



An
Bord
Pleanála

Inspector's Report PL 07 247405.

Development

Change of use from hotel to 92 bed nursing home in four floors over basement, extensions, modifications, alterations and additions. Change of use at ground floor to doctors' surgery with four consulting rooms and associated accommodation and change of use at ground floor to pharmacy and associated accommodation, signage and modifications to surface carpark to provide additional thirty-two car spaces, landscaping drainage and site works. Gross floor area 5,948 square metres.

Location

Galway Oyster Hotel, Castle Road
Oranmore, Co. Galway.

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

16/550

Applicant

Tasbeem Ltd

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party against Decision to Grant.

Appellant

John Bollard.

Date of Site Inspection

28th November, 2016.

Inspector

Jane Dennehy

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1.0 Site Location and Description

1.1. The site which has a stated area of 5,300 hectares is located at the centre of Oranmore to the west side of main street and the east of Castle Road. Further to the west of Castle Road is Galway Bay and Oranmore Castle. Recent development in the vicinity includes a community school, an Aldi store and a Tesco Store and other retail units. A graveyard is located to the north side and there is a limestone wall and trees and vegetation along the boundary between the two properties. To the east side there is a service yard, public house and other retail and commercial developments. The Galway Oyster Hotel building on the site has been closed and has been unoccupied at the time of inspection.

2.0 Proposed Development

2.1. The application lodged with the planning authority indicates proposals for change of use of the hotel building to a ninety-two-bedroom nursing home, a doctors' practice with four consulting rooms and a pharmacy over four floors over a basement within the building. The proposed development provides for modifications, alterations, additions and extensions to the building and to existing surface carpark to provide for an additional thirty-two carparking spaces and signage.

2.2. A supplementary submission of unsolicited additional information comprising a landscaping plan and document, "Dementia Friendly Gardens" a revised site plan ground floor and second floor plan and elevation drawings and a statement that the Church of Ireland which owns a footpath leading to the adjoining g cemetery consents to the application and that the applicant agrees to maintain the route via the applicant's lands and the access to the graveyard, was lodged with the planning authority on 12th August, 2016 .

3.0 Planning Authority Decision

3.1. Decision

By order dated, 20th September, 2016 the planning authority decided to grant permission subject to eight conditions most of which have standard requirements.

Under Condition No 2 there is a requirement for a compliance submission for the proposed signage. Under Condition No 5 there is a requirement for archaeological monitoring for all groundworks. Under Condition no 7 there is a requirement for a compliance submission in respect of hours of operation for the doctors' clinic and pharmacy and under condition No 8 there is a requirement for a compliance submission for the name for the proposed nursing home.

3.2. Planning Authority Reports

The planning officer in her report notes that the proposal offers an opportunity to bring the building on a brownfield town centre site close to amenities and facilities back into use and that the proposed development accords with the Galway county development plan policies and objectives.

3.3. Internal Technical Reports

There are no internal technical reports available on the file.

3.4. Third Party Submissions and Objections

Objections were lodged by two parties including the appellant in which concern is expressed about the impact of the thirty-two additional surface parking spaces on the adjoining graveyard.

3.5. Prescribed Bodies.

A submission from the National Monument Service/ Department of Arts, Heritage, Regional and Rural Affairs and the Gaeltacht indicates the recommendation for an archaeological monitoring condition which was attached to the decision to grant permission.

4.0 Planning History:

- 4.1. **P. A. Reg. Ref.15/975:** Permission was granted for a single storey extension to the west and south sides providing for a lobby, bar, smoking area and terraced seating, change of use of permitted sports leisure club bar function rooms and, material

alteration to the elevations, carpark and a shared multipurpose space at the front and associated site works.

P. A. Reg. Ref.10/207: Permission was granted for change of use from retail to sports/leisure within the hotel and commercial development previously permitted under P. A. Reg. Ref. 04/5254

P. A. Reg. Ref. 08/2621: Permission was granted for retention of alterations to the hotel and commercial development previously permitted and construction of small projection and extensions at the northern and southern end elevations, changes to the plant at ground floor and to the west and south elevations.

P. A. Reg. Ref. 04/5254: This is the parent permission. Permission was granted for the 113 bedroom hotel and ancillary accommodation in a four storey plus attic building including a ground floor retail unit basement parking, services yard and site works.

5.0 Policy Context

5.1. Development Plans

The operative county development plan is the **Galway County Development Plan, 2016-2022**. Nursing home developments should be integrated into established residential areas with adequate services and facilities. Parking standards of one space per two bedrooms and one space per two consulting rooms apply,

The operative Local Area Plan is the **Oranmore Local Area Plan, 2012-2018** according to which the site is within an area zoned for residential development. subject to the zoning objective: C1 "Town Centre/Commercial". Nursing home development is open to consideration and medical and related practices (GP) are permitted in principle.

Objective RD 8 provides for a presumption in favour of nursing home and retirement facilities on residential zoned land or adjacent to the established town centres, protected structures or other buildings that have limited redevelopment potential.

The site is located within the zone of archaeological potential at Recorded Monuments GA095-111001 – Graveyard, GA095-111002 – Church and GA095-111003 – Graveyard.

6.0 The Appeal

6.1. A third party appeal against the decision to grant permission was received from John Bollard of Doughiska, Galway on his own behalf on 13th October, 2016. Mr. Bollard's notes that the landscaped areas in which the carpark's additional spaces are to be provided is also serving as an access to the adjoining graveyard. His concerns can be outlined as follows:

- The existing building and site is suitable for hotel use characterised by short overnight stays. It is not suitable for nursing home use due to the backland setting at the rear of mixed use buildings including KUDOS nightclub. The external environment with hard surfaces is unsuitable as an amenity space. There is just a small recreational space between the northern side of the building and the boundary with the graveyard. It is small, lacks sunlight and is unattractive. Access to outdoor space from the bedrooms which are above ground floor level is very limited especially for older people and those who have difficulty with mobility.
- It appears that the applicant does not have right of access to the one hundred basement car spaces and that this is the reason for the proposal for an additional thirty-two surface spaces. The proposed surface spaces are not appropriate at a town centre location where there are sufficient parking spaces available park. The proposed surface spaces also encroach on the mature landscaped area that was in place before the hotel was developed and which was retained as an access to the graveyard. The proposed surface spaces would destroy the mature trees and the amenity space which provides access to the graveyard.

6.2. Applicant's Response.

A submission was received from Fewer Harrington and Partners on behalf of the applicant on 14th November, 2016 the contents of which can be outlined as follows:

- The location is appropriate. Nursing home development is encouraged in town centre and edge of town centre locations where public utilities, greater social inclusion transport and access is possible. Location in rural areas is discouraged. The proposed location is therefore an excellent one. It also has beautiful walks and views which are therapeutic/
- The location is not a backland. There is a new link road and the site faces Aldi, Casasantus College and Galway Bay
- The nursing home is required because here is no other urban centre based nursing home serving East Galway at present.
- All trees will be retained and do not need to be removed to facilitate the surface carspaces. The Church of Ireland which owns the graveyard are supportive and have provided a letter of consent to the application. The enhanced green area design proposed in the submission of 12th August, 2016 is visually far superior to the current design.
- Visitors gen do arrive in late evening and night and prefer to use surface parking to basement parking. This is the reason for providing surfaces spaces at County Council standards. It is also an appropriate set down area. Basement carparks are more suitable for ambulant younger populations during peak hours.
- The outdoor space is suitable as it provides a greater amount of open amenity and usable spaces than at present. The proposal includes dementia sensory garden areas and terraces and balconies for every room along with flower boxes and view overlooking Galway bay. Occupants of all floors can access and benefit from the facilities. It is recommended that the document, "Dementia friendly gardens" prepared by TrinityHaus be read. There is ease of access and variety in outdoor spaces areas and these are essential features of the design facilitating elderly residents as to ease of accessibility and ease of supervision while allowing for some independence.

- Dayrooms are available at all floors so that quieter areas can be used by residents instead of the more communal area if preferred. All the needs of residents are considered in the proposed development.
- Attachments include Universal Design Guidelines for Dementia Friendly Dwellings, (Trinityhaus) a copy of Design Guidelines for Nursing Home development in County Louth (Louth County Council)
- The proposed development supported by Tom Grey Architect and Researcher at TrinityHaus at Trinity College.

It is submitted that the comments in the appeal are subjective and do not take cognisance of the further information submission. The motive for lodgement of the appeal is questioned and it is noted that the appellant is not a local resident.

6.3. **Planning Authority Response.**

There is no submission from the planning authority on file.

7.0 **Assessment**

7.1. The issues considered central to the determination of the decision and considered below are:

- Nature of proposed changes of use
- Amenity potential of communal open space for future occupants
- Access to Adjoining Graveyard.
- Impact of proposed surface car spaces on amenities of the area.
- Other Matters
- Appropriate Assessment.

7.2. **Nature of proposed changes of use.**

The proposed change of use to a nursing home is not in conflict with the zoning objective for the location. It is agreed that that the nature of occupancy contrasts

significantly to that of a hotel in that it involves long term / permanent residency in a nursing home scenario for the upper floors. It is also noted that there is a special emphasis on dementia care within the proposed design involving care in a therapeutic environment while also necessitating a secure environment that is easily managed. Although the existing building was designed and constructed for hotel use, the proposed alterations and additions to facilitate adaptation to nursing home use are considered acceptable.

The building and the site are ideal having regard to good planning policy and practice which is specified in the county and local area plan for nursing and care homes to be located within the community at the edge of established settlements in mixed use or residential areas supported by widely accessible services and facilities and to discourage use of rural locations.

The proposed development would appear to be consistent with the standards and recommendations within, "*National Quality Standards for Residential Care Settings for Older People in Ireland*" issued by HIQA in 2009.

The proposed changes of use to pharmacy (retail) use and to the Doctor's surgery are consistent with the zoning objective. It is noted that both the doctor's surgery which provides for four consulting rooms and the pharmacy are units would have a significant intensity of use given their size and capacity. There is no objection to the incorporation of these facilities within the ground floor of the building, given the zoning objective for the area and range of existing retail, commercial, community and residential development within the vicinity.

7.3. Amenity potential of communal open space for future occupants.

As previously stated the site location is at the centre of the village between the main street and Castle Road with Galway Bay beyond where there has, as stated in the submission of the applicant a range of retail and community facilities and the visual and recreational amenity. It is agreed that the hotel site should not be regarded as backland site but it is noted that access to sunlight and outlook from the east facing windows are of limited amenity potential for the residents. Residents may, due to ill health require a secure and therapeutic external environment and it would appear appropriate landscaping outdoor amenities have been designed incorporated in the

proposed development, as amended in the unsolicited additional information submission of 12th August, 2016. It is noted that design proposals are also subject to guidance and review by HIQA.

The proposed development is considered satisfactory in this regard.

7.4. Access to adjoining Graveyard.

The adjoining graveyard to the north has a limestone wall boundary wall in which there is gate on the boundary with the appeal site and there are trees and hedgerow on both sides of the wall. At the time of inspection, it was noted that some restoration, repair and maintenance works had been carried out and that there is second entrance gate at the south eastern end of the graveyard which can be accessed from Main Street. (The key which can be requested for access is held at the adjoining bar.) It is noted that the graveyard owners "The Church of Ireland" which has a right of way to the access over the appeal site to the graveyard entrance has confirmed that it has no objection to the proposed development and is not in dispute with the applicant over this matter. On review of the lodged plans, it appears that there is no cause for concern.

7.5. Impact of proposed surface car spaces on amenities of the area.

The applicant has not responded and the planning authority has not commented on the contention in the appeal that the applicant may not have right of access over the basement carpark in which there are one hundred spaces. This matter has not been clarified but it would appear that guests at the hotel would have used the basement level carpark. It is not anticipated that demand for parking generated by the proposed change of use would be increased relative to the previous permitted use. Details could be sought by way of a section 132 notification. In the event that the proposed development is solely dependent on the surface spaces available within the site, there would be a shortfall in supply having regard to the development plan standard of one space per two bedrooms, one space per two consulting rooms and one space per 240 m sq. GFA for the pharmacy. That aside, there is ample availability of off street parking available to the public at various locations in the immediate vicinity of the site location.

There is no objection to the proposed surface car parking layout, subject to full implementation of the landscaping for this area and surrounding open space. The right of access to the adjoining graveyard would not be obstructed.

7.6. Other Matters.

It is recommended that in the event that permission is granted, a condition should be attached for a construction management plan, to include details of proposed arrangements for construction traffic management and a condition for a construction stage waste management plan to be prepared and submitted for compliance by condition to the planning authority. These conditions would address requirements of Condition Nos 4 and 6 and are included in the draft order attached.

7.7. Appropriate Assessment

The closest Natura 2000 site is the Galway Bay Complex SAC adjacent to Oranmore. Having regard to the location of the site which is that of an unoccupied hotel building on serviced land at the centre of Oranmore and to the nature and scale of the proposed development comprising primarily of changes of use, no appropriate assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. In view of the foregoing it is recommended that the appeals be rejected and that the planning authority decision to grant permission be upheld.

9.0 Reasons and Considerations

Having regard to the location of the site, which is that of an unoccupied hotel building on a serviced brownfield site within an area subject to a zoning objective C1: "Town Centre/Commercial" in which nursing homes are open to consideration and medical and related practices and retail developments are permitted in principle and, to Policy Objective RD 8 which provides for a presumption in favour of nursing home and retirement facilities on residential zoned land or adjacent to the established town centres according to the Oranmore Local Area Plan, 2012-2018, it is considered that subject to compliance with the conditions set out below, the proposed development would provide satisfactory standard of amenity for the future occupants, would not adversely affect or obstruct access to the adjoining graveyard and would not be seriously injurious to the amenities of the area. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars lodged with the planning authority on 12th August, 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains within the site.

- 3 Prior to the commencement of the development, the developer shall submit to, and agree in writing with, the planning authority details of all the materials, textures and colours for the external facades including fenestration.

Reason: In the interest of visual and residential amenity.

- 4 The site shall be landscaped in accordance with a comprehensive scheme of landscaping, to include use of indigenous species and screen planting along the boundaries. details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual and residential amenity.

- 5 Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. No surface water shall be allowed to discharge onto the public road or adjoining properties.

Reason: In the interest of orderly development and public health.

- 6 Prior to the commencement of the development the applicant shall submit and agree in writing with the planning authority:
 - (a) full details of the proposed names and signage for the nursing home and for the doctor's clinic and pharmacy and,
 - (b) Full details of the proposed hours of business for the proposed doctor's clinic and pharmacy.

Reason: In the interest of clarity and visual amenity.

7. No additional development shall be erected above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment including the satellite dish shown on the roof plan unless authorized by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

8. Hours of construction shall be confined to the hours of 0800 and 1900 Mondays to Fridays excluding bank holidays and 0800 hrs and 1400 hrs on Saturdays only. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard amenities of the area.

9. The construction stage shall be managed in accordance with a construction management and construction traffic management plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall include details of noise management measures, dust control measures, arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interests of orderly development, amenity, safety and sustainable development.

Jane Dennehy
Senior Planning Inspector
22nd December, 2016.