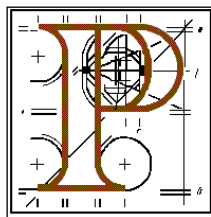


An Bord Pleanála Ref.: PL15.245774

An Bord Pleanála



Inspector's Report

Development: Temporary use of access road linking Bothar Brugha to Our Lady of Lourdes Hospital Drogheda during construction of proposed extension to existing Emergency Department at Our Lady of Lourdes Hospital, Windmill Road, Drogheda, Co. Louth.

Planning Application

Planning Authority: Louth County Council
Planning Authority Reg. Ref.: 15/585
Applicant: Health Service Executive
Type of Application: Permission
Planning Authority Decision: Grant

Planning Appeal

Appellant(s): (1) St. Patrick's Parents Association
(2) BOM of St. Brigids and St. Patricks Primary Schools
Type of Appeal: 3rd Party
Observers: None
Date of Site Inspection: 28th January 2016
Inspector: Fiona Fair
Appendices: Photographs
Site Location Maps
Extract from Drogheda Borough Council Development Plan 2011 - 2017

1.0 SITE DESCRIPTION (see photographs)

Our Lady of Lourdes Hospital is located on the north side of Drogheda Town in a primarily residential area. The hospital site covers some 3.6 ha.

The hospital is bounded on the north side by Boyle O'Reilly Terrace / Windmill Road North, on the south side by St. Brigids and St. Patricks National Schools adjacent to Bothar Brugha, to the east by the Medical Missionaries of Mary (MMM) Convent Grounds and to the west by the residential Windmill Road West.

The main public vehicular and pedestrian entrance to the campus is off Boyle O'Reilly Terrace / Windmill Road North in the northwest corner of the campus. There is a similar service entrance also off this road in the northeast corner of the campus. The main vehicular exit from the campus is on the west side onto Windmill Road West which is a one way road northwards. This also serves as a pedestrian entrance. To the south of the campus (rear of the hospital site) there is an unused gated entrance off Bothar Brugha up a narrow tree lined avenue, 'South Avenue', to the southern car park. This entrance is permanently closed.

The 4 storey emergency department is located to the south east of the site, south of the existing in-patient wards and adjacent to 'South Avenue'.

2.0 PROPOSAL:

The proposed development comprises:

Permission for the temporary use of an access road linking Bothar Brugha to Our Lady of Lourdes Hospital Drogheda.

Permission for temporary use of this road is sought during the construction of the proposed extension to the existing Emergency Department which was granted planning permission under Register Reference Number 13/510071.

The application is accompanied with a letter from O'Connor Sutton Cronin civil engineering consultant, which sets out measures to mitigate traffic impact, should permission be granted for use of South Avenue as a temporary access road for construction traffic.

3.0 PLANNING AUTHORITY'S DECISION

Louth County Council Granted Planning Permission subject to 3 no. conditions summarised as follows:

Condition 1 - Standard condition

Condition 2

- (a) The contractor shall not use the access road at peak school start and finish times or peak morning or afternoon business traffic times.
- (b) The gate shall be closed each evening outside of normal working hours and opened again in the morning as per agreed times.
- (c) The contractor shall provide a qualified Banksman stationed at the gate at the start of the hospital access road to guide construction vehicles from Bothar Brugha when construction vehicles want to enter or exit the hospital.
- (d) Vehicles shall operate a left turn in from Bothar Brugha and a left turn onto Bothar Brugha.

Condition 3

The contractor is to contact schools either side of the proposed entrance in order to clarify starting and finishing times of both schools. Documentary evidence of this shall be submitted to the planning authority prior to the commencement of the temporary use of the access road.

4.0 TECHNICAL REPORTS

4.1 Planners Report

The planners report reflects the decision to grant planning permission.

4.2 Infrastructure Department

Report recommends a grant of planning permission subject to condition.

4.3 Objections/Submissions

A number of objections / submission were submitted to the planning authority. Concerns raised are similar to those summarised in the 3rd party appeals set out below.

5.0 APPEAL GROUNDS

5.1 A third party appeal has been lodged by O'Neill Town Planning, Planning and Development Consultants on behalf of The Board of Management of St. Brigid's Primary School and The Board of Management of St. Patrick's Primary School, Bothar Brugha, Drogheda.

The grounds of appeal are summarised as follows:

- The planning report and the planning authority decision fails to understand the nature of the planning application and the impact the opening of this long time - sixty years – closed gateway would have on the safe arrival and departure of over 650 pupils between the ages of five and thirteen.
- Negative impact upon surrounding residential community
- Narrow road network unused to HGV traffic
- The planning authority did not restrict the permission to a temporary permission – for a maximum of two years – to ensure that the access is closed up after the stipulated period.
- Concern that the access may be used to facilitate on-going building works on the site
- Not opposed to possibility of opening the route to cyclists and pedestrians in the future, to allow connectivity.
- Given that there are 8 planning permission on the site for large developments in the past three years and that there are a number of

alternative routes for construction traffic to access the site without doing irreparable damage to the residential and educational communities in the area, a single access for construction work in the hospital should be identified.

- The access is used on a continuous bases throughout the day by parents, staff and children accessing the school
- The Green Schools Travel Programme in operation at the school would be severely compromised. Many parents would be unwilling to allow children to walk / cycle to school with a traffic environment dominated by HGVs
- Regard should be had to transitional nature of the site.
- Proposal will create a serious traffic hazard to pupils at this location.
- The proposed route is not necessary give the alternatives available to the applicant and the wording in the parent planning permission with regard to times of operation
- The permission sought and granted under Reg. Ref. 13510071 included reports relating to traffic and traffic management, including construction traffic. This was not objected to.
- Two primary schools with 650 pupils rely on the cul de sac location of safe access and egress

5.2 A third Party appeal has been lodged by Fiona Counihan on behalf of St. Patrick's Parents Association. The grounds of appeal are summarised as follows:

- Concern with regard to serious health and safety risk to 320 pupils and 30 staff who attend school on a daily basis
- The age range of the pupil cohort is from 4 years to 8 years old.
- The decision by Louth County Council to allow heavy construction vehicles through the staff car park adjacent to the proposed access route to the hospital site appears to ignore the dangers outlined in the previous planning application.
- There is no alternative access for the school
- School hours can vary greatly - Risk to all users of the school

- There must be full and proper access to the school at all times – emergency access is a priority.
- The proposed access gate opening measures 3.5m and this is too narrow for construction traffic to comfortably access the site.
- Concern with respect to noise from construction traffic – impact upon education.
- Fully support the Hospital and the ongoing development of the regional services, remain convinced that the HSE have alternative means of resolving the transport problem arising from the proposal to construct further development.
- Concern with respect to the long term use of the access which has never been opened.
- Appeal attached with signatures from parents supporting the Parents Association in their appeal.

6.0 RESPONSES

6.1 A response to the appeal was received from the Planning Authority.

It is summarised as follows:

- The planning authority had regard to concerns raised.
- Both schools are set in a tight urban environment within the town of Drogheda.
- The site is located within the neighbourhood character area of Moneymore as set out in table 2.1 of the Drogheda Borough Development Plan. It is an objective within this area to:
 - Reinforce the residential character of the long standing residential neighbourhoods, while supporting the provision and retention of local services and to progressively integrate newly developed residential areas both within the borough and the adjacent environs into the social, economic and urban form of the Borough.

- To facilitate infrastructural enhancement associated with the hospital campus and ensure that they do not negatively impact on the residential amenity enjoyed by surrounding area.
- In arriving at the decision to recommend a grant of permission the council was mindful of the school and the safety concerns relating to the school.
- The conditions attached to the grant of permission mitigate the health and safety risks.
- The construction access is for a finite time.
- The current construction access to the phase 2 is through the main entrance at Boyle O'Reilly Terrace.
- Phase 2 construction entails construction traffic to travel the whole way through the site to the rear which involves passing a number of vulnerable pedestrians and road users
- In granting permission the council put conditions in place to ensure health and safety of pupils, parents, staff and visitors to the school is ensured.
- The Roads section are satisfied that the health and safety of the pupils, staff and members of the public would be maintained subject to condition.

6.2 A response has been received by A&D Wejchert & Partners Architects on behalf of the Health Service Executive. It is summarised as follows:

- The use of the south avenue for some contractor vehicular traffic would alleviate the demand on the hospital main entrance and would be in the interest of safe movement of pedestrian traffic and emergency vehicular traffic to the hospital
- It would shorten the construction period
- Phase 2 extension which is due to commence is to the south side of the Campus, adjacent to South Avenue.
- The permission is for temporary use (18 months) of the South Avenue

- Conditions attached allow safe use within minimal disruption to the schools
- Clear intent from the Hospital to engage with the schools to define the least disruptive time periods for site access and the Hospital / Contractor is bound to this by way of condition.
- The secondary entrance along Boyle O'Reilly Terrace leads to a service yard serving the kitchens and maintenance areas it is a cul de sac.
- South Avenue, which was the original main entrance to the hospital is the most suitable
- The hospital is an acute hospital and is extremely busy. It serves both adults and children.
- The hospital is located on a land locked campus. Development on the site is dense, with few remaining open and undeveloped areas and circulation onto campus and between accommodation is tightly controlled
- The site of phase 2 lies adjacent to the emergency department block.
- The only access to the construction site is via the already busy main entrance access route. Construction traffic would share the route with patients, pregnant mothers, visitors, children, frail older people, those attending the day services and emergency cases by car and ambulance.
- Urgent traffic requires constant management.
- The school footfall is much smaller and very predictable.
- The south avenue used in a safe manner would allow a direct route off site and alleviate pressure on the main hospital access route.
- The Hospital is proactive in managing the traffic flows e.g. car park off campus with shuttle bus provided. Vehicular traffic within the hospital campus is strictly controlled.
- There is excellent visibility and sightlines to the area between the gate from the Hospital and Bothar Brugha
- A Banksman will be on duty

- Bothar Brugha is a link road in Drogheda. It is also on a bus route served by double decker buses.
- South Avenue is lined by trees which will aid dust and noise mitigation
- The conditions set out in Reg. Ref. 13/1371 apply to the contractor and he is bound to comply with these conditions. The following is required:
 - Submit a traffic management plan incl. details of deliveries and removal of materials to and from the site
 - Avoid conflict with morning and evening peak traffic flow as determined by the pa. for delivery and routing of materials to the site and removal and routing of material off the site.
 - Make good any damage to public roads or paths
 - Take all necessary measures to avoid spillage of clay, rubble or other debris on adjoining public roads or footpaths.
 - Provide washing of undersides and wheel of vehicles leaving the site.
- The proposal complies with the CDP zoning.
- The Green schools programme occurs during the school peak period and will not be affected.
- Response accompanied with plans and aerial views of Our Lady of Lourdes Hospital

7.0 PLANNING HISTORY

7.1 There have been a large number of planning applications on this site, approx. 19, dating back to 2002. Of relevance to the subject appeal is:

7.2 Reg. Ref. 13510071 Permission Granted, however not to date constructed, for a 5-storey extension to the existing Emergency Department block of approx. 8940m² and alterations to the existing hospital building layouts of approx. 580m², to incorporate an extension to the existing Emergency Department, 3 storey of in-patient wards, Operating Department and screened plant area on roof level.

The planning authority report notes that at the time of the grant of planning permission of Reg. Ref. 13/71 Drogheda Borough Council was in place. Permission had been granted under this planning reference no. for the above development, now referred to as Reg. Ref. 13510071. The Managers order quotes Reg. Ref. 13/71 as the planning reference number, as it related to Drogheda Borough Council. Upon amalgamation of the three Local Authorities to one authority, the historic planning reference numbers were changed. It is noted that while there is an anomaly in the reference number under the current numbering system it is the historic reference number.

8.0 DEVELOPMENT PLAN

The statutory Plan pertaining to the area is the Drogheda Borough Council Development Plan 2011 – 2017. Relevant policies, objectives and guidelines are summarised below;

Zoning. The application site is affected by land use zoning objective CCI: Civic Community and Institutional: 'To provide and protect necessary community, recreational and educational facilities.'

Policy HC29: Support the continued development of Our Lady of Lourdes Hospital as a major acute hospital.

The site is located within the neighbourhood character area of Moneymore as set out in table 2.1 of the Drogheda Borough Development Plan. It is an objective within this area to:

- *Reinforce the residential character of the long standing residential neighbourhoods, while supporting the provision and retention of local services and to progressively integrate newly developed residential areas both within the borough and the adjacent environs into the social, economic and urban form of the Borough.*

- *To facilitate infrastructural enhancement associated with the hospital campus and ensure that they do not negatively impact on the residential amenity enjoyed by surrounding area.*

10.0 ASSESSMENT

I have read through the file documentation, the relevant provisions of the County Development Plan and have carried out a site inspection. In my judgement the principle factor for consideration in this appeal relates solely to:

- Whether a new temporary vehicular access for construction traffic to the south end of the hospital campus via South Avenue located between the existing boys (St. Patricks) and girls (St. Brigids) primary schools is acceptable.

Serious concern has been raised by appellants with respect to the impact the opening of this long-term closed gateway would have on the safe arrival and departure of over 650 pupils between the ages of four and thirteen. It is claimed that the entrance has been closed for 60 years.

The appellants have concern that the use of the access for construction traffic purpose, albeit temporary, would have a negative impact upon the surrounding residential community and would create a serious traffic hazard to pupils of the two national schools.

The first party submit that the proposed use of this existing access road will facilitate contractor access for the construction of a planned 5 storey extension to the existing Emergency Department, known as 'Phase 2' of the Hospital Campus, which has already been granted planning permission (on foot of Reg. Ref. 13/71). It is proposed that the contractor would use this road for removal of excavated material, deliveries of concrete, reinforcement and other materials to site.

It is submitted by the first party that the only access to the construction site, at present, is via the already busy main entrance to the hospital campus, off Boyle O'Reilly Terrace. The main entrance is close to a signalised junction and regular queuing of vehicles occurs on the public road which restricts access to the hospital. The 'Phase 2' extension which is due to commence is to the south side of the Hospital Campus, adjacent to South Avenue. Being at the rear of the campus means that the construction vehicles must travel through the entire hospital campus and through various pedestrian crossing points to get to the site. It is submitted that this increases the possibility of conflict with other road users and vulnerable pedestrians within the hospital. Construction traffic would have to share the route with patients, pregnant mothers, visitors, children, frail older people, those attending the day services and emergency cases by car and ambulance. It is submitted that access to the 'Phase 2' site is more direct from Bothar Brugha via South Avenue.

Cognisance is had that the public portion of the access road off Bothar Brugha is located between two schools which also use this section of road for vehicular, pedestrian and cycle access to the school. It is recognised that there are many vehicles on Bothar Brugha at peak times in the morning when the school opens and the afternoon when pupils finish. The first party submitted a report by O'Connor Sutton Cronin Engineers which proposes the following measures to mitigate traffic hazard should the access road be granted planning permission.

1. Access road shall not be used for construction traffic use at peak school times, morning and afternoon.
2. The gate shall be locked each evening outside normal working hours.
3. A qualified Banksman shall be employed and stationed at the gate at the start of the hospital access road to guide construction traffic, to control entry and to provide security against unauthorised or accidental entry.
4. Vehicles shall operate a left turn in from Bothar Brugha and a left turn out onto Bothar Brugha.

It is also highlighted that as part of the 'phase 2' grant of planning permission Reg. Ref. 13/71 / Reg. Ref. 13510071 Condition 2 states:

'Prior to the commencement of the development the applicant shall agree the following details:

- a. Traffic control to be carried out by the applicant / developer during the construction as per a traffic management plan to be submitted and agreed with the planning authority. The traffic management plan shall include delivery and removal of materials from the site.*
- b. The delivery and routing of materials to the site during the construction phase shall be organised so that deliveries do not conflict with the morning or evening periods of peak traffic flow as determined by the planning authority.*
- c. The removal and routing of surplus materials off site shall be so organised that haulage vehicles do not conflict with morning or evening periods of peak traffic flow, as determined by the planning authority'.*

It is contended by the first party that if permission is granted, for use of the South Avenue access road as a temporary access (18 months) for construction traffic, that the measures contained in the grant of planning permission Reg. Ref. 13/71 / Reg. Ref. 13510071 combined with the proposed measures, outlines above, would allow for safe and efficient use of the South Avenue access road with minimal disruption to the schools. It is also argued that temporary use of the south avenue for some contractor vehicular traffic would shorten the construction period.

I note the report on file from the Infrastructure Office Louth County Council. It is the recommendation of that division that the proposed vehicular access be granted planning permission subject to condition. The planning authority in their response to the appeal submit that in granting permission the council put conditions in place to ensure health and safety of pupils, parents, staff and visitors to the school. Conditions 2 and 3 of the notification of decision to grant planning permission, Reg. Ref. 15585, based upon the O'Connor Sutton Cronin Engineers Report, dated 24th July 2015, is noted, see section 3.0 of this report above for full details of conditions.

As is evident from the planning history of the appeal site there have been a large number of planning applications on this site, approx. 19, dating back to 2002. Having carried out a review of the Engineering Services Report for the Phase 2 Development at Our Lady of Lourdes Hospital, Drogheda, in particular the proposals and assessment of the 'Vehicular access, circulation and car parking' and 'Construction Traffic' element of the proposal it is evident that it was proposed that all construction traffic would enter through the main hospital vehicular entrance off Boyle O'Reilly Terrace and exit via Windmill Road West. This arrangement was used for Phase 1 in 2008 / 2009 for delivery and removal of material from the site and it is stated in the engineers report associated with Reg. Ref. 13/71 / Reg. Ref. 13510071 that *'this arrangement worked very well. It is the same arrangement as all hospital traffic and hospital management are keen to use this arrangement again'*.

It is my opinion that the scale of building works for the 5 storey 'Phase 2' extension is significant. I would have serious concern with respect to taking construction traffic via South Avenue, given it is located between the existing boys and girls primary schools on Bothar Brugha. It is submitted some 650 children between the ages of 4 – 13 attend the primary schools on a daily basis. While I note the temporary nature of the proposal and the conditions attached by the planning authority to the decision to grant permission, it is my opinion that young children arriving and departing on their own and or being dropped off and collected from the primary schools, are more vulnerable than the users / attendees of the hospital.

The schools are in an urban environment where I consider walking and cycling to and from school is common practice for parish children and parents / minders. I agree that most of the activity is concentrated at morning, noon and afternoon but that there is nevertheless continuous coming and going at all times during the day across the open space fronting onto Bothar Brugha. On the other hand, patrons of the hospital are more likely to arrive by way of car, I note this opinion is substantiated, in the Model Share and Car Assessment Report, carried out by OCSC on foot of FI request Reg. Ref.

13/71 / Reg. Ref. 13510071. I have serious concern that the public portion of the access road immediately off Bothar Brugha located between the two schools could give rise to conflict and potential creation of a traffic hazard for users of the schools. If permission is granted to allow HGV traffic, such as that proposed to access the hospital campus via South Avenue' and the mitigation measures attached to the decision to grant permission are not strictly adhered to. Also I consider there is potential conflict to restricting the use of the access road to outside of peak school start and finish times or peak morning or afternoon business traffic times and to requiring that the gate be locked each evening outside normal working hours and opened again in the morning.

It is my opinion that the proposal if permitted would give rise to unacceptable construction traffic accessing via the shared space / between the two accesses to the two primary schools and this would have a major impact on the daily life of the schools during the construction period. I am of the opinion that given that the building works will to some extent cause disturbance for a limited amount of time on the hospital campus itself, construction traffic associated with same, subject to a traffic management plan and the terms of conditions 2, 3, 4, 5 and 6 of Reg. Ref. 13/71 / Reg. Ref. 13510071 being adhered to, should be contained within the hospital campus site and accessed via the main hospital access off Boyle O'Reilly Terrace. I acknowledge that there will be short term disruption to the hospital campus but consider this preferable than allowing construction traffic undermine safety arrangements of the two primary schools.

It is of significance that the site is located within the neighbourhood character area of Moneymore as set out in table 2.1 of the Drogheda Borough Development Plan 2011 – 2017. I acknowledge the opinion of the planning authority that both schools are set in a tight urban environment within the town of Drogheda. While it is an Objective of the Drogheda Borough Development Plan to:

'Reinforce the residential character of the long standing residential neighbourhoods, while supporting the provision and retention of local services

and to progressively integrate newly developed residential areas both within the borough and the adjacent environs into the social, economic and urban form of the Borough’.

It is also an objective within this area:

‘To facilitate infrastructural enhancement associated with the hospital campus and ensure that they do not negatively impact on the residential amenity enjoyed by surrounding area’.

With the exception of the two schools Bothar Brugha is primarily a well-established residential area. While I would have some concern with respect to issues raised regarding unacceptable level of noise and general disturbance to the residential amenities of the area and to school life. It is my opinion that the proposal to open South Avenue for construction traffic being temporary, only, in nature would therefore not a reason for refusal on grounds of injure to the residential amenities of property in the vicinity.

Having cognisance to the foregoing assessment, should the Board disagree with my recommendation, on balance, to refuse permission for temporary use of South Avenue as a construction traffic access, and consider planning permission should be forthcoming, I recommend that a condition be attached which strictly restricts the permission to a temporary permission for a maximum of two years. To ensure that the access is closed up after the stipulated period.

10.1 APPROPRIATE ASSESSMENT

It is consider that the proposed development would not give rise to any significant adverse direct, indirect or secondary impacts on the integrity of any nearby Natura 2000 sites having regard to the nature and scale of the proposed development and separation distances involved to adjoining 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 individually or in combination with other plans or projects on a European Site.

11.0 CONCLUSION & RECOMMENDATION

In light of the above assessment, I cannot concur with the decision of the planning authority and I recommend that planning permission be refused for temporary use of access road linking Bothar Brugha to our Lady of Lourdes Hospital Drogheda during construction of proposed 'Phase 2' extension to existing emergency department.

12.0 REASONS AND CONSIDERATIONS

1. Having regard to the established pattern of development in the vicinity of South Avenue, in particular, the two primary schools Saint Brigids and Saint Patricks, in which some 650 pupils aged between 3 – 13 years are enrolled, it is considered that temporary use of South Avenue access road linking Bothar Brugha to our Lady of Lourdes Hospital Drogheda, would give rise to unacceptable construction traffic accessing via the shared space, between the two accesses, to the two primary schools, this would give rise to conflict and creation of a traffic hazard for users of the schools and therefore would be contrary to the proper planning and sustainable development of the area.

Fiona Fair

Planning Inspector

16.02.2016