



An
Bord
Pleanála

Inspector's Report ABP-309002-20

Development

Permission for a change of use of showroom/warehouse storage unit (802 square metres in total) to office space (2) modifications to front facade including installation of new glazing and new signage (3) modification to rear façade with installation of new glazing to replace roller shutter door.

Location

Unit 14 Fashion City, Ballymount Road Upper, Dublin 24.

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD20A/0144

Applicant(s)

Surf Accounts Ltd.

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

Cleargate Ltd.

Observer(s)

None

Date of Site Inspection

3rd March 2021

Inspector

Fergal Ó Bric.

1.0 Site Location and Description

- 1.1. The appeal site comprises a unit within the Fashion City wholesale distribution warehouse outlet which comprises units which are related to the clothing, footwear, fashion, and styling industry. The units comprise of showroom areas, storage areas and some ancillary office elements within each of the units. Access to the site is off the Ballymount Road Upper. Surface car parking is provided around the perimeter of a centrally located agents office and café building.
- 1.2. The warehouse units are all two-storey in height and comprise of glazing, a controlled own door access and each unit is finished externally in a silver metal clad material. To the north and west are other enterprise/business parks, to the east is the Greenhills Road (the R819) and to the south is the M50 Motorway.

2.0 Proposed Development

- 2.1. The development would comprise the following:
 - (i) Permission for a change of use of ground floor (401 square metres sq. m.) and first floor (401 sq. m.) levels from previously granted showroom/warehouse storage under reg. ref. SD01A/0173 and further extended under SD02A/0514 to office use.
 - (ii) Modifications to front facade comprising the replacement of the main entrance doors at ground floor level with glazing to match existing, the installation of a new window to match existing at first floor level and new signage (2 sq. m.)
 - (iii) Modification to rear façade comprising the replacing of the existing roller shutter at ground floor level with fixed curtain wall glazing to match existing and the installation of new fixed louvres to match existing at first floor level.
- 2.2. The Wholesale fashion outlet has a stated site area of 3.8 hectares. The gross floor area (GFA) of unit number 14 is 812 sq. m. The proposal would not involve the creation of any additional floor area.

- 2.3. A report supporting and justifying the proposals has been submitted by Woods Architecture and Project Management. The report provides details of planning history, zoning, parking standards and servicing arrangements on the appeal site.
- 2.4. Further information was submitted in relation to: The submission of documentation from the Management Company regarding the provision of sixteen dedicated spaces to serve the proposed office development; A site Plan identifying the location of the 16 designated spaces: Identification of bicycle parking within the layout and details of proposed signage.

3.0 Planning Authority Decision

3.1. Decision

On the 23rd day of November 2020, South Dublin County Council granted permission for the proposed development subject to three conditions. The following are considered to be the pertinent conditions:

Condition number 3: Restriction on signage/advertising.

3.2. Planning Authority Reports

Planner's Report:

The final report had regard to the locational context of the site, planning history and policy, the reports submitted, and the submission received. Overall, they considered the change of use and works to be acceptable and to accord with the established commercial uses on site and with the enterprise and employment zoning objective pertaining to the site.

3.3. Other Technical Reports:

Roads Department: Additional information was initially sought regarding the dedicated car parking space provision and were satisfied with the additional information response received and subsequently outlined no objection to the proposals.

Water Services Section: No objection, subject to conditions.

Environmental Health: No objection, subject to conditions.

3.4. Prescribed Bodies

Irish Water: No objection, subject to conditions.

3.5. Third Party Observations

One submission was received, raising similar issues to those raised within the third-party appeal submission.

4.0 Planning History

The most relevant permissions include the following:

- Planning Authority reference number SD02A/0514-In 2002, planning permission was granted for a change of use of 64 sq. m. of ground floor warehouse to showroom and the extension of the first-floor mezzanine showroom by 328 sq. m. and addition of a door onto the front elevation at ground floor level.
- Planning Authority reference number SD01A/0173-In 2001, planning permission was granted for a wholesale distribution centre for the clothing trade on a site of 3.8ha, consisting of two buildings around a central courtyard containing a café/reception building. The buildings will contain single storey wholesale distribution and light manufacturing units and ancillary agents' offices, with landscaping, circulation, and parking with access off realigned Ballymount Road Upper.

5.0 Policy Context

5.1. South Dublin County Council Development Plan 2016-2022

The site is zoned EE-Enterprise and employment where the objective is: To provide for enterprise and employment related uses.

Chapter 4 pertains to Economic Development. Policy ET 3 pertains to Enterprise and Employment District Centres which: Seeks to support and facilitate enterprise and employment uses in Business Parks and Industrial Areas.

Section 11.28-Signage-Advertising, Corporate and Public Information.

Table 11.19: Signage-Types of signs, restrictions on use and design criteria.

Table 11.23-Maximum parking rates (non-residential)

Section 11.4.1: Bicycle Parking Standards.

Table 11.22-Minimum bicycle parking rates.

5.2. **Natural Heritage Designations**

None relevant.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The third-party appeal by the owners and occupiers of unit number 23, Fashion City, Cleagate Ltd, raises a number of issues as follows:

Principle of Use:

- Fashion city was developed as a purpose-built hub of fashion wholesalers and warehouses.
- A permission for a standalone office development entirely un-related to the permitted and established use of the site would set an undesirable precedent.
- The standalone office proposals have the potential to increase the number of employees; by between fifty-eight and ninety-four.
- The current use as showroom and storage would result in there being no more than 15 employees within the unit.

- Any change of use to an office use should be considered in the context of a Masterplan for the wider Nass Road/Ballymount/Cherry Orchard area and appropriate monitoring and mitigation measures including a car parking management strategy and mobility management planning would be required.

Car Parking:

- Car parking has been a constant issue within the development, with occupants struggling to park near their units, with regular occurrences of unauthorised and double parking close to main doors of units, which has a negative impact upon business.
- A potential increase in employment levels of between approximately 40 and 80 persons in one unit within the fashion city complex would have potential impacts in terms of precedent and car parking demand/provision.
- Car parking provision is excluded from the redline application site boundary and in the ownership of a third party. Therefore, planning conditions requiring the active management or monitoring of car parking cannot be attached to any permission.
- Limited consideration was given to the parking proposals by the Local Authority going by the timing of the internal e-mail communications between the Planning and Roads Departments, which are included within Appendix B of the appellants appeal submission.
- The Roads Department acknowledges the precedent that would be established within its correspondence.
- The further information response includes correspondence from the Management Company confirming that no car parking spaces are designated to any of the specific units within the development, and therefore fails to comply with the further information request regarding the identification of 16 designated spaces.
- The Planning Authority, other occupants of units within fashion city nor the Management Company would be able to identify if the occupants of the appeal site are utilising more than 16 number car parking spaces.

- Additional car parking spaces are identified in an area identified under Planning Authority reference number SD02A-0267, on lands outside of the ownership of the applicants.
- It is unclear under what planning mechanism the additional car parking spaces would be provided.
- Where car parking is not actively managed, and demand exceeds supply, the fashion warehouse/showroom business would suffer as the required turnover of car parking spaces would not be available.

6.2. Applicant's Response

A response to the issues raised within the third-party appeal raises the following issues:

- There are 425 spaces serving the Fashion City development and none are designated to any of the specific units.
- Under the current Development Plan parking standards, there exists a surplus of 51 spaces.
- The Roads Section within South Dublin County Council considered the impact of development on car parking and was satisfied with the applicant's response.
- The proposals do not relate to a stand-alone office development, it concerns the change of use of an existing structure.
- Every application is determined on its merits, the Planning Authority did not consider that it would establish an undesirable precedent.
- The current proposals would not materially affect the nature of Fashion City as a hub for the fashion industry.
- Permission was granted for a change of use within the development under SD02A/033 for an agent's office space.
- The development is not contrary or inconsistent with the zoning or Development Plan policy.
- There were no planning conditions set out within the parent permission in 2001 requiring that the unit remain in warehouse/light industrial use in perpetuity.

- It is envisaged that the unit would provide employment for approximately 50 employees and that customers would not ordinarily visit the premises during office hours.
- Given the development proposal pertains to a change of use of an 800 sq. m. unit, the development would not be premature pending the preparation of a Masterplan for the Naas Road/Ballymount/Cherry Orchard and Park West area, given there is no specific stated timeframe for its preparation.

6.3. **Planning Authority Response**

South Dublin County Council issued a response to the appeal as follows:

- The Planning Authority confirms its decision.
- The issues raised within the appeal submission have been addressed in the planner's report.

7.0 **Assessment**

7.1. The principle of alterations to the existing commercial building is not at issue in this instance, rather the vehicular parking, the precedent the introduction of an unrelated office use within the fashion wholesale outlet would establish are the issues raised within the third party appeal submission. The proposals in relation to elevational modifications, advertisements and servicing are considered acceptable. The following are therefore considered to be the core planning issues that arise from the appeal submission:

- Principle of Development.
- Precedent of Development.
- Car parking provision.
- Other Issues
- Appropriate Assessment.

7.2. Principle of Development and Planning Policy

- 7.2.1. As per the Land Use Zoning Objectives Map in the South Dublin County Council Development Plan, the subject site is zoned: Enterprise and Employment where the objective is to: To provide for enterprise and employment related uses. An office use is permissible in principle under this zoning objective.
- 7.2.2. Although the principle of the proposal is acceptable, the impact in terms of vehicular parking and the precedent of permitting an unrelated office use within a wholesale/warehouse outlet will be considered in the assessment below.

7.3. Precedent of Development

- 7.3.1. The Fashion City development was permitted in 2001 as a fashion wholesale and warehouse and showroom outlet and a number of amendments have been incorporated since. These include the introduction of mezzanine levels within some units and ancillary café and management company office suite within the development. However, during mu site inspection, it was apparent that the uses within the wholesale outlet all pertain to the fashion and beauty industry. I did not observe any unrelated office or commercial units within the wholesale outlet on the day of my site inspection.
- 7.3.2. The introduction of an office use, unrelated to the fashion/beauty industry would deviate from the original intended and permitted use. On balance, I consider that the proposed change of use which would involve the introduction of a un-related office use and for the change of use of unit number 14 into a sole office use would establish an undesirable future precedent within the Fashion City outlet.

7.4. Car parking provision

- 7.4.1. Access to the site is via a mini-roundabout junction off the Ballymount Road Upper which in turn is accessed off the M50, at junction 10. No alterations to the access or parking arrangements are proposed, except for the possibility of creating an additional 4 car parking spaces to serve the development. These spaces are outside of the red line application site boundary and would be available to all of the units, within the Fashion City wholesale/showroom development. These spaces were originally permitted in 2002, however were never developed.

- 7.4.2. Car parking spaces are not specifically designated for each of the units on site, as confirmed by the Management Company within the correspondence submitted as part of the additional information response. Therefore, spaces are occupied on a first come first served basis. I note that unit number 14, the subject of the current appeal is for sale, as are a small number of other units within the wholesale outlet, however occupancy remain high within the overall development, at in excess of 80%.
- 7.4.3. The office use proposed would generate greater demand in terms of car parking, above that of the permitted warehouse/showroom use within unit number 14. I note that the appellants have submitted data (from the Employment Density Guide, 3rd Edition, November 2015) published by the Homes and Community Agency in the UK, as there is no apparent equivalent research published in Ireland. The research estimates that the employee numbers within unit number 14 would increase from approximately 15 employees with the existing permitted uses to between 40 and 80 employees that could be accommodated within the unit, if permitted for office use, depending on the precise type of office use. The proposed office use, which does not appear to be in any way related to the fashion/clothing/beauty sector would generate a car parking demand that is greater than that associated with the current permitted use within unit number 14.
- 7.4.4. Photographic images of instances of car parking shortages and double parking within the warehouse outlet within the Fashion City development were submitted as part of the appeal submission. Given that the parking requirement associated with office use is greater than that associated with a wholesale use (as per Table 11.23 of the Development Plan), it is considered that the proposed office use would exacerbate the demand for car parking spaces where capacity is presently restricted and could lead to double-parking within the development and in the creation of a traffic hazard.
- 7.4.5. Provision for parking of 4 bicycles is proposed internally within unit number 14. I note that the nearest Luas stop, is at Kingswood, which is located approximately 1.6 kilometres south-west of the site, and therefore, there would be limited opportunity for employees to use the Luas to access the site, given the separation distance involved. This would encourage the use of the private motor car, and therefore increase pressure on car parking capacity. Bus stop 2337, Old Tymon Lane is

located approximately 0.35 km east of the site and is approximately a 5-minute walk from Fashion City.

- 7.4.6. In conclusion, it has not been demonstrated that the use proposed as an entire office unit, would be ancillary to or serve the existing warehouse/showroom fashion units within Fashion city. The office use would generate a car parking requirement, greater than the existing use and would exacerbate the pressure on car parking demand. The existing car parking capacity is limited, and the current proposal would result in potential for double parking and traffic conflict within the car parking area, given that there are no designated spaces for each unit. Overall, it is not considered the proposals are acceptable in terms of parking arrangements and safety.

7.5. **Other Issues**

- 7.5.1. The appellants have stated that the development would be premature pending the preparation of a Masterplan for the Naas Road/Ballymount/Cherry Orchard & Park West area. I consider that given the current proposal pertains to a change of use of an existing building, of approximately 800 sq. m., to say that it would be premature pending the preparation of a Master Plan for an area of approximately 700 hectares, would not be realistic. Section 7.16 of the Development Management Guidelines sets out the following in this regard "Development which is premature because of a commitment in a development plan to prepare a Strategy, Local Area Plan or Framework Plan not yet completed should only be used as a reason for refusal if there is a realistic prospect of the Strategy being completed within a specific stated time frame". Therefore, the current proposal could not be considered to be premature pending the preparation of a Masterplan for the local area in this instance, given no specific or stated timeframe for its preparation is available.

7.6. **Appropriate Assessment**

Having regard to the minor nature of the proposed development in the form of new signage and changes to elevations, its location in a serviced suburban area, 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 that permission be refused for the following reason:

9.0 Reasons

- 1 Having regard to the scale of the proposed office development, unrelated to the permitted and established fashion warehouse uses within the development, and the parking demand generated by the proposed change of use, would exacerbate demand within the existing restricted circulation and parking space and lead to a reduction in the viability of the fashion warehouse and showroom outlet function by reason of inadequate car parking provision on the site. The proposals would, therefore, establish an undesirable precedent for future changes of use, and would be contrary to the proper planning and sustainable development of the area.

Fergal Ó Bric
Planning Inspectorate

29th day of March 2021