



An  
Bord  
Pleanála

## Inspector's Report PL29S.247715.

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<b>Development</b>	Change of use of units from office accommodation to gymnasium and associated works, new sign and entrance.
<b>Location</b>	Block K, Lansdowne Gate, Lansdowne Valley, Long Mile Road, D12.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	3440/16.
<b>Applicant(s)</b>	Cosgrave Development Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party.
<b>Appellant(s)</b>	Denis Cadogan.
<b>Observer(s)</b>	1. Susan Hogan (on behalf of the residents of Slievebloom Park and Lansdowne Valley). 2. Darron Hughes

**Date of Site Inspection**

06<sup>th</sup> of March 2017.

**Inspector**

Karen Hamilton.

## 1.0 Site Location and Description

1.1. The site is located in Drimnagh, a long established suburban area, about 6km to the south-west of Dublin City Centre. The subject site is within Block K of the Lansdowne Gate development between the Naas Road and Long Mile Road. The site is accessed through the residential area of SlieveBloom Park and is within walking distance to the Bluebell Luas stop. The overall Lansdowne Gate development is a recently constructed mixed use scheme. The subject site is associated with part of the ground floor and first floor. Cocoon Childcare currently occupy part of the ground floor along the south-west elevation facing onto the rear of Drimnagh Castle CBS National School.

## 2.0 Proposed Development

2.1. The proposed development includes the following:

- Change of use of part of ground floor (220m<sup>2</sup>) from vacant office, enterprise/light industrial units to gym/fitness centre;
- Change of use of first floor (632m<sup>2</sup>) from vacant office, enterprise/light industrial units to gym/ fitness centre;
- Alterations to the exterior for signage and entrance;
- Other ancillary services relating to the access, car parking, cycle provision and refuse storage are provided as per Reg Ref. 3965/09 and 3636/04 (29S.212609).

## 3.0 Planning Authority Decision

### 3.1. Decision

Decision to grant permission and conditions of note include:

- C 2: Details of colour and graphic for the opaque window treatment should protect the visual amenities of the area.
- C 3: Details of the signage for written agreement of the planning authority.

- C 6: Submission of a mobility management plan supporting sustainable travel modes and details of the cycle parking to be submitted.
- C 7: A floating floor shall be installed in area proposed to use weights, restriction on class times and any music shall be played through a limiter system.

## 3.2. **Planning Authority Reports**

### 3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission and may be summarised as follows:

- The site is covered by the Naas Road Lands LAP which identified a shortage of recreational facilities in the general area.
- The site adjoins a green link identified in the LAP to the Long Mile Road, it is also accessible to the Luas stop.
- Inclusion of opaque glazing on the first floor following a further information request on relationship between existing dwellings.

### 3.2.2. Other Technical Reports

Environmental Health- No objection subject to conditions.

Drainage Division- No objection subject to conditions.

Roads and Traffic Division- No objection subject to conditions.

## 3.3. **Prescribed Bodies**

None received.

## 3.4. **Third Party Observations**

Eighteen submissions and five representations were received from surrounding residents and the issues raised are summarised in the grounds of appeal.

## 4.0 Planning History

### **3965/09**

Permission granted for revision to Reg. Ref 363/04 and 2394/06 for change of use of first floor from crèche and medical consulting rooms and retail use on the ground floor to enterprise/ light industrial.

### **2964/08**

Permission refused for change of use of crèche and medical consulting rooms to office as it would contravene the zoning and lead to a loss of important social and community facility.

### **6109/06**

Permission refused for modification to the overall Lansdowne Gate for additional residential units and car parking spaces and change to design, as it would be overdevelopment of the site, substandard level of residential development and be visually obtrusive by way of design.

### **29S.212609 (3636/04)**

Permission granted for a mixed use development including 241 apartments, 132 live/work units, crèche, office accommodation (c 611m<sup>2</sup>), parking, ESB substation and ancillary works.

## 5.0 Policy Context

### 5.1. Dublin City Development 2017-2022

The site is zoned as Z1 “Sustainable Residential Neighbourhoods” where it is an objective *“To protect, provide and improve residential amenities, in the current development plan”*.

- Cultural/ recreational buildings are acceptable as a permissible use within this zoning.

## **Shopfront**

- Policy RD15: A high standard of design and finish for proposed shopfronts.
- Guidance provided in the “*Dublin City Council’s Shopfront Design Guidelines*”

## **Car Parking**

- The site is located in Zone 2 “Cultural/ Recreational Facilities”,
- Table 16.1- Car Parking Requirement, 1 space per 250m<sup>2</sup> GFA.
- Section 16.38 – Shared parking to serve mixed-use developments shall include a car park management plan to indicate how access to car parking will be controlled and managed.

## **Naas Lands Local Area Plan**

- It is an objective for the plan area to create a great place to work and live with a sustainable mixed-use area... increase in a range of land uses etc.”

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The grounds of appeal are submitted by a resident of an adjoining estate and the issues raised may be summarised as follows:

- There is a saturation of gyms in the vicinity and this is the wrong location for another one and is not permitted within the designated uses.
- There are currently significant parking issues on the site and residents of the apartments and visitors currently park on the roads.
- The traffic survey was undertaken in the summer and not a true reflection of the current problem with the schools.
- It is not acceptable there is no additional car parking, as 38 are required for uses within Zone 2.
- The gymnasium would have a negative impact on the residential amenity of surrounding area including overlooking into bedrooms.

- Noise mitigation measures are not sufficient and windows and doors will be opened.

## 6.2. Applicant Response

An agent on behalf of the applicant has responded to the grounds of the appeal which may be summarised as follows:

- The unit has been vacant since 2008 and research undertaken concluded this was a viable option.
- The proposed use complies with statutory plans and is described as a “cultural/recreational building”.
- No additional parking has been provided and there are 21 spaces for general use and three spaces in the basement intended to serve the original office use which will be used for staff parking.
- The peak time for gym use is between 17:00 - 20:00 hrs, therefore it will not conflict with surrounding uses. Current parking spaces are underutilised and charged, the gym will offer free/discount rates for members.
- There will be no noise nuisance from the proposed use and noise levels will comply with the decibel levels prescribed by the EPA and include specialist materials to mitigate. All classes with possible noise will be located in the west of the first floor.
- The clients are happy to comply with the conditions of the planning authority and reference is provided to the considerations of the planning authority.
- To prevent overlooking all windows along the north east will be opaque. The first floor windows will carry semi-opaque pixilated vinyl graphics.

## 6.3. Planning Authority Response

The planning authority responded to state the report of the area planner justifies the decision to grant.

## 6.4. Observations

Two observations were received from residents of the adjoining residential estate, one of which included a signed petition, and the issues raised may be summarised below:

- The location of the gym is inappropriate and the surrounding area is a quiet cul-de-sac.
- The current parking position is inadequate without any additional traffic. It will be unsafe for elderly residents and children.

## 7.0 Assessment

7.1. The main issues raised in the grounds of appeal may be summarised as follows:

- Principle of development
- Traffic and Parking
- Impact on Residential amenity
- Appropriate Assessment

### **Principle of development**

7.2. The proposed development includes a change of use from a vacant office to a gymnasium. The site is located within a mixed use development granted under Reg. Ref. 3965/09, Block K, with amendments permitted under 3965/09 for a change of use of crèche and medical consulting room to enterprise/ light, for the same floor space as the proposed development. There is currently a crèche occupying a large portion of the ground floor of Block K. The site is zoned as Z1 residential and the grounds of appeal argue the proposed gymnasium use is does not comply with the zoning objective for Z1.

7.3. The applicant's response to the grounds of appeal, states the units have been vacant since 2008. I note the use permitted under the parent permission was for crèche and medical consultant on the first floor and retail on the ground floor. Permission was granted for a change of use to office and light industrial in 2009, but as stated above was never enacted. I consider the current permitted use for the subject site is crèche, medical from the parent permission. This aside, the



permissible uses in the Z1 zoning includes Cultural/ recreational buildings, which allows for gymnasium.

- 7.4. In addition to the zoning objective, I note the report of the area planner refers to the need for recreation facilities in this area as identified in the Naas Lands LAP. The applicant submitted detailed analysis of other gymnasium facilities, in response to a further information request, and I do not consider there is evidence of a saturation of similar type facilities in the immediate vicinity.
- 7.5. Based on the proposed use of a gymnasium and the current onsite crèche facility, I do not consider the proposed development would contravene the parent permission through the loss of a social or community facility, nor do I consider the proposed use contravenes the residential zoning on the site. Therefore, subject to complying with other planning requirements as addressed in the following sections, the principle of the proposal is acceptable.

### **Traffic and Parking**

- 7.6. The site is located beside a residential estate and a large national school. The proposed development does not include any additional car parking spaces. The grounds of appeal are concerned the traffic generated from the gymnasium use will exacerbate an existing traffic problem in the surrounding streets.
- 7.7. A “Parking Statement” was submitted following a further information request for a car parking survey of the site and surrounding area. The survey was undertaken on a Thursday and a Saturday in October and TRICS data based on a land use classification for a private fitness club estimated a requirement for 51 cars per day. In relation to the provision of spaces, the survey concluded that 3 designated parking spaces in the basement, for the initial permitted use, would be set aside for staff and gymnasium members would be permitted to use the existing pay and display car parking spaces on site, at a discounted rate, until on street and display parking was introduced in the adjoining residential streets. The information submitted refers to peak demand times of between 17:00 and 22:00hrs for the proposed development. In addition, the gymnasium operators propose to promote sustainable travel modes through membership initiatives.
- 7.8. Table 16.1 of the development plan requires 1 space per 250m<sup>2</sup> GFA for this use in Zone 2. Therefore, the provision of 3 staff use in the basement complies with the

development plan standards. I note the report of the Roads and Traffic Section has no objection to the submitted car parking proposal subject to the submission of a mobility management plan confirming details of membership initiatives and information on cycle parking. In addition to the car parking requirement, Section 16.38 of the development plan provides guidance for shared parking which serve mixed-use developments, where proposed developments include a car park management plan to indicate how access to car parking will be controlled and managed. I consider the inclusion of a condition allowing unrestricted use of the existing on-site parking, by the gym members reasonable to accommodate the parking for the proposed development.

- 7.9. Therefore, based on the allocation of 3 designated basement spaces, the use of the on-site shared parking spaces and the promotion of sustainable modes of travel, I do not consider the traffic and parking from the proposed development would have any conflict with the adjoining uses or the surrounding area.

#### **Impact on Residential Amenity.**

- 7.10. Lansdowne Gate development is adjacent to the SlieveBloome Park and Lansdowne Valley residential estate. The current building is two storey, located on the corner with the northern elevation facing, 15m from a terrace of dwellings along Lansdowne Valley. The site is separated from these neighbouring dwellings by a road with mature trees along the entire northern boundary. The grounds of appeal argue the proposed development would have a negative impact on the residential amenity of adjoining residents due to overlooking from the first floor and the impact of the noise from gym classes. I will deal with each of these issues separately below.
- 7.11. Overlooking: As stated above the northern elevation faces onto a row of terrace dwellings. A further information request from the planning authority required the submission of a proposal to minimise the potential for overlooking on neighbouring houses. The applicant's response included partial opaque glazing on first floor and all of the first floor windows. In addition, it was submitted the proposed orientation of halls, landings etc. would ensure the privacy of the adjoining dwellings is protected. I note the distance of the proposed development 15m from the edge of the dwellings along Lansdowne Valley and although the height of the proposed development slightly raised in comparison to the dwellings, there is a thick row of mature trees

along the northern elevation on the applicant's site which currently serves to screen Block K. I am aware of the commercial uses permitted in Block K and although the use of the gymnasium would require evening use I consider the use of the proposed opaque glazing for the entire first floor windows and the retention of the existing mature planting would prevent any overlooking on the properties along the north of the site. I consider it reasonable to include a condition for the opaque glazing to extend the full height of the first floor and the retention of the current mature screening.

- 7.12. Noise: The proposed gymnasium includes a studio for classes on the northern corner of the first floor. In response to a further information request on the potential for noise nuisance the applicant proposed mitigation measures including the use of a limiter system to play music, noise levels would comply with the decibel levels prescribed by the EPA and specialist materials would be used to mitigate. The applicant's response to the grounds of appeal stated that all classes with possible noise will be located in the west of the first floor and windows will not be open as mechanical ventilation will be installed. The grounds of appeal submit the mitigation measures are not sufficient and windows and doors will be left open. I note the proposed location for classes is along the western section of the first floor, the proposed ventilation and noise mitigation measures and I do not consider the proposed development would have a significant negative impact on the adjoining dwellings. This aside, I consider it reasonable to include a condition for noise level.
- 7.13. Visual Amenity: The proposed development includes signage at an existing entrance along the south west elevation, facing onto the National School. Section 16.24.2 and Policy RD15 of the development plan promote high quality design and finish for proposed signage, in line with the Dublin Shopfront Design Guidelines which requires the use of individual lettering no higher than 40cm. Although full details of the proposed development are not included in the application drawings, I consider the location and scale of the sign would not have a negative impact on the residential amenity of neighbouring properties and the remaining matters relating to the design can be dealt with by condition.

### **Appropriate Assessment.**

- 7.14. Having regard to the nature and scale of the proposed development within a serviced area and separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site.

## **8.0 Recommendation**

- 8.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

## **9.0 Reasons and Considerations**

Having regard to the zoning objective, the nature and scale of the proposed development, the current use on the site and the policies of the current Dublin City Development Plan it is considered that subject to compliance with the conditions below, the proposed development would not seriously injure the residential or visual amenity of the area or endanger public safety by reason of traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **10.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

3. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling by staff employed and private members', in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company of Lansdowne Gate and proprietor of the gymnasium within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

4. (a) The 3 car parking facilities in the basement hereby permitted shall be reserved solely to serve the staff parking for the proposed development.  
(b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the site and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the retention of the designated parking spaces to the west of the site for gymnasium members and shall indicate how these and other spaces within the

development shall be assigned, segregated by use and how the car park shall be continually managed, until such times as there is on street pay and display parking in the vicinity.

**Reason:** To ensure that adequate parking facilities are available to serve the proposed development.

5. The proposed opaque glazing for the first floor windows shall extend to the full height. Details, including samples, of the materials, colours and textures of all the external finishes, including the opaque windows, to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the visual amenities of the area.

6. The noise level shall not exceed 55 dB(A) rated sound level, as measured at any point along the boundary of the site. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

7. The proposed shopfront shall be in accordance with the following requirements and shall be submitted for the written approval of the planning authority:-

(a) Signs shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individually mounted lettering,

(b) lighting shall be by means of concealed neon tubing or by rear illumination,

**Reason:** In the interest of visual amenity

8. All trees along the northern boundary of the site shall be retained and maintained, with the exception of the following:
  - (a) Specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development.
  - (b) Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

**Reason:** In the interest of visual and residential amenity

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Karen Hamilton  
Planning Inspector

15<sup>th</sup> of March 2017