



An
Bord
Pleanála

Inspector's Report PL.08.248270

Development	Demolish house and erection of residential care centre for children with attic accommodation.
Location	Curragraigue, Blennerville, Tralee, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	16/259
Applicant(s)	The Saoirse Foundation
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Parties
Appellant(s)	St. Pat's GAA, Patricia Griffin
Observer(s)	None
Date of Site Inspection	14 th June 2017
Inspector	Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The subject site is located on the edge of Blennerville which is situated south of Tralee, adjacent to the N86.
- 1.2. The appeal site largely comprises of a large field situated behind an existing single storey house and a second field to the south of this. The overall size of the appeal site is 13.5 ha (33.3 acres) and the shape of the appeal site is irregular. The field located behind the existing house is an unused field surrounded by hedgerow on two sides and GAA pitch on the other side. There is a large depression in the middle of the field. The second field to the south is in use for agricultural purposes.
- 1.3. The single storey house is located between a derelict two-storey house on one side and a GAA pitch on the other.
- 1.4. The local area in the immediate vicinity of the appeal site is characterised by sporadic houses and rural countryside.
- 1.5. The topography of the subject site slopes downwards towards the public road bedside the house.

2.0 Proposed Development

- 2.1. The proposed development provides for the following;

A single storey residential respite care centre for children with attic accommodation comprising of;

- 8 no. 3-bedroom residential units,
- 14 no. 2-bed residential units
- A reception area
- 4 no. therapy rooms
- 2 no. sensory rooms
- 5 no. physio rooms
- 3 no. offices with meeting rooms
- A playroom

- A cafeteria
- Staff facilities and ancillary support rooms.

The total floor area of the proposed development is 5,965 sq. metres.

The proposed development also includes a new access road with site entrances, car parking, cycle stands, landscaped public and private courtyards, new maintenance yard and the demolition of a two-storey house.

Additional information was sought for the following (a) details of the rationale of the proposed development, (b) operational details, (c) design and clarification of uses, (d) archaeology, (e) details of drawings in relation to service road and entrance, (f) clarification of access details, (g) surface water drainage details, (h) parking provision details, (i) housing details, (j) landscape proposals, and (k) details of refuse and recycling facilities.

3.0 **Planning Authority Decision**

The Planning Authority decided to **grant** planning permission subject to 20 conditions. The conditions are generally standard for the nature of the proposed development.

3.1. **Planning Authority Reports**

3.1.1. The main issues raised in the planner's report are as follows;

Area Planner

- The subject site is in an area designated Rural General about landscape protection.
- Additional information required regarding landscaping and design.
- It is considered that a parking analysis shall be submitted for the proposed use.

- Additional information sought regarding archaeology.
- There is no likely potential for significant effects to Natura 2000 sites.
- It is considered that an EIA is not required in this instance.

- 3.1.2. Tralee Municipal District Operations; - No objections subject to clarifications of a number of issues.
- 3.1.3. Housing Estates Unit; - An observation submitted in relation to design issues.
- 3.1.4. County Archaeologist; - No archaeological mitigation measures required.
- 3.1.5. Conservation Officer; - No objection. No impact on the designated Blennerville ACA.
- 3.1.6. Building Control; - A Fire Safety Certificate and Disability Access Certificate is required.
- 3.1.7. Submissions; - There is a submission from Irish Water Ireland who have no observations to make. There is also a submission from the HSE who set out several conditions. There is a submission from the Department of Arts, Heritage and the Gaeltacht who recommend that additional information is sought. There is a submission from the Transport Infrastructure Ireland who state that the Authority relies on the Planning Authority to abide by official policy. There is a submission from Fisheries Ireland who request that good site management practices are adopted and confirmation that there is a public sewer capacity for the proposed development.
- 3.1.8. Representations; There is representations by Michael J. Healy-Rae TD and Brendan Griffin TD on behalf of the applicant.

3.2. **Third Party Observations**

There are two third party objections and the issues raised have been noted and considered.

4.0 **Planning History**

- L.A. Ref. 05/1127 – Permission granted for 52 no. houses. An Bord Pleanála **refused** permission on appeal for the following reasons; (a) granting permission in a rural unzoned area would materially contravene the Kerry

County Development Plan, (b) the proposed urban type development would interfere with the amenity, character and quality of the landscape in this area, (c) the direct frontage onto L-6514 would endanger public safety because of traffic hazard.

5.0 Policy Context

5.1. Local Area Plan

The appeal site is located outside of the development boundary for Tralee in accordance with the Tralee / Killarney HUB FALAP, 2013 – 2019.

The site in question is unzoned rural land.

5.2. Development Plan

Kerry County Development Plan, 2015 – 2021, is the operational plan.

6.0 The Appeal

The following is the summary of a third-party appeal submitted by **Patricia Griffin**;

- The site is in a rural area not zoned for development.
- Development of this scale should be plan led where it can access other facilities of a town.
- Planning Permission was sought for 52 houses in 2005. Permission granted by Kerry County Council. However, An Bord Pleanala (appeal ref. 216687) refused permission as the land was un-zoned.
- In 2007/2008 Kerry County Council decided to zone the land and later Kerry County Council decided to de-zone the land.
- Despite the de-zoning Kerry County Council have granted permission for development of the land.

- Kerry County Council fails to set out its main reasons and considerations on which its decision was based. No reference is made to Kerry County Council settlement policy.
- There is no sound planning case for the reasons of locating this development in this specific location.
- The planning report fails to demonstrate how the proposal is consistent with the settlement strategy.

Rationale for locating the development in Curragraigue

- There is no information outlining the justification for the location, medical, operational or financial rationale.
- No information is available demonstrating that the subject site is the optimal site in all of Munster.
- The report prepared by Dr. Honor Nicholl outlines that parents recognise the need for such a facility. It was acknowledged that there is a need to locate such a facility near qualified staff.
- It is contended that the report from Dr. Honor Nicholl does not refer specifically to the current proposal and is more generic.

Confusion about the role of the centre

- There is a mismatch between the role of Liam's lodge as outlined on the foundations website and the development described in the planning application.
- The lack of clarity is a concern and would suggest that the centre is continually evolving.

Financial viability

- It is estimated that a centre of this scale will cost €10 million to construct and €3 million annually to run.

- There is nothing on the file from the Department of Health / HSE supporting the application.
- The applicant has also failed to explain the rationale for the proposed development.
- There is very little money available to the charity (Saoirse Foundation) as is evident from the accounts returned to the Charities Regulatory for 2014.
- The development maybe completely unviable.

National Policy

- It is submitted that the proposed development is contrary to the National Disease Plan in July 2014.

Traffic Issues

- The car parking provision of 35 spaces is insufficient to accommodate 22 families, 20 staff, patients and families.
- The entrance to the proposed development is from the north however the public road at this point is very narrow. The junction is also very close to the road junction with the N86.
- Existing houses to the west also park on the main road.
- It is submitted that additional traffic movements associated with the development may give rise to a traffic hazard.

Visual Amenity

- The physical scale and size of the proposed development and the extensive road network proposed to facilitate it will be completely out of character with this rural area and the neighbouring dwellings.
- The site is very open and unscreened and development will be highly visible and prominent.

St. Pat's G.A.A. Club Blennerville Tralee submitted an appeal submission and the submission outlines the planning history of the subject site and the main grounds of appeal. The following is the summary of the main grounds of appeal;

Previous Refusal by An Bord Pleanala

- An Bord Pleanala refused permission (appeal ref. 216687) as the site was deemed unsuitable and unsustainable for development.
- There has been no change to the surrounding roads, utilities or infrastructure since the L.A. Ref. 05/2177 was refused permission by An Bord Pleanala.
- The Planning Inspector considered that the site was unsuitable for development as it would result in commuter traffic to nearby town of Tralee and would also require specific engineering requirements.
- The Planning Inspector also noted that the proposed development would not amount to sequential development and that new development should be located on zoned land.

Un-zoned / Unserviced lands

- The proposed development is located on agricultural land which has no services such as utilities.
- Reason no. 4 of An Bord Pleanala refusal reflected this.

Traffic Hazard

- The access to the appeal site is restricted given the narrow width of the adjacent public road.
- There is a new school located adjacent to the junction L-6514 / N28 and at school drop-off times there is an issue with car parking.

- The proposed access will present difficulties for the wheelchair accessible minibus which will frequent the centre. The access road will also be difficult for fire and emergency services.
- The Inspector's Report (appeal ref. 216687) concluded that the proposed access given the multiplicity of existing accesses along the L-6514, within an 80kph speed zone would endanger public safety because of traffic hazard.

Evidence of Flooding

- The GAA pitches have flooded on several occasions.
- The most recent flood was on 5th/6th December 2015. This flood had a devastating impact on the pitches and the dressing rooms.
- Photos taken from the 12th April 2016 shows the flooding even in dry weather.

Catchment

- It is submitted that lands located to the east of St. Pat's GAA grounds are at a low point in the catchment.
- The catchment area is within karst limestone and 3 sinkholes were identified which take large volumes of water.
- The catchment area is unusual as it has no watercourse and the rainfall flows into the porous limestone, sink holes and caves. It is submitted that during extreme rainfall events the caves and sink holes rapidly fill with water and flooding occurs.
- 3 sinkholes are identified in Appendix a Drawing no. 0016-101.
- It is contended that water from sink hole no. 2 and no. 3 spring up at point no. 4 as shown on drawing no. 0016-101 and flow onto the public road.
- The water from sink hole no. 1 and the upland area of the catchment, springs up in Mr. Foleys land as its flows to the low point of the catchment.

- Flood water also flows into St. Pats GAA grounds from the lands adjoining it to the south and water springs up at the northeast end of the all-weather pitch during heavy rain.

Existing drainage system

- The existing drainage system is illustrated on drawing no. 0016-100 (See Appendix A).
- There is a 300mm dia pipe taking surface water from St. Pat's GAA pitch and crossing the local road at the entrance to the playing pitch where it discharges into a 250mm dia pipe in adjacent lands to the east which has insufficient capacity to drain the existing let alone the proposed development.
- It is submitted that a total length of 700m of local road drains into 250mm dia pipe in Mr. Foley's land.

The topography of the existing drainage system

- The gradients of the existing drainage system is flat but a gradient of 1 in 200 or thereabouts can be achieved.
- The level of the car park in St. Pats GAA grounds is at 2.82m and the level of the outlet pipe 1.935m from St. Pats GAA. The sluice valve at Kearney Road is 0.62m and this gives a level difference of 1.315m.
- The canal bank level is 2.9m at Hare Street and in high tide this area floods so the maximum high tide level is probably around 3.3m MOD.
- It is considered that St. Pats GAA Pitch and Buildings are at risk of tidal flooding.
- St. Patricks GAA Club proposed to install a 900mm diameter pipe to reduce the risk of future flooding. This is the largest pipe that can be installed due to constraints with levels and the height of the local road. However, this does not account for surface water run-off from the proposed development.

- This pipe will not eliminate future flooding but it will greatly reduce the severity of future flooding.

Existing drainage system (cont'd)

- It is evident from one of the refusal reasons in L.A. Ref. 05/1127 that drainage is a problem with the site.
- It is also noted from the other planning applications on the site, i.e. L.A. Ref. 14/379, L.A. Ref. 14/446 and L.A. Ref. 16/259 that there was no reference to the flood history on the planning application although the site is at risk of flooding.
- A pre-planning meeting was held on the 7th March 2016 where it was stated that all outstanding issues raised in L.A. Ref. 14/446, including flooding, shall be addressed.
- The applicant's Drainage and Flood Risk Assessment (prepared by Malachy Walsh & Partners) state that there was no evidence of concentrated run-off from the site during recent extreme weather events. This is contrary to the photographs included in this appeal.
- The applicant's submission is also contrary to the submission by the OPW in connection within appeal ref. 230361 which identified surface water run-off as an issue within the appeal site. The OPW report also refers to tidal flooding along the Kearney's Road.
- The Flooding Report from the applicant (prepared by Malachy Walsh & Partners) considered four options to address flood risk. Option no. 4 which includes 'combination of permeable paving and infiltration trench along the entrance will in our opinion provide the best option for discharge to the site'.
- It is submitted that infiltration trenches are only as good as they are maintained and the debris, silt and vegetation can easily clog up the trenches.
- It is submitted that infiltration is only as good as the surrounding soil conditions.

- The applicants flood risk report identifies the site is an area designated as Zone C of High Vulnerability.
- Item 7.1 of the applicant's flood risk report recognises the risk to the appeal site of potential overland flow from more elevated land to the south.
- It is submitted that the falling topography of the site is significant. Over a distance of 350m the existing ground level to the south is 9.0m and the St. Pats GAA Pitch is at a level of 3.3m. The proposed building is sited behind these levels and the FFL is 5.5m
- It is submitted that the proposed development is inconsistent with objectives FL1 – FL6 of the Tralee / Killarney HUB FALAP, 2013 – 2019.

7.0 Applicant's Response

The applicant's agent submitted a response and this submission outlines the purpose of the development, need for development, the locational requirements of the development, details of the proposed development, planning policy context, flood risk issues, planning history and the response to the appeals. The following is a summary of the main grounds in the response to the appeal submissions.

Un-zoned site in rural location

- The current Development Plan has no specific policies in relation to respite care centre provision.
- The County Development Plan recognises that there is a shift away from hospital based to more community based care by meeting peoples needs on a local basis.
- It is contended that the proposed development should be considered on its own merits.
- It is submitted that important locational requirements for national respite care and palliative care include;
 - proximate to hospital services
 - good national transport links

- outside of urban centre / suitable 'holiday' location
- relaxing, safe, tranquil environment
- proximate to a range of family amenities
- It is submitted that the appellant's contention that the respite care centre should be located on zoned land within a large urban centre is contrary to the core objectives of the centre.

Previous Refusal on Site

- It is submitted that the previously proposed development was residential.
- It is contended that the outcome of the previous application does not set any outcomes for the current case, given the difference uses proposed.
- The current development plan does not exclude development in rural designated land.
- It is submitted that given the location of the site adjacent to Blennerville village it has the capacity to accommodate development of the scale proposed.
- It is submitted that the settlement policy relates to residential development which is not proposed in the current application.
- The Development Plan does state that moderate development can be accommodated in designated rural areas.

Rationale for locating development in Curragraigue

- There is a lack of palliative respite care within the Munster / mid-west region for such children.
- There is also a shortage of respite care facilities in the country.
- The proposed development is modest in scale and will not preclude similar development in other areas / regions.

Confusion about the role of the centre and financial viability

- It is submitted that the need and the rationale for the proposed development is clearly outlined. The primary function is to provide a week-long respite service to families nationally and palliative respite for the Munster / mid-west region.
- It is submitted that it is not necessary to prove that finance is available for the project during the planning stage.

Car Parking

- It is submitted that car parking will be provided at a rate of 70 spaces.
- The proposal includes 22 no. care units and will include 20 no. staff members requiring 42 car parking spaces at full capacity.
- Allowing for the fact that some families may travel in more than one car during visits it is proposed to include 53 no. standard spaces and 17 no. non-accessible spaces.

Site entrance

- It is submitted that the local road conditions which include a narrow road, a signal controlled junction in the vicinity and on-street parking to the west are commonly found in urban areas.
- Also, it is important to note that this route is not a heavily trafficked route and the presence of these issues act as a traffic calming measure.

Visual Amenity

- It is submitted that the scale of the proposed development is modest.
- The form of the proposed building is such that the overall perceived scale is modest.
- Although the proposal will result in a change in the landscape, it is considered that it can be visually absorbed and the proposal is not visually inconsistent with the character of the area.

- The proposed development will not block or interrupt views.

Response to Appeal by St. Pats GAA

- It is noted that this appeal is supportive of the principle of development.
- It is submitted that the reasons for refusal in relation to L.A. Ref. 05/1127 have no relation to the current proposal as this current development is a medical use rather than residential.
- The submission includes an additional letter prepared by Malachy Walsh & Partners outlining the drainage proposals for the site. In short SUDs, will be used to ensure that on-site infiltration rates are retained at pre-development levels.
- Although the site is currently an unserviced agricultural site it is proposed that the proposed development will be connected to public water mains and public foul sewer.
- It is submitted that the current access proposals differ to the previously proposed development. In the previous proposal access for the residential development was from the east of the site. However, in the current case access to the site is from the local access which is within the development boundary and also within the 50kph speed zone.
- It is submitted that the local access road, given its restrictions in terms of width will deliver an incidental form of traffic management.
- It is acknowledged that the GAA pitch has flooded in the past however the appeal site is not a flood risk.
- It is acknowledged that the ponding occurred on the appeal site in the 2015 / 2016 winter however this was due to soil saturation rather the ground water flooding. Investigations at the time revealed that ground water depths were 2.5m to 2.75m.
- The appeal site is identified as Flood Risk C zone in accordance with the national guidelines. The appellants have suggested that the appeal site is 'high vulnerability' flood risk which is clearly not the case.

- It is submitted that the finished floor level of the proposed development is 5.25m MOD and the indicated flood level in the area is predicted to be 3.6m MOD.
- It is submitted that there is no flood risk associated with the proposed development site.
- It is submitted that it is not the responsibility of the applicant to resolve the flood issues in the grounds of St. Pats GAA.
- The submission from Malachy Walsh & Partners demonstrates how surface water from the buildings and hard surfaces will infiltrate back to the groundwater.
- It is not necessary to demonstrate funding during the planning application stage.
- The nature of the development will also require training / research as a secondary element of the proposed development.
- It is submitted that the concern that only part of the development would be constructed does not represent a reason for refusal.
- There is no knowledge of any flooding / surcharging reports of foul sewers.

8.0 **Local Authority Response to Appeal**

8.1. The following is a summary of a response submitted by the local authority;

- Neither the Rural Settlement Policy or Settlement Hierarchy are relevant for the current assessment.
- Section 34(2) (a) of the Act does not require a need for a development or financial viability to be assessed in an application for planning permission.
- Major portions of the appellant's submission relate to the need for the development. This is not possible to refuse development based on need alone.

- It is contended that the good links and relative proximity of the site to other health facilities in Tralee town argue in favour of the proposed development.

9.0 **Other Responses**

9.1. The following is a summary of a response to the applicant's response submitted by the P. Griffin;

- The source of the locational criteria has not been stated. Additionally, the locational criteria submitted differs from that of Dr. Nicholl.
- The location of the subject development is neither a 'holiday location nor an urban area of high density'. There are many areas zoned for residential development within Tralee.
- The site is in a designated rural area. Development in rural areas is to be regulated by Section 3.3.1 of the Development Plan.
- Section 3.3.1 of the Plan also indicates that future housing in rural areas need to comply with the Rural Housing Guidelines.
- The applicant contends that the previous development on the appeal site is not relevant to the current proposal. However, the current proposal is in relation to residential care.
- It is submitted that the adjacent road is not suitable given the restrictions for road widening. The existing housing that fronts onto the road would restrict future road widening as will the graveyard.
- The respondent submits that they have strong local connections to this local area.
- It is unclear from the planning application lodged under L.A. Ref. 16/259 whether a training function associated with the medical care is proposed. The submission from RPS indicates that training will be provided on the site. It is contended that any training should be reflected in the statutory notices.
- It is submitted that the elected representatives who made submission are not locally based.

- There is an absence of any support from the HSE for the proposed development.
- It is submitted that none of the agencies tasked with delivering or implementing national policy have commented on the proposed development.

9.2. The following is a summary of a response to the applicant's response submitted by the St. Pat's GAA;

- No objection in principle to the proposed development.
- The respondent is concerned with the flood risk potential of the proposed development.
- It is submitted that an appropriate location is required for such a scale of development.
- It is submitted that the proposed development does not pertain to the locational requirements for the proposed development. The locational requirements include a relaxing holiday location and Blennerville is not a holiday location
- The subject site was already deemed unsuitable by An Bord Pleanala.
- The locational requirements used by the applicant are general and does not deal with road infrastructure or surface water.
- Although St. Pats GAA are not concerned with the aesthetics of the proposed building they are concerned with the scale / size / bulk and density and the large volume surface water run-off.
- The Planning Inspector in the previous report highlighted the unsuitability of the subject site.
- The planning application does not adequately deal with surface water run-off from the proposed development.
- It is contended that infiltration trenches are only as good as they are maintained and the surrounding soil conditions.

10.0 **Assessment**

- Principle of Development
- Flood Risk
- Traffic / Access
- Landscape / Visual Impact
- Appropriate Assessment

10.1. **Principle of Development**

The appeal site is in a rural area with no zoning designation. However, it is notable that the appeal site adjoins the development boundary of Blennerville. Blennerville is located within the development boundary of the zoning map 'Tralee Environs' which is located within the functional area of the Tralee / Killarney HUB Functional Area Local Area Plan, 2013 – 2019.

As such the relevant Development Plan for the appeal site is the Kerry County Development Plan, 2015 – 2021. I would acknowledge that there are submissions on the file arguing that the rural housing policies and the settlement strategy are the appropriate form of assessment for the proposed use. However, in my view, the proposal, which is a medical use is outside the scope of the Rural Settlement Strategy and the Rural Housing Guidelines, 2005 given that it is not a housing proposal. Section 4.8 of the County Development Plan refers to 'Rural Economy' and importantly for the proposed development there are several policy objectives to be considered for the development of a business enterprise in rural areas designated 'Rural General'. The relevant policy objectives are ES-25 and ES-28.

Policy Objective ES-25 – considers a business enterprise on land zoned Rural General where it is demonstrated that there is no suitable site within any settlement boundary in the locality and that the proposal would benefit the local economy or would contribute to community regeneration. It is stated that the proposals are

required to comply with the objectives and development standards of the plan and specifically with the provisions of Objective ES–28. The criteria for this policy objective includes the following;

- compliance with development standards of the plan
- no adverse impact on residential amenities
- no significant adverse impacts on Natura 2000 sites
- available capacity in water infrastructure
- proposal includes suitable waste management practices
- no compromises to water quality
- the existing road network can safely handle the proposal
- adequate access arrangements
- appropriate boundary treatment
- integration in the landscape

It is worth noting that the planning history (appeal ref. 216687) file relates to a development of 52 no. houses. The development was refused permission by An Bord Pleanála for three reasons, i.e. (a) residential development in rural un-zoned land, (b) landscape, and (c) traffic and access.

In considering the development proposed in un-zoned land I would firstly consider the National Spatial Strategy. One of the key approaches taken by the NSS to achieve balanced regional development is set out in Section 1.1 (iv) 'Planning' of the NSS which states that 'Ireland needs to renew, consolidate and develop its existing cities, towns and villages – i.e. keeping them physically compact and public transport friendly as possible and minimising urban sprawl, Where greenfield development is necessary it should take place through the logical extension of existing cities, towns and villages'. The NSS encourages more sustainable development which will mean maximising access to and encouraging use of public transport, cycling and walking. Overall I would consider that the strategy for

development is set out in a hierarchical set of statutory plans which include the National Spatial Strategy, the County Development Plan and Local Area Plans are sound planning policies.

I therefore would have concerns with the location of the proposed development in a rural designated area. The Development Plan Guidelines, 2007, advocate a sequential approach in terms of designation to avoid a haphazard and costly approach to the provision of social and physical infrastructure. However, I would acknowledge that the appeal site is located contiguous to the development boundary of Blennerville and the appeal site is served by public sewer and public water main. The proposed vehicular entrance is also within an urban zone. I note the planning documentation includes justification for the proposed use in terms of need. I would consider having regard to the proposed use, that the site is fully serviced and adjoining a development boundary that the principle of the proposed development is acceptable.

10.2. **Flood Risk**

The submission submitted by the agent representing St. Pat's GAA outlines the local flood history. I would note from photographic evidence, supporting their submission, that the GAA pitches, the immediate area around the clubhouse and the adjoining public road were covered in flood waters in a previous flood event in December 2015. The appeal submission also includes a flood history review from the OPW website www.floodmaps.ie. This website indicates that there were two recent flood events, namely 2009 and 2011. The 2009 flood event occurred in the townland Curragraigue, i.e. the same townland as the appeal site, and this flood event occurred due to general surface water run-off caused by exceptionally high rainfall and an inadequate pipe / culvert capacity. The local GAA clubhouse was flooded to a depth of 300mm. The second flood event occurred in 2011 when the local road L6514 was flooded and this flood event occurred due to tidal flooding in the River Lee basin. The L6514 had flood waters of 200mm above surface level. The appeal submission refers to the flood event in the winter of 2015 / 2016 again due to

excessive rainfall. I would also note from the applicant's submitted Flood Risk Assessment that there is a history of both fluvial and estuarial flooding within 250m of the appeal site. The Flood Risk Assessment also confirms that the subject site is on the path of potential overland flow from more elevated land to the south. However, the Flood Risk Assessment concludes that the subject site is in Flood Zone 3, in accordance with the Flood Risk Management Guidelines, 2009, and that the type of development proposed is appropriate and accordingly a Justification Test is not required.

On the basis on my site inspection of the appeal site I did note that the northern field contained a depression in the centre of the field and that the vegetation in the field would indicate that drainage is poor. This depression feature is evident from the submitted site location map (scale 1:2500). However, question no. 18 in the submitted planning application states that the subject site has not previously flooded. I also noted that the internal report (dated 5th May 2016) by the Tralee Municipal District Office have no significant concerns in relation to flood risk associated with the proposed development.

In response to the third party appeal the applicant's agent outlines details of the proposed surface water management. This includes a detailed submission by Malachy Walsh and Partners, Engineering and Environmental Consultants. The submission outlines that along the proposed access road that storm water will discharge to road gullies, these in turn will discharge to a filter trench. The filter trench allows for short-term attenuation and ensures that there will be no greater run-off to surrounding properties than in the current greenfield condition. The submission confirms the proposed building design is in accordance with SuDS Manual 2016. It is also submitted that site investigations in the winter of 2015/2016 noted ponding on the subject site however this was due to soil saturation rather the ground water flooding. Investigations at the time by the applicant also revealed that ground water depths were 2.5m to 2.75m. It is submitted that the finished floor level of the

proposed development is 5.25m MOD and the indicated flood level in the area is predicted to be 3.6m MOD.

In conclusion, I would consider that it has been adequately demonstrated that the proposed development, having regard to surface water mitigation measures and the finished floor levels would not give rise to a flood risk.

10.3. **Traffic / Access**

The proposed development includes an access road with footpath from the L6514 to the proposed building. The proposed vehicular access is onto the L6514 and this proposed vehicular entrance is set back approximately 140 metres from the junction of the L6514 / N86. The question of whether the L6514 is suitable to accommodate traffic generated from the proposed development has been raised. I would accept that the L6514 is a narrow road however I would expect that this same road would accommodate large volumes of traffic during match days associated with the adjoining GAA pitch. I also noted from a visual observation of the area that the L6514 is a lightly trafficked road and this was also highlighted in the applicant's response submission. I would also note that there are no objections in relation to traffic and access from any of the internal reports from the local authority.

The fact that all car parking provision is removed from the L6514 is a bonus, in my view, as cars are unlikely to park along the L6514 given the walk from this public road to the proposed development is approximately 140 metres. The proposed development provides for a total of 70 no. car parking spaces which is more than the car parking standards for the proposed development.

Overall I would consider that the applicant has adequately demonstrated that the traffic generation associated with the proposed development would not adversely impact on the established road network.

10.4. **Landscape / Visual Impact**

The proposed development, given the established rural landscape, will result in an alteration to the landscape. The local area, based on a visual observation of the area, is characterised by rural landscape with the backdrop of higher ground, i.e. Slieve Mish Mountains to the south.

In terms of landscape designations, I would note that Map no. 12.1f of the County Development Plan sets out amenities / views and prospects and the appeal site nor its immediate environment is afforded any such landscape designation.

I would accept that the proposal would result in a landscape alteration, however having regard to the single storey height and the proposed landscaping and lack of any landscape designations I would conclude that the proposed development would not unduly impact on any established visual or landscape amenities.

10.5. **Appropriate Assessment**

Having regard to the nature and scale of the development proposed on a fully serviced site, to the nature of the receiving environment and the likely effluents arising from the proposed development I recommend that no appropriate assessment issues arise.

11.0 **Recommendation**

11.1. I have read the submissions on the file, visited the site, had due regard to the County Development Plan, and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

12.0 **Reasons and Considerations**

Having regard to the nature and scale of the subject development relative to previous proposal, to the demonstrated need for this specialised facility, and to the policies of the planning authority, as set out in the Kerry County Development Plan

2015 – 2021, it is considered that the proposed development would be acceptable at this location, would not seriously injure the amenities of the area or of property in the vicinity, would be beneficial in terms of public health, would be acceptable in terms of traffic safety and convenience, and would not conflict with the provisions of the said Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 particulars submitted on the 6th day of February 2017 and 13th day of February 2017, 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. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Prior to the commencement of works a revised set of plans for the proposed ambulance building shall be submitted for written approval of the planning authority. This shall show elevations that match the floor plan.

Reason; To regulate and control the layout of development.

5. The old quarry area shall be fenced off to prevent pedestrian access to the area as indicated in the details submitted on 6th day of February 2017.

Reason: In the interest of human health and safety and to regulate and control the layout of development.

6. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

7. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, details of all advertising signage for the proposed development. No signs of any kind shall be erected unless first agreed in writing by the planning authority.

Reason: In the interest of visual amenity.

8. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, details of all boundary treatments throughout the development.

Reason: In the interest of visual amenity.

9. The vehicular entrance and the internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed requirements of the planning authority for such works.

Reason: In the interest of amenities and public safety.

Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to the planning authority for agreement prior to the commencement of development.

Reason: In the interest of amenity and public safety.

10. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennae or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

11. All service cables associated with the proposed development (such as electrical, telecommunications and television cables) shall be located underground.

Reason: In the interest of visual amenity.

12. A plan containing details for the management of waste and recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and recyclable materials, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and recyclable materials, in the interest of protecting the environment.

13. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and (b) employ a suitably-qualified archaeologist prior to commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:- (i) the nature and location of archaeological material on the site, and (ii) the impact of the proposed development on such archaeological material. A report containing the results of the assessment shall be submitted to the planning authority with any application for permission consequent on this grant of outline permission. Details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to the commencement of construction work, shall be determined at permission consequent stage.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

14. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

Kenneth Moloney
Planning Inspector

30th June 2017