



An  
Bord  
Pleanála

## Inspector's Report ABP-303378-19

---

<b>Development</b>	Construction of building containing 53 living units, car parking, landscaping and all associated ancillary site works.
<b>Location</b>	Mountpleasant Lodge, Kilcock to Clane road,Portgloriam, Kilcock,Co. Kildare
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	181233
<b>Applicant(s)</b>	Beneavin Contractors Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Beneavin Contractors Ltd
<b>Date of Site Inspection</b>	08 <sup>th</sup> March 2019
<b>Inspector</b>	Colin McBride

## 1.0 Site Location and Description

1.1 The appeal site, which has a stated site area of 1.4hectares, is situated off the Kilcock – Clane regional road (R407) where a speed limit of 80kph applies. The subject site is located in a rural area where agricultural land and sporadic housing are predominate land-uses. There are established houses situated along the R407 within close proximity of the appeal site. The site is part of the curtilage of an existing nursing home, Mountpleasant Nursing Home. There is a long driveway from the vehicular entrance off the R407 to the existing nursing home. The existing nursing home is two-storey in height and there is open space to the front and side of the nursing home. There is a reasonably sized car park also within the grounds of the nursing home.

1.2 The established boundary is mature hedgerow and trees on three sides. There is established street lighting within the car park and also on the road and footpath area immediately adjoining the nursing home. The gradient of the site is generally flat however there is a gentle slope downwards from the south-east to the north-west. The subject site is adjoined by agricultural land. There is established sewage treatment plant in the north-east corner of the subject site.

## 2.0 Proposed Development

2.1 Permission is sought for the development of a continuing care community. The proposal includes a two-storey building containing 53 no. one and two bed units for independent and assisted living and associated facilities, car parking, landscaping and all associated ancillary works. The proposed development will result in minor alterations to the car parking and layout as permitted under ref no. 17/1166.

## 3.0 Planning Authority Decision

### 3.1 Decision

Permission refused based on one reason...

1. Notwithstanding the fact that the proposal would constitute an intensification of an existing use on a large site constituting a specialised residential elderly care facility, it is considered that the scale of the proposed extension, which would significantly increase the number of bed spaces at this location, taking into account the provisions of the Kildare County Development Plan 2017-2023, which seeks to direct nursing care facilities into existing settlements, represent an unacceptable level of intensification of an existing use in a rural area, would seriously injure the rural and residential amenities of the area and of properties in the vicinity and would not, therefore, be in accordance with the proper planning and sustainable development of the area.

### 3.2 Planning Authority Reports

#### 3.2.1 Planning Reports

Planning Report (30/11/18): The intensification of use was considered inappropriate at a rural location such as this, the proposal was considered contrary Development Plan policy and to be visually obtrusive. Refusal was recommended based on the reason outlined above.

#### 3.2.2 Other Technical Reports

Environment Section (02/11/18): No objection subject to conditions.

EHO (05/11/18) No objection subject to condition.

Water Services (22/11/18): Conditions in the event of grant of permission.

Irish Water (27/11/18): No objection.

Transportation Department (27/11/18): Additional information required including details of the level of car parking proposed relative to Development plan parking standards.

## 4.0 Planning History

18/1234: Permission granted for modification and alterations (car parking and landscaping) to permitted development under 17/1166.

17/1166: Permission granted for additional infrastructure service facilities for approved single-storey extension (PL09.243522).

PL09.243522: Permission granted for a single-storey extension to the existing nursing home comprising a 38 bed unit.

PL09.241636: Permission refused for a 68 bed residential elderly care facility. Refused for one reason...

1. Notwithstanding the fact that the proposal is an extension of an existing facility on a large site constituting a specialised facility, it is considered that the scale of the proposed extension, which would double the number of bed spaces in the existing facility would, taking into account the provision of the development plan, which seeks to direct nursing care facilities onto existing towns, represent an unacceptable level of intensification of an existing use in a rural area, would seriously injure rural and residential amenities of the area and of properties in the vicinity and would not, therefore, be in accordance with the proper planning and sustainable development of the area.

11/963: Permission refused for an additional 68 bed residential elderly care unit. Reason related to unacceptable intensification in a rural area, contrary settlement policy and public health issues.

07/89: Permission granted for a 68 bed nursing home (existing development on site).

02/238: Permission granted for a 43 bed nursing home.

## 5.0 Policy and Context

### 5.1 Development Plan

The relevant Development Plan is the Kildare County Development Plan 2017-2023.

The site is located in the rural area of the county.

#### Section 11.8.3 Older People

The 'National Quality Standards for Residential Care Settings for Older People in Ireland' published by the Health Information and Quality Authority (February 2009) set standards for the provision of care facilities for the elderly. These standards provide a baseline for those with the responsibility for providing nursing home facilities and include specific standards for the design and layout of the internal and external environment of care facilities. This Plan will provide for a mixed urban/rural setting for nursing homes in the county.

OP 1 Facilitate the provision of continuing care facilities for the elderly, such as own homes (designed to meet the needs of elderly people), sheltered housing, day-care facilities, nursing homes and specialised care units (e.g. dementia specific units) at appropriate locations throughout the county.

OP 2 Cater for the diversity of older people's needs by promoting adaptability and flexibility in the design of homes, and the promotion of appropriate commercial and community facilities in population centres with higher proportions of older people.

OP 3 Provide for a mixed urban/rural setting for nursing homes in the county and to site residential care facilities for the elderly in accordance with the following:

- (i) Facilities should be located close to community and social facilities required by occupants (e.g. shops, post office, community centres, etc) thereby ensuring that older people can remain part of existing communities.
- (ii) Facilities should be easily accessible for residents, employees, visitors and

service providers. Such facilities will generally be acceptable in villages and rural settlements to cater for local demand. A mobility strategy shall be provided detailing connections to town and village centres for residents, employees and visitors.

(iii) Facilities should be located within an environment that is suitable for their stated purpose, integrating within the wider community while providing a safe environment for residents.

(iv) Facilities should be located in an area which can benefit from the creation of strong links between the care for the elderly facilities and the local community including activities linked to other community groups.

OP 4 To require the design and layout of residential care facilities for the elderly to comply with all relevant standards set out in the 'National Quality Standards for Residential Care Settings for Older People in Ireland' published by the Health Information and Quality Authority (2009) or the relevant standards for any subsequent national guidelines.

## 5.2 **Natural Heritage Designations**

None in the vicinity.

### 5.3 EIA Screening

Having regard to nature of the development comprising to the provision of 53 no. independent and assisted living units for the elderly and associated site works, 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

A first party appeal has been lodged by Cunnane Stratton Reynolds on behalf the applicant, Beneavin Contractors Ltd. The grounds of appeal are as follows...

- The appellant refutes the view that the site is an inappropriate location for the development on the basis of it being in rural and unzoned location. It is noted that there is an established centre for elderly care and therefore the existing use on site is established and should not revert being considered as being agricultural. It is noted that such developments are located in such areas as the vast majority of residents do not use public transport or are not capable of walking long distances and rural locations meet their needs.
- Although not physically linked to the existing care centre, the proposed development will operate as an extension to the existing facility at this location.
- The appellant reiterates that the site is not a greenfield site and is an extension of an established use. It is noted that urban areas are not always the best location for such facilities and that the proposal would offer a high level of comprehensive care for future residents.
- It is noted that the proposed development is consistent with Development Plan policy and it is noted that such policy does not preclude location of such facilities in rural areas. The appellant notes that the proposal would not be contrary Policy OP3 of the County Development Plan as it is an extension of

an established use. It is noted that its location close to Kilcock makes the development accessible for residents, employees, visitors and service providers.

- It is noted that the proposal is consistent with relevant policies of the Kilcock Local Area Plan 2015-2021.
- The appellant notes precedents for similar type development permitted outside settlements by Kildare County Council as well as similar developments permitted by An Bord Pleanála outside of established settlement boundaries.
- The proposal would not be an unacceptable intensification of an established use with it noted that there was no objection from the Council's Traffic Department as well as noting there was a lack of third party observations.
- It is noted that the scale of the proposal was considered acceptable and that such was not a reason for refusal. It is noted that the proposal would not be a visually dominant structure in the surrounding areas and that the proposed development sufficiently separated from existing residential properties in the vicinity.
- It is noted that there will be no adverse impact on the rural and residential amenities of the area.

## 6.2 Planning Authority Response

Response by Kildare County Council.

- Kildare County Council confirm that they have no further observations in respect of the proposed development.

## 7.0 Assessment

- 7.1 The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment



also needs to be addressed. The issues can be dealt with under the following headings:

Principle of the proposed development/suitability of location/planning policy

Visual/adjoining amenity

Traffic

Wastewater treatment

Appropriate Assessment

7.2 Principle of the proposed development/suitability of location/planning policy:

7.2.1 The proposal is for a two-storey building containing 53 no. one and two bedroom units for independent and assisted living and associated site works. The structure is within the curtilage of the existing Mounpleasant nursing home and an extension of existing elderly care function established on site. Permission was refused on the basis that “it is considered that the scale of the proposed extension, which would significantly increase the number of bed spaces at this location, taking into account the provisions of the Kildare County Development Plan 2017-2023, which seeks to direct nursing care facilities into existing settlements, represent an unacceptable level of intensification of an existing use in a rural area, would seriously injure the rural and residential amenities of the area and of properties in the vicinity and would not, therefore, be in accordance with the proper planning and sustainable development of the area”.

7.2.2 The information submitted on the file outlines a case for the proposed development based on the requirements for additional accommodation for older people. I would accept that there is a need for additional facilities for older persons and that the provision of such is in keeping with both Development Plan and National policy. The issue that arises is whether the location of such in a rural area is appropriate as well as whether the scale and form of development is acceptable at this location. There is an existing nursing home on site and permission granted to extend such under ref

no. 17/1166. The proposal is for a two-storey building containing 53 no. one and two bed units for independent and assisted living. Although this structure is to be managed as part of the existing nursing home facility at this location and is an extension of an existing use, the nature of the development is a little different than the existing use on site. The units are independent apartment units and will provide for independent living of future residents. Despite the established use on site, I would consider that the location in a rural area remote from local services and facilities including a sole dependency on vehicular transport would render the development an inappropriate form of development at this location. Development Plan policy does state that it supports a mixed urban/rural setting for nursing homes in the county, however under Policy OP3 it notes that “facilities should be located close to community and social facilities required by occupants (e.g. shops, post office, community centres, etc) thereby ensuring that older people can remain part of existing communities” and “such facilities will generally be acceptable in villages and rural settlements to cater for local demand”.

7.2.3 The proposal may be an extension of an existing use, however the nature of the development is different to the existing nursing home use on site providing for independent apartment units. I would consider that Development Plan policy under OP3 is clear that the appropriate location of such development is within or adjoining existing settlements. The appeal site although located in close proximity to Kilcock is remote from the existing settlement and would fail to meet the requirements of Policy OP3 of the County Development Plan. Notwithstanding the fact that the proposal is an extension of an existing facility on a large site constituting a specialised facility, I would consider that the scale of the proposed extension and the nature of the units proposed, taking into account the provision of the development plan, which seeks to direct nursing care facilities into existing settlements, would be contrary to Development Plan policy, would represent an unacceptable level of intensification of an existing use in a rural area and would be seriously injurious to the rural character of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

7.3 Visual/adjoining amenity:

7.3.1 The proposal is for a two-storey block located within the curtilage of the existing nursing home, which is a two-storey structure itself. The block is located along the north eastern boundary of the site with the site being a large green area associated with the existing nursing home. Existing boundary treatment on site consists of trees and hedgerow. The site is located in a rural area, however the site itself is part of the curtilage of an existing nursing home development. The site is located away from the public road with the existing nursing home served by a service road that separates it from the public road. The appeal site is located on a level site within the North-western Lowlands as defined under the County Landscape Character Assessment. This area is indicated a being of 'low sensitivity' and described as "areas with the capacity to generally accommodate a wide range of uses without significant adverse effects on the appearance or character of the area". The site is located away from the public road, is level and low lying, the development is within the curtilage of an existing commercial development and there are reasonably well established boundaries. I would consider additional landscape proposals or a landscaping scheme would further soften the impact of the proposed development. Notwithstanding the above assessment, the proposal is for a two-storey apartment block at a rural location. The design, scale and form of development is out of character at a rural location such as this and would have an adverse impact on rural character. In addition I would note that the design and architectural character of the structure proposed is not particularly distinctive and is a very generic design. I would consider that more effort could have been made to provide a design that has more cognisance of its rural location with a more low profile and higher quality design than what is proposed. The proposal represents an inappropriate form of development at a rural location such as this and would be injurious to the rural character of the area.

7.3.3 In relation to adjoining amenities adjoining lands all sides are agricultural lands. The nearest development to the appeal site that is not agricultural in nature is the existing nursing home on the site to the south east, which is functionally linked to the proposed development with the development located within the curtilage of such. The nearest dwellings are located to the north west adjoining the public road. The site is well separated from these dwellings. I would consider that the proposed development would have no significant or adverse impact on the amenities of adjoining properties or land uses.

#### 7.4 Traffic:

7.4.1 The proposed development is an extension of existing nursing home/elderly care land use at this location and is within the overall curtilage of Mountpleasnat Lodge. The proposed development is to be accessed through the existing vehicular entrance and service road for Mountpleasant Lodge. The proposal will entail alteration to existing parking serving Mountpleasant Lodge and the provision of additional car parking on site. The proposal takes into account the development granted under ref no. 17/1166, which entails an extension to the existing structure on site. The proposal provides for 43 car parking spaces on site. Alteration is proposed to the existing parking within the curtilage of the existing care home, which is not part of the appeal site and was subject to a grant of permission under ref no. 18/1234. The required parking standard under the County Development Plan is 1 space per 3 residents (Table 17.9 of the Kildare County Development Plan 2017-2023). Based on a maximum occupancy of 106 (2 people per unit) the provision of 43 no. spaces on site is consistent with Development Plan requirements. The revised proposal on the remainder of the site taken in conjunction with that proposed on the site would appear to be sufficient to cater for the overall development including that proposed in this case, the existing nursing home and its permitted extension.

7.4.2 As noted above the proposal entails use of an existing well established entrance that currently serves the nursing home within whose curtilage the site is located. This entrance is well laid out with good visibility in either direction. The proposal would entail an increase in traffic generation, however I would be satisfied that the existing road network has capacity for such and the entrance and internal service road layout is of a good standard and sufficient to cater for such an increase. I would consider that the proposal would be satisfactory in in the context of traffic safety and convenience.

#### 7.5 Wastewater treatment:

7.5.1 The existing nursing home development at this location is serviced by wastewater treatment system located in the northern corner of the site. It is notable that under ref no. 17/1166, which is permission for an extension to the nursing home, the existing wastewater treatment system is to be decommissioned and a new pumping station constructed with a

rising main delivering discharge to the gravity sewer at Kilcock. This is to be the drainage arrangement to serve the proposed development in this case. This would mean the removal of the on-site wastewater treatment system and use of the municipal infrastructure. It is notable that the Council's Water Services Section and Irish Water raise no objection to the drainage proposals. The switch from an on-site wastewater treatment to use of existing municipal infrastructure would be beneficial in terms of public health.

7.6 Appropriate Assessment:

7.6.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, 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 other plans or projects on a European site.

## 8.0 Recommendation

8.1 I recommend a refusal of permission based on the following reason.

## 9.0 Reasons and Considerations

1. Notwithstanding the fact that the proposal is an extension of an existing facility on a large site constituting a specialised facility, it is considered that independent nature of the units proposed, the scale of the proposed extension and architectural character of the structure, taking into account the provisions of Policy OP3 of the Kildare County Development Plan 2017-2023, which seeks to direct nursing care facilities into existing settlements, would be contrary to Development Plan policy, would represent an unacceptable level of intensification of an existing use and an inappropriate urban form of development in a rural area, which would be seriously injurious to the rural character of the area. The proposed development would, therefore, be contrary to Development Plan policy and the proper planning and sustainable development of the area.

---

Colin McBride  
Planning Inspector

08<sup>th</sup> April 2019