



An
Bord
Pleanála

Inspector's Report

ABP-306568-20

Development	A change of use from a mental health day centre to a residential care dwelling.
Location	Bellfield House, Bellefield Gardens, Ennis Road, Limerick.
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	19493
Applicant(s)	Health Service Executive
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party V. Grant
Appellant(s)	Sonya Browne
Observer(s)	None
Date of Site Inspection	29 th April 2020
Inspector	Elaine Power

1.0 Site Location and Description

- 1.1. The appeal site is located on the eastern side of Bellfield Gardens in Limerick city. The area is generally suburban in nature with a variety of housing styles and size. University Maternity Hospital Limerick is located approx. 80 m south west of the site.
- 1.2. The site has a stated area of 0.065ha and currently accommodates 'Bellfield House'. Bellfield House is an existing HSE residential day care centre with a gross floor area of 271sqm. It is a 2-storey detached building, set back approx. 9m from the public road with car parking provided in the front garden. The site boundary with Bellfield Gardens comprises a low wall with a vehicular gate. The southern boundary comprises a blockwork wall and the northern and eastern boundaries comprise a new erected timber panel fence with concrete posts.

2.0 Proposed Development

- 2.1. It is proposed to change the use of the existing mental health day care centre to a residential care dwelling. The building would be used as a community dwelling for the rehabilitation of residents.
- 2.2. No works are proposed to the existing structure.
- 2.3. ***Further information lodged 4th December 2020***

In response to the request for further information the applicant provided clarification regarding the details of the activities that would be carried out in the proposed use. The response did not result in any amendments to the proposed development.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 3 no. conditions which are outlined below: -

Condition 1: clarified that permission was granted for the development submitted by way of further information on the 4th December 2019.

Condition 2: required that no sound trees or hedgerows be removed unless necessitated by a condition.

Condition 3: required that all boundary treatments be carried out as per plans submitted by way of clarification of further information.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The initial area planners report raised some concerns regarding the proposed development and recommended that further information be sought requiring a planning report to be submitted which detailed the activities to be carried out on site; number of users accessing the service; staff numbers; security measures for the site; visitor numbers; car parking requirements; and proposed boundary treatments. Following receipt of further information, the area planner considered that all concerns had been fully address and recommended that permission be granted subject to 3 no. conditions outlined above.

3.2.2. **Other Technical Reports**

Fire and Rescue Service: No objection in principle, the residential element would require a separate fire safety certificate.

3.3. **Prescribed Bodies**

HSE: No comments

Irish Water: No objection

3.4. **Third Party Observations**

12 no. third party submissions were received. The concerns raised are similar to those of the appeal and also raised concerns regarding the lack of clarity regarding the use and the potential increase in vehicular movements.

4.0 **Planning History**

None

5.0 Policy Context

5.1. Limerick City and County Development Plan, 2010 – 2016 (as extended)

The appeal site is zoned Objective ZO.2 (A) Residential: - To provide for residential development and associated uses. Chapter 8: Social and Community is considered relevant in particular policy SC.6

Policy SC.6: *'It is the policy of Limerick City Council to support the provision of medical facilities within the City boundary'.*

5.2. Natural Heritage Designations

The appeal site is located approx. 325m west of the Lower River Shannon SAC (002165).

5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal was received from Sonya Browne on behalf of Farranshone Residents Association. Local residents had a conversation with the HSE and raised a number of concerns. There has been no further comment from the council or the HSE with the local residents. The appellant acknowledges the requirement for such services in the city, however, it is considered that a number of concerns need to be addressed. The concerns are summarised below: -

- Boundary treatments should comprise a high wall to ensure residential safety and should not comprise a fence as proposed.
- The provision of CCTV on the premises.
- A contact person should be appointed by the HSE to liaise with the local community.
- Regular review of the intended use should be facilitated to ensure there is no negative impact on the local community.

6.2. Applicant Response

The applicant's response is summarised below: -

- The use of Bellfield House as a residential health rehabilitation facility would be of significant benefit Limerick, as it would enhance options for mental health service users requiring short-term residential rehabilitation / recovery. Individuals access the facility would be transitioning to the community from acute care, high support care or individuals requiring short term respite.
- The facility would provide accommodation for up to 5 adults with advanced mental health recovery and those who are preparing to return to independent living. Rehabilitation in mental health refers to the process of enabling people experiencing a mental health condition to access as independent a life as possible in a social, cultural and economic context.
- The activity in the house would be as in any other domestic dwelling where service users would undertake normal activities of daily life to enable them to live a normal peaceful life with some supervision and support.
- Service users would also be engaged in with activities outside of the dwelling, such as university studies and work.
- A 1.8m high timber panelled fence with concrete posts has been provided along the site boundaries. This addresses any concerns regarding overlooking of adjoining properties. It is also considered that a high wall as opposed to a timber fence would not be in keeping with life in a normalised residential setting away from institutional care.

- There is an existing CCTV camera located at the front entrance door only. It is directional and only captures individuals to access the front door.
- A liaison person can be facilitated by the HSE to communicate with residents in case any issues arise.
- Regular review sessions can be facilitated by the HSE to ensure no one is negatively impacted by the change of use.

6.3. **Planning Authority Response**

None

7.0 **Assessment**

7.1. As indicated the appeal refers to the development as submitted with the Planning Authority, on the 16th December 2020, by way of further information. The following assessment, therefore, focuses on that proposal with reference to the original scheme, where appropriate. The main issue in the appeal relates to residential amenity. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise.

7.2. ***Principle of Development***

7.2.1. It is proposed to change the use of an existing mental health day care centre to a residential care dwelling. The building would be used as a community dwelling for the rehabilitation of residents. It is noted that no works are proposed to the existing building. The applicant has stated that the facility would provide accommodation for up to 5 adults with advanced mental health recovery and those who are preparing to return to independent living. The activity in the house would be as in any other domestic dwelling where service users would undertake normal activities of daily life to enable them to live a normal peaceful life with some supervision and support. The appeal site is located in an area zoned Objective ZO.2 (A) Residential with the associated landuse objective to *provide for residential development and associated uses*. The development plan also notes that the provision of adequate health facilities is necessary for a safe and healthy community and it is a policy objective (SC.6) *'to support the provision of medical facilities within the city boundary'*. Having regard to

the existing use on site and the provisions of the development plan, the proposed use is permissible in principle.

7.3. Residential Amenity

- 7.3.1. It is proposed to change the use of an existing mental health day care centre to a residential care dwelling. The building would be used as a community dwelling for the rehabilitation of residents. It is noted that no works are proposed to the existing building. The applicant has stated that the facility would provide accommodation for up to 5 adults with advanced mental health recovery and those who are preparing to return to independent living. The activity in the house would be as in any other domestic dwelling where service users would undertake normal activities of daily life to enable them to live a normal peaceful life with some supervision and support.
- 7.3.2. Concerns have been raised that the proposed and existing boundary treatments are insufficient and could lead to a potential negative impact on the existing residential amenities of adjoining properties in terms of safety and security. In response the applicant stated that a high wall as opposed to a timber fence would not be in keeping with life in a normalised residential setting away from institutional care.
- 7.3.3. The front (western) site boundary with Bellfield Gardens comprises a low wall with a vehicular gate. The southern (side) boundary comprises a blockwork wall and the northern (side) and eastern (rear) boundaries comprise a newly erected timber panel fence with concrete posts. It is also noted that there are a number of mature trees and vegetation provided along the boundaries which provides additional screening.
- 7.3.4. Having regard to the residential nature of the site the proposed boundary treatments are considered appropriate and would not result in any. It is also considered that having regard to the nature of the activities to be provided on site that the proposed use would not pose any health and safety concerns for the adjoining residents.
- 7.3.5. Concerns were also raised regarding the provision of CCTV within the site. In the response the applicant stated that there is existing CCTV at the front door of the building. This camera is directional and would not overlook any neighbouring properties. To ensure the privacy of local residents it is recommended that a condition

be attached to any grant of permission that all CCTV cameras are fixed and angled to face into the site and shall not be directed towards adjoining property or the road.

7.4. *Other Issues*

- 7.4.1. The appellant has requested that a contact person should be appointed by the HSE to liaise with the local community and that regular review of the intended use should be facilitated to ensure there is no negative impact on the local community. In response to the appeal the applicant has stated that a liaison person can be facilitated by the HSE to communicate with residents in case any issues arise and that regular review sessions can be facilitated by the HSE to ensure no one is negatively impacted by the change of use.
- 7.4.2. While it is acknowledged that the applicant has no objection to engaging with the appellants regarding the on-going operation of the facility it is considered that issues, that may or may not arise, are ultimately matters that would be dealt with more appropriately outside of the planning appeal process.

7.5. *Appropriate Assessment*

Having regard to the nature and small scale of the proposed development and the distance from 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

It is recommended that permission be granted subject to conditions.

9.0 Reasons and Considerations

Having regard to the existing use, the residential zoning objective of the site and policy SC.6 of the Limerick City Development Plan 2010-2016 (as extended) to support the provision of medical facilities within the City boundary, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the area. The proposed

development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 4th day of December 2019 by way of further information, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. No trees shall be removed from the site unless otherwise agreed in writing with the Planning Authority.

Reason: in the interest of residential amenity.

3. CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining properties or the public road.

Reason: In the interests of residential amenity.

4. The applicant shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

Elaine Power

Planning Inspector

13th May 2020