



An
Bord
Pleanála

Inspector's Report ABP-310636-21

Development	Change of use from Surgery and Residential use to Residential Institutional (Healthcare) use for the entire building.
Location	62, Merrion Road, Ballsbridge, Dublin 4
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2393/21
Applicant(s)	Linmore Health Limited
Type of Application	Planning Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party Appeal
Appellant(s)	Kimberly Gilbert
Observer(s)	None
Date of Site Inspection	23 rd February 2022
Inspector	Susan Clarke

1.0 Site Location and Description

- 1.1. The site is located at No. 62 Merrion Road, Ballsbridge, Dublin 4 and has a stated area of 689.89 sq m. The site has an existing redbrick, semi-detached dwelling located in a well-established residential area in the suburb of Ballsbridge, approximately 2.5km southeast of Dublin city centre. The site is immediately opposite the RDS and Intercontinental Hotel. The abutting property to the south is in residential use (No. 64 Merrion Road). I understand from Third-Party Observations made in respect of the proposed development that No. 60 Merrion Road to the north of the subject site, is in use as an office and two apartments to the rear (Sydenham Hall).
- 1.2. The existing property is a two and half storey, semi-detached, dwelling (9 No. bedrooms) with a medical surgery at Ground and First Floor levels. There is a large two storey extension to the rear of the original property. It has a front and rear garden. The front garden provides for off-street car parking and pedestrian access. The rear garden is a hard standing area with vehicle access provided via a laneway off Sydenham Road.

2.0 Proposed Development

- 2.1. The proposed development consists of the change of use from surgery and residential to residential institutional (healthcare).

The facility will accommodate *inter alia* group rooms, nurse station, canteen, office accommodation, lounge room, and 10 No. bedrooms. There are no external alterations or modifications proposed to the existing property to facilitate the change of use.

Following a Request for Further Information (RFI), the Applicant confirmed that the facility will be used by the National Eating Disorders Recovery Centre (NEDRC) offering psychological and dietetic interventions. Clients will reside at the facility to participate in a 12 week programme with potential for 'Therapeutic Leave' at the weekends. It is anticipated that the service will be largely regional based. There will be approximately 5-6 No. staff on-site during the day and two at night.

The existing four car parking spaces will be retained in the front garden. While the original application proposed four additional car parking spaces to the rear, these were

subsequently removed following the RFI. There were no other significant alterations made to the proposed development at RFI stage.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council issued a Notification of Decision to Grant Permission on 16th June 2021 subject to eight conditions.

Condition No. 3 requires that the rear yard area not be used for car parking and shall be landscaped.

3.2. Planning Authority Reports

3.2.1. Planning Reports (6th May 2021 and 11th June 2021)

Following a Request for Further Information (RFI), the Planning Officer considered that the proposal will not consist of overdevelopment and that it would not seriously injure the residential amenity in the area.

3.2.2. Other Technical Reports

Drainage Division (2nd April 2021): No objection subject to condition.

3.3. Prescribed Bodies

Irish Water: No comments received.

Irish Rail: No comments received.

3.4. Third Party Observations

Three Third-Party Observations from local residents were made in respect of the application. The key points from the Observations can be summarised as follows:

- Lack of open space provision.
- Lack of car parking on-site resulting in overspill parking in the area.
- Fire safety and accessibility concerns for clients and staff.

- No. 60 Merrion Road is not in use as an elderly care home.
- Previous permission (Reg. Ref.3702/00) restricts use of ground floor rooms for residential or embassy use only.
- Limited details provided with the application regarding the nature of the proposed use.
- A 24/7 use on the site will significantly impact on the area's residential amenity.
- Proposed development will result in overlooking.
- Significant escalation and intensification of use.
- The proposed use does not fall within the vision or permitted uses in the Development Plan.

4.0 Planning History

Reg. Ref. 3702/00; ABP PL29S.123569: Planning permission granted in October 2001 for a change of use of existing offices at first floor level to residential use and of existing residential accommodation in part of ground floor level to office use at existing embassy residence/office/dental surgery. Condition No. 2 stated:

The use of the rooms at ground floor level shown coloured blue on the lodged drawings shall be used only for residential or Embassy use. These rooms shall not be used for office use.

REASON: To comply with the zoning requirements of the 1999 Dublin City Development Plan and because no grant of planning permission for office exists for any part of the premises.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

The subject site is zoned Z1 Residential, with the stated objective: *to protect, provide and improve residential amenities.*

The site is located in Area 2 on Map J (Strategic Transport and Parking Areas) and as such a 'maximum' of one car parking space per 20 No. bedspaces is permissible for residential institutions.

Policy SN21: To facilitate the development or expansion of community-based healthcare facilities, respite homes and day care centres in residential areas.

Section 16.12 states that an over-concentration of institutional hostel accommodation, homeless accommodation and social support institutions can potentially undermine the sustainability of a neighbourhood and so there must be an appropriate balance in the further provision of new developments and/or expansion of such existing uses in electoral wards which already accommodate a disproportionate quantum. Accordingly, there shall be an onus on all applicants to indicate that any proposal for homeless accommodation or support services will not result in an undue concentration of such uses, nor undermine the existing local economy, the resident community, the residential amenity, or the regeneration of the area.

All such applications for such uses shall include the following:

- A map of all homeless and other social support services within a 500 m radius of application site
- A statement on catchment area, i.e. whether proposal is to serve local or regional demand
- A statement regarding management of the service/facility.

5.2. Natural Heritage Designations

The site is not located within or close to any European site.

6.0 The Appeal

A Third-Party Appeal was submitted to An Bord Pleanála on 25th June 2021 by Ms Kimberly Gilbert opposing the Local Authority's decision. The grounds of appeal can be summarised as follows:

- The car parking allocation is totally inadequate. There is a need for 20+ parking spaces. There is no on-street parking and there are no public car parks in close proximity to the site.
- There is no turning circle for an ambulance to use.
- It is unacceptable to have ambulances reversing onto Merrion Road.
- It is unacceptable to have another residential property in Ballsbridge being converted to an institutional type use, when the area is zoned for residential use.
- The existing house could be converted into apartments. Although institutional uses of this type may be open for consideration in this zone, this type of development should be discouraged on older houses, to foster the continuance of viable residential communities.
- Evacuation of the building has not been considered by the Local Authority in the assessment of the application. There is only one means of escape from the entire building which is an internal open staircase.
- The premises is not suitable for the intended use. Patients with eating disorders, who require in-patient treatment for three months are very ill and require hospital care.

6.1. Applicant Response

No response received.

6.2. Planning Authority Response

No response received.

6.3. Observations

None received.

7.0 Assessment

Having examined the application details and all other documentation on file, inspection of the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Land Use Zoning
- Principle of Development and Its Impact on Residential Amenity
- Car Parking
- Compliance with Fire Regulations
- Appropriate Assessment.

Each of these issues is addressed in turn below.

7.1. Land Use Zoning

The site is zoned for residential development (Z1 – *‘to protect, provide and improve residential amenities’*) in the Development Plan. I note that ‘residential institutions’ is only specifically listed under two of the 14 No. land use zoning objectives in the Development Plan as a ‘permissible use’ on lands zoned ‘Institutional and Community – Zone Z15’ and ‘Institutional Land (Future Development Potential) – Zone Z12’. However under the Z1 zoning objective ‘Buildings for the health, safety and welfare of the public’ and ‘residential’ are indicated as being ‘permissible uses’. As such it is my considered opinion that the proposed development is acceptable, subject to detailed consideration below.

7.2. Principle of Development and Its Impact on Residential Amenity

The Appellant argues that it is unacceptable for the property to be converted into an institutional type use. I do not consider the nature of the proposed use to be too dissimilar to the existing use (surgery and residential) and as such I do not consider that the proposal will significantly impact the character of the area. I note that while the area is zoned for residential use, the site is in close proximity to a number of other land uses including recreational, hotels, retail, financial and commercial. I note from the RFI Response that the Applicant states that there are no other residential institutions within a 500m radius of the site. As such, the proposal will not result in an overconcentration of the residential institutions in the area.

There are no works proposed as part of the development, therefore the proposal will not have any visual impact on the area. Furthermore, I do not agree that the proposed development will result in significant overlooking of neighbouring properties as argued in Observations made to the Local Authority. Having regard to the size of the property, the existing number of bedrooms and the nature of the existing uses, I do not consider that the proposal will result in overdevelopment or significant intensification of use.

I foresee no reason why the development would discourage the use of older houses being maintained in residential use as argued by the Appellant. As outlined above, Policy SN21 aims to facilitate the development or expansion of community-based healthcare facilities in residential areas. In my view the proposed development is compliant with this Policy. It is not within the remit of planning legislation to determine the appropriate level of medical service required by ill people.

In conclusion, I am satisfied that the proposed development will not negatively impact the area's residential amenity.

7.3. Car Parking

The Appellant states that the car parking situation is inadequate. The proposed development includes for the use of four parking spaces to the front of the property. There are no new car parking spaces proposed as part of the development. The quantum of car parking associated with the proposal exceeds the Development Plan's maximum standard for residential institutional use (i.e. one car parking space per 20 No. bedspaces). There is no information provided with the application with respect to the number of car movements associated with the existing surgery. Having regard to the number of bedspaces (i.e. 10), the length of the programme (12 weeks) and the number of staff required to operate the facility, I do not consider that the proposed development, which would introduce a high level/high turnover traffic demand that would conflict with the protection of the area's residential amenity or generate a traffic hazard in the area. I note that the area is well served by public transport; Sandymount Dart station is within 0.4km of the site and there are bus lanes on both sides of Merrion Road. I note from my site visit that there are parking controls in the area (including on Sydenham Road). Having regard to the nature and scale of the development, I do not consider that the proposal will result in significant overspill parking in the wider area.

Whilst I note the Appellant makes reference to patients arriving to the facility via ambulance, this has not been proposed by the Applicant. The site benefits from a wide access/egress point on Merrion Road and has good sightlines. In summary, I consider that the proposal would be acceptable having regard to the existing sightlines, traffic speeds and volume in the area, and the volume of traffic generated by the proposed development, that the proposal would not result in a traffic hazard.

7.4. Compliance with Fire Regulations

The Appellant raises concerns in relation to fire safety and the ability of staff and clients to evacuate the building in the case of an emergency. The issue of compliance with Building Regulations will be evaluated under a separate legal code and this need not concern the Board for the purposes of this Appeal.

7.5. Appropriate Assessment.

Having regard to the nature and small scale of the proposed development and the distance from 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

I recommend that planning permission be granted, subject to the conditions outlined below.

9.0 Reasons and Considerations

Having regard to the Z1 zoning objective pertaining to the site in the Dublin City Development Plan 2016-2022, the site's existing land use (surgery and residential) and Policy SN21 of the Development Plan to facilitate the development or expansion of community-based healthcare facilities in residential areas, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential amenities of the area nor cause a traffic hazard. 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 20th day of May 2021 by way of further information, 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>Reason: 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. 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 An Bord Pleanála for determination.</p> <p>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.</p>
3.	<p>The rear yard area shall not be used for car parking and shall be landscaped. Development shall not commence until revised plans, drawings and particulars, including a landscape plan showing the above amendments</p>

	have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the building. Reason: In the interests of orderly development and residential amenity.
4.	Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours 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.

Susan Clarke
Planning Inspector

9th March 2022