



An
Bord
Pleanála

Inspector's Report ABP-306085-19

Development	Retention of subdivision of retail unit into 3 retail units
Location	Earl's Court, Dolphin's Barn, Dublin 8
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3993/19
Applicant(Earls Court Retail Unit 02 Ltd
Type of Application	Permission
Planning Authority Decision	Grant permission subject to conditions
Type of Appeal	Third Party
Appellants	John Boles
Observers	None
Date of Site Inspection	18 th January 2020
Inspector	Stephen J. O'Sullivan

1.0 Site Location and Description

1.1. The appeal site is part of the ground floor of an 8 storey apartment building. It has a stated area of 297m². It consists of three empty shop units that face onto Dolphin's Barn Street, which is a main thoroughfare. The site is part of the local centre at Dolphin's Barn which includes a variety of commercial premises, a proportion of which are vacant. The Coombe Maternity Hospital is across the street from the site.

2.0 Proposed Development

2.1. It is proposed to retain the division of the premises in to three separate retail units with floor areas of 98m², 54m² and 120m² in place of the single shop of 272m² that was authorised there. The development to be retained includes the installation of two internal walls and two doors onto the street.

3.0 Planning Authority Decision

3.1. Decision

The council decided to grant permission subject to 3 conditions, none of which would substantially alter the proposed shops. Condition no. 3 required details of the shopfronts and signage to be agreed with the council.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The reduction in floor area and the provision of 3 separate units, although not always desirable, may provide an impetus for reducing vacancy levels in retail units in this area. A grant of permission was recommended.

3.3. Third Party Observations

The appellant objected to the proposed development on grounds similar to those raised in the subsequent appeal.

4.0 Planning History

- 4.1. PL29S. 205006, Reg. Ref. 4140/03 – In April 2004 the board granted permission for a development on 64 apartments and 2 shops on the corner of Reuben Street and Dolphin's Barn Street. This permission has been implemented. The premises that are the subject of the current appeal were shown as a single retail unit of 272m² in the authorised development. The submissions from the parties refer to subsequent permissions to modify the parent permission. None of them mentioned the retail units in the description of development.

5.0 Policy Context

5.1. Development Plan

The Dublin City Development Plan 2016-2022 applies. The site is zoned under objective Z4 to provide for mixed service facilities.

5.2. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

- The retail conditions in the area have changed since the permission was granted for the subdivision of the premises 13 to 16 years ago. There is a need for a large shop to anchor the area and increase footfall. The demand for such a shop is demonstrated by the permission sought by Aldi to convert the former cinema. Many local people now shop outside the area. It would therefore be wrong to permit the subdivision of the larger authorised premises on the site into 3 smaller ones. There is already a glut of smaller shops and takeaways in the area which do not improve it. Permission for further small shops at a derelict site on the corner of Dolphin's Barn and the South Circular

Road has not been implemented since 2015 which indicates that there is insufficient demand for smaller shops.

6.2. Applicant Response

- The retention of the sub-division would facilitate the bringing into use of a vacant premises which would reanimate the streetscape and provide employment. As such it would contribute to the Z4 zoning objective that applies to site. The premises have been vacant since they were built 16 years ago. The unit has been advertised to retailers who might provide a larger shop but none were interested in renting it. Retailers seeking smaller units have expressed interest in occupying the premises.
- There are two nearby shops of similar size to the premises. They trade as Spar and Tesco Express. The area is therefore already served by the scale of convenience retailer that might have occupied the undivided premises on the site. The premises are not large enough to accommodate a larger shop that would serve the market for weekly shops. Such shops require direct access to car parking and are now located in higher order centres.
- The development would not affect traffic in the area. If the board is concerned about delivery times then it could impose a condition regulating them.

6.3. Planning Authority Response

No response was received from the planning authority.

6.4. Further Responses

7.0 Assessment

- 7.1. The traditional service centre at Dolphin's Barn is marked by a certain level of vacancy and underutilisation. Most of the retail and commercial premises in the centre are small and reflect the historic urban grain of the area. The general point made in the grounds of appeal is therefore well founded. The centre would benefit from a larger shop such a supermarket. The response to the appeal is incorrect to

suggest that such a shop would require extensive car parking, as other supermarkets operate successfully without much car parking in densely populated urban areas similar to Dolphin's Barn.

- 7.2. However the premises on the site are not large enough to accommodate a shop that could operate as an anchor for Dolphin's Barn whether or not their subdivision was permitted. As stated in the response to the appeal, the local centre already contains two medium-sized convenience shops that would be similar in size to the undivided premises on the site. Preventing the subdivision of the premises would therefore be unlikely to contribute towards an improvement in the retail offer in Dolphin's Barn or to serve any other public good.
- 7.3. The proposed three shops on the site would not have a significantly different impact on traffic compared to the authorised shop on the site. Traffic, deliveries and parking on the main street in front of the site are already subject to control by the council under road traffic legislation. It would not be helpful to try to replicate or substitute such management with planning conditions.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to the conditions below.

9.0 Reasons and Considerations

Having regard to the zoning for the site for mixed service facilities under objective Z4 of the Dublin City Development Plan 2016-2022 and to the pattern of development in the area it is considered that, subject to compliance with conditions below, the development whose retention is proposed would not diminish the range of services available at Dolphin's Barn, would not seriously injure the character of the area or the amenities of property in the vicinity and would be acceptable with regard to the safety and convenience of road users. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be in accordance with the plans and particulars

lodged with the application, except as may otherwise be required in order to comply with the following condition. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority within 3 months of the date of this order and the development shall be completed in accordance with the agreed particulars.

Reason: In the interest of clarity

- 2 Details of all external shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The signage shall be lit by external illumination only and window displays shall be maintained free of stickers, posters or other advertisements..

Reason: In the interest of visual amenity.

Stephen J. O'Sullivan
Planning Inspector

19th January 2020