



An  
Bord  
Pleanála

## Inspector's Report

### ABP-316291-23

#### Development

Change of use from residential to a medical centre including 2 consulting rooms, minor internal alterations, widening front and rear entrance doors and entrance gate and disabled entrance ramps.

#### Location

4 Main Street, Blanchardstown, Dublin 15, D15 P6CN

#### Planning Authority

Fingal County Council

#### Planning Authority Reg. Ref.

FW23A/0022

#### Applicant(s)

Richard Clinch

#### Type of Application

Permission

#### Planning Authority Decision

Refuse Permission

#### Type of Appeal

First Party

#### Appellant(s)

Richard Clinch

#### Observer(s)

Raymond Bateson.

#### Date of Site Inspection

11<sup>th</sup> June, 2023.

**Inspector**

Stephen Kay

## **1.0 Site Location and Description**

- 1.1. The appeal site is located at the eastern side of Main Street in Blanchardstown village in close proximity to the junction with Clonsilla Road at the northern end of the village. Blanchardstown Garda Station is to the north and immediately to the south the site is bounded by a laneway which provides access to the rear of the site. A car parking space within the curtilage of the site at the rear is accessed from this lane.
- 1.2. The site is occupied by a bungalow which comprises one of a terrace of four such buildings in this location. The adjoining building in the terrace to the north (No.3) is in commercial use as a therapy centre and Nos 1 and 2 appear to be in residential use. The existing building on the appeal site is vacant and is currently for let. There are additional residential properties located to the rear (east) of the site accessed via the laneway to the south, and the wider area is characterised by a mixture of residential and commercial uses including estate agents and a GP surgery (immediately to the south).
- 1.3. The section of Main Street on which the site is located is characterised by heavy traffic volumes and an absence of on street car parking. On street parking is available further to the south of the site on the southern end of Main Street.
- 1.4. The stated area of the appeal site is 0.0154 ha.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the change of use of the existing building on the site from the existing permitted residential use to use as a medical centre with two consulting rooms. Minor internal alterations are proposed and the existing front and rear entrances to the building are proposed to be widened.
- 2.2. The existing pedestrian entrance gate to the site is proposed to be widened and a new access ramp installed.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission was refused by the planning authority for a single reason relating to the availability of car parking. The reason makes reference to the location of the site at the junction of Main Street and Clonsilla Road and to the lack of in curtilage and public parking in the vicinity and concludes that the proposed development would give rise to parking demand in the vicinity and would endanger public safety by reason of a traffic hazard.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The report of the Planning Officer notes the location, zoning and other policy relevant to the site as well as the third party objection received, and interdepartmental reports received. The principle of the proposed development is considered to be acceptable in this location and consistent with the zoning objective for the site and the external alterations are also considered acceptable. Concern is expressed regarding the lack of on site and off site parking to serve the proposed medical centre use and refusal of permission consistent with the notification of decision which issued is recommended.

#### 3.2.2. Other Technical Reports

Environmental Health Air and Noise Unit – No objection subject to conditions relating to construction and operational phases.

Transportation Planning Section – Refusal of permission recommended on the basis of the lack of car parking on site and in the vicinity of the site, the location of the site adjoining a busy junction and the potential for vehicles setting down and creating a traffic hazard at this location.

### 3.3. **Prescribed Bodies**

None on file.

### 3.4. **Third Party Observations**

A third party observation received which raises concerns regarding works undertaken at the site, the impact of the proposal on existing parking and vehicular access and lack of adequate parking and the unsuitability of the premises for the proposed use.

## 4.0 **Planning History**

### ***Appeal Site***

The following planning history is referenced in the report of the Planning Officer:

Fingal County Council Ref. F19A/0159 – Permission granted by the planning authority for change of use of the building on the appeal site from residential to office use including minor internal alterations , increased width of the front and rear entrance doors and widening of the existing pedestrian access and installation of an access ramp. These external works are identical to those proposed in the application the subject of this appeal.

### ***Other Relevant History***

In addition to the above, the first party appeal cited a number of other precedent planning history cases as follows:

Fingal County Council Ref. F05A/0726 – Permission granted for a counselling centre at No.3 The Rise Main Street, immediately to the north of the current appeal site.

Permission granted for a doctors surgery with 2 consulting rooms at Marian House on a site immediately to the south of the current appeal site. Stated that 3 no. parking spaces provided when the development plan required 4.

Permission granted for change of use from retail to dental clinic in a ground floor unit at the junction of Main Street and Church Avenue. Stated that permission granted with no parking provision.

## 5.0 Policy Context

### 5.1. Development Plan

The relevant development plan is the *Fingal County Development Plan, 2023-2029* which came into effect on 5<sup>th</sup> April, 2023. The attention of the board is drawn to the fact that the assessment of the planning authority and the first party appeal both make reference to the previous plan (*Fingal County Development Plan, 2017-2023*).

The appeal site is zoned **Objective TC Town Centre** under the provisions of the *Fingal County Development Plan, 2023-2029* with the stated objective ‘*to protect and enhance the special physical and social character of town and district centres and provide and / or improve urban facilities*’.

#### **Objective DMSO6** – Change of Use in Urban and Village Centres

‘*Assess planning applications for change of uses in all urban and village centres on their positive contribution to diversification of the area together with their cumulative effects on traffic, heritage, environment, parking and local residential amenity.*’

#### **Parking Standards / Policy**

The appeal site is located in Zone 1 as identified in Table 14.18 of the Plan and Table 14.19 identifies that the standard for ‘*Clinics, Group Medical Practices*’ is 1 space per consulting room (maximum) where maximum refers to the maximum number of spaces allowed.

**Paragraph 14.17.8** states that ‘a reduced car parking provision may be acceptable where the council is satisfied that good public transport links are already available or planned....’ and also that ‘*these requirements do not apply to development located in town centres identified in this plan where the development involves the re use/refurbishment of an existing occupied or vacant building, any change of use or where small-scale infill developments (including residential) are proposed.*’

### 5.2. Natural Heritage Designations

None in close proximity to the appeal site.

### 5.3. EIA Screening

The proposed development is not of a class for the purposes of EIA.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The following is a summary of the main issues raised in the first party appeal received by the Board:

- That the site is subject of a town centre zoning objective.
- That development comprising a counselling centre was permitted at No.3 immediately to the north of the appeal site under Ref. F05A/0726. Noted that this permission was granted on the basis of only 1 parking space and no use of the lane to the rear for parking / access.
- Noted that the appeal site was previously granted permission under Ref. FW19A/0159 for change of use from residential to office and with only a single car parking space proposed when the development plan required 3 no. spaces.
- That permission was granted for a doctors surgery at Marian House to the south of the appeal site on Main street with 3 no. parking spaces when 4 were required under the development plan.
- That permission was granted for a change of use from retail to dental clinic at a retail unit at junction of Main Street and Church Avenue with no parking provision (Ref. F98/0481). A financial contribution in lieu of parking was required.
- That Objective DM113 of the Plan notes that plot sizes in town centres are often small, that parking within the site cannot always be provided and where pay and display parking is in operation parking can be accommodated on street. Submitted that the appeal site and proposed development meets the

requirements of this policy being small, in a town centre and having pay and display parking within 150 metres.

- That the appeal site is located on a QBC with a bus stop approximately 140 metres away.
- Submitted that there are a number of locations where there is safe vehicle set down in proximity to the site. These are shown on Drg 23.03-12 and 23.03-13 submitted with the appeal. These locations comprise Area 1 - The junction at the northern end of the terrace of which the appeal site forms part, Area 2 – the corner site to the north west of the appeal site at the junction of Main Street and Clonsilla Road, and Area 3 being a site c.135 metres to the south of the appeal site on the same side of Main Street. The submitted drawings also indicate areas of public car parking in the vicinity of the site.
- Photographs of the proposed set down locations are included with the appeal.

## 6.2. Planning Authority Response

The response received from the planning authority has no further comment to make and requests that its decision is upheld.

## 6.3. Observations

An observation has been received from a resident of Corduff Cottages off Main Street. The main issues raised in this submission can be summarised as follows:

- Notes that permission was granted in 2019 for change of use from residential to office use and that works on foot of this permission were undertaken. Clarity on the existing use of the site is sought.
- Noted that there is no indication of agreement of the third party land owners to the two set down locations identified by the first party.



- That the identified parking areas (2 no.) are not suitable for the use proposed. One of the proposed spaces is an access to laneway that is an access to the observers property.
- That the existing on street spaces have a high level of usage and low turnover of spaces. Parking on the pavement is common.
- That the proposed medical centre use is objected to as is the proposed security grille on the back door and window to the property.

## 7.0 Assessment

7.1. The following are considered to be the main issues in the assessment of this appeal:

- Principle of the Proposed Development
- Site Access and Parking
- Appropriate Assessment

### 7.2. Principle of the Proposed Development

- 7.2.1. The appeal site is located on lands zoned Objective TC Town Centre under the provisions of the *Fingal County Development Plan, 2023-2029* with the stated objective '*to protect and enhance the special physical and social character of town and district centres and provide and / or improve urban facilities*'. The proposed use of the existing building on the site as a medical centre is not specifically listed in the use classes referenced in Chapter 13 of the Plan, however 'Health Practitioner' is identified as a Permitted in Principle use on lands zoned Objective TC. I therefore consider that the proposed use is consistent with the zoning objective of the site as well as being consistent with the stated objective for Town Centre lands.
- 7.2.2. The external alterations proposed to the existing building on the site are minor in nature and in my opinion are not such as would have a significant negative impact on the visual amenity of the area. Similarly, I do not consider that the proposed development would be such as to have any significant adverse impact on residential

amenity given the nature of the proposed use, the absence of onsite parking and the separation to the closest residential properties.

- 7.2.3. I note the comments in the third party observation received regarding the existing planning status of the building on the site. The current application is for a change of use from residential use and there is nothing on the appeal file or that I observed during my site inspection that indicates that the most recent use of the site was not residential. The building appears to be unoccupied, and a sign indicates that it is currently to let.
- 7.2.4. In view of the above I therefore consider that the proposed development is consistent with the provisions of Objective DMSO6 of the plan regarding changes of use in urban and village centres, and that the main issue for assessment in this case relates to site access and parking as identified in the reason for refusal cited in the Notification of Decision issued by the Planning Authority. This issue is addressed in detail in the section below.

### **7.3. Site Access and Parking**

- 7.3.1. The appeal site is located at the northern end of Main Street in immediate proximity to the junction with Clonsilla Road. The area is characterised by a high volume of traffic and traffic turning movements in the vicinity of the site. A single parking space is proposed to be provided on the site accessed from the laneway running to the south and east, and no on street parking is available within close proximity of the site. The closest significant area of on street parking is located in the vicinity of the junction of Main Street and Tolka View c.300 metres to the south east of the appeal site. I note and agree with the assessment of the Planning Authority that the on site parking space to the rear is not suitable for visitors given the restricted width of the lane and its use by surrounding properties, however it could accommodate staff parking.
- 7.3.2. The appeal site is located in Zone 1 as identified in Table 14.18 of the Plan and Table 14.19 identifies that the standard for 'Clinics, Group Medical Practices' is 1 space per consulting room (maximum). The proposed development therefore requires up to a maximum of 2 no. spaces. I note the fact that the site is located within a town centre location where there is good access to public transport including

a QBC. Paragraph 14.17.8 states that '*a reduced car parking provision may be acceptable where the council is satisfied that good public transport links are already available or planned....*'. I also note that Paragraph 14.17.8 of the plan indicates that the parking requirements so not apply in certain circumstances, including in town centres where a change of use is proposed. Finally, I note the fact that the parking standard specified in the plan for Zone 1 which includes the appeal site) clearly indicates that the specified standards are maximums. Having regard to the above issues, and to the relatively limited scale of the proposed health centre use comprising two consulting rooms, I do not have an objection in principle to the proposed change of use due to a lack of on street car parking provision.

7.3.3. As detailed in the report of the Transportation Planning Section on file, the main concern leading to the refusal of permission relates to the lack of available on street parking and the road layout in the vicinity of the site which means that vehicular drop offs could lead to the creation of a traffic hazard. From an examination of the site I would share these concerns. Specifically, the site fronts onto the junction between Main Street and the Clonsilla Road which is characterised by significant traffic volumes. Vehicles stopping to drop off patients at this location would in my opinion potentially lead to the creation of a traffic hazard. I also note the fact that Main Street in the vicinity of the site does not have any on street parking with the closest on street parking bays being located c.300 metres to the south in the vicinity of the junction of Main Street and Tolka View. Any informal parking in the vicinity of the site would in my opinion lead to the creation of a hazard due to the restricted width of the road and the significant traffic volumes. .

7.3.4. It is noted that the first party appeal makes reference to a number of precedent cases where it is contended that similar forms of development have been permitted with reduced or no parking provision. The sites identified are detailed in Sections 4.0 and 6.1 of this report above and include the adjoining site / building to the south (Marian House), a premises at the junction of MAIN Street and Church Avenue and to the immediate north in the same terrace (F05A/0726). From an examination of these sites I do not consider that they are directly comparable to the appeal site. Specifically, the site immediately to the south at Marian House currently in use as a GP surgery did provide 3 no. spaces which is only slightly less than the development plan requirement of 4 no. spaces. Similarly, the premises in the vicinity of Church

Avenue is located in close proximity to on street parking and is not located adjacent to a busy junction as is the case with the appeal site. I acknowledge that permission was previously granted by the Planning Authority under Ref. F19A/0159 for the change of use of the building on the appeal site from residential to office use, however I consider that the parking demand and turnover of parking spaces would be significantly greater for the proposed medical centre use than would be the case for office therefore resulting in a greater potential traffic hazard.

7.3.5. The first party appeal identifies a number of locations where it is contended that safe vehicle set down would be available in proximity to the site. These are shown on Drg. 23.03-12 and 23.03-13 submitted with the appeal. These locations comprise Area 1 - The junction at the northern end of the terrace of which the appeal site forms part, Area 2 – the corner site to the north west of the appeal site at the junction of Main Street and Clonsilla Road, and Area 3 being a site c.135 metres to the south of the appeal site on the same side of Main Street. Photographs of these locations are attached with the first party appeal and this report. With regard to Areas 2 and 3, while both of these locations provide an opportunity for parking or set down, I note and agree with the third party observer that these sites are private commercial premises / car parks and there is no indication that the consent of the owners of these sites has been obtained. From my inspection of the site, I consider that access to Area 1 would also potentially conflict with traffic at the Main Street / Clonsilla Road junction as well as potentially obstructing access to third party residential properties which currently have access in this location.

7.3.6. In conclusion, I consider that the principle of the proposed change of use is appropriate for a town centre location such as the appeal site and that given its town centre location and availability of public transport there would not normally be an objection to the proposed use not being served by on street parking. However, the specific location of the appeal site adjacent to a busy junction and at the northern end of the village where there are very limited options for on street parking is such that to permit the proposed development would give rise to a risk of haphazard traffic movements and pedestrian set down which would conflict with the traffic flows in the area and lead to the creation of a traffic hazard.

## 7.4. **Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the proposed development 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. Having regard to the above, I recommend that permission be refused based on the following reasons and considerations:

## 9.0 **Reasons and Considerations**

1. Having regard to the nature of the proposed medical centre use and the likely parking demand generated by this use, to the lack of on site parking proposed and limited available of parking in close proximity to the site and to the location of the site adjoining a junction characterised by significant traffic flows, it is considered that the proposed development would lead to a demand for parking and pedestrian set down that cannot be safely met in this location. The proposed development would therefore endanger public safety by reason of a traffic hazard and be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Stephen Kay  
Planning Inspector

12<sup>th</sup> June, 2023