



An
Bord
Pleanála

Inspector's Report

PL10.246840

Development	Construction of a two storey nursing home for 60No. residents, carparking, staff areas, ancillary services rooms, connection to local authority services and pedestrian access to the N10 at Boharnatonish Road, Loughboy. Kilkenny.
Planning Authority	Kilkenny Co. Co.
Planning Authority Reg. Ref.	15/372
Applicant(s)	Ken & Maire Walshe, Richard & Karen Norris
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Appellant(s)	Teresa Culleton
Observer(s)	None
Date of Site Inspection	17/10/2016
Inspector	Caryn Coogan

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The subject site is located in Loughboy on the outskirts of Kilkenny City, inside of the Ringroad. The site is practically landlocked by residential developments to the north and west, and the Kilkenny Bridge Club to the east. The Ringroad (N10) forms the entire southern site boundary. The site is currently completely vacant. According to the application submission, the lands were formerly a single residential curtilage.
- 1.2 Access to the site is off a short slip road called, Bohernatounish Road, serving the Kilkenny Bridge Club. There is a narrow overgrown lane circa 5metres in depth which is accessible immediately to the south of the bridge club access. The site has a large evergreen, Leylandii boundary to the south, and walls along the residential site boundaries. The adjoining residential developments to the west and north, are single storey units, some of which back onto the western site boundary.

2.0 PROPOSED DEVELOPMENT

- 2.1 The proposed development is as follows:
- a) Construction of a two storey nursing home with accommodation for 60No. residents, carparking, staff areas, ancillary service rooms and associated services, landscaping with associated site works and services. (Gross floor area 2641sq.m.)
 - b) connection to all local authority services
 - c) Pedestrian access to existing footpath adjacent to N10

3.0 PLANNING AUTHORITY DECISION

3.1 DECISION

Kilkenny Co. Co. granted planning permission for the proposed development subject to 15No. conditions. The conditions are all standard conditions with no site specific conditions.

3.2 TECHNICAL REPORTS

Irish Water – No objections

Roads Design – Additional information is required , there are no details of the dimensions or construction of the access road, pedestrian facilities and boundary treatment.

Planning Report:

The salient issues in the planning report were as follows:

- A nursing home use is considered to be compatible with the zoning objective
- The 6.5m-7.6metre roof is considered acceptable at this location and not excessive
- The boundaries of houses to Cedarwood Avenue could be exposed
- Separation distances exceed 22metres

Further Information was requested on 13th of August 2015

1. Concerns regarding the overlooking and overshadowing of the dwelling 11metres to the north of the site.
2. How can the service road width be achieved to 5.5metres
3. Turning movements
4. Traffic Impact Statement
5. Carparking Assessment, mobility management plan
6. Sections of proposed pedestrian access to N10
7. Stormwater pipe design
8. Stormwater Attenuation
10. Noise assessment
11. Construction noise
12. Landscaping.

A response was received on 25th of November 2015, further clarification was requested, and a full response was received by Kilkenny Co. Co. on 11th of May 2016. Detailed reports were prepared regarding Noise Impact Assessment, Road Layout, Road safety Audit, Traffic Impact assessment.

A recommendation to grant planning permission was made following receipt of all the requested further information.

3.3 THIRD PARTY OBSERVATIONS

There were objections received from residents of the area. Their concerns included:

- The only vehicular access to the site is along a shared access to the Bridge Centre, and from a narrow track to the N10.
- The title of the land holding is retained by Kilkenny Bridge Club, and not the applicants as indicated on the application form.
- Clarification is required as to how the applicants proposed to widen the track to the N10 . This access is impassable without cutting back the trees.
- The 4.5metre in width is too narrow to accommodate two way traffic
- Is there to be an emergency entrance via the Cedarwood estate?
- The 34No. carparking spaces is in line with development plan requirements, however it does not provide for shift changes, and times of high visitor numbers, visiting health care workers, deliveries etc. There could be off-site parking resulting in illegal parking, nuisance and safety issues.
- The development is too large for the subject site and will be too close to boundaries, resulting in overlooking and overshadowing of adjoining properties.
- Overdevelopment of the site, inappropriate two storey dwelling
- Lack of separation distances
- Lack of landscaping
- Inappropriate layout in terms of carparking
- Negative impact on visual amenities

4.0 PLANNING HISTORY

4.1 09/324

The development of 11 terraced two storey dwellings, and 12No. apartments within a three storey block and associated site works was **REFUSED** planning permission for two reasons:

1. There would be excessive overlooking of Cedarwood Avenue to the west, and would therefore contravene the zoning objective of Kilkenny County Development Plan 2008 which is to protect residential amenities.
2. The proposed apartment block would not read as a coherent architectural composition and would result in a stepped design juxtaposed with the proposed two storey and existing single storey

roof elements resulting in an incongruous architectural form in a prominent location.

PL 10 235867

The decision was appealed to An Bord Pleanála, upheld the decision to refuse planning permission.

Having regard to the pattern of development in the area, and to the following aspects of the layout and design of the proposed development, namely:

- (a) the position of the apartment block in close proximity to the busy road, and its unattractive design;*
- (b) the unattractive and un-orthodox proposed access road serving the site;*
- (c) the loss of roadside screening vegetation;*
- (d) the poor level of public open space serving the development;*
- (e) the dominant nature of the surface car parking proposals;*
- (f) the likely road traffic noise levels to be experienced by future occupants of the scheme, notwithstanding the proposed noise abatement barrier, and*
- (g) the un-coordinated layout of buildings in relation to the adjoining residential properties,*

it is considered that the proposed development, would fail to 'protect, provide and improve' residential amenities of the area as required by the land use zoning of the site under the Kilkenny City & Environs Plan, 2008, would seriously injure the amenities of the area and of property in the vicinity and would seriously injure the amenities of future occupants of the scheme. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 POLICY CONTEXT

5.1 Development Plan

2014-2020 Kilkenny City and Environs Development Plan.

The subject site is zoned Residential whereby it is an objective to protect, provide and improve residential amenities.

5.12 Health

Health care facilities may include health centres, day centres, community nursing units, family resource centres, nursing homes/ convalescent homes, community residences, sheltered workshops, activation centres and residential facilities for children and adolescents. These facilities

require locations which are integrated with new and existing communities and which are easily accessible.

6.0 THE APPEAL

6.1 Third Party Appeal Against Decision

Teresa Culleton on behalf of herself and signed residents of Cedarwood Avenue (41No. in total) have taken this appeal against Kilkenny's Co. Co. decision to grant planning permission for the proposed development. A summary of the submission is as follows:

- Cedarwood Avenue is all bungalows. The proposed building will take away the privacy of the residents and overshadow the estate.
- The noise from the development will reduce their quality of life, and the enjoyment of their homes which has existed for 35years. The heating and the air systems for the nursing home will operation 24/7. The delivery vehicles and other traffic will be a constant source of noise, day and night.
- The traffic will increase significantly. Kilkenny Co. Co. have asked for a road safety audit after construction. (Condition No. 8)
- Conditions 6(b), 7 (a) and (b) , 11 and 15 require the developer to agree certain works 'prior' to commencement but the residents are excluded for the process.
- The development overlooks No.s 20,21 Cedarwood Avenue and other houses. The existing privacy of the properties will be badly affected. The nursing home will be very dominant on the skyline. The developers state they have liaised with a number of residents with regards to the design and proximity. There was no such discussion with any of the residents. The residents collectively do not want this two storey structure close to their homes.
- The cul-de-sac at No. 20 must remain as such and should be permanently closed off. The suggestion that it might be used as an 'emergency entrance' is not acceptable. The location was never intended to be an access point to the site.
- The applicants state the site is in the ownership of Kilkenny Co. Co. This proposal has not be discussed or approved by members of Kilkenny Co. Co. Therefore how can permission be assumed.
- The bridge club has not agreed to sell the land to the developer.
- There has been no effort made by Kilkenny Co.Co or the developer to determine the impact of the development on the local roads, estate roads or the ring road. The roads are maximum capacity, adding to further traffic will be a risk to the health and safety of the local community.

Accompanying the appeal is the original objection to the planning application.

6.17 RESPONSES

The **planning authority** confirms its decision. The nursing home is considered to be compatible with the residential area. The revised designs have mitigated any potential impact that may occur by repositioning the building and reducing overlooking potential. The building is not considered excessive in height for an urban location.

There are no road safety concerns at the developments single point access. There is no access proposed to the cul de sac from Cedarwood Avenue.

The provision of a nursing home is welcomed to the area having regard to the aging population.

6.18 APPLICANT'S RESPONSE TO THIRD PARTY APPEAL

It would appear from reading the appeal, the third party may not have had the benefit of the revised design when drafting the objection letter, as some of the items raised in the appeal are historical and outdated.

- The site is zoned for residential use and the proposal is compatible with the zoning. There are commercial developments in the general vicinity, a bridge club on the contiguous site, and the proposed site is located within an existing community which is in compliance with the development plan.
- In terms of potential overlooking, the overall design was revised to a reduction of 1.75metres, allowing for a reduced ridge height and first floor eye level. Relocation of building away from No.s 20 and 21 Cedarwood Avenue, and removal of windows addressing these properties. There was a reduction of the enclosed garden area.
- In terms of noise the adjacent ring road is the primary source of noise, there will be no substantial increase in ambient noise levels as a result of the development. Natural gas will be used to heat the premises and the water. The noise associated with the boiler will be similar to a domestic boiler.
- There is less traffic associated with the proposal than a residential development. There will be no traffic at night, and staff turnovers are similar to a hospital, with nightshift from 8.00pm to 8.00am.
- The Roads Design section was satisfied with the design and audits carried out.
- Pre-commencement conditions are usual standard conditions for planning authorities to apply. They relate to operating hours, waste

disposal, traffic management, carparking and issues to ensure minimal disturbance.

- There is no emergency entrance/ exit via Cedarwood Avenue.
- Excess land from the ringroad will be used for the entrance/ egress. Ongoing discussions are occurring with the bridge club.
- The site is a vacant site in an urban area. The facility will provide a much needed facility for the community, with no negative impacts to the area.

6.19 Transport Infrastructure Ireland

Having regard to the proposed development been located alongside a national primary route, the Board referred the proposed to *Transportation Infrastructure Ireland*, a referral which does not appear to have been done by the planning authority. The Authority recommends refusal of the pedestrian access onto the N10 for safety reasons. It did state that certain items were outstanding in the application documentation, however, it would appear the documentation were not forwarded to them, and the items were assessed as part of the planning application.

7.0 ASSESSMENT

- 7.1 The subject site is located inside of the N10 Ringroad running to the south of Kilkenny city. The environs of the city stretch out to the edge of the ringroad and overspill onto the outside of the Ringroad is evident at the Loughboy roundabout, which is adjacent to the subject site. There is no fixed pattern of development or landuse in the general vicinity of the site whereby residential, commercial, sports and recreation land uses are visible from the site. The site is practically landlocked, with single storey dwellings to the north and west, and the Kilkenny Bridge Club to the east. The N10 ringroad forms the southern site boundary whereby vehicular access is strictly prohibited. Access to the site is via an overgrown strip of land to the south of the Bridge Club. The Bridge Club and the subject site share the same access road Bohernatounish Road.
- 7.2 Under the provisions of the current Kilkenny City and Environs Development Plan the subject site (0.47ha) is zoned for **Residential** development. A nursing home is compatible with that zoning and the adjoining landuses. The proposal development is acceptable in principle.
- 7.3 Previously there was a planning application for a residential development on the subject site in 2009, 09/324 (**PL 10 235867**), which consisted of two storey terrace and a three storey apartment block. The application was refused by the planning authority and the decision to refuse was upheld by the Board on appeal. The development was considered to be overdevelopment of the site and an inappropriate design relative to the

adjoining single storey dwellings of Cedarwood Avenue. Having regard to the detailed reason for refusal given by the Board on the previous proposal relating to the subject site, it would appear reasonable to assume that would have a bearing or influence the design and layout of the current proposal. However, in my opinion, the planning history of the site had little or no bearing on the overall design of the proposed scheme.

- 7.4 The current proposal was revised substantially by way of further information submitted on the 25th of November 2015. The revised scheme includes a two storey building envelop, consisting of two blocks of bedrooms on the ground and first floors, with a central enclosed courtyard area, with communal living and seating areas. There are also rooms such as library, kitchen area, oratory, laundry, plant, boiler and smoking room. Access is via an existing access off a slip road called Bohernatounish Road. Currently the access is over grown, however this will be cleared and widened to service the proposed development.
- 7.4 In terms of legibility and visual impact, the third party appellants are concerned the bulk and height of the proposed building is out of character with the adjoining single storey bungalows of Cedarwood Avenue. The general location is the outskirts of Kilkenny City. The surrounding area includes a mix of land uses and building heights. Whilst I agree the predominant roof profile contiguous to the subject site is single storey, in terms of the Kilkenny Bridge Club and the dwellings of Cedarwood Avenue, the urban location of the subject site on serviced lands should have a bearing efficient and sustainable use of the subject site. The building has a low profile roof just above the 6.4metre two storey elevation. This is not a tall building, and it has been adequately setback from adjoining properties to ensure it will not be a dominant structure when viewed from adjoining properties. It is not realistic for a single storey roof profiles to dictate future height controls on serviced lands, it is not a sustainable form of development. There has been a shadow analysis submitted by way of further information, and given the southern orientation of the subject site and the site's relationship to adjoining residential units, the proposal will not result in undue loss of light or overshadowing of adjoining properties. Furthermore, there are no back to back windows addressing each other, and given the separation distance between existing and proposed building lines, the proposed development will not result in an undue loss of privacy to the existing residential properties of Cedarwood Avenue.
- 7.5 Most of the concerns expressed by the third party appellants are unsubstantiated by any technical data, they are merely broad sweeping statements, that have been addressed by the applicant in robust technical reports throughout the planning application process. There was a detailed noise report prepared which clearly indicated the noise in the locality is derived from the traffic along the adjoining N10 ringroad. The proposed development will make little or no changes to the current ambient noise levels. However to mitigate the third party concerns a noise barrier is proposed along the southern boundary, which is the mutual boundary of the N10. The boiler house and laundry room associated with the proposed nursing home are located along the western

elevation, and will be serviced by natural gas. Therefore the noise will be minimal. There will be no emergency access from the development into Cederwood Avenue.

- 7.6 Overall, I consider the proposed design is monolithic and unimaginative. If one examines the previous refusal on the subject site by An Bord Pleanála under reference PL10.235867, the residential development was refused because the overall scheme was considered to be of a poor design, and it would fail to protect or enhance the visual amenities of the area. The current application has not taken into consideration the planning history of the subject site. The proposed building envelope is inoffensive, but the elevation detail is lacking and the overall design is extremely bland and uniform, almost resembling a large portacabin. The Board could require a redesign by way of condition, however as outlined below there are other more serious deficiencies as regards the site layout, that will require an entirely new design and approach. The applicant does not state the inspiration, if any, for the overall design. In my opinion, the only feature of the proposed building is the selected brick finish and glazed entrance feature, and this is officious in appearance and not sympathetic to proposed use. The Board should refuse the development on this basis, as it is a prominent site along the Ringroad of Kilkenny and demands a quality design. This approach is consistent with the Board's previous decision on this site. Given the location and general pattern of development in the area, the overall design treatment should include quality materials to break up the proposed monolithic bland horizontal appearance of the proposed elevations. All of the elevations create a mundane and dismal vista, and as this is a nursing home for elderly and their families will visit, it is the applicant's responsibility to create a welcoming and interesting building for their residence. The proposed design would not make a positive contribution to the area. The layout involves a circulation around the building in a one way system, and the building design gets progressively worse as one moves around the site.
- 7.8 The applicant has placed a considerable emphasis on the retention of the Leylandi trees along the southern boundary as a feature of the proposed development, screening the development from the N10 and acting as a noise and visual barrier. There was no survey carried out of the condition of the trees, and usually within urban areas they require a considerable level of trimming which ultimately leads to undermining their stability. There has been very little consideration given to the overall landscaping of the site or the provision of an outdoor amenity area. The footprint of the proposed building consumes most of the site area and the residual site area consists of roads and parking. In my opinion, a detailed landscape plan to include a small outdoor seated area with the benefit of sunshine as an alternative to the indoor courtyard area should have been provided within the proposed development. This is an urban area, and the proposed pedestrian access from the site is onto the ring road, is of low amenity value to the residents and visitors. The applicants revised the overall design to ensure the amenities of a number of existing dwellings to the north were maintained. In order to increase the separation distance between the existing and proposed developments, the central enclosed courtyard area was reduced significantly in size. It would appear to me,

that very little consideration has been given throughout the design for amenity provision for the future residents of the nursing home. The people who occupy nursing homes are typically not there by choice, but due to circumstances related to their age, and they can be sick, elderly, frail, and weak. They are by definition residents, the nursing home is in fact their actual home, as they rarely leave the premises/ grounds. Therefore it should be a design priority to provide a residence with adequate amenities for future residents. It is my opinion, the underlying design objective of the proposed development appears to be cram in as many rooms as possible into the nursing home, as each room provides minimum private space or storage for the future occupants. The design and the planning authority's assessment of the nursing home appears to be focused on technical issues such as stormwater, noise, access and parking with very little consideration given to the future occupants and their amenities. The proposed development should be refused on the lack of amenities, the proposal is substandard in that regard and this is contrary to the zoning objective relating to the subject site.

- 7.7 The existing entrance from Bohernatounish Road will serve the proposed development. The access road will be cleared to provide a 5.5metre wide access road alongside the Bridge Club as per Drawing K021L-001 date stamped 25th of November 2015. The Roads Design Office of Kilkenny Co. Co. deemed the proposal acceptable as the proposals was redesigned in accordance with its requirements. The findings of the Traffic Impact Assessment stated there will be no material impact to the N10 or the roundabout. A one way circulation system is proposed around the building similar to the adjoining bridge club site. The parking is to cater for visitors to the nursing home and staff. A pedestrian access is proposed to the N10 from the site where there is a tarmac footpath. The planning authority failed to refer the case to *Transportation Infrastructure Ireland*, it has advised the Board of this. The pedestrian link to the N10 should be omitted from the scheme because it could pose a potential safety issue in terms of dropping off or picking up pedestrians from this point which would encourage dangerous and conflicting manoeuvres in close proximity to the roundabout along the strategic national road network. The access road is designed to cater for two way traffic, cross sections of same are included in the submitted drawings.

8.0 RECOMMENDATION

Overall, the development is acceptable in principle on the subject site, but it is my opinion, the overall design of the nursing home is substandard having regard to its prominent location and the planning history of the site, and the lack of amenities for the future residents of the proposals and their visitors.

REASONS AND CONSIDERATIONS

1. Having regard to the nature of the proposed development, the vulnerable nature of the future occupants of the proposed development and the design and layout of the proposed building, it is considered that the proposed development would seriously injure the residential amenity of future occupants of the proposed nursing home and fail to provide for a proper standard of development. The proposed development would, therefore, seriously injure the residential amenities of future residents of the facility and be contrary to the proper planning and sustainable development of the area
2. Having regard to the design and layout of the proposed development in close proximity to a busy national route, the unattractive elevation design and materials, the potential loss of roadside screening, the poor level of open space provision serving the development, the dominant nature of carparking and service road layout, it is considered the proposed development would fail to 'protect, provide and improve' residential amenities of the area as required by the land use zoning objective of the Kilkenny City and Environs Development Plan 2014, would seriously injure the visual amenities of the area and the amenities of the future occupants of the scheme. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Caryn Coogan

Planning Inspector

08/11/2016