



An
Bord
Pleanála

Inspector's Report ABP-300741-18

Development	Change of use from restaurant to pharmacy and medical centre, alterations to shop front, 5 roof lights, 4 high level windows, signage, reconfiguration of car parking area and ancillary works.
Location	Unit 6, The Village Centre, Watery Lane, Dublin 22
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD17A/0352
Applicant(s)	Lean Pharmacy Limited
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Adam Koszkiew
Date of Site Inspection	25 th April 2018

Inspector

Colin McBride

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1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.0372 hectares, is located north of Clondalkin village. The appeal site is unit 6 of an existing village centre located at the junction of Watery Lane and Orchard Road. The existing centre is an L-shaped block with road frontage along both Watery Lane and Orchard Road. The building on site is mainly single-storey with a two-storey portion at its southern end adjacent the junction of the two streets. The centre houses a mixture of retail and commercial uses with the unit on the appeal site a vacant unit whose last use was a restaurant. The centre has vehicular access off Watery Lane with a car park to the east and a number of parking bays along Watery Lane. The centre also has a service yard to the north of the site with a separate vehicular access from Watery Lane. On the opposite side of the road is another commercial/village centre. On the opposite side of Orchard Road are two-storey dwellings. To the north of the village centre is a school/childcare facility.

2.0 Proposed Development

2.1. Permission is sought for the change of use of a single-storey unit (366sqm) from restaurant to pharmacy (86sqm) and medical centre (280sqm), with the medical centre to comprise 5 no. consulting rooms and ancillary facilities, alterations to shop front facing Orchard Road to the west (replace 1 no. entrance door with window) and alterations to shop front facing onto internal customer car park to the south east (1 no. new entrance for and relocation of existing entrance door), 5 no. roof lights, 3 no. high level windows to north elevation and 1 no. new high level window to east elevation, signage, reconfiguration of car parking area to provide 1 no. accessible car parking space and all ancillary site works.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 7 conditions. Of note are the following conditions.

Condition 4: Hours of operation confined between 8am and 9pm Monday to Sunday.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (21/11/17): Applicant to provide written consent from the owner of the car park to make the proposed alterations.

Planning report (14/12/17): The proposal was considered satisfactory in the context of Development Plan policy, the zoning objective for the area, visual impact and traffic impact. A grant of permission was recommended based on the conditions outlined above.

3.2.2. Other Technical Reports

Water Services Report (08/11/17): No objection.

Roads (12/12/17): No objection.

3.3. Third Party Observations

Three submission were received.

Submission from Clondalkin Chamber of Commerce: Issues raised include the fact the centre is at capacity and the proposal would bring additional parking needs as well as additional congestion to the area.

Submission from Adam Koszkiew, 1 Orchard Lane, Clondalkin, Dublin 22: Additional traffic generated by the proposal would cause more congestion in the area. There is a shortage of parking in the area and the proposal should include provisions for additional parking.

Submission from The Village Shopping Centre: The owner of the car park noted no consent given for alterations to the parking layout.

4.0 Planning History

PL06S.207855: Permission granted for a change of use of shop unit to a restaurant at unit 6.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the South Dublin County Development Plan 2016-2022. The site is zoned 'VC' with a stated objective 'to protect, improve and provide for the future development of Village Centres'.

5.2. Natural Heritage Designations

None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal has been lodged by Marston Planning Consultancy on behalf of Adam Koszkiew, 1 Orchard Road, Clondalkin, Dublin 22.

- The access arrangements proposed would result in a traffic hazard. This relates to nature of use and additional traffic proposed at the vehicle entrance in proximity to the junction of Watery Lane and Orchard Road. The appellants also raises concerns regarding the impact of a new pedestrian access from Orchard Road. It is noted that insufficient parking is provided and no assessment of overall traffic impact was carried out.
- The appellant notes that the parking requirement for the proposed development under Development Plan policy is 14 spaces. It is noted that the

existing centre with the proposed use taken in conjunction with existing use has insufficient car parking. It is noted that other car parking available in the area is not convenient to the site. It is noted that there is an inadequate level of car parking and that the proposal would result in a traffic hazard.

6.2. Applicant Response

Response by Hughes Planning & Development Consultants on behalf the applicant Lean Pharmacy Limited.

- There are a number of objectives in the Development Plan that support the nature of the use at such locations.
- The site has existing long established access arrangements that are unchanged under this proposal. It is noted that the Council's Roads section had no objection to the proposal.
- The applicant notes that the car parking standards under the Development Plan are maximum standards and not minimum standards with it noted that there is parking provision for the proposed development in the existing centre and that the Council's Roads section had no objection.
- It is noted that the site and development is accessible to public transport with bus routes and stops in close proximity to the site. It is noted that bicycle parking is available adjacent to the application site.

6.3. Planning Authority Response

Response by South Dublin County Council.

- The Planning Authority confirms their decision and notes that all issues raised in the appeal have been addressed in the planning reports.

7.0 Assessment

- 7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Principle of the proposed development/Development Plan policy

Design, scale, visual and adjoining amenity

Traffic impact/car parking

Appropriate Assessment

7.2. Principle of the proposed development/Development Plan policy:

7.2.1 The proposal entails the change of use of a restaurant part of an existing village centre development to a pharmacy unit and a medical centre. The site is zoned 'VC' (village centre), with stated objective 'to protect, improve and provide for the future development of Village Centres'. Under zoning policy both use classes proposed (health centre and shop local and neighbourhood) are indicated as being 'permitted in principle' under Development Plan policy. The principle of the proposed development is acceptable subject to it be acceptable in the context of the amenities of adjoining properties.

7.3 Design, scale, visual and adjoining amenity:

7.3.1 The proposal is a change of use of an existing restaurant unit part of a village centre development at the junction of Watery Lane and Orchard Road. The proposal does not seek to increase the floor area of the existing structures on site and is change of use of existing floor space. There are alterations to the facade proposed including closing up of a door on the western elevation (Orchard Road), new windows and a door on the northern elevation (not readily visible from public area), new glazing and new doors on the southern elevation (main entrance to each unit from the car park), new roof lights on the roof profile and new signage. The overall visual impact of these changes would not be significant or detrimental to the visual amenities of the area and area in keeping with the character of the existing structure and adjoining development.

7.3.2 As noted above regarding zoning, the nature of use proposed is consistent with the zoning objective and existing development on site. The site would be an appropriate

location for such development given the established use as a village centre. I would consider that the nature and type of use proposed would be compatible with adjoining development and acceptable in regards to the amenities of adjoining properties. On the issue of traffic and car parking, which is the main grounds of appeal, this aspect of the proposal is to be examined in the following section of the assessment.

7.4 Traffic Impact/car parking:

7.4.1 The main issue raised in the grounds of appeal relates to the level of traffic the proposal is likely to generate with it noted that there is insufficient parking to cater for such, it will result in a traffic hazard due to the proximity of entrance to the junction Watery Lane and Orchard Road and add to existing congestion in the area. The site is a vacant unit part of an existing village centre made up of a number retail/commercial units. The centre has an existing car park with 18 spaces and vehicular access off Watery Lane. There are also 9 spaces located along the road frontage of the site along Watery Lane. There is also a service yard to the north of the centre with separate access from Watery Lane and provision of staff parking with 9 spaces (total number of spaces is 36, 27 customer spaces, 9 staff).

7.4.2 The appellants notes that the proposal would constitute a traffic hazard due to additional traffic using the access onto Watery Lane, added congestion and proximity to a busy junction between Watery Lane and Orchard Road. As noted that proposed use is compatible with the zoning objective and with existing development on site. The proposal entails use of a long-established vehicular entrance serving commercial development at this location. I do not consider that the proposal is different in nature to existing development on site and is still commercial development in keeping with the existing development at this location. There is existing parking provision for the overall village centre development with a total of 27 spaces available. The proposal entails the provision of a disabled access space, which requires loss of one space reducing the overall parking provision to 26 (written consent obtained from the owner of the centre).

7.4.3 The appellant notes that there is insufficient parking available on site and notes that the development proposed has a requirement of 14 spaces based on the requirement under the County Development Plan. The existing unit on site is vacant restaurant unit with a floor area of 366sqm. Car parking standards are set down under Table 11.23 of the County Development Plan (attached). The site is in zone 2 (Non-residential). The existing permitted use on site is a restaurant use and such carried a requirement of 1 spaces per 20sqm of GFA meaning it would have a requirement of 18 spaces. Medical centres have a requirement of 1.5 per consulting room and shop unit (pharmacy) would have a requirement of 1 space per 25sqm of GFA (retail convenience). The proposal development has a requirement of 11 spaces based on Development Plan requirements (calculation is based on 5 consulting rooms as indicated on the layout and does not include the 2 no. rooms labelled nurse which would bring the figure up to 14 as the appellant has included). I would note that the proposal entails change of use of existing floor space within the village centre and does not entail any increase or additional floor space. As noted above the proposed use has a lesser requirement for parking than the permitted use in unit no. 6.

7.4.4 Given the fact that the proposal is part of an existing village centre, is change of use of existing commercial space and the fact there is a significant level of existing parking attached to the centre, I am satisfied that the proposal would not be deficient in terms of car parking. The layout of the existing entrance, which is long established would appear to be satisfactory in terms of traffic safety. The nature of the use would also not result in long term parking on site and based on the sign on site there is parking control in operation on the site. The site is located within an existing village centre and is accessible by pedestrians, cyclists and public transport due to its central location and its location in close proximity to residential development. I am satisfied that this is an appropriate location for the proposed development and would be acceptable in regards to traffic safety and convenience.

7.4.5 The appellant has raised concerns regarding the provision of an entrance to the pharmacy unit on the Orchard Lane side of site. This is a pedestrian entrance only

and is using an existing door opening to the unit (proposal closes one of the two existing door openings on the Orchard Road side). Orchard Road does not provide for parking with a bus lane running along the road frontage and parking control markings along this frontage of the site (double yellow lines). The entrance on Orchard Road is one of two entrance with other being on the car park side. I am satisfied that the provision of an entrance on this side would have no adverse impact on the amenities of adjoining properties or cause a traffic hazard.

7.5 Appropriate Assessment:

7.5.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, 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**

8.1. I recommend a grant of permission subject to the following conditions.

9.0 **Reasons and Considerations**

9.1 Having regard to the nature and scale of the proposed development, to the established commercial use of the site, and to its location in an established village centre development where parking facilities are available, it is considered that the proposed development would not interfere with the character of the area or the amenities 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.

10.0 **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. Details of all external shop fronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

3. Site development and building works shall be carried out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

6. 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.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

8. 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 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. 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.

Colin McBride
Planning Inspector

26th April 2018