



An
Bord
Pleanála

Inspector's Report PL29N.248873

Development	Amendments to primary care centre and community development previously permitted under ABP Ref. PL29N.241384 (DCC Ref. 2865/12)
Location	St. Monica's Youth Club, The Vicarage, Tonlegee Road, Dublin 5
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2797/17
Applicant(s)	Woodbine Primary Care Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	1.) Clíona Collins 2.) Michelle McGrory
Observer(s)	Cllr. Tom Brabazon
Date of Site Inspection	18 th October 2017
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1. The appeal site is located on the northside of Dublin city, east of Coolock village and approximately 7.5km northeast of the city centre. It is bounded to the north by Tonlegee Road, to the west by Millwood Court, to the south by Woodbine Road and to the east by the Edenmore Early Education Centre and the side boundaries of two residential properties. Vehicular and pedestrian access to the site is available off Tonlegee Road (R104 regional road) to the north, along with a pedestrian access off Woodbine Road.
- 1.2. The site currently contains a two-storey youth centre building, associated parking and a flood-lit hardsurfaced playing pitch. The front and rear boundaries of the site comprise low walls with railings above, while the side boundaries comprise walls approximately 2m in height. The southwestern corner of the site and the entrance area off Tonlegee Road are soft landscaped and comprise grassed areas and several semi-mature and mature trees. The surrounding area is generally comprised of rows of semi-detached housing fronting onto tree-lined streets. Ground levels in the vicinity are relatively flat, with only a slight drop moving east along Tonlegee Road and to the south onto Woodbine Road.

2.0 Proposed Development

- 2.1. The proposed development comprises the following amendments to a primary care centre granted permission under ABP Ref. PL29N.241384 (DCC Reg. Ref. 2865/12):
- Revised primary care centre building on the northern side of the site, with the following alterations:
 - Revised position for southern wing of building, c. 7.1m further from the eastern boundary;
 - Increase of 22sq.m gross floor area (GFA), resulting in an overall GFA of 2,656sq.m with revised internal layouts and elevations;
 - Relocation of main building entrance from the east elevation to the north elevation off Tonlegee Road;

- Omission of two retail units (300sq.m) and General Practitioner's (GP) Surgery space (101 sq.m) to be replaced by primary care uses and café use at ground floor;

- Replacement of GP Surgery space with primary care floorspace at first floor;

- Alterations to the previously permitted site layout to provide an additional 9 car parking spaces off the Tonlegee Road access, providing for an increase in total parking from 61 spaces to 70 spaces, relocation of bin stores to the Tonlegee Road access, reduction in the area of the astroturf pitch by 188sq.m, provision of an additional hard surface play area measuring c. 275sq.m and all associated site works;
- Extension of the current permission by a further 3 years to facilitate completion.

2.2. The Planning Application was accompanied by a letter of consent from Dublin City Council, the landlord for the appeal site.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to grant permission for the proposed development subject to 16 conditions, the following of which are of note:

C.2 Section 48 General Development Contribution of €1,541 applies;

C.5 Provision of opaque glazing or window cill heights 1.8m above internal floor area serving the west-facing physiotherapy treatment room and the staff canteen windows at first and second floor, opaque glazing or window cill heights 1.8m above internal floor area to the east elevation above ground-floor windows, no use of the roof area or installation of roof plant projecting over parapet level;

C.6 Restrictions on future use and subdivision/amalgamation of pharmacy and café. Opening hours for the medical facility - 0800 to 2100 hours Monday to Friday inclusive and between 0800 to 1800 hours Saturday and Sundays. Opening hours for the pharmacy and cafe - 0800 to

2100 hours Monday to Friday inclusive and between 0900 to 1800 hours Saturday and Sundays. Café is not be used as a hot-food takeaway;

C.9 Archaeological monitoring and recording;

C. 16 Permission expires based on timelines stated in the parent permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer (June 2017) reflects the decision of the Planning Authority and noted the following:

- Revised position of southern wing to medical facility building is supported, as it would break-up the building and reduce its mass, and would reduce potential impacts on residential amenities;
- Café is a new aspect to the development, but not uncommon in such facilities and is open for consideration in this location;
- Restrictions and alterations set out to address the impacts on third parties;
- Proposals would meet the relevant standards of the Development Plan.

3.2.2. Other Technical Reports

- Engineering Department (Drainage Division) - no objection subject to conditions;
- City Archaeologist – no objection subject to condition;
- Roads & Traffic Section (Planning Division) – no objection subject to conditions;
- Environmental Health Officer – recommends attaching conditions.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third-Party Submissions

3.4.1. A total of 11 no. submissions were received by the Planning Authority regarding the application, all from neighbouring residents, with the majority of issues raised covered under the grounds of appeal and observation outlined below, but also raising the following:

- Permitted pedestrian crossing along Tonlegee Road would not be required;
- Refuse collection should not be at the front of the site;
- Devaluing of the area and violation of privacy;
- Visual impact of a three-storey building and associated retail signage;
- Further retail space would be better located in Edenmore Shopping Centre;
- Café may become used as a takeaway facility.

3.4.2. A submission was received from a representative of the Youth Centre on the appeal site and this was broadly in support of the proposed development including the health care benefits, the knock-on benefits for the youth resource centre and the creation of a community care campus.

4.0 Planning History

4.1. Subject Site

4.1.1. The subject application is the first application on site since An Bord Pleanála granted the parent permission in April 2013:

- ABP Ref. PL29N.241384 (DCC Ref. 2865/12) – Permission **granted** (April 2013) for a three-storey primary-care medical centre (2,634 sq.m), incorporating the HSE primary care teams, two GP surgeries, pharmacy, convenience store and retail unit, 26 space car park with access off Woodbine Road, 35 space car park with access off Tonlegee Road, replacement all-weather pitch and floodlights and a single-storey extension to youth clubhouse. The following conditions are of note:

C.3 provision of screening to balconies, opaque glazing or replacement windows with 1.8m high cills in locations where overlooking is a concern;

C.4 revised locations and heights to totem signage;

C.7 traffic and car parking management measures, including right-turning movements;

C.9 archaeological testing;

C.17 Section 48 Development Contributions apply.

4.1.2. Other recent planning applications on the appeal site include the following:-

- Ref. 2011/10 – Permission **granted** (May 2010) for a two-storey building to serve as a children’s preschool service fronting Woodbine Road and with access from the south off Tonlegee Road;
- Ref. 1691/07 – Permission **granted** (May 2007) for first-floor mezzanine office extension over sports hall of youth clubhouse and minor internal alterations.

4.2. Surrounding Sites

4.2.1. The following application on a site 50m immediately to the east of the appeal site was recently subject of an appeal to An Bord Pleanála:

- 310 Tonlegee Road – ABP Ref. PL29N.248586 (DCC Ref. 2178/17) – Permission **refused** (August 2017) for retention of a single-storey log cabin to rear of property.

5.0 Policy Context

5.1. Development Plan

5.1.1. The appeal site has a zoning objective ‘Z1 – Sustainable Residential Neighbourhoods’ within the Dublin City Development Plan 2016-2022, with a stated objective “to protect, provide and improve residential amenities”. ‘Medical and related consultant’ and ‘Buildings for the Health, Safety or Welfare of the Public’ are permissible uses on lands zoned ‘Z1’, while a ‘restaurant’ is a use ‘open for consideration’. The vision for these lands, as outlined in the City Development Plan is one where residents are within easy reach of services, open space and facilities such as shops, education, leisure, community facilities and amenities.

5.1.2. Section 16.13 of the Plan outlines the requirements for 'Medical and related Consultants and Medical Practices' and also refers to the 'land-use definition' for 'Buildings for the Health, Safety or Welfare of the Public', as stated in Volume 2 of the Development Plan:

- 'Buildings for the Health, Safety or Welfare of the Public - Use of a building as a health centre or clinic or for the provision of any medical or health services (but not the use of a house of a consultant or practitioner, or any building attached to the house or within the curtilage thereof, for that purpose), hospital, hostel (where care is provided), retirement home, nursing home, day centre and any other building for the provision of residential accommodation and care to people in need of care (but not the use of a dwelling house for that purpose), the use as a residential school, college or training centre'.

5.1.3. Section 16.29 of the Plan outlines matters to consider when assessing proposals for restaurants and cafes, including:

- The effect of noise, general disturbance, hours of operation and fumes on the amenities of nearby residents;
- Traffic considerations;
- Waste storage facilities;
- The number/frequency of restaurants and other retail services in the area;
- The need to safeguard the vitality and viability of shopping areas in the city and to maintain a suitable mix of retail uses.

5.1.4. A 'restaurant' or 'café' is defined in the Plan as 'a building where the primary function is for the sale of food, meals/refreshment for consumption on the premises'.

5.1.5. Table 16.1 outlines the maximum car parking requirement for restaurants and cafes in this part of the city as 1 space per 150sq.m seating area and 2 spaces per consulting room in 'Clinics and Group Practices'. Section 16.38.9 addresses design criteria relating to 'Parking in Mixed-use Developments'.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Two appeals were submitted concerning the subject proposals, both from residents on the opposite side of Tonlegee Road (Nos. 251 & 253), to the north of the appeal site. The principal grounds of the third-party appeals can be summarised as follows:

Principle of the Development

- Excessive quantum of medical development on site, at a scale non-compliant with land-use zoning objectives for the site, while the site coverage and plot ratio of development would be higher than that for other similar facilities in Dublin;
- Proposals would be better accommodated on alternative sites, including Edenmore shopping centre, and would result in the loss of public space for residents;
- Proposals are contrary to Development Plan policies and objectives relating to the creation of 'Neighbourhoods and Sustainable Communities';

Traffic & Parking

- Proposed revised access to the building and permitted car park locations would encourage parking and drop-off along Tonlegee Road, resulting in traffic congestion, creating traffic hazard and ultimately endangering public safety;
- Invariably visitors to the medical facility would park in the neighbouring residential streets, as is currently prevalent during Wednesday evening bingo events in the youth centre on site;
- Provision of an additional 9 parking spaces and 5 disabled spaces in total would not be sufficient for the amended development. The open recreation spaces would be better served as parking for the facility;
- Insufficient parking based on similar facilities, staffing levels and attendees of the proposed primary-care centre-led development, the existing pre-school facility and the existing youth club, including bingo events;

- Queries regarding parking availability during construction and proposals for service, refuse and emergency vehicles access, particularly when the car park would be at capacity;
- Development would lead to increased traffic congestion in the wider area;

Impact on Local Amenities

- Noise pollution, nuisance and bad-neighbour use;
- Loss of trees and shrubs;

Other Matters

- Café would not be beneficial to the area, would encourage anti-social activity and would have opening hours inappropriate for a residential area;
- There is an existing abundance of pharmacies operating in close proximity;
- Queries regarding ownership/lease of the site;
- Request for extending the life of the permission should be rejected.

6.1.2. The grounds of appeal by the resident of 251 Tonlegee Road was accompanied by a set of photographs, lease agreements, Land Registry details, companies account extracts, letter from a neighbouring resident, signed petition by 25 residents of Tonlegee Road and marked-up drawings and maps.

6.2. Applicant's Response

6.2.1. The applicant responded to the grounds of appeal, as follows:

- The lease with St. Monica's Youth Resource Centre Limited is not relevant;
- Legal matters would be addressed by the relevant parties.

6.3. Planning Authority Response

6.3.1. The Planning Authority did not respond to the grounds of appeal.

6.4. Observation

6.4.1. An observation was submitted from Councillor Tom Brabazon, which may be summarised as follows:

- Reservations regarding parking, particularly given current experience during Wednesday evening bingo events;
- Development would displace informal parking on site and the developer should be required to provide additional parking on the green area to the south;
- Permitted access onto Woodbine Road would be too close to the existing exit from the senior citizen's complex.

7.0 Assessment

7.1. Introduction

7.1.1. The principle, nature and scale for the development of the primary care centre-led development, including a pharmacy on the appeal site, has been established via the decision of An Bord Pleanála under Ref. PL29N.241384 (the parent permission/DCC Ref. 2865/12), in line with the 'Z1 – Sustainable Residential Neighbourhoods' zoning. The parent permission allowed for a three-storey primary-care medical centre (2,634 sq.m), incorporating the HSE primary care teams, two GP surgeries, pharmacy, convenience store and retail unit, 26 space car park with access off Woodbine Road, 35 space car park with access off Tonlegee Road, replacement all-weather pitch and floodlights and a single-storey extension to youth clubhouse. The proposed development would introduce a new use in the form of a café, would extend the extent of previously permitted medical centre floorspace and would omit two retail units at ground floor and GP surgery floorspace at ground and first floor. A café of limited scale (50sq.m GFA), such as that proposed, would be complementary to the other uses on the overall site and a condition to restrict opening hours and not to use this as a take-away would be reasonable. With regard to the additional medical centre floorspace and café use proposed, I am satisfied that they would both be compliant with the land-use zoning objectives for the site and would be acceptable subject to planning and environmental considerations assessed below.

7.1.2. Consequently, I consider that the key issues in determining the application and the appeal before the Board relate to:

- Traffic & Parking;
- Impact on Residential Amenities;
- Other Matters.

7.2. Traffic & Parking

7.2.1. The grounds of appeal primarily focus upon the impacts of the proposed development on traffic and parking in the area. In this regard, I note that the proposed development would increase the gross floor area of the overall permitted development by 22sq.m and would also increase the total number of car parking spaces by nine. Based on the drawings submitted, internal alterations to the proposed building would result in the primary care centre facility extending into the ground floor with the consulting and treatment rooms grouped on first floor and the staff and ancillary areas primarily contained on the second floor. While there would be an increase in the number of treatment rooms from that previously permitted, I do not consider that the proposed amendments to the building would place significant additional demands on parking and I consider it beneficial that an additional nine parking places are now proposed. Considering the mix of uses proposed within the overall campus, including the existing youth centre and preschool facilities, it would be likely that some spaces would be shared and that peak hours of use would vary for each of the uses. The Roads & Traffic Section (Planning Division) of the Planning Authority did not object to the proposed amendments to the development and noted the requirement to comply with conditions of the parent permission, which include the need for Traffic and Car Parking Management Plans to be put in place at the facility, prior to the commencement of the development, in line with Development Plan requirements regarding 'Parking in Mixed-use Developments'.

7.2.2. The grounds of appeal raise issue with the current operation of car parking for the existing uses on site, including the youth centre. It is stated in the grounds of appeal that parking associated with Wednesday evening bingo sessions spills onto neighbouring streets. Illegal parking of vehicles would be a matter for the relevant authorities and I would note that there would be scope for the Car Parking

Management Plan to address the proposed operation of parking in parallel with ongoing operations. The grounds of appeal also assert that the proposed amendments, including revised entrance to the building off Tonlegee Road, would encourage parking on adjoining streets, leading to increased traffic congestion in the wider area. I note that a set down area for vehicles is identified along Tonlegee Road fronting the primary care centre building in both the parent permission and proposed development. Given the minor increase in floor area proposed (22sq.m), the provision of a more complementary mix of uses on site with the omission of two retail units and the proposal for an additional 9 parking spaces on site, the subject amendments to the permitted development would not be likely to add to traffic congestion in the area.

- 7.2.3. In conclusion, I consider that the proposed additional parking to serve the amended development would better cater for the primary care centre and other uses existing and proposed site, would be compliant with Development Plan standards and, therefore, the proposed development should not be refused for reason relating to traffic safety and parking provision.

7.3. Impact on Residential Amenities

- 7.3.1. The proposed south wing to the primary care centre building would be a minimum of 22m from the side boundary of the nearest residential property, No. 298 Tonlegee Road, which represents an increase of 7.1m from that previously permitted under the parent permission. Considering this increased separation distance and the fact that residences along Millwood Court would be over 55m to the west of the proposed building, this would further reduce the impact of the proposals on the residential amenities of neighbouring properties. The Planning Authority attached conditions to their decision restricting the positioning and type of windows serving various rooms along the southern wing of the proposed development, and the applicant has not contested same. It would be reasonable to attach such a condition to the permission to address potential for overlooking of neighbouring residences.

- 7.3.2. I consider that the proposed amendments would reduce the impact of the development on the amenities of neighbouring properties when compared with the parent permission, particularly given the increased separation distances from the nearest residential properties. In conclusion, the proposed amendments to the

development should not be refused for reasons relating to the impact on the residential amenities of the area.

7.4. Other Matters

- 7.4.1. The development description stated within the public notices advertising the proposed development, requested an extension of the planning permission for a further three years. The grounds of appeal request that an extension of the duration of the permission is refused. The appropriate means for extending the duration of a planning permission is set out under the provisions of Section 42 of the Planning & Development Act 2000, as amended and I do not propose to adjudicate on this. The Planning Authority attached a condition (16) specifically outlining the life of the permission, relative to the parent permission and for reasons for clarity I consider this reasonable to attach.
- 7.4.2. The grounds of appeal raise matters relating to property rights, including lease agreements between Dublin City Council and St. Monica's Youth Resource Centre Limited, and I note the applicant's response to these matters. Such issues are civil matters. In this regard, I note the restrictions to consideration of a planning application set out in Section 34(13) of the Planning & Development Act 2000, as amended and 'Issues relating to Title of Land' referred to in Chapter 5.13 of the 'Development Management - Guidelines for Planning Authorities' (DoECLG June 2007). Accordingly, I do not propose to adjudicate on these issues.

8.0 Appropriate Assessment

Having regard to the minor nature of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

I recommend that planning permission should be granted, for the reasons and considerations, as set out below.

10.0 Reasons and Considerations

10.1.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022, to the pattern of development in the area and the planning history for the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with Development Plan policy, would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on 30th April 2013 under appeal reference number PL29N.241384, planning register reference number 2865/12, including those conditions relating to roads and parking (7), construction hours (8), archaeology (9), water and drainage (10) landscaping and boundary treatments (12) and lighting (14), and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall

development is carried out in accordance with the previous permission.

3. This permission shall cease to have effect on the date of which the parent permission, An Bord Pleanála Ref. PL29N.241384 (DCC Plan No. 2865/12), expires.

Reason: To clarify the scope of the permission hereby granted.

4. The proposed development shall be amended as follows:
 - a) West-facing windows at the western end of the proposed development at first and second-floor levels associated with the Physiotherapy Treatment room (first floor) and the Staff Canteen (second floor), shall be fitted with either opaque glazing to at least 1.8 metres above finished-floor level or the cill levels to the said windows shall be raised to be at least 1.8 metres above their respective finished-floor levels;
 - b) The first and second floor windows on the eastern elevation of the southern wing of the proposed development, shall be fitted with either opaque glazing to be at least 1.8 metres above the finished floor level or the cill levels to the said windows shall be raised to be at least 1.8 metres above their respective finished-floor levels.

Reason: In the interest of the residential amenities of the area

5. The proposed café shall operate the following days and hours:

Between 0800 to 2100 hours, Monday to Friday inclusive, and 0900 to 1800 hours on Saturdays and Sundays. Opening hours for the pharmacy and primary care centre shall be as per the parent permission (ABP Ref. PL29N.241384/DCC Ref. 2865/12).

Reason: In the interest of clarity and to protect residential amenity.

6. Details of the materials, colours and textures of all the external finishes

to the proposed development, including samples, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

7. (a) The proposed café and pharmacy units shall not be subdivided and/or amalgamated or changed into any other retail or retail services unit, without a prior grant of planning permission.

(b) The café shall not be used as a hot-food takeaway, without a prior grant of planning permission.

Reason: In the interest of clarity, to limit the use and extent of retail and retail service development and in the interests of the residential amenities of the area.

8. No advertisement or advertisement structure other than those shown on the drawings submitted with the appeal shall be erected or displayed on the building in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of the visual amenities of the area.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be

agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Colm McLoughlin
Planning Inspector

19th October 2017