



An
Bord
Pleanála

Inspector's Report ABP. 302217-18

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| Development | Construction of a residential nursing home and all ancillary works and development above and below ground. |
| Location | Castlecara Road, Carrick-on-Shannon. Co Leitrim. |
| Planning Authority | Leitrim Co. Council. |
| Planning Authority Reg. Ref. | 17160. |
| Applicant(s) | Castlecara Health Care Ltd. |
| Type of Application | Permission. |
| Planning Authority Decision | To Grant Permission. |
| Type of Appeal | Third Party. |
| Appellant(s) | Martin O' Reilly. |
| Observer(s) | None. |
| Date of Site Inspection | 22 nd October 2018. |
| Inspector | Breda Gannon. |

1.0 Site Location and Description

- 1.1. The site is located on the Castlecara Road (L-3408) in Carrick on Shannon. Co Leitrim. It is part of a larger area of ground that extends upgradient from the local road. It is bounded to the west by the recently constructed Gaelscoil Liatroma, to the north west by the Ath na Ri housing development and to the north and east by agricultural scrub land. The upper sections of the site are currently vacant and the section closest to the road is used as a materials storage yard, with stockpiles of gravel and stone. Vehicular access to the site is from the Castlecara Road.
- 1.2. The boundary with the school to the west is formed by a metal fence. A wooden fence/concrete wall defines the boundary with the Ath Na Ri housing development. The remaining boundaries are formed by hedgerows. There are a number of drains traversing the site, in addition to a low voltage electricity line that runs from the centre of the site in a north-easterly direction.
- 1.3. The site is located on the north-eastern periphery of the town. Footpaths and public lighting have been provided along the opposite side of the road. To the south, close to the N4 roundabout, the Castlecara Road provides access to a wide range of uses including the IDA Business and Technology Park, football grounds and retail interests.

2.0 Proposed Development

- 2.1. The application proposes the development of a nursing home on the site which has a stated area of 1.33 hectares. The nursing home, which would be primarily three-storey in height would have a floor area of 8432m². It would accommodate 135 no. bed spaces together with support/service, administrative and ancillary areas. The proposal would also include the development of vehicular and pedestrian access onto the Castlecara Road, associated car parking, set down areas, service areas, hard/soft landscaping and associated works and services.
- 2.2. The application is supported by a Planning Report, Engineering Services Report and AA Screening Report.

3.0 Further Information

Further information on a wide range of issues was sought on October 23rd, 2017. A response was received on 30/5/18 and included the following modifications to the proposed development;

- The gross floor space of the building was reduced from 8432 m² to 7510 m².
- The no. of bed spaces was reduced from 135 to 123.
- The single-storey projection (and associated roof terrace) to the northeast elevation was omitted, and the main entrance/reception was relocated to the front (southeast) elevation.
- The internal courtyard was enlarged accommodated by the reduction in the previously proposed front elevation set back/step in building line.
- The second floor level was reduced/reconfigured to the rear of the building, with a row of bedrooms and ancillary services removed, providing greater separation from the upper level of the proposed development to the adjoining residential development to the northwest.
- Internal configuration of rooms to accommodate these changes, and
- Elevation finishes, proportions etc revised to simplify the proposed facades.

The submission was supported by revised drawings and the following documents;

- Engineering services report
- Materials schedule.
- Traffic & Transport Assessment

- Archaeology Impact Assessment.

The planning authority considered that the additional information addressed the substantive issues raised.

Unsolicited further information was received by the planning authority on June 29th, 2018. It included hard landscaping proposals, elevational drawings and 3D views.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant permission for the development subject to 19 no. conditions. Apart from standards construction/engineering conditions, the decision includes the following conditions of note:-

Condition No 1 – Development to be carried out and completed in accordance with the plans and particulars lodged with the applications as amended by the further plans and particulars received by the planning authority on 30th May 2018 and 29th June 2018, except as may otherwise be required in order to comply with the conditions.

Condition No 3 - Roadside boundary to be set back and aligned with the roadside boundary of the adjoining Gaelscoil. A 2m wide footpath and 2m wide grass verge to be provided at developer's expense along the entire roadside boundary, in continuity and aligned with that provided in front of Gaelscoil.

Condition No 4 – Proposed signalised pedestrian crossing shown on Drawing No L(90)05A and labelled 'Site Visibility Road Crossing' shall not be provided as part of the development.

Condition No 5 – The rear and lateral boundaries of the building shall be broken vertically by coloured plaster bandings and blocks of colour. Details of materials, colours and textures of external finishes to be agreed.

Condition No 6 – Partially glazed corridor facing north on the second floor and the glazing of the stairwell on the western boundary shall be partially obscured at eye level, to details to be agreed.

Condition No 7 – Details of roof plant, structures, projections to be submitted for agreement. Any plant which protrudes above the parapet shall be integrates/screened or otherwise located in the event that the planning authority considers it obtrusive.

Condition No 11 – Car parking and bicycle parking shall be provided strictly in accordance with drawings submitted on 30th May 2018. Any required relocations shall be submitted to and agreed with the planning authority prior to construction.

Condition No 13 – A comprehensive heating design system which maximises renewable energy provision shall be provided, to details to be agreed.

Condition No 15 – Boundary treatment and landscaping scheme to be carried out in accordance with details submitted. Full details of screening of the boundary with the Gaelscoil shall be submitted for agreement.

Condition No 16 – Requires that the service area be landscaped and screened with evergreen species along the boundary. The number of vans/rigid trucks and other service delivery vehicles shall be restricted to hours agreed with the planning authority.

4.2. **Planning Authority Reports**

4.2.1. Planning Reports

The **Planning Officer's** report of 4/7/18 considers that the principle of the development is acceptable and that the site has the capacity to accommodate a nursing home. The proposed development is intended to address a growing need for modern nursing home facilities in the town and its hinterland. It is specified to a particularly high standard in terms of accommodation for residents, compared to existing facilities in the area.

It is considered that the position of the development on the site will assimilate well with the newly constructed Gaelscoil on the adjoining site to the west, as demonstrated in the contextual elevations and 3D model illustrations.

The revised drawings submitted in response to further information comprehensively addresses the issues raised with regard to the scale of the development and impacts on the residential amenities of adjacent properties. The applicant has modified the

proposed development to include a reduced and reconfigured second floor which will substantially reduce the scale of the development to the northern boundary. It is considered that the proposed development would not overlook or be overlooked by dwellings, with the most adjacent dwellings being orientated on an east-west axis. The difference in site levels substantially mitigates any interaction visually between the developments.

Comprehensive details on the proposed design have been submitted and the design approach and mix of materials has been consolidated to provide somewhat simpler facades to the building, whilst maintaining a contemporary design. The range of materials and the variation in building line/set back and heights assist in breaking up the mass of the building and providing visual interest. It is considered that an element of vertical plaster banding should be used on the rear and lateral elevations.

A detailed Traffic and Transportation assessment details the traffic implications of the proposed scheme. It concludes that the proposed development would not have any material impact on the area. The provision of 77 no. car parking spaces is considered appropriate and the relocation of the reception area removes the issue of access for disabled persons.

The planning officer concludes that the proposed development will not impact adversely on the amenities of the adjoining residential development. The subject site is considered suitable for the intended use and adheres to the proper planning and sustainable development of the area. The proposal is compatible with the provisions of the development plan. The overall design of the building, while primarily achieving its functional requirements, is presented to a high architectural standard.

4.2.2. Other Technical Reports

The **Roads Department** in their report of 29th June, 2018 accept the conclusions of the Traffic and Transport Assessment. It notes that details of public lighting along the public footpath were not submitted with the application and should be a condition of any permission. It stated that the proposed signalised pedestrian crossing is not required as there is a similar crossing adjacent to the development, which is more than adequate to serve the proposed development.

Details of the surface water attenuation system were noted and accepted.

The **Senior Engineer's Road Design Report** of 12/10/17 notes that the Castlecara Road is frequently used as a link road from north Leitrim to access commercial units and retail outlets located on the eastern side of the town. It concurred with the TII's recommendation that a Traffic and Transport Assessment be carried out. It noted that car parking provision was below county development plan standards.

The **District Engineer's** report of 12/10/17 raises no objection to the development and made observations regarding drainage and that a speed ramp should be installed on the eastern side of the development across the L-3408.

The **Water Services** report of 11/10/17 raises no objection to the development subject to conditions.

The **Environment Department** in their report of 11/10/17 raise no objection to the development subject to consideration of matters relating to drainage, water efficiency/usage, energy efficiency, noise, lighting and waste management.

The **Executive Technical & Enforcement Officer's** report of 11/10/17 raises no objection to the development subject to conditions.

The **Assistant Chief Fire Officer's** report of 4/10/17 notes that a Fire Safety Certificate would be required in respect of the development.

4.3. **Prescribed Bodies**

Transport Infrastructure Ireland in their report of 26/6/18 raise no objection to the development, stating that they would rely on the planning authority to abide by official policy in relation to development on/affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012) subject to the following;

- Development to be undertaken strictly in accordance with the recommendations of the Transport (Traffic Impact) Assessment and that any recommendations arising should be incorporated as conditions of the permission, if granted. Any additional works required as a result of the assessment should be funded by the developer.

- The assessment identifies that the N4 west arm of the N4 Castlecara Road roundabout is nearing capacity in a 2035 future year assessment scenario. The Council should have regard to these findings in considering cumulative impacts of other future development proposals and in future local area planning. The road authority should ensure that a monitoring framework plan for the N4/Castlecara Road junction be established to monitor junction performance and to address future network issues.
- The proposed development is located in a study area for a future national road scheme. It is recommended that the planning authority consult with the local Road Design Office in considering this application.

The Department of Culture, Heritage and the Gaeltacht in their report of 26/6/18 raise no objection to the development proceeding as planned. Having reviewed a report of archaeological test excavations carried out on the site, it stated that no further archaeological work is required in association with the development.

The **HSE** in their report of 25/9/17 raised no objection to the development.

4.4. **Third Party Observations**

Observations were submitted to the planning authority from 3 no. parties who raised a number of issues including the following;

- Development not in compliance with proper planning and sustainable development.
- Excessive scale of the development which is intrusive and out of context in this location.
- Inappropriate design, open space layout, landscaping.
- Traffic impacts, assessment lacks sufficient detail. Vehicular access and internal circulation.

- Building control, HIQA standards and fire safety
- Land ownership and land sale
- Archaeology.
- Storm water flows/flooding.

5.0 Planning History

The planning officer's report notes that there is no planning history relating to the subject site.

6.0 Policy Context

6.1. Development Plan

The operative development plan is the **Carrick-on-Shannon Local Area Plan 2010-2019**. The site is located in an area with a '*Residential Reserve/Support*' land use zoning objective. It is indicated in the plan that that these lands are identified primarily to serve the long-term housing requirements of the town and are also considered suitable for the accommodation that would be compatible with residential use. Under the Land Use Zoning Matrix (Table 2.1), the provision of a Nursing Home is 'acceptable in principle' on such lands.

6.2. Natural Heritage Designations

None.

7.0 The Appeal

7.1. Grounds of Appeal

The appellant considers that the proposed development does not meet the requirements for proper planning and sustainable development for the following reasons:

1. The proposed development is of an industrial design and is out of character with the surrounding built environment. The location is unsuitable for such a commercial development on lands owned by the planning authority and zoned residential. The lands should be reserved for housing, given the need for social housing in the town.
2. An Bord Pleanála recently refused planning permission for a commercial development on nearby lands giving one of its reasons as the undesirable shift of business from the western side of the town to the eastern boundaries (PL12.246575).
3. The proposal appears to be designed to accommodate as many people as possible into as small a space as may suffice with a lack of amenities for residents.
4. Out of a total of 19 no. conditions imposed, a total of 15 are open to amendment, without any reference or input from third parties. This indicates that the Council does not fully understand the detail of the planning application and hopes to deal with its unintended consequences in a piecemeal fashion and away from public view. Since the planning authority stands to make significant financial gain from the sale of the subject site, financial conditions and future rates, it can hardly be seen to be acting objectively and fairly in arriving at its decision.
5. The further information request sought an overall masterplan for the development and its integration with the remainder of the site to the rear. The response provided no informative plans or proposals.
6. In its request for further information the Council indicated its preference for a two-storey structure. The Council accepted that a minor adjustment to the design was sufficient to deal with this matter.
7. The potential risk to the life of residents (123) and staff in the event of fire in a nursing home operating from three floors has not been considered. Issues arise regarding evacuation of residents, and there is no provision for a place of refuge that would be secure from smoke, fumes and the elements.
8. The traffic study was carried out under apparently ideal conditions on a Thursday. There was no consideration of conditions on Fridays when traffic

jams are evident and begin to form shortly after lunch time and last until approximately 7.30 pm. Some of the vehicles divert via the Castlecara Road to avoid traffic. There is no consideration of traffic congestion associated with GAA park, regular shows and sales at the showgrounds on the Boyle Road, closure of N4 due to flooding etc. The study estimates a nursing care staff of 31 persons present at all times but it does not take into consideration journeys to/from the nursing home by support staff such as maintenance, cleaning, doctors etc. or funerals with attendant increase in traffic volumes.

9. The proposed development is of poor design, is in the wrong location and is unsuitable for its intended purposes. It is out of context with the surrounding built environment, is a potential fire hazard and will lead to traffic disruption and increase the length of current delays in travelling through Carrick-on-Shannon.

7.2. Applicant Response

The applicant's response is summarised as follows;

Refers the Board to the detailed rationale for the proposed development as outlined in the planning application documentation.

Design – the design of the development has evolved through refinement of the operational requirements of the building and the input of the planning authority. The planning authority sought a contemporary design approach, which would reflect the site location as the 'introduction to the urban area of Carrick-on-Shannon' and that cognisance be taken of the layout and form of the adjoining Gaelscoil development. The site context is of particular importance, in relation to not just the existing relatively undeveloped nature of the surrounds, but also the planning authority's vision for the area. It adjoins the Commercial Town Expansion and Enterprise & Employment zoned areas, each of which would suggest that the Castlecara Road will in the long term be fully developed with a well defined urban streetscape. The design of the proposed development contributes to this vision and long term objective.

The design rationale for the proposed development has been set out in detail in the application documentation. The building form and materials used will ensure a

visually interesting façade with appropriate variation/variety in height and building line. It is entirely compatible in terms of height and architectural style with the adjoining Gaelscoil development, which combined will set a benchmark for a substantive streetscape, while the Castlecara Road is of sufficient width to accommodate the scale of the development.

The current *Draft Urban Development and Building Heights Guidelines for Planning Authorities* supports higher building of at least three/four storeys, noting that constant expansion of low-density suburban development around our towns and cities cannot continue and that towns/cities must grow upwards.

Site suitability – the site is located in an area zoned Residential Reserve/Support, which is particularly relevant in terms of the lands not being available for residential development in the short term, with numerous alternative locations being designated as being available for residential development elsewhere in the town. A nursing home is ‘Acceptable in Principle’ and the ‘reserve’ constraint does not apply to a nursing home.

The sale of the land by the local authority should be considered in positive terms particularly as they are not usable for social or other housing development in the short to medium term.

Building standards -building regulations, fire control and the standard of accommodation are all regulated outside the planning process. Whilst it is considered that the development will meet all such requirements, these are not planning considerations.

With regard to residential amenities and outdoor space, the design and layout of the development, and the provision of communal and activity spaces are in keeping with the typical profile of nursing home residents. The vast majority of residents would not be able to engage in outdoor activities and accordingly the external open spaces are not of particular functional use, but are for passive amenity. The internal open space/courtyard will provide a high quality of amenity for residents and ample internal communal rooms/spaces are also provided for resident activities.

Traffic – a detailed Traffic & Transportation assessment was prepared in accordance with relevant guidelines/standards set out by the TII. Weekday peak periods are a typical benchmark used in this regard, as opposed to weekend traffic. The

assessment was reviewed and approved by both the planning authority and TII, neither of whom queried the chosen methodology and conclusions.

The applicant provides no substantive challenge to the methodology or conclusions reached in the assessment. It is not appropriate to model occasional events (e.g. matches/shows) as part of a particular pattern of activity. Such events would have specific traffic management plans in place reflecting their occasional nature.

In relation to movements to/from the development, these are based on the applicant's projections of the operation of the development and are an estimate, but are considered to be representative. Many of the examples of additional traffic sources mentioned by the applicant would be included in the assumptions, or, would otherwise be so occasional as not to warrant specific inclusion. The assumptions most likely overestimate, to provide a worse case scenario. The report assumes that a full shift change would occur during both the AM and PM peak periods, which would not necessarily occur.

The traffic analysis is robust and the appellant has not provided any credible or material grounds to challenge the validity of same.

Compliance matters – the conditions attached to the decision to grant permission are typical of a development of this scale and do not interfere with public participation. None of the conditions attached would involve any potential material or significant deviation from the development as proposed.

Masterplan – the applicant has provided an appropriate level of detail to indicate the potential future development of adjoining lands, which will be subject to separate planning applications. The proposed nursing home development is not dependent on the development of the totality of the land parcel, nor would the development of the nursing home prejudice the future development of the remaining lands. No further details are necessary to enable a decision on the subject application. Whilst the level of detail is indicative in nature in terms of the specific physical layout of the remaining lands, the applicant has provided a clear outline of the intended mix of uses and their complementarity.

Conclusion – The response to the appeal highlights that the proposed development is appropriate and in the interests of the proper planning and sustainable development of the area.

7.3. Planning Authority Response

The planning authority's response comments on the issues relevant to the decision and is summarised as follows;

- The suggestion that the building is an industrial design is without basis and an assessment of the design submitted will attest to same. The site adjoins the recently constructed Gaelscoil Liatroma which is a similar stand alone building bounded by the Ath na Ri housing development to the north. The design is considered acceptable by the planning authority and appropriate to the site. The manner in which the proposed development accords with the zoning provisions has been adequately dealt with in the planning officer's report.
- The site is not owned by Leitrim Co Council. The transfer of the entire plot of land was agreed by the Elected Members in 2017. Any suggestion that the lands are in the ownership of the local authority is factually incorrect. At the time the lands were disposed of, the Housing Authority were satisfied that they had sufficient lands within their control to satisfy the social housing needs of those who had demonstrated a housing need to live in Carrick-on-Shannon, inclusive of the other wide range of options available to provide housing.
- It is not considered that there is any merit in the appeal submission to comparisons drawn in relation to the unsuccessful proposal to relocate the LIDL discount store. This proposal was refused planning permission by Leitrim Co Council and upheld by An Bord Pleanala (PL12.249020). The current proposal is to develop a nursing home. There is no nursing home in Carrick-on Shannon or Cortober. The proposal cannot be considered similar to a proposal to displace a convenience store from one side of an urban centre to another.
- The proposal is considered to satisfy all the requirements of the Carrick-on-Shannon LAP 2010-2019. The HSE Environmental Health Department have raised no objection to the proposal. A grant of permission does not negate the requirement to obtain the necessary consents required under different codes which may include HIQA approval.

- Out of 19 no. conditions, 11 require details to be submitted for the agreement of the planning authority. None of the details to be agreed would be considered to be material in nature or to affect the residential amenities of adjoining property. It does not, as suggested, demonstrate a lack of understanding of the project by the planning authority but ensures that elements of the development can be successfully amended to ensure that a co-ordinated approach to the newly constructed Gaelscoil development is provided.
- Details of the full extent of lands in the ownership of the applicant were submitted pursuant to the request for further information. The applicant indicated proposals for independent living units to adjoin the proposed residential nursing home, which was considered acceptable by the planning authority.
- The planning authority did not request the applicant to submit revised proposals for a two-storey structure. It outlined its concerns which the three-storey building was causing in relation to the impact on the residential amenities of the dwellings at Ath Na Ri. This aspect of the development was amended to the planning authority's satisfaction.
- The application was referred to the Chief Fire Officer. The report indicated that a Fire Safety Certificate would be required. All matters pertaining to the requirement to evacuate the residents/staff will be considered during the assessment of the Fire Safety Certificate.
- The Senior Engineer Road Design was in agreement with the conclusions reached in the Traffic and Transport Assessment. No issues were raised by the TII regarding the assessment or the conclusions reached. The TII noted that the Castlecara Road roundabout would be nearing capacity in a 2035 future year assessment scenario and that the planning authority should have regard to these findings in considering cumulative impacts of other future development proposals and future local area planning. At no stage did the TII suggest that the existing roads infrastructure was not capable of accommodating the traffic movements associated with this development. The appeal has not submitted any details which would question the adequacy of

the assessment and relies on a series of exceptional events such as matches in the nearby county grounds to attempt unsuccessfully to undermine the conclusions reached.

- The planning authority is satisfied that the proposed development has been assessed against the land use policy framework of the Carrick-on-Shannon LAP, has been thoroughly assessed with respect to traffic and transport considerations, represents an appropriate design having regard to the adjoining Gaelscoil, is not located in an area liable to flooding and will not adversely impact on the residential amenities of adjoining property.

7.4. Observations

None received.

8.0 Assessment

The appeal raises issues, some of which are not planning considerations. This assessment will focus on those matters which are considered relevant to the proposal before the Board and includes the following;

- Principle of the development.
- Design considerations.
- Residential amenity.
- Traffic.
- Flooding.
- Other matters.
- Appropriate Assessment.

8.1. Principle of the development

I accept that the proposed development is acceptable in principle in this location. The lands, which are zoned 'Residential Reserve/Support', are identified primarily to serve the long-term housing requirements of the town but also facilitates

development that would be compatible with residential uses. A nursing home is considered an acceptable use in this zoned area.

The Board will note from the submissions on the file that the lands, which were originally in the ownership of the local authority, were sold to the applicant in 2017. The reserved functions of the council were exercised and a decision to sell the lands was made on the basis that the authority had sufficient lands within their control to satisfy the demand for social housing.

The disposal of the lands (1.3 ha) results in a minor reduction in the overall lands (21ha) allocated for housing in the town under the county development plan. However, the nursing home is a form of residential accommodation that is compatible with the zoning objective and that will serve residents from the town and the area that are not in the position to live independently.

8.2. **Design considerations**

The nursing home would be accommodated in a rectangular shaped three-storey building with an internal landscaped courtyard. Modifications were incorporated into the design of the scheme at further information stage to address issues raised by the planning authority. The elimination of the ground floor projection to the north-east elevation reduces the overall extent and footprint of the building within the site, which combined with the relocation of the main entrance to the front elevation improves the overall presentation of the building to the public road.

I share some of the concerns raised by the appellant regarding the overall design of the building. Notwithstanding the set back of the second floor in the rear elevation, the modifications have resulted in a continuous building line on the rear, west and east elevation, which I consider results in a monotonous presentation which is considerably less attractive than that originally proposed. The slight variations in the building line originally proposed, coupled with the variation in window sizes, materials etc reduced the overall mass of the building and contributed significantly to its visual interest. I consider that the vertical emphasis achieved by the design and finish of the original proposal is lost in the current proposal. This is recognised by the planning authority who required (Condition No 5) that the rear and lateral elevations be broken vertically by coloured plaster bandings and blocks of colours.

Whilst the variation in building line is maintained in the front elevation, the vertical emphasis created by the opes and finishes is lost in the current proposal. The variations in the side and rear elevations which incorporated minor projections in the facades in original design could be incorporated in the current proposal without impacting on the overall configuration and use of the building. Should the Board be minded to grant permission for the development, I recommend that a condition be attached requiring that revised details be submitted to the planning authority incorporating variations in the building line, windows and finishes which introduce vertical emphasis to each façade.

The adjoining Gaelsoil provides an exemplar of good quality design on the adjoining site. This should provide the benchmark for future development in the area, enabling an attractive urban streetscape to be developed which would contribute significantly to the overall attractiveness of the town and the visual amenities of the area.

Residential amenity

Part of the site has a contiguous border with the Ath na Ri housing development. The closest house (18m) is gabled towards the site with one window at first floor level which is fitted with opaque glass. The remaining houses on this part of the estate are orientated to face the rear of the Gaelscoil. Having regard to the orientation of the houses away from the site and the lower elevation of the nursing home (c 2m), I accept the conclusion reached by the planning authority that the potential for interaction resulting in overlooking is negligible. I do not, therefore, consider that there would be any significant impact on the residential amenities of adjoining property. I note that the planning authority has included a condition (Condition no 6) requiring that the partially glazed corridor facing north and the glazing of the stairwells to be west be partially obscured, which I consider is reasonable in terms of affording additional protection to the amenities of adjoining property.

The service area associated with the nursing home, which would be positioned to the rear of the nursing home has the potential to impact on the amenity of adjacent houses arising from deliveries, noise etc. It would not be in the interests of either the residents of the nursing home or adjoining residents if service/delivery vehicles were permitted to operate uncontrolled. To mitigate potential impacts I recommend that a

condition be imposed limiting the hours when deliveries etc can be conducted on the site to between 0800-1900 hours.

The nursing home will be set in landscaped grounds with a central courtyard providing passive amenity for local residents. To ensure that the development site is landscaped with appropriate trees and shrubs and that adjacent sensitive land uses are protected, I recommend that a comprehensive landscaping plan prepared by a suitably qualified person be submitted for agreement with the planning authority.

8.3. Traffic

The TII raised issues regarding the lack of analysis of traffic impacts associated with the proposed development and the potential to impact on the capacity, safety and efficiency of the national primary road. Vehicular access to the proposed development would be provided off the Castlecara Road, that links into the N4 at the Attirory roundabout to the southwest of the site. A speed limit of 50km/h operates along this section of the road and footpaths have been provided on the opposite side of the road that connect into the town. A signalised pedestrian crossing has been provided as part of the adjacent Gaelscoil development.

In response to further information, a Traffic and Transportation Assessment, prepared by Alan Lipscombe Traffic & Transport Consultants was submitted. It concludes that the traffic generated by the proposed development can be accommodated adequately within the existing road network and will not give rise to junction capacity issues either at the site entrance or at the roundabout. It also indicates that the junction fully complies with visibility requirements.

The assessment considers traffic levels for baseline conditions, opening year (2020) and 15 years after opening (2035). Traffic count surveys conducted at the roundabout reveal that the busiest movements occur between the N4 arms on the roundabout, with peak movements westbound (towards the town) during the AM peak hour, and eastbound (out of town) during the PM peak.

The nursing home is designed with 123 no. bedspaces and there will be 31 no. staff present at any one time. Taking visitors and deliveries into consideration, it is estimated that the proposed development would generate 49 car/lgv trips in/out during the AM peak and 54 car/lgv trips during the PM peak.

The impact of the proposed development on the surrounding network is assessed for the opening year (2020) and future year (2035). It is predicted that the impact of the additional traffic generated by the proposed development on link flows on the surrounding network will range from +1% (+15 pcus) on the N4 eastern arm of the roundabout and up to +13%(+49 pcus) on the Castlecara Road adjacent to the proposed site.

Capacity analysis were undertaken at the junction of the site access and the Castlecara Road and at the Attirory roundabout during the AM and PM peaks with/without the development in place. It indicates that both junctions will operate within capacity for all scenarios. The main impacts of the development will be on the Castlecarra arm of the roundabout, but that all arms of the roundabout are expected to operate within capacity up to 2035 with a maximum RFC of 82.1% forecast in the western arm of the N4 during the PM peak hour in 2035. Both junctions will continue to operate within capacity.

I note that the Road's Department and the TII in their respective reports raised no issues regarding the conclusions reached in the traffic assessment. The issues raised by the TII regarding potential capacity issues likely to arise on the western arm of the N4 roundabout in 2035 are matters for the Council to consider going forward in terms of cumulative impacts of other future development proposals.

The TII also notes that the proposed development is located in a study area for a future national road scheme and recommends that the planning authority consult with the local Road Design Office (RDO) in considering the application. There is no evidence that details of the application were referred to the RDO. I note that Map 8 of the LAP, as varied, includes the Preferred Route for the N4 Carrick-on-Shannon-Dromod road, which lies at a distance to the north/north east of the site. As the proposed development appears to lie well outside the constraints area identified on Map 8, and no issues have been raised in the internal reports of the Council, the Board may consider that no further clarity if required on this matter.

The proposed site access would be located midway along the site frontage on a bend. Adequate sight visibility in both direction can be achieved. Adequate car parking is proposed (65 no. spaces) in compliance with development plan standards (1 space per 2 beds) and bicycle parking is provided.

8.4. **Flooding**

Map 7 of the LAP identifies OPW Flood Events and other lands susceptible to flooding in the town of Carrick-on-Shannon. The appeal site is well removed from these areas and at a higher elevation. However, a 16m wide drainage reserve corridor (flood corridor) is identified along the road frontage of the site. Policy 13.4e of the LAP seeks to reserve the drainage corridors and attenuation areas identified on Map No 7 for flood relief, with the precise details to be determined at design stage.

Details of the stormwater management system to be provided on the site are outlined in the Engineering Services Report and Drawing No L(52) 01A, which was amended in response to further information. It is proposed to attenuate surface water run-off from roofs and paved areas on the appeal site. Run-off will be discharged to an underground storage tank, designed to cater for a 100 year event of 6 hours duration, prior to discharge to the main drainage channel running along the front of the site. Run-off will be discharged (at green-field run-off rate) to a twin pipe culvert (600mm diameter pipes) to be installed along the site frontage. This is a similar arrangement to that installed on the adjoining Gaelscoil site, which were considered acceptable to the planning authority. Both schools and nursing homes are classified in the Flood Risk Management Guidelines as development that would be highly vulnerable to flooding.

There are no recorded flood events in the immediate area of the site and subject to the attenuation measures proposed, it is not considered that the proposed development would be vulnerable to flooding, or would give rise to, or exacerbate flooding in other areas of the town.

8.5. **Other matters**

The Board will note that there is an *Indicative Green Corridor* (Pedestrian/Bicycle Access) running through the site as identified on Map 2a of the LAP. Objective 5.2j of the LAP refers to Green Corridors and states '*It is an objective of the Council to secure the development of a network of green corridors in a manner that will integrate them with existing and future developments*'. It is also noted (Section 2.10.01) that those corridors shown on the map are indicative and that modifications

to their location may be permitted where it is clearly demonstrated that a comparable or enhanced route can be readily achieved.

I note that this matter was considered during the consideration of the application for the Gaelscoil on the adjoining site. The planning officer noted that the site was located beside a well established walking/cycling route (Sli na Slainte) that loops the town via the Castlecara Road and accordingly it did not consider it necessary to reserve a corridor between the school and the Ath na Ri housing scheme. The school boundary is contiguous with the housing estate which prevents the creation of a corridor in this location. Having regard to the position adopted by the planning authority and the presence of part of the Sli na Slainte route in the vicinity, I do not consider that this matter requires further consideration by the Board.

With regard to archaeological assessment, the nearest recorded monument is at 110m distance and located on the opposite side of the road. The assessment concluded that no mitigation was considered necessary and this was accepted by the Department of Culture, Heritage and the Gaeltacht.

The appeal site is part of a larger landholding owned by the applicant, who currently has no proposal to develop the remainder of the site, which will be subject to separate planning application(s). The applicant has indicated that any future development would be complimentary in nature to the proposed nursing home, which would be a reasonable approach having regard to the zoning objective and the sensitive nature of adjoining uses.

Issues have been raised by the appellant with regard to the number of conditions that leave matters to be agreed. The decision to grant permission is subject to 19 no. conditions, some of which do require details to be agreed. However, I accept as stated by both the planning authority and the applicant, this is not unusual and will not materially alter the development or result in additional impacts. It also ensures that there is no confusion between what is stated by the planning authority and what is interpreted by the developer. I do not consider that this matter requires any further consideration by the planning authority.

I accept that matters relating to compliance with HIQU standards, fire safety standards etc are matters to be determined under different codes and a grant of permission does not negate the need for compliance. Should compliance result in

any material alteration of the proposal, the developer would be required to seek permission for any changes required.

Appropriate Assessment

A Stage 1 Screening Assessment was submitted in support of the application. It confirms that there are no Natura 2000 sites within 15km of the subject site.

Having regard to the location of the development within a serviced area, the nature of the development and the separation distance from Natura 2000 sites, I accept the conclusions reached in the Stage 1 Screening Report that the proposed development either alone, or, in combination with other plans or projects, would not be likely to have significant effects on a European site, in view of the sites' conservation objectives and that, therefore, a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement is not required.

9.0 EIA Screening

9.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.

10.0 Recommendation

10.1. Having considered the contents of the planning application, the decision of the planning authority, the provisions of the development plan, the grounds of appeal and the responses thereto, my inspection of the site and my assessment of the planning issues, I recommend that permission for the development be granted for the reasons and considerations set out below.

11.0 Reasons and Considerations

Having regard to the location of the site in an area zoned Residential Reserve/Support in the Carrick-on-Shannon Local Area Plan 2010-2019, where a nursing home is considered to be acceptable in principle, it is considered that subject

to the conditions set out below, the proposed development would not detract from the visual or residential amenities of the area, would be acceptable in terms of traffic safety and convenience, would not be subject to, or contribute to flooding and 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 plans and particulars submitted on the 30th day of May 2018 and the 29th day of June, 2018, 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 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 interests of clarity.

2. Prior to commencement of development, the following shall be submitted for the written agreement with the planning authority;
 - (i) Revised lateral and rear elevations incorporating elements to provide an enhanced vertical emphasis to these facades. This shall include slight variations in the building line, variation in window sizes and materials, similar to that proposed in the original plans and particulars submitted to the planning authority on 30th May 2018.
 - (ii) Details of the materials, colours and textures of all the external finishes to the proposed development,
 - (iii) Details of all boundary treatment including front boundary wall and including details of heights, materials and finishes,
 - (iv) Location and details of all signage serving the proposed development.

Reason: In the interests of visual amenity.

3. The partially glazed corridor on the north elevation and the glazing of the stairwells on the western boundary shall be partially obscured at eye level, to details to be submitted to and agreed in writing with the planning authority prior to commencement of the development.

Reason: to protect the amenity of adjacent property.

4. 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 the development. The plan which shall be designed by a landscaping professional and shall include the following;

- (i) a site layout plan (1:500) showing existing hedgerows to be retained on the site and all new planting,
- (ii) A continuous hedgerow comprising native indigenous species along the boundary with the Gaelscoil and along all shared boundaries with the Ath na Ri housing development.
- (iii) details of the location, number, type and spacing of all species proposed,
- (iv) hard landscaping works specifying surfacing materials and type, number and species proposed, together with rationale for suitability of particular species to be provided within the courtyard area.
- (v) Details of permanent screening with evergreen species along the boundary of the service area. Cupressus x leylandii shall not be used in this location or on any part of the site.

The approved scheme shall be completed prior to the occupation of the building. On completion of the landscape/amenity scheme, the developer shall

submit to the planning authority a certificate of completion from a suitably qualified Landscape Designer confirming that the landscaping works have been satisfactorily carried out in accordance with the approved landscaping/amenity scheme. The developer shall be responsible for full maintenance of the landscaping and for the replacement of all failed stock. A copy of the maintenance agreement with a suitably qualified person shall be submitted with the required certification.

Reason: In the interests of visual amenity and of the residential amenity of the occupants of the nursing home.

5. Water supply and drainage arrangements including the disposal of surface water, which shall be adequately attenuated on site prior to discharge, shall be in accordance with the detailed requirements of the planning authority. Surface water shall be discharged to the existing drain along the roadside frontage of the site, which shall be culverted with twin 600mm diameter pipes. The works shall be carried out in accordance with details submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interests of public health and to reduce the potential for flooding.

6. The internal road network serving the proposed development including delivery bay, parking area, junctions, footpaths and kerbs shall be in accordance with the detailed requirements of the planning authority for such works.

Reason: In the interests of amenity and traffic and pedestrian safety.

7. The proposed signalised pedestrian crossing shown on Drawing No L(90)05A submitted to the planning authority on the 30th May 2018 shall not be provided as part of the development.

Reason: The existing signalised pedestrian crossing provided as part of the adjoining development is considered adequate to serve both schemes.

8. Deliveries and the use of the service area to the rear of the nursing home shall be restricted to between 0800 to 19.00 daily.

Reason: In the interests of residential amenity.

9. Public lighting shall be provided in accordance with a scheme details of which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. Such lighting shall be provided prior to the occupation of the nursing home. The scheme shall include measures to prevent direct light falling outside the curtilage of the site. The design of the lighting along the public road shall match that of the adjoining Gaelscoil.

Reason: In the interests of amenity and public safety.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be placed underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

11. A comprehensive heating design proposal which maximises renewable energy provision shall be provided, to details to be submitted to and agreed in

writing with the planning authority prior to commencement of the development.

Reason: In the interest of energy efficiency and sustainable development.

12. No development shall take place at roof level including any lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunications aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: In order to protect the visual amenities of the area and to permit the planning authority to assess any such development through the statutory planning process.

13. 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. The plan shall provide details of the intended construction practice for the development including noise mitigation measures and off-site disposal of construction/demolition waste.

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

9. A plan containing details for the management of waste (and in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities 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, in particular recyclable materials, in the interests of protecting the environment.

10. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. 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 the residential amenities of property in the vicinity.

11. 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 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.

Breda Gannon
Senior Planning Inspector

31st October 2018