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Bord  
Pleanála

## Inspector's Report ABP 306768-20

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<b>Development</b>	Nursing Home and ancillary works.
<b>Location</b>	Glengarriff More, Leamlara, Co. Cork.
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	19/6925
<b>Applicant</b>	Patrick Broderick
<b>Type of Application</b>	Outline Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	1 <sup>st</sup> Party v. Refusal
<b>Appellant</b>	Patrick Broderick
<b>Observer(s)</b>	Brookfield Care Services
<b>Date of Site Inspection</b>	18/05/20
<b>Inspector</b>	Pauline Fitzpatrick

## 1.0 Site Location and Description

The site, which has a stated area of 3.45 hectares, is accessed via local road L7691 c. 1.2km to the north of Leamlara village in East Cork. The site is irregular in shape, straddling two fields with the main body of the site setback c. 250 metres from the roadside. The narrow section, which is to allow for the driveway, runs immediately to the south of a hedgerow containing a number of mature trees. The roadside boundary is delineated by a hedgerow with mature trees. In general, the site falls are from north-west to south-east towards the road. Both the subject site and adjoining lands are in agricultural use with sporadic one off housing noted in the general area with the nearest dwelling c.100 metres to the west.

The condition of the local road serving the site, which is approx. 600 metres in length is poor. Its junction at the crossroads to the west, referred to as Broderick's Cross, is governed by a yield sign. The V shaped junction to the east does not currently indicate vehicular priority.

## 2.0 Proposed Development

Outline permission is sought for a single storey nursing home providing for 82 ensuite bedrooms with ancillary facilities. A new vehicular access from the local road and site landscaping are also proposed.

The nursing home is to be served by a proprietary effluent treatment plant. A Site Characterisation Form and details of the proposed system accompany the application. No water was encountered in the trial hole with a percolation T-Value of 38.03 calculated.

Water supply is proposed via a bore well.

## 3.0 Planning Authority Decision

### 3.1. Decision

Refuse outline permission for 3 reasons which can be summarised as follows:

1. The proposal conflicts with the policy approach set out in section 5.7.14 of the County Development Plan in terms of its unserved rural location.

2. The proposal has not adequately shown how the proposed traffic can be accommodated on the rural road network characterised by narrow roads in poor condition and a substandard junction with deficient sightlines to the west. In the absence of such detail the development proposed would endanger public safety by reason of traffic hazard.
3. On the basis of the details provided the applicant has not demonstrated how effluent generated by the proposal can be satisfactorily dealt with on the site. The proposal would be prejudicial to public health.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Executive Planner's report considers that the proposal is, in effect, a large residential unit, thus the overall compatibility with planning policy will be the primary determining factor. Current policy guidance aims to direct new nursing home accommodation away from isolated locations. Section 5.7.14 of the County Development Plan specifies that new facilities should be located within established settlements. The current proposal does not comply with same. It has no physical linkages to the village of Leamlara c. 1.2km to the south. The applicant has not provided any argument as to the rationale behind the proposal. The proposal is speculative and provides for an isolated nursing home which would be fully dependent on car for access. The site is not within a designated High Value Landscape. A building of the scale indicated could be accommodated on the site. The comments in the other internal reports summarised below are noted. A refusal of permission for three reasons recommended.

The Senior Executive Planner and Senior Planner in their reports endorse the recommendation to refuse permission. Both support the conclusion regarding the unsuitability of the development given the unserved nature of the site served by a poor local road network. The information submitted with the application does not enable a full assessment of these issues.

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

Environment Section requires further information on the proposed wastewater infrastructure.

Area Engineer notes that the local road serving the site is in poor condition but is part of the 3 year roads improvement programme. The sightlines at Broderick's Cross to the west are poor. Further vehicular movements will exacerbate the problem. Applicant to submit details on how to address same. Issues regarding the wastewater treatment system detailed. Further information recommended.

### 3.3. **Prescribed Bodies**

Inland Fisheries Ireland has no objection subject to disposal by way of percolation following treatment.

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

An objection to the proposal received by the planning authority is on file for the Board's information. The issues raised are comparable to those in the observation received and summarised in section 6 below.

A representation in favour of the proposal also on file.

## 4.0 **Planning History**

I am not aware of any previous planning applications on the site.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

#### ***Cork County Development Plan, 2014***

In terms of settlement policy the site is within an area identified as being under Strong Urban Influence.

Objective SC 7-3 Accommodation for Older Persons

Establish policy and targets in relation to the provision of residential care, assisted living, group/community housing and other forms of accommodation for older persons with regard to location and requirements.

Section 5.7.14 – Guidance for Residential Care Accommodation

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

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

## **5.2. Natural Heritage Designations**

The nearest designated site is Blackwater River (Cork/Waterford) SAC (site code 002170) c. 5 km to the north.

## **6.0 The Appeal**

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

The submission by P.J. Jordan and Associates on the behalf of the 1<sup>st</sup> party against the planning authority's notification of decision to refuse outline permission, can be summarised as follows:

- The site is not isolated given its proximity to Cork City and 4 major hospitals that require step down facilities.
- There is a demand for such type facilities with increasing requirements arising from the aging population.
- The site is as near as one can generally get to a local settlement. It is nearer than several existing facilities permitted and operating in the East Cork Area.

- There is a slight conflict between the old and revised development plans and this should be taken into consideration. Significant provision for the needs of an aging population is promised in the revised Development Plan. The provision of such a development will form part of the approach.
- It is a government objective to cater more fully for the care needs of an aging population and to provide more step down facilities.
- The proposal is of strategic importance to the community.
- The local road network improvements have been approved and are awaiting funding.
- The lands adjacent to the crossroads to the south are in the applicant's family's ownership. They are agreeable to any widening works required to improve sight lines. Letter of consent attached. If acceptable full details will be submitted to the local authority.
- Water supply is to be by means of a bored well. This is normally acceptable and all testing will be carried out as to suitability in due course.
- There is a suitably located well within the applicant's property that is available to the development. Operating since 1995 it has never run dry and produces up to 5000 gallons per hour.
- A soil polishing filter of approx. 850 sq.m. with allowance for necessary setback distances will be provided by the incorporation of an additional area to the south of the proposed development. This area is in the ownership of the applicant's family and a letter of consent for its acquisition is attached. Full details of the system will be agreed in writing with the planning authority prior to development.

## 6.2. **Planning Authority Response**

None

## 6.3. **Observations**

The observation can be summarised as follows:

- The road network is not suitable to accommodate the additional vehicular movements.
- There is an over provision of nursing home beds in the catchment area of the proposal.
- There are insufficient essential services available locally to maintain best practice within the nursing home sector.

## 7.0 Assessment

I consider that the issues arising correspond with the planning authority's reasons for refusal and can be assessed under the following headings:

- Suitability of Location and Policy Provisions
- Adequacy of the Road Network
- Site Services
- Appropriate Assessment

### 7.1. Suitability of Location and Policy Provisions

While the development plan for the area encourages the provision of appropriate health care services, it is a requirement that such facilities be provided in suitable locations and in accordance with proper planning considerations and the principles of sustainable development. Section 5.7.14 which sets out the guidance for Residential Care Accommodation explicitly states that these facilities should be located within settlements in order to enhance overall quality of life, increase their links with, and accessibility to, local amenities, and therefore reduce the likelihood of social isolation while providing easy access to staff and visitors.

Notwithstanding the 1<sup>st</sup> Party's valid arguments as to the pressing need for facilities of the type proposed, to the higher percentage of the population moving into the elderly age cohort and Government policy in terms of providing step down facilities, I consider that the policies of the Plan in terms of the location of such facilities to be entirely reasonable. Whilst I note that the current County Development Plan is currently being reviewed and due consideration will be given to meeting the demands arising in terms of the aging population and its residential

needs, there is no indication at this juncture that the current policy seeking to provide for such needs within settlements wherein social facilities and services would be available and where a synergy with the settlement, both for employees and residents could be created, is to be revisited. The site is in an unserviced rural location c 1.2km to the north of Leamlara village. All trips to and from the site will effectively be car reliant. In view of the same the proposal would not achieve such synergy.

On this basis I consider that the proposed development fails to address the principles of sustainable development in terms of its location in an undeveloped rural area lacking basic facilities with an absence of connectivity to a settlement. The fact that there may be cases of nursing home developments in rural areas is acknowledged however this is not sufficient basis to allow for the replication of an inappropriately located development. I therefore concur with the opinion of the planning authority that the proposed development is at variance with the policies of the Plan in terms of its location and that outline permission should be refused on this basis.

## **7.2. Adequacy of Road Network**

The local road network in the vicinity is relatively narrow with surface conditions noted to be poor in places. The local road serving the site is c.600 metres in length and is currently in a very poor condition although, as noted on day of inspection, the surface improvement works are about to commence with the road closed to facilitate same.

The junction c. 370 to the west of the site is known as Broderick's Cross onto which traffic from the road serving the site is to yield. Concerns as to the adequacy of the sightlines raised by the Area Engineer are valid especially in view of the additional vehicular movements that would be generated by the development. Junction improvements are considered necessary. The extent of the improvements works required are unclear and, although the applicant has secured the consent of a landowner at the junction, it is not evident that the necessary improvements can be carried out within that said holding. I submit that such level of detail requires resolution at this outline application stage to ensure their viability and should not be left to determination at subsequent application stage. I also note that the by reason

of the junction arrangement c. 160 to the east sightlines are somewhat constrained to the south.

On balance, I do not consider that sufficient detail accompanies the application to address the matters arising and on this basis I would concur with the planning authority and recommend refusal on grounds that the additional vehicular movements arising from such a nursing home development would give rise to a traffic hazard.

### **7.3. Site Services**

The nursing home is to be served by an effluent treatment system, details of which are provided. The characterisation form that accompanies the application concludes that the site is suitable for such a system. No water was encountered in the trial hole with a percolation T-Value 38.03 calculated. A soil polishing filter of approx. 822 sq.m. is required for tertiary treatment effluent from 173PE. As noted by the Council's Environment Section this is a significant area and does not appear to have been drawn to scale on the site layout plan. The agent for the applicant states that there is adequate land in the applicant's family holding to accommodate same and, although consent to include further lands to the south to serve the development is provided in support of the appeal, no revised drawings have been submitted. I note that in view of the red line delineating the site boundary the area required for the polishing filter would be outside the site to which the current application refers. Again, the absence of such clarity is problematic. As above such details require resolution at this outline application stage with revised public notices arising from changes to the site boundary, if appropriate. Such matter should not be left for consideration at subsequent application stage.

Water supply is to be by way of bore well to be located in the north-western most corner of the site. No details are provided as to whether the yield and quality is suitable to accommodate the development with the agent for the applicant stating that there is an existing well within the applicant's property that is available to the development.

### **7.4. Appropriate Assessment**

Having regard to nature and extent of the development and separation distance from the Blackwater River (Cork/Waterford) SAC c. 5km to the north 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 the European sites.

## 8.0 Recommendation

Whilst I note the issues arising in terms of the adequacy of the road network serving the site and the outstanding details in terms of the wastewater treatment system proposed I conclude that the site is, from first principles, unsuitable for the development as proposed which would more appropriately be located within a settlement. I therefore recommend that outline permission be refused

## 9.0 Reasons and Considerations

1. Having regard to the rural location of the site at a remove from any settlement, without connectivity to community facilities and services and which would be heavily car dependent, it is considered that the proposed development would be contravene materially the Cork County Development Plan provisions for residential care accommodation as set out in section 5.7.14, would constitute inappropriate development in a rural area lacking certain public services and community facilities and would militate against the preservation of the rural environment and lead to demands for the uneconomic provision of further services and community facilities. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the local road network characterised by narrow roads and the restricted sight lines available at the junction to the west of the site, the Board is not satisfied on the basis of the submissions made in connection with the planning application that the vehicular movements that would be generated by the proposed nursing home can be accommodated. The proposed development would, therefore, endanger public safety by reason of traffic hazard.

3. Having regard to the effluent treatment plant proposed to serve the proposed nursing home and the area required for the polishing filter the Board is not satisfied on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily disposed of on site. The proposed development would, therefore, be prejudicial to public health.

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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**May, 2020**