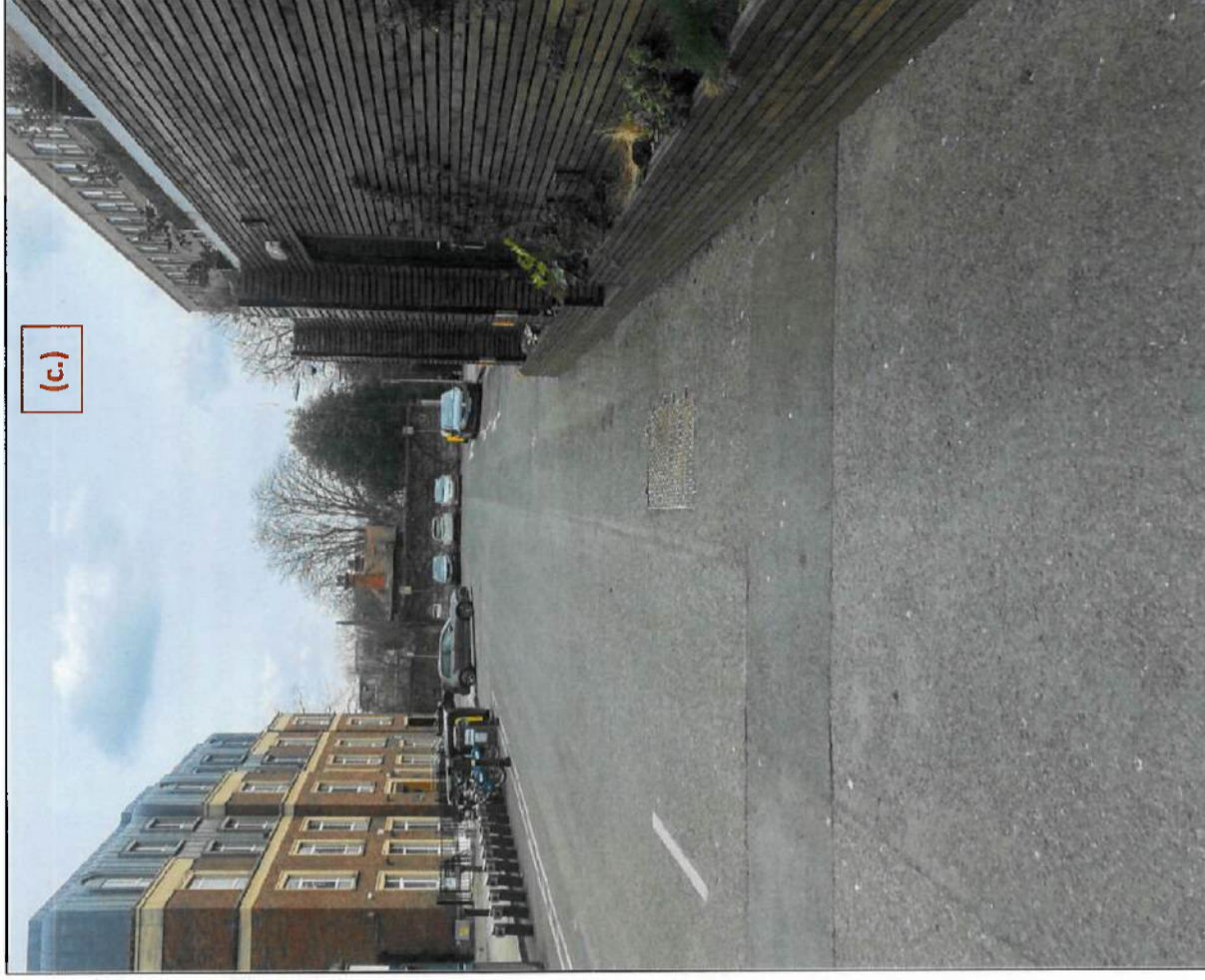
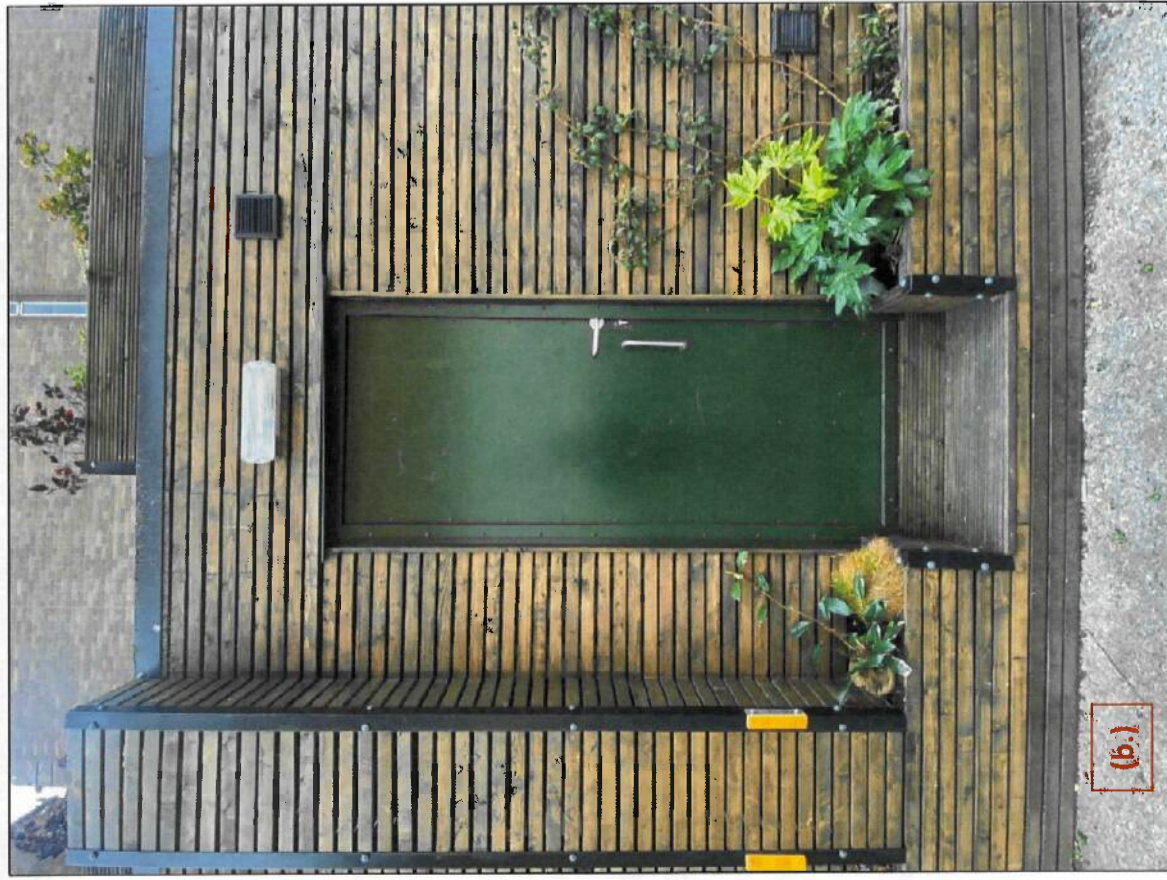


Figure 3.1 (a), (b) and (c): Images showing the door at the rear of the Tram Café (i.e. the Clonmel Street side of the RSC) .

Users of the doorway would exit the Tram Café out onto Clonmel Street potentially with no warning to motor vehicles driving on Clonmel Street.

The potential dangers and risks associated with this doorway could have been avoided if the Tram Café had been put through a rigorous Planning Application process.

[Source: Tom Phillips + Associates, March 2023.]



4.0 PLANNING HISTORY – NONE EVIDENT?

The Tram Café (RSC) and associated elements currently occupy 2 No. Suspended Loading Bays on Clonmel Street, Dublin 2.

There is no Planning History for the site.

There is no record of any Planning Permission or indeed any Planning Application for the Tram Café on Clonmel Street.

5.0 DEVELOPMENT POLICY CONTEXT

The Tram Café on Clonmel Street falls within the administrative area of Dublin City Council and the *Dublin City Development Plan 2022-2028*.

Clonmel Street is not covered by a specific zoning objective. As stated in section 14.3.2 of the *Dublin City Development Plan 2022-2028*:

“Certain small areas of land within the city are unzoned or not covered by a specific zoning objective. These lands are illustrated in white on the zoning maps accompanying the plan and usually correspond with the location of the city’s roads, bridges, train lines, or other key infrastructure installations. Development proposals in respect of these unzoned lands will be considered in accordance with the policies and objectives of the plan. Regard will also be had to their compatibility with adjacent land-uses and zonings”. [Our emphasis.]

As seen in Figure 4.1 below, the adjacent land-uses and zonings are zoned Z8 – Georgian Conservation Area – and is located beside a red-hatch Conservation Area. As per the above quote “regard will also be had to their compatibility with adjacent land-uses and zonings”. In our opinion, that an RSC in such a configuration as the Tram Café on Clonmel Street does not comply or give due regard to the context of its surroundings of a Georgian Conservation Area, therefore it is an unsuitable development for the area.

Furthermore, Clonmel Street is unzoned due to it being a city road.

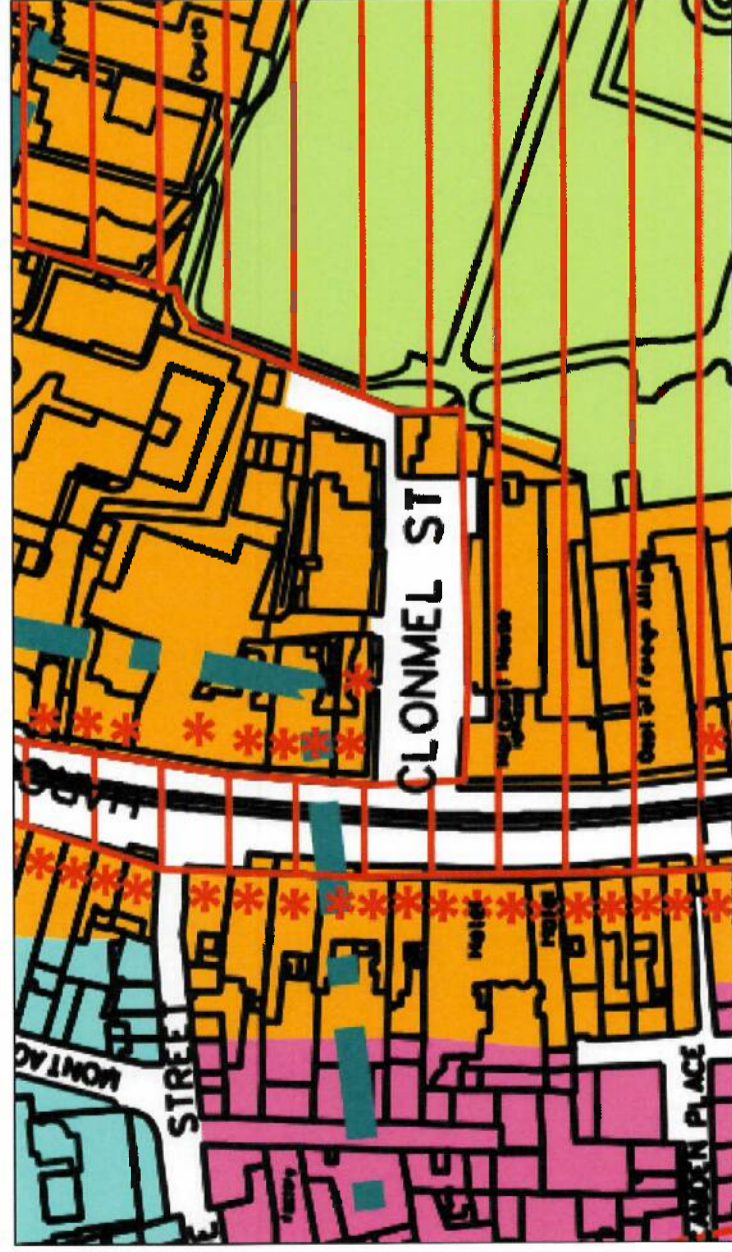


Figure 4.1: View of Map Set E from the *Dublin City Development Plan 2022-2028* showing Clonmel Street as “white-space” or unzoned lands. We note that there are structures located on Clonmel Street that are within a Red-hatch Conservation Area. (Source: Map Set E, Volume 3, *Dublin City Development Plan 2022-2028*.)

5.1 The Question for the Purpose of Assessment

Having regard to the above, for the purposes of assessment, the question to be determined in respect of the elements at the subject site may be described as follows:

1. *‘Whether the Repurposed Shipping Container utilised as a tea / coffee take away counter (selling tea and coffee and associated goods) is or is not exempted development within the meaning of the Act?’*
2. *‘Whether the outdoor seating area and public toilets utilised as ancillary elements for The Tram Café is or is not development or is or is not exempted development within the meaning of the Act?’*
3. *Whether the connections (water, electricity etc.?) is or is not development and is or is not exempted development within the meaning of the Act?*
4. *Whether the associated signage and advertising associated with the Tram Café is or is not exempted development within the meaning of the Act?’*

This section assesses the proposed elements, having regard to the provisions of the Act thereunder, in order to assess whether the works constitute development and exempted development.

5.1.1 Legislative Context – Relevant Definitions

“Development”

‘Development’ is defined in Section 3(1) of the Acts as follows:

“development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.”

“Works”

‘Works’ is defined in Section 2(1) of the Acts as follows:

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.”

“Structure”

‘Structure’ is defined in Section 2(1) of the Acts as follows:

“[A]ny building, structure, excavation or other thing construction or made on, in or under any land, or any part of a structure so defined and –

- (a) *Where the context so admits, includes the land on, in or under which the structure is situate.”*

“Use”

“Use” is defined in Section 2(1) of the Acts as follows:

‘Use’, in relation to land, does not include the use of the land by the carrying out of any works thereon;

“Shop”

‘Shop’ is defined in the Regulations as follows:

“**Shop**” means any structure used for any or all of the following purposes, where the sale, display or service is principally to visiting members of the public –

(d) for the sale of sandwiches or other food or wine for consumption off the premises, where the sale of such food or wine is subsidiary to the main retail use, and “wine” is defined as any intoxicating liquor which may be sold under a wine retailer’s off licence.”

“Outdoor Seating Area”

‘Outdoor Seating Area’ is defined in the Civil Law (Miscellaneous Provisions) Act 2021 as follows:

‘Outdoor Seating Area’ means in relation to a licenced premises, an outdoor seating area –

- (a) Lawfully used by a licenced premises pursuant to an authorisation, or
- (b) on private land abutting the premises where—
 - i. the land is owned, or occupied by way of a lease or licence, by the licensee of the premises,
 - ii. a licence is not in force, or a certificate of registration under the Act of 1904 is not applicable and in force, in respect of the area,
 - iii. the number of seated patrons who can be accommodated in the area does not exceed the number of patrons who may be accommodated in the licensed premises,
 - iv. the area contains sufficient seating to accommodate the number of seated patrons referred to in subparagraph (iii),
 - v. **the area does not contain any counter or barrier across which intoxicating liquor can be served to the public, and**
 - vi. the sale or supply of intoxicating liquor by the licensee to patrons in the area is an ancillary part of the normal business carried on on that premises.”

[Our emphasis.]

Section 4 : Exempted Developments, of the Planning and Development Act 2000 (as amended) state that:

- “4.—(1) The following shall be exempted developments for the purposes of this Act—
- (g) ...development consisting of the carrying out by any local authority or statutory undertaker of any works for the purpose of inspecting, repairing, renewing, altering or removing any sewers, mains, pipes, cables, overhead wires, or other apparatus, including the excavation of any street or other land for that purpose;
 - (h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;...”

6.0 PLANNING ASSESSMENT

6.1 Distillation of Those Elements part of this Referral

These are:

1. The Tram Café - Repurposed Shipping Container – a takeaway tea / coffee counter selling tea and coffee and associated goods;
2. Outdoor Seating Area;
3. Public Toilets; and
4. Advertising Signage.

The Tram Café, Clonmel Street, Dublin 2

The Tram Café is an apparently temporary element (Repurposed Shipping Container) located across 2 No. existing but suspended loading bays on Clonmel Street, Dublin 2.



Figure 5.1: View of The Tram Café – repurposed shipping container, awning and refuse collection point, located on Clonmel Street, Dublin 2. (Source: Tom Phillips + Associates, December 2022.)

The Tram Café sells a range of hot beverages (non-alcoholic) and associated foodstuffs such as baked goods and sandwiches.

There are a number of items associated with the business for which we seek a declaration for as part of this Section 5 Referral. They are a shipping container with an awning, a refuse bin waste, public toilets, customer seating, and a number of advertising signs associated with the Tram Café.



Figure 5.2: View of the chalkboard menu sign attached to the front façade of the Tram Café (right) and a sandwich board (left) which tends to be located at the western end of the development (closest to Harcourt Street). The sign provides information on what goods are sold from the RSC. Note that the sign is double sided. (Source: Tom Phillips + Associates, December 2022.)

6.1.1 The Tram Café – Repurposed Shipping Container (RSC)

A declaration is sought for the use of a repurposed shipping container operating as a take away coffee counter serving users of the Iveagh Gardens and people of the surrounding area. The repurposed shipping container is placed on a tarmac surface of 2 No. loading bays located on Clonmel Street, Dublin 2. It is located near an access point to the Iveagh Gardens.

Having regard to the above description, we consider the Repurposed Shipping Container to comprise ‘Development’, ‘Structure’ and ‘Shop’.

The next consideration, therefore, is whether the development constitutes exempted development within the meaning of the Act, Regulations, and Guidelines.



Figure 5.3: Picture showing the protrusion of the café approximately 30cm outside the footprint of the suspended Loading Bays. (Source: Tom Phillips + Associates, January 2023.)



Figure 5.4: View of the Car blocking vehicular access to No. 80 Harcourt Street due to there being no access to the suspended Loading Bays. (Source: Tom Phillips + Associates, January 2023.)



Figure 5.5: Standing water on Clonmel Street as a result of having the on-street stormwater drain being covered by the RSC. (Source: Tom Phillips + Associates, January 2023.)

6.1.2 Outdoor Seating Area

A declaration is sought for provision of an outdoor seating area consisting of 2 No. benches (highlighted by red outlines in Figures 5.7 and 5.9 below). The seating areas are located to either side of the repurposed shipping container.

We have observed that the seating areas have primarily been used by smokers, who discard cigarette butts on the ground beside the seating areas, littering the immediate and surrounding area.

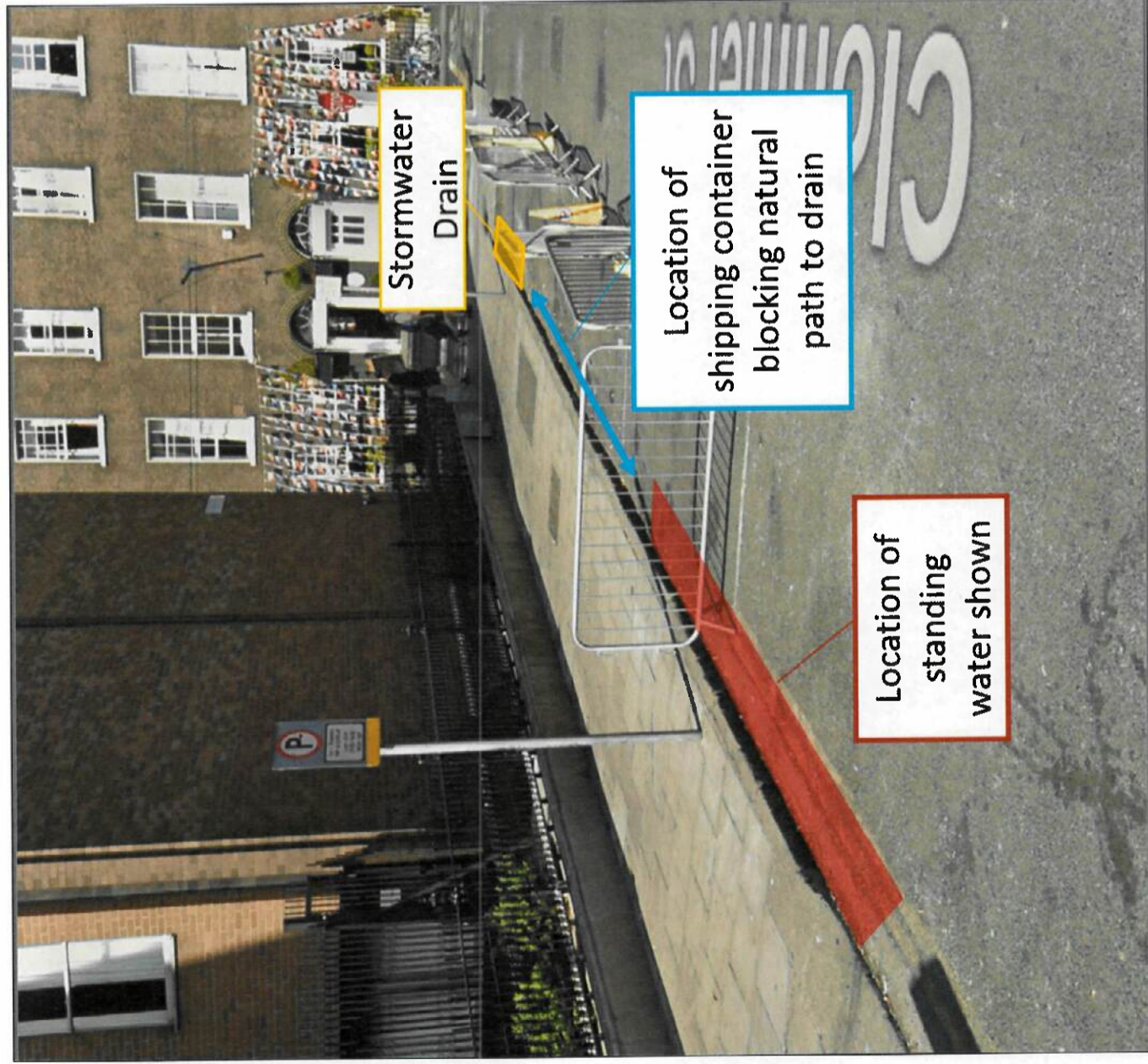


Figure 5.6: View of the location of the standing water and shipping container. (Source: Google Maps, 2018, annotated by Tom Phillips + Associates, January 2023)



Figure 5.7: View of ancillary outdoor seating provided by the Tram Café (highlighted in red). (Source: Tom Phillips + Associates, December 2022.)



Figure 5.8: View of ancillary outdoor seating provided by the Tram Café. (Source: Tom Phillips + Associates, December 2022.)

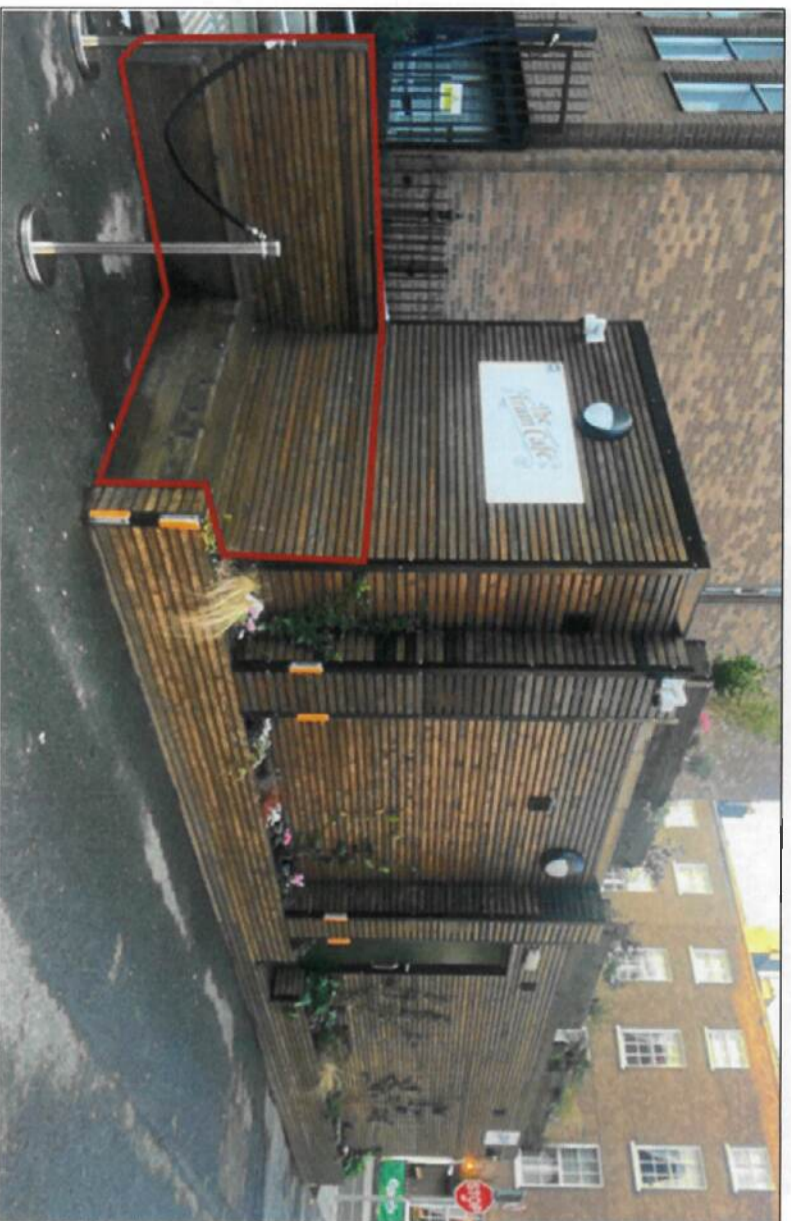


Figure 5.9: View of ancillary outdoor seating provided by the Tram Café (highlighted in red). (Source: Tom Phillips + Associates, December 2022.)

6.1.3 Public Toilets

A declaration is sought for the public toilets and associated accessibility ramp. The addition of the ramp narrows the path and impedes permeability to all users of the Iveagh gardens and to employees accessing the surrounding office developments, occupying part of the public footpath and does so without any apparent planning permission. On site visits, it was observed that people – seemingly not customers were able to use this facility. The Toilet is accessed by an apparently accessibility friendly ramp – however, we do not have accurate dimensions of this ramp and cannot be certain that it is within regulation.

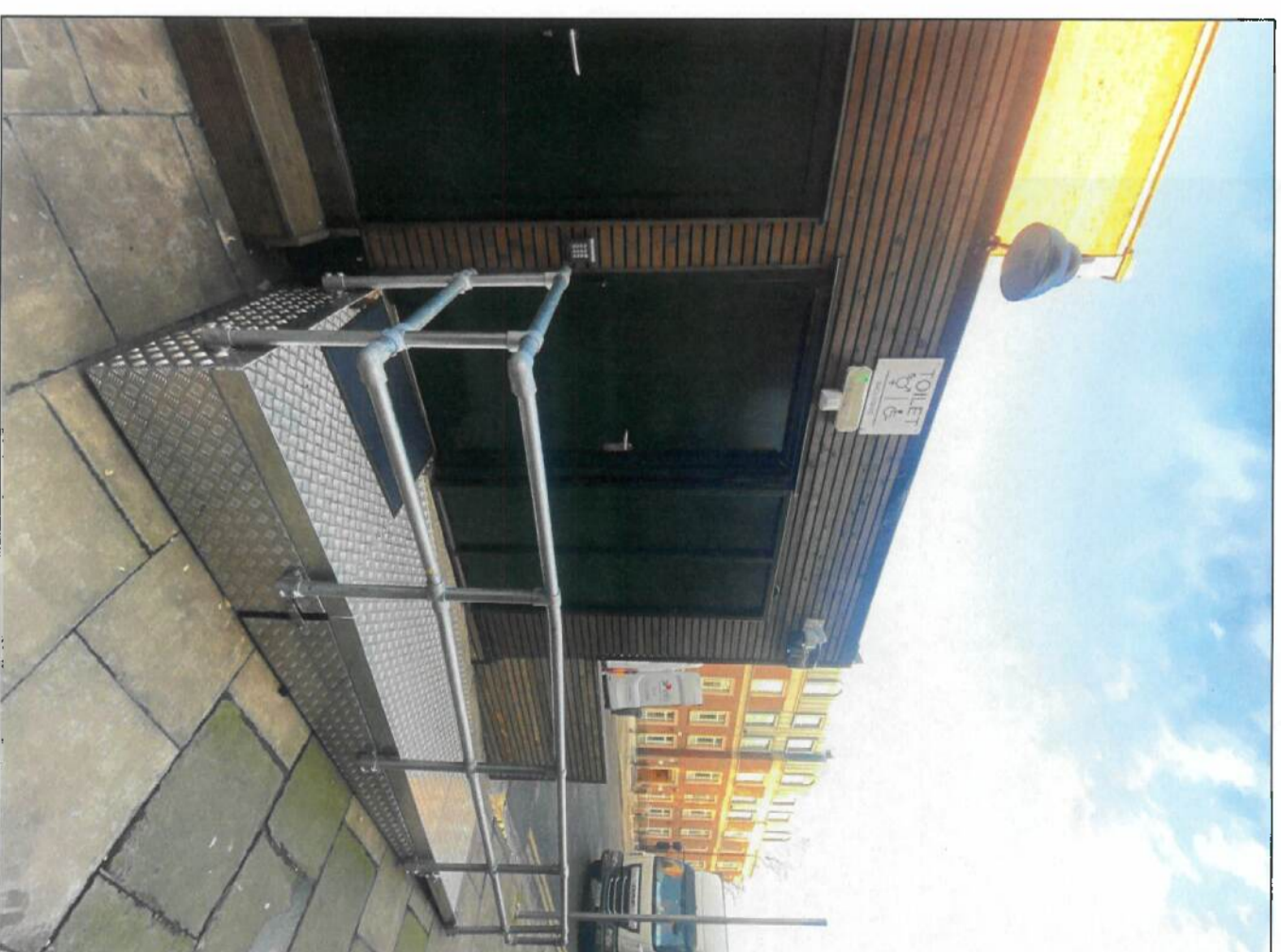


Figure 5.10: View of accessibility ramp to public toilets provided by the Tram Café. (Source: Tom Phillips + Associates, December 2022.)

6.1.4 Associated Signage and Advertising Structures

A declaration is sought for associated signage, which advertises the name and menu of the café. The front façade features a significant chalkboard sign and a sign advertising the name of the café and toilets for customer use. The café also uses a sandwich board for advertising, which is placed on the corner of Clonmel Street and Harcourt Street, which impedes the path of pedestrians along a popular thoroughfare.

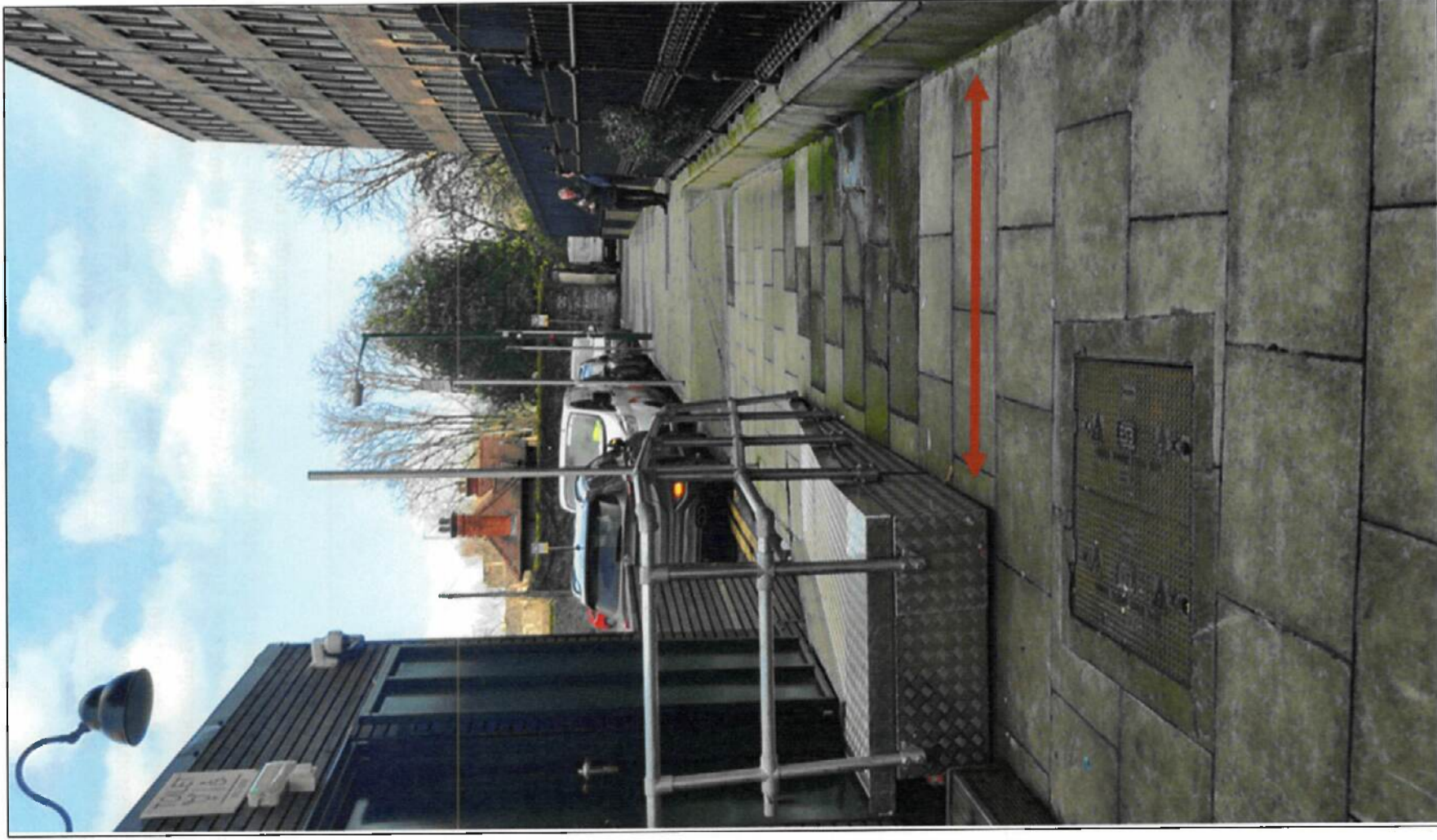


Figure 5.11: View of accessibility ramp to public toilets provided by the Tram Café. (Source: Tom Phillips + Associates, December 2022.)



Location of sandwich advertising board (behind customer seating)

Figure 5.12: View of signage attached to the front and side façade of the Tram Café (outlined in red). (Source: Tom Phillips + Associates, December 2022.)



Figure 5.13: View of a chalkboard menu sign attached to the front façade of the Tram Café and of the sandwich board which tends to be located at the western end of the development (closest to Harcourt Street). The sign provides information on what goods are sold from the RSC. Note that the sign is double sided. (Source: Tom Phillips + Associates, December 2022.)





7.0 DOCUMENTS SUBMITTED AS PART OF THIS REFERRAL

Request for Declaration fee

- A cheque in the amount of €220.00 as per the appeal fee made payable to An Bord Pleanála.
The fee amount is as follows:

Category of Fee	Amount
Appeal to An Bord Pleanála	€220.00

Section 5 Referral Appeal

- A copy of this *Section 5 Referral appeal*, prepared by Tom Phillips + Associates, dated Thursday, 9 March 2023.

Maps

- A copy of Site Location Map (location clearly outlined in red).
- A copy of Planning Pack Map (with site clearly outlined in red).

8.0 CONCLUSION

Our review of the relevant statutory documents indicates that the Tram Café Repurposed Shipping Container should be unauthorised.

Therefore, we request that An Bord Pleanála review the Declaration of Dublin City Council.

Please do not hesitate to contact the undersigned should you require any further information or clarification on the Referral.

Yours faithfully

Tom Phillips
Managing Director
Tom Phillips + Associates

Encl.

Appendix A: Copy of the DCC *Notification of Declaration on Development and Exempted Development* dated 10 February 2023

Appendix B: Copy of the DCC *Planner's Report* dated 10 February 2023



APPENDIX A: COPY OF DCC NOTIFICATION OF DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT DATED 10 FEBRUARY 2023

Tom Phillips,
Tom Phillips & Associates
80, Harcourt Street
Dublin 2
D02 F449

An Roinn Pleanála & Forbairt Maolne, Bloc 4, Urlár 3, Oifigi na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8.
Planning & Property Development Department, Block 4, Floor 3, Dublin City Council, Civic Offices, Wood Quay, Dublin 8.
T: (01) 222 2286
E: decisions@dublincity.ie
14-Feb-2023

Application Number 0014/23
Application Type Section 5
Registration Date 16-Jan-2023
Decision Date 10-Feb-2023
Decision Order No. P2358
Location The Tram Cafe, Clonmel Street, Dublin 2
Proposal a tea / coffee take away counter (selling tea and coffee and associated goods) is or is not exempted development within the meaning of the Act? 2. Whether the outdoor seating area and public toilets utilised as ancillary elements for The Tram Cafe is or is not development or is or is not exempted development within the meaning of the Act? 3. Whether the connections (water, electricity etc.?) is or is not development and is or is not exempted development within the meaning of the Act? 4. Whether the associated signage and advertising is or is not exempted development within the meaning of the Act?

Applicant Tom Phillips, Tom Phillips & Associates

- **if you have any queries regarding this Decision, please contact the email shown above**

Note:
Any person issued with a declaration on development and exempted development, may, on payment of the prescribed fee, refer a declaration for review by A Bord Pleanála within four weeks of the date of the issuing of the declaration.

NOTIFICATION OF DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

In pursuance of its functions under the Planning & Development Acts 2000 (as amended), Dublin City Council has by order dated 10-Feb-2023 decided to issue a Declaration that the above proposed development is EXEMPT from the requirement to obtain planning permission under Section 32 of the Planning & Development Acts 2000 (as amended).

Reasons & Considerations:

An Roinn Pleanála & Forbairt Maolne, Bloc 4, Urlár 3, Oifigi na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8.
Planning & Property Development Department, Block 4, Floor 3, Dublin City Council, Civic Offices, Wood Quay, Dublin 8.
T: (01) 222 2286
E: decisions@dublincity.ie
14-Feb-2023

1. On the basis of the available information and for the reasons and considerations set out in the above report, and having regard to the relevant legislation cited above, the proposal as described is development-exempt under Section 4(1) and 4(1) of the Planning and Development Act (2000) as amended from the general obligation to obtain permission under Section 32 of the Planning and Development Act 2000 (as amended).

Under Section 179 of the same act, and Article 80 of the Planning and Development Regulations (2001) as amended, it falls outside the remit of Part 8 of those regulations.

The Applicant shall be advised accordingly.

Signed on behalf of Dublin City Council
for Administrative Officer

An Roinn Pleanála & Forbairt Maolra, Bloc 4, Urrár 3, Oifigín na
Cathrach, An Ché Adhmad, Baile Átha Cliath 8.

Planning & Property Development Department, Block 4, Floor 3,
Dublin City Council, Civic Offices, Wood Quay, Dublin 8.

T: (01) 222 2288

E: planning@dublincity.ie

14-Feb-2023

NOT 1 sections(Grant Exemption)



APPENDIX B: COPY OF THE DCC PLANNER'S REPORT DATED 10 FEBRUARY 2023

Dublin City Council	
Declaration on Development and Exempted Development	
Section 5 of the Planning and Development Act 2000	
EXPP:	0014/23
Location:	The Tram Cafe, Clonmel Street, Dublin 2
Date Received:	16/01/2023
Proposal:	Tram Café and Public Toilet
Proposal	
EXPP:	<p>1. Whether the Repurposed Shipping Container (RSC) utilised as a tea / coffee take away counter (selling tea and coffee and associated goods) is or is not exempted development within the meaning of the Act?</p> <p>2. Whether the outdoor seating area and public toilets utilised as ancillary elements for The Tram Café is or is not development or is or is not exempted development within the meaning of the Act?</p> <p>3. Whether the connections (water, electricity etc.?) is or is not development and is or is not exempted development within the meaning of the Act?</p> <p>4. Whether the associated signage and advertising is or is not exempted development within the meaning of the Act?</p>
Site Description	
	<p>The Tram Café is located in a repurposed shipping container located across 2 no. loading bays on Clonmel Street, Dublin 2. It is located on the southern side of the street in close proximity to the junction with Harcourt Street. Clonmel Street is a <i>Cui de Sac</i>, however, there is pedestrian permeability through the Iveagh Gardens to Hatch Street and Earsfort Terrace.</p> <p>The repurposed shipping container is finished in timber cladding with planter beds along the periphery. There is a public toilet provided on the eastern end of the Tram Café. There is ramped access to the toilet facility from the public footpath. There are 2 no. locations at the Tram Café where seating is provided. 1 no. outdoor seating is located on the western end of the Tram Café (closest to Harcourt Street) and is a stand along structure finished in similar timber cladding with planting. The second seating area is located on the eastern end of the Tram Café and forms part of the overall repurposed shipping container structure. This seating area is also finished in timber cladding.</p> <p>The Tram Café comprises a number of signage elements. There is signage attached to the façade of the structure and there is a standalone board sign.</p>
Site Zoning	
	<p>Clonmel Street is unzoned due to it being a city road. However, the adjoining streets are zoned Z8, the objective of which is to protect the existing architectural civic design character and to allow only for limited expansion consistent with the conservation objective.</p> <p>The following statutory provisions are relevant in this instance.</p>
	<u>Planning and Development Act 2000 (as amended)</u>
	Section 2 (1) 'Interpretation' of the Planning and Development Act 2000 (as amended) states as follows:-
	<i>In this Act, except where the context otherwise requires-</i>
	"development" has the meaning assigned to it by Section 3, and "develop" shall be construed accordingly;
	"exempted development" has the meaning specified in section 4;
	REP letter

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3 (1) 'Development' of the Planning and Development Act 2000 (as amended) states as follows:-

In this Act, 'development' means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4 (1) f 'Exempted Development' of the Planning and Development Act 2000 (as amended) states as follows:-

The following shall be exempted developments for the purposes of this Act— development carried out on behalf of, or jointly or in partnership with, a local authority, pursuant to a contract entered into by the local authority concerned, whether in its capacity as a planning authority or in any other capacity;

Section 4(4) 'Exempted Development' of the Planning and Development Act 2000 (as amended) states as follows:-

Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Section 4(4A) 'Exempted Development' of the Planning and Development Act 2000 (as amended) states as follows:-

Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is —

(a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and

(b) as respects which an environmental impact assessment or an appropriate assessment is required,

to be exempted development.

Section 5 'Declaration and referral on development and exempted development' of the Planning and Development Act 2000 (as amended) states as follows:-

5.—(1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

Section 5(2)c

(c) A planning authority may also request persons in addition to those referred to in paragraph (b) to submit information in order to enable the authority to issue the declaration on the question.

Section 178 (2) 'Restrictions on development by certain local authorities' of the Planning and Development Act 2000 (as amended) states as follows:-

The council of a city shall not affect any development in the city which contravenes materially the development plan.

Section 179 'Local authority own development' of the Planning and Development



Act 2000 (as amended) states as follows.

179. — (1) (a) The Minister may prescribe a development or a class of development for the purposes of this section where he or she is of the opinion that by reason of the likely size, nature or effect on the surroundings of such development or class of development there should, in relation to any such development or development belonging to such class of development, be compliance with the provisions of this section and regulations under this section.
(b) Where a local authority that is a planning authority proposes to carry out development, or development belonging to a class of development prescribed under paragraph (a) (hereafter in this section referred to as "proposed development") it shall in relation to the proposed development comply with this section and any regulations under this section.
(d) This section shall also apply to proposed development which is carried out within the functional area of a local authority which is a planning authority, on behalf of, or in partnership with the local authority, pursuant to a contract with the local authority.

179 (6) This section shall not apply to proposed development which —
(b) is necessary for dealing urgently with any situation which the chief executive considers is an emergency situation calling for immediate action,

- (c) consists of works which a local authority is required to undertake —
- (i) by or under any enactment,
- (ii) by or under the law of the European Union, or a provision of any act adopted by an institution of the European Union, or
- (iii) by order of a court

Planning & Development Regulations 2001 (as amended)

Part 8 of the Planning and Development Regulations 2001 (as amended) set out the 'requirements in respect of specified development by, on behalf of, or in partnership with local authorities' as follows:

**Article 80
Development prescribed for purposes of section 179 of Act.**

80. (1) Subject to sub-article (2) and sub-section (3) of section 179 of the Act, the following classes of development, hereafter in this Part referred to as "proposed development", are hereby prescribed for the purposes of section 179 of the Act —
- (a) the construction or erection of a house,
 - (b) the construction of a new road or the widening or realignment of an existing road, where the length of the new road or of the widened or realigned portion of the existing road, as the case may be, would be—
 - (i) in the case of a road in an urban area, 100 metres or more, or
 - (ii) in the case of a road in any other area, 1 kilometre or more,
 - (c) the construction of a bridge or tunnel,
 - (d) the construction or erection of pumping stations, treatment works, holding tanks or outfall facilities for waste water or storm water,
 - (e) the construction or erection of water intake or treatment works, overground aqueducts, or dams or other installations designed to hold water or to store it on a long-term basis,
 - (f) drilling for water supplies,
 - (g) the construction of a swimming pool,
 - (h) the use of land, or the construction or erection of any installation or facility, for the disposal of waste, not being—
 - (i) development which comprises or is for the purposes of an activity in relation to which a waste licence is required or (ii) development consisting of the provision of a biting facility which comprises not more than 5 receptacles,
 - (j) the use of land as a burial ground,
 - (k) the construction or erection of a fire station, a library or a public toilet, and
 - (l) any development other than those specified in paragraphs (a) to (j), the estimated cost of which exceeds €126,000, not being development consisting of the laying underground of sewers, mains, pipes or other apparatus.

**Article 250 (1)
Screening for Appropriate Assessment**
In order to ascertain whether an appropriate assessment is required in respect of a development which it proposes to carry out a local authority shall carry out a screening of the proposed development to assess, in view of best scientific knowledge, if the development, individually or in combination with other plans or projects, would be likely to have a significant effect on a European site.

ASSESSMENT

Planning History: None found

Enforcement: No enforcement found.

The applicant has submitted the following in support of their query:

- Application form
- Cover Letter / Planning Report prepared by Tom Phillips & Associates
- Ordnance Survey map outlining the site (within Planning Report)

The applicant requests a declaration under Section 5 of the Planning and Development Act 2000 (as amended) as to whether or not development comprising a repurposed shipping container and ancillary elements at the Tram Café constitutes development and / or exempted development. The applicant seeks clarity on a number of points, including whether the following is or is not development and is or is not exempted development within the meaning of the Act?

- 1) The Repurposed Shipping Container (RSC) utilised as a tea / coffee take away counter (selling tea and coffee and associated goods).
- 2) The outdoor seating area and public toilets utilised as ancillary elements for The Tram Café.
- 3) The connections (water, electricity etc.)
- 4) The associated signage and advertising.

The applicant is not the developer of the Tram Café, and as such further information was sought from the developer (The City Recovery Task Force).

A cover letter was received from the Office of City Recovery, Dublin City Council which states an Open Tender Process was initiated in April 2021, seeking proposals for the provision of retail units with integrated toilet facilities in Dublin City Council's administrative area, on a temporary basis for a period of 3 years with the option to renew for a further 2 years. As is the standard procedure for public procurement of this type, the tender was advertised on e-tenders and it was open to all persons to submit proposals.

In response to the tender process, a tender was received in relation to the installation of a coffee retail unit with integrated public toilet facilities at a location at Clonmel Street, off Harcourt Street, Dublin 2. This tender was accepted in the summer of 2021. There were some delays experienced in relation to the installation of the required utility services, including electrical and other connections. These were resolved in September 2022 and the café / toilet unit was installed in October 2022 and is currently in operation. The café / toilet is one integrated installation and the toilet is only available during café opening hours.

The café / toilet arrangement is temporary and under the arrangement, the toilet is to be available for use during the hours of operation of the café. Management and cleaning of the toilet is the responsibility of the café operator. The terms of the tender provide that the café / toilet will be in place for 3 years with an option available to Dublin City Council to extend for a further 2 years. A letter of consent to position the café / toilet on the public road has been issued to the café operator by Dublin City Council under Section 71 of the Roads Act 1993. The Office of City Recovery will monitor the situation on an ongoing basis.

A Declaration under Section 5 of the Act assesses whether the development in question constitutes development, and (if so) whether that development is exempt. It is not an assessment

of the planning merits of the proposal. In this instance, the proposal involves the installation of a shipping container, with a public toilet connecting to mains services (water, drainage, electricity). As the proposal involves toilets, it constitutes works.

As noted above, development can comprise works, and/or a material change of use. The provision of café and toilet facilities on a public street does not constitute a material change of use of the street.

Due to the works involved, the proposal constitutes development. As noted above, an exemption exists under Section 4(1)(f) for development carried out on behalf of, or jointly or in partnership with, a local authority, which applies in this instance. The proposed development was initiated by Dublin City Council seeking tenders from interested parties to enter into a contract to provide a café unit in conjunction with integrated toilet facilities.

It is noted that Section 4(1)(f) exempts developments from the general obligation to obtain permission under Section 32 of the Planning and Development Act 2000 (as amended). It does not exempt the Local Authority or anybody working jointly or in partnership with a Local Authority from their obligations under other sections of the Act, notably Section 178 and Section 179.

Section 178 notes that the council of a city shall not effect any development in the city which contravenes materially the Development Plan.

Clonmel Street is unzoned due to it being a city road. However, the adjoining streets are zoned Z8, the objective of which is to protect the existing architectural civic design character and to allow only for limited expansion consistent with the conservation objective.

Café/tearoom is a permissible use. The coffee shop includes an integrated toilet within the unit for use by customers and members of the public during opening hours. This toilet is ancillary to the café and is a common element of cafés in general. It is the responsibility of the concessionaire to manage, including to clean and generally maintain, the café and integrated toilet unit.

Clonmel Street adjoins a red-hatched conservation area. Policy BH9 Conservation Areas is applicable. This seeks to protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

- Enhancement opportunities may include:
1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.
 2. Re-instatement of missing architectural detail or important features.
 3. Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.
 4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.
 5. The repair and retention of shop and pub fronts of architectural interest.
 6. Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.
 7. The return of buildings to residential use.

There are a number of policies and objectives set out in the 2022-2028 Dublin City Development Plan supporting cafés and civic amenities such as the provision of toilets. For instance, in Section 7.5.8 Public Realm, the following are noted:

Civic Amenities: The installation of seating will be encouraged in the public realm in the city where it adds to the peaceful enjoyment of the public realm. The installation of civic amenities such as public toilets and water fountains can provide important facilities for residents, workers and visitors and will be encouraged.

Objective CCUV020 - Civic Amenities

- (f) To work with city business associations and agencies to provide for appropriately located, independently accessible sanitary facilities (public toilets, changing areas, showers and wash facilities etc.) for the use of citizens and visitors to the city and

accessible to all.

To provide civic amenities such as accessible public toilet facilities and drinking water at suitable locations in new or redeveloped public realm.

- (ii) To provide public seating based on universal design in appropriate locations in the public realm in the city. Seating for older people with mobility issues will be based on international models of good practice.

Section 17.5.6 Food and Beverage Sector / Markets outlines the following:

Policy CCUV30: Cafés / Restaurants: To promote and facilitate the provision of cafés / restaurants in the city and support their role in making the city more attractive for residents, workers, and visitors and in creating employment.

In Section 10.5.4 Parks and Open Spaces, the following are noted:

Objective GIO25 - Facilities and Amenities in Parks/Public Open Spaces.

To continue to provide and improve visitor facilities in parks and public open spaces, including cafés, kiosks, toilets, shower and changing-room facilities, water fountains and dog parks etc. and to ensure that such features are accessibly designed. To encourage and facilitate the introduction of amenities in parks such as table tennis, outdoor gyms, adult exercise equipment, bowling greens, etc.

The development does not materially contravene the Development Plan. The provision of a café and ancillary toilet facilities are stated objectives within the Development Plan.

Regarding Section 179, and the associated Article 80 of the Planning and Development Regulations 2001 (as amended), this sets out a list of developments which require a Part 8 application, the majority of which are clearly not at issue here.

Article 80(1)(j) mandates that

- (f) the construction or erection of a fire station, a library or a public toilet,

require assessment under Part 8 of the Regulations.

This development includes the provision of a temporary coffee shop with an integrated toilet. The toilet is ancillary to the café and is a common element of cafés in general. It is the responsibility of the concessionaire to manage, including to clean and generally maintain the café and integrated toilet unit. Therefore, the café and toilets will not be managed/maintained by the local authority. The toilets are not considered to be 'public toilets' per se as they are more akin to toilets typically provided in association with a café for the use of customers only whereas these toilets will also be made available to members of the public without the need to make a purchase during café opening hours.

The development is therefore one which falls outside the remit of Part 8 of the Regulations. Notwithstanding the Covid-19 Pandemic, Section 179 (6) (an emergency situation calling for immediate action) would not appear to be an issue here.

EIA

In the context of a preliminary examination of the nature (temporary café and toilet facility), size (single storey structure) and the location of the development on Clonmel Street, the Planning Authority has concluded that there is no real likelihood of significant effects on the environment, whereupon the local authority has concluded that an EIA is not required.

AA

Under Article 6 (3) of the EU Habitats Directive and Regulation 30 of SI NO.94/1997 European Communities (Natural Habitats) Regulations (1997) any plan or project which has the potential to significantly impact on the integrity of a Natura 2000 site must be subject to an Appropriate Assessment. This requirement is also detailed under Section 177 (U) of the Planning and Development Act 2000 (as amended).

It is considered that potential effects from the project on surrounding European Sites are negligible and not likely to occur.



The Planning Department, as the competent authority, has undertaken an Appropriate Assessment screening of the development and has determined that progression to Stage 2 of the Appropriate Assessment process (i.e. preparation of a Nature Impact Statement) is not considered necessary. It is not considered that the development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

Signage & Seating

The applicant queried whether the ancillary seating and signage is or is not exempt development.

Section 4 (1) (h) 'Exempted Development' of the Planning and Development Act 2000 (as amended) states as follows:-

"development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures."

Schedule 2 of the Planning and Development Regulations 2001 (as amended) sets out specific classes of development that are exempted.

Part 2, Article 6, *Exempted Development* – *Advertisements* Classes 1-18 of the Planning and Development Regulations sets out exempted development in relation to advertising.

There is an exemption under Class 1 for free standing signage on business premises, but subject to (among other limitations) a maximum height of 2.5 metres. The signage and seating does not materially affect the external appearance of the Train Café structure so as to render the appearance inconsistent with the character of the structure, or of neighbouring structures. It is considered that the signage and seating is exempt development and would not require planning permission.

Recommendation:

On the basis of the available information, and for the reasons and considerations set out in the above report, and having regard to the relevant legislation cited above, the proposal as described is development, exempt under Section 4(1)(f) and 4(1)(h) of the Planning and Development Act (2000) as amended from the general obligation to obtain permission under Section 32 of the Planning and Development Act 2000 (as amended).

Under Section 179 of the same act, and Article 80 of the Planning and Development Regulations (2001) as amended, it falls outside the remit of Part 8 of those regulations.

The Applicant shall be advised accordingly.

Mara Crowley
Executive Planner
10th February 2023

Garratt Hughes
Senior Executive Planner



AN BORD PLEANÁLA

09 MAR 2023

LTR DATED _____ FHUIM _____

LDG- _____

ABP- _____