



An
Bord
Pleanála

Inspector's Report

ABP-312809-22

Development

Change of use from a dormer bungalow to a medical practice. Refurbishment of bungalow and signage. Demolition and relocation of fuel store, 6 solar panels, provision for 19 carparking spaces.

Location

The Hermitage, Grantstown, Co. Waterford.

Planning Authority

Waterford City and County Council

Planning Authority Reg. Ref.

21765

Applicant(s)

James O' Mahony

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

Paul Kelley and Others

Observer(s)

None

Date of Site Inspection

28th October 2022

Inspector

Emer Doyle

1.0 Site Location and Description

- 1.1. The subject site has an area of 0.19 hectares and is located on the northern side of Williamstown Road to the south-east of Waterford City. The site currently accommodates a detached dormer bungalow of 315m². The existing house is well set back from the road and is very well screened.
- 1.2. Development in the immediate area is primarily residential in character consisting mainly of large houses on large plots.

2.0 Proposed Development

2.1. Permission is sought for the following:

- Change of use from existing dwelling to medical practice.
- Refurbishment of existing dwelling to provide new signage to the southwestern elevation, demolition and relocation of fuel store, 6 No. solar panels, a total of 20 car parking spaces including one disabled space, new entrance walls and gate including signage and associated works.

Following a Further Information Request, revised notices and further information was submitted to the Planning Authority dated the 13th of December 2021 which can be summarised as follows:

- It is proposed to connect to the new drainage line on the Williamstown Road. An application to Irish Water is pending in this regard.
- Proposed staff will include 2 No. doctors, a trainee, a nurse, and an office manager.
- Lightening lux levels of 20-30 will be provided for to the car park and levels of 20-100 will be provided for approach and circulation of the building.
- Opening hours are 8.30am to 9.30pm Monday to Friday and 8.30am to 5.30pm on Saturdays.
- Details of boundary treatments.
- Statement of Need for GP practice at this location.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission subject to 10 No. conditions issued on the 25th of January 2022.
- 3.1.2. Condition 1(b) required that the wall and fence boundary proposals for the treatment of the north-eastern and south-eastern boundaries, as indicated on documentation submitted on 13th of December 2021, are expressly omitted by virtue of this condition.
- 3.1.3. Condition 3 required that the type, lumen level, and location of all external lighting shall be submitted and agreed in writing with the Planning Authority prior to the commencement of development.
- 3.1.4. All other conditions are generally standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planner's report dated the 8th of September 2021 considered that Further Information was required. The second report dated 24th of January 2022 considered that the applicant had addressed the issues raised in the Further Information Request and recommended permission.

3.2.2. Other Technical Reports

- None - Planner's report states that there are no responses to internal and external referrals but that he has discussed with the District Engineer and there are no traffic safety issues as sightlines are available at the entrance.

3.3. Prescribed Bodies

- No reports.

3.4. **Third Party Observations**

- 3.4.1. A total of 4 No. third party observations were submitted to the Planning Authority. The grounds raised are similar to the grounds of appeal.

4.0 **Planning History**

- 4.1.1. Relevant planning history includes the following:

PA Reg. Ref. 19930

Permission granted for subdivision of existing site to provide new dwelling. This is currently under construction.

PA Reg. Ref. 22230

Permission sought for 93 residential units by Liam Neville Developments on lands to the south of the site. Current Further Information Request.

5.0 **Policy Context**

5.1. **Development Plan**

- 5.1.1. The relevant Development Plan is the Waterford City and County Development Plan 2022-2028. The site is zoned as 'Existing Residential' with a stated objective 'To provide for residential development and protect and improve residential amenity.'
- 5.1.2. Volume 2 outlines Development Management Standards. Table 7.1 sets out Car Parking Standards and Table 7.4 sets out Bicycle Parking Standards.
- 5.1.3. Objective SC 20 Support and facilitate the development of health centres, hospitals, clinics, mental health and wellbeing facilities and community based care centres in appropriate urban areas in collaboration with the Health Service Executive and other statutory and voluntary agencies.
- 5.1.4. Objective SC23 Encourage the integration of appropriate healthcare facilities within new and existing communities.

5.1.5. Williamstown Road to the front of the site is a designated Active Travel/ Public Transport Route. Trans 07 Supporting Active Travel - We will promote walking and cycling as efficient, healthy, and environmentally friendly modes of transport by delivering a comprehensive network of safe walking and cycling routes. Trans 14 To support and co-operate with public and private transport operators in the provision of an effect, accessible, attractive and sustainable transport service.

5.2. **Natural Heritage Designations**

5.2.1. The nearest Natura 2000 site are the Lower River Suir SAC Site Code 002137, proposed NHA King's Channel Site Code 001702, and proposed NHA Kilbarry Bog Site Code 001700.

5.3. **EIA Screening**

Having regard to the nature of the development comprising change of use of an existing building and the urban location of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The main grounds of the third party appeal can be summarised as follows:

- Nature and scale of proposal will detract from residential amenities.
- Concern in relation to scale of development.
- The location outside a District Centre is not justified and there is no demonstrated need for the development.
- Concern regarding radical redesign of access driveway and inclusion of commercial lighting.

- Concern regarding volume of traffic movements and shortage of car parking.
- Concern that revised entrance will become an unauthorised drop off and pick up location.
- Considered that hours of business are excessive for residential area.
- Concerns regarding security and absence of a residential element.
- The existing property is connected to a private sewer which is in known poor condition.

6.2. Applicant Response

6.2.1. The response submitted by the applicant can be summarised as follows:

- The applicant amended the plans to address some of the concerns raised through the Further Information Response submitted to the Planning Authority.
- There is an urgent need for a GP practice in this area and efforts of finding suitable sites are attached to the appeal.
- Standard opening hours are 9- 5.30. Hours of opening to 9.30pm was stated in error in the Further Information Response.
- The day to day functioning of a GP practice would impact very little on adjacent infrastructure.
- With boundary treatments proposed site changes regarding parking will be barely visible from the adjacent road.
- It is not considered that the development will lead to additional noise and light disturbances.
- Subtle signage lettering would be used for any signage proposed.
- It is proposed to supplement the existing boundary treeline with new trees to increase the level of privacy.
- The height of the lighting poles will be no more than 3m.

- Patient appointments will generally not be at peak traffic times as these times are normally reserved for paperwork.
- The applicant has received permission to discharge to the existing line on the Williamstown Road- Doc 5 Appendix 3.

6.3. **Planning Authority Response**

- None.

6.4. **Observations**

- None.

7.0 **Assessment**

7.1. Having inspected the site and associated documents, the main issues can be summarised as follows:

- Impact on Neighbouring Properties
- Traffic Impacts
- Other Matters
- Appropriate Assessment

7.2. **Impact on Neighbouring Properties**

7.2.1. The main concerns raised relating to impacts on neighbouring properties relate to the scale of the development, opening hours, boundary treatment, and disturbance from lighting.

7.2.2. The proposal is for the change of use of an existing detached dwelling to a medical practice. The ground floor area includes 3 No. doctor's rooms and a nurse room together with 2 No. training rooms, a storage area and a staff room. The first floor comprises of a practice manager office, a practice meeting room, storage and a toilet.

- 7.2.3. In terms of the use proposed, I note that the existing dwelling is a large detached dwelling on large site zoned as 'Existing Residential' which has an objective 'to provide for residential development and protect and improve residential amenity.' I note that medical centres are open for consideration as set out in Table 11.2 (Zoning Matrix) of the Development Plan. I note the concerns raised in the appeal in relation to the scale of the development and the unsuitable location outside of a District Centres.
- 7.2.4. This is a built up area on the outskirts of Waterford and whilst there are a number of areas zoned specifically for 'Community Infrastructure' within 3km of the site where medical centres are permitted in principle, I consider that subject to safeguards, in particular that no undue adverse impacts arise on residential and visual amenities, I consider that the location proposed is acceptable. I note that detailed information has been submitted in the appeal in relation to the demand for extra GP's in this neighbourhood 'which is higher than the national average and will reach crisis point unless the supply of GPs and extra GP Trainers in Waterford is addressed.' It is stated that the location of the proposed medical practice near Waterford Regional Hospital (WRH) is ideally suited for GP Trainees as they are required to attend the training facility in WRH once a week. Evidence of difficulties in finding a suitable site in the area are attached to Appendix 1 of the appeal.
- 7.2.5. In terms of the scale of the Development, I do not consider that the scale of the medical centre is excessive with capacity for 3 No. doctor's rooms and one nurse's room. In my view, this scale is in line with the scale required for modern practices and I do not consider it would have any unacceptable impact on the appellant's residential amenity.
- 7.2.6. In relation to the concern raised regarding opening hours till 9.30pm in a residential area, I note that the Further Information Response stated that the proposed opening hours were from 8.30am to 9.30pm. It is stated in item (d) of the appeal response that the opening hours of 8.30am to 9.30pm were submitted in error and that the standard opening hours are from '9pm to 5:30pm Monday to Friday'. I note that a 'Development Statement Need' in Appendix 2 indicates that the proposed opening hours are 8.30 am to 5pm Monday to Friday, in keeping with other GP's in Waterford. It is not intended to run evening or weekend clinics at the surgery and there will be no 24 hour service run from the practice. All doctors working at the

surgery will be members of CareDoc, meaning that when practice patients require medical attention outside of opening hours, the after hours service will be available at the Care Doc premises on the Cork Road.

- 7.2.7. I am assuming that the opening hours stated in the response ('9pm to 5.30pm') are a typographical error and the correct hours proposed are in accordance with those stated on the letter directly from Dr. Sinead Fitzpatrick in Appendix 2. I consider that the hours proposed are satisfactory in a residential area and would have no undue impact on residential amenities of neighbouring properties. I note that the planning authority granted permission for opening hours till 9.30pm in accordance with the details submitted in the Further Information Response, but I consider that this would be excessive in a predominantly residential area.
- 7.2.8. Concern is expressed by the appellants that car lights will be a source of nuisance during the hours of darkness.
- 7.2.9. I note that whilst the surgery opening hours are 8.30 to 5pm Monday to Friday, consulting hours are 9am to 11.30 am and 2pm to 4.30 pm according to Appendix 2 submitted with the appeal response and any after hours appointments will be provided at another location. As such, I do not envisage that traffic in the hours of darkness will have an undue impact on residential amenities of neighbouring properties.
- 7.2.10. Concern is also expressed in relation to the removal of mature landscaping and boundary treatment.
- 7.2.11. Condition 1(b) of the Planning Authority required that the wall and fence boundary proposals for the treatment of the north eastern and south eastern boundaries as indicated on the documentation submitted on 13th December 2021, are expressly omitted by virtue of this condition. Condition 2 required that all existing site boundaries shall be retained and strengthened by way of supplementary planting. Notwithstanding any exempted development regulations any future changes to the type of site boundary shall require a prior grant of planning permission.
- 7.2.12. The initial drawings submitted to the Planning Authority provided for supplementing the existing tree line along the site boundaries. However, item 3 (c) and (d) of the Further Information Response provided for a 1.8m high post and beam fence on the northern boundary, together with a solid block wall or composite fence of 2.9m on

the eastern boundary. The appeal response considers that the solid boundary is unnecessary and was likely omitted by the Planning Authority due to a submission from a neighbouring property which did not consent to same. I concur with this and consider that solid walls are unnecessary at this location and supplementary planting of existing boundaries is sufficient to protect residential amenities. Whilst there will be a change to existing planting due to proposed car parking and access arrangements, I do not consider that these will unduly detract from the visual or residential amenities of the area.

7.2.13. In conclusion, I consider that the proposed change of use is acceptable at this location and will not unduly detract from the residential or visual amenities of the area.

7.3. Traffic Safety

7.3.1. Concern is raised that the proposed development will cause major traffic congestion and that the appellants will have difficulty exiting their premises. Furthermore, it is considered that the revised entrance will have the potential to become an unauthorised drop off and pick up location and thus cause a traffic hazard.

7.3.2. The appeal response notes that doctors and practice nurses see an average of 4 patients an hour and there 15 minute appointments must be booked in advance. The consulting hours are 9am to 11.30am and 2pm to 4.30pm. It considers that whilst there will be a slight increase in traffic, the booking system will give an even spread of traffic. Much of this will be outside of peak hours on the Williamstown Road which are between 8am and 9am and 4.30pm and 6pm.

7.3.3. The car parking requirement set out in Table 7.1 of the Development Plan is 2 spaces per consulting room and 1 per employee. Item 2 of the Further Information response indicates that there will be a total of 5 employees. The total car parking requirement for the 3 doctors consulting room, the nurses consulting room and the staff proposed is 13 spaces. I note that a total of 20 spaces. I am satisfied that having regard to the layout, design, existing landscaping and size of the site, the overprovision of car parking can be accommodated without negatively impacting on the visual or residential amenities of the area. I consider that whilst there may be

occasional drop off and pick up at the entrance, there is more than sufficient car parking on site for the size and scale of development proposed.

- 7.3.4. Having regard to the consulting times of appointments outside of peak hours, the booking system proposed which would give an even spread of appointments throughout the day, and the low numbers of staff, in my view, the volumes of traffic proposed would have minimal impact on the residential amenities of neighbouring properties or on traffic safety in the area.

7.4. Other Matters

- 7.4.1. The appeal considers that the application is premature as Irish Water has not planned to provide a waste water service local to the site. I note that the response to the appeal states that this isn't relevant as the applicant has obtained permission from Irish Water to discharge to the existing line on the Williamstown Road. A letter from Irish Water is attached to Appendix 3 of the response in this regard. As such, I am satisfied that Irish Water can facilitate the proposed change of use of the existing building.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the proposed development and its distance 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 have read the submissions on file, visited the site, and had due regard to the provisions of the Development Plan and all other matters arising. In light of this and the assessment above, I recommend that permission be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Waterford City and County Development Plan 2022- 2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would integrate in a satisfactory manner with the existing built development in the area, would not seriously injure the residential or visual 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.

10.0 Conditions

1. 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 13th day of December 2021, 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. Water supply and drainage arrangements, including the 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.

3. Boundary treatments shall be in accordance with the details submitted to the Planning Authority dated the 9th day of August 2021. All existing site boundaries shall be retained and strengthened by way of supplementary planting.

4. The hours of operation of the medical practice shall be between 0830 and 1700 Mondays to Fridays inclusive. Any changes to these times shall be subject to a new planning application.

Reason: In the interest of clarity and residential amenity.

5. 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 commencement of development.

Reason: To ensure an appropriate standard of development.

6. Details of the type, height, lumen level, and location of all external lighting shall be submitted for the written agreement of the Planning Authority prior to commencement of development.

Reason: To ensure an appropriate standard of development and to protect the residential amenities of the area.

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 hours of working, noise management measures and off-site disposal of construction/ demolition waste.

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

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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.

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 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.

Emer Doyle
Planning Inspector

11th November 2022