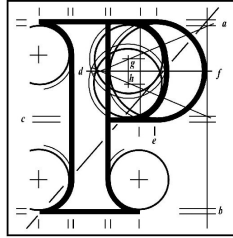


An Bord Pleanála



Inspector's Report

Development: Change of use from a two storey single family dwelling with part ground floor medical surgery to medical centre over both storeys. Proposals include attic storage space and new parking layout to increase parking within the curtilage to 11 spaces at 2 Green Park Close, Green Park, Mullingar, Co. Westmeath.

Application

Planning authority: Westmeath County Council
Planning application reg. no. 10/5142
Applicant: John Bannon
Type of application: Permission
Planning authority decision: Grant, subject to 10 conditions

Appeal

Appellant: Kathleen Madden
Type of appeal: Third party -v- Decision
Observers: None
Date of site inspection: 26th May 2011
Inspector: Hugh D. Morrison

Site description

The appeal site is located in the western outskirts of Mullingar in the Green Park housing estate off the Ballymahon Road, the R392. This site lies in a position adjacent to the entrance to this estate and adjoining the junction between the main spine road, Green Park Avenue, and a cul-de-sac, Green Park Close, which serves 31 dwelling houses. It is accessed off this cul-de-sac. An open grassed area of public open space lies between the cul-de-sac and Ballymahon Road.

The appeal site is of regular shape and it extends over an area of 0.08 hectares. This site presently accommodates a detached two storey dwelling house with a part two storey/part single storey side extension. The majority of the ground floor to this extension is in use as a doctor's surgery, while the remainder of the additional floorspace and the original floorspace is in use as a single four-bedroomed dwelling. The surgery is served by a separate doorway in the south eastern corner of the extension and 5 car parking spaces are laid out in front of the dwelling house. A gate on the eastern side of the dwelling house provides access to a parking area for the household, to the rear of the same.

Proposal

The proposal would entail the change of use of the existing 166.3 sqm dwelling house and 51.3 sqm doctor's surgery to a 217.6 sqm medical centre with 3 consulting rooms. This change of use would be facilitated by internal alterations to the existing extended dwelling house. It would be served by an increase in the width of the access to the appeal site, by 2.026m, to 6m and the introduction of a circular route around the dwelling house, which would serve 11 car parking spaces, including 2 mobility impaired spaces.

Planning authority's decision

Permission was granted subject to 10 conditions.

Technical reports

- Area Engineer: no objection,
- Access Officer: no objection,
- Fire Officer: no objection, and
- HSE Environmental Health: no objection

Grounds of appeal

- The appeal site lies beside the junction between Ballymahon Road and Green Park Close, a cul-de-sac that serves 32 dwelling houses. Traffic generated by

the existing GP practice leads to on-street parking on this cul-de-sac, which causes an obstruction (cf. submitted photographs). Traffic flow and visibility is interfered with and safety is jeopardised. The proposal would exacerbate this situation,

- Traffic generated by the existing GP practice turns either within private driveways or at the end of the cul-de-sac. Associated speeding and manoeuvring jeopardises safety. This is of particular concern, due to the incidence of children crossing the cul-de-sac to play in Green Park. The proposal would exacerbate this situation, and
- The number of vehicles in attendance at the appeal site would be atypical for a residential property and so unexpected and hazardous. Alternative vacant premises for the proposed use with satisfactory access existing elsewhere in the town and on IDA estates.

Responses

The planning authority has not responded to the above grounds.

The applicant has responded to the above grounds as follows:

- The submitted photographs are not representative. There are “No parking” signs on the front boundary wall and so on-street parking does not normally occur. Staff/family parking now occurs to the rear of the property, freeing up spaces to the front,
- Visibility has been improved by tree cutting,
- Of the 32 dwelling houses cited, 20/22 residents have used the existing surgery in the last 12 months and they appreciate its convenience,
- There is no tradition of medical facilities locating on industrial estates,
- The proposal would entail the introduction of a one way system on-site, which would reduce the incidence of turning manoeuvres on the cul-de-sac, and
- The appellant’s concerns have been taken into consideration in this proposal.

Planning history

- 03/5308 for a two storey extension to the dwelling house: the ground floor extension will consist of a GP medical surgery and the upper storey will consist of two bedrooms. Also demolition of the existing garage and provision of 3 additional car parking spaces within the curtilage was permitted,

- 08/5281 for the proposal, which is the subject of the current application, was withdrawn, and
- Pre-application consultation on 7th July 2010

Development Plan

The Westmeath County Development Plan 2008 – 2014 shows the appeal site as lying within the residential zone, wherein the objective is “To provide for residential development, associated services and to protect and improve residential amenity”. Doctor’s surgeries are deemed to be permissible within this zone, while health centres are open for consideration.

The car parking standard for group medical practices is 3 spaces per consulting room.

The following healthcare objectives are relevant to this appeal:

- *O-CRA35: To ensure that proposals for the change of use of residential accommodation for use by doctors, dentists, physiotherapists and other medical practitioners do not negatively affect amenities of the area.*
- *O-CRA36: To ensure that adequate car parking facilities are available where in-community health servicing is to be provided.*
- *O-CRA37: To ensure that provision for in-community health services is consistent with the size and scale of the existing buildings and with the character of the neighbourhood.*

Assessment

I have reviewed the proposal in the light of the County Development Plan, the planning history of the appeal site and the submissions received from the appellant, applicant and the planning authority. Accordingly, I consider that this proposal should be assessed under the following headings:

- (i) Land use,
- (ii) Traffic, access and parking, and
- (iii) Amenity.

(i) Land use

1.1 The appeal site lies within an area that is zoned residential under the CDP. Within this zone, doctor’s surgeries are permissible and medical centres are “open for consideration”.

- 1.2 The existing doctor's surgery functions on an appointment only basis between the hours of 3pm – 6pm on Mondays and Fridays, 3pm – 5pm on Wednesdays and Thursdays and 10am – 1pm on Tuesdays.
- 1.3 The extended dwelling house on the appeal site presents as a single detached dwelling house that is appreciably larger than the adjacent semi-detached dwelling houses. Outside of the aforementioned hours, the presence of the doctor's surgery on-site is evident from the steps and ramp to the platform that accompanies a door to the same in the eastern side elevation.
- 1.4 Signage for the doctor's surgery includes a hanging sign in the south western corner of the appeal site and plaques on one of the gateposts and on the front elevation of the single storey portion of the side extension. There are also 2 signs on the front boundary wall: one forbids parking and the other states "Please do not block this junction – patient parking available inside gates."
- 1.5 Overall, the existing doctor's surgery could be said to modify the residential character of the appeal site.
- 1.6 The proposal would entail the expansion of the existing doctor's surgery into a medical centre with 3 consulting rooms that would encompass the entirety of the extended dwelling house. The existing residential use of the appeal site would be extinguished and, while there would be no need for external alterations to the dwelling house, the curtilage would be laid out to provide a more extensive car park. Unusually, there is an area for car parking to the rear of the dwelling house at present. This area and the area to the front would be extended to the western side of the dwelling house, thereby replacing the existing side garden. Thus, the use of the appeal site would intensify and the layout of the curtilage to the dwelling house would indicate that this site is no longer in residential use.
- 1.7 The appellant states that the traffic movements generated by the proposal would be atypical for a residential property and so of an order that would be excessive for the Green Park housing estate. Accordingly, she considers that the proposed medical centre should be located elsewhere in Mullingar, e.g. on an industrial estate, where traffic, access and parking would not be an issue.
- 1.8 The appellant has responded by drawing attention to the convenience of the appeal site for patients who live locally and the absence of any tradition of medical centres locating on industrial estates.
- 1.9 During my site visit I noted that the appeal site lies within a relatively new housing estate that adjoins other housing estates to the north and east. To the south, beyond the Royal Canal, lies an industrial area and, further to the east, the town centre. I consider that it would be desirable for the proposed medical

centre to locate on a site that would be convenient to the extensive area of housing on the western outskirts of the town. I consider that the aforementioned industrial area would not be appropriate in this respect.

1.10 The appeal site is an end of row/corner plot, which lies in a position adjacent to the entrance to the Green Park housing estate, accommodates a detached extended dwelling house and is accessed immediately off a local road. These characteristics are not replicated by other properties within the locality and so I conclude that from a land use perspective this site would commend itself for use as a medical centre.

(ii) Traffic, access and parking

2.1 The appeal site lies in the north eastern corner of the “T” junction formed between the spine road to the Green Park housing estate and its first cul-de-sac, Green Park Close. To the south of this site, the spine road forms a “T” junction with the Ballymahon Road, the R392. The distance between these two junctions is 20m and the distance between the former junction and the access to the appeal site is 20m. Given these distances, the medical centre should not open before 9am to avoid the risk of adding to vehicular tailbacks arising from cars exiting the Green Park housing estate during the morning peak.

2.2 The existing doctor’s surgery generates an unspecified number of traffic movements. The appellant has drawn attention to the issue of on-street parking by patients, on the cul-de-sac in front of the appeal site. By way of response, the applicant conducted a parking questionnaire survey of patients over a 2 week period during August/September 2010. Sixty-six responses were received, of which all but 6 attended by car. Of the 58 who attended by car, 4 were dropped off, 15 parked on-street and 39 parked off-street. The survey does not indicate if those dropped off were dropped off on-street or off-street. Of the 54 who parked, 28% parked on-street and 72% parked off-street.

2.3 The survey asked those who parked on-street whether they had previously parked off-street: 60% had done so. It also asked all respondents whether they would park off-street if spaces were available: 92% said that they would.

2.4 Given these findings, I consider that the traffic movements generated by the existing doctor’s surgery lead to an appreciable amount of on-street parking. This surgery is served by 5 off-street car parking spaces, all of which would be normally available to patients, i.e. staff and family parking occurs behind the side gates to the rear of the dwelling house. This situation suggests that the CDP’s standard of 3 spaces per consulting room is too low in this case, to avert on-street parking.

- 2.5 Under the proposal, an additional 2 consulting rooms would be added. It is unclear if each of the 3 consulting rooms would be used by a doctor or if at least 1 would be used by another medical professional such as a practice nurse operating in a supporting role. I consider that the potential for increased traffic generation would be greater again under the former scenario compared to the latter one.
- 2.6 Under the proposal, a total of 11 spaces would be provided. Of these spaces, 2 would be laid out perpendicularly as mobility impaired spaces at either end of the front forecourt, 5 would be laid out on an angled basis along the western portion of the appeal site and 4 would be laid out on a parallel basis, i.e. 3 to the rear and 1 towards the south eastern corner. Of the 3 spaces to the rear, the third (numbered 9) would be too close to the north eastern corner to be capable of being reversed into. Manoeuvres into and out of this space would be difficult. These could be eased somewhat if the space was increased in length from the west by say 1m to give a total length of 7m. The 3 aforementioned spaces would be the least visible to public view and so they should be reserved for staff parking.
- 2.7 The one isolated parallel parking space (number 10) would be immediately adjacent to a perpendicular space that would project forward of it. Accordingly, reversing manoeuvres into this space would be difficult. If it was realigned on a diagonal axis to align with the north western corner of the perpendicular space, then such manoeuvres would be eased.
- 2.8 I note that the existing doctor's surgery operates on an appointment only basis. This approach excludes that of the open surgery, which could generate a concentration of traffic movements at the one time, thus overwhelming the off-street car parking spaces.
- 2.9 The appellant expresses concern over the incidence of on-street car parking and the incidence of turning movements on the cul-de-sac generated by car borne visitors to the existing doctor's surgery. I take the view that the former incidence should be minimised by controlling the intensity of the medical centre use, i.e. by conditioning that 1 of the 3 consulting rooms be used by a practice nurse and that all surgery visits be by appointment only. I take the view that the latter incidence would be minimised by the one-way circulation system that would accompany the proposed car parking spaces, i.e. the need to turn on-street would not arise in the case of cars parked off-street.
- 2.10 I conclude that, subject to revisions to car parking spaces numbered 9 and 10 and the control of the intensity of the medical centre use, the proposal would be capable of accommodating traffic movements/parking arising in a

satisfactory manner that would be consistent with good traffic management and road safety.

(iii) Amenity

- 3.1 The appeal site adjoins residential properties along its northern and eastern boundaries, i.e. 1 Green Park Avenue and 3 Green Park Close. These boundaries abut front/side gardens and, in the north eastern corner of this site, rear gardens, which due to the presence of the side gardens are appreciably wider than their respective dwelling houses. The resulting clearance distances between the boundaries and the side elevations of the adjacent dwelling houses are 7m and 14m, respectively.
- 3.2 The boundaries are denoted by means of existing 1.8m high walls. Under the proposal, there would be a landscaping strip of varying width between the proposed car parking spaces/circulation route and this wall. Where there is scope to do so planting would be undertaken. (There are at present semi-mature trees and shrubs on the far side of the eastern boundary in the appellants side garden).
- 3.3 Noise, fumes and general disturbance from Traffic movements on-site would be the principle effects of the proposal upon residential amenity. To a degree, these effects exist at present due to the incidence of staff and family parking to the rear of the dwelling house, which was shown for retention on the site layout plan submitted under application reg. no. 03/5308. They would, however, increase.
- 3.4 By way of mitigation, the reservation of the 3 parallel spaces adjacent to the northern boundary for staff use would limit the multiple usage of these spaces. Likewise, the aforementioned additional planting would contribute to a sense of site containment. Additionally, I consider that the days and hours of opening should be controlled beyond the 9am opening time referred to above in connection with good traffic management. Thus, while evening and Saturday morning surgeries should not be excluded, they should be curtailed to no later than 8pm and between 9am and 1pm only.
- 3.5 I conclude that, subject to the control of the use of certain car parking spaces and the days and hours of opening, the proposal would be compatible with residential amenity.

Recommendation

In view of my assessment, I recommend that the proposed change of use to a medical centre of the dwelling house at 2 Green Park Close, Mullingar, Co. Westmeath be granted permission.

Reasons and considerations

It is considered that the proposed medical centre would comply with the residential zoning of the area in the Westmeath County Development Plan 2008 – 2014 and that, subject to the control of the intensity of this use and its days and hours of operation, it would be capable of provide a satisfactory level of off-street car parking in a manner that would be compatible with residential amenity. The proposed medical centre would, therefore, accord with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) Car parking space number 9 shall be extended by 1m in length from the west to 7m, and
 - (b) Car parking space number 10 shall be realigned on a diagonal axis to align with the north eastern corner of car parking space number 11.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to facilitate ease of manoeuvre into and out of these spaces.

3. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall show tree and hedgerow planting in accordance with the indicative planting scheme shown on the submitted site plan (drawing no. P0002, revision A). It shall specify the species of tree and hedgerow and the numbers concerned, along with a timetable for planting.

Any plants which die, are removed or become seriously damaged or diseased, within a period of [5] years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

4. Prior to the commencement of development, details of signage for the proposed medical centre shall be submitted to, and agreed in writing with, the planning authority.

No other signage, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001 – 2010, or any statutory provision amending or replacing them, shall be displayed or erected (on the building/within the curtilage of the site) unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

5. 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.

6. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

7. Prior to the commencement of the use of the medical centre, the entrance to the application site shall be widened and the proposed car parking spaces, as amended by condition 2, shall be laid out, along with the accompanying circulation route. Thereafter, these spaces shall be retained insitu for the duration of the use.

Reason: In order to ensure that off-street car parking spaces are available at all times.

8. The car parking spaces numbered 7, 8 and 9 shall be reserved for the use of staff.

Reason: To limit the multiple usage of these spaces in the interests of residential amenity.

9. Of the three consulting rooms, one shall only be used by a practice nurse.

Reason: To limit the intensity of use of the medical centre and thereby to control the number of traffic movements and the extent of demand for car parking.

10. Visits to the medical centre by the public shall be on an appointment only basis.

Reason: To limit the intensity of use of the medical centre and thereby to control the number of traffic movements and the extent of demand for car parking.

11. The medical centre shall only be open to the public on Mondays to Fridays between the hours of 0900 and 2000 and on Saturdays between the hours of 0900 and 1300. It shall not open on Sundays or public holidays.

Reason: To avoid the morning traffic peak and in the interest of residential amenity.

12. The developer shall pay to the planning authority a financial contribution of €1,147 (one thousand one hundred and forty seven euro) 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 – 2010. The contribution shall be paid prior to the 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

Reason: It is a requirement of the Planning and Development Act 2000 – 2010 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.

13. The developer shall pay to the planning authority a financial contribution of €434 (four hundred and thirty four euro) in respect Clonmore Link Road in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000. The contribution shall be paid prior to the 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Hugh D. Morrison

Inspector

30th May 2011