



Ref: P.18/59

9th July, 2018

To: The Cathaoirleach, and
Each Member of Kilkenny County Council

Re: Material Contravention
of Kilkenny City and Environs Development Plan 2014-2020
Planning Reference No. in Planning Register : P.18/59

Applicant: Westcourt Healthcare Ltd.
C/O Anthony O'Hara, Gittens Murray Architects Ltd., No. 5 William
St., Kilkenny

A Chara,

I enclose copy of Chief Executive's report in relation to proposed Material Contravention of Kilkenny City and Environs Development Plan 2014-2020 for consideration by the Members of Kilkenny County Council. The matter will be listed for consideration at the July meeting of the Council to be held on Monday 16th July, 2018.

Should the Council decide to pass a Resolution it shall be necessary that the number of the members of the Planning Authority voting in favour of the Resolution is not less than three quarters of the total number of the Members of the Planning Authority or where the number so obtained is not a whole number, the whole number next below the number so obtained shall be sufficient.

Mise, le meas

Seán McKeown,
Director of Services
Planning



COMHAIRLE CHONTAE CHILL CHAINNIGH

KILKENNY COUNTY COUNCIL

CHIEF EXECUTIVE'S REPORT

Ref: P.18/59 9th July, 2018.

Re: Material Contravention
of Kilkenny City and Environs Development Plan 2014-2020
Planning Reference No. in Planning Register : P.18/59

Applicant: Westcourt Healthcare Ltd.
C/O Anthony O'Hara, Gittens Murray Architects Ltd., No. 5 William St.,
Kilkenny

A Chara,

Planning Application P.18/59 relates to development which would comprise of a Primary Healthcare Centre and Community Resource Centre comprising a three storey structure and recreational facilities and landscape improvements. The Primary Healthcare Centre facility will provide for HSE health and social care services and General Practice and associated meeting rooms, administrative offices, staff accommodation, receptions and ancillary uses. External works to the structure include roof plant and signage. The Community Resource centre will be an own door facility located in the ground floor of the proposed structure. The proposals also include a new vehicular entrance off Golf Links Road, car and bicycle parking, a set down area, footpaths, cycle paths, an ESB sub-station and waste store, pumping station, lighting and a totem sign. The recreational facilities comprise the provision of a school sports practice field and associated works and landscape works and improvements to the existing open space and ponds to form a public park At Lakeside and Golf Links Road, Kilkenny.

This proposal as described above and if granted, would MATERIALLY CONTRAVENE the Zoning Objective

3.4.5.6 Amenity / Green links/Biodiversity conservation/ Open Space/Recreation

Objective: To allow for green links and biodiversity conservation and to preserve, provide and improve recreational open space,

of the Kilkenny City and Environs Development Plan 2014-2020.

The development, as set out on plans and particulars, is considered acceptable (as recommended in the attached Planner's Report of 9th July 2018) and is consistent with the principles of the proper planning and sustainable development of the area.

It is therefore recommended that the proposed development should be granted as a MATERIAL CONTRAVENTION of the Kilkenny City and Environs Development Plan 2014-2020.

This report is for the consideration of the Elected Members of Kilkenny County Council at its meeting to be held on 16th July, 2018. Section 34(6) of the Planning and Development Act (as amended) provides for a Resolution requiring that a decision to grant permission be made. Such Resolution is achievable whereby at least 18 Members of the 24 Member Council vote in favour of the Resolution.

SIGNED:



Colette Byrne
Chief Executive

Comhairle Chontae Chill Chainnigh
Kilkenny County Council
Planning Report



Planning & Development Act, 2000 - 2017
Planning & Development Regulations, 2001 - 2018

Planning Ref: P18/59

Applicant: Westcourt Healthcare Ltd Unit 7 Kilkenny Enterprise Centre
Purcellsinch Kilkenny

Subject: Permission for Primary Healthcare Centre and Community Resource Centre comprising a three storey structure and recreational facilities and landscape improvements. The Primary Healthcare Centre facility will provide for HSE health and social care services and General Practice and associated meeting rooms, administrative offices, staff accommodation, receptions and ancillary uses. External works to the structure include roof plant and signage. The Community Resource centre will be an own door facility located in the ground floor of the proposed structure. The proposals also include a new vehicular entrance off Golf Links Road, car and bicycle parking, a set down area, footpaths, cycle paths, an ESB sub-station and waste store, pumping station, lighting and a totem sign. The recreational facilities comprise the provision of a school sports practice field and associated works and landscape works and improvements to the existing open space and ponds to form a public park at Lakeside and Golf Links Road Kilkenny.

Description of Proposed Development

The application is for a primary healthcare building on what was originally the open space area associated with Lakeside Housing Development. The primary healthcare centre will provide for HSE health and social care services and general practice and associated meeting rooms, administrative offices, staff accommodation, receptions and ancillary uses. A self contained community resource facility is proposed as part of the development. The proposal also includes for a new vehicular access off Golf Links road a new car park with bicycle parking, set down area, footpaths, cycle paths ESB substation, waste store, pumping station lighting and totem sign. The proposal also includes for the provision of a school sports pitch and associated works (to be owned and managed by St John's Primary School) and landscape works and improvements to the remainder of the existing open space and ponds to form an upgraded public park.

The proposal details a proposed HSE Primary Health care facility for Kilkenny City Eastern Environs and its hinterland. The facility is intended to provide a broad range of healthcare facilities at a community level.

The site adjoins the established Newpark Neighbourhood Shopping Centre.

The building is a contemporary office design broken into several constituent blocks in an L shape configuration to the rear of the existing shopping centre. The new building will overlook the remainder of the open space/park area.

Planning History

This site formed part of the below specified applications. Previously permitted residential development at Golf Links Road/ Hebron Road,

P.98/1128 – Permission granted to develop a 7.6 hectare site consisting of (1) 3.8 hectares of open parklands, retaining/enhancing existing pond (2) 267 residential units on 3.8 hectares (79 no. 2-storey town houses, 11 no. 3-storey apartment blocks with 144 units & 7no.3-storey blocks with ground floor apartments & 1st floor duplex townhouses with 44 units (3) main access and ancillary works.

P.00/1080 – Permission granted for alterations to previously approved P.98/1128 for residential development to modify 141 No. residential unit types to provide 152 No. 2, 3 & 4 bedrooms 2 & 3 storey terraced townhouses, including 11 No. additional units (99 to 109), modify existing approved entrance to proposed development.

P.05/503 and **P.05/1874** were extension of duration applications granted on this site.

P.06/517 - Extension of duration granted to further extend the appropriate period to the previously permitted residential development at Golf Links Road/ Hebron Road, Planning Ref. No. P.98/1128, to facilitate completion of the works.

Taking In Charge

Mariena Properties Ltd. applied to have Lakeside taken in charge on 6th August 2013. The developer subsequently went into receivership and the Planning Department of Kilkenny County Council (KCC) has been dealing with the receiver in progressing the application. Progress has been slower than we would like but the receiver has completed a number of investigative surveys, the conclusions of which are broadly agreeable to KCC. In summary significant works have been identified to roads and footpaths, sewers and associated infrastructure, public lighting and landscaping.

Site Notice

The site notices were on display on posts at both the area of the proposed entrance off the Golf Links Road and also off Pennyfeather Way, during a site inspection on 14th March, 2018.

Third Party Submissions

None received within the 5 week statutory period.

Development Contributions

Class 4 –Healthcare centre and Class 9 signage

Services proposed

Water Public water supply

Wastewater Public waste water

Impact on Natura 2000 site (SAC or SPA):

A Screening exercise was completed, which showed that no significant impact is likely having regard to the distance of the subject site from any Natura 2000 site.

Kilkenny City & Environs Development Plan 2014-2020

The site is located in an area zoned '*Amenity / Green Links / Biodiversity Conservation*', in the Kilkenny City and Environs Development Plan 2014 – 2020, the objective of which is to protect, provide and improve for amenities. Under this zoning a *Medical Centre* is not permitted.

Referrals

Irish Water – No objections to this proposal, only conditions to be inserted into any grant of planning that may issue.

Roads – Further information was requested.

Environment – Further information was requested.

Chief Fire Officer – A Fire Safety Certificate will be required for this development.

Parks – No objections to this proposal, subject to condition.

Assessment

The site proposed for this Primary Healthcare Centre is located adjacent and south of the Newpark Shopping Centre, north of Lakeside Housing development and between the Golf Links Road and Pennyfeather Way. The land has a very gradual fall in a southern direction, and contains two large natural ponds towards the south of the site. These ponds will be retained as part of this development.

The proposal includes for the following;

- A new Primary Healthcare Centre and Community Resource Centre
 - The Primary Healthcare Centre facility will provide for HSE health and social care services and General Practice and associated meeting rooms, administrative offices, staff accommodation, receptions and ancillary uses. External works to the structure include roof plant and signage. The Community Resource centre will be an own door facility located in the ground floor of the proposed structure.
- A new vehicular entrance off Golf Links Road

- Car and bicycle parking, a set down area, footpaths and cycle paths
- An ESB sub-station and waste store
- Pumping station
- Lighting throughout the site
- A totem sign
- Provision of a school sports practice field
- Landscape works and improvements to the existing open space and ponds to form a public park

The healthcare building proposed is for a three storey building with a floor area of 4,795m² containing nursing offices, consulting and treatment rooms, reception areas, meeting and staff rooms, a physiotherapy gymnasium, storage area and communal staff facilities. A community resource centre is also proposed, which can be deemed a public gain from this development, in that it will be available for local community usage.

Separate to the building, a new sports pitch will be developed for the St. John's school immediately to the south western corner of the site, which currently has no such facility.

The remainder of the grounds will be developed and landscaped to create public parkland, inclusive of the ponds in existence.

It is proposed that the playing field will be completed and available for the school around two months in advance of the completion and opening of the main building. The landscaping works will then commence during fit out of the building so as to have such works substantially complete when the centre opens.

In relation to car parking, 100 spaces including 6 disabled, 2 age friendly and 2 parent and child spaces are proposed. In relation to policy requirements, a total of 3 spaces are required under the Kilkenny City and Environs Development Plan 2014 – 2020 for consulting rooms plus staff and in relation to offices, 1 space per 15m² is required. Therefore in relation to the proposed development a total of 21 consulting rooms are being provided between the HSE and the GP Medical Practice and 173m² of office space, requiring a total of 75 car spaces. Then in relation to staff, a total of 25 spaces are being provided for the 102 staff.

It is stated in the TIA, in Section 6.3, that one and a half spaces for patients will be provided for each consulting / doctor room based on one patient attending a consultant and 0.5 patients waiting per consultant. Due to all treatment rooms not being operational at one given time, one parking space is provided per patient for every two treatment rooms.

The HSE staff attendance at any one given time will be approximately 35% of the 85 staff and one parking space will be provided for each staff in the GP Medical Practice. Overall, there is a shortfall of 22 spaces as per the City and Environs Development Plan requirements and the applicant is arguing that quite a number of people will walk to this facility, due to its close proximity to many housing estates in this area of town.

A full specification of boundary treatments is also provided, clearly outlined on Drawing PP-004 and these range from a 2 metre high block wall to the rear of neighbouring houses, to low boundary wall with galvanised mild steel railings on top. A paladin fencing is proposed to surround the playing pitch and it can be conditioned to have this green in colour.

In order to assess the application it was considered that significant further information was required.

Seventeen items of further information were identified and requested from the applicants on the 27/03/2018 relating to the following:

1. Upgrade works to the existing Lakeside development
2. Car park connectivity to the existing Newpark Neighbourhood centre
3. Pedestrian connectivity
4. Cycle tracks
5. Pedestrian crossing – Pennyfeatherway
6. Stage ½ road safety audit
7. Bicycle parking
8. Set down area
9. Turning area for deliveries
10. Lighting scheme
11. Screening for roof plant
12. Storm water management
13. Sports pitch ownership and management
14. Additional elevations
15. Estimate of open space used by the proposed development
16. Details of community facility operation and management
17. The extent of car parking required.

Further information was submitted on the 10th May 2018.

A schedule of works has been identified within the existing Lakeside housing development which the developer has committed to carry out in tandem with the construction of the Primary Care unit.

A pedestrian link is proposed between the proposed Primary Care unit and the existing shopping centre which is a positive although there is a significant level difference to be overcome.

Cycle ways are proposed linking Pennyfeatherway, the Golf Links Road and the open space areas to the east of the site (e.g. O'Loughlin Gaels Hebron Park). Bicycle parking has also been provided for.

The road safety audit has been carried out and its recommendations followed.

A set down area and deliveries has been provided for in the layout.

A dark metal cladding is proposed to screen the roof plant area.

It is confirmed through the further information that the sports pitch will be managed and owned by St John's Primary school with the freehold title being transferred to the school and an appropriate restrictive covenant to ensure it is maintained for recreational purposes.

The community facility will remain in the ownership of the applicant with the facility to be leased to one tenant to manage the facility.

No consent was given to the linking of the existing car park at the Newpark neighbourhood centre but the 102 spaces proposed are identified as necessary to satisfy HSE requirements. This is considered satisfactory to service the development.

Material Contravention.

A significant amount of the area zoned for open space (7803m²/ 0.78 ha) is being lost to the proposed development. However the counter balance to this is that the proposal will:

- a) Upgrade the open space area to a higher standard than previously planned,
- b) The pitch will be delivered to the school
- c) A new primary healthcare facility will be delivered to the Neighbourhood and the City
- d) Remedial works will be carried out to the Lakeside estate to a level which will enable the Council to take in charge
- e) A new pedestrian crossing will be put in place linking the open space to the linear park and O'Loughlin Gaels to the east of Pennyfeather Way.

Following this assessment on the receipt of the further information it was considered that due to the significant overall planning gain notwithstanding the loss of public open space that a material contravention could be recommended.

In accordance with Section 34(6) of the Planning and Development Act notice was published of the proposed material contravention which allowed for submissions to be made within a 4 week period up to the 3rd July 2018.

There were no submissions received during this period.

Recommendation

Having regard to the proposed use as a primary health care facility, and the certainty provided with the application in the provision of the playing facility for the St John's Primary school, the level of works required and committed to by the developer to ensure the completion of the development of the Lakeside housing scheme, the connectivity provided between the existing open space and the existing housing east of Pennyfeather Way, the upgraded open space to be delivered as part of the scheme, and the symbiotic relationship which can potentially develop over time between the existing Neighbourhood centre and the Primary Healthcare unit it is considered that the proposed development

would accord with the proper planning and sustainable development of the area. This provides the justification to recommend a grant of permission subject to appropriate conditions and the requirements of the Material Contravention procedure.



Denis Malone,
Senior Planner

Date 9th July 2018

