



An  
Bord  
Pleanála

## Inspector's Report ABP 309450-21

<b>Development</b>	Alterations & extension of existing medical centre
<b>Location</b>	72 Willow Park Crescent, Glasnevin, Dublin 11
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	2396/20
<b>Applicant(s)</b>	Dr. Aiden O'Hora
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party v. Decision
<b>Appellant(s)</b>	Ballymun House Ltd.
<b>Observer(s)</b>	Peter McGovern
<b>Date of Site Inspection</b>	19 <sup>th</sup> August 2021
<b>Inspector</b>	Louise Treacy

## **1.0 Site Location and Description**

- 1.1. The subject site has a stated area of 240 m<sup>2</sup> and is located at No. 72 Willow Park Crescent, Glasnevin, Dublin 11. The existing property is a 2-storey, end-of terrace building with a medical centre use at the ground floor level (Willow Park Medical Centre) and a residential use above. The property forms part of a neighbourhood centre which is characterised by commercial units at the ground floor level, with residential uses above. Access to the residential unit on the subject site is via a stairway on the side/western façade of the property.
- 1.2. A vehicular laneway extends along the western site boundary. “The Willows” public house is located on the opposite side of this laneway and forms part of a further terrace of commercial units at this location. The laneway provides access to a car park to the rear of the public house, which extends along the northern boundary of the application site. Part of the car park adjacent to the rear boundary of the subject site is used as a beer garden.
- 1.3. A rear laneway extends behind the subject site and the adjoining properties. Access to this laneway is via “Cedarwood Road” which extends in a perpendicular direction from Willow Park Crescent to the east of the application site.
- 1.4. Communal public car parking extends along the front of the neighbourhood centre.

## **2.0 Proposed Development**

- 2.1. The development will consist of alterations and extension of the existing medical centre at ground level, to include the demolition of the existing single-storey stores and outbuildings, a single-storey extension to the rear comprising 6 new consulting rooms, kitchen, staff and ancillary facilities. A new staff entrance onto the adjacent laneway, together with internal alterations to existing ground floor to include larger waiting area, reception and office space.
- 2.2. The upper residential floor of the building does not form part of this planning application.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission subject to 9 no. conditions issued on 19<sup>th</sup> January 2021.
- 3.1.2. Condition no. 3 (a) requires the removal of the frost frittering from the windows of the front façade. Condition nos. 3 (b) and (c) require that the proposed signage shall comprise individually-mounted, stainless steel lettering of no more than 400 mm in height, with illumination to the rear.
- 3.1.3. All other conditions are generally standard in nature.

### 3.2. Planning Authority Reports

- 3.2.1. **Planning Reports (22<sup>nd</sup> June 2020 and 18<sup>th</sup> January 2021)**
- 3.2.2. While Dublin City Council's Planning Officer considered the proposed development to be acceptable in principle following their initial assessment of the application, further information was deemed necessary in relation to: (1) the applicant's legal interest in the laneway to the west of the site, (2) details of how pedestrian safety would be guaranteed for persons entering/exiting the proposed door on the western façade of the building, (3) details of car parking to serve the development.
- 3.2.3. A response to the Request for Further Information was submitted by the applicant on 14<sup>th</sup> December 2020, which can be summarised as follows:
- 3.2.4. **Item No. 1:** The applicant confirmed that they have no legal interest in the laneway to the west of the site. On foot of the foregoing, the proposed door on the western façade of the building was omitted and the bin store was relocated to the eastern building façade.
- 3.2.5. **Item No. 2:** The issue of pedestrian safety was deemed to have been resolved on foot of the amendments proposed in response to Item No. 1 above.
- 3.2.6. **Item No. 3:** The applicant confirmed that car parking will be available via the publicly available spaces in the vicinity of the development.

3.2.7. Further changes made under the response, include an increased administration and staff areas, reduced GP consulting rooms from 6 to 5 no. and the provision of a nurse's station.

3.2.8. Following their assessment of the submitted further information, Dublin City Council's Planning Officer was satisfied that the applicant had responded appropriately to the request and recommended that planning permission be granted for the proposed development.

3.2.9. **Other Technical Reports**

3.2.10. **Transportation Planning Division:** No objection to the proposed development subject to conditions.

3.2.11. **Engineering Department Drainage Division:** No objection to the proposed development subject to conditions.

3.3. **Prescribed Bodies**

3.3.1. **Irish Water:** None received.

3.4. **Third Party Observations**

3.4.1. A third-party submission was made on the application by Hughes Planning & Development Consultants on behalf of Ballymun House Ltd. (the appellant) of "The Willows" public house, No. 74 Willow Park Crescent, Dublin 11.

3.4.2. The points which are raised can be summarised as follows: (1) the applicant has no legal right to use the adjoining laneway to access the proposed extension, (2) traffic hazard for pedestrians travelling along the laneway, (3) excessive site coverage, (4) insufficient car parking.

4.0 **Planning History**

4.1. **Planning Authority Reg. Ref. 3585/14:** Planning permission granted on 27<sup>th</sup> November 2014 for the retention of the change of use from retail to medical centre at ground floor level (79 m<sup>2</sup>) together with permission for proposed new signage at the front façade.

## **5.0 Policy and Context**

### **5.1. Dublin City Development Plan 2016-2022**

### **5.2. Land Use Zoning**

5.2.1. The site is subject to land use zoning “Z3” (Neighbourhood Centres) which has the objective “to provide for and improve neighbourhood facilities”. Medical and related consultants are a permissible use under this zoning.

5.2.2. Section 14.8.3 of the development plan states that such areas provide an essential and sustainable amenity within residential neighbourhoods and should be maintained and strengthened where necessary.

### **5.3. Medical and Related Consultants and Medical Practices**

5.3.1. The development management standards which relate to medical practice uses are set out in section 16.13 of the development plan. Dublin City Council will support the provision of healthcare consultants in district and neighbourhood centres. In mixed-use developments, which include community, service and retail facilities at ground floor level, the use of a unit as a medical centre of an appropriate size which contributes to the vitality of the area will be considered on its merits.

5.3.2. A maximum car parking provision of 2 no. spaces per consulting room applies in this location (parking zone 3). A bicycle parking standard of 1 space per 4 no. consulting rooms applies.

### **5.4. Natural Heritage Designations**

5.4.1. None.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. A third-party appeal has been submitted by Hughes Planning & Development Consultants on behalf of Ballymun House Ltd., owner of The Willows public house, 74 Willow Park Crescent, Dublin 11. The grounds of appeal can be summarised as follows:

- The proposed development has a site coverage of 90% which does not comply with the 60% allowable under the Z3 zoning of the site.
- The application site is bounded by the appellant's property to the north and west. Concerns arise in relation to the impact of the proposed extension on the appellant's boundary wall and outdoor seating area.
- The proposed development would result in a traffic hazard on foot of increased traffic associated with the increased number of consulting rooms.
- In the event the Board grants planning permission for the proposed development, a Construction Management Plan should be prepared prior to the commencement of development.
- The existing shared car parking facility is used by the various units in the neighbourhood centre, with no additional parking proposed. This parking may not be sufficient to support the increased number of clients availing of the medical centre.
- The proposed development does not provide for bicycle parking which will increase traffic flow to the area.
- It is requested that An Bord Pleanála refuse permission for the proposed development.

6.1.2. The appeal submission includes a map which identifies the extent of the appellant's landownership adjoining the application site.

## **6.2. Applicant Response**

6.2.1. A response to the grounds of appeal was received from David Mulcahy Planning Consultants on behalf of the applicant on 16<sup>th</sup> March 2021, which can be summarised as follows:

- The site is located in a neighbourhood centre and is bounded by car parking to the north and south and a laneway to the west. As such, it is suitable to accommodate an increased site coverage and would not have an overbearing impact on the surrounding area.
- The extension will be built inside the existing rear boundary wall, on lands within the ownership of the applicant. As such, no impact will arise on the appellant's property.
- 95% of medical centre visitors live within 3 miles, which is a walkable distance for many.
- The need for additional room numbers relates to changes in health care policy, which will require patients to have greater time and involvement from the primary care team in the community. This change does not necessarily equate to additional numbers of patients attending the practice as assumed by the appellant.
- The car parking to the front of the site is generally underutilised, with demand generally occurring at different times during the day. Most patients attend the surgery before noon.
- The medical centre is well served by public transport.
- Internal storage space has been provided for 2-4 bicycles, with the applicant supporting the bike-to-work scheme for employees.

6.2.2. The response includes correspondence from the applicant which sets out a detailed rationale for the proposed development. A photographic survey of car parking to the front of the site is also included.

## **6.3. Planning Authority Response**

6.3.1. None received.

## **6.4. Observations**

- 6.4.1. An observation has been received from Peter McGovern, No. 70 Willow Park Crescent, Dublin 11. It is submitted that the applicant does not own a portion of the site on which it is intended to build, comprising part of the back lane which is used as a common area for all the shops. It is further submitted that this service laneway is used for deliveries, repairs, refuse trucks and emergency access.

## **7.0 Assessment**

- 7.1. The proposed development was amended on foot of the applicant's response to the Request for Further Information. The total number of consulting rooms was reduced from 6 no. to 5 no., a nurse's station and increased staff areas were provided and the proposed access onto the adjoining laneway was omitted. I note that these alterations are primarily internal to the proposed extension, excluding the omission of the proposed access door onto the adjoining laneway. In my opinion, these alterations are not material and remain generally consistent with the development description contained within the statutory planning notices, and as such, form the basis of my assessment below.
- 7.2. I am satisfied that the main issues for consideration in this case include:
- Impact on Neighbouring Properties
  - Traffic Impacts
  - Appropriate Assessment
- 7.3. Each of these issues is addressed in turn below.
- 7.4. **Impact on Neighbouring Properties**
- 7.4.1. The appellant contends that the proposed development would have a negative impact on their property, including their boundary wall and beer garden adjacent to the application site. In responding to this issue, the applicant's agent submits that the extension will be built on lands within the applicant's ownership and inside the existing rear boundary wall. As such, it is submitted that no impacts will arise to the appellant's property.

- 7.4.2. In considering the foregoing, I note that the proposed section and ground floor drawings which accompany the applicant's Further Information Response (Drawing Nos.14-198-PD-014 Rev. A & 14-198-PD-011 Rev. A respectively) confirm that the proposed development is located entirely on lands which are identified as being within the applicant's ownership. While the proposed extension abuts the shared boundary with the appellant's property, I note that this arrangement is not unusual in construction terms, and I consider that any impacts arising can be appropriately managed during the construction phase of the project.
- 7.4.3. While I acknowledge that temporary disturbance impacts may arise to users of the appellant's beer garden on foot of the proposed development, I note that such impacts will be temporary in nature, being restricted to the construction phase of the project. In my opinion, no negative impacts would arise to the appellant's property during the operational phase of the project. I consider that a Construction Management Plan should be agreed with the Planning Authority prior to the commencement of development to ensure the construction works are managed appropriately. In the event the Board decides to grant planning permission in this instance, this matter can be addressed by planning condition.
- 7.4.4. I also note that the observer on the appeal asserts that the lands to the rear of the subject site within the rear laneway, are not within the applicant's ownership. It is submitted that this portion of the site forms part of the common area for all the commercial units at this location and is used for servicing and fire access, etc. In considering this issue, I note that the applicant's agent has confirmed that these lands are within the applicant's ownership. I would also draw the Board's attention to Section 34 of the Planning and Development Act, 2000 (as amended) which states that "a person shall not be entitled solely by reason of a permission under this section to carry out any development". I also note that the subject site is located at the end of the laneway, and as such, I consider that the proposed extension will not impede access for servicing for any of the adjoining commercial units.

## **7.5. Traffic Impacts**

- 7.5.1. The appellant submits that the proposed development would result in a traffic hazard on foot of the increased traffic arising from the increased number of consulting rooms within the medical centre. It is noted that no additional car parking is provided and that the existing communal parking to the front of the neighbourhood centre may not be sufficient to support the increased number of medical centre clients. It is also submitted that no bicycle parking is provided, which will increase traffic flow to the area.
- 7.5.2. In considering the foregoing, I note that a maximum development plan standard of 2 no. car parking spaces per consulting room applies in this location. A bicycle parking standard of 1 space per 4 no. consulting rooms applies. No additional car parking is proposed as part of the development, while the applicant's agent submits that internal storage has been provided for 2-4 bicycles. I note that these spaces are not annotated on the applicant's ground floor plan which was provided at Further Information Stage (Drawing No. 14-198-PD-011 Rev. A). However, I consider it reasonable to assume that they are intended to be accommodated within the internal storeroom adjacent to the nurse's station. This matter can be clarified by way of condition.
- 7.5.3. The medical centre and the adjoining commercial units within the terrace do not have dedicated car parking, with visitors availing of the shared communal car parking which extends along the front of the block. The Willows public house has a dedicated car park to the rear of the premises. While the appellant submits that this car park has been used by medical centre clients in the past, I consider this to be an enforcement matter which is not relevant to the assessment of this appeal case.
- 7.5.4. At the time of my inspection, approx. half of the communal car parking spaces were occupied. In my opinion, these spaces are likely to be primarily occupied on a short-term basis, given the nature of the commercial units within the neighbourhood centre. I further note that the medical centre is located within an established residential district, and as identified by the applicant, is likely to serve the adjoining population within this district. In this regard, I note that the applicant has confirmed that 95% of their clients live within 3km of the centre. As such, it is reasonable to assume that some journeys will be made on foot, by bicycle or public transport.

7.5.5. In my opinion, the increase in the number of consulting rooms will not result in any significant increase in the demand for car parking on this location. The applicant has provided a detailed rationale for the proposed development, including the requirement for primary care teams to have greater involvement with patients within their local communities. This rationale is accepted. I further note that the Transportation Planning Division of Dublin City Council had no objection to the proposed development subject to conditions. As such, I am satisfied that no traffic hazard would arise on foot of the proposed development and that this point of appeal is without substance.

7.5.6. In conclusion, I consider that the proposed extension of the existing medical centre is appropriate given its location within a neighbourhood centre, the mixed-use nature of the adjoining uses and having regard to the scale of development proposed. As such, I consider that planning permission should be granted for the proposed development.

#### **7.6. Appropriate Assessment**

7.6.1. Given that the development is proposed to be connected to the public water supply and drainage networks and having regard to the nature and scale of the proposed development, comprising an extension of an existing medical centre use, and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

#### **8.0 Recommendation**

8.1. I recommend that planning permission be granted in this instance.

## 9.0 Reasons and Considerations

- 9.1. Having regard to the “Z3” (Neighbourhood Centre) land use zoning which applies the subject site, which has the objective “to provide for and improve neighbourhood facilities”, the location of the subject site within an established neighbourhood centre, the existing medical centre use on the site and the nature and scale of the development proposed, which comprises the extension of an established use, it is considered that the proposed development would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 14<sup>th</sup> day of December 2020, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>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</p>

	<p>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.</p> <p><b>Reason:</b> 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.</p>
3.	<p>Secure cycle parking shall be provided within the proposed development in accordance with the requirements of the Planning Authority. A drawing demonstrating compliance with this requirement shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.</p> <p><b>Reason:</b> To ensure an appropriate standard of development.</p>
4.	<p>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 hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, 0800 to 1400 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.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>

---

Louise Treacy  
Planning Inspector

25<sup>th</sup> August 2021