



An
Bord
Pleanála

Inspector's Report ABP-320124-24

Development	<i>Change of Use of Unit 206 from office accommodation to medical centre/health clinic</i>		
Location	<i>Unit 206, Q House Sandyford, 76 Furze Road, Sandyford Industrial Estate, Dublin 18, D18 H9A0</i>		
Planning Authority Ref.	<i>D24B/0267/WEB</i>		
Applicant(s)	<i>Paul Scannell</i>		
Type of Application	<i>Permission</i>	PA Decision	<i>Refuse Permission.</i>
Type of Appeal	<i>First</i>	Appellant	<i>Paul Scannell</i>
Observer(s)	<i>None</i>		
Date of Site Inspection	<i>25/09/2024</i>	Inspector	<i>Andrew Hersey</i>

Context

1. Site Location/ and Description. The site comprises of a unit within a 6 storey office building on Furze Road, Sandyford, Industrial Estate, Dublin 18 known as Q House. The unit in question is on the north east corner of the building on the second floor.

The Beacon Hospital is located to the west and is an 8 minute walk away. The Sandyford Luas stop is located 17 minute walk away to the north east.

2. Description of development. The proposed development comprises of

- Permission for a change of use from office accommodation to medical centre/health clinic

The floorspace of the said unit as stated in the application form is 244.3sq.m.

3. Planning History.

on site

- Planning Reg. Ref. D08A/0608 - Planning permission granted on the 18th July 2008 for a material change of use from office use to medical / health / clinic
- Planning Reg. Ref. DO5A/1408 - Planning permission granted on the 26th of January 2006 for the development of two interconnected six storey office buildings totalling 10,069 sqm. including 190 sqm. of roof top lift plant areas; the construction of a 80 no. space basement car park spaces (including 3 no. disabled spaces) and the provision of 97 no. car parking spaces (including 4 no. disabled spaces) at ground floor level the formation of a new vehicular access onto Furze Road and all other site development works above and below ground including a 9 sqm. standalone kiosk at first floor deck level, storage and ancillary accommodation required to facilitate the development on a site of 4277.5 sqm.

Adjacent

- Planning Reg. Ref. D08A/0647 (Unit 101) granted permission for change of use from office to medical/health use

4. National/Regional/Local Planning Policy

- Dun Laoghaire Rathdown County Development Plan 2022-2028 is the statutory development plan in the area where the proposed development site is located.
- Within the plan the site is subject to zoning objective LIW- *'To improve and provide for low density warehousing-light industrial warehousing uses.'*

- Section 13.1.8: Sandyford Urban Framework Plan states that ‘The Sandyford Urban Framework Plan was adopted by way of a variation to the County Development Plan 2010 – 2016 in September 2011. The Plan was prepared in response to the fact that development in Sandyford had occurred at an unprecedented pace and in a piecemeal fashion (Refer also to Appendix 16). Within the Sandyford Business District there are uses that do not conform to the Zoning Objectives of the area. The Council will support the expansion and/or improvement of existing non-conforming uses that are not considered likely to impact negatively on the development potential of adjoining sites or the overall objectives of the underlying zoning in accordance with the policies and objectives as set out in the Sandyford Urban Framework Plan

5. Natural Heritage Designations

The nearest designated site is

- The South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) which is located 4.4km to the north east of the site

Development, Decision and Grounds of Appeal

6. PA Decision. Permission refused on 12th June 2024 for the following reason:

1. The proposed medical centre/health clinic use is not listed in Table 13.1.16 of the Development Plan 2022-2028 as ‘permitted in principle’ or ‘open to consideration’ on lands with zoning objective LIW ‘To improve and provide for low density warehousing uses’ Therefore the proposed change of use cannot be permitted within the LIW zoning objective for the site which it materially contravenes and this is contrary to the proper planning and sustainable development of the area.

7. Submissions

None received

8. Internal Reports

- EHO (24th May 2024) – no objection subject to conditions

- Environmental Enforcement (dated 28th May 2024 - no objection subject to conditions

9. First Party Appeal.

A first party appeal was lodged by Manahan Planners obo Paul Scannell, on the 9th July 2024. The appeal in summary states;

- That permission has been granted previously for a medical facility in this same unit but the permission has since expired.
- Section 13.1.8 of the development plan acknowledges that there are many non-conforming uses in the Sandyford Business Park and that the council will support the improvement of non-conforming uses
- Unit 206 has been vacant now for over a year and there is a high vacancy rate in Q House
- The Sandyford Urban Framework Plan 2022-2028 acknowledges the need for more flexible commercial uses in Zone 4.
- The site is easily accessible by public transport (Luas is a 5 minute walk away) and is easily accessible by car.
- Within Q House itself, units 509 and 510 contain a medical clinic as permitted in 2009 under Planning Reg. Ref. D09A/0679
- Within a short walk of Q House, there are further medical tenants that have based themselves near the Beacon Hospital, they include the Beacon Dental Clinic, Beacon Consultants Clinic, Wellington Eye Clinic and Medix Clinic
- While the site is zoned for light industrial warehousing, there are no warehouses on the road - most of the buildings along the road are business premises.

11. Planning Authorities Response

A response was received by the Planning Authority on the 22nd July 2024. The response refers to the previous Planners Report on file and that the appeal does not raise any further material that would justify a change of attitude to the proposed development.

Environmental Screening

12. EIA Screening

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity 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.

13. AA Screening

Having regard to the modest nature and scale of development, its location in an urban area, connection to existing services and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

2.0 Assessment

2.1. Introduction

2.1.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.

2.1.2. I am satisfied the substantive issues arising from the grounds of this first party Appeal relate to the following matters-

- Principle of Development
- Other Issues

2.2. Principle of Development

2.2.1. The proposed development site is located within an area designated with zoning objective LIW, in the Dun Laoghaire Rathdown County Development Plan 2022-2028. Zoning objective LIW seeks *'To improve and provide for low density warehousing-light industrial warehousing uses.'*

2.2.2. The proposed development is for a change of office use to a medical use.

- 2.2.3. It is noted from Table 13.1.6 of the development plan that a medical facility is neither permitted in principle or open for consideration within this land use zoning.
- 2.2.4. The case planner therefore refused permission for the said development on the basis that the proposal contravened the zoning objective for the site.
- 2.2.5. Q-House, where the unit is located is made up of numerous own door commercial units including existing medical facilities e.g. units 509 and 510 (the Vein Clinic) and a dentist in unit 402
- 2.2.6. Other units include for other commercial and financial businesses, and public bodies (OPW). None of these existing uses conform with the land use zoning objective for the site.
- 2.2.7. I note that permission was granted for a change of use to a medical facility in the unit subject of this appeal under Planning Reg. Ref. D08A/0608. This permission was never enacted
- 2.2.8. The parent permission for the building as permitted under Planning Reg. Ref. DO5A/1408 is for office use.
- 2.2.9. Office use is not a permitted use under the current zoning objective for the site under the current Dun Laoghaire Rathdown County Development Plan 2022-2028.
- 2.2.10. So the existing use on site does not conform with the zoning objective nor does many of the uses within the building itself. The proposal is for a change of use of one of the units within the building. Any change of use of any of the existing units within the office complex will not impact upon the development potential of adjoining sites nor would I consider that any change of use of individual units would compromise the overall zoning objective for the area.
- 2.2.11. Section 13.1.8 of the plan states;

Within the Sandyford Business District there are uses that do not conform to the Zoning Objectives of the area. The Council will support the expansion and/or improvement of existing non-conforming uses that are not considered likely to impact negatively on the development potential of adjoining sites or the overall objectives of the underlying zoning in accordance with the policies and objectives as set out in the Sandyford Urban Framework Plan'

2.2.12. Having regard to the fact that there are numerous non-conforming uses within Q House including medical facilities, and having regard to the fact that the statutory plan for the area, under Section 13.1.8, supports the *‘expansion of existing non-conforming uses that are not likely to impact negatively on the development potential of adjoining sites or the overall objectives of the underlying zoning’*, I would consider that the proposed change of use can be facilitated and not contravene the plan nor the zoning objective.

2.3. Other Issues

2.3.1. It is stated in the case planners report that parking requirements for the existing use, the office use, would be 2 spaces i.e. 1 space per 100sq.m. (Floorspace of office is 244sq.m.) The case planner also states that a medical facility requires 2 spaces per consultation room. The proposed floorplan shows for 2 consultation rooms and therefore 4 spaces are required. This is in line with the Car Parking Standards as set out under Table 12.5 of the statutory plan serving the area. On this basis, there is a shortfall of 2 spaces.

2.3.2. The appeal submitted states that there are 6 spaces available to serve the unit though it is not clear from the appeal as to where these are located. I note that there is a car park located to the rear of the office building and at basement level (177spaces in total).

2.3.3. The appeal states that there are 139 bicycle parking spaces on site which is sufficient to serve the proposed development and other units within the building.

2.3.4. While there is a shortfall of two car parking spaces, I note, as stated previously that this was not included in the reason for refusal.

2.3.5. The plan in general, stipulates that car parking and in particular destination car parking is minimised especially in areas close to public transport. I note in this respect that there is Luas stop within a 13 minute walk and there is also a bus stop located at the junction of Furze Road and Blackthorn Road to the north of the site.

2.3.6. I further note that there is no facility to charge for the shortfall in parking in the current Development Contribution Scheme serving the area.

- 2.3.7. With respect to the above and having regard to its location close to public transport, it is considered that the shortfall of car parking is considered acceptable at this location.
- 2.3.8. No development contributions are required as there is no increase in commercial floorspace.

3.0 Recommendation

- 3.1. I recommend that permission for the proposed change of use development is granted.

4.0 Reasons & Considerations

- 4.1. Having regard to
- the information submitted with the application
 - the existing office use of the unit subject to the proposed change of use,
 - its proximate location to other medical facilities
 - its proximate location to frequent public transport
 - the LIW zoning objective and
 - Section 13.1.8 of the Dun Laoighre Rathdown County Development Plan 2022-2028 which seeks to expand and improve non-conforming land uses

it is considered that, subject to compliance with the conditions set out below, the proposed change of use to a medical use would not materially contravene the zoning objective for the site as set out in the Dun Laoighre Rathdown County Development Plan 2022 – 2028 and therefore, would be in accordance with the proper planning and sustainable development of the area.

5.0 Conditions

1.	The development shall be carried out 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
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	<p>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>No signage shall be permitted on the exterior of the building</p> <p>Reason: In the interests of visual amenity</p>
3	<p>Clinical waste shall be stored separately and shall be collected by a registered specialist contractor. Any such storage facilities must be pest proof and secure, the area should be located so that it does not cause nuisance by way of smell, noise or attraction of vermin or animals to any area.</p> <p>Reason: In order to safeguard the health, safety and amenities of properties and owners in the vicinity.</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Monday to Fridays, between 0800 and 1400 hours on Saturday 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>Reason: To safeguard the residential amenities of adjoining property in the vicinity</p>

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.

Andrew Hersey

Planning Inspector

27th September 2024