

Director of Planning & Strategic Infrastructure  
Fingal County Council  
County Hall  
Main Street  
Swords  
Co. Dublin

Date: 29<sup>th</sup> April 2016

Dear Sir / Madam,

**Re: SUBMISSION ON THE DRAFT FINGAL COUNTY DEVELOPMENT PLAN 2011-2017 IN RELATION TO PHASE 1 AIRSIDE RETAIL PARK, SWORDS**

## **1.0 INTRODUCTION**

- 1.1 On behalf of our clients, IPUT Management Services Ltd & Irish Life Investment Managers we wish to make a submission on the preparation of the new Fingal Development Plan 2017-2023 in respect of Phase 1 of the Airside Retail Park, Swords within the ownership of our clients.
- 1.2 Airside Retail Park, including our clients landholding is zoned 'RW- Retail Warehousing' in the Draft Fingal County Development Plan 2017-2023 with the objective to *"provide for retail warehousing development"*.
- 1.3 The purpose of this submission is to respectfully request that the following points be addressed in the preparation of the new Fingal County Development Plan 2017-2023:
- The planning authority modify the uses permissible under the Retail Warehouse zoning objective to state restaurant / café, with the omission of the unnecessary restriction contained in the Draft Plan which states restaurant/ cafes are permissible *"Only where contained within and ancillary to a retail warehouse unit"*.
  - The planning authority modify the 'Not Permitted' land use category to exclude fast food outlets and take-aways as a non permissible land use and include as a permissible use under the Retail Warehousing Zoning Objective in the Fingal County Development Plan 2011 – 2017.
  - The planning authority acknowledge that an element of local convenience retailing is acceptable within retail parks in order to serve the local and working population of the area.

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## 2.0 DRAFT FINGAL COUNTY DEVELOPMENT PLAN 2017-2023

- 2.1 The purpose of this submission is to request Fingal County Council in the making of the new Development Plan for the County review the ‘RW - Retail Warehousing’ zoning objective for the subject site and the uses permitted and not permitted under the stated land use zoning.
- 2.2 Airside Retail Park is zoned for Retail Warehousing in the Draft Fingal County Development Plan 2017-2023. The Retail Warehousing zoning has a stated objective to “provide for retail warehousing development”. The permissible land uses listed under this zoning objective are as follows:

*“Offices ancillary to permitted use, Open Space, **Restaurant/Café**, Retail Warehouse, Sustainable Energy Installation, Telecommunications Structures, Utility Installations”.*

### Permitted Land Use - Restaurant/Café

- 2.5 Restaurant/Café is listed as a permissible use under the Retail Warehousing zoning objective subject to the restriction “Only where contained within and ancillary to a retail warehouse unit”. It is respectfully submitted that this is an unnecessary restriction to be attached to a restaurant / café unit and such a restriction is not considered justifiable in planning terms.
- 2.6 It is considered that a restaurant / café unit is complementary to the function of a retail park and is not an attraction in its own right. A stand alone restaurant / café provides a service to the staff and patrons of the retail park. In general, bulky goods units do not contain an ancillary restaurant / café in their unit as this is not part of their standard offer and they specialise in the sale of bulky goods only. Furthermore, the majority of retail warehousing units would not contain staff canteens in their buildings, as they have a very limited back of house area. Therefore, a stand alone café / restaurant represents a much needed facility within a retail park, thus should be included as a permissible use in the new County Development Plan.
- 2.7 Stand-alone café units are an increasingly common feature of retail parks. As demonstrated in Table 1 there is a clear planning precedent for the delivery of café / restaurant units in retail parks.

**Table 1:** List of standalone café/restaurant in retail parks nationwide

Name of Retail Park	Café/Restaurant Operators	Town	County
Airside Retail Park,	McDonalds	Swords,	Co. Dublin
Blackpool Retail Park,	Costa Coffee	Cork City,	Co. Cork
Blanchardstown Retail Park,	Costa Coffee	Dublin 15,	Co. Dublin
Blanchardstown Retail Park,	Starbucks	Dublin 15,	Co. Dublin
Blanchardstown Retail Park,	KFC	Dublin 15,	Co. Dublin
Carraroe Retail Park,	McDonalds,	Sligo,	Co. Sligo
Carraroe Retail Park,	Costa Coffee	Sligo,	Co. Sligo
Carraroe Retail Park,	KFC	Sligo,	Co. Sligo
Carrickmines Retail Park,	Costa Coffee	South Dublin,	Co. Dublin
Carrickmines Retail Park,	KFC	South Dublin,	Co. Dublin
Carrickmines Retail Park,	McDonalds	South Dublin,	Co. Dublin
Carton Retail Park Dublin Road,	McDonalds	Maynooth,	Co. Kildare
Childers Retail Park, Childers Rd,	Costa Coffee	Limerick,	Co. Limerick
Childers Retail Park, Childers Rd,	KFC	Limerick,	Co. Limerick
Drogheda Retail Park, Donore Road,	Costa Coffee	Drogheda,	Co. Louth
Fonthill Retail Park, Clondalkin,	Costa Coffee	Dublin 22,	Co. Dublin
Gullivers Retail Park,	Insomnia	Santry,	Co. Dublin
Hanover Retail Park, North Inner Relief Rd,	Costa Coffee	Carlow,	Co. Carlow
Headford Road Retail Park, Headford Rd,	McDonalds	Galway,	Co. Galway
Kilkenny Retail Park, Springhill,	KFC	Kilkenny,	Co. Kilkenny
Letterkenny Retail Park, Donegal,	Costa Coffee	Letterkenny,	Co. Donegal
Letterkenny Retail Park, Donegal,	McDonalds	Letterkenny,	Co. Donegal
M1 Retail Park,	Costa Coffee	Drogheda,	Co. Louth
N4 Axis Retail Park,	Esquires Coffee	Longford,	Co. Longford
Nutgrove Retail Park, Nutgrove Ave,	Costa Coffee	Dublin 14,	Co. Dublin
Parkway Retail Park, Dublin Rd,	Costa Coffee	Limerick,	Co. Limerick
Poppy Fields Retail Park	KFC	Clonmel	Co. Tipperary
Riverview Commercial Park	Costa Coffee	Tullamore	Co. Offaly
Rosebank Retail Park, Dublin Rd,	Esquires Coffee	Carrick on Shannon,	Co. Leitrim
Rosebank Retail Park, Dublin Rd,	KFC	Carrick on Shannon,	Co. Leitrim

2.8 In this regard, it is respectfully submitted that the planning authority modify the uses permissible under the Retail Warehouse zoning objective to state restaurant / café, with the omission of the unnecessary restriction contained in the preparation of the Fingal County Development Plan 2017-2023 which states restaurant/ cafes are permissible “*Only where contained within and ancillary to a retail warehouse unit*”.

Not Permitted Land Use - Fast Food Outlet/Take-Away

- 2.9 The Draft Fingal County Development Plan 2017-2023 states that under the Retail Warehousing zoning objective fast food outlet/take-away are not permitted. This submission respectfully submits that the Retail Warehousing land uses are modified to include fast food outlet/take-away as a permitted use.
- 2.10 It is considered that the exclusion of fast food outlets from retail parks, such as Airside Retail Park, is entirely contrary to recent decisions by the planning authority and An Bord Pleanala. The following decisions are of note:
- *Reg. Ref. F10A/0206:* Fingal County Council recently granted planning permission for a single storey fast food restaurant comprising c. 358m<sup>2</sup> gross floor area with drive-through facility at Gulliver's Retail Park in Santry.
  - *Reg. Ref. F09A/0063 & An Bord Pleanala Ref. PL 06F.233535:* An Bord Pleanala granted planning permission for a stand alone single storey fast food outlet with a gross floor area of 386 sq.m. In deciding to overturn the decision of Fingal County Council to refuse planning permission for the development and the recommendation of the Inspector, the An Bord Pleanala Order states:  
  
*“Having regard to the location of the proposed restaurant in a retail park area where there is extensive parking already available and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed single-storey building would not be visually incongruous within the context of the existing pattern of development, would not have an adverse impact on residential amenity, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.*  
  
*In deciding not to accept the Inspector's recommendation to refuse permission, the Board had particular regard to the location of the site within a retail park area, to the zoning in the current Development Plan for the area and to the design of the proposed development, concluding that it would not have an adverse impact on residential amenity, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.”*
- 2.11 In this regard, it is clear that An Bord Pleanala acknowledges the suitability of retail parks such as Airside Retail Park to accommodate fast food outlets/take-aways.
- 2.10 As such, is it submitted that the inclusion of fast food outlet / take away as a not permitted land use within RW- Retail Warehousing zoning objective is inconsistent with a recent planning decision by An Bord Pleanala in relation to Airside Retail Park, in which a stand alone fast food outlet was permitted.
- 2.12 Therefore, it is considered that fast food outlets and take-aways should be stated as a permissible use under the Retail Warehousing Zoning Objective in the new Fingal County Development Plan 2017-2023.

Not Permitted Land Use – Retail Convenience

- 2.13 Convenience retailing is also listed as a ‘Not Permitted’ land use in the Draft Fingal Development Plan 2017-2023. It is respectfully submitted that some element of convenience retailing should be acceptable within retail parks in order to serve the local working population.
- 2.14 Convenience shops are a key element of many retail parks which serve the local needs of patrons and employees of the retail park. It is respectfully submitted that a convenience / local shop within Airside Retail Park would negate the need for unnecessary car trips of employees of the Retail Park to other locations simply to avail of a local top up shop facility.
- 2.15 Such uses would be ancillary to the primary use of this site as a retail park and would not result in any material change to the retail park but rather would improve the range of customer and employee facilities at this location.
- 2.16 It is therefore considered that convenience retailing, to serve patrons and employees of the retail park, should be listed as a permitted use under the Retail Warehouse zoning objective in the new Fingal County Development Plan 2017-2023.

**3.0 CONCLUSION**

- 3.1 We respectfully request that the Planning Authority give consideration to the important issues raised in this submission during the preparation of the new Fingal County Development Plan 2017 – 2023 and amend the Retail Warehousing zoning objective accordingly.
- 3.2 We trust this submission meets with your requirements, however should you require further information, please do not hesitate to contact the undersigned.

Yours faithfully,



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**John Spain Associates**