



An
Bord
Pleanála

Inspector's Report PL06D.247881

Development	Change of use of B and B with associated minor demolition and additional floor area and associated works.
Location	409 Stillorgan Road, Co. Dublin.
Planning Authority	Dún Laoghaire-Rathdown Co. Council
Planning Authority Reg. Ref.	D16A/0766
Applicant	Aiden Durkan
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant	Aiden Durken
Observer	None
Date of Site Inspection	22/3/17
Inspector	Emer Doyle

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1.0 Site Location and Description

- 1.1. The appeal site is situated on the eastern side of the N11 Stillorgan Road, Stillorgan Co. Dublin. The site comprises the former Priory Townhouse B and B, which is two storey in height. The site area is 0.06 hectares. A small part of the site is within a 'Sites of Archaeological Interest' objective, Ref. 023-006.
- 1.2. The site is encircled by a hotel property to the south and east and a three storey apartment development to the north. A petrol filling station is located to the west of the site. The site is well served by public transport in the form of a QBC on the N11.

2.0 Proposed Development

- 2.1. Permission is sought for the change of use of a B and B to an office development with associated minor demolition and additional floor area to provide a total of c.325m². It is proposed that the existing entrance will be relocated and that the existing garden store will be converted to a bicycle store. A total of 6 No. car parking spaces are proposed.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission was refused for two reasons relating to size of development and residential zoning of the site and development plan policies RES1- Supply of Zoned land and RES4 – Existing Housing Stock and Densification.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Authority expressed concern in relation to the loss of housing stock and in relation to the size of the office development in an area zoned for residential development.

3.2.2. Other Technical Reports

Transportation Planning – Car parking exceeds development plan standards – 6 provided- maximum of 3 required by Development Plan. Transportation Section recommend that there is no justification in terms of pedestrian safety for the relocation of the existing vehicular entrance. F.I is required in relation to the relocated entrance. No objection subject to conditions.

Drainage Planning – no objections subject to conditions.

3.3. Prescribed Bodies

3.3.1. Transport Infrastructure Ireland – no objections.

3.4. Third Party Observations

None.

4.0 Planning History

PA Reg. Ref. D08A/0054

Permission refused for the extension of the existing Haven apartment development into the adjoining site the Priory Townhouse B and B. The development proposed consisted of 14 No. apartments in a part 4 storey and part 5 storey block.

PA Reg. Ref. D08A/1230

Permission granted to extend the existing apartment Haven apartment development into the adjoining site the Priory Townhouse B and B. The proposed development consisted of 12 units.

5.0 Policy Context

5.1. Development Plan

The site is governed by the provisions of the Dún Laoghaire – Rathdown County Development Plan 2016-2022.

- The site is zoned Objective A ‘To protect and/or improve residential amenity.’ ’ Blackrock Local Area Plan 2015-2021
- Chapter 6 refers to Employment.
- Table 8.2.3 refers to car parking standards.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was submitted on behalf of the applicant. The main issues raised are as follows:

- There is flexibility in the development plan to allow cases to be considered on a case by case basis in the zoning.
- A much larger office development was permitted on a residentially zoned site just 200m south of the site.
- The application site is in a transitional zone.
- Having regard to the limited size of the site we fail to see how the loss of this site will contravene policy RES1.
- When the adjoining apartment development and the current site were owned by Durkan Homes, there was potential to consolidate the two sites into one larger site for redevelopment at higher density. However, both sites are now owned separately and this potential no longer exists.

6.2. Planning Authority Response

The Planning Authority response can be summarised as follows:

- The proposed 325m² office development would not be compatible with the land use zoning.
- The Planning Authority are concerned about the loss of residentially zoned land.

6.3. Observations

None.

7.0 Assessment

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Principle of proposed development
- Loss of Zoned Land
- Other Matters

7.1. Principle of proposed development

- 7.1.1. The appeal site is on lands zoned 'A' 'To protect and/or improve residential amenity'. One of the key issues in this case is that offices less than 200m² are open for consideration where the use would not have any adverse effects on the 'A' zoning objective. The size of the office proposed is 325m². The site is located between an apartment development and a large hotel on the Stillorgan Road. There is a petrol station opposite the site on lands zoned as neighbourhood centre. The B and B on the site is currently vacant although it is stated that this has been the use for the last 40 years. There is a large office development approximately 200m from the site on

the Stillorgan Road. In terms of impacts on nearby residential properties, I do not consider that the proposed use will have any adverse impacts and I note that no objections have been received. I note that Section 8.3.4 of the Development Plan states that 'open for consideration' uses may be permitted where the Planning Authority is satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects, and would otherwise be consistent with the proper planning and sustainable development of the area. Section 8.3.7 states that 'other uses not specifically mentioned throughout the Use Tables will be considered on a case-by- case basis in relation to the general policies of the Plan and to the zoning objectives for the area in question.'

- 7.1.2. The use proposed is already existing in the area on a site which was zoned as residential. The lands to the south and west of the site are zoned as Objective NC- 'To protect, provide for and/or improve mixed use neighbourhood centre facilities. The proposed development largely reuses an existing building which no longer serves its original purpose. The changes proposed to the design are acceptable and there is attention to detail in the front elevation in terms of matching the design with adjoining properties. The appeal asks the question that had the applicant proposed to use precisely 200m² of the existing building as offices, would planning permission have been granted and states that such a scenario with the remainder of the building for residential would simply not work. I am in agreement with this and consider that the two uses would not be compatible on the site.
- 7.1.3. While I have noted the zoning objective for the site, having regard to the history of the site, the established commercial use, the pattern of development in the area and the adjoining uses, I consider that the proposed use in this instance would be acceptable in principle.

7.2. **Loss of Zoned Land**

- 7.2.1. The main concern raised by the Planning Authority in this regard relates to policy RES1 and policy RES 4 of the Development Plan which relate to making sure there is sufficient zoned land to satisfy the housing requirements of the Council and to improve and conserve housing stock of the county.

7.2.2. This case relates to the reuse of a building which is not currently in residential use and was in B and B use for many years. The site and the adjacent site to the north were previously in the same ownership and there were two previous history applications on the land to consolidate both sites into one larger residential development site for redevelopment at a higher density. The sites are now in separate ownership and this potential no longer exists.

Having regard to the established commercial use on the site, the limited size of the site and the pattern of development in the area, I consider that the loss of residentially zoned land at this location would not be contrary to the proper planning and sustainable development of the area.

7.3. **Other Matters**

7.3.1. Traffic Safety

7.3.2. I note that it is proposed to relocate the existing access and provide for 6 No. car parking spaces. The site is located on the Stillorgan Road which is a NTA Priority 1 Quality Bus Corridor. The applicant's proposed 6 spaces exceeds the maximum 3 No. car parking spaces required for office use (1 space per 100m² to include visitor parking Table 8.2.4 of the Development Plan). I note that the Transportation Report states that parking spaces in excess of the maximum are not recommended and there is no justification for relocating the existing entrance in terms of pedestrian safety however it appears to improve ease of vehicular access and egress. I note that the appeal states that 'the concerns raised by the Transportation Department in relation to access are considered minor and resolvable under condition of permission. Having regard to the Development Plan requirements and the availability of excellent public transport in the area, I consider that only 3 No. car parking spaces are required on the site and the relocation of the proposed access is acceptable subject to condition.

7.3.3. Appropriate Assessment

7.3.4. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

8.0 Recommendation

- 8.1. I have read the submissions on file, visited the site, and had due regard to the provisions of the Development Plan and all other matters arising. In the light of this and the assessment above, I recommend that permission be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the established commercial use of the site, the planning history of the site and the nature and scale of the proposed development, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area 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.

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. Details including samples of the materials, colours and textures of all the external finishes to the proposed buildings and surfaces 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.

3. No advertisement or advertisement structure shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

4. A maximum of 3 No. vehicles shall occupy the office development car parking at any one time.

Reason: In the interest of traffic safety.

5. The developer shall submit details of the relocated entrance to the Planning Authority prior to commencement of development indicating the following:
 - (a) The relocated vehicular entrance shall be recessed and angled splayed walls.
 - (b) The automated gate shall be set back at least 6m from the back of the footpath.

Reason: In the interest of pedestrian and traffic safety.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound including an area identified for the storage of construction refuse.

- (b) Location of areas for construction site offices and staff facilities.
- (c) Details of site security fencing and hoardings.
- (d) Details of on-site car parking facilities for site workers during the course of construction.
- (e) Measures to obviate queuing of construction traffic on the adjoining road network.
- (f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- (g) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
- (h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
- (i) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
- (j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- (k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall-

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development.
- (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

8. The developer shall pay to the planning authority a financial contribution 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 within 6 months of the date of this order 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

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.

Emer Doyle
Inspector
24th April 2017