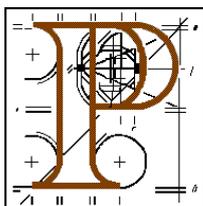


An Bord Pleanála



Inspector's Report

Development: Permission for construction of a new primary health centre, part four storey and part three storey; total floor area 2,918sq.m. comprising: a primary care team, community facilities and GP's surgery, external works include a new exit to Castle Road; pedestrian access points from Castle Road and Shopping Centre carpark area; a vehicular drop off area at the main building entrance facing Castle Road and alterations to existing surface car parking spaces, road layout and road improvements, 40 cycle spaces, landscaping and all other ancillary works within the curtilage of a protected structure.

Site Address: Corner of Ballyowen Lane and Castle Road, Ballyowen Shopping centre, Lucan, Co. Dublin

Planning Application

Planning Authority: South Dublin County Council
Planning Authority Reg. Ref.: 15A/0020
Applicant: Ballyowen Castle Primary Care Centre Ltd.
Type of Application: Permission
Planning Authority Decision: Refuse Permission

Planning Appeal

Appellant: Ballyowen Castle Primary Care Centre Ltd.
Type of Appeal: First Party V Refusal
Observers: None
Date of Site Inspection: 1st and 6th March 2016

Inspector: **Joanna Kelly**

Appendices: Site Location Map and Photographs and Site key plan

1.0 INTRODUCTION

This appeal is a first party appeal against the decision of South Dublin County Council to refuse permission for a primary health care centres at Ballyowen Shopping Centre.

2.0 SITE DESCRIPTION

2.1 The appeal site, which has a stated site area of 0.2126 hectares is located within the car park area associated with Ballyowen Shopping Centre, located approx. 1.5km from the N4 in South Dublin. The site is accessible via the Ballyowen Road (R-136) off the N4 and then entry to the shopping centre is from the Castle Road.

2.2 The general area is characterised by low rise development. The site is currently a public car park that serves the Ballyowen Shopping Centre. There is an existing bring bank at this location. There are two storey residential uses to the east of the appeal site (Colthurst residential area) and there are commercial uses to the north and east. It was noted that there are two medical centres in close proximity to the site. Commercial uses include Lidl, public house, restaurant/takeaway, gym, hairdresser's, pharmacy, Eurospar. Abbeyfield Court and Abbeywood Way, residential areas are located south of the site on the opposite side of Castle Road from which the shopping centre is accessed.

2.3 The road network is generally quite busy in the immediate area and typical of an urban location. The entrance off Castle road to the shopping centre is also the main entrance serving other commercial uses. The Board should note that documentation on file refers to this internal road as Ballyowen Lane. The development of commercial and other uses would appear to have occurred quite haphazardly with each use characterised by its own surface parking area. The main junctions are signalised and the main entrance to the site is in close proximity to the R-136 junction. There is an existing pedestrian entrance from Castle Road to the shopping centre car park at the location where the structure is proposed.

2.4 I note that the existing stone structure within the grounds of Ballyowen shopping centre, is a protected structure referred to in documentation as Ballyowen Castle. There is an existing solicitor's office within this former fortified castle/house. The appeal site does not encroach on this structure.

3.0 DESCRIPTION OF PROPOSED DEVELOPMENT

3.1 The original public notices indicate that the applicant is seeking permission for construction of a new primary health centre, part four storey and part three storey; total floor area 2,918sq.m. comprising: a primary care team, community facilities and GP's surgery, external works include a new exit to

Castle Road; pedestrian access points from Castle Road and Shopping Centre carpark area; a vehicular drop off area at the main building entrance facing Castle Road and alterations to existing surface car parking spaces, road layout and road improvements, 40 cycle spaces, landscaping and all other ancillary works within the curtilage of a protected structure.

- 3.2 The applicant has submitted revised plans with the appeal documentation so as to address the concerns about overall height and scale of development. These plans are referred to within the assessment section of this report.

4.0 **TECHNICAL REPORTS**

4.1 Planning report:

Planning report dated 19/03/2015 notes the appeal site is zoned 'LC' – 'to protect, provide for and/or improve local centre facilities'. A number of submissions were noted on the file which raised concerns about overdevelopment, car-parking, traffic congestion and overshadowing. Letters of support were also noted. It is noted that concerns were raised during pre-planning discussions about the overall height of proposal. The proposal was not considered to have an impact on the protected structure, Ballyowen Castle, located 50m to the south. It was recommended that further information be sought regarding overshadowing; detail regarding architectural design; TIA using OSCADY/LinSig; parking; and service details.

Report 5th November 2015 sets out that the concerns regarding over development was not addressed. Concerns regarding parking and use of traffic counts from 2012 remain and it was recommended that permission be refused for 5 no. reasons.

4.2 Water Services

Report dated 04/3/2015 sets out that further information is required regarding minimum building set back from buildings to be 3m from existing 225mm diameter sewer.

Report 2nd November 2015 sets out they have no objection subject to conditions.

4.3 Environment Health Officer

Proposal is acceptable subject to conditions.

4.4 Roads Department

Report dated the 28th Jan 2015 sets out that applicant has not addressed the parking requirement of the proposed development. The applicant must include for the parking needs of the existing shopping centre/health centre. The parking management strategy should include arrangements for staff parking and consideration of adjacent parking in the area.

It is acknowledged that the applicant modelled the junctions with and without the proposed development which indicates that the development would exacerbate the existing congestion problem along Castle Road westbound and at the shopping centre egress. The applicant revised the model with the amendments and the congestion problems are markedly reduced. The applicant is to re-submit the traffic impact assessment using OSCADY/Linsig and using up to date traffic counts. With regard to the new one-way egress on to Castle Road the applicant should submit a layout showing how traffic will be prevented from right turning.

Report dated 22nd Sep 2015 indicates that the applicant has shown maximum degree of saturation with the development in place. It is set out that consultants have indicated that the proposed improvements to the existing signal phasing will decrease this however the proposed mitigation is already in place. It is set out that having regard to the 'do nothing' scenario that the addition of the proposed road improvements will significantly increase capacity on the immediate surrounding network. The applicant should have undertaken new traffic counts. There is deficiency of 60 spaces with a 20% discount. The roads department recommended a refusal due to the lack of parking and problems it would create.

Prescribed Bodies

An Taisce

It is not possible to determine if the proposed development would have an impact on the Ballyowen Castle, a protected structure.

Irish Water

Further information required regarding details of a 150mm diameter water-main for the proposed development located at least 3m from the proposed building. Existing water-main on the eastern side of the proposed development to be shown.

Report 6th November 2015 sets out no objection subject to conditions.

Section 131 notices were issued to the Development Apps Unit, Fáilte Ireland, An Chomhairle Ealaíon. No responses received.

5.0 PLANNING AUTHORITYS DECISION

The Planning Authority refused permission for the proposed development as follows:

1. The Planning Authority is not satisfied that the proposed development, by reason of its height, its proximity to existing adjacent houses and its substandard car parking provision would **constitute overdevelopment** of the site. The proposal would therefore **materially contravene the zoning objective for the area**, as contained in the South Dublin County Development Plan 2010-2016, which is to protect, provide for and/or improve local centre facilities' and would therefore be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the proposed development within the busy Ballyowen shopping centre and to the objectives of the planning authority set out in the South Dublin County Development Plan 2010-2016 it is considered that the proposed development would have a **substantial shortfall in car parking provision** which would result in significant on-street parking. This would, in turn, **create traffic congestion and obstruction of road users** within the area. The proposed development would therefore endanger public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.
3. The planning authority is not satisfied given the evidence submitted as additional information that the proposed development, by reason of its height and proximity to adjacent residential properties, would not result in an **overbearing impact** on these properties **and would cause overshadowing** of rear gardens. The proposal would therefore seriously compromise residential amenity and would be contrary to the proper planning and sustainable development of the area.
4. The proposed development would set an **undesirable precedent** for other similar developments, which would in themselves, and cumulatively **seriously injure the visual amenities** of the area and of property in the vicinity and be contrary to the proper planning and sustainable development of the area.
5. The Planning Authority is not satisfied that **the use of 2012 date in the traffic impact assessment** submitted as additional information **provides an adequate basis for the assessment** of the proposed development.

6.0 APPEAL GROUNDS

6.1 The First Party grounds of appeal are summarised as follows:-

- It is submitted that the Planning Authority has erred in their interpretation of the qualities and impacts of the scheme in terms of proper planning and sustainable development. It is submitted that the use is acceptable in principle and does not amount to a material contravention.
- With regard to the refusal for material contravention, the applicant submits that the primary health care programme is a primary strategic aim of the government. It is set out that the definition of car parking standards for a primary care centre is not set out. Specific reference is made to the provision of section 28 of the Act and the Urban Design Guidelines which encourages the provision of enough car parking spaces to avoid informal parking by management measures. The basis of government policy is to encourage the co-location of Primary care centres in locations where there are a mix of other uses in an area that is surrounded by a local residential population. It is submitted that there are irrevocable grounds for the Board not to be precluded from both considering and granting permission by virtue of paragraph (b) (ii) (iii) and (iv) of section 37 (2) of the 2000 Act.
- It is submitted that a number of revisions have been undertaken to the scheme that are set out in this appeal. Revised floor plans and elevations that deal with the reasons for refusal are submitted with the appeal. A shadow analysis and a technical note on the car parking and traffic related issues accompany this appeal.
- The scale of the proposed development has been reduced from three to two storey along its eastern wing adjacent to the closest houses on Colthurst Road. The reduction in scale has reduced the impact on neighbouring residential properties to the east to an acceptable level. The car parking requirement of the overall development has been addressed through the reduction in scale. The capacity of the other car parks within the overall development site have significant capacity at peak times at which the primary health care centre, shopping centre and their associated car park will be in operation.
- It is submitted that the revised scheme has materially altered the relationship of the proposal so that it fully respects the amenity of the neighbouring residential properties to the east.
- The applicant submits that ignoring dual usage and the fact that the primary care centre will not at any time operate at its maximum capacity the car parking requirement of the proposal is 185 car parking spaces. Allowing a 20% reduction in accordance with the development plan and as seemed

appropriate for this site by the planning authority in their assessment of the application reduces the maximum car parking requirement to only 148 spaces. The proposal will provide 135 spaces. It is set out that the shopping centre also includes other restaurants and take-aways that will predominantly operate, particularly the restaurant, during the evening hours when the shopping centre is predominantly closed or working at lower capacity. These restaurant and café uses generate a car parking requirement under the county development plan of 41 spaces.

- With regard to reason no. 1 for refusal it is submitted that the proposal does not represent a material contravention. The proposed reduction will ensure that the height is appropriate and will have no adverse impacts on adjacent houses. An appropriate level of car parking is proposed.
- With regard to reason no. 2 it is submitted that there will not be any shortfall in car parking provision. Reference is made to the further information submission made by O'Connor Sutton Cronin in which works were outlined as occurring both at the entrance / exits to the site and along Castle Road. A concern of the roads section of the planning authority was that the width of the exit at 4m would continue to facilitate right turning vehicles. It is requested that this exit road be narrowed to 3.5m or whatever is considered appropriate and that the design of the exit be subject to agreement with the planning authority prior to commencement of development. This will ensure traffic exits the development to the nearby roundabout to the east before turning. There will only be a single entrance off the access road serving all four developments that will include a boxed yellow junction to facilitate entry into the development and avoid queuing.
- The roads section also expressed concerns over the fact that the proposal will run over the existing pathway to the south. It is proposed to realign the pathway along the southern extent of the site. Deliveries to the retail units will occur from the southern extent of the car park before 10am. It is envisaged that no more than one delivery per day will occur. Any deliveries to the PCC will follow this pattern.
- The applicant is willing to agree details of the car parking management plan in writing with the planning authority.
- With regard to reason no. 3 the Board are referred to the revised scale and height of the proposal that has fully addressed the council's concerns in terms of the impact of the proposal on the adjacent properties on Colthurst Road. The proposal has been reduced from three to two-storey across the entire eastern length. The impact of this will ensure that the proposal will not compromise in any meaningful way the residential amenity of the nearest residential properties.

- A shadow analysis has been undertaken as part of the appeal submission. The shadow analysis shows that at the key dates of the Spring and Autumn equinox the level of additional shadowing to the rear of no. 18 Colthurst Road which would be the only property affected in any way by the proposal. The rear garden will continue to receive a significant level of sunshine throughout the day fully in accordance with the BRE guidance document.
- With regard to reason no. 4 it is submitted that there are no grounds for this reason for refusal. The high quality design of the proposal is wholly appropriate and will provide a focal point for the entrance into the various commercial activities of the overall site. It will not set an undesirable precedent.
- With regard to reason no. 5 for refusal it is submitted that there are no grounds for this reason for refusal. The Board is referred to the accompanying report undertaken by O'Connor Sutton Cronin that clearly demonstrates the robustness of the use of 2012 figures. There has been no change in the land use structure of the commercial land, surrounding lands in the immediate and wider local area has not altered significantly to impact traffic flows since the undertaking of the survey in 2012. NRA data indicates that traffic levels have decreased during this time and the use of the 2012 figures based on medium growth rate provides a highly robust basis for assessment of the traffic impact of the proposal. Supporting documentation has been submitted from O'Connor Sutton Cronin which is referred to in the assessment section of this report.
- In conclusion, it is submitted that the revised plans clearly overcome the reasons for refusal as cited by the planning authority. It is requested that the Board overturn the decision of the planning authority and grant permission for the proposed development as now amended.

7.0 RESPONSES

7.1 Planning Authority

The planning authority confirms its decision. The issues raised in the appeal have been covered in the planner's report.

8.0 OBSERVER

Cllr. William Lavelle

The contents of this submission as summarised as follows:

- The failure to carry out up to date traffic survey which would reflect the substantial growth in traffic volumes locally since 2012 completely undermines

and invalidates all subsequent traffic impact calculations based on this irrelevant out dated data.

- Castle Road junctions with Abbeywood, Ballyowen Castle, and Grangecastle Road are currently the subject of repeated complaints of chronic congestion.
- The loss of 46 car parking spaces would undermine both the existing commercial activity in the area as well as the viability of the proposed new development.
- The proposed development would materially change the character of the area as the building would be visible from approach roads, particularly Castle Road to the east. It is submitted that the redesigned scheme does not address these concerns.
- With regard to the policy on primary care provision, the policy objective does not provide any basis for ignoring the principles of sustainable and orderly planning and development which this application fails to meet.
- Reference is made to the nature of the primary health care facility and a letter received from the HSE which stated that “it is anticipated that HSE primary care service currently based in Rosse Court and in the health centre Lucan Village will relocate to the new facility at Ballyowen Castle”. This suggests that the proposed 4-storey building is not solely to provide for the expansion of new primary care services but to relocate existing services.
- The existing area is adequately serviced by health care services. The residential population in the Lucan village and Lucan Road areas including the large catchment of older residents, would be adversely affected by proposed closure of the existing health centre in Lucan village as they would not have the option of a direct bus link to the site, thus undermining the argument of the appellant that the revised proposal will help to reduce the demand for travel by car.
- It is requested that permission be refused.

9.0 PLANNING HISTORY

File Ref No. S01A/0474 Permission granted for new pedestrian entrance to Ballyowen Shopping Centre.

Site located opposite Ballyowen Castle Shopping Centre

File ref No. S01A/0075 Permission granted to Ballymore Properties Ltd. for a Mixed Use Development including three no. two storey buildings comprising: a) a discount food store at ground floor level totalling 1612 m2 and independently accesses leisure facility at first floor level totalling 1662 m2, with 126 associated car parking spaces and associated signage; b) a creche at ground floor level totalling 404 m2 and independently accessed local service offices at first floor level totalling 452 m2 with 21 associated car parking spaces; c) community facility building 467.2 m2; Relocation of building within original site boundaries, revised car parking layout, landscaping and boundary treatment, demolition of existing walls and amendment of Hammerhead on Ballyowen Lane, with all associated perimeter site works and drainage as an amendment to Planning Application Re. No S01A/0075.

10.0 LOCAL PLANNING POLICY

10.1 South Dublin County Development Plan 2010-2016

Relevant policies are cited as follows:

Policy SCR35 Surgeries for Medical Practitioners

It is the policy of the Council to support the provision of 'one stop' primary care medical centres and GP practices along public transport routes and at locations easily accessible to members of the wider community.

Section 3.3.15 Local centres

In local centres it is the requirement to maintain a balance of appropriate commercial, service and residential uses. In assessing proposals, regard will be had for the need to maintain and enhance the vitality, viability, and character of district and local centres and to the assessment criteria listed in this section.

3.3.16.i Policy TDL18: Local Centre in Communities

It is the policy of the Council to create local centres that are the focal point for local communities that people can walk to.

3.3.16iv Policy TDL21: Uses in Local Centres

It is the policy of the Council to encourage community, employment and training uses in local centres, including micro-enterprise and start-up units, subject to the protection of residential amenity.

Section 3.4.3 iii Neighbourhood/Small Town/Village Centre

These centres usually provide for one supermarket or discount foodstore ranging in size from 1,000-1,500sq.m. with a limited range of supporting shops and retail services, cafes and possible other services such as post

offices or community facilities or health clinics grouped together to create a focus for the local population. It also includes a small supermarket on a scale directly related to the role and function of the settlement and its catchment and not exceeding 1500sq.m. in gross floor area.

Section 2.2.34 sets out **car parking standards** and is referred to in the assessment as required. Reduced standards maybe acceptable where following factors are considered:

- Proximity of the site to public transport and the quality of the transport service it provides (this should be clearly outlined in a Design Statement submitted with an application);
- The proximity of the development site to services that fulfill occasional and day to day needs;
- The existence of a robust and achievable mobility management plan for the development;
- The ability of people to fulfill multiple needs in a single journey;
- The levels of car dependency generated by particular uses within the development;
- The ability of residents to live in close proximity to the workplace and
- Peak hours of demand and the ability to share spaces between different uses.

11.0 ASSESSMENT

Having regard to documentation on file; all of the submissions and local policies for the area, I consider the key issues in this case to be:

- Principle and nature of development
- Size and scale of development
- Design and layout
- Shortfall in car parking
- Traffic
- Residential Amenity
- Other Issues including bin storage, material contravention,
- Appropriate Assessment

11.1 Principle and nature of development

11.1.1 The application site is located on lands with a land use zoning objective in the South County Dublin development plan, "LC" which is "to protect, provide for and/or improve local centre facilities". A health care centre is a permitted land use in principle and would complement the existing local services at this location.

11.1.2 Pursuant to site inspection, it was noted that there are two other medical centres in the immediate vicinity of the appeal site. Indeed, one is located within the Ballyowen Castle shopping centre site. The documentation submitted with the application appears to suggest that the current medical centre on site will re-locate to the new structure and that a subsequent application will be made to convert the current medical centre to office use. No details as to who an extension/renovation of this structure was not considered.

11.2.0 Scale and size of development

11.2.1 Concerns have been raised regarding the size of the Primary Care Centre (PCC) and that it may result in the loss of HSE services elsewhere. The reason for refusal cited overdevelopment and that the proposal would materially contravene the zoning objective for the area. The documentation for the proposal indicates that the HSE aims to create a consistently high quality health and social care service that everyone can access easily, with a strong emphasis on working with communities. PCC are designed to operate essentially as a 'one-stop-shop' providing a range of readily accessible medical services to the community. The centres are generally supported by a range of healthcare professionals such as GPs, dentists, occupational therapists, physiotherapists, nurses etc. This is evident from the range of rooms proposed to be provided within the centre. I would draw the Board's attention to submissions that were made to the Planning Authority during the course of the application, that indicate that the proposal will involve the re-location of existing primary services in Rosse Court (Rosse Court resource centre is located 600m to the south-east of appeal site) and Lucan Village to this facility. No detail of the catchment area to be served by the new PCC has been set out. The range of commercial, retail and other community services available at this location is such that I consider a medical centre is an appropriate and compatible use. I do, however, have concerns regarding the size and scale of the proposed development and indeed to the suggestion that the proposal will result in the re-location of community services from Lucan Village, an urban settlement centre as identified in the settlement hierarchy with higher order retail provision than that of the Ballyowen Castle Shopping Centre.

- 11.2.2 The original proposal submitted to and assessed by the planning authority was effectively a four storey structure with a three storey element comprising of a (stated) floor area of 2,277sq.m. of primary care floor space and 641sq.m. of commercial floor space. Two sizeable commercial units (354sq.m. and 287sq.m.) were proposed to the ground floor with the healthcare centre overhead. The Primary care centre included 11 no. GP rooms (including reception), 3 no. dental rooms, 21 no. bookable meeting rooms, wound clinic, physio treatment room, general assessment rooms in addition to x-ray rooms and stores rooms. The third floor contained open plan offices for staff. The original proposal was therefore a very substantial development which would require commensurate staff numbers, although no such details were submitted.
- 11.2.3 Pursuant to site inspection and having regard to the site's context it is considered that the original development as proposed represents overdevelopment of the site. The overall scale of the original proposal is considered such that would have a detrimental impact by reason of over-bearing and over-shadowing impact on the existing residential amenities of the two storey dwellings located to the east in Colthurst. I consider that the original proposal is of an inappropriate scale for the site not only by reason of its impact on the residential amenities mentioned but also by reason of excessive scale and level of services to be provided on the site.
- 11.2.4 In response to the reasons for refusal, the appellant has submitted revised plans whereby the proposed three storey element has been reduced to two storey so as to address the concerns over shadowing and over development having particular regard to existing two storey residential properties on Colthurst Road proximate to the appeal site. The number of bookable rooms has been reduced from 21 to 4. The number of GP rooms remains unchanged. The total floor space now indicated is 2,630sq.m. of which 1,989 sq.m. pertaining to the PCC. The commercial floor space remains unchanged.
- 11.2.5 Whilst I consider that the provision of a primary care centre on the subject site is acceptable in principle, the scale of the revised PCC is still considered substantial and would serve a larger catchment/population than that of Ballyowen. These concerns are compounded by the indication that the community care services in Rossecourt and Lucan Village would be relocated to this site.
- 11.2.6 I also have serious concerns regarding the proposed commercial aspect of the development. The two commercial units are located at ground floor and have a floor area of 287sq.m. and 354sq.m. respectively. The TIA makes reference to the provision of "some ancillary retail space at ground floor which

is expected to be used as a pharmacy”¹. The floor area of these units is such that one could not describe the pharmacy use as “ancillary”. There are two units and no mention is made to the potential use of the other unit. The planning concerns relating to these units pertain to the overall size and potential of the commercial uses to compromise the viability and vitality of the existing local service centre by providing commercial/retail uses that are of an excessive scale for a local service centre. The units would also give rise to increased traffic movements to and from the development in addition to the increased demand for parking, particularly during peak hours. The existing retail units within Ballyowen Castle shopping centre are akin to the smaller units typical of a local service centre. Careful consideration therefore needs to be given to the potential retail impact on the existing shopping centre and also whether the centre itself could sustain additional commercial units not only in retail terms but also in terms of traffic and parking demand. The latter issue is assessed in more detail hereunder. Whilst the shopping centre currently has a high occupancy rate, the appeal documentation itself notes there is an existing vacant unit within the shopping centre. In the absence of a definitive use for the commercial units, I conclude that these are not of scale appropriate to the local service centre.

11.2.7 With regard to the reason for refusal pertaining to “material contravention of the zoning objective for the area” I consider that whilst the proposal may represent overdevelopment by reason of the level of the level of services to be provided at this location which would serve a much larger catchment area, the proposal does not represent a fundamental departure from the land use zoning objective and as such I do not consider it to be a “material” contravention in this instance.

11.3.0 Design and Layout

11.3.1 With regard to proposed design and layout, I consider it prudent to set out that established development adjacent to the site is rather haphazard with individual sites appearing to have been developed independently over the years. The character of permitted developments is rather low-rise with little or no landmark structures to define an architectural style at this location. Each structure has been developed whereby it has its own independent car-park. The nearby residential areas are typically suburban two storey developments with dispersed bungalows throughout. Ballyowen Castle shopping centre itself is a rather insignificant structure which is not strikingly visible from the approach roads. There is a protected Castle/fortified house located within the grounds of Ballyowen Castle shopping centre that is currently used as a solicitor’s office. I do not consider that the proposal will detract from this

¹ P10, Traffic Impact Assessment, Additional Information, submitted 18th September 2015.

structure or otherwise impact on the protected structure. The existing shopping centre only a few metres from this structure has been developed to include it within the shopping complex.

11.3.2 The proposed primary care centre structure, as amended in the appeal submission to the Board, is primarily a four storey structure with a two storey element. The maximum overall height of the structure is 13.6m. The structure will be 72m in length effectively enclosing the current car park and severing the current views into the car-park from Castle Road. Whilst the structure will be significantly larger in scale than any existing structure at this location, I consider that there is merit in providing a structure that attempts to create or define a streetscape at the entrance to the existing local service centre. The only external finishes indicated on the plans are colour render external insulation and double glazed powder coated hardwood frame windows. Whilst I have no objection to the proposed design *per se*, it is considered that a more interesting and varied façade to Castle road could have been designed so as to reduce the overall repetition in the design. Plant and a rain water harvesting tank are proposed to be located on the roof at second floor. An appropriate design solution should have been presented so as to ensure the screening of these elements given that the structure will be highly visible particularly on approach roads and proximity of the structure to residential properties. The east and west elevations will be highly visible and as such could have been designed so as to create a strong architectural statement at either end of the development. No signage details for the structure have been indicated although this is not a critical issue in assessing the appeal.

11.3.3 The location of the proposal along with the provision of a public space to the front of the structure (façade on Castle Road) would help establish a sense of streetscape at this location creating a focal point for visitors to the Ballyowen Castle shopping centre. The proposed building in conjunction with the Shopping Centre would enclose the public parking area, creating a stronger sense of urban streetscape although the legibility and movement through the area is somewhat compromised due to the car park layout and positioning of existing structures. I would conclude that whilst improvements could be made to the overall design of the proposal, the amended plans as submitted are considered acceptable having regard to the established character of the area and commercial developments adjacent to the site.

11.4.0 Residential Amenity

11.4.1 There are two storey residential structures located to the east of the appeal site which form part of the Colthurst housing development. The revised plans submitted with the appeal reduced the three storey element to two-storey at the eastern end of the proposed structure thereby ameliorating the potential for overshadowing on these properties. Shadow impact assessments have

been submitted for each season. Whilst the proposal will have an impact in terms of additional overshadowing particularly in spring and winter, it is considered that the increase in overshadowing is not such that would be detrimental to the residential amenities of the area. I also consider that the scale and size of the structure now proposed (amended plans submitted with appeal) is not such that would have an undue negative impact on the existing residential amenities from a design perspective.

11.5.0 Traffic Impact Assessment

11.5.1 A TIA accompanied the planning application and the planning authority has cited a reason for refusal based on the use of 2012 traffic figures. The applicant submitted a revised TIA using OSCADY/Linsig on foot of a further information request. The applicant has indicated that it was agreed with SDCC Roads Department that the 2012 surveys from the previous TIA could be used as the basis for the revised assessment on the proviso that background traffic growth in the interim was accounted for using the medium range NRA factors. Documentation submitted with the appeal sets out that “based on the location in question, the NRA medium range factors estimate a 1.51% growth in traffic from 2012 to 2015.” O’Connor Sutton Cronin and Associates analysed traffic count data from two locations in 2013 and 2015 proximate to the appeal site, the results of which indicate a reduction in recorded traffic flows. In general, I consider that the figures used are such that are considered appropriate to allow for a robust assessment of potential impact on the transport network.

11.5.2 The trip generation potential of the proposed commercial and medical centre are considered independently and have been modelled as such with no consideration given to the likely reduction in traffic generation as a result of multiple use/pass-by trips. The Trics assessment estimates that the proposed development will generate approx. 1,562 additional trips across the course of the day. The information on file indicates that with the development in place, the RFC values have increased by minor amounts and now range from 26% to 54% demonstrating that the local network continues to operate well within capacity when the additional background and development generated traffic is in place.

11.5.3 With regard to the junction analysis the results of the ‘do nothing’ scenario shows the junction is operating above maximum capacity on the Castle Road eastbound approach and very close to maximum capacity on both Ballyowen Road approaches. The response indicates that the ‘do nothing’ scenario demonstrates that the proposed mitigation measures have a significantly positive impact on the operation of the junction, with considerable reductions in RFC values and queue lengths observed on the critical approaches during

peak hours, despite additional traffic from the proposed development being in place. The mitigation measure provides for the inclusion of the additional lane on the Castle Road westbound thereby requiring less green time during each cycle which can in turn be distributed to the other stages, alleviating traffic queues. It is set out that the junction was seen to operate above maximum capacity in the A.M. peak hour for the 'do-nothing' scenario, while the 'do-something' scenario sees it operate below this level. It is also proposed to provide a left only exit at the south east corner of the site which will facilitate vehicles travelling eastwards on Castle Road. The increase in traffic levels arising from the proposal are such that could be sustained, however, careful consideration needs to be given to the consequential demand for parking on foot of the Trics figure of 1,562 additional trips per day.

11.6.0 Car Parking

11.6.1 The proposal is to construct a substantial structure on the site of a current car park which serves the existing Ballyowen Castle Shopping Centre. Concerns were raised by third parties and indeed the planning authority about the loss of car parking spaces. Pursuant to site I would concur with these concerns. Demand for parking in the immediate area is high with a constant turnover in spaces. There is a current bring bank on this portion of the car park that generates traffic in itself. Observations of how people use the spaces would indicate that they park in the individual car parks of the commercial properties they are visiting. Whilst visitors to the Ballyowen castle shopping centre may avail of more than one service within the centre itself, there appeared to be little evidence of people walking to other independently accessed commercial developments. The applicant has made reference to the availability of spaces in other car-parks however I would caution that these car parks are all in private ownership and as such their availability after hours etc. cannot be relied on.

11.6.2 The appeal documentation indicates parking requirements arising from the existing development at 103 spaces. There are currently 158 spaces serving the Ballyowen Shopping Centre and the proposal will reduce the capacity to 135 spaces. Based on my inspections, I would conclude that there appears to be a high demand for spaces at this location and any reduction in such would need careful consideration. The majority of visitors to this site are by car. I accept that there generally is and should be multi-usage of parking spaces where there is a concentration of commercial/retail/local centre facilities. The concentration of such uses provide for a more efficient and effective trip for car users. The provision of a development, of a scale that is over and beyond a size that serves the needs of the local area, acts as an attractor in its own right and creates unsustainable traffic movements contributing to congestion and a high demand for parking.

11.6.3 The development plan provides parking standards for various uses. The proposed commercial/retail floor area totals 641sq.m. giving rise for 16 spaces based on the development plan standard of 1 per 40sq.m. of gross floor area. The requirement for clinics and group medical practises is 2 spaces per consulting room and an additional 0.5 space per every staff member working in practice. The applicant has indicated that there are 21 consulting rooms giving rise for 42 spaces. With regard to staffing, the only reference to staff numbers is made in the TIA where it refers to a figure of 13. I consider this figure to be a very conservative figure given the level of floor space provided and the reference to the re-location of staff from Lucan Village and Rossecourt to this site. There is an office area approx. 308sq.m. along with a kitchen/canteen area provided which would suggest that the core admin/non-clinical staff would most likely exceed 13. In the absence of definitive information, it is considered that the staff demand for parking cannot be robustly assessed.

11.6.4 The requirement for parking spaces as per the development plan standards is 58 spaces for the commercial floor area and the consulting rooms. No provision has been made for staffing at the PCC in this figure. Whilst the applicant has submitted figures which indicate an oversupply of spaces for the existing shopping centre, I consider that there is currently a demand for this level of parking. The proposal not only requires in excess of 58 parking spaces (no allowance for staff) to comply with development plan standards but will result in the loss of 46 current parking spaces. No mobility management plan has been submitted for consideration. Whilst the applicant has made reference to a 20% allowance that can be made for developments where public transport is available, I would caution against this. The proposal is for a development that would serve a larger catchment area than Ballyowen, would generate a significant increase in car movements confirmed by Trics, and given the limited availability of bus services along this route would therefore result in a significant increase for parking which could not be sustained at this location.

11.7.0 Bin storage areas

11.7.1 It is noted that whilst a small bin area is located at ground floor which is accessed independently from the commercial unit no other bin storage area has been provided to serve the primary care centre. It is considered having regard to the possibility for production of hazardous waste from the centre, that a separate area for the primary care centre should have been provided. Further, ease of access to bins storage areas is imperative so that they can be serviced by refuse trucks. It is unclear how trucks would service the building without creating congestion/obstruction to other users of the car-park. The location of a bin collection area also needs to be carefully considered so

as to ensure it does not detract from the urban streetscape/prohibit the use of existing parking spaces.

11.8.0 Appropriate Assessment

11.8.1 Appropriate assessment (AA) considers whether the plan or project alone or in combination with other projects or plans will adversely affect the integrity of a European site in view of the site's conservation objectives and includes consideration of any mitigation measures necessary to avoid, reduce or offset negative effects. The requirement for AA stems directly from Articles 6 (3) and 6 (4) of the Habitats Directive 92/43/EEC. Having regard to the source-pathway-receptor model along with the nature and scale of the proposed development on zoned lands on a site serviced by public infrastructure sought together with its separation from any designated European site I would not consider that an NIS or Appropriate Assessment is necessary in this case.

12.0 CONCLUSION

The proposal for provision of a primary health care centre on the subject lands is acceptable in principle. However, having regard to the proposed scale of the primary care centre along with the two substantial commercial units at ground floor it is considered that the development would serve a greater catchment area than Ballyowen. The proposal would generate a significant increase in traffic movements to and from the site on a daily basis and would result in the loss of current car parking spaces serving the Ballyowen Shopping Centre. It is considered that there is inadequate parking spaces to accommodate the proposed development which would lead to conditions that would be prejudicial to public safety. It is therefore concluded that the proposal is of a scale that is inappropriate for the local service centre and as such would be contrary to the proper planning and sustainable development of the area.

13.0 RECOMMENDATION

It is recommended that permission for the proposed development be **refused** for the following reasons and considerations

REASONS AND CONSIDERATIONS

1. The appeal site is located within the grounds of the existing car-park of Ballyowen Castle shopping centre which functions a local service centre. The proposed primary care centre and commercial units would serve a larger catchment population than that of Ballyowen thereby compromising the function of higher order settlement centres as identified in the South Dublin County Development Plan 2010-2016 which are better served by public transport. The proposal is considered excessive in scale having

regard to the existing level of services provided for at this location and would therefore be contrary to the proper planning and sustainable development of the area.

2. It is considered that the car parking provision for the proposed development and, in particular the loss of existing parking spaces together with the lack of sufficient on-site car parking spaces and loading/unloading areas, would be seriously deficient and would be inadequate to cater for the parking demand generated by the proposed development, thereby leading to conditions which would be prejudicial to public safety by reason of traffic hazard on the public roads in the vicinity and which would tend to create serious traffic congestion.

Joanna Kelly

Planning Inspector

11th March 2016