



An  
Bord  
Pleanála

## Inspector's Report ABP – 303188 – 18

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<b>Development</b>	Demolition of a light industrial unit and the construction of an 88-bed nursing home together with all necessary support facilities and associated works.
<b>Location</b>	'Farndreg', Headford, Mount Avenue, Dundalk, Co. Louth.
<b>Planning Authority</b>	Louth County Council.
<b>Planning Authority Reg. Ref.</b>	18156.
<b>Applicant</b>	Tom McGuinness.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	Headford Residents Association and on behalf of the residents of 'The Paddock' and 'The Rise' housing estates.
<b>Observers</b>	None.
<b>Date of Site Inspection</b>	9th April 2019 and the 1 <sup>st</sup> May 2019.

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## 1.0 Site Location and Description

- 1.1. The irregular shaped appeal site has a stated 1.01ha area and its western boundary is located c0.1km to the east of Mount Avenue Road on the western fringes of Dundalk town, County Louth. The site is located c1.8km to the north west of Dundalk's town centre, as the bird would fly, and by road it is situated c0.8km to the south east of Mount Avenue's T-junction with the R934 (Castletown Road). From the perusal of historical mapping records, it would appear that the site, prior to the construction of sheds for which demolition is now sought, formed part of a larger formal landscaped area around 'Farndreg House'. 'Farndreg House' is an attractive and substantial 2-storey period dwelling house dating to c1863 which lies in close proximity to part of the sites southern boundary. This period dwelling contains several associated single storey. Their palette of materials consists predominantly of mainly stone, brick and slate. There are also several associated period solid boundaries. These are mainly finished in stone and with brick also present at some of the entrance pillars to internal yard spaces.
- 1.2. It is evident that several of the original tree and shrub planting that formed part of the formal landscaped gardens around Farndreg House still survive with some of the remaining trees present within the site area itself. A number of these trees are subject of Tree Preservation Orders. Altogether they create an attractive sylvan character for the site and its setting.
- 1.3. In recent decades the setting of Farndreg House has been substantially altered and subject to significant changes. Not just by the provision of industrial sheds on the site, which are now abandoned and in a poor state of repair. But also, by the construction of low to medium density residential development in its immediate vicinity, as the settlement of Dundalk expanded westwards towards the M1. There also appears to be a recent loss of mature trees.
- 1.4. The later built insertions in the vicinity of the site and Farndreg House mainly consist of groupings of similar in built-form, palette of materials and finishes detached and semi-detached dwellings. They include but are not limited to the 2-storey detached housing development to the south and south east of the site ('Headford'); the 2-storey detached and 2-storey semi-detached housing developments to the north and west of the site ('The Rise' and 'The Paddock').

- 1.5. The properties situated to the west and along part of the north west of the site are detached and consist mainly of dormer as well as 2-storey dwellings. These occupy significantly higher ground levels in comparison to the ground levels on which the now derelict buildings are sited and even more so in comparison to the unkempt access driveway that provides connection to the main site area onto an internal public estate road serving the Headford residential estate and Farndreg House.
- 1.6. In addition, near the southern boundary of the site there is a detached dwelling under construction.
- 1.7. The site is served by a single access road which is poorly surfaced, unkempt, restricted in width and both its horizontal and vertical alignments are undulating and meandering in nature. This road is the only means of access for the site onto the wider public road network. It provides access to Mount Avenue Road which is situated c0.45m from the entrance of the site via the main internal estate road running through the Headford residential estate.
- 1.8. There is an existing right-of-way along the initial stretch of the said access road which benefits Farndreg House.
- 1.9. The western boundary of the site lies c80m to the east of Dundalk Water Works. Due to the dense planting in its vicinity this piece of infrastructure is not visible from the site itself.
- 1.10. The site benefits from panoramic views towards Dundalk Bay and the Mourne Mountains. This is due to the elevated ground levels particularly in the westerly portion of the site relative to ground levels to the north and north-east.
- 1.11. The ground levels of the site fall steeply in an easterly and north easterly direction. According to the submitted drawings from the highest point of the site, i.e. the western boundary to the south easternmost corner of the site, the ground levels fall by c13.5m.
- 1.12. The general condition of the site on both days of my site inspection could be described as unkempt and abandoned. There was no evident recent functional use and it would appear that a significant period of time has passed between it was last in use. There was also evidence of anti-social activity within the site itself.

1.13. The area surrounding the site could be described as having a strong residential character and the site itself benefits from close proximity to M1 Junction 17 and the N53 which are located c1.2km to the north west. The landscape in between becomes less dense in terms of residential development and could be described as consisting of agricultural land and linear residential development. It is also hilly and rolling in its nature.

## 2.0 Proposed Development

2.1. The original application as submitted to the Planning Authority on the 5<sup>th</sup> day of March, 2018, sought planning permission for the demolition of an existing disused light industrial unit (Note: with a stated 995m<sup>2</sup> gross floor area); the construction of an 88-bed nursing home; all necessary support facilities; and all associated site works. It indicated that the proposed development would consist of a contemporary in architectural style, built form and materials 4-storeys in height building. The design concept of this building included a setback self-contained specialist care unit on a reduced footprint on the 3<sup>rd</sup> floor level (Note: with a stated 5,545m<sup>2</sup> gross floor area). Internally the nursing home building included but was not limited to 80 en-suite single bedrooms; an 8-bedroom specialist Alzheimer's facility as well as social areas; dining areas; and, treatment rooms. The submitted documentation indicated that the residential accommodation would be supported by ancillary facilities; site works including the provision of a reception area; administration offices; laundry facilities; catering facilities; staff facilities; hard & soft landscaping; and, car parking.

2.2. The applicant submitted significant further information on the 24<sup>th</sup> day of October 2018. According to the documentation submitted the nursing home building had been redesigned by way of the omission of the 4<sup>th</sup> floor level and its replacement with a garden amenity area with perimeter screening. This reduced the gross floor area of the nursing home building to a stated 4,863m<sup>2</sup>. This equates to a reduction of 672m<sup>2</sup>. Internally there was a reduction of resident bedrooms to 80 and the design included a reorganisation of its previously proposed internal layout. This is most evident at 2<sup>nd</sup> and 3<sup>rd</sup> floor level where this redesign resulted in a reduction in bedrooms with a single northerly aspect. It indicates that the number of such bedrooms have been reduced by 8% to that originally proposed with 22% of the bedrooms now facing with a single northerly aspect. The amendments also include

the reorientation of balconies and semi-enclosed decks that had a westerly orientation to encompass measures to mitigate potential overlooking of neighbouring houses to the west of the proposed building. The submitted drawings also amended a number of inconsistencies and errors in the original suite of drawings submitted in that the elevational drawings now correlate with the floor area plans of the scheme.

- 2.3. The documentation submitted indicate that as the proposed revisions result in a lesser physical structure with fewer patient rooms, associated staff and support facilities the extent of the potential impacts would be correspondingly fewer than the original proposed. As such it concludes that the revised proposal does not require the provision of a revised Stage 1 Appropriate Assessment Screening Report.
- 2.4. This response is accompanied by: 1) an updated tree survey and report; 2) a bat survey; 3) a response justifying the car parking provision proposed; 4) some revisions have been made to the palette of materials including timber screening on the western elevation; and, 5) a revised site plan and layout has been provided.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The Planning Authority's decision reflected the recommendations of their Planning Officer and planning permission was **granted** for the proposed development as amended by way of the Significant Further Information received on the 24<sup>th</sup> day of October 2018 subject to conditions including but not limited to –

**Condition No. 2** Car parking provision.

**Condition No. 4(a)** Boundary treatments.

**Condition No. 7** External lighting.

**Condition No 8(a)** Natural Heritage.

**Condition No. 9** Archaeology.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The **initial Planning Officer's** report concluded with a request for further information to deal with the following matters of concern -

- 1) Clarification of legal title in relation to site boundaries and the entitlement to access.
- 2) A review of the design and landscaping is requested to deal with various concerns ranging from the bulk, mass and scale of the proposed building through to amenity impact on properties in its vicinity.
- 3) A sunlight/daylight analysis is requested.
- 4) Clarification of impact on trees and bat species.
- 5) Clarification of the adequacy of the car parking provision.
- 6) Sightlines at the Headford Estate entrance.
- 7) Irish Water matters.
- 8) Various infrastructure matters.

The **final Planning Officer's** report forms the basis on which the Planning Authority made its decision.

### 3.2.2. **Other Technical Reports**

**Infrastructure Planning:** The final report raises no objection to the proposed development subject to several recommended conditions.

### 3.3. **Prescribed Bodies**

3.3.1. **DoEHLG:** No objection subject to the inclusion of appropriate archaeological and natural heritage conditions.

3.3.2. **Irish Water:** The final report raised no objection.

### 3.4. **Third Party Observations**

3.4.1. The Planning Authority received five submissions to the original development as submitted and a further two submissions to the applicant's significant further information response. I have read these submissions and I consider that the substantive issues raised in them generally correlate with those raised by the

appellant in their grounds of appeal (See: Section 6 below). Notwithstanding, I also note the following concerns –

- The occupants and owners of Farndreg House raise concern that the proposed development is an inappropriate insertion in the context of their Victorian property and, if permitted, it would give rise to diminished residential amenities by way of overlooking; overshadowing; noise nuisance; and, the like. Further concerns are raised that because of the proximity the proposed development, if permitted, it could give rise to structural impairments to this period house and the mature trees that are in its curtilage.
- Civil Matters.
- The site was a former quarry and it is unlikely that the planting scheme would grow in this terrain.
- The site is too restricted for a development of this nature and scale.
- Clarity is required on whether there is a pedestrian link to Castletown Road.

## 4.0 Planning History

- 4.1. No recent planning applications. I note to the Board that the most recent planning application for the site relates to a grant of permission for the change of use of a riding arena to a manufacturing unit for horse ware products (P.A. Reg. Ref. No. 55524780). This was granted on the 6<sup>th</sup> day of June 1987.

## 5.0 Policy and Context

### 5.1. National Policy Provisions

- **Project Ireland 2040 - National Planning Framework**

Section 4.5 of this document indicates that the NPF will target a significant proportion of future urban development on infill/brownfield development sites within the built footprint of existing urban areas and that this approach is applicable to all scales of settlements from the largest city to the smallest village.



National Policy Objective 11 states that *“in meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth”*.

Section 6.4 which deals with the matter of age friendly communities sets out the ESRI projections which indicate that the numbers of people aged over 65 will more than double to 1.3 million people by 2040, making up approximately 23% of the population. It indicates that there is a *“need for a well-designed lifetime adaptable infill and brownfield development close to existing services and facilities, supported by universal design and improved urban amenities, including public spaces and parks as well as direct and accessible walking routes.”*

National Policy Objective 30 states *“local planning, housing, transport/accessibility and leisure policies will be developed with a focus on meeting the needs and opportunities of an ageing population along with the inclusion of specific projections, supported by clear proposals in respect of ageing communities as part of the core strategy of city and county development plans”*.

- **National Quality Standards for Residential Care Settings for Older People in Ireland, (Health Information and Quality Authority), 2016.**

The Health Information and Quality Authority (HIQA) standards aim to ensure the quality and safety of residential care for the older population. Section 6 of the Standards relates to the care environment. It sets out criteria for the residential care setting including design, layout and outdoor space provision. In addition, the Standards include supplementary criteria for dementia-specific residential care units for older people. These standards are administered by HIQA.

- **Nursing Home Act, 199.**

Under *Section 2* of the said Act, except where the context otherwise requires, a ‘nursing home’, subject to *subsection (2)*, means an institution for the care and maintenance of more than two dependent persons. It excludes a range of institutions.

- **Urban Development and Building Heights, Guidelines for Planning Authorities, (December 2018).**

This document refers to consolidation and densification in meeting our accommodation needs into the future.

## **5.2. Local Planning Policy Provision**

### **5.2.1. Louth County Development Plan, 2015-2022.**

Section 2.16.4 of the above stated County Development Plan indicates that the statutory plan for the urban and surrounding environs area of Dundalk is currently the Dundalk & Environs, 2009-2015, and that the County Development Plan will be an overarching plan for the entire county including Dundalk.

### **5.2.2. Dundalk and Environs Development Plan, 2009 to 2015.**

The policies and provisions of the Dundalk and Environs Development Plan, 2009-2015, are applicable. The site lies within an area of land zoned '*Residential 1*' (RES 1) which has a stated objective "*to protect and improve the existing residential amenities and to provide for infill and new residential developments*" (Table 6.1).

Section 6.2.4 of the said plan states that the "*Housing Strategy establishes the importance of ensuring an adequate supply of housing suitable for older people and those with special needs*" and that "*the location of such specialised housing should have regard to the importance of accessibility by the occupants to local community facilities and services*".

Policy HC4 of the said plan "*requires the provision of special needs' housing as part of the implementation of the Housing Strategy and to ensure that such provision is located close to local facilities and services that are appropriately landscaped and wheel chair accessible*".

Section 6.8.4 of the said plan sets out the Development Plans provisions for nursing homes.

Policy CH5 states that the Planning Authority will "*seek the protection of important trees and groups of trees within the plan area and require that designers take into considerations the protection of trees in the design of new developments*". This policy further indicates a required replacement tree ratio of 4:1 where the removal of

trees is required to facilitate a development subject to tree preservation orders (Note the site is subject to tree preservation order TP 9).

Table 5.2 of the said Plan in relation to Mount Avenue Road that its realignment and upgrade as well as road link are proposed.

The site lies outside of the Mount Avenue Master Plan Area.

### **5.3. Natural Heritage Designations**

- The appeal site is situated c0.97km to the west of the Dundalk Bay SPA (Site Code: 004026) at its nearest point.
- The appeal site is situated c2.35km to the west of the Dundalk Bay SAC (Site Code: 00045) at its nearest point.
- The appeal site is situated c8km to the south west of Carlingford Mountain SAC (Site Code: 000453) at its nearest point.

### **5.4. Environmental Impact Assessment**

- 5.4.1. Having regard to the nature, scale and scope of the proposed development within the development boundary of Dundalk, the nature of the receiving environment, the serviced nature of the site and its setting, the separation distance between the site to the nearest sensitive location, I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. The grounds of appeal can be summarised as follows -
- The Planning Authority have failed to have regard to the neighbouring property owner's concerns.
  - Because of the proposed developments size, density and location, if permitted, it would have a detrimental impact on existing residential amenities.

- The car parking standards have not been properly applied.
- Access to the nursing home would be via the Headford housing estate. It is argued that this is substandard and unsuitable to the additional traffic the proposed development would give rise to. In addition, it is considered that the additional traffic would give rise to concerns for traffic conflict with other road users in this residential estate.
- There are no immediate plans for implementing the proposed 'Green Route' along Mount Avenue. (Note: Policy TR5).
- The previous light industrial use of the site ceased c1999 before most of Headford was built. The Horseware company that operated here was a small operation that generated limited amounts of traffic. Prior to Headford housing estate being developed the subject site was accessed via the Castletown Road via a road that was closed off when Castle Park was developed.
- It is questioned whether the existing road construction at the Headford housing estate was designed to cater for the additional volumes and types of traffic the proposed development would generate during both construction and operational phases.
- The entrance is located at a turning circle which is located at the end of a cul-de-sac that serves several houses. This turning circle was not designed for large volumes of through traffic associated with the proposed development.
- The sightlines at the entrance to the Headford housing estate onto Mount Avenue Road are poor. The proposed upgrade to the Mount Avenue Road will improve the situation but there is no programme date scheduled for this upgrade. It would be premature to grant permission for the proposed development prior to this upgrade.
- Mount Avenue is unable to cater for the additional traffic the proposed development would generate. Even after this road is upgraded this road will remain narrow due to the confines of existing development aligning it.
- The revised building is still considered to be a visually overbearing and it would result in overlooking of many of properties in its vicinity.

- The revised building is visually incongruous when compared to the 2-storey, dormer and single storey dwellings that predominate this locality.
- The main areas to be overlooked are those houses towards the east and north which include dwellings in 'The Rise', 'Castle Park' and 'Castle Heights' housing estates. In addition, the roof top garden would overlook 'Farndreg House' to the south; properties in Castle Park and Castle Heights to the east; and 'The Paddock' to the west.
- The proposed building would give rise to overshadowing of properties to the north, east and west of it.
- It is generally accepted that nursing homes should be built near community facilities, services and so forth to allow the residents an opportunity of social inclusion. It is indicated that the nearest shop/post office is 1.9km away through to the nearest bus stop 1.5km away. It is also argued that the routes to reach these include steep gradients.
- The open spaces proposed are small and contain steep gradients.
- The construction phase will create danger, stress, noise, dust pollution and general inconvenience for surrounding residents.
- The construction vehicles would result in the breakup of the Headford internal estate road surface as well as degenerate its road base and its subbase.
- The proposed nursing home would require a considerable amount of lighting to illuminate the building and its grounds to create a safe environment. This would result in nuisance for the surrounding residents.
- If permitted, the proposed development would reduce the value of the dwellings in the surrounding area.

## 6.2. Applicant Response

6.2.1. The applicant's response can be summarised as follows -

- Provision of this care facility represents a significant opportunity to redress a recognised shortfall in such facilities in this area.

- The section of road running from the entrance of the Headford housing estate to the Castletown Cross junction is subject to pending road improvements which would further enhance the application site's general accessibility.
- The existing entrance onto Mount Avenue Road serving the Headford housing estate has sufficient sight lines and visibility splays to safely accommodate existing levels of traffic. The proposed development will not substantially increase the volume or frequency of vehicles using the estate entrance or internal estate roads.
- Given the nature of the use there may be occasions where emergency services attend late at night or in the early hours. Such traffic can be safely accommodated on the estate's existing carriageways.
- The landscaping scheme seeks to preserve the majority of special tree species present within the site.
- The Planning Authority has the discretion to determine the car parking provision.
- The implementation of the Green Routes along Mount Avenue will include cycling and pedestrian facilities, bus stops and better disabled access will assist the effective integration of land uses and transportation in this area.
- Using TRICs (Trip Rate Information Computer System) the likely volume of traffic is equated to c.25 residential houses.
- The proposed development will not result in any undue adverse injury to residential properties in its vicinity by way of visual overbearance, overlooking, overshadowing or otherwise.
- The proposed development would create a specialised community for its residents dedicated to their physical, mental and spiritual well-being. It is also located centrally in an expanding residential area and within an existing community. Through various modes residents will be able to access edge of town and town centre services.
- Construction Phase amenity concerns can be dealt with by way of condition.
- The applicant does not propose any external lighting scheme.

- The devaluation of residential properties in the vicinity, in the event of the proposed development be permitted and be implemented, is not accepted.
- This appeal raises no new issues.

### **6.3. Planning Authority Response**

6.3.1. The Planning Authority response can be summarised as follows -

- The concerns raised by the appellant have been addressed by the Planning Authority during their determination of this application.

### **6.4. Referrals**

6.4.1. This application was referred to An Taisce and The Heritage Council Áras na hOidreachta. No responses were received.

## **7.0 Assessment**

### **7.1. Preliminary Comments and Introduction**

7.1.1. I consider that the key planning issues relating to the assessment of this appeal case can be addressed under the following headings -

- Principle of the Proposed Development
- Impact on Adjoining Properties
- Parking Provisions
- Access & Traffic
- Compliance with Section 6.8.4 of the Development Plan
- Other Matters Arising

7.1.2. I also consider that the matter of Appropriate Assessment needs to be examined in the course of this assessment.

7.1.3. For clarity, having inspected the proposed scheme as originally submitted and revised by way of the applicant's further information response, together with having visited the site, I am satisfied that the revised scheme puts forward a higher standard

of design and achieves several improvements in terms of the level of impact of the proposed development on residential properties in its vicinity.

- 7.1.4. I consider that it puts forward an improved level of amenity for future occupants in a manner that is consistent with HIQA standards, in particular, in terms of according with the overarching requirement set out under Standard 2.7 of the National Standards for Residential Care Settings for Older People in Ireland (Health Information and Quality Authority) which seeks that the residential service is suited to its stated purpose.
- 7.1.5. The said document is accompanied by several recommended minimum requirements for residential services through to additional facilities deemed necessary for the successful functioning and operations such building typologies as well as their associated spaces. The revised scheme appears to meet these requirements. For example, in terms of the space standards for single bedrooms the proposed scheme exceeds the usable floor space through to it exceeds the minimum requirement of 80% residents accommodated in single rooms.
- 7.1.6. In addition, I consider that the revised design is more respectful to its site context and setting. In particular, the reduction in the building height is appropriate considering the elevated ground levels the proposed dwelling would be sited relative to the lower ground levels of adjoining and neighbouring residential properties, particularly those to the south east, east and north east, that range in height from dormer to 2-storey. These changes have not diminished the overall contemporary design aesthetic of the proposed nursing home building and its positive attributes.
- 7.1.7. Based on the above considerations my assessment below is based wholly on the revised scheme.
- 7.1.8. Prior to commencing my assessment, having perused the suite of documentation on this file in general they are consistent with the requirements of Article 22 of the Planning Regulations to describe the proposed scheme and I am cognisant that the Planning Authority has validated this application.
- 7.1.9. Notwithstanding, I raise a concern in relation to the legibility of several drawings submitted with both the original and revised scheme. It is my view that several of the architectural drawings are difficult to read and are blurred. In addition, some of the drawings, particularly those depicting the internal layout, the text they include are



illegible even with the use of magnifying visual aids. These architectural drawings appear to be draft prints and would have benefitted from being in a scale that would have showed details more clearly for the reader.

- 7.1.10. Of further concern the overall site layout drawings that show various works in the context of the site itself also fail to fully clarify the level of ground modifications proposed under this application. Considering the significant changes in ground levels from the western boundaries of the site to the south east of the site clarity on the ground works would in my view have been an appropriate detail to have provided with this application. In relation to this concern the Board may wish to seek additional drawings as part of their assessment of the proposed development in order to gain a better understanding of the levels of modifications the proposed development would require.

## **7.2. Principle of the Proposed Development**

- 7.2.1. Planning permission is sought for the demolition of an existing disused and dilapidated former light industrial units and the construction of 80 single bedroom 3-storey nursing home together with all ancillary support facilities as amended by the further information received by the Planning Authority on the 24<sup>th</sup> day of October, 2018.
- 7.2.2. Under the provisions of the Dundalk and Environs Development Plan, 2009 to 2015, the appeal site is wholly situated on and bound by land zoned under the Development Plan as 'Residential 1 (RES 1)'. The objective for such lands is "*to protect and improve the existing residential amenities and to provide for infill and new residential development*".
- 7.2.3. The site can also be considered for the purposes of the plan as a brownfield site located on the built-up fringes of the settlement of Dundalk. It has no apparent functional use, it is poorly kept, the buildings are structurally unsound, and it appears that its industrial use has been abandoned for a considerable duration of time.
- 7.2.4. Under the provisions of the Development Plan it indicates that the Planning Authority will seek "*to promote sustainable development on brownfield/infill sites by excluding such sites from the requirement to comply with the phasing strategy throughout the Plan Area*" (Note: CS1).

- 7.2.5. The appeal site also benefits from being located on land where water and sewerage facilities are available and where there appears to be no capacity concerns for further connections particularly for the type and scale of development proposed. The provision of nursing home on such lands is consistent with Section 6.8.4 of the Development Plan. This section of the plan indicates that nursing homes should be located within or adjacent to built-up areas where such utilities are available.
- 7.2.6. Under Policy HC 29 of the Development Plan it states that the Planning Authority will “*support the provision of nursing homes*”.
- 7.2.7. Having regard to the above I consider that the general principle of the proposed development which includes the demolition of the former light industrial shed units and the construction of a nursing home facility on the appeal site would accord with relevant local planning policy provisions, subject to safeguards.
- 7.2.8. In relation to national planning policy provision, Section 4.5 of the National Planning Framework, seeks to target future urban development on infill and brownfield sites within the footprint of existing urban areas of settlements of all scales. Under Section 6.4 of the said document it also encourages the provision of facilities like nursing homes within existing communities.
- 7.2.9. Moreover, the proposed nursing home building as revised puts forward a 3-storey building height. This is a storey above the characteristic 2-storey building height that predominates this area. The increased height and arguably the quantum of development proposed on this 1.01ha site is broadly consistent with the spirit of the Urban Development and Building Heights, Guidelines for Planning Authorities, 2018. In particular, SPPR 1 which states “*in accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and economic Strategies and shall not provide for blanket numerical limitations on building heights*”.
- 7.2.10. Based on the above considerations I am satisfied that the proposed development is also consistent with relevant planning policy provisions, subject to safeguards.

### 7.3. Impact on Adjoining Properties

- 7.3.1. Having inspected the site and its setting I raise a concern that the property adjoining the southern boundary of the appeal site, Farndreg House, is a structure of special architectural merit and arguably could also be a structure of historical, cultural and social interest. This conclusion is based upon a preliminary desk-based examination of this building informed also by my site inspections.
- 7.3.2. From this examination this building is likely attributable to architect Charles Lanyon, a well-known 19<sup>th</sup> Century English Architect. His works include but are not limited to Belfast Castle, Queens University, Castle Leslie, Palm House (Botanic Gardens, Belfast). It is also a building that is connected to civil engineer James Barton whose works include many of the first rail lines in Ireland and Northern Ireland including the Boyne Viaduct.
- 7.3.3. It is undoubtedly a highly attractive and intact building that evokes many of Lanyon's surviving residential works. It would appear that this building dates to c1863 and that it maintains several original courtyard type buildings, boundaries and many of the mature tree specimens from the arboretum that was planted in its formally designed grounds. Indeed, a number of these trees survive within the boundaries and confines of the appeal site itself and together with those surviving in the significantly reduced grounds of Farndreg House create an attractive sylvan site character.
- 7.3.4. Despite the apparent merits of Farndreg House, particularly from an architectural perspective, this structure is not afforded any specific protection, nor would it appear that it is the subject of becoming a proposed Protected Structure by the Local Authority. It is also overlooked in NIAH. Because of this limited regard has been given in terms of assessing the impact of the proposed development on the setting of Farndreg House and there was no legislative requirement for them to provide an Architectural Heritage Assessment Report.
- 7.3.5. Of further concern in terms of quantifying potential impact of the proposed development on this adjoining period property the submitted architectural drawings do not accurately depict the footprint nor would it appear that the buildings volumes and height have been accurately indicated.
- 7.3.6. While I am cognisant of the constraints that are present in terms of gathering such information the OSI maps do in this case provide accurate building envelope details and lateral separation distances between it and its boundaries. The only drawings

that appear to provide some realistic representation of this building and its associated structures relative to the existing disused light industrial buildings through to the proposed location of the nursing homes building's envelope is provided by CMK Horticulture & Arboriculture in their suite of drawings which relate to the arboriculture impact of the proposed development through to their proposed landscaping scheme for the proposed development.

- 7.3.7. The submitted architectural drawings in my view appear to show that there would be greater separation distance between Farndreg House and its associated courtyard buildings to the proposed nursing home than would be the case if the proposed development were to be permitted.
- 7.3.8. I therefore consider that these drawings together with aerial view representation of the proposed development relative to its setting should not be fully relied upon in terms of assessing impact on this adjoining property.
- 7.3.9. While I am cognisant that a structure is either a Protected Structure or it isn't I am also cognisant that the State is the custodian of architectural heritage. I therefore refer to the Governments Policy on Architecture, 2009 – 2015, Towards a Sustainable Future – Delivering Quality within the Built Environment, which states that *"the State is committed to the highest standards in the protection, conservation and maintenance of the built heritage"*.
- 7.3.10. I consider that at this present point in time there is an opportunity to identify the merits of Farndreg House and whether or not it merits specific built heritage protection. There is also an opportunity for features associated with it to be examined in terms of their interrelationship with this period building.
- 7.3.11. In the absence of a robust and independent built heritage assessment of Farndreg House and its attended grounds it would in my view be premature to attempt to quantify the level of impact the proposed development would have on the built heritage in its immediate vicinity. I consider such an assessment is essential to understanding whether it can accept change and, if so, those areas relative to it that can be developed without resulting in detrimental impact or diminishment of its intrinsic character and attributes.
- 7.3.12. Based on the submitted information irrespective of this lack of information I consider that to permit the proposed development despite the revisions made would as a

result of the nursing home's limited separation distance from Farndreg House, its associated buildings and remaining formal landscape setting; the substantial nature of the nursing home built form in terms of its height, scale and massing together with its placement on higher ground levels; would cumulatively diminish the visual amenity and setting of Farndreg House by way of its visual overbearance and incongruity with this period building.

7.3.13. I also consider that the placement of the nursing home relative to Farndreg House lacks adequate separation distance. In my view, the design of the nursing home, would have been visually more acceptable, less overtly dominant and monotonous had its built form included a level building height graduation. In particular, the southernmost portion of the proposed building.

7.3.14. In addition, the appellants raise concerns that the proposed development should it be permitted would give rise to significant diminishment of established residential amenities by way of reduced levels of privacy, overlooking and the perception of being overlooked. In relation to Farndreg House it sits in a landscape that has been substantially built up since its construction.

7.3.15. The change of use and the expansion of shed structures which are the subject of this application and for which demolition is sought were originally agricultural in their functional use. These would have resulted in some level of diminishment of the residential amenities, but this diminishment would have been more significant because of their change of use to industrial related use.

7.3.16. But for circa 20-years the abandoned state of the site and its overgrown nature has somewhat reversed the level of adverse impact on this property's visual amenity despite its unkempt nature. The other adjoining land has been substantially built upon in different phases of residential development. Many of these properties, in particular Headford residential estate were built after the abandonment of the light industrial use of the site. Similarly, they benefitted from the lack of any functional use of the site though like Farndreg the unkempt nature of the site and the apparent anti-social behaviour thereon could have diminished the visual and residential amenities of their properties.

7.3.17. Despite the presence of shed and associated buildings for light industrial purposes on the site, a use that has been ceased and abandoned for a considerable period of

time, the surrounding area can be described as a residential area and this is reflected in its residential land use zoning. As previously discussed the Development Plan under land use zoning RES 1 seeks in part to protect and improve existing residential amenities. The proposed nursing home arguably is a more compatible land use at this location.

- 7.3.18. It is understood within built-up residential communities, overlooking, where properties are situated in close proximity to one another is a common feature. This is an inherent reality very often of living within a residential community in a built-up urban area. There are mechanisms that are frequently employed to minimise the degree of intrusion and loss of privacy for residential properties under the planning code. The revised scheme has improved design measures to lessen overlooking of properties in its vicinity including separation distance of 22m or more between opposing first floor windows.
- 7.3.19. This provision is consistent with Section 7.4 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, published by the Department of the Environment and Local Government in their guidance on privacy and security. It states that “*at the rear of dwellings, there should be adequate separation (traditionally about 22m between 2-storey dwellings) between opposing first floor windows*”. Thus, it can be acknowledged that there is a widely held acceptance that a separation distance of 22-meters or more between opposing first floor windows provides a satisfactory level of protection of privacy between first floor levels of dwellings.
- 7.3.20. In seeking to reach a reasonable conclusion on the issue of privacy and overlooking, as concluded above the matter of overlooking from a bedroom window to such a space is not out of character within such built up areas. I also consider that this scheme includes design measures to avoid and eliminate undue overlooking from balconies and associated outdoor space provisions provided within the envelope of the building itself.
- 7.3.21. In my view there are no requirements or circumstances that would merit the prohibition of the proposed development based upon impact on privacy and overlooking in this instance. The matter of separation distance between opposing windows is somewhat more complicated, in my opinion. I do acknowledge the

significant separation distance between the proposed nursing home building and residential properties in its vicinity. However, I must acknowledge that there would be a very notable perceived sense of overlooking resulting from the substantive 3-storey built form which includes many voids within its expansive built envelope. This is further magnified by the difference in ground levels between it and more diminutive in built form residential properties in its vicinity despite the landscaping scheme proposed.

- 7.3.22. Most of the windows serve residents bedrooms and these bedrooms are single aspect with one window. Requiring these windows to be glazed in opaque glass or reduced in scale would result in poor amenity for future residents should the proposed development be permitted. These windows are essential for providing adequate light and natural ventilation for these rooms. They are also integral in providing a pleasant internal environment for future residents, staff and visitors.
- 7.3.23. Notwithstanding, I consider graduation of the buildings height could reduce this amenity impact and further improvements could be achieved in terms of the provision of a coherent and site sensitive boundary treatments that adequately take account of the differences in ground level that exist between the multiple adjoining properties.
- 7.3.24. In relation to potential overshadowing the documentation submitted indicate that the proposed building, should it be permitted as revised, would not give rise to significant additional levels of overshadowing over and above site context. I acknowledge that there could be additional levels of overshadowing resulting from the landscaping scheme proposed particularly where new natural features, i.e. trees are proposed near boundaries where at present there are no robust natural or man-made features. This would be a concern along the eastern boundary of the site where the neighbouring properties have modest private amenity spaces running alongside this boundary and these spaces have lower ground levels. In these areas cognisant should be had to ensuring that species are suitable to their site context without extensively blocking out light or causing adverse additional levels of shade over and above that which would give rise from the provision of a site appropriate boundary around the perimeter of the site.

- 7.3.25. I consider that the concerns raised by the appellants in terms of the nuisances arising from the construction of the proposed development on established residential amenities can be dealt with by way of a Demolition and Construction Management Plan that also includes measures to deal with impacts that may arise to the public road network, car parking, traffic calming measures within the Headford Estate, construction hours through to dust, noise, waste management and the like in the event of permission being granted. It is normal practice that such a condition be provided, and its measures be implemented also by way of condition.
- 7.3.26. In terms of light and noise nuisance should the Board be minded to grant permission it would be appropriate that conditions are imposed that deal with these, in particular, light overspill and noise from plant. It would be normal practice that such conditions are included for this type of development having regard to the site's context.
- 7.3.27. Based on the above considerations I am of the view that the proposed development would give rise to a diminished visual amenity for the setting of Farndreg House, an attractive, period property, that would appear to have been overlooked for protection by way of designation as a Protected Structure. In the absence of any robust assessment which examines its significance of this property I consider that the development of the scale proposed is premature and I would advise the Board to take a precautionary approach in the determination of the development sought under this application. However, should the Board be minded to grant permission in the absence of this information I advise that at the very minimum the southern elevation of the building is pulled back from the southern boundary and that the southern projection of the building is redesigned in order for it to graduate its built form in a meaningful way from 3-storey to 2-storey. Moreover, the site boundaries along the southern boundary should be suitably stone faced and capped. In terms of the residential and visual amenity impact on other adjoining and neighbouring properties, I consider that subject to improvements to the boundary and landscaping treatments alongside the imposition of the recommended conditions above to deal with potential nuisances, the proposed development would be otherwise in accordance with the proper planning and sustainable development of the area.

#### **7.4. Parking Provisions**



- 7.4.1. Table 5.4 of the Development Plan sets out a requirement for 1 no. car parking space per employee and 0.5 no. per bed space. The scheme as revised contains 80 single bedrooms on the submitted drawings and the information submitted with the further information response indicates that there will be 14 no. full time staff. This equates to a requirement of 54 car parking spaces.
- 7.4.2. The original scheme puts forward a proposal for 44 car parking spaces, 9% of which would be disabled with these spaces located adjacent to the entrance of the nursing home building, whereas the 14 no. staff car parking spaces are located in close proximity to the entrance to the 'Headford' residential estate.
- 7.4.3. This provision has remained unchanged in the revised scheme despite the Planning Authority's further information request raising concerns that the proposed development failed to meet the said Development Plan requirements. I also observed that there is also no clarity provided in terms of service, loading and unloading vehicles in the further information response yet it would be reasonable to assume that a facility of this nature and scale would have regular large vehicles servicing, loading and unloading on the site. As such it would be reasonable to expect at the minimum a designated on-site arrangement in the immediate vicinity of the proposed nursing home for vehicles associated with the day-to-day operations of the nursing home facility.
- 7.4.4. The further information response indicates that the site has the potential for an additional 10 no. overflow car parking spaces should they be required at the entrance to the facility from the Headford residential estate to meet the car parking requirements set out under Table 5.4 of the Development Plan. However, I consider that there is a lack of clarity on the layout arrangements of the same and the resulting implications in terms of the overall design layout of the site. It is probable that the provision of the same would involve changes to the soft landscaping scheme proposed at this location and could lessen the visual buffering for adjoining residential properties. In addition, depending on the type of boundaries provided along the perimeter of the site it could also result in further levels of overlooking to the rear of properties adjoining the eastern boundary.
- 7.4.5. By way of the further information response it is argued that given the sensitivities of the site and common under usage of car parking areas associated with this type of

development that in their view the 44 no. car parking spaces were adequate to meet the needs of the proposed development once operational. They suggested that the adequacy of their suggested provision could be the subject of a review after the facility was operational for 2-years. The Planning Authority considered that this was acceptable and imposed a condition requiring the same in their notification to grant permission (Note: Condition No. 2).

- 7.4.6. The further information response did not examine the potential of a basement car parking to consolidate the car parking provision in a manner that had regard to the significant changes in ground levels within the site. Arguably despite the cost of the same this could have lessened the burden of car parking within the confines of this sensitive site and its setting alongside provided opportunities for more qualitative outdoor open space and pedestrian footpaths in the grounds for future residents.
- 7.4.7. I am of the view that despite the Planning Authority considering that a review of the car parking provision is an appropriate approach to take after a period of 2-years of the facility being operational I raise a concern that in the interim the shortfall of 10 spaces could result in conflict for vehicle movements in the vicinity of the site, particularly near the entrance serving the proposed development onto Headford residential estate.
- 7.4.8. I am also of the view that the site location is one that is highly accessible by way of public transport and until the upgrades of the Mount Avenue Road are fully completed it is unlikely that it is a site that would be easily and safely reached on foot or by bicycle. In terms of the later mode there appears to be no provision for storage of bicycles within the site itself.
- 7.4.9. Moreover, in terms of future residents the changes in ground levels are such that these together with the significant distances between the site and public transport provision (i.e. bus and rail) make it unlikely that many of them would be able to make this journey independently on foot. Similarly, for staff or visitors access by such means to the site I expect would not be high.
- 7.4.10. Based on the above I consider that the proposed development fails to meet the minimum car parking provision for this type of development as set out under Table 5.4 of the Development Plan. In the absence of adequate car parking provision on site together with the lack of dedicated space for larger loading and unloading

vehicles servicing the site I consider that there is a potential for the proposed development, if permitted, to result in an overspill of car parking near the site. This in turn could result in conflict with other road users particularly in the Headford residential estate through which access onto the wider public road network is proposed.

## **7.5. Access and Traffic**

- 7.5.1. I consider that the proposed development would endanger public safety by reason of a traffic hazard and obstruction of road users because of the additional traffic movements that the proposed development would generate at the Mount Avenue and Headford residential estate junction where sightlines are restricted in both directions.
- 7.5.2. In addition, the junction between Mount Avenue Road and the Headford residential estate fails to connect to pedestrian footpaths and/or dedicated bicycle pathways. The carriage width, the roadside verge, the road surface, vertical and horizontal alignment of the Mount Avenue Road near this junction are all poor. There is no coherent provision of public lighting in a southerly or northerly direction either.
- 7.5.3. It would be reasonable to conclude that the proposed development is dependent on what is a substandard junction onto the public road network via the Headford residential estate and the Mount Avenue Road in the vicinity of this junction is also seriously substandard. I also observed that the Mount Avenue road is heavily trafficked and in places it is of a restricted width making it difficult for two vehicles to pass one another comfortably, particularly where one of the vehicles is of a width above an average car.
- 7.5.4. It is also reasonable to conclude that the comparison between the traffic generated by the light industrial buildings and a nursing home of the nature and scale proposed is mute as it would appear that these buildings have been abandoned for c20years. There is no evidence provided to suggest otherwise nor would it appear that they were in operational use prior to the completion of the Headford residential estate. Despite this the TRICs analysis provided indicate that the likely volume of traffic the proposed development would generate would equate to c25 residential dwellings. I consider that this level of traffic generation is not substantial and could be catered for if the Mount Avenue junction with the Headford residential estate and the Mount

Avenue routes to where it meets the R934 (Castletown Road) c0.6km to the north and the R178 (Carrickmacross Road) were of a suitable quality.

- 7.5.5. Based on the documentation provided on file it is clear that the applicant cannot provide the improvements necessary to this junction or indeed the adjoining stretch of the Mount Avenue Road as the lands in which they have legal interest are located circa half a kilometre away.
- 7.5.6. It would however appear that the Planning Authority have well developed plans to upgrade the section of Mount Avenue Road in the immediate vicinity of the Headford residential estate junction. This infrastructure appears to form part of the first phase of road works for Mount Avenue Road.
- 7.5.7. I share the conclusion of the Planning Authority that the precursor for development in this area, including the site itself, is this infrastructural works and that these need to be fully completed prior to any construction of any development on this appeal site so that both the construction and the traffic generated when operational can be safely accommodated alongside any additional pedestrian or bicycle traffic on the Mount Avenue Road.
- 7.5.8. Indeed, the Planning Authority by way of condition in their notification to grant permission restricted the commencement of any development on the site until the works to the Headford junction onto the Mount Avenue Road be upgraded and sight visibility splays achieved in accordance with DMURS (Note: Condition No. 10).
- 7.5.9. Having journeyed the entirety of the Mount Avenue Road from where it meets the R934 (Castletown Road) c0.6km to the north and the R178 (Carrickmacross Road) c1.6km to the south, I raise a concern that until the time Mount Avenue Road is upgraded in its entirety that this road as a result of its substandard nature does not have the capacity in my view to safely accommodate the additional traffic movements the proposed development would generate.
- 7.5.10. In turn I raise a concern that the proposed development, if permitted, prior to the completion of upgrading works along the entire stretch of the Mount Avenue Road would result in additional traffic safety risk for its existing road users. It is also in my view that it is essential that the standard of this road is significantly improved so that safe access can be achieved to other sustainable mode of transport that presently provide connection only via the above stated regional roads.

7.5.11. Based on the above I consider that the proposed development is premature until these works along the entirety of the Mount Avenue Road are in place. Notwithstanding, should the Board be minded to grant permission I recommend that a more robust condition is imposed to than Condition No. 10 set out in the Planning Authority's notification to grant permission that address the above stated concerns.

## 7.6. Compliance with Section 6.8.4 of the Development Plan

7.6.1. Section 6.8.4 of the Development Plan indicates that nursing homes "*should be located within or adjacent to built up areas where*" the following criteria can be demonstrated:

- Public utilities such as water and sewerage facilities are available;
- Opportunities for greater social inclusion and integration into the community exist;
- Accessibility by means of public transportation is available;
- Visitors can combine trips to see patients and relatives with other trips such as shopping and worship.

7.6.2. This section of the Development Plan also states that "*in assessing planning applications for nursing homes, the planning authority will have regard to the following:*

- *Site location and suitability - having regard to the zoning objectives for the area and the site's size, shape and adjoining buildings and its compatibility with other uses in the area.*
- *Accessibility –access must be provided in a manner that is safe and adequate to meet the traffic flows anticipated and adequate parking provision in accordance with the standards set down in this plan. The location of nursing homes along public transportation routes is highly recommended in the interest of sustainability and to facilitate employees, relatives and visitors who depend upon public transport.*
- *Design and layout – should respect the characteristics of the site and fit in comfortably within the landscape and adjoining properties. Applicants should consult with the North Eastern Health Board with regard to internal design and layout at the design stage.*

- *Amenity - sufficient amenity space and landscaped areas should be provided to meet the needs of the residents and provide an attractive setting.*
- *Utilities – connection to public water supply and foul drainage will be required. Private water supply and foul drainage will only be considered as temporary measures where connection to public facilities will shortly be available.”*

7.6.3. In relation to site location as already discussed Policy HC29 of the Development Plan states that it is the policy of the council “*to support the provision of nursing homes*” and this policy has been cited by the applicant party as part of their justification for the principal of development of the appeal site for the purpose of provision of a nursing home facility on RES 1 land where such a use is deemed to be acceptable in principle.

7.6.4. Therefore, I consider that the general principle of the provision of the nursing home facility and its associated development works at this location has been established.

7.6.5. In addition, as already discussed despite the proposed nursing homes built-form is significantly larger in scale and volume relative to other properties in the immediate vicinity of the site. Notwithstanding, the proposed 3-storey building height is not in my view necessarily a significant variation to the predominant 2-storey building height of properties adjoining and neighbouring the site. The use of a site appropriate palette of materials alongside a well thought out landscaping scheme would in my view reduce the scale and nature of the proposed building for most properties. I have previously raised my concerns in relation to Farndreg House. Outside of this, I raise no other significant concerns in relation to the proposed developments consistency with this criterion.

7.6.6. In relation to accessibility, I have several concerns. Firstly, the site occupies a relatively restricted in size and an irregular in shape site which has a significant fall in ground levels from its western boundary in a south easterly direction. The suite of drawings in my view do not adequately clarify what manner the site levels are to be dealt with in the spaces around the building. This inevitably gives rise to concern not just in terms of access, particularly for future residents, but also for access by them of the limited areas of open space that is available within the grounds of the proposed nursing home as well as access from the entrance serving this building to

where the site opens onto an internal access road within the Headford estate and from here to the Mount Avenue Road and wider public road network beyond.

- 7.6.7. Arguably the significant changes in ground levels that would exist in the site even after remodelling to accommodate the proposed development would be a difficult terrain for future residents. Moreover, for future residents the significant changes in ground levels may be an obstacle for them in terms of using the open space within the grounds of the proposed nursing home building.
- 7.6.8. On the matter of open space, National Quality Standards for Residential Care Settings for Older People in Ireland, (Health Information and Quality Authority), 2016, indicates that nursing facilities in terms of their open space provision should make available within their grounds outdoor opportunities for gardening and the like. There is no recreational amenity provided in terms of the overall design of the open space as submitted and the site levels together with the irregular shape of the site make it difficult to provide a consolidated flat safe area of meaningful size outside of the open space provision on the roof level.
- 7.6.9. Secondly, the site itself is remote from public transport provision and public transport routes. It is also c2km from the centre of the town. I therefore do not consider it is located within easy reach of future residents or is the location a sustainable one in terms of also facilitating good levels of accessibility for employees, relatives and visitors who are dependent upon public transport provision. I also consider that the accessibility of the site is further compromised by the hilly topography of the sites setting.
- 7.6.10. Thirdly, as previously discussed the car parking provision proposed fails to meet the minimum requirements for this type of development, i.e. Table 5.4 of the Development Plan.
- 7.6.11. Based on these considerations I do not consider that the subject site is consistent with the accessibility criteria set out in Section 6.8.4 of the Development Plan. I also note that Standard 2.6 of the document National Quality Standards for Residential Care Settings for Older People in Ireland that requires residential services to be accessible.
- 7.6.12. In relation to design and layout while I acknowledge that the proposed development as revised is generally consistent with internal spatial requirements for this type of

development I raise a concern that the useable open space provision is provided mainly at roof level, there is limited open space passive or recreational provided within the confines of the site itself and as discussed previously the topography of the site is such that the latter type of open space could be difficult for future residents. I therefore raise a concern that the open space provision outside of the building envelope could be of a better qualitative standard and that this compromises the design and layout of the proposed scheme.

7.6.13. I also raise a concern that the design and layout of the proposed development lacks sufficient pedestrian pathways and there are limited stretches of pathways relative to the main internal access roads. The Design Manual for Urban Roads and Streets, 2013, (DMURS), encourages the provision of priority for pedestrians, cyclist and public transport alongside the separation of pedestrian and cyclist from vehicle traffic. There also appears to be no physical buffer between internal access roads and the limited open space provision provided within the confines of the site. I consider that within developments like nursing homes it is important to ensure that spaces are easily and safely navigated as well as are well thought out in terms of connectivity. I am not convinced that the design concept has given enough thought into providing quality pedestrian spaces that achieve quality levels of connectivity and a safe environment in a manner that is consistent with DMURS.

7.6.14. In relation to the amenity, while I consider that the design has sought to maintain and enhance the sylvan character of the site I again reiterate the concern that there is a lack of recreational and passive amenity space within the grounds of the nursing home for the size of nursing home proposed. In general, whilst I consider the landscaping approach to be appropriate, it could be further improved by way of condition should the Board be minded to grant permission to further harmonise with the surviving arboretum planting of Farndreg House and this scheme should ensure a variety of tree and shrub species that add variety as well as interest. It should also include less robust in height and canopy tree species near the site boundaries so as to ensure that the additional landscaping does not result in significant additional overshadowing of adjoining properties. Moreover, it should allow for some of the views towards the Mourne Mountains and Dundalk Bay to be maintained.

7.6.15. In relation to utilities there is adequate capacity in the public water supply and foul drainage to meet the requirements of the proposed development should the Board



be minded to grant permission. I therefore do not raise a specific issue in this regard.

- 7.6.16. Based on the above considerations I question the degree to which the appeal site would facilitate accessibility, social inclusion and integration as promoted in Section 6.4.8 of the Development Plan.
- 7.6.17. I also question the provision of additional public transport connections based on the lack of evidence of the same provided with this application and that publicly available.
- 7.6.18. In summary, the site is too restricted to accommodate the quantum of development proposed; the site levels are such that the site and its surrounds are not highly accessible for users of other modes of transport; the provision of car parking within the context of the site is not to the minimum standard required and its argued by the appellant that the site sensitivity of the site is such that it would be inappropriate to meet this standard without negatively impacting on the sensitivities of the site itself; there is a lack of services and facilities that future residents may require within easy reach of the site; the site location is not one where visitors could easily combine trips.
- 7.6.19. Based on the above considerations I acknowledge that the proposed development puts forward a number of positive features and this includes a contemporary positive architectural approach to the nursing homes building and the fact that the internal provisions of the are consistent with the required standards for this type of development, notwithstanding, it is my opinion that the site puts forward several negative considerations that result in a development that, if permitted, would be inconsistent with the spirit of Section 6.8.4 of the Development Plan.

## **7.7. Appropriate Assessment**

- 7.7.1. The closest Natura 2000 sites that could be impacted by the proposed development is the Special Protection Areas: Dundalk Bay SPA (Site Code: 004026). It is located c1km to the east of the site. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, the proposal to incorporate sustainable drainage systems and to connect to the public foul sewer, together with the proximity to the nearest European sites no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a

significant effect individually or in combination with others plans and projects on any European sites.

## 7.8. Other Matters Arising

- 7.8.1. **Bat Survey:** Should the Board be minded to grant permission for the development I recommend that they include the recommendations set out in the Bay Survey prepared by ecologist Faith Wilson. These measures would ensure that the proposed development particularly during the construction phases result in no detrimental impact on this protected species. A condition like Condition No. 8 of the Planning Authority's notification to grant permission would in my view be appropriate.
- 7.8.2. **Archaeology:** The subject site is located in an area where there is potential for archaeological finds. There is a significant wealth of archaeology in the surrounding area and I note that between 100m to 300m there are 8 recorded monuments (Note: LH00701; LH00702; LH00703; LH00704; LH02478; LH02030; LH02021 and LH02034). Considering the archaeological sensitivity of the site and its setting should the Board be minded to grant permission for the proposed development I recommend that it include an appropriate archaeological condition.
- 7.8.3. **Property Depreciation:** The appellants have provided no evidence to substantiate that the proposed development, if permitted, would result in a devaluation of property in the vicinity.

## 8.0 Recommendation

- 8.1. I recommend that permission be **refused** for the reasons and considerations set out below. The Board may consider the first reason and consideration of refusal a new issue in the context of this appeal.

## 9.0 Reasons and Considerations

1. The Board is not satisfied based on the documentation provided on this file that the applicant has demonstrated that the proposed development would not result in adverse impact on Farndreg House and its setting. This period property is a property of architectural merit that contributes positively to the character of this area. It is considered that the proposed development, by virtue of its lack of

adequate separation distance together with the overbearing built-form, nature and scale of the proposed nursing home building relative to Farndreg House, would have a detrimental impact on the essential qualities of this structure and its setting, thereby materially affecting its character. It is considered that the proposed development is excessive in the context of this adjoining development and it is considered that a development of this scale in the absence of the architectural merit of this building being independently examined would be premature. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development, by reason of its lack of adequate separation and overbearing built form would materially affect the character and residential amenities of Farndreg House, a house and setting whose period character and attributes contributes to the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. It is considered that the proposed development would represent overdevelopment, a substandard form of development on a site that is topographically constrained and a type of development that fails to demonstrate that it would be consistent with Section 6.8.4 of the Dundalk and Environs Development Plan, 2009 to 2015. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
4. It is considered that the car parking provision for the proposed development and, in particular the lack of sufficient on-site car parking spaces and loading/unloading areas, would be seriously deficient and would be inadequate to cater for the parking demand generated by the proposed development, thereby leading to conditions which would be prejudicial to public safety by reason of traffic hazard on the public roads in the vicinity and which would tend to create serious traffic congestion.
5. The Board is not satisfied based on the documentation provided on file that the applicant has demonstrated that the Mount Avenue Road, a road that it is substandard in terms of the sightlines from the Headford road junction in both directions, in terms of horizontal and vertical alignment along its entire length, is

of a restricted width and with an irregular surface, can accommodate the additional traffic the proposed development would generate. It is considered that the documentation submitted on this file does not demonstrate a definite time-scale for when the proposed infrastructural upgrade works will occur. Therefore, it is considered that the proposed development would endanger public safety by reason of a traffic hazard or obstruction of road users as a result of the additional traffic movements that the proposed development would generate at the Mount Avenue and Headford junction.

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Patricia-Marie Young  
Planning Inspector

*16<sup>th</sup> day of May, 2019.*