



An
Bord
Pleanála

Inspector's Report ABP-300710-18

Development	Change of use of the existing night club on the second floor of the Abberley Hotel into 12 new guest rooms/bedrooms including associated internal alterations.
Location	Abberley Court Hotel, Belgard Road, Tallaght, Dublin 24
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD17A/0257
Applicant(s)	Yelber Taverns Ltd
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Tallaght Community Council
Date of Site Inspection	25 th April 2018
Inspector	Colin McBride

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	4
3.4. Third Party Observations	4
4.0 Planning History.....	5
5.0 Policy Context.....	5
5.1. Development Plan.....	5
5.2. Natural Heritage Designations	5
6.0 The Appeal	5
6.1. Grounds of Appeal	5
6.2. Applicant Response	6
6.3. Planning Authority Response	7
7.0 Assessment.....	7
8.0 Recommendation.....	10
9.0 Reasons and Considerations.....	10
10.0 Conditions	10

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.233 hectares, is located in Tallaght town centre on the eastern side of Belgard Road and to the west of the Square shopping centre. The site is occupied by the Abberley Court Hotel, which is a three-storey over basement building with an external space (beer garden) located to the west of the building on site. Adjoining development include the Abberley Court apartments to the north on opposite side of a pedestrian street running along the northern side of the hotel, a green area associated with Westpark housing development to the south and to the east is High Street and two-storey commercial development.

2.0 Proposed Development

2.1. Permission is sought for the change of use of an existing night club on the second floor of the hotel to 12 new guest rooms/bedrooms including associated internal alterations. The proposal concerns a floor area of 4,633sqm. The proposal entails no alterations to the external elevations with the new rooms using the existing windows on the external elevations.

2.2. Revised public notices describe the proposal as 9 no. additional guest bedrooms with two of the bedrooms including enhanced family facilities.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 8 conditions. Of note is the following condition...

Condition no. 3: Full details of how the 68 car parking spaces are to be provided for the hotel complex to be submitted and agreed in writing.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report (11/09/17): Further information required including additional details regarding foul and surface water drainage, clarification of the nature of the development, and proposals to provide parking for the new bedrooms.

Planning report (18/12/17): The proposal was considered consistent with the zoning objective and satisfactory in the context of car parking and its overall impact in the context of the proper planning and sustainable development of the area. A grant of permission was recommended subject to the conditions outlined above.

3.2.2. Other Technical Reports

EHO (31/08/17): No objection subject to conditions.

Water Services (01/09/17): No objection subject to conditions.

Irish Water (05/09/17): Further information regarding foul and surface water drainage.

Roads (28/07/17): Further information including proposals to provide car parking for the bedrooms.

Water Services (07/12/17): No objection subject to conditions.

Roads (30/11/17): No objection subject to condition.

3.3. Third Party Observations

A third party observation was received from Tallaght Community Council.

The issues raised include concerns regarding the use of the hotel as a homeless hub and the inaccuracy of the description in this context, its potential long terms use for

such, the loss of hotel rooms, the quality of the accommodation on a long term basis and the fact that works to remove the nightclub have begun.

4.0 Planning History

SD03A/0375: Permission granted for an extension to an existing hotel.

5.0 Policy Context

5.1. Development Plan

The relevant development plan is the South Dublin County Council Development Plan 2016-2022. The appeal site is zoned 'TC' with a stated objective 'to protect, improve and provide for the future development of Town Centres'.

5.2. Natural Heritage Designations

None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal has been lodged by Tallaght Community Council. The grounds of appeal are as follows...

- The appellants note that the hotel is being used as homeless hub and that there should be some timescale for its reversion to a hotel.
- The proposal is contrary objective HI Objective 6 (to avoid over concentration of homeless accommodation) and H1 Objective 4 (provision of diverse range of dwelling tenures) of the County Development Plan. The appellant notes that there is an over concentration of such homeless accommodation in the Tallaght Area.

- There has been a lack of information and clarity regarding the nature of the activity at this location and future plans for it.
- It is noted that the proposal does not follow the planning process with the appellant noting that application for change of use was submitted after physical work had begun on site.
- The distribution of hubs has been carried out in an unfair and unsustainable manner.
- The appellants question the ownership and management of the existing hotel noting that if the property is being run by the Council as a homeless hub it should party to the application.
- The appellants question what design guidelines are being used for the development noting that the proposal provides for high level of such accommodation in the area.
- The development incorrectly described in the public notices in terms of number of rooms and the nature of use with such being used as a homeless hub.
- The development is not suitable for family accommodation with no outside amenities of sufficient quality (only a beer garden) for families or children.
- It is noted that such facilities (homeless hub) should not be located in the same area as public houses.
- It is noted there is a shortage of hotel accommodation and that there should be time limit within which the building reverts to being a hotel.

6.2. Applicant Response

Response by the applicants, Yelber Taverns Ltd.

- It is noted that H1 Objective 4 and H1 Objective 6 are not relevant as the proposal concerns hotel use. It is noted that the building is privately owned and operated hotel and although is used for homeless accommodation it remains a hotel and not a permanent place of residence for homeless people.

The proposal is for additional guest accommodation and is consistent with the existing use and Development Plan policy.

- The appellants note that the proposal is for additional guest rooms part of an existing hotel use and the property will remain in hotel use. In this regard the applicant notes that the issues raised by the appellant in regards to concentration of homeless hubs, the use of such for such purposes and its suitability for such purposes are not relevant issues.

6.3. Planning Authority Response

Response by South Dublin County Council.

- The Planning Authority confirm their decision and note that the issues raised in the appeal have been covered in the planners report.

7.0 Assessment

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Principle of the proposed development/Development Plan policy

Design, scale, visual and adjoining amenity

Traffic/car parking

Homeless hub

Appropriate Assessment

7.2. Principle of the proposed development/Development Plan policy:

7.2.1 Permission was sought for the change of use of a nightclub area to 12 no. guest rooms in an existing hotel. As a result of further information the description of the proposal was revised to being a change of use of the nightclub area to 9 no. guest rooms. The appeal site is located in an area zoned 'TC' with a stated objective 'to protect, improve and provide for the future development of Town Centres'. Hotel use

is the existing, permitted and established use on site and the proposal is the provision of additional guest rooms. I would note that hotel use is compatible with the zoning objective with such use indicated as being 'permitted in principle' under the zoning matrix. Notwithstanding such the proposal is an extension of an existing long established use on site and would be consistent with Development Plan policy. I would consider that the principle of the proposed development is acceptable subject to such having no adverse impact on the amenities of the area.

7.3 Design, scale, visual and adjoining amenity:

7.3.1 The proposal entails changing the use of a section of the existing hotel from a nightclub use to additional guest rooms. The proposal entails no additional floor area and is fully contained within the existing floor area and footprint of the building. In addition the proposal includes no alterations to the external elevations with the new guestrooms using existing windows on the northern and southern elevation. The proposal would have no impact on the visual amenities of the area as it entails no external alterations. The proposal would also be satisfactory in the context of adjoining amenities as it is consistent with the established use on site, which is in itself compatible with the town centre location of the site. I would consider that the proposal would be beneficial to the amenities of the area as it entails change of an area from a nightclub to a guest accommodation for the hotel in a town centre location in close proximity to existing residential development (apartment development to the north and a housing development to the south. I am satisfied that the proposed development would be satisfactory in the context of both the visual amenities of the area and the amenities of adjoining properties.

7.4 Traffic/car parking:

7.4.1 The proposal entails the provision of 9 no. guest rooms in an existing hotel. It is notable that the further information issued included a request for the provision of additional parking to serve the guestrooms. In response to this request the applicant noted that they were in the process of finalising a license agreement with Tallaght Retail Centre CLG to increase parking for the Abberley Court Hotel from 40 spaces to 68. It is notable that condition no. 3 requires details of this parking plan to be

agreed with the Council in writing prior to the commencement of development. It is not made clear where the existing parking and proposed parking associated with the hotel is located as the appeal site does not include any car parking.

7.4.2 I would consider that the issue of car parking associated with the guest rooms is not a significant issue. The proposal provides new guestroom part of an established hotel in a town centre location. The rooms use existing floor space in the hotel building and there is no scope for the provision of parking on site due to the lack of significant external space. I do not consider this to be problematic on the basis that the site is a town centre location that is well served by public transport (Luas Line) and on the basis that there is a significant level of parking in the vicinity with strict parking control measures in place. It appears that the applicants have a licensing agreement in place to facilitate parking for the hotel and that there is scope to extend such if considered necessary.

7.5 Homeless hub:

7.5.1 The main issue raised by the appellants relate to the use of the hotel for accommodation as a homeless hub. The appellants' concerns range from the overconcentration of such accommodation in certain areas including Tallaght, contravention of Development Plan policies regarding such accommodation, the lack of a timeframe for such use to cease on site, the inaccurate description of the proposal as additional hotel guest accommodation, the suitability of the hotel for such accommodation and the fact that works have taken place on site prior to decision on the planning application and the subsequent appeal. The first thing I would note that the existing established use on site is hotel use and that such has not been subject to a change of use under any permission. Secondly I would note that the development applied for and described in the public notices is for a change of use of a nightclub within the hotel building to addition guest rooms/bedrooms associated with the existing permitted hotel use. This is what is being applied for and is being assessed on its merits. As noted above the development proposed is consistent with the established use, the zoning objective of the site and would be acceptable in the context of the proper planning and sustainable development of the

area. I do not consider that the issues raised by the appellants concerning homeless hubs, wider national, regional local policy and objectives on such are relevant planning considerations in the context of the development applied for in this case. I would note that at the time of inspection, construction work was being carried out on site in relation to the proposed development.

7.6 Appropriate Assessment:

7.6.1 Having regard to the nature and scale of the proposed development and its proximity 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 a European site.

8.0 **Recommendation**

8.1. I recommend a grant of permission subject to the following conditions.

9.0 **Reasons and Considerations**

9.1 Having regard to the provisions of the current South Dublin County Development Plan 2016-2022 and to the scale and pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, 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 proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further

plans received on the 30th day of November 2017, 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. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. Site development and building works shall be carried only out between the hours of 0700 to 1800 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.

4. 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 noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

5. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice

Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interests of sustainable waste management.

6. 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, as amended. The contribution shall be paid prior to commencement of development 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

Colin McBride
Planning Inspector

27th April 2018