



An  
Bord  
Pleanála

**Board Order**  
**ABP-318045-23**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 23206**

**APPEAL** by Oranday Properties 1 Limited care of David Mulcahy Planning Consultants Limited of 67 Old Mill Race Road, Athgarvan, Newbridge, County Kildare against the decision made on the 24<sup>th</sup> day of September, 2023 by Wicklow County Council to refuse permission.

**Proposed Development:** A medical centre, with a floor area of 426.7 square meters. The medical centre use represents a change of use from community use (with part medical use), permitted by An Bord Pleanála under reference TA27.305058-19 and involves a different internal configuration to that permitted; there are no elevational changes to the unit as permitted, at Unit 5, First Floor, Southern Cross Neighbourhood Centre, Southern Cross, Bray, County Wicklow.

## **Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

## **Reasons and Considerations**

The Board is not satisfied that the applicant has demonstrated that the deficiency in facilities for youth, which was identified in the Community and Social Infrastructure Audit that was submitted with the parent permission and addressed by the allocation of community floor space in the permitted Neighbourhood Centre, is no longer required. To permit a change of use is contrary to policy CPO 7.36 of the Wicklow County Council Development and therefore, contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered the sites planning history, specifically the Community and Social Infrastructure Audit report that accompanied the application for the Residential and Neighbourhood Centre, (An Bord Pleanála reference 305058-19). This report concluded that the only social infrastructure gap in the area was meeting rooms to be used by Wicklow Youth Services, "as a result 260 square metres has been provided to facilitate this identified need". The Audit went on to state:

"This audit did identify there is limited commercial medical facilities in the immediate area. While there are some within the wider area, the majority of this are outside the five minutes' drive distance set as the catchment area. As a result, a medical suite is also proposed as part of this proposal. There are two other community units identified as part of development measuring circa 45 square metres and circa 59 square metres. It is envisaged that these will

also be a small medical facility or else office/ meeting space to support Wicklow County Council youth services.”

The permission granted (An Bord Pleanála reference 305058-19) provided 260 square metres of community use floor space to serve the social infrastructure shortfall identified in the Community and Social Infrastructure Audit specifically to meet the needs of the Wicklow Youth Service. Two further units of 59 square metres and 45 square metres were identified as community/ multi use units and a third community medical unit of 90 square metres was identified. (set out in the schedule of floor spaces, the drawing number 6207-P2-100 and the Audit)

The Board noted that Wicklow County Council Development Plan Policy, CPO 7.36 states:

‘In accordance with Objective CPO 7.5, where a deficiency in facilities for teenagers/young adults and/or indoor community space is identified in an area, the proposed development should include proposals to address this deficiency in consultation with young people and appropriate stakeholders.’

The Board noted the planning authority’s assessment that social infrastructure previously permitted is required and therefore permission should be refused. The Board concurred with the planning authority and therefore considered that the change of use to medical, that reduces the available community space to 44.61 square metres, does not accord with the proper planning and sustainable development of the area as it is not demonstrated a community space of this size adequately addresses the identified need for community space, and that the reduction in community space has not been substantiated by a social and community audit.

The Board further noted that the applicant has not justified the scale of medical centre now proposed in what is a Neighbourhood Centre. The development plan (table 10.1) states the function of a Neighbourhood Centre is to provide a range of convenient and easily accessible retail outlets and services within walking distance for the local catchment population. The Board considered that this required further assessment, but due to the substantial reason for refusal did not pursue this issue.



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**Mary Henchy**

**Member of An Bord Pleanála,  
duly authorised to authenticate  
the seal of the Board.**

Dated this 24<sup>th</sup> day of May 2024.