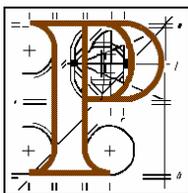


An Bord Pleanála



Inspector's Report

Appeal Reference: PL06D.241296

Development: Public car park for 26 no. cars and bicycles; widening of link lane; 1 ½ storey office building; advertising signs and notices; and works to boundary wall and railings at 35-37 Glasthule Road, Glasthule, Co. Dublin.

Planning Application

Planning Authority: Dún Laoghaire-Rathdown County Council
Planning Authority Reg. Ref: D12A/0217
Applicants: Garnish Investment Holdings Limited
Type of Application: Permission
Planning Authority Decision: Split decision

Planning Appeal

Appellants: Garnish Investment Holdings Limited
Type of Appeal: First Party
Observer(s): (i) Elizabeth MacAulay
(ii) Alyson Carney
Date of Site Inspection: 15th January 2013

Inspector: Donal Donnelly

Appendices: Photographs and Maps

1. SITE LOCATION AND DESCRIPTION

- 1.1 The appeal site is located on Glasthule Road within Glasthule village in south-eastern Co. Dublin. The commercial core of the village is located either side of Glasthule Road. On the southern side of the road, the appeal site marks the beginning of the neighbourhood centre zoning, which extends west for a distance of 270m to the other side of Adelaide Road.
- 1.2 The site is currently disused having previously been occupied by a mechanic's workshop to the rear (south) and small scale car sales business fronting onto Glasthule Road. A palisade fence traverses the site from east to west and continues along the western boundary of the site. The surface comprises of hardstanding and the site level rises slightly to the rear. There is a low wall with pedestrian opening located along the front boundary.
- 1.3 To the west of the site is a laneway which provides vehicular access to the rear of commercial properties on Glasthule Road and pedestrian access to Congress Gardens to the south. The side boundary of No. 30 Congress Garden is located to the south of the site and to the east is the side boundary of no. 38 Glasthule Road, also a residential property. Properties to the west of the site have a retail/ commercial function at ground level.

2. PROPOSED DEVELOPMENT

- 2.1 Planning permission is sought for the construction of a public car park for 26 no. cars and a 1 ½ storey office building, together with bicycle parking, widening of laneway, advertising signs and notices and works to the boundary wall and railings.
- 2.2 Access to the car park will be from the existing laneway to the western side of the site, which will be widened to include the installation of a footpath along the gable of no. 34 Glasthule Road. A one-way access arrangement to the car park will allow cars to continue through a 6m wide entry point near the junction with Glasthule Road and exit further south at a 4.8m wide access. Both accesses will have demountable metal bollards.
- 2.3 Internally, the parking spaces will be mostly located around the periphery of the site. Two disabled spaces are proposed along the eastern boundary beside a bicycle bay in the north-eastern corner. The existing front boundary wall will be raised in height and the pedestrian access will be retained. New fencing is proposed along the western boundary and existing party walls with adjoining residential properties make up the remainder of the site boundaries. Landscaping is also proposed around the periphery of the site. Two 'V' signage structures are proposed to the front of the site.
- 2.4 The proposed office building is located in the south-eastern corner of the site. This is an 'L' shaped structure with pitched roof and main elevation facing north-west. This facade will have a double height glazing system up to the roof pitch with height of 6.7m above ground level. The south-western

elevation will have 6 no. windows, 4 no. at ground level, and the north-eastern elevation will have a single ground floor window and 2 no. rooflights. All walls will have a plain render finish and the roof will have a metal sheet finish. The ground floor of the office will have a floor area of 43.6 sq.m. A kitchen, toilet and store are also located at ground level. A spiral staircase will access the upper office, (27 sq.m.).

3. TECHNICAL REPORTS

- 3.1 The recommendation to issue a split decision, as outlined within the final planning report, reflects the decision issued by the Planning Authority.
- 3.2 Under the assessment of the application within the initial report of 20th July 2012, the Case Planner notes that car parking and small scale offices are permitted in principle but that it is important to assess the impact of these uses on the neighbourhood centre area.
- 3.3 It is not indicated within planning application documentation that a temporary change of use is being sought and the proposal therefore has been assessed as a permanent change of use.
- 3.4 The Case Planner has concerns regarding the actual need for a new car park. The applicant has not justified the proposal in the context of Policy T2 of the Development Plan on Sustainable Travel and Transportation and it is considered that this would be contrary to the objective of achieving a greater modal shift from the private car. Reference is also made to the existing provision of car parking in the area and it is concluded that the permanent provision of a further 26 no. spaces is not warranted. In addition, the Transportation Department are not in favour of long term daily parking as it would undermine the maximum parking standards in the Development Plan.
- 3.5 The Case Planner is also concerned with the impact of the car park on streetscape amenities in terms of the urban design outcome for this location. It is acknowledged, however, that the site is unlikely to be developed in the foreseeable future and is currently in poor condition. It is therefore considered that a temporary change of use to car parking for a period of 5 years would be reasonable subject to landscaping and visual improvement works.
- 3.6 The office building is a source of concern to the Case Planner by virtue of its positioning and design, where it is considered that it does not relate well to the streetscape, would constitute ad-hoc piecemeal development and be contrary to good urban design practice. It is also noted that there is potential for overlooking and creation of an overbearing impact on adjoining residential properties from this building. Reference is made to Section 18.2 of the Development Plan relating to transitional zonal areas. It is recommended that in the event of a grant of permission, the office building is omitted to safeguard the streetscape amenities and the residential amenities of adjacent property.

- 3.7 Further information was sought from the applicant on issues of landscaping and visual improvement, signage, aisle width, bay width, laneway width and delineation of pedestrian route and road marking. The Case Planner recommended that further information in respect of drainage issues was not required in this instance.
- 3.8 The further information response was assessed in the report dated 11th September 2012. It was not considered that the applicant had adequately addressed the issues raised and a request for clarification of further information was issued. This information was assessed in a report dated 18th October 2012. Where responses were not deemed to be satisfactory, it was considered that these matters can be addressed by way of condition.

4. PLANNING AUTHORITY'S DECISION

- 4.1 Dún Laoghaire-Rathdown County Council issued a split decision granting permission for a temporary car park subject to 14 no. conditions and refusing permission for the proposed office building.
- 4.2 Condition 2 states that the car park use and associated structures shall be removed by 30th November 2017 and Condition 3 omits the office building to be replaced by 2 no. car parking spaces. Condition 4 relates to the provision of a pedestrian bollard along the access laneway to the west. Condition 8 restricts car parking signage to 1 no. display panel. Under Condition 14, pay and display spaces shall be made available for use by the general public on the payment of an appropriate hourly or daily fee, with no issuing of longer permits or leasing of spaces to individuals or companies.
- 4.3 The first reason for refusal states that the office building does not relate well to the village streetscape and would constitute ad hoc piecemeal development that would compromise the future development of the site in a manner that does not accord with good urban design practice.
- 4.4 Under the second reason, it is stated that the office building would give rise to overlooking and would have a visually overbearing impact on the outlook from the private amenity areas of adjacent residences.

5. APPEAL GROUNDS

- 5.1 A first party appeal was submitted on behalf of the applicant against the Council's decision to refuse permission and requesting the amendment of Conditions 2, 3, 10, 11, 12, 13 & 14 attached to the grant of permission. The grounds of appeal and main points raised in the appeal submission can be summarised as follows:
- Applicant has been approached by a number of traders in Glasthule about the lack of parking in the area.

- Planning Authority was aware that the proposal was of a temporary nature (10 years), as proposals are currently being examined for a mixed use development on site.
- Applicant would favour 10 year permission as a minimum period for a sustainable payback for this development (calculation included to show that applicant would only break even after 5 years).
- Applicant agrees that a car park is not a good urban design solution for the site – ultimately it will be developed as a mixed use scheme.
- Public liability insurers insist that a permanent person be on site to manage the car park and this is the reason for the proposed offices. Offices are of limited nature and are modern and contemporary.
- Office building does not overlook or overshadow adjoining property and does not detract from the amenities of existing residential properties to the south or east.
- Existing streetscape is fundamentally poor and it is untrue that temporary offices are detrimental to urban design.
- Office building has been revised as part of the appeal submission to amend 1st floor windows to high level windows and rooflights.
- Total area of proposed sign is 2.16 sq.m. over a frontage of 35m and does not exceed an area of 5 sq.m. (Planning and Development Regulations Class 1 of Part 2).
- Development Plan states that the number of signs should be limited to two and no sign should be unduly obtrusive or out of scale with the land.
- Development contributions - In the course of the application, the number of parking spaces reduced the effective use to 22 no. parking spaces x €130 x 50% (surface car parking) = €17,160.00.
- Temporary permission for 5 or 10 years should not attract the same rate of contribution as a permission for a lifetime of say, 75 years.
- Applicant will have to carry out works within the public realm involving improvements to the laneway and this may require an off-set of costs against the development contribution.
- Condition 13 should be amended to state that *'in the event of a dispute, the matter is referred back to An Bord Pleanála for its determination.'*
- Condition 14 – there is no provision within the Act for this type of condition. Control of the commercial aspect of the proposed development by the Planning Authority would be *ultra vires*.

- With respect to sustainable transport, the Planning Authority should encourage long stay parking and consumers would be encouraged to park and ride – DART line is 400m away.
- It is Council policy to ensure that sufficient serviced lands are available for employment generation.

6. RESPONSES

Second Party

- 6.1 In response to the third party appeal, the Planning Authority states that it is satisfied that the attached conditions to the decision are appropriate. In particular, it is considered important that a temporary permission for 5 years is applied to this prominent site. The Planning Authority points out that the applicant will have the option of retaining the development beyond this period.
- 6.2 In addition, it is emphasised that Condition 14 will ensure that the development will not undermine maximum parking standards as per the Development Plan. Thus, the Planning Authority is not in favour of long term daily parking or parking spaces being rented out to local businesses.

7. OBSERVATIONS

- 7.1 Observations on the appeal were received from the residents of no's. 38 & 39 Glasthule Road, which are located to the east of the appeal site. The main points raised in each of these submission are summarised as follows:

Elizabeth MacAulay, 38 Glasthule Road

- Observer would be glad to see the site converted to a car park but there are a number of elements to the plans which are of concern.
- Proposed office building is wedged into the corner and will overshadow observer's garden and kitchen area; will be unacceptably close to the side patio and dining area; and will be in line with the observer's bathroom window.
- Choice of location for the office building makes little sense – it would be better facing the road and continuing the line of the existing buildings along the street. Scale of office to serve 26 no. parking spaces is excessive.
- Cars entering and leaving the site will pose a danger to pedestrians using the right of way.
- Drawings show 2 no. rooflights on the roof of the offices but only one on the site plan.

- There are more suitable alternative sites for a car park in proximity to the village that would not adversely affect housing.
- Adjoining residents were not approached about this planning application by the applicants.
- Observer requests that planning permission be refused for the development as it stands.

Alyson Carney, 39 Glasthule Road

- Observer agrees with the Council's decision to grant permission for a temporary car park along with the attendant conditions.
- Development of this site should take the form of sensitive infill that respects the built form, typologies and usages of the surrounding area.
- Placement of a building to the rear reinforces the dislocation of the site from its context. Site originally contained a terrace of cottages in line with no's. 38 & 39.
- Blank 2-storey elevation of the proposed office will have a dominant presence when viewed from Glasthule Road.
- This type of development does not sit well with a vibrant village setting.
- Office building should be placed to the front of the site to continue the line of the terrace – this would improve the streetscape and shield from view the backland function of the car park.
- If proposed building is built, it will prevent the site from being developed in a more holistic manner.
- Residential zoning to the east of the site appears to have been consciously laid out to create a buffer with no. 38 – proposal fails to meet this objective as office building is squeezed up to the eastern boundary of the site.
- Proposed 2-storey building interferes with the residential amenities of no. 30 Congress Gardens by way of overlooking, and overshadows no's. 38 & 39 Glasthule Road – shadow diagram should have been requested.
- Site plan does not indicate that no. 30 Congress Gardens extends to the boundary with the site.
- Previous planning permissions restricted development to the Glasthule Road edge and left the rear of the site as open space – this would be more appropriate given the tight cluster of dwellings to the south and east.
- Observer seeks rejection of planning permission for this development.

8. PLANNING HISTORY

DLRD County Council Reg. Ref: D11A/0167 (PL06D.239174)

- 8.1 The Board upheld the Council's decision to refuse permission on 26th October 2011 to Garnish Investment Holdings Ltd. for a 1,308 sq.m. mixed use development within a 2/3 storey building comprising 3 no. apartments, 2 no. retail units with office/ storage, 15 no. stacked car parking spaces, bicycle parking, waste storage, laneway widening, landscaping and ancillary services.
- 8.2 Under the first reason, it was stated that the proposed development, by virtue of its scale, bulk, design, intensity of use and projection forward of the building line would constitute overdevelopment of the site and would seriously injure the visual amenities of the area.
- 8.3 The second reason refers to Section 18.2 of the Development Plan relating to zones abutting residential areas where particular attention should be paid to use, scale and intensity of proposals. It was considered that the proposed development would give rise to an overbearing impact on adjoining properties and would injure the amenities of the area.

Dun Laoghaire Rathdown County Council Reg. Ref: 592/85

- 8.4 Planning permission was granted for a car sales compound.

Dun Laoghaire Rathdown County Council Reg. Ref: 174/83

- 8.5 Planning permission was granted for an office/ retail development.

9. DEVELOPMENT PLAN

Dun Laoghaire-Rathdown County Development Plan, 2010

- 9.1 The appeal site is within the area covered by the Dun Laoghaire-Rathdown County Development Plan, 2010-2016, and has a zoning objective 'NC': *'to protect for and/ or improve mixed use neighbourhood centre facilities.'* A small strip of the site to the east is shown to be zoned 'A': *'to protect and improve residential amenity.'* However, this would appear to be a drafting error. Properties to the south and east are also zoned residential.
- 9.2 Section 12.1.2 of the Development Plan refers to Policy T2: Development of Sustainable Travel and Transportation Policies.
- 9.3 Section 18.2 sets out advice with regard to Transitional Zonal Areas.

10. ASSESSMENT

- 10.1 Planning permission is sought for the development of a pay and display car park and ancillary office building on a disused site to the eastern side of Glasthule village. The proposal also includes the widening of an existing shared laneway to provide access to the appeal site and to allow for the provision of a footpath. The car park will contain a total of 26 no. spaces including 2 no. disabled spaces. A bicycle bay is also proposed. The office building (77 sq.m.) is a 1 ½ storey structure sited in the south-eastern corner.
- 10.2 Dún Laoghaire-Rathdown County Council issued a spilt decision on this case granting a temporary 5-year permission for the car park and refusing permission for the office building. The applicant has appealed the refusal of permission and a number of conditions attached to the grant of permission. Observations on the appeal have been received by the residents of no. 38 and 39 Glasthule Road, which adjoin the appeal site to the east.
- 10.3 Having considered the contents of the application, submissions of file, the site context and observations from my site visit, I consider that this appeal should be assessed under the following:
- Development principle;
 - Duration of permission;
 - Long term parking;
 - Signage;
 - Development Contributions; and
 - Office building.

Development principle

- 10.4 The appeal site is zoned 'NC': *'to protect for and/ or improve mixed use neighbourhood centre facilities.'* Car parks and small scale offices are permitted in principle under this zoning objective.
- 10.5 A thin strip along the eastern boundary of the site appears to be zoned 'A': *'to protect and improve residential amenity.'* It is likely that this is a drafting error; however, an observer is of the opinion that this zoning has been consciously laid out to create a buffer with the dwelling at no. 38 Glasthule Road. I would highlight that the issue of interfaces between different zonings is covered under Section 18.2 of the Development Plan – Transitional Zonal Areas, wherein it is stated that developments should be avoided that would be detrimental to the amenities of the more environmentally sensitive zone, e.g. zones abutting residential areas.
- 10.6 I shall address the impact of the proposed office building on surrounding residential amenity in more detail below. In terms of development principle,

however, I would be of the opinion that the site is appropriate for a car parking use as an interim measure. Planning permission was refused on site previously for a mixed use development including a parking element for 15 no. spaces. The reasons for refusal related to the impact of the proposal on the streetscape and on adjoining residential amenity, with specific reference to Section 18.2. The stacked car parking element of this proposal was not referred to in the reasons for refusal. The current access arrangements onto Glashule Road using the existing laneway are similar to the previous proposal and I do not envisage any significant issues with the proposed development from a traffic/ pedestrian safety viewpoint.

Duration of permission

- 10.7 As noted above, this planning application follows an earlier refusal on site for a mixed use residential, retail and office development. Notwithstanding the lack of certainty regarding the future redevelopment of the appeal site, the applicant did not apply for a temporary permission for the car park and the Planning Authority assessed the application as a permanent change of use.
- 10.8 It was decided that a permanent car park would not be acceptable having regard to the Council policy on sustainable transport, which seeks to encourage a modal shift from private transport to more sustainable modes. The Planning Authority also highlighted the existing provision of car parking within the village, including a 34 space public car park, a 20 space private car park adjoining the appeal site, existing on-street car parking and a 60 space car park at Eden Park.
- 10.9 The Planning Authority considered that a car park does not represent a good urban design outcome for the subject site where a sensitive street-fronting infill development with parking to the rear might be preferable. The current condition of the subject site, however, was assessed and it was concluded that a temporary change of use would be acceptable. A condition was therefore attached granting permission for a period of 5 years.
- 10.10 The applicant has appealed this condition on the grounds that a minimum payback period of 10 years would be required to make the proposal viable. Calculations are submitted with the appeal to demonstrate that the applicant would only break even after a period of 5 years. In response, the Planning Authority reiterate that a temporary permission is only considered appropriate for this prominent village site and that the applicant would have the opportunity of applying for permission to retain the development for a further period after 5 years.
- 10.11 In my opinion, it is not incumbent upon the planning system to have regard to commercial viability when making a decision on a proposal. Furthermore, I would agree with the Planning Authority that a better urban design solution for the site may be achieved through continuation of the existing street frontage. The applicant accepts that the car park is a temporary measure until economic recovery allows for a more permanent redevelopment of the site. However, I consider that a 10 year permission would facilitate a degree of permanency and push back any potential for redevelopment of the site in the

medium term. On the other hand, I accept that if the proposal is not viable, the applicant may chose to leave the site in its current condition, and from a planning and sustainable development viewpoint, this represents a retrograde outcome.

- 10.12 Having considered the above, I am of the view that a temporary permission of 7 years would be reasonable in this case to allow for the site to be brought into active use until more permanent proposals are put forward.

Long term parking

- 10.13 The applicant has indicated that 8 no. of the proposed parking spaces would be reserved for long term daily parking for local businesses. A letter attached to the appeal submission on behalf of the traders of Glasthule/ Sandycove supports the provision of an additional car parking facility, which it is submitted, will improve trading conditions and enhance the streetscape.
- 10.14 The Transportation Department is of the opinion that long term car parking would undermine the maximum car parking standards outlined in the Development Plan. A condition was therefore attached to the Council's decision stating that the pay and display parking spaces shall be made available for public use upon payment of an hourly or daily fee and longer permits shall not be issued to individuals or companies.
- 10.15 The applicant has submitted that the control of the commercial aspect of a proposed development would be *ultra vires* and therefore this condition should be removed. In addition, it is pointed out that the provision of longer stay parking would encourage 'park and ride' having regard to the proximity of the DART station (400m), and this would be consistent with the Council's sustainable transport policy.
- 10.16 It is sometimes the case that on-street car parking is controlled by way of signage to allow parking for say one hour with no return within three hours. This encourages short stay parking and the freeing up of spaces most convenient to shops. I do not consider, however, that it is practical or reasonable to limit the duration of parking within car parks, which tend to be used for longer stay parking. Indeed, Condition 14 attached to the Council's decision recognises that parking should be made available upon payment of an hourly or *daily* fee. Thus, there is nothing to stop an individual or company from agreeing a series of daily fees with a car park operator. In my opinion, the prevention of longer term car parking would be unenforceable and unreasonable. I would also highlight that maximum car parking standards in the Development Plan are for the purposes of providing, and not overproviding, dedicated on-site car parking for new developments. Thus, I recommend that Condition 14 should omitted.

Signage

- 10.17 Condition 8 states that car parking signage shall be restricted to 1 no. display panel of 600mm x 900mm. The appellants sought permission for a 'v' sign with two signage boards each with dimensions of 600mm x 900mm. The Planning

Authority considers that the signage as proposed by virtue of its height, scale and materials, does not constitute a sensitively designed and sited small-scale signage element.

- 10.18 The appellant refers to Class 1 of Part 2 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended) where advertisements exhibited on business premises, wholly with reference to the business or other activity carried on or the goods or services provided on those premises are exempted development where *'the total area of such advertisements exhibited on or attached or affixed to the front of any building on the premises shall not exceed an area equal to 0.3 square metres for every metre length of such front, less the total area of any such advertisements exhibited on the premises but not exhibited on or attached or affixed to a building, and in any event shall not exceed 5 square metres.'*
- 10.19 The total area of the proposed sign is 2.16 sq.m. over a frontage of 35m and it does not exceed the maximum of area of 5 sq.m. Therefore, the appellant infers that the proposed sign would qualify as exempted development.
- 10.20 Notwithstanding whether or not the sign is exempted development, I would be of the view that a single 'V' signage structure with each signage board measuring 600mm x 900mm is not overly obtrusive when viewed from street level. One board will only be visible when approaching the site from either direction, and this has the same visual impact as viewing a single sign from the opposite side of the street. I note that the elevational drawing shows two such signage structures. The applicant should be required to submit revised drawings showing the single signage structure only, in the event of a grant of planning permission.

Development Contributions

- 10.21 It is stated under Section 10 (Exemptions and Reductions) of the Dún Laoghaire-Rathdown Development Contributions Scheme, 2010-2017 that *'a reduced rate of 50% will apply to ancillary non-residential surface car parking'*.
- 10.22 The Planning Authority would appear to have calculated development contributions per square metre of industrial/ commercial class of development on the basis of the total area of 26 no. car parking space and applying a reduced rate of 50%. Thus, the dimensions of each space is 2.5m x 4.8m = 12 sq.m. and 26 no. spaces as permitted equates to a reckonable area of 312 sq.m. The total contribution payable is €130 by 312 sq.m. which equals €40,560 and with the reduced rate of 50% equates to €20,280.
- 10.23 The applicant does not dispute the method for calculating the development contribution but considers that the number of spaces used should only be 22 no. as was originally shown on drawings. The final drawing submitted in response to the request for clarification of further information shows 24 no. car parking spaces. Under the refusal of permission, the Planning Authority allowed 2 no. spaces in place of the office building.

- 10.24 In my opinion, it is appropriate that the development contribution should be paid for all spaces as permitted. Furthermore, the development description on the statutory notices originally submitted with the planning application included for 26 no. parking spaces. It should also be noted that the applicant would have been expected to pay development contributions for the office building if it had been granted permission.
- 10.25 I acknowledge the applicant's argument that a temporary permission for 5 years should not attract the same rate of contribution as a permanent development with a lifetime of say 75 years. Notwithstanding, there are no exemptions or reductions listed in the Scheme for temporary permissions. Furthermore, there is no mechanism in this case for offsetting the cost of works outside of the site boundary which facilitate the proposed development.

Office building

- 10.26 In refusing permission for the office building, the Planning Authority considered that this building represents ad hoc piecemeal development that would compromise the future redevelopment of the site in a manner that does not accord with good urban design practice. It was also concluded that the office building would give rise to overlooking and would have a visually overbearing impact on the outlook from the private amenity areas of adjacent residences.
- 10.27 The applicant submits that the reason for the proposed office building is to allow for a permanent person to be present on site to manage the car park. An observer, however, questions the need for such a large office building (77 sq.m.) for such a purpose. It is also submitted that the placement of the building to the rear reinforces its dislocation from the rest of the site and prevents the site from being developed in a more holistic manner.
- 10.28 In my opinion, the proposed office building is a permanent building serving a temporary use. There may be grounds for allowing this building if it could be successfully integrated into future development proposals. However, I would agree that its location and siting to the rear of the site render this structure unsuitable for any future change of use or continuation of use within a redeveloped site. I consider that the proposed car park would be appropriately served by a single storey temporary structure which may form part of a subsequent planning application.
- 10.29 In terms of impact on surrounding residential amenity, I agree that the office building is located unnecessarily close to site boundaries which in this case are shared by residential properties. The office building will have a maximum height of 6.7m and coupled with the proximity to adjoining properties may create an undue overbearing and overshadowing impact, particularly of the property to the north-east. Moreover, the proposed first floor windows may give rise to a perception of overlooking of the property to the south-west. I would agree therefore with the Planning Authority's reasons for refusal.

Conclusion

10.30 Overall, I conclude that a temporary car park is acceptable at this location for a period of 7 years. I consider that the method and duration of payment for the parking spaces is a matter for the car park operator and should not be controlled by way of condition. The proposed 'V' signage structure is acceptable and should not form a visually obtrusive feature in the streetscape. Development Contributions would appear to have been accurately calculated and there are no reductions/ exemptions listed in the Development Contributions Scheme for temporary permissions. Finally, I consider that the Council's decision to refuse permission for the office structure should be upheld.

RECOMMENDATION

Having considered the contents of the application, the provisions of the Development Plan, grounds of appeal, issues raised within observations and my assessment of the planning issues, I recommend a split decision in this case, (a) granting permission for car park subject to conditions and (b) refusing permission for office building based on the reasons and considerations hereunder.

REASONS AND CONSIDERATIONS (a)

Having regard to the neighbourhood zoning, the vacant and disused nature of the site and to pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed car park would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by additional information received on 20/08/2012 and by clarification of additional information received on 24/09/2012, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The office building shall be omitted from the development and replaced by 2 no. car parking spaces.
 - (b) A suitable permanent bollard shall be provided at the access laneway a minimum distance of 1.2m from the corner of no. 34 Glasthule Road and in line with the shop façade.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual/ residential amenity and pedestrian safety.

3. The car park use shall cease and any associated signage and ancillary structures shall be removed on or before a period of 7 years from the date of this order unless prior to that date permission for its retention has been granted.

Reason: In the interest of orderly planning and sustainable development.

4. Car parking signage shall be restricted to 1 no. 'V' shaped display sign with 2 no. display panels of 600mm x 900mm. Prior to commencement of the development, the applicant shall submit for the written agreement of the Planning Authority details indicating the exact location of the signage together with details of signage materials.

Reason: In the interest of visual amenity.

5. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no other advertisement signs, advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

6. An updated boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development. This scheme shall include the following:-

- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;

- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed street furniture, including bollards, lighting fixtures and cycle stands;
- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

7. The site works and building works required to implement the development shall only be carried out between 8.00 hours and 19.00 hours, Monday to Friday and between 08.30hours and 14.00 hours on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To safeguard the residential amenities of adjacent dwellings.

8. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

9. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. A grease trap shall be fitted on the kitchen drain to the satisfaction of the planning authority.

Reason: In the interest of public health and to ensure a proper standard of development.

10. The developer shall pay to the planning authority a financial contribution of €20,280 (twenty thousand, two hundred and eighty euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between

the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

REASONS AND CONSIDERATIONS (b)

1. It is considered that the proposed office building, by virtue of its design and positioning on site, does not relate well with the existing streetscape of the village, would constitute the ad-hoc piecemeal development and would compromise the future development potential of the site. The proposed office building would therefore be contrary to the proper planning and sustainable development of this area.
2. Having regard to its positioning on site, together with its scale, height and design, it is considered that the proposed office building would overlook and have a visually overbearing impact on adjacent residential properties. The proposed office building would therefore seriously injure surrounding residential amenity and be contrary to the proper planning and sustainable development of this area.

Donal Donnelly
Inspector

31st January 2013