



An
Bord
Pleanála

Inspector's Report

PL06S.247660

Development	Change of Use of Ground Floor from Public Office to Betting Office, External Bin Storage and Hardwood Facia at Former Fas Office, 3 Monastery Road, Clondalkin, Dublin 22
Planning Authority	South Dublin Co. Co.
Planning Authority Reg. Ref.	SD16A/0320
Applicant(s)	O'Connor Whelan
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Appellant(s)	Niamh Lynham
Observer(s)	None
Date of Site Inspection	28 th of February 2017
Inspector	Caryn Coogan

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 No. 3 Monastery Road is located in the commercial heart of Clondalkin Village. The site is the ground floor unit, 75sq.m., of a terrace of buildings and it is currently occupied by a coffee shop within the town centre of Clondalkin. There are shops, office shops, offices and other mixed uses adjoining the subject site.

2.0 PROPOSED DEVELOPMENT

- 2.1 The change of use of the ground floor from a public office to a betting office (totalling 75sq.m.), a new external bin storage area to the rear 3sq.m. and a hardwood fascia painted lettering at 3 Monastery Road, Clondalkin. The unit is currently operating as a café.

3.0 PLANNING AUTHORITY DECISION

- 3.1 South Dublin Co. Co. granted the proposed development subject to 9No. conditions.

3.2 TECHNICAL REPORTS

Environment Services: No objections

Roads: No objections

EHO: No objections

Irish water: No objections

Planning Report:

- Site is zoned VC Village Centre, the development is permitted in principle. There is permission for a restaurant granted under reference SD16A/ 0140.
- Under SD16A/0140 it stated there are 100No. commercial units in the village centre, of these 15No. are takeaways and 3No. are restaurants. The 3No. existing betting offices were counted. There is a high level of vacancy also noted, including the subject site which has been vacant for over a year.
- Vitality and vibrancy is maintained by having units occupied not vacant. The previous Fas Office use is not retail. The proposed development will not undermine the retail offering in the town centre.

- A fourth betting office is not considered to be an excessive concentration given the level of retail, office and other non-retail uses.
- No objections from the Roads Section.
- A condition should be imposed limiting the opening hours
- The development is speculative, and the exact shopfront details cannot be given with the application.
- The issue of retaining the open character of the shopfront and future satellite dishes can be dealt with by way of condition.

3.4 THIRD PARTY SUBMISSIONS

The third party submissions cited the following concerns:

- Overconcentration of betting offices in Clondalkin
- Legal interest in the land
- Invalid application notices do not describe the full nature and extent of development
- Inadequate detail in the drawings

3.0 PLANNING HISTORY

3.1 There are two recent permissions relating to the subject site 3 Monastery Road, Clondalkin included in the appendix of this report.

3.2 SD16A/0319

Planning permission granted for the change of use of the first floor offices to medical centre (125sq.m.) with internal accommodation consisting of 3No. doctors offices, reception, treatment room, waiting room and toilet at former Fas Office. Final Grant 02-Nov-2016

3.3 SD16A/0140

Planning permission granted for the change of use the ground floor from public office to café with new hardwood fascia. Final Grant 22nd of April 2016, and this is the site's current use.

4.0 POLICY CONTEXT

4.1 South Dublin County Development Plan 2016-2022

The site is subject to zoning objective VC – *To protect, improve and provide for the future development of Village Centres.*

4.2 UC1 Objective 3:

To protect the quality, ambiance, vibrancy and vitality of urban centres by promoting an appropriate mix of day and night-time uses, including commercial, recreational, civic, cultural, leisure and residential uses and to limit or control uses that might have a detrimental impact on the amenities of centres.

Actions

Protect and enhance infrastructural investment such as public transport and high quality town centre facilities in Tallaght Town Centre and Clondalkin Town Centre.

Implement environmental improvements in existing town and village centres to a high standard and finish. The Council will work with developers and other agencies to secure improvements to the public realm and pursue all avenues of funding to secure resources for the enhancement, renewal and regeneration of the public realm of the County's towns and villages.

Encourage and support mixed use developments in town, village, district and local centres that generate daytime and evening activities.

Support and facilitate the provision of community facilities within centres.

Promote measures to improve pedestrian safety and convenience, including pedestrianisation, within the main centre areas.

Encourage small scale employment and training uses in district and local centres including micro-enterprise and start-up units, subject to the protection of residential amenity.

Priority Location for public investment will be based on catchment level, the accessibility of the receiving centre and a sequential test in relation to site availability (see Figure 5.1).

It is the policy of the Council to reinforce the role of Tallaght as the County Town and Clondalkin as a major Town Centre at the top of the County's urban hierarchy.

UC2 Objective 1:

To promote Tallaght Town Centre as the primary urban centre in the County by directing higher order retail, retail services, residential, cultural, leisure, financial, public administration, restaurants/bars, entertainment and civic uses into and adjoining the Core Retail Area of this centre.

UC2 Objective 2:

To promote Clondalkin Town Centre as a primary urban centre in the County by directing higher order retail, retail services, residential, cultural, leisure, financial, public administration, restaurants/bars, entertainment and civic uses within and adjoining the Core Retail

Area of this centre.

UC2 Objective 3:

To support and facilitate the future development of tourism related infrastructure and promote events such as markets, festivals and concerts in Tallaght and Clondalkin town centres.

UC2 Objective 4:

To encourage and facilitate the re-use and regeneration of derelict land and buildings for retail and other appropriate centre uses and encourage the full use of buildings and in particular the use of upper floors and backlands with due cognisance to the retail sequential approach, quality of urban design, integration and linkages.

UC2 Objective 5:

To reinforce town centres as the priority location for new mixed use development, with urban design, integration and linkage as important considerations.

UC2 Objective 6:

To provide a broad range of facilities and services in Tallaght and Clondalkin Town Centres and support the role of these centres as the focus for commercial activity, leisure, entertainment, community activities and public transport.

5.9.0

It is the policy of the Council to manage the provision of off-licences and betting offices and to prevent an excessive concentration of these landuses.

5.0 THE APPEAL

5.1 The appeal cites extensively extracts from the development plan and I would consider it to be repetitive in every point made in the grounds of appeal. I will summarise the relevant points made by Niamh Lynham of 235 Cherrywood Lawn, Clondalkin, avoiding undue repetition. It is stated the Board should refuse the proposed development change of use to a betting office for the following reasons:

- The proposed use is a clear contravention of the South Dublin Co. Co. Development Plan 2016-2022. Section 5.9. states ***It is the policy of the Council to manage the provision of off-licences and betting offices and to prevent an excessive concentration of these landsues.*** There are three existing betting offices within 100metres of the subject site. The decision of the local authority contravenes its own development plan policy. All three existing betting offices are within a 100metres of the site, Ladbrokes, Paddy Power and BAR ONE Racing. The zoning objective relating to the subject site is VC- Village Centre '***To protect, improve and***

provide for future development of Village centres'. There is a point made in the planning report that 4No. betting offices is not considered to be an excessive concentration, when taken in conjunction with the surrounding level of retail, office and other non-retail uses in the area. There are no a hundred ground floor commercial units as suggested by the report, in fact there are only 30No. in the immediate area. There may 100No. commercial units within the entire village but not the area occupied by the existing betting office.

- Under section 11.3.6 under the heading Retail Development, it outlines a number of uses that will be discouraged in urban areas. Restriction of Uses includes Betting offices and bookmakers, and a more appropriate range of services are to be provided on the ground floor. In order to maintain vitality and vibrancy in the village centre, it is important to control the number of betting offices. 4No. betting offices in close proximity will lead to an overconcentration of undesirable uses, a noise, general disturbance, and will be disproportionate to the overall size and character of the area. The applicant had incorrectly stated in the covering letter that there was only one other betting office in the village.
- The additional betting office is contrary to section 1.13.0 of the development plan in terms of the Retail strategy. The proposal does not represent a development which is compatible with the area, as the shopfront will inhibit interaction. Having regard to its location the subject site is more suited to a retail, café or public office use. There is permission for a café use under SD6A/0140.
- It is development plan policy to encourage vitality with Clondalkin, and a fourth betting office will contribute to the decay of the vibrancy.
- Under section 5.1.1 Urban Hierarchy it states that Clondalkin is a major Town Centre. Clondalkin must strive to have higher quality units to create a high quality retail experience
- To grant planning permission for another betting office will impact on the historic core of Clondalkin village.
- The Retail Strategies require boundaries to be defined in Core Areas of the major retail centres. No. 3 Monastery Road is located within the Clondalkin Core Retail Area. Another betting office does not fulfil the retail strategy objective to provide a high level and broad range of retailing.
- Section 5.6.5 Retail Policy 7 states it is the policy of the Council to strengthen the retail, retail services and niche retailing function of traditional villages. A betting office does not come within those landuses.

- Section 11.2.9 relates to new or amended shopfronts. The drawings do not indicate a high standard and there are no details of signage submitted.
- It is not good enough to write 'new signage' on drawings with no specifications, or lettering etc. The premises is in a very prominent location, and the drawings should reflect the sensitivity of the location .

5.2 Validity of the Planning Application

The drawings submitted with the planning application are deficient and do not comply with the Regulations. The following are a list of the deficiencies:

- It is not clear the applicant's legal interest in the subject site. A letter of consent from owner is inadequate and does not indicate the applicant's legal interest in the land.
- Misleading information given in the covering letter stating there is only one betting office in the village. There are 3No. existing betting offices within 100metres of the site.
- The wrong County Development Plan is referenced in the submission. The relevant development is the South Dublin County Development Plan 2016-2022. The relevant restrictions are outlined under Section 11.3.6 of the current plan.
- There are no details of the proposed signage. There is a distinct lack of information regarding the signage.
- The newspapers and site notice do not describe the full nature and extent of development. A betting office of this size would require 2No. satellite dishes. Planning permission is required for such dishes, and there is no reference to these in the documentation. There has been no application fee paid for the satellite dishes or condenser units.
- The drawings lack basic information such as the dimensions of the bin storage in the back yard. There are no dimensions on the elevations or the section drawings.

The information submitted with the planning application is deficient in terms of a number of critical issues.

5.3 RESPONSES

5.4 Applicant's Response to Appeal

- An additional betting office in the village does not represent an excessive concentration of betting offices. The appellant fails to

acknowledge that Clondalkin is recognised in the same development plan extensively quoted, is designated as a Level 3 Retailing Centre, and within core retailing areas, bookies are expressly permitted.

- The subject site is located within the retail core of Clondalkin and not some notional 100metre radius defined by three other betting offices.
- The proposed site is 1 of 125 commercial ground floor units within the Village Centre Zoning. The units current use as a café is a non-retail use.
- The proposed bookies represent less than 1% of the overall commercial uses in the village centre.
- Whilst retail is the dominant use in the village centre, it is not the only use permitted.
- The development plan objectives, R5 Objective 1, UC1 Objective 1 and UC1 Objective 3, seeks to promote a range of uses in town and village centres in order to encourage vibrancy and vitality.
- An end user has not been identified for the unit therefore it is not possible to provide final details of signage. The proposed signage is entirely consistent with the development plan.
- Condition No. 3(D0 addresses the window, and that the unit should resemble a shop
- The applicant has the consent of the owner to make the application.
- There are three betting offices in the village and this is acknowledged.
- It is accepted the applicant stated the wrong development plan in the application details but this was in error and was not a misleading ploy.
- The satellite dishes can be dealt with by the future occupant.
- There is no basis to overturn the planning authority's decision to grant permission for the development

5.5 Planning Authority's Response

The Planning Report on file details the planning authority's full consideration and assessment of the case. The planning authority has nothing further to add.

6.0 ASSESSMENT

- 6.1 The existing land use at the ground floor of No. 3 Monastery Road is a coffee shop. This was permitted under planning reference number **SD16A/0140**, which was for :

Change of use of ground floor from public office to café (totalling 75sq.m., a new external bin storage area to the rear (3sq.m.) and a new hardwood fascia with raised stainless steel lettering (3.64sq.m)

The public notices state the application is for the change of use of the ground floor from public offices to a betting office. There has been a permitted and a material change of use at the subject site during 2016. The planning report on file stated during the site visit of 12th of October 2016, the subject site was vacant. This vacant issue is important as it formed one of the deciding factors in the planning authority's decision to grant permission for the proposed change of use.

- 6.2 The third party appeal emphasises repeatedly the fact there are 3No. existing betting offices within 100metres of the subject site. I walked around Clondalkin village centre and noted the 3No. betting offices. It is stated policy in the South Dublin County Development Plan 2016-2022 :

5.9.0

It is the policy of the Council to manage the provision of off-licences and betting offices and to prevent an excessive concentration of these landuses.

I do consider that an additional betting office within a 100mete distance of 3No. existing betting office does represent an extensive concentration of such uses. The existing three betting offices form a triangular configuration within a short walking distance within the village core. However, this policy cannot be considered in isolation of other policies relating to Clondalkin village, which the planning authority considered in its assessment. The landuse Betting Office is **Printed in Principle under the VC** zoning objective '*To protect, improve and provide for the future development of Village centres*'. The planning authority expressed concern over the high level of unit vacancies during its inspection in October 2016, and it was noted the subject site had remained vacant for over a year prior to the current application submission in September 2016.

However the Board should note there has been two material changes at the subject site since the planning application was originally submitted :

1. As stated above a coffee shop opened on the ground floor i.e. the subject site which was granted planning permission in 2016 under reference SD16A/0140
2. Planning permission has been granted in November 2016 on the first floor of 3 Monastery Road for the change of use from public offices to a medical centre.

Under the Urban Hierarchy of the 2016-2022 county development Plan Figure 5.2 Clondalkin and Tallaght are highlighted as Major Town Centres. In accordance with Urban Centre Policy 1 Clondalkin is to be developed as a vibrant Town Centre. Having regard to the existing/ permitted use on the subject site, which is a coffee shop/ café, and the permitted use overhead as a medical centre, I consider the proposed change of use to a betting office is contrary to the objectives listed Under UC Policy 1 of the development plan in terms of promoting a vibrant Town Centre. The betting office will lead to a non-interactive shopfront.

- 6.3 I note the third party concerns regarding the proposal been contrary to the Retail Strategy and Retailing Policies of the current development plan. The former use of the site and building was a Fas Office, and it remained vacant for a considerable length of time. The building has existed with a non-retail use for alongtime, therefore I consider it to be unreasonable to impose retailing policies and the retail strategy on the subject site.
- 6.4 Regarding the facia, advertising, signage and potential satellite dishes, the signage can be dealt with by condition and satellite dishes can be dealt with by way of a separate planning application. The planning application is speculative. The applicant did not have a tenant confirmed for the betting office at the time of application. The applicant had the written consent of the landowner of the site to make the planning application, therefore I am satisfied the application is valid in that regard.

7.0 RECOMMENDATION

I recommend the planning authority's decision to grant planning permission be overturned and the proposed change of use be refused for the following reasons and considerations.

REASONS AND CONSIDERATIONS

The proposed change of use to a betting office at this property would consolidate an excessive concentration of betting office landuses at this central location, within the core of the town of Clondalkin, which would impact negatively on the vibrancy of the town and undermine the viability and vitality of the Town Centre as a whole and would, therefore, be contrary to policies Urban Centre 1 and 5.9.0 of the South Dublin Development Plan 2016-2022. These policies are considered to be reasonable. Having regard to this issue, and also to the planning history of the subject property, and to its existing use as a coffee shop, it is

considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

Caryn Coogan

Planning Inspector

15/03/2017