



An
Bord
Pleanála

Inspector's Report ABP 302912-18

Development

Demolition of existing structures and redevelopment of car dealership and construction of 40 no. apartments over retails/retail services.

Location

The site includes the former Statoil station and headquarters and dwellings known as 'Maryland' and 'Chickamauga', Deansgrange Road, Deansgrange, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County Council.

Planning Authority Reg. Ref.

D18A/0792.

Applicants

Ditton Investments Ltd.

Type of Application

Permission.

Planning Authority Decision

Refuse Permission.

Type of Appeal

First Party.

Appellants

Ditton Investments Ltd.

Observers

1. Hill Abbey Residents Association
(c/o Eamon Cahill).

2. David Brett, Ciara Buttonshaw, Frances Dwyer, Tom Dwyer, Dominique Geary, Anne- Marie Hearne, David Hennessey.

Date of Site Inspection

8th February 2019.

Inspector

Dáire McDevitt.

1.0 Site Location and Description

- 1.1.** The site, with a stated area of c.0.75 hectares, is located on the western side of the Deansgrange Road within Deansgrange village. Immediately to the north is Deansgrange Cemetery. A two storey structure (restaurant, pet store and residential) bounds the site to the south with Frank Keane Motors bounding this to the south. On the opposite side of Deansgrange Road are a row of two storey retail units with Mooney's Hyundai located to the south of these units and to the north of them is 'Grange Terrace', a terrace of single storey cottages. Bounding the site to the west are the rear garden of houses accessed off Foxrock Close. The immediate area is characterised by a mix of uses.
- 1.2.** The application site is currently used by Mooney's ('Mooney's Used Cars') and has a significant number of vehicles on display and parked throughout the site. The former petrol station and its forecourt appear to be used as an office which is ancillary to the sale of cars displayed on site. The former Statoil Office building does not appear to be in use. There are a number of structures on site, including a car wash. There are two derelict houses (Maryland & Chickamauga), their individual boundaries have been removed and the areas hardcored and used for the parking and display of cars for sale. Cars are also parked and displayed to the front of the former Statoil HQ building.
- 1.3.** The northern boundary with Deansgrange Cemetery consists of a wall with railings on top along the eastern section, there are a number of trees located on the Cemetery side of the wall. The western and southern boundaries with the adjoining properties are block walls. The roadside boundary along Deansgrange Road consists for the most part of a low wall, there are bollards along the southern section and gate (not in use) in front of the former Statoil building.
- 1.4.** There are footpaths along Deansgrange Road and public parking bays which appear to be used by various business along this section of Deansgrange Road. A bus stop is located to the south. Access to the site at present is via an existing entrance adjacent to the petrol station. A new vehicular access is proposed off Deansgrange Road into the basement carpark serving the

residential element. A second access off the public road will serve the car dealership.

2.0 Proposed Development

2.1. Permission is sought for:

- Demolition of warehouse building, disused petrol station and forecourt and 2 no. residential properties (Marylands & Chickamauga).
- Conversion of the existing office/retail building to a 2 storey car dealership with an extension to the rear to accommodate double height service works.
- Construction of a 2 to 4 storey over basement mixed use building to accommodate:
 - 4 no. retail/retail service units at ground floor level.
 - 40 no. apartments at ground, first, second and third floor level with associated balconies.
- The eastern section of the apartment block is 4 storey over basement with the section running parallel to the northern boundary 2 storey over basement.
- Separate vehicular entrances to serve the car dealership and residential development.
- Corporate signage to front elevation and standalone totem sign.
- Basement and surface carparking.
- Landscaping, boundary treatments and all associated site works and services.

2.2 Finishes and Features

- The front elevation of the proposed car dealership would be predominately glazed with an anodised brown metal band fascia containing backlit signage. The side and rear elevations would largely comprise a combination of metal louvres screens to the evacuation stairs

on either side of the building and a silver architectural composite panel for the remainder of the principal elevations.

- The L-shaped mixed use blocks are proposed to be finished using a combination of brick (white and dark grey) and fibre cement cladding for the principal elevations, aluclad timber windows and a combination of white painted metal and glazed balustrades for the balconies. Signage zones are proposed for each ground floor retail unit.
- A c. 6m high totem sign is proposed to the southern end of the eastern site boundary along Deansgrange Road.
- The proposed mixed use development comprises an L-shaped building forming 2 no. connected blocks, along the eastern and northern site boundaries respectively. The building ranges in height from 1 to 4 storeys. Block A is 4 storey and Block B is 1 to 4 storeys in height).
- c. 850.5 sq.m communal open space to be provided in the form of a podium level courtyard located to the south of Block B and west of Block A. A playground is proposed adjacent to the western boundary. A c.2m high timber fence would separate the open space from the car dealership.

2.3 Breakdown & Unit Mix:

Conversion and extension of the former Statoil Head office (2 storey building) to a Car Dealership & Service area.

4 no. Retail/Retail Services units ranging from c. 57.5sq.m to 187sq.m.

Apartment Unit Mix:

9 no. studio with gfa ranging from c. 37 to 38.5 sq.m.

11 no. 1 bed with gfa ranging from c. 51.5 to 57 sq.m.

13 no. 2 bed with gfa ranging from c. 74 to 81.5 sq.m.

7 no. 3 bed with gfa ranging from c. 89 to 121 sq.m.

2.4 Parking:

Total of 157 car parking spaces to be provided as follows:

Surface parking for display and storage of new cars (dealership)

6 no. on-street parking spaces for the commercial units.

Basement Car park is split into 2 sections:

- Eastern Section: 29 no. car parking spaces for the residential element of which 1 is an EV car charging point.
- Western Section: 33 no. car parking spaces for the car dealership, of which 13 are for customers and the remainder for storage of cars associated with the dealership.

2.5 The application includes the following documentation:

- Planning Report.
- Appropriate Assessment Screening Statement.
- Landscape Report.
- Engineering Report (drainage).
- Traffic and Transport Impact Assessment.
- Traffic Plan.
- Fire Safety Strategy.
- Structural Reports for Marylands and Chickamauga.
- Photomontages.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the following reason:

Having regard to the nature of the proposal, particularly the car showroom use and the quantum of residential being proposed, it is considered that the proposed development materially fails to accord with objective RT1 and RT2 of the Deansgrange Local Area Plan 2010-2020. Given the predominance and imbalance of the residential and car showroom uses and the portion of the site

allocated to the display of cars associated with this use, the proposal fails to strengthen and improve the function of Deansgrange as a neighbourhood centre. The proposal in its current form provides for a significant underutilisation of a prominent site which is identified as the most significant redevelopment opportunity within the Deansgrange village in terms of potential future retail and residential development. As a result of the pattern of development in the immediate area, the Planning Authority has also serious concerns that the proposal in its current form will result in a proliferation of car showroom uses in Deansgrange. In addition, the proposal has failed to demonstrate that it will create clear urban design benefits and in particular define the entrance to the village to the advantage of the legibility, appearance and character of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports (3rd October 2018)

This formed the basis for the Planning Authority's decision. The main points of concern are reflected in the reason for refusal. Points of note include:

- Planning history of the site and the need to overcome the previous reasons for refusal under ABP PL.06D.238255.
- Concerns remain regarding the mix of uses proposed, in particular the scale of the car showroom and the associated lands which would be used for the display of cars.
- A density of c.53 units per hectare is considered acceptable in principle subject to a carefully considered architectural response.
- Foxrock Close, single storey bungalows, directly abut the western boundary of the site. The current proposal provides an acceptable transition in height to the adjoining residence to the west. Overlooking is not a concern. However, given the basement level projection and elevated position of Block B a section diagram which shows the

relationship between the proposed development and the adjoining properties would be required in any future application to fully assess the impact.

- The application site is identified for redevelopment and that height over 2 storey may be permissible under the Deansgrange Local Area Plan 2010-2020. While the Area Planner noted that a 4 storey building would be acceptable in principle, the current proposal failed to clearly demonstrate that the development would create urban design benefits and in particular define the entrance to the village to the advantage of legibility, appearance and character of the area.
- Concerns raised in relation to the lack of setback of Block A from the northern boundary.
- No contiguous elevation is provided for Block B and Foxrock Close.
- Concerns raised regarding the proliferation of car dealerships and showrooms in the area.
- The proposed development does not represent the optimal use of the application site and fails to create a stronger street edge at the entrance to the neighbourhood centre.
- The current proposal does not accord with Objective RT2 of the Deansgrange LAP given the portion of the site that would be allocated to the sale and display of cars and fails to strengthen and improve important village uses within Deansgrange as outlined in Objective RT1 of the LAP.

The Area Planner noted and had regard to the technical reports outline in section 3.2.2 below.

Appropriate Assessment Screening Report (1st October 2018) concluded that given the scale and nature of the proposal, and its location relative to the South Dublin Bay SAC, it is considered that there would be no likely significant effects on a Natura 2000 site. Therefore a stage 2 AA is not required.

3.2.2. Other Technical Reports

Drainage Section (10th September 2018). Further Information recommended relating to the requirement for a site specific Flood Risk Assessment due to the proximity of the site to a 'hot spot' for flooding. Details relating to connection to sewers and proposals for attenuation.

Transportation Planning Section (28th September 2018).

The Section noted that the shortfall of 25 spaces for the residential element was not acceptable. The application lacks a significant amount of information in relation to a number of issues.

A detailed Further Information was recommended relating to: 1) Consent from DLR that the proposed pedestrian crossing is acceptable, 2) Details of pedestrian crossing, 3) Revised parking proposal to address the shortfall in carparking spaces for the proposed residential units, visitor parking, disabled parking spaces, 4) a detailed TIA to be carried out and submitted, 5) a detailed Quality Audit, to include a Road Safety Audit, Access Audit, Cycle Audit and a Walking Audit, 6) Details of the proposed Travel Plan Coordinator, 7) Revised proposal and breakdown of bicycle parking , 8) Revised proposal for a gate to the residential carpark, 9) details for the ramped entry to the retail/residential development, 10) Details of traffic management signage, 11) proposal to accommodate the future electric charge points, 12) access arrangements and vehicles manoeuvres for refuse, emergency and delivery vehicles within the proposed development, 13) A detailed Construction Management Plan.

Waste Section (18th September 2018). Given the confined nature of the site Further Information was recommended relating to a detailed Construction Waste Management Plan that addresses proposals for overall waste management, waste compound, waste reuse and recycling management and hazardous waste.

Parks and Landscape Services (18th September 2018). The department welcomed proposals to regenerate a partially derelict site, However concerns were raised regarding the arboricultural assessment, the provision of open space and play opportunities as they relate to the proposed layout and overall urban design. Further Information recommended accordingly.

Public Lighting Section (7th September 2018). Noted that no lighting design was included with the application and Further Information recommended requiring the submission of one.

Housing Department (5^h September 2018). No objection subject to conditions.

3.3. Prescribed Bodies

Irish Water (10th September 2018). Further Information recommended relating to the resolution of a pre-connection enquiry.

3.4. Third Party Observations

The Planning Authority stated that 12 submissions were received. The main issues raised referred to:

- The proposal does not comply with the Deansgrange Local Area Plan 2010-2020.
- The proposed development would be overbearing and out of character with the area.
- The setback of the apartment block from the boundaries is insufficient. Loss of amenity and privacy of adjoining residential properties.
- Density is too high for this site.
- Potential flooding risk.
- Traffic hazard and congestion.
- Inadequate carparking, resulting in more pressure on existing on street parking spaces.
- Need a pedestrian crossing at this location.
- Potential damage and loss of trees in the adjoining graveyard.
- A proliferation of takeaways should be avoided.
- Inadequate information on file pertaining to bin storage and management.
- Advertising signage would be visually obtrusive.

- Photomontages submitted are misleading.
- Issues relating to the existing carwash and valet services.

4.0 Planning History

There is extensive planning history associated with the site.

Planning Authority Reference D18A/0748 refers to a current application for retention permission on a temporary 3 year basis for 1) change of use of front and rear garden of derelict house 'Chickamauga' from residential use to display of cars for sale. 2) change of use of rear garden of derelict house, known as 'Maryland', from residential to display of cars for sale. 3) Erection of a portakabin canteen to rear of former Statoil Service Station. 4) Erection of a car valet shed, parts shed/containers and general storage shed to the rear of the former Statoil Headquarters. A 5 point further Information request was issued on the 25th September 2018 as follows:

- 1. The Applicant is requested to submit an Environmental Noise Assessment report indicating what noise mitigation measures have been recommended by a Competent Noise expert, and what noise mitigation measures (i.e. Echo Barrier screen) are proposed to be put in place by the Applicants to alleviate the noise produced by the 'Car Dealership' development e.g. the car wash/ valet building, the warehouse extension (if applicable) and the water treatment plant adjacent (not shown on the submitted drawings) for which Permission for Retention is sought, with regards to its impact on the adjacent neighbouring developments.*
- 2. Depending on Item 1, the Applicant is requested to submit revised details, examining the feasibility of relocating the car wash/ valet building, and also the water treatment plant structure/ container adjacent to the rear (west) boundary (but not shown), to another part of the site, to minimise any potential noise impacts, if any, on adjacent residential sites.*
- 3. The Applicant is requested to submit a revised and detailed plan layout drawing illustrating the access arrangements, and vehicle manouveres required for the 'Car Dealership' deliveries, within the development for which Permission for Retention is sought. The Applicants shall show the above on a detailed layout drawing by using a Computer Aided Design (CAD) software such as Autoturn or similar computerised design software.*
- 4. The Applicant is requested to submit a revised site layout and elevation drawings, illustrating the water treatment plant structure/ container adjacent to the rear (west) boundary but not shown on the submitted drawings.*

5. The Applicants is requested to provide a detailed Transport Impact Statement (TIS), carried out by an approved traffic consultant in accordance with the NRA (now the TII) Traffic and Transport Assessment Guidelines 2014. The TIS shall be based on actual data, arrival / departure information from an existing similar 'Car Dealership' development. The TIS shall assess the impact of the 'Car Dealership' development for which Permission for Retention is sought on the surrounding road network including the operation of nearby junctions and the impact on capacity. It shall include an assessment of traffic volumes in 1 year and 3 years.

6. The Applicant is requested to submit detailed drawings for Staff and Visitor bicycle spaces. These bicycle spaces shall be shown covered, secure and correctly designed in accordance with the Dun Laoghaire Rathdown County Council – Standards for Cycle Parking and associated Cycling Facilities for New Developments (January 2018)

Planning Authority Reference D13A/0663 refers to a 2013 grant of permission for signage.

Planning Authority Reference D13A0022 refers to a 2013 decision to refuse permission for signage and a new 2 storey building.

Planning Authority Reference D09A/0881 (An Bord Pleanála Reference No. PL.06D.238255) refers to a **2011** decision to refuse permission for the demolition of 2 dwelling and construction of a mixed use development 2 to 4 storeys comprising 8 no. residential units, 1 no. neighbourhood shop, 4 no. commercial units, a funeral home, crèche, restaurant, medical centre and offices and basement carpark (204 spaces). Permission was refused on the grounds of 1) traffic, 2) scale of supermarket development proposed and 3) Overbearing impact and overlooking of adjoining two storey houses.

Planning Authority Reference D09A/0283 refers to a **2009** decision to refuse permission for demolition of all existing structures including 2 no. dwellings and the construction of a mixed-use development consisting of 8 no. duplex 3-bedroom residential units; 1 no. neighbourhood shop; 4 no. commercial units consisting of a delicatessen, off license, cafe and pharmacy, a crèche; a restaurant; medical / healthcare centre and offices. The proposed development is predominantly two to three stories in height with the proposed restaurant providing a four storey element in the north eastern corner of the site. The development includes a basement containing 234 no. car parking spaces. 3 reason for refusal relating to 1) design and scale and prevalence of office use.

2) visual overbearance, detract from visual and residential amenities and 3) traffic due to the traffic generated by the proposed development.

Planning Authority Reference D06A/1517 (An Bord Pleanála Reference No. PL.06D.221550) refers to a **2007** decision to refuse permission for a 5 storey over basement car parking mixed use development comprised of 1 no. commercial unit, 1 no. office, 2 no. restaurants, 4 no. retail units, 1 no. crèche, 1 no. café, 1 no. office, 49 residential units. Permission was refused for 3 reasons relating to 1) The development would be visually obtrusive due to height, scale and massing, 2) Proximity to boundaries would result in overbearing impact, overlooking and general disturbance to adjoining residential properties and 3) traffic hazard.

Planning Enforcement File:

ENF 3714 relates to signage

5.0 Policy & Context

5.1 Deansgrange Local Area Plan 2010-2020

The site has been identified as a '**Potential Redevelopment Area**'

Section 2.2.1 refers to Deansgrange Road.

Along Deansgrange Road, the pavilion style buildings built predominantly with glass and steel, which accommodate car sales showrooms, occupy a substantial amount of street frontage. These add something to the approach into Deansgrange, especially when lit in the evening / night and offer the potential of something to come, while also lending the area a more contemporary character.

It is important to encourage high quality contemporary style architecture, which both reflects and is in keeping with the more traditional aspects of the existing built environment, while at the same time allowing for new buildings to reflect aspects of more contemporary high quality design, where appropriate.

Urban Design Objective **UD1**: to ensure that the design, scale and layout of new development within the plan areas, respects the existing character of the area as identified in section 2.2.1.

Section 2.3 refers to **Potential Redevelopment Areas**.

(1) The former Statoil site on Deansgrange Road and adjacent sites.

Section 2.5.2 sets out Urban Design Guidance

The only potential development site identified along Deansgrange Road is the former Statoil Site. (Area 1 Drawing C – Potential Redevelopment Areas).

The site has been identified as the most significant redevelopment opportunity within the village in terms of potential future retail development.

Guidance includes:

- The need to redefine the building line parallel to Deansgrange Road to create a stronger street edge and better emphasise the pedestrian route.
- Sets out appropriate building heights for Deansgrange Road and indicates where an increase in height above the benchmark two-storeys may be permissible.
- Any development should incorporate a strong tree line along Deansgrange Road to strengthen the link between the village and existing trees within Deansgrange Cemetery.
- Development proposals for this site will also be required to clearly demonstrate that the development will create urban design benefits and in particular define the entrance to the village to the advantage of the legibility, appearance and character of the area.

Section 2.5.3 refers to acceptable building height and should be read in conjunction Appendix B and Drawing B which includes benchmark height for Deansgrange Neighbourhood Centre Area and Deansgrange Business Park

Objective UD4: It is a requirement for all new development to ensure that it will protect and improve existing residential amenities, visual amenities and the character of the village and that only high quality urban design will be considered.

Section 6.2.3 Future Retail Development, identifies the site as the most significant redevelopment opportunity within the village in terms of potential future retail development. The site occupies a prominent location on Deansgrange Road at the edge of the Neighbourhood Centre and adjacent to Deansgrange Cemetery. It further stated that given its prominent location at the edge of the village and its position opposite an existing parade of shops it constitutes a good opportunity for improving and consolidating the built form and public realm within Deansgrange village.

Of particular relevance are Objective **RT1** and **RT2** as these are referred to in the Planning Authority's reason for refusal.

RT1 It is an objective of the Council to retain, strengthen and improve important village uses within Deansgrange, which have a strong community function, including Retail, Public House, Post Office, Bank and Library.

RT2 It is an objective of the Council to seek a high quality mixed use development for the former Statoil Site on Deansgrange Road to include for community services, retail services, office and commercial services and a residential element.

6. Retail

Appendix B. building Heights.

Area 2: Deansgrange Road, West Side and Kill Lane North Side including: car sales show rooms, dwellings, commercial premises and the former Statoil Garage site.

In relation to the north eastern end of Area 2, adjacent to Deansgrange Cemetery and Deansgrange Road, there is potential for an increase in the benchmark height of 1 – 2 storeys at this location, where due to the overall size of the site and its location immediately adjacent to the cemetery and at the edge of the village, there would be little or no additional impact on its surroundings and no adverse impact on residential amenities. In addition, due to the edge of village location, there is scope for a building of high quality design, which would help define the entrance to the Neighbourhood Centre area. Any deviation from the benchmark heights is subject to compliance with the modifiers set out below.

Proposed Benchmark Height: 2 storeys.

Modifiers: The benchmark height may be modified up by 1 – 2 storeys in the north east of Area 2 adjacent to Deansgrange Cemetery and Deansgrange Road, where it can be clearly demonstrated that the development would create urban design benefits and in particular define the entrance to the village to the advantage of the legibility, appearance and character of the area.

Note: The proximity of residential property immediately to the rear / west of Area 2 will require that any deviation from the benchmark height will have to clearly demonstrate that there will be no adverse impact on residential and visual amenities.

MAPS:

Drawing B. Future Building Heights.

Drawing C. Potential Redevelopment Areas.

Drawing D. Pedestrian & Cycle Movements.

5.2 Dun Laoghaire Rathdown County Development Plan 2016-2022

Land Use Zoning Objective '**NC**' *To protect, provide for and/or improve mixed-use neighbourhood centre facilities'*

Under this land use zoning objective:

- **Residential, Shop Neighbourhood and Service Garage** are 'permitted in principle' under this zoning objective as set out in **table 8.3.6**.
- **Motor Sales Outlet** and **Shop Specialist** are 'open for consideration' under this zoning objective as set out in **table 8.3.6**.

Section 8.3.7 refers to other uses not specifically mentioned in the use tables and that these will be considered on a **case-by-case basis** in relation to the general policies of the Plan and the zoning objectives for the area in question.

I note that the units are identified as retail/retail services in the planning application, no specifics have been identified. Table 8.3.6. sets out uses that are 'permitted in principle' and 'open for consideration'.

Section 8.3.12. Definition of Use Classes:

Motor Sales Outlet: A building or part thereof or land used for the display and sale of motor vehicles, agricultural machinery and implements.

Service Garage: A building or part thereof or land used for the maintenance and repair of motor vehicles.

Shop Neighbourhood: A neighbourhood shop is one which primarily serves a local community and does not generally attract business from outside that community. They will primarily serve a 'walk-in' population and will typically have limited carparking.

Shop Specialist: A single retail unit which sells specialised merchandise.

Retail Policies

Policy RET6 Neighbourhood Centres. It is policy to encourage the provision of an appropriate mix, range and types of uses – including retail and retail services – in areas zoned objective 'NC' subject to the protection of the residential amenities of the surrounding area.

Residential

RES3: refers to the density requirements for the county. Higher densities at a minimum of 50 units per hectare will be encouraged where a site is located

within a 1km pedestrian catchment of a priority QBC and/or 500 metres of a Bus Priority Route, and/or 1 km of a town or District Centre.

RES7 refers to overall housing mix (type and tenure) within the county.

RES 8 refers to the provision of social housing

Relevant Development Management Standards

Section 8.2.3.2 sets out the relevant guidance on quantitative and qualitative, and development management criteria for **residential developments**.

Section 8.2.3.3 refers to **apartment developments** and standards required in relation to (i) design, (ii) dual aspect, (iii) mix of units, (iv) separation between blocks), (v) internal storage, (vi) penthouse development, (vii) minimum floor areas, (viii) public, private and communal open space standards and (ix) play facilities.

Section 8.2.4 Sustainable Travel and Transport

Section 8.2.4.5 refers to carparking standards.

Table 8.2.3 sets out the carparking standards for residential land uses.

Apartments:

- 1 space per 1 bed unit.
- 1.5 spaces per 2 bed unit.
- 2 spaces per 3 bed + unit.
(depending on design and location).

Non-residential:

- Comparison. 1 space per sq.m gfa
- Showrooms. 1 per 100sq.m gfa.
- Vehicle Service Station 1 per 275 sq.m gfa.

Table 8.2.4 sets out the carparking standards for non-residential land uses.

Section 8.2.4.9 refers to the use of electronic gates.

Section 8.2.4.10 refers to underground car parks.

Section 8.2.8 Open Space and Recreation

Section 8.1.1.1. Urban Design Policy **UD6** refers to the Council's Building Height Strategy (Appendix 9).

Section 8.2.6 refers to retail development.

Appendix 9. Building Height Strategy.

5.3 Guidelines

Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities. (DHPLG 2018). These provide recommended minimum standards for floor areas for different types of apartments; storage spaces; sizes of apartment balconies/patios and room dimensions for certain rooms.

Sustainable Urban Housing: Design Standards for New Apartments Guidelines. (DECLG 2015). These provide recommend minimum standards for floor areas for different types of apartments; storage spaces; sizes of apartment balconies/patios and room dimensions for certain rooms.

Sustainable Urban Residential Development Guidelines (DoEHLG 2009) and its companion, the **Urban Design Manual - A Best Practice Guide (DoEHLG 2009).** These include detailed advice on the role of Urban Design and planning for new sustainable neighbourhoods. In cities and larger towns, appropriate locations for increased densities, are identified, including outer suburban greenfield sites and public transport corridors.

Quality Housing for Sustainable Communities (DoEHLG 2007). These are intended to assist with the implementation of initiatives for better homes, better neighbourhoods and better urban spaces. Detailed space requirements are set out and room sizes for different types of dwellings.

Retail Planning Guidelines for Planning Authorities, Department of the Environment, Community and Local Government (April 2012).

The Planning System and Flood Risk Management. Guidelines for Planning Authorities 2009 (OPW).

5.4 Natural Heritage Designations.

The nearest designated site is South Dublin Bay SAC (site code 000210) and South Dublin Bay & River Tolka Estuary SPA (site code 004024) SAC located c. 2.3km north of the site.

5.5 Environmental Impact Assessment Screening

Having regard to the nature of the development, comprising the demolition of a former petrol station, warehouse, refurbishment and extension of a former office building and its change of use to a car showroom, ancillary offices and workshop/service area, basement parking for 62 vehicles and surface parking for 95 vehicles associated with the car sales dealership, the construction of 40 apartments in two linked blocks with 4 no. retail units and the urban location of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

The first party appeal, seeks to address the Planning Authority's reason for refusal. It also includes responses to some of the issues raised in the Planners Report and other Council Technical Reports. These include:

- An adjustment to the apartment building to ensure the protection of a Tree identified as important along the northern boundary.
- A western contiguous elevation and section to illustrate the relationship between the proposed residential development and the properties to the west in Foxrock Close.
- The relocation of the car wash to the rear wall, behind the service extension to the main car dealership building.

6.1 Grounds of Appeal

The grounds of appeal are summarised as follows:

6.1.1 Principle of the development

- The existing dealership has outgrown its current location and at present have extended into and uses the application site. Therefore, its use for the display and sales of cars is an established use.
- At the time of lodging the appeal, a concurrent application on the application site (D18A/0748) was in the process of being assessed by DLRCC for a temporary 3 year retention permission for the change of use of the residential gardens to the display of cars for sale, erection of a portacabin canteen and the erection of a car valet shed, parts shed/containers and a general storage shed. The retention application refers to an extension of an established use (Car sales and display) on the site. Enf Case 23/09 related to the use of the former petrol station and head office for the sale and display of cars.
- The proposed development would result in the consolidation of the current use spread across the western and eastern side of Deansgrange Road onto one site on the western side of the road and vacate the showrooms on the eastern side.
- The proposed development relates to the reorganisation of an established development (Car dealership), therefore, it should not be dealt with from first principles when assessing traffic implications.
- If permission is refused it will consolidate the proliferation of carsales area along the Deansgrange Road as it will result in both sites (on the west and east side of the road) remaining in use for this purpose. This would not benefit the area and be contrary to objectives set out in the Deansgrange Local Area Plan for the lands.
- The Planning Authority's conclusion that the proposal is not regarded as an optimal utilisation of the site does not take into consideration the current utilisation. Transforming the site from 2 derelict houses to 40

apartments serves to optimise utilisation; given the completing objectives of mixed use requirements and height restrictions.

- The development has two elements 1) A car dealership consisting of the redevelopment of the former Statoil head office for uses as car salesroom and associated offices at first floor level. An extension to this building to provide the services/workshop area, surface and basement parking associated with the dealership and 2) Mixed used development comprised of 4 no. retail/retail services units and 40 no. apartments over basement carpark.
- The site at present consists of 2 no. derelict buildings, a disused office building, petrol station and warehouse and is an eyesore. It is used for the display and sale of cars associated with the Mooney's car dealership (Hyundai) along the Deansgrange Road.
- The proposed reuse and redevelopment of the existing motor trade premises consolidated as a car sales main dealership for the existing incumbent is consistent with the LAP and presents a contemporary high quality design solution to an underutilised site which far from defining the entrance or being a gateway to the village is an eyesore. The current proposal represents a good opportunity as an alternative is simply the continuation of the established use within an unattractive site.

6.1.2 Response to issues raised in the Transportation Planning Section Report:

The development is a reorganisation of an established development and should not be dealt with from first principles as though the proposed development would be a 'de novo' additional to traffic generation within Deansgrange.

The applicant disputes the Transportation Planning Sections conclusion that a total of 54 no. off street car parking spaces would be required for residential element of the development, implying a shortfall of 25 no. spaces with no

provision for visitors. The applicant notes that at pre-planning consultation stage advice was given that measures are required to encourage the use of sustainable transport modes and reduce reliance on private car as a means of transport. While it is recognised that this related to the retail element, the principles of sustainable transport modes should apply to all land uses.

The onsite circulation design allows for 'off-street' vehicle transporter delivery which currently occurs 'on-street', therefore resolving the current traffic congestion issues

The applicant argues that the proposed development is ideally placed for a reduced car parking requirement for the residential element for the following reasons:

- Deansgrange is well served by public transport with a QBC adjacent to the site.
- All efforts should be made to reduce car parking provision for apartment development in accordance with national transportation guidance.
- Consideration should also be given to the (GoCar) sharing spaces and electric vehicle spaces being made available as part of the development.
- Kerbside parking is provided in front of the shop units.

Therefore, it is submitted that the level of car parking and cycle provision to sustain the residential element is adequate.

Reference to the Engineers Report submitted with the appeal which notes that the requirements of the Transportation Planning Section appear to conflict with the development objectives set out in the Deansgrange Local Area Plan.

Notwithstanding, it is noted in the Engineers report submitted with the appeal that that with minor alterations to the basement layout, the 33 spaces originally identified for the car dealership could be used to address the shortfall of 24 spaces required for the apartments.

Contact details for a travel plan coordinator cannot be provided as one has yet to be appointed.

The vehicular entrance does not require the addition of automatic gates and control barriers can be placed at the base of the entry ramps at a distance of greater than 6m and thus would not obstruct the footpath or roadway when in use.

A level of 10% EV charging points can be provided within the proposed development

6.1.3 Response to issues raised by the Drainage Section:

The Engineers Report submitted with the appeal addresses concerns raised relating to flood risk and sewer connection (diversion) and includes correspondence from Irish Water which approves the feasibility of the connection for foul water and water main connection.

A site specific FRA was provided as part of the application, however this did not include a flooding event which was recorded on the 24th October 2011 at the junction of Deansgrange Cross to a maximum flooding level of 0.6m. The flooding event did not penetrate the proposed site area and was restricted to footpath level. The proposed floor levels of the new development will provide a free board in excess of 300mm above this level. It is also proposed to place the entrance ramp level to the basement above this level with no inlets below the flooding level.

As the flooding event did not penetrate the site confines there is no impact on adjoining properties as footpath levels are to be retained at the current level.

The existing 225mm surface water sewer is to be connected to 300mm surface water sewer manhole into which the new diversion sewer enters the existing 300mm surface water sewer.

The location of the proposed surface water attenuation system is within the confines of the site and is located to the rear of the footpath. The proposed location avoids basement and foundation construction and can be demonstrated with cross sections.

The requirements can be achieved through minor modifications and amendments to the proposal in consultation with the Drainage Section.

Documentation submitted with the appeal:

- Architects Design Statement.
- Engineer Report that addresses Water & Drainage, Traffic & Transportation and Flooding.
- Plans and particulars.

6.2 Planning Authority Response

The Board is referred to the previous Planner's Report. It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude towards the proposed development

6.3 Observations

Two Observations have been received from:

- 1) Kill Abbey Residents Association (KARA) c/o Eamon Cahill, 43 Kill Abbey, Blackrock, Co. Dublin.
- 2) Multiple signatories:
 - (i) David Brett, 27 Grange Terrace, Deansgrange.
 - (ii) Ciara Buttonshaw, 27 Grange Terrace, Deansgrange.
 - (iii) Tom Dwyer, 28 Grange Terrace, Deansgrange.

- (iv) Dominique Geary, 29 Grange Terrace, Deansgrange.
- (v) Anne-Marie Hearne, 'Parallax', 5 Deansgrange Road.
- (vi) David Hennessey, 'Parallax', Deansgrange Road.

6.3.1 The observation by the **Kill Abbey Residents Association (KARA)** can be summarised as follows:

6.3.1.1 Car Dealership.

- The proposed development is not a consolidation of an existing use, it is a considerable expansion of the use and business.
- The existing use of the site does not have the benefit of planning permission and therefore should not be relied upon as an established use.
- The proposed development contravenes the provision of the Deansgrange Local Area Plan.
- The permitted use on site was a Statoil petrol station and its former headquarters (office building). There is no history of car sales, apart from the applicant's use in recent years which does not have the benefit of planning permission. There is no evidence of an established use for the sale and display of motor cars for sale.
- The use of an existing structure for a car sales room is not fit for purpose.

6.3.1.2 Parking

- Excessive parking proposed for the car dealership and Inadequate parking provision is proposed for the apartments.
- Limited parking the vicinity would be exacerbated by the proposed development. The surrounding residential roads are users by commuters and there is a serious shortage public parking available at present in the village which is having a negative impact on local businesses.
- The application site is the only large brownfield site in Deansgrange

6.3.1.3 Traffic

- The proposed development would exacerbate the existing traffic congestion along Deansgrange Road and in particular at Deansgrange Crossroads.
- Serious traffic hazard arising the loading and unloading of vehicles onto large transporters parked on the public road.
- The proposed joint access to the residential/commercial development is too close to the proposed access and egress provision for the car dealership element of the development.
- There is a need for a pedestrian crossing.
- 110 cars were counted on the site. The proposal shows 128 spaces, which for the most part appear to be for the sale and display of used cars.

6.3.1.4 Diversity of Uses

- Over proliferation of takeaway premises in the area. Any grant of permission should include a condition precluding that any retail unit be used as a takeaway.
- The proposed signage is overlarge and visually obtrusive and would detract from the area.
- Concerns that the refuse storage and collection points are inadequate.

6.3.1.5 Height:

- A four storey building at this location would introduce a building out of character with the area. The highest building along Deansgrange Road (excluding the Church Spire) is 3 storeys in height. Excessive height opposite single storey cottages (Grange Terrace).

6.3.1.6 Trees

- Due to the limited set back from the boundary with Deansgrange Cemetery, concerns have been raised that the proposed residential element could damage trees along this boundary.

6.3.2 The observation by **David Brett & others** can be summarised as follows:

- No objection to the provision of a sustainable number of residential units. The main concerns is the height and scale of the structures proposed.
- A 4 storey structure built opposite single storey houses (Grange Terrace) is not in keeping with the character and appearance of the neighbourhood.

7.0 Assessment

In 2007 under PL.06D.221550 a 5 storey mixed use development was refused permission. Permission was subsequently refused in 2011 under PL.06D.238255 for a 2 to 4 storey mixed use development consisting of residential, retail/commercial, funeral home, crèche, restaurant, medical centre and offices. The reasons for refusal in 2011 related to traffic, scale of the supermarket element proposed and that the development would have an overbearing impact and overlook adjoining properties. A wide range of issues have been submitted by the current observers, some of the issues reflect those which were considered by the Board in 2011.

The grounds of appeal seek to address the planning authority's reason for refusal. The applicant has also included with the appeal responses to the issues raised in the Council's Technical reports. Minor alterations to address issues raised have been submitted. They are not considered material changes and I am satisfied that revised public notices are not required. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development.
- Design & Height.
- Traffic.
- Impact on adjoining properties.
- Other
- Appropriate Assessment.

7.1 Principle of the Development.

- 7.1.1 The application relates to a development consisting of a car dealership with its associated showroom, offices, in the former Statoil building which would be the subject of extensive renovations with a rear extension to accommodate service area/workshop. Permission is also sought for a part 2 storey part 4 storey interconnected L-shaped block-consisting of 40 apartments and 4 retail units at ground floor level over the basement carpark with the residential element accessed directly off Deansgrange Road and the Dealership element of the basement carpark accessed from within the site. Surface parking associated with the car dealership is also proposed.
- 7.1.2 The planning status and nature of the current use of the site for the sale and display of cars has been raised by the applicants and observers. Notwithstanding the status of the uses, the application before the Board must be assessed in the context of the policies and objectives for the site under the current Deansgrange Local Area Plan 2010-2020 and the Dun Laoghaire Rathdown County Development Plan 2016-2022.
- 7.1.3 Under the Deansgrange LAP the site is identified a 'Potential Redevelopment Area'. The site is zoned under land use objective 'NC.' Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 sets out that land use objective NC "*To protect, provide for and/or improve mixed-use neighbourhood centre facilities*'. Motor Sales Outlets are listed as 'open for consideration' use under this zoning objective.
- 7.1.4 The applicants have outlined that the site has been used for the display and sale of cars for the past number of years as an overflow of Mooney's dealership on the opposite side of the road and, therefore should be considered an established use. I observed at the time of inspection a significant number of cars on the site, a car valeting area, numerous sheds/containers and an office/reception area in the building adjacent to the disused forecourt of the petrol station. Furthermore, it would appear that some of the public carparking spaces along this section of Deansgrange Road were used by existing businesses.
- 7.1.5 Notwithstanding the planning history associated with the site and the status of same. The quantum of surface and basement parking proposed to cater for a

car dealership at this location raises serious concerns and I do not consider it to be the most efficient use for a full serviced site adjacent to public transport nodes, that has been identified in the current LAP as a site with potential for redevelopment that could cater for neighbourhood centre uses. The site is a prime site for a cohesive redevelopment opportunity. I consider the proposed use, which is dominated by a car dealership is not appropriate and would be a missed opportunity for the comprehensive and sustainable development of this site along one of the main routes serving the area.

7.1.6 Having regard to the nature of the development, given the imbalance of land uses proposed, particularly the car showroom use and the portion of the site allocated to the display of cars associated with this use, the proposal fails to strengthen and improve the function of Deansgrange as a neighbourhood centre. In my opinion, the development in its current form provides for the underutilisation of a prominent site which is identified as a significant redevelopment opportunity site within Deansgrange village in terms of potential future retail and residential development. I consider, therefore, the proposed development would be contrary to the provisions of the Deansgrange LAP 2010-2020 with regard to objectives RT1 and RT2 and would be contrary to the proper planning and sustainable development of the area.

7.1.7 A residential development as part of a mixed use development at this location is acceptable in principle, subject to compliance with the relevant standards and guidelines set out at a local and national level. In this instance, given the location of the application site on lands zoned for neighbourhood centre within close proximity to numerous transport nodes a density of 53 units per hectares is acceptable.

7.2 Design & Height

7.2.1 Deansgrange is a mature residential suburb where a general recommended height of two storeys applies. Appendix B of the Deansgrange LAP clearly sets out that the benchmark height of 2 storeys may be modified up by 1–2 storeys in the north east of Area 2 adjacent to Deansgrange Cemetery and Deansgrange Road, where it can be clearly demonstrated that the development

would create urban design benefits and in particular define the entrance to the village to the advantage of the legibility, appearance and character of the area.

7.2.2 The proposed development consists of the construction of a part four storey part two storey apartment block over a basement carpark occupying the northern portion of the site with the former Statoil offices to be refurbished and extended to accommodate a showroom and a workshop/service area. The proposed alterations retain little of the original structure and its design.

7.2.3 I note that computer-generated images of the proposed development have been submitted. They show the relationship of the scheme with the existing built environment. However there is no image that shows the context of the proposal which includes the two storey structure located between the application site and the adjoining car dealership to the south. While I accept that the development would introduce taller buildings along the western side of Deansgrange Road. I do not consider that the proposed height is the main concern, the nature and context of the site could accommodate a development of this height subject to an appropriate site sensitive design.

7.2.4 In my view the application site lends its self to a landmark building and requires a design of high calibre that reflects the prominent and sensitive location of the site along Deansgrange Road. While I have no objection to a modern intervention at this location and I consider the overall height of the proposal acceptable. In my opinion the current proposal is a missed opportunity. It does not respond to or address the context and sensitivities of the site. Any development of this prominent site should maximise its street frontage, promote connectivity and permeability throughout and within the site, while also respecting the character of the area.

7.2.5 The proposed to redevelopment of the former Statoil head office is noted, while this is acceptable in principle, I am of the view that the use and refurbishment of the former Statoil building is another missed opportunity to create a comprehensive scheme that addresses the site in a holistic manner and enables connectivity through the site and the appropriate uses. The expanse of

surface parking detracts from the development potential of the site as a whole and any redevelopment of this site should have cognisance of the need for any car dealership element, if required, to be subsidiary to the development of the site as a whole and not, as is the current scenario the dominant use. Any new application may wish to reconsider the configuration of the site as a whole in any revised design and layout.

7.2.6 Whilst the apartments themselves have been designed in accordance with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2015) in terms of unit size and private open space, there are some concerns regarding other design aspects of the proposal. Parking and access is addressed in Section 7.3 of this report.

7.2.7 In terms of communal open space, this is provided by way of a courtyard on a podium with an area of c.850.5sq.m. The area is likely to be overshadowed given the extent of development around its perimeter and the level of amenity is likely to be poor.

7.2.8 Notwithstanding the requirements of density and uses, regard must also be had to the quality and design of the proposal. I am not satisfied that this is the optimal architectural solution for this site and proposals to address the relationship of the site to its surrounds should, in my view, form part of a cohesive design response for the overall site. In my opinion, the proposal has failed to adequately address the prominent nature of the site along a main approach to the village in urban design and architectural terms.

7.3 Access, Parking and Traffic

7.3.1 Concerns have been raised by the observers regarding potential traffic impacts of the development and the inadequate parking provision to serve the residential element. The report from the Transportation Planning Department also raised concerns regarding the shortfall in parking noting that the site is not

within or near a Major Town Centre where such a reduction may be deemed acceptable.

7.3.2 The basement car park is subdivided into two sections with the section serving the residential units containing a total of 29 car parking spaces. And 33 spaces are assigned to the car dealership, which are not accessible to the residential users. I note that the applicant in the grounds of appeal has stated that they have no objection to reconfiguring the basement element to provide an additional 33 spaces for the proposed residential element. This would address the shortfall assigned to the residential element.

7.3.3 The Sustainable Urban Housing: Design Standards for New Apartments Guidelines state that a benchmark guide of one car parking space per apartment unit should generally be required. This is less than the Dun Laoghaire Rathdown County Development Plan standard of 1.5 car spaces per two bed unit and would reduce the overall required quantum of parking. Taking into account the need for a holistic approach to developing the application site in a cohesive manner the issue of parking should be addressed in any future application.

7.3.4 With regard to access and traffic, I note the concerns by third parties regarding the existing condition and character of Deansgrange Road and the additional congestion that may arise as a result of the development. The site has clearly been identified as one suitable for redevelopment. In this regard any future application should carry out a comprehensive assessment of traffic impacts that could arise from the redevelopment of the site.

7.4 Impact on adjoining properties

7.4.1 The Planning Authority concluded that the proposed development would not detract from the residential amenities of adjoining properties in terms of overlooking or overshadowing. The Observers have, however, raised these as points of concern, and I shall consider them in assessing the impact of the proposed development.

7.4.2 The southern and western site boundaries consist of high walls with additional screen planting proposed. The site is bounded to the rear (west) by the rear gardens of houses off Foxrock Close, to the north by Deansgrange Cemetery

and the south by a two storey structure containing a restaurant/café with what appears to be residential at first floor level. Immediately opposite the site are a row of retail units containing various uses and to the north of these is a terrace of single storey cottages.

7.4.3 The proposed four storey apartment block occupies the northeastern portion of the site, with the two storey block running east to west parallel with the cemetery. The gable of the apartment block is set back c.1.84m from the western site boundary and set back c.13m from the gable of the nearest house to the west. The building would be built up to the northern boundary with the cemetery. The proposed car showroom element (two storey structure) is set back from the boundary with the adjacent dormer structure (restaurant with residential at first floor level). I consider the design of the elevations of the apartment block and the relationship of the buildings to the site boundaries and the separation distance from the nearest adjacent residential properties serve to mitigate the potential for overlooking.

7.4.4 I acknowledge that the proposals would lead to some overshadowing but I consider that this would have an imperceptible impact on the shadow environment of the houses in Foxrock Close to the west. The development would have limited potential to overshadow the houses (Grange Terrace) to the east on the opposite side of Deansgrange Road. I consider that while it is inevitable that the new development on a site with low level structures would result in areas of new shadow, the impact of the proposed development on sunlight and daylight access would be consistent with emerging trends for development in the area. Shadows cast by the proposed development would not result in an undue adverse impact on sunlight access to lands surrounding the application site.

7.5 Other Issues

7.5.1 Trees

7.5.1.1 The Observers raised concerns that the proposal would have a detrimental impact on mature trees within Deansgrange Cemetery along the northern

boundary of the site. There trees are not located on lands within the applicant's control. A Landscaping Plan has been submitted with the application. The Parks and Landscaping Division raised concerns regarding the quality of an arboricultural assessment submitted with the application and the provision of open space. This matter should be addressed in any future application.

7.5.2 Flooding

7.5.2.1 The site is not located within an identified flood zone, In relation to the concerns relating to the possible flooding of the site and the basement carpark, in particular. The flood event raised as a concern by the planning Authority did not penetrate the application site. I have examined the report prepared by FDA submitted with the appeal and I am satisfied that any outstanding issues could be addressed by condition.

7.6 Appropriate Assessment

7.6.1 The applicant submitted a screening report for appropriate assessment. The Planning Authority carried out screening and also concluded that a stage 2 appropriate assessment was not required.

7.6.2 The site is a serviced suburban site, which neither lies in or near a Natura 2000 site. The nearest such sites are at a considerable distance and there are no direct connections between them and the development site. Having regard to nature and scale of the proposed development, the nature of the receiving environment and the distance to the nearest European sites, 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

I recommend therefore that planning permission be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. Having regard to the nature of the development, given the imbalance of land uses proposed, particularly the car showroom use and the portion of the site allocated to the display of cars associated with this use, the proposal fails to strengthen and improve the function of Deansgrange as a neighbourhood centre. The development in its current form provides for the underutilisation of a prominent site which is identified as a significant redevelopment opportunity site within Deansgrange village in terms of potential future retail and residential development. Furthermore, the proposal has failed to adequately address the prominent nature of the site along a main approach to the village in urban design and architectural terms. It is considered, therefore, that the proposed development would be contrary to the provisions of the Deansgrange LAP 2010-2020 with regard to objectives RT1 and RT2 and would be contrary to the proper planning and sustainable development of the area.

Dáire McDevitt
Planning Inspector

7th March 2019