



An  
Bord  
Pleanála

## Inspector's Report PL06D.248745

### Development

Temporary 5-year planning permission for 45 sqm single storey office building, car washing and valeting canopy, part removal of existing palisade fence at front of site and replacement with low steel post and rail fence, reuse of 30 existing car parking spaces, new trademark signage and associated site works.

### Location

Carlisle Pier, Dun Laoghaire Harbour, Dun Laoghaire, Co. Dublin

### Planning Authority

Dun Laoghaire-Rathdown County Council

### Planning Authority Reg. Ref.

D17A/0284

### Applicant(s)

ERAC Ireland Ltd

### Type of Application

Permission

### Planning Authority Decision

Grant, subject to 10 conditions

### Type of Appeal

Third Party -v- Decision

### Appellant(s)

Cillian Meldon

**Observer(s)**

None

**Date of Site Inspection**

13<sup>th</sup> September 2017

**Inspector**

Hugh D. Morrison

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## 1.0 Site Location and Description

- 1.1. The site is located on Carlisle Pier, the old Mail Boat Pier, in Dun Laoghaire Harbour. This Pier projects into the Harbour at a short remove to the west of the East Pier. It has been largely cleared of the former buildings that were sited upon it. The initial portion is in use as a public car park and the subsequent portion continues to function as a working pier.
- 1.2. The site itself extends over two parts of the initial portion of the Pier, i.e. sites on either side of a freestanding ESB sub-station at the entrance to this Pier and sites along its western side that coincide with existing car parking spaces. The area thus comprised in these parts amounts to 0.6 hectares.

## 2.0 Proposed Development

- 2.1. Temporary 5-year planning permission for the following items:
  - 45 sqm single storey office building,
  - Car washing and valeting canopy,
  - Part removal of existing palisade fence at front of site and replacement with low steel post and rail fence,
  - Reuse of 30 existing car parking spaces,
  - New trademark signage to include:
    - 1 external pylon sign, trademark fascia brand signage on office building,
    - New 3 sqm sign on palisade fence, and
    - 16 parking stall signs, and
  - Associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission was granted subject to 10 conditions, which include the following two:

3. The omission of the pylon sign, the limitation of signage on the office building to its front west facing elevation only, and the replacement of the 16 stall signs with 8 stall signs with maximum dimensions of 500mm x 500mm, all in the interest of safeguarding amenities.
5. No mechanical car wash facilities in the car valeting enclosure, in the interest of clarity and orderly planning and development.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

See planning conditions cited above.

#### **3.2.2. Other Technical Reports**

- Surface Water Drainage: No objection.
- Transportation Planning: No objection, subject to conditions.
- Conservation: Reference is made to Policy AR17, Specific Local Objectives 16 & 136, and Section 3.2.2 of Appendix 12 of the CDP, and Policies MP19 & MP27 of the Dun Laoghaire Harbour Heritage Management Plan (a non-statutory plan published in November 2011). Objection is raised on the grounds that the nature of the proposal together with the design and number of proposed signs would be out-of-keeping with the character of the cACA and so it would be contrary to Policy AR17 and Section 3.2.2 of the CDP.

### **3.3. Prescribed Bodies**

- An Taisce: Reference is made to the planning history of the Carlisle Pier and the candidacy of the site as a cACA and adjacent protected structures. Objection is raised on the grounds that the proposal would have a negative impact upon the cACA. Concern is also expressed over the signage, traffic generation, and environmental issues.

### **3.4. Third Party Observations**

None.

## 4.0 Planning History

- D10A/0606 & PL06D.238335 (decision date 27<sup>th</sup> May 2011)
  - Retention permission was granted for the demolition of the former Terminal Building (6376 sqm) on Carlisle Pier,
  - Temporary 3-year retention permission for security fencing, railings, and gates, and 35 pay and display car parking spaces, and
  - Temporary 3-year permission for re-siting of 12 car parking spaces and addition of 37 new pay and display car parking spaces and 10 double sided bicycle stands + usage of car park for seasonal boat storage, cultural, social, recreational or sporting events.
- D14A/0407 (decision date 24<sup>th</sup> September 2014)
  - Temporary 3-year permission for security fencing, railings, and gates, and 35 pay and display car parking spaces + 4 mobility impaired car parking spaces and 2 new car parking spaces + usage of car park for seasonal boat storage, cultural, social, recreational or sporting events.
  - Temporary 3-year retention permission for 40 car parking spaces and widening of the south eastern gate.

## 5.0 Policy Context

### 5.1. Development Plan

Under the Dun Laoghaire-Rathdown 2016 – 2022 (CDP), the site is shown as being subject to Zoning Objective W, “To provide for waterfront development and harbour related uses”. Part of this site is also shown as being a candidate ACA and, as the whole site lies within Carlisle Pier, it is the subject of SLO16. To the south of the site runs the route of the proposed Sutton to Sandycove Walkway/Cycleway and protected structures lie within its vicinity.

## 5.2. Natural Heritage Designations

To the west of the West Pier lies the South Dublin Bay and River Tolka SPA (site code 004024) and the South Dublin Bay SAC (site code 000210). To the east of the East Pier lies the Rockabill to Dalkey Island SAC (site code 003000).

## 6.0 The Appeal

### 6.1. Grounds of Appeal

#### Planning Policy

- The view is taken that the proposal is for a car hire depot with a car wash facility. This use is neither permissible in principle or open for consideration under the Zoning Objective for the site.
- The case planner's likening of the proposed use to light industry, offices less than 200 sqm, a car park, and a transport depot is challenged on the basis that it would be more akin to a motor sales and a car service facility.
- SLO13 and SLO16 are cited. The first refers to the harbour as a public amenity that is to be protected and the second refers to the redevelopment of Carlisle Pier for uses that will yield significant cultural, social, recreational, and economic benefits. The proposal would be in conflict with these objectives. Any suggestion that visitors would hire a car and so the use would support tourism is questioned.

#### Dun Laoghaire Urban Framework Plan (DLUFP)

- Section 3.2.2 of the DLUFP is cited: the proposal would be in conflict with the objectives set out therein for Carlisle Pier. Furthermore, the pattern of temporary permissions being renewed for unsatisfactory uses on this Pier would be likely to be perpetuated, if the current proposal is permitted.
- Specifically, the DLUFP seeks to improve the accessibility of Carlisle Pier for pedestrians and cyclists, an objective which would not be furthered by the proposal.

## Heritage considerations and cACA

- Policy AR11 and Section 6.1.3.11 of the CDP are cited. They refer to Dun Laoghaire Harbour, which includes Carlisle Pier, as being of international importance as an example of industrial heritage.
- Policies AR16 and AR17 of the CDP refer to cACAs, of which Carlisle Pier is one. In advance of confirmation, proposals in such areas are to be assessed having regard to their impact on the character of the area in question. Specifically, the proposed car valeting canopy would be an inappropriate structure to site on this historic Pier. Furthermore, the County Council's Conservation Officer took particular exception to the visual clutter that would emanate from the proposed signage. While the draft permission seeks to limit this signage by condition, some would still persist.

## Signage

- Section 8.2.6.8(ii) of the CDP addresses advertisement structures proposed for sensitive locations. The site is within such a location and so the signage proposed for the office building, in particular, would be both inappropriate and excessive.
- Section 8.2.6.8(v) of the CDP addresses signage on the coastline. The proposed freestanding signs, even as reduced in number and size by condition 3 of the draft permission would be excessive in their visual impact.
- Section 8.2.7.3 of the CDP addresses protected views, of which seaward views from Queen's Road are examples. The applicant has not assessed the impact of proposed signage upon these views.

## Planning history

- Permitted application D14A/0407 for a car park on Carlisle Pier is due to expire on 24<sup>th</sup> September 2017. The case planner's report on this application stated that economic factors then prevalent were influential in the granting of this temporary permission. These factors have now abated and so to grant the current proposal for an even more unsatisfactory use over a 5-year period would be ill-judged, especially as it may inhibit the emergence of appropriate redevelopment proposals.



## Procedural matters

- The public notices omit any reference to the use as a car hire depot and they refer to the reuse of 30 car parking spaces, as if their proposed use for hired cars was the same as that of their existing public use for parking.
- The case planner defends the description of the proposal as it refers to the constituent elements of the proposed use. However, this overlooks the need to state this use itself. Furthermore, the scale of the submitted elevations and the absence of contextual elevations are all factors that should have led to the invalidation of the application.

## 6.2. Applicant Response

The applicant begins by reiterating that it is Enterprise Rent-a-Car Ireland Ltd and that the proposal would enable it to serve Dun Laoghaire and its environs. The following responses are made to the grounds of appeal:

### Planning policy

- Attention is drawn to Section 8.3.7 of the CDP, which states that uses not mentioned in the relevant Table are to be considered on a case-by-case basis. This the case planner did. The alternative comparable uses suggested by the appellant are challenged by reference to their definitions.
- In relation to SLO13, the case planner's view that the relatively small-scale nature of the proposal would ensure its compatibility with this objective is endorsed.
- In relation to SLO16, the proposal would promote activity on Carlisle Pier and thus accord with this objective. Furthermore, the appellant's view that visitors only hire cars at airports is too sweeping. The proposal would encourage tourism, as, for example, visitors arriving by sea could avail of its service. Likewise, those already in Dun Laoghaire in need of car hire would be facilitated.

### Dun Laoghaire Urban Framework Plan

- In relation to Section 3.2.2, the proposal would enliven Carlisle Pier and the physical elements comprised in the proposed office and car valeting structure

would be of a high quality. Adjacent protected structures would be at sufficient remove to be unaffected.

#### Heritage considerations and cACA

- In relation to Policy AR17 and Section 6.1.4.5, the proposal would, due to its modest size and discrete siting, not have a negative impact upon the character of the cACA.

#### Signage

- The appellant's comments fail to take into account the reduction in signage that would be required under condition 3 attached to the draft permission.
- In relation to Section 8.2.6.8, attention is drawn to the wording of this Section which does not ban signage but seeks that it be limited along the coastline. The aforementioned condition would have this effect.
- Likewise, the scale of the reduced signage would ensure the compatibility of the proposal with preserved views.

#### Planning history

- Attention is drawn to the retention permission granted by the Board to application D10A/0606 and appeal PL06D.238335 to demolish the ferry terminal that was formerly on Carlisle Pier. Against this backdrop, the car park that replaces this terminal is appropriate within a maritime environment. By the same token, the current proposal would be too.

#### Procedural matters

- The applicant does not accept that the description of the proposal is deficient. In this respect it refers to the case planner's comments.
- Likewise, the scale of the submitted plans do not militate against their accurate depiction of the proposal.

The applicant concludes by drawing attention to a number of charitable events that it has been involved in.

### 6.3. **Planning Authority Response**

- Under Zoning Objective W, comparable land uses would be permissible in principle and signage is open for consideration.
- The small scale nature of the proposal would ensure its compatibility with Carlisle Pier as a public amenity and the reduced signage would be consistent with visual amenity.
- Dun Laoghaire Harbour is a centre for marine related tourism and the proposal would thus be appropriate.
- The Planning Authority's vision for Carlisle Pier would not be prejudiced by the proposal, due to its small scale and temporary nature.
- Attention is drawn to condition 3 that is attached to the draft permission.
- The discrete siting of the proposed car valeting structure to the rear of an ESB sub-station would ensure that it would not adversely affect the setting of adjacent protected structures.
- The description of the proposal, while concentrating only on the constituent elements, is considered to be adequate.

### 6.4. **Observations**

None.

### 6.5. **Further Responses**

None.

## 7.0 **Assessment**

I have reviewed the proposal in the light of the CDP, national planning guidelines, relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Legalities,
- (ii) Land use and planning history
- (iii) Conservation, aesthetics, and views,
- (iv) Miscellaneous, and
- (v) Stage 1 Screening for AA.

**(i) Legalities**

7.1.1 The appellant draws attention to the wording of the description of the proposal.

He contends that this description is flawed insofar as the omission of any reference to the proposed use of the site as a car hire depot is unsatisfactory and the reference to the re-use of existing car parking spaces could be understood to mean that they would continue in use as public car parking spaces. He also draws attention to the omission of contextual elevations and the scale of the submitted elevations, both of which are likewise unsatisfactory. He concludes that the application should have been invalidated.

7.1.2 Neither the applicant nor the Planning Authority accept the aforementioned critique.

7.1.3 I consider that, while the matters raised by the applicant are ones that lie within the ambit of the Planning Authority alone to adjudicate upon, as the validating authority, I am concerned that the description of the proposal omits any reference to the proposed use, an omission that is compounded by the applicant's use of initials to denote its name.

7.1.4 Under Article 18(1)(d) of the Planning and Development Regulations, 2001 – 2015, descriptions should encapsulate “the nature and extent of the development”, and under Section 3 of the Planning and Development Act, 2000 – 2015, development encompasses works and/or the making of any material change of use.

7.1.5 The description itemises the works envisaged as being required to facilitate the proposed use in an adequate manner. However, it is not self-evident what the use facilitated thereby would be and so I agree with the appellant that it should have been made explicit to enable the nature of the development to be fully presented.

7.1.6 In the light of my assessment, I conclude that, if the Board is minded to grant permission, then the proposal should be the subject of a further public consultation exercise that makes explicit that the development is for a car hire depot.

**(ii) Land use and planning history**

7.2.1 The parties agree that the proposed use is that of a car hire depot.

7.2.2 The site is subject to Zoning Objective W, "To provide for waterfront development and harbour related uses." One of the Notes accompanying this Objective states the following:

*An objective of this Plan is to protect the harbour/marine entity of Dun Laoghaire Harbour by facilitating harbour-related uses, but not to confine permitted uses in the harbour to a degree that exclusively attracts those with an interest in active maritime recreation. Any development proposal should seek to ensure public accessibility to the harbour and shoreline.*

Under Table 8.3.19 of the CDP, uses that are permitted in principle and uses that are open for consideration on sites subject to Zoning Objective W are listed. Car hire depots are not cited in either of these lists. In these circumstances, Section 8.3.7 of the CDP advises that such uses "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."

7.2.3 The applicant outlines the appropriateness of the proposed car hire depot to Dun Laoghaire Harbour, wherein it would be well placed to serve the needs of local people and sea-borne visitors. The applicant commends the Planning Authority's assessment of this use, as being one that would be appropriate to the Harbour.

7.2.4 The appellant contends that the proposed use would be more akin to a motor sales outlet and a car service facility than the uses cited by the Planning Authority in this respect, i.e. light industry, offices less than 200 sqm, a car park, and a transport depot. The former uses are not listed for Zoning Objective W sites, whereas the latter ones are permitted in principle.

7.2.5 The use of the site as a proposed car hire depot would entail activities such as car parking, car valeting and car washing, and office-based commercial

transactions. If it is assumed that car valeting and car washing are activities that are typically undertaken in transport depots, then this use would be comparable with the permitted in principle uses cited by the Planning Authority, except for that of light industry. The signage that accompanies car hire depots would typically be akin to that which accompanies car sales outlets. The Planning Authority has sought by condition to curtail the number and size of signs that would be erected. Nevertheless, the need to distinguish car hire spaces from other car parking spaces within the car park would necessitate the installation of a considerable number of signs.

7.2.6 The existing car park on Carlisle Pier was originally permitted on a temporary basis in the wake of the demolition of the former Terminal Building. It was subsequently renewed for a further 3-year period, which is about to lapse. The appellant draws attention to the case planner's report on the second of these two applications, which refers to the non-statutory Dun Laoghaire Harbour Master Plan (October 2011). This Plan envisages the development of a diaspora centre on part of Carlisle Pier and, on the remainder of this Pier, the development of a promenade, outdoor markets, and an event space. The case planner advised that, due to the economic downturn then current, these developments had not been progressed. The appellant contends that, as the economy is now buoyant, to grant temporary permission to the current application would run the risk of impeding progress towards the realisation of the Master Plan's vision for Carlisle Pier.

7.2.7 Specific Local Objective 16 of the CDP addresses Carlisle Pier. This Objective reflects more generally the aforementioned vision for this Pier. It reads as follows:

*To retain the Carlisle Pier structure and to encourage redevelopment on it that will focus on the historical importance of the Pier and will incorporate uses that will bring significant cultural, social, recreational, and economic benefits to Dun Laoghaire-Rathdown. Development should regenerate and enliven the waterfront, be sensitive to the setting and should include a significant portion of cultural and amenity uses with public accessibility and permeability to the waterfront paramount. Such proposals should be carefully scaled and should be designed with variety in the massing of built elements to avoid "slab-like" infilling*

*of the Pier. Any development should creatively re-use remaining components of the original rail sheds.*

7.2.8 The appellant considers that the proposed car hire depot would fail to promote the outcomes cited in this Objective. The applicant disagrees and, in doing so, refers to the activity that the use would introduce to Carlisle Pier. The Planning Authority emphasises the small scale of the use and its proposed temporary duration.

7.2.9 I consider that the proposed use would clearly fall short of the redevelopment that SLO16 envisages and I am concerned that the continuation of a pattern of temporary permissions for uses, against an economically more favourable backdrop, may inadvertently inhibit pursuit of the fuller realisation of this Objective.

7.2.10 I, therefore, consider that, whereas the proposed car hire use would be compatible with Zoning Objective W for the site, it would fall short of realising the vision for Carlisle Pier set out in SLO16. Against a more favourable economic backdrop, the previous acceptance of temporary uses that fail to so realise this vision is now, in my view, no longer tenable.

### **(iii) Conservation, aesthetics, and views**

7.3.1 Map 3 of the CDP shows the majority of Carlisle Pier, including the sites of the proposed prefabricated office building and car washing and valeting canopy, as lying within a cACA. The rows of car parking spaces that are also the subject of the current proposal lie in positions adjacent to this Area and so within its setting. Policy AR17 of the CDP states that “development proposals within a cACA will be assessed having regard to the impact on the character of the area in which it is to be placed.”

7.3.2 Map 3 also identifies the RNLI Building to the east and the Yacht Club to the west of the site as protected structures, along with the railings to the seaward side of Queen’s Road and the King George IV Monument, both of which are at a raised level to the south. Views from this Road are identified for preservation and the proposed Sutton to Sandycove Walkway/Cycleway passes along the harbour side road in front of the site.

7.3.3 The appellant draws attention to the reference in Policy AR11 of Dun Laoghaire Harbour as an example of industrial heritage of national and international importance. He also cites the aforementioned Policy AR17 and he contends that the proposed car washing and valeting canopy would be an inappropriate structure to erect on the historic Carlisle Pier. He further draws attention to the Conservation Officer's concerns over the signage that would accompany the car hire depot and he states that this would, likewise, be inappropriate.

7.3.4 The Planning Authority respond to this critique by stating that, due to the smallness of the proposal and the discrete siting of the said canopy, the context of the site would be capable of absorbing this structure and so it would be compatible with the character of the area.

7.3.5 During my site visit, I observed that the site is highly visible from both Queen's Road and the harbour side road, two popular walking/cycling routes, and that its vicinity comprises a number of historic buildings and structures that are formative in shaping its context. The introduction of the said canopy, the prefabricated office building, and accompanying signage would introduce inherently insubstantially items onto the site of utilitarian design and commercial appearance. As such, I do not consider that these items would be compatible with the predominantly historic and robust character of the surrounding buildings and structures. Furthermore, their presence would appear anomalous and incongruous within this context and they would thus distract and detract from views that the CDP seeks to protect.

7.3.6 I, therefore, conclude that the proposal would be incompatible with the character of the cACA and its presence would be seriously injurious to the visual amenities of the area.

#### **(iv) Miscellaneous**

7.4.1 The proposal would utilise existing car parking spaces. It would generate traffic movements that would be likely to be comparable with the level of existing traffic movements.

7.4.2 The site is capable of being served by the public water mains supply and the public foul and surface water sewerage system.



7.4.3 As proposed the car wash facility would be served by a surface water drainage network, within which a silt trap and a petrol interceptor would be installed. Under condition 5 of the Planning Authority's draft permission, the proposed car wash would operate without mechanical assistance and so hand washing only would be in prospect. If the Board is minded to grant this permission, then this condition should be re-imposed, in the interest of the amenities of the area.

#### **(v) Stage 1 Screening for AA**

7.5.1 The site does not lie within a Natura 2000 site. To the west of the West Pier lies the South Dublin Bay and River Tolka SPA (site code 004024) and the South Dublin Bay SAC (site code 000210). To the east of the East Pier lies the Rockabill to Dalkey Island SAC (site code 003000).

7.5.2 The site is capable of and proposed to be fully connected to public services. Accordingly, there would be no source/pathway/receptor route between it and the aforementioned Natura 2000 sites, other than by means of the public foul and surface water sewerage system. The contributions of the proposal to this system would be miniscule and so no significant effects upon any Natura 2000 sites would be likely to arise.

7.5.3 Thus, having regard to the nature and scale of the proposal and the nature of the receiving environment, no Appropriate Assessment issues arise and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

That this proposal be refused.

## 9.0 Reasons and Considerations

Having regard to Specific Local Objective 16 and Policy AR17 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the Board considers that the proposed use of the site as a car hire depot would fail to realise sufficiently the objectives for Carlisle Pier set out in SLO16 and that the buildings and signage comprised in this depot would, due to their siting, form, design, and appearance, be an anomalous and incongruous addition to the historic setting of the site, which comprises Carlisle Pier and several protected structures, all of which are in a candidate Architectural Conservation Area. Accordingly, the presence of these buildings and signage within this setting would have an adverse impact upon its historic character and it would both distract and detract from protected views of the site, within its context, available from Queen's Road and thus be seriously injurious to the visual amenities of the area. The proposal would contravene SLO16 and Policy AR17 of the County Development Plan and so it would be contrary to the proper planning and sustainable development of the area.

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Hugh D. Morrison  
Planning Inspector

20<sup>th</sup> September 2017