



An
Bord
Pleanála

Inspector's Report ABP-301158-18

Development	Extensions, elevation changes, additional car parking and additional site entrance
Location	Corpus Christi Nursing Home, Brigown, Mitchelstown, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	17/7030
Applicant(s)	Shannore Limited
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Mary & Margaret Healy
Observer(s)	None
Date of Site Inspection	20 th June, 2018
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. Corpus Christi Nursing Home is located at the southern end of Mitchelstown in north County Cork at the junction of Barrack Road and a road linking Barrack Road and the Cork Road to the east. The nursing home consists of a single-storey block with extensive curtilage which includes paved areas for parking to the front and access around the building, as well as open space. The site has frontage and access onto the link road. The rear of the nursing home faces onto Barrack Road to the west of the property and there is a pedestrian gate onto this road at the location where it is proposed to provide the new second vehicular access. The site is bounded to the north by detached housing and there is further housing on the opposite sides of the adjoining roads.

2.0 Proposed Development

- 2.1. The proposed development would comprise the construction of two single-storey extensions on the east side of the existing nursing home, one providing eight ensuite bedrooms and the other providing a new entrance, lobby and smoking area. The proposal would also include some changes to elevations, increasing the car park to 19 spaces, and the provision of a new vehicular entrance from the site onto Barrack Road to the west of the site.
- 2.2. The overall development would seek to increase the number of residents from 35 to 42, with an increase of staff working during the day from 8 to 11. Details submitted with the application included a report on car parking requirements.

3.0 Planning Authority Decision

3.1. Decision

On 21st February, 2018, Cork County Council decided to grant permission for the proposed development subject to 13 conditions. Condition 2 of the decision prohibited occupancy of the extension until the foul sewer pumping station upgrade and upgrade works to the Mitchelstown treatment plant are completed.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the site's planning history, development plan provisions, reports received, the third party submission, and unsolicited further information received from the applicant. It was considered that, in light of this additional information, new public notices should be requested.

The A/Senior Executive Planner concurred with the request to re-advertise.

3.2.2. Other Technical Reports

The Area Engineer considered the principal concern related to car parking, stating c. 46 spaces should be provided in accordance with development plan guidelines. It was submitted that the existing nursing home has been operating satisfactorily for many years. It was acknowledged that the applicant had stated that the development could be supported with 17 spaces and that 19 spaces are proposed to be provided. A schedule of conditions were set out.

The Heritage Unit was concerned that the proposed development would result in additional pressure on the Gradoge River and that granting permission for the development would not be compatible with obligations under the Water Framework Directive. It was recommended that, in the event of a grant of permission, a condition be attached prohibiting occupancy of the extension until the foul sewer pumping station upgrade and upgrade works to the Mitchelstown treatment plant are completed.

3.3. Third Party Observations

An objection was received by the planning authority from Mary and Margaret Healy. The grounds of the appeal reflect the concerns raised.

Unsolicited further information was submitted by the applicant in response to this submission which provided details on the functioning of the nursing home, utilisation of the site, impact on residential amenity and the proposed vehicular entrance.

3.4 Following the submission of revised public notices, the planning authority received a second submission from Mary and Margaret Healy. The reports to the planning authority were as follows:

The Planner considered the proposed extension to be acceptable and was of the view that the site would benefit from the implementation of a landscaping plan, which could be managed by way of a condition. A grant of permission was recommended.

The A/Senior Executive Planner considered issues of overlooking of neighbouring property could be addressed by way of the introduction of an appropriate fence and appropriate landscaping. A grant of permission was recommended.

4.0 **Planning History**

ABP Ref. PL 04.220294

Permission was granted by the Board for five houses.

P.A. Ref. 10/6004

Permission was granted by the planning authority for an extension consisting of 10 ensuite rooms.

P.A. 00/5243

Permission was granted by the planning authority for an extension to the front of the nursing home.

P.A. 97/2548

Permission was granted by the planning authority for a bungalow on the nursing home grounds.

P.A. 96/1237

Permission was granted by the planning authority for an extension to the rear of the nursing home.

P.A. 91/193

Permission was granted by the planning authority for a nursing home.

5.0 Policy Context

5.1. Cork County Development Plan 2014-2020

Planning for Ageing

Policies include:

SC 7-1: Cork an Age Friendly County

Aim to make Cork an age friendly county and recognise the demographic challenges that face the county and ensure the provision of suitable facilities and services in the future.

Guidance for Residential Care Accommodation

The following is a list of criteria for consideration in the provision of residential care accommodation;

- These facilities should be located within settlements and in order to enhance overall quality of life increase their links with, and accessibility to, local amenities, and therefore reduce the likelihood of social isolation while providing easy access to staff and visitors.
- That any new provision should be multifaceted or include flexible care models to include long stay care for persons with high dependency, assisted living accommodation for persons with medium dependency and some independent living accommodation for persons with low dependency where appropriate.
- Recognition should also be given to particular requirements of specialised residential care accommodation (i.e. dementia).

5.2 Fermoy Municipal District Local Area Plan 2017

Zoning

The site is zoned 'Existing Built-up Area'.

6.0 The Appeal

6.1. Grounds of Appeal

The appellants reside at 'Dún Rí', Barrack Road, Mitchelstown, to the north of the appeal site. The grounds of the appeal may be synthesised as follows:

- The proposed development is proposed at the northern end of the site where a previous proposal for 5 dwellings was not permitted by the Board (ABP Ref. PL 04.220294) in order to provide adequate amenity and recreational opportunities for occupants of the development. The applicant then got permission at the southern end of the site for a dormer extension for 10 ensuite rooms and living accommodation, which has been carried out. Having regard to the planning history, extent of development carried out and the requirement of the Board to retain the area to the north as open space, the proposal for 8 additional bedrooms is overdevelopment.
- The rear door floor level of the appellants' house is approx. 1.5m below the ground level of the site. The site is at a higher level to their rear garden. This gives rise to overlooking from bedroom windows in the existing development. The proposal will give rise to more overlooking and will reduce privacy in the appellants' home and their amenity space. It will also overshadow the garden. It is noted that the area for the extension was required to be landscaped in accordance with the decision under PL 04.220294.
- The proposed new access will allow through-traffic along the northern boundary. No reason has been given for this new entrance and it is unnecessary. The policing of this entrance in the long term is not possible. Also, it will result in increased noise and will further reduce privacy and enjoyment of the appellants' home.
- The site and appellants' properties are separated by a concrete wall which is approx. 2.1m in height on the appellants' side and between 0.9m and 1.1m on the appeal site side. The planning authority's requirement, by way of Condition 3 of its decision, raises concerns as a concrete post and solid timber screen 1.8m high independent of the boundary wall would make the appellants' garden feel like a prison, blocking out natural daylight and sunlight.

6.2. Applicant Response

The applicant's response to the appeal may be summarised as follows:

- The previous proposal decided by the Board was for housing units, which have different requirements in terms of space and outdoor amenities. This was not carried out. The current proposal is to provide bed spaces for residents who will be of maximum dependency. The matters relating to outdoor amenity space are of limited importance. It is noted that the planning authority required a comprehensive landscaping plan to be completed.
- The area on which it is proposed to construct the extension is hard standing only and is not in use.
- Regarding impact on residential amenity, the nursing home has operated at this location since the early 1990s. The proposal will involve a net increase of 7 bed spaces and the addition of 3 staff and the extension will be no closer to the appellants' property than the existing structure to the neighbouring bungalow. New bedroom windows will be some 17m from the appellants' property.
- The applicant has proposed an 800mm frosted / opaque fence above the existing wall to protect residential amenity.
- The appellants are overstating the potential for impact on residential amenity.
- The proposed entrance is for staff only and will be used by a maximum of 4-5 cars per day. It will remove the need for staff to use the existing entrance, which is closer to the boundary with the appellants' property. The Area Engineer did not raise any objection.

6.3. Planning Authority Response

I have no record of any response to the appeal from the planning authority.

7.0 Assessment

- 7.1. I first note that the proposed extension that would introduce a new entrance, lobby and smoking area to the nursing home is not subject to dispute. I consider that there

are no significant planning issues arising from this component of the proposed development.

- 7.2. Regarding the proposed extension introducing eight new bedrooms, one must reasonably conclude at the outset that this proposal cannot be compared with the previous scheme determined by the Board under Appeal Ref. PL 04.220294. That previous proposal was a scheme of 10 one bedroom dwellings providing independent living units that was reduced by the Board to five. These independent living units would have required materially different standards to have been met in terms of space and amenity provisions. The proposed development now before the Board consists of the addition of eight bedrooms in the form of an extension to the front of the building. The site is sufficiently large to accommodate a further expansion of this facility, with ample amenity space, circulation areas, and parking space being retained to meet the needs of the residents of the nursing home. The principle of this extension, in the context of the functioning of the overall facility, is wholly accepted.
- 7.3. I acknowledge the appellants' dwelling and other adjoining dwellings to the north of the appeal site and note that the ground level of the nursing home is above that of the finished floor level of the adjoining residential properties to the north. A block wall forms the boundary between these properties and it is proposed to retain this wall. The Board will note that the existing openings along the northern elevation of the nursing home includes the glazed double doors serving the living room and the window serving the dining room. The proposed extension would introduce a further four bedroom windows along this flank, together with two windows serving en-suites. While accepting that there would be the potential for increased overlooking, I must also acknowledge that two of the main rooms for residents in the nursing home already have established windows looking northwards, with similar separation distances between opes and flank boundaries.
- 7.4. To address appellants' concerns, the planning authority has, by way of condition, requested the provision of a concrete post and solid timber screen 1.8m in height to be provided along the northern site boundary, as an addition to the existing wall. I note that this is required to follow the alignment of the applicant's proposal submitted by way of unsolicited information to the planning authority on 11th January, 2018. The applicant's proposal provided for an 800mm high frosted/opaque toughened glass fence above the existing wall along the northern boundary, effectively running

the length of the boundary with the appellants' property and the adjoining property east of it. While both options would adequately address any potential overlooking of the appellants' property, it is my submission to the Board that the applicant's response would be more desirable in terms of form and function and would eliminate the need for doubling up on fencing along this boundary. I consider that utilising the applicant's option could be readily provided for by way of condition. The concerns of the appellants relating to overlooking would be addressed. Having regard to the layout of the proposed development, its scale and building height, as well as the separation distances between properties, I am of the opinion that there would be no significant adverse impact result from overshadowing.

- 7.5. Moving to the proposed vehicular entrance, I first note that there has been no details provided as to why this second entrance is needed. The existing entrance is more than adequate to accommodate vehicular movement into and out of this site. The proposed extensions will not affect the ability to adequately service this facility. Further to this, I have examined the proposed location for the access onto Barrack Road and note that the ability to provide a safe access onto this road is in question, with an existing structure immediately adjoining the proposed entrance to the north-west of the site seriously impeding available sightlines. The introduction of this entrance will bring with it increased vehicular movement along the northern section of this site and would potentially increase nuisance for adjoining residents to the north of the site. In the context of the lack of any need for the second entrance, the potential traffic hazard resulting, and the likely adverse impact on neighbouring properties, I consider that this component of the proposed development should be omitted.

Note 1: I acknowledge the prematurity of the proposal pending public foul sewer upgrading works. I note the report from the Heritage Unit which clarifies that the works form part of Irish Water's Capital Investment Programme and should be complete within two years. I consider that a condition similar to that imposed by the planning authority in its decision should address any concerns relating to this issue.

Note 2: It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 2170 (Blackwater River SAC), or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

8.1. I recommend that permission is granted in accordance with the following reasons, considerations and conditions.

9.0 Reasons and Considerations

Having regard to the zoning provisions for the site as set out in the Fermoy Municipal District Local Area Plan 2017, to the established nursing home use on the site, and to the design, character and layout of the development proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of houses in the vicinity of the site, would be acceptable in terms of traffic safety and convenience and would, otherwise, 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, 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 proposed extension comprising the additional bedrooms shall not be occupied prior to the completion of the foul sewer pumping station upgrade and the upgrade works to the receiving Mitchelstown Waste Water Treatment Plant, with the timing of such occupancy being agreed in writing with the planning authority.

Reason: In the interest of orderly development.

3. The proposed new vehicular entrance shall be omitted.

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

4. The developer shall provide for the construction of an 800mm high frosted/opaque toughened glass fence above the existing northern site boundary wall in accordance with details submitted to the planning authority by way of unsolicited information on 11th January, 2018. Prior to the commencement of development, details of the materials, construction methodology and layout of the fence shall be agreed in writing with the planning authority.

Reason: In the interest of residential amenity.

5. Details of the materials, colour and texture of all external finishes and details of any additional signage to the extended nursing home shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, 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 amenity.

7. Water supply and drainage arrangements, including the attenuation and 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.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and

Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Kevin Moore
Senior Planning Inspector
5th July, 2018