



An  
Bord  
Pleanála

## Inspector's Report ABP- 308588-20

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<b>Development</b>	62 bedroom nursing home and 8 no. two storey apartment units and ancillary works.
<b>Location</b>	Patrick Street, Mountmellick, Co. Laois.
<b>Planning Authority</b>	Laois County Council
<b>Planning Authority Reg. Ref.</b>	19428
<b>Applicant(s)</b>	Rocktop Asset Management
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Paul Dempsey
<b>Observer(s)</b>	none
<b>Date of Site Inspection</b>	15 <sup>th</sup> March, 2021.
<b>Inspector</b>	Stephen Kay.

## 1.0 Site Location and Description

- 1.1. The appeal site is located on a backland site to the west of the town centre. The site comprises two distinct areas, the first being the area to the rear of a number of properties that front onto Patrick Street to the south west and the second being an open area located at the northern end of the site which is bounded by residential development.
- 1.2. The area at the southern end of the site is significantly overgrown such that it was not possible to get access to significant areas of this part of the site or to get a detailed view of boundary and structures. The accessible area at the southern end of the site indicated a varied boundary treatment with properties to the south facing Patrick Street. The eastern side of this section of the site adjoins what appears to be a largely undeveloped area to the rear of No.13 Patrick Street while, to the west, this part of the site adjoins the rear garden areas of two storey residential properties at Nos. 3 to 8 Emmett Street.
- 1.3. The site contains a two storey building at the southern end (Nos. 14-15 Patrick Street) that has a vacant retail / commercial unit at ground floor level and also appears to be vacant at first floor level. This premises has a ground floor vehicular access through to the rear of the site.
- 1.4. The area of the site at the northern end is currently enclosed by a wall along the eastern side. There is existing on street parking beyond this wall in an area that is faced by the three storey College View Apartments.
- 1.5. To the north, the site is bounded by two storey housing that was constructed as part of the College View development and permitted under Laois County Council Ref. 00/1216. To the west, this part of the site is bounded by single storey houses in the Davin Park development.
- 1.6. Public access to the northern part of the site from College View is restricted by an existing fence that is located towards the northern end of the site. It is noted that the northern end of the site was identified as part of the public open space connected with the College View development and is currently open to public access.
- 1.7. The stated area of the appeal site is 1.015 ha.

## 2.0 Proposed Development

2.1. The proposed development as originally submitted comprises the following:

- The construction of a nursing home / step down care residential development with a gross floor area of 4,400 sq. metres and comprising a two storey 62 no. bedspace nursing home with a stated floor area of 3,522 sq. metres located on the northern part of the site and 8 no. two bedroom apartment units to be located in 4 no. individual blocks on the southern part of the site. As set out below, following a request for further information, the size of the nursing home was reduced to a 60 bedspace 3,357 sq. metre building and the number of apartment units reduced from 8 no. to 6 no.
- Access to the proposed development is to be via the College View estate for normal traffic and a rear access via Davin Park is proposed for emergency traffic and service vehicles.
- It is proposed to construct an ESB sub station structure at the far north east corner of the site on lands that are currently open to the public and which are part of the public open space of the existing College View development.

## 3.0 Planning Authority Decision

### 3.1. Request for Further Information

3.1.1. Prior to issuing a Notification of Decision, the Planning Authority requested further information on 10 items that included the following:

- Clarification of the access arrangements to the site and potential for 'rat running'.
- Further details regarding traffic safety and access.
- Further details regarding surface water drainage and storage,
- Request to engage with Irish Water and to submit a pre connection enquiry.
- Boundary details to be submitted.
- Comment on third party submissions.

- Noted that part of the site, including lands where the nursing home building are proposed) appear to overlap with lands indicated for recreational use in permissions Refs. 00/1216 and 03/1331.

It should be noted that two separate responses to further information were submitted to the Planning Authority. The first, dated 21<sup>st</sup> October 2019 states that the first party have acquired the freehold possession of all the site within the redline boundary with vacant possession and that an arrangement will have to be made with Laois County Council if part of the site is to be used as open space.

A subsequent response to the request for further information, dated 13<sup>th</sup> August, 2020, included the following information and alterations to the design:

- The design of the nursing home is altered to provide for as reduced size accommodating 60 no. bedspaces in a building of 3,357 sq. metres.
- The number of apartment units is proposed to be reduced from 8 no. to 6 no. in three blocks instead of the original four.
- The footprint of the nursing home building is proposed to be relocated further to the south on the site with a separation of c.55 plus metres from the north east boundary of the site.
- The orientation of the two storey apartment units at the northern end of the site have been amended from the original north east – south west orientation to run the opposite way.
- Stated that both access roads to Davin Park and College Road have been taken in charge and a revised road junction layout is submitted.
- Proposed that the existing footpath in College View would be upgraded and a short new section of footpath installed.
- Road safety report submitted.
- Revised surface water drainage and foul drainage drawings submitted.
- Letter from Irish Water submitted indicating that a connection can be facilitated.
- Details of proposed boundary treatments are indicated on drawing.

### 3.2. Decision

The Planning Authority issued a Notification of Decision to Grant Permission subject to 19 no. conditions of which the following are considered to be the most significant in the context of the appeal:

Condition No..1 requires the submission of an on going maintenance agreement for the nursing home and clarification that the permission granted relates to the layout received on the 14<sup>th</sup> August, 2020 in response to the request for further information.

Condition No..10 requires the management of waste and waste disposal from the site.

Condition No..12 requires the site boundary treatment to be as per the proposals submitted on 14<sup>th</sup> August, 2020 and requires the submission of a landscaping schedule.

### 3.3. Planning Authority Reports

#### 3.3.1. Planning Reports

The initial report of the Planning Officer notes the content of the third party submissions received and the internal and external reports. The principle of the form of development proposed on a brownfield town centre site is stated to be acceptable to the Planning Authority, however further information is stated to be required on a number of issues including traffic safety / access, surface water design, connection to the Irish water network and parking are raised. A second report subsequent to the submission of further information recommends a grant of permission that is consistent with the notification of decision which issued.

#### 3.3.2. Other Technical Reports

##### ***Internal***

Road Design – First report recommends further information related to access and potential road connection (rat run) through the development. Second report subsequent to the further information states that no objection subject to conditions.

Fire Officer – No objection.

### ***External***

TII – that the council should have regard to the provisions of Chapter 3 of the DoECLG Guidelines Spatial Planning and National Roads in the determination of the application. Second submission restates this position.

Irish Water – Initial report recommends further information. Second report states that subject to a valid connection agreement being in place the proposed connection to the Irish Water network can be facilitated.

Department of Culture Heritage and the Gaeltacht (NPWS) – Noted that the site is located in the historic town of Mountmellick which is a recorded monument. It is therefore possible that unrecorded archaeological remains are present, and conditions are recommended.

## **4.0 Planning History**

The following planning history is relevant to the assessment of this case:

Laois County Council Ref. 06/519; ABP Ref. PL11.220487 – Permission granted by the Board, but decision overturned on appeal for the construction of a 2700 sq. metre retail development with 1736 sq. metres of office space and multi storey car park. Permission refused by the board for 4 no. reasons that relate to 1) the impact on traffic safety and movements on the N80 including inadequate junction with Patrick Street, 2) inadequate visibility to the north at the junction with the N80 leading to the creation of a traffic hazard, 3) negative impact on residential amenity by virtue of overlooking, overshadowing and visual obtrusiveness and 4) that part of the proposed development would be located on lands that are indicated as public open space serving the adjoining residential development permitted under Refs. 00/1216 and 03/1331 which was at the time largely complete.

Laois County Council Ref. 03/1331 – Permission granted for alterations to previously permitted residential development Ref. 00/1216 by the omission of houses Nos. 3-21 inclusive and the replacement of these units with 60 no. two bedroom apartment units in a three storey block that is located to the east of the current appeal site.

Laois County Council Ref. 00/1216 (ABP Ref. PL11.125329 – appeal withdrawn) – Permission granted for a residential development of 100 no. town houses. The site the subject of this permission partially overlaps with the northern end of the current appeal site.

## 5.0 Policy and Context

### 5.1. Development Plan

#### ***Mountmellick Local Area Plan 2018-2024.***

The appeal site is zoned Town Centre (Primary / Core Retail Area) under the provisions of the ***Mountmellick Local Area Plan, 2018-2024*** with the stated objective, *‘to protect and enhance the special physical and social character of the existing town centre and to provide for and improve retailing and commercial activities.’*

A ‘nursing home’ and ‘sheltered housing’ are both uses that are identified in the land use matrix as being ‘open for consideration’.

The following are specific objectives in relation to the delivery of the Strategy set out in the LAP:

- 1. To support and facilitate sustainable intensification and consolidation of the town centre and established residential areas.*
- 4. To focus new residential development primarily into infill and backland sites.*

Maps 3 and 4 of the LAP relate to flooding and flood risk. The appeal site is located outside of the 1:100 and 1:1,000 year flood risk zones.

**Policy TCR P2** states that it is policy to: *Promote the consolidation of the Town Centre through the use of brownfield, infill and backland sites without compromising streetscapes.*

***Laois County Development Plan, 2017-2023.***

The following policies contained in the *Laois County Development Plan, 2017-2023* are noted and considered of relevance to the assessment of this case:

**Policy SOC18** states that it is policy to *‘co-operate with the HSE and other statutory and voluntary agencies in the provision of appropriate health care facilities covering the full spectrum of such care from hospitals to the provision of community based care facilities subject to proper planning considerations and the principles of sustainable development.’*

**Policy SOC19** states that it is policy to *‘ensure that adequate lands and services are available for the improvement, establishment and expansion of health services and ensure that adequate services such as water supply or wastewater treatment are in place prior to development taking place.’*

**Policy SOC20** states that it is policy to *‘encourage the integration of healthcare facilities within new and existing communities and to discourage proposals that would cause unnecessary isolation or other access difficulties, particularly for the elderly, disable and children.’*

The parking standard for a nursing home as per Table 18 of the plan is one space per 2 no. bedrooms.

## **5.2. Natural Heritage Designations**

The site is not located in or close to any identified European site. The closest such site is the River Barrow and River Nore SAC which is located to the east of the site and approximately 160 metres from the site boundary at the closest point and centred on the Owenass River.



### 5.3. EIA Screening

Having regard to the scale and nature of the proposed development, its relationship to surrounding properties and lands and the urban location of the site 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

The following is a summary of the main issues raised in the third party appeal received from Mr Paul Dempsey:

- Objects to the access provision via Davin Park to the north of the site. The proposed access is for emergency and service use.
- That most houses in Davin Park only have room to park a single vehicle off street and have to reverse out onto the public road.
- That an existing area that was originally a play area in the estate is used for on street car parking.
- That the need for on street parking means that cars have to park on the footpath and there is not room for vehicles to pass. There would not be room for an ambulance or service vehicle to pass.
- That there are a significant number of children living in the estate.
- That the RSM audit only looked at safety related to the 25 houses in the development and does not account for the traffic generated by the development.
- The increased traffic figure of 5-10 percent is considered to be an under estimation.

- Noted that the road safety audit identifies safety issue with regard to access of large vehicles from Davin Park. These vehicles could conflict with traffic stopping at the shop opposite the entrance and the adjoining housing estate access.
- The reference in the safety audit to vehicles needing access frequently and at high speed is noted and considered unacceptable.
- The audit identifies safety issues with the residential entrances immediately adjoining the proposed access and sub-standard footpath widths.
- Noted that the permission granted on the site approximately 10 years ago used an alternative access which is still available for this development.
- That the appellant erected a wall and screen planting at the point where Davin park connects with the appeal site to stop anti-social activity and the use of Davin Park as a through route. The proposed development would alter this.
- The appeal is accompanied by a number of photographs showing parking / traffic congestion in Davin Park.
- The appeal is also accompanied by a letter of support from Paddy Bracken, a member of Laois County Council.

## 6.2. Applicant Response

There is no record of a response from the first party to the grounds of appeal.

## 6.3. Planning Authority Response

There is no record of a response from the Planning Authority to the grounds of appeal.

## 7.0 Assessment

7.1. The following are considered to be the main issues in the assessment of this appeal:

- Principle of Development and Land Use Zoning.
- Design, Layout, and Impact on Amenity,
- Site Access and Traffic Issues,
- Site Servicing,
- Appropriate Assessment.

### 7.2. Principle of Development and Land Use Zoning.

7.2.1. The appeal site is zoned Town Centre under the provisions of the Mountmellick Local Area Plan, 2018-2024 with the stated objective, *'to protect and enhance the special physical and social character of the existing town centre and to provide for and improve retailing and commercial activities.'* A 'nursing home', 'sheltered housing' and regular housing are all uses that are identified in the land use matrix as being open for consideration. *'Nursing home / sheltered housing'* is identified as an open for consideration use on lands zoned for Village / Town Centre use under the provisions of the *Laois County Development Plan, 2017-2023*. The principle of the proposed development is therefore considered to be acceptable in principle on the site and consistent with the zoning objective.

7.2.2. The following policies contained in the *Laois County Development Plan, 2017-2023* that are in my opinion supportive of the form of development proposed including nursing homes and facilities to support the elderly and the provision of such developments in accessible locations. Policy SOC20 states that it is policy to *'encourage the integration of healthcare facilities within new and existing communities and to discourage proposals that would cause unnecessary isolation or other access difficulties, particularly for the elderly, disable and children.'* Similarly, both policies HP9 and HP10 seek the provision of accommodation in *'...central, convenient and easily accessible locations to facilitate independent living where possible (HP9) and encouraging the location of nursing homes and sheltered housing accommodation '...within settlements to provide for easy access both for*

*staff and visitors in order to enhance overall quality of life, increase their links with, and accessibility to, local amenities and to adopt a presumption against rural locations.'* The proposed location of the subject development within the centre of the town on a backland site surrounded by existing residential development and within easy reach of existing facilities in the town centre is in my opinion consistent with these policies.

### 7.3. Design, Layout, and Impact on Amenity,

- 7.3.1. The location of the building footprint of the nursing home block on the site was revised on foot of the response to further information received by the Planning Authority on 14<sup>th</sup> August, 2020. These revisions include the redesign of the nursing home to provide for as reduced size accommodating 60 no. bedspaces in a building of 3,357 sq. metres and a reduction in the number of apartment units from 8 no. to 6 no. The footprint of the nursing home building is proposed to be relocated further to the south on the site with a separation of c.55 plus metres from the north east boundary of the site and the orientation and layout of the apartment units at the southern end of the site is proposed to be revised. The basis for this change in layout relates to Item No.11 of the request for further information and the fact that part of the northern end of the site as outlined in the application was identified as open space to serve the permitted residential development of surrounding lands to the north east. From my examination of the site plans relating to these permissions (Refs. 00/1216 amended by 03/1331), I consider that the northern end of the site has been included as open space lands in residential layouts previously permitted and which have subsequently been developed. It is therefore my opinion that this area cannot be included in the area of the site where new development is proposed and for this reason the rest of this assessment is on the basis of the revised layout submitted in response to the request for further information and received by the Planning Authority on 14<sup>th</sup> August, 2020.
- 7.3.2. The **scale** of the proposed development at two storeys and a maximum height of c.12.2 metres above ground level is consistent with the predominately two and three storey development on lands surrounding the site. In terms of design, the layout is similar to many nursing home developments and while the main elevations are long

at c.85 metres, the main south east facing elevation is proposed to have a number of set backs that would break up the massing and visual impact of the building. With the revised location on the site, the extent of the south east facing elevation that would be visible from the College View / College Avenue development would in any event be significantly reduced. At the southern end of the site, the two storey apartment buildings are also two storey in height and are set back by a minimum of 50 metres from the two storey buildings fronting Emmet Street and Patrick Street to the south.

- 7.3.3. In terms of materials, the main finishes proposed in the development is a mixture of render and brick with pitched slate roofs. These finishes are consistent with those in the College View / College Avenue area and are considered to be acceptable. In the event of a grant of permission details of the proposed materials should be submitted for the agreement of the Planning Authority.
- 7.3.4. The revisions submitted in response to the request for further information resulting in the form and scale of the nursing home building remaining significantly unchanged with the footprint relocated further south on the site. The effect of this change is that the building is now proposed to come in closer proximity to the boundary with No 13 Patrick Street immediately to the east of the appeal site and specifically that the development would come within less than 5 metres of the boundary in the vicinity of the north west corner of the site to the rear of No.13. Some degree of **overlooking** of the currently undeveloped curtilage to the rear of No.13 Patrick Street could therefore be considered to arise on foot of the proposed development. The area at the rear of No.13 is however currently undeveloped and there is no independent access available to the area to the rear of this site. It is not therefore considered that the proposed development would result in a significant loss of amenity or future development potential to the property at No.13 Patrick Street.
- 7.3.5. The relationship of the proposed development to the existing residential development to the north east in the College Avenue / College View developments is such that the separation between the closest part of the proposed development and the west facing elevation of the College View apartment development would be c.24 metres, and such that I do not consider that any issues of overlooking or loss of amenity would arise. Similarly, to the north, the separation now proposed between the proposed development and the proposed development and the closest two

storey housing would be in excess of 60 metres, and therefore such that no issues of residential amenity arise. To the west, the separation distances between the proposed nursing home block and the rear of houses on Emmett Street are significant and such that no issues of overlooking or loss of amenity are in my opinion likely to arise. The revised design submitted as part of the response to further information proposes the use of angled windows and screens at first floor level in the west facing elevation that would further mitigate any potential impacts on these properties that face Emmett Street.

- 7.3.6. At the north west, the site adjoins the Davin Park residential development of single storey houses laid out in a cul de sac that terminates at the site boundary. The proposed nursing home block would face the gable end of the houses at the end of Davin Park at a separation distance of c.18 metres at the closest point. Given this separation distance and the use of angled windows at first floor level, no significant loss of residential amenity to properties in Davin Park due to overlooking or loss of amenity are considered likely to arise.
- 7.3.7. At the southern end of the site, the proposed 3 no. two storey apartment buildings would be located such that the separation between these units and the site boundary would be generally in excess of 10 metres, though only c.8 metres in the case of the block housing units 5&6. Private amenity space in the form of a 7 sq. metre balcony for the first floor units is proposed to face north away from the site boundary. These separation distances and the nature of the development and separation distances to habitable accommodation on the sites to the south are such that no significant issues of amenity are considered likely to arise.
- 7.3.8. The layout of the proposed step down apartment units comprise two bed accommodation varying between c.96 and 101 sq. metres. The design and layout of the proposed units is in excess of the minimum standards set out in the Design Standards for New Apartments and is considered to be acceptable. The 7 sq. metre balcony area at first floor level is acceptable as private amenity space for these first floor units and each pair of units / block has access to an area of private amenity space to the rear of the apartment units. From the plans submitted, it appears that access to this space would be available to all residents. When taken in conjunction with the open space areas located to the south east of the nursing home block and

the existing open space area at the northern end of the site, shared open space provision within the development is considered to be acceptable.

- 7.3.9. As part of the response to further information, the first party submitted details of the proposed boundary treatments and this includes a low level brick wall with brick piers and railing along the north eastern and northern boundary where the site faces College Avenue and the College View apartments. This is considered an appropriate boundary treatment in this area. The balance of the boundary wall is proposed to comprise a 2 metre high rendered block wall.
- 7.3.10. Pedestrian access is proposed to be provided to the open space area at the northern end of the site and this is considered appropriate and necessary given the limited open space proposed to be provided within the development. As noted previously in this assessment, the area of open space to the north is currently not landscaped or planted, however this part of the site is indicated as being within the control of the applicant. As per Condition No.13 attached to the Notification of Decision to Grant Permission issued by the Planning Authority, in the event of a grant of permission it is recommended that the first party be required to submit proposals for the landscaping of this space and also that proposals for the provision of a pedestrian connection and access from the appeal site to this area would be submitted for the written agreement of the Planning Authority prior to the commencement of development. The submitted site layout also indicates a pedestrian connection from the south east corner of the development that would access onto Patrick Street via the existing ground level access. In the event of a grant of permission details of this access and the landscaping of this space should also be submitted for written agreement.

#### **7.4. Site Access and Traffic Issues,**

- 7.4.1. The issue raised by the third party appellant to the proposed development relates to the proposed access via Davin Park to the north of the site which is stated to be for emergency and service use. The appellant states that most houses in Davin Park only have room to park a single vehicle off street and have to reverse out onto the public road. The lack of off street parking is such that the appellant states that cars have to park on the footpath and there is not room for vehicles to pass. It is

contended that the congestion on Davin Park is such that there would not be room for an ambulance or service vehicle to pass. Photographs to support the statement regarding on street parking congestion are provided and indicate cars parking on footpaths and limited space for vehicles to pass between.

7.4.2. From my inspection of the site, all houses within Davin Park along the access route from Emmett Street with the exception of No.2 have off street parking and the majority of these properties have room for more than one car off street.

Notwithstanding this, there are clearly instances where there is significant on street parking in Davin Park. Such parking, together with the narrow existing carriageway width, narrow footpath widths and the nature of the development as a small established residential development is in my opinion such that it is not ideal that access for emergency and service vehicles would be via this route as proposed in the application.

7.4.3. The road safety audit submitted as part of the response to further information discusses the current situation at the junction of the College Avenue access to Patrick Street (N80) which is proposed to serve general site traffic and the access via Davin Park to the N80 (Emmett Street) which is the proposed service access. As set out in this report, neither of these junctions are ideal with restrictions on visibility, narrow carriageway widths on the N80 and haphazard / illegal parking in the vicinity. Neither junction has a dedicated right turning lane on the N80 and both accesses off the N80 are relatively narrow with tight corner radii. The road environment on College Road and the access to the site from this direction is however in my opinion significantly better than that on Davin Park, specifically in terms of width and the footpath network. While also predominately an access to a residential area, the access off Patrick Street to the site via College Park would be easier to navigate for emergency and service vehicles and would not in my opinion have such a direct impact on residential amenity as would be the case with the proposed Davin Park access. References in the safety audit to potential conflicts with residential accesses to houses in Davin Park in the immediate proximity to the proposed site entrance (including the property of the third party appellant) are noted and generally agreed with, and the site assessment also identifies potential issues with the access of large vehicles via the Davin Park / Emmett Street (N80) junction. For these reasons, in



the event that permission is to be granted, it would in my opinion be preferable that all traffic would access the site via the Collage Avenue access off Patrick Street.

- 7.4.4. I note that the appellant states that there are a significant number of children living in the estate and states that an existing area that was originally a play area in the estate is used for on street car parking, and photographs of this space are provided with the third party appeal. From my inspection of the site and the submitted plans, the area being referred to is located at the northern end of Davin Park and in a location that is not on the route between the appeal site and the access onto Emmett Street (N80). I do not therefore see how the proposed development would impact on this space.
- 7.4.5. The request for further information issued by the planning authority sought the comments of the first party on the potential for the creation of two access points to the site to facilitate '*rat running*' through the site. The response of the first party to this issue highlights the fact that the service gate will only be opened when required and therefore that the development would not facilitate a through route. I would agree that this is the case and consider that the potential for service and delivery traffic to need to stop on Davin Park while the gate is opened is another potential negative impact on residential amenity of residents. The appellant has raised concerns regarding security and anti-social activity in the event that access to the site is available from Davin Park, however subject to controlled access via a gate I do not consider that this would likely be a significant issue.
- 7.4.6. On a general issue relating to the submitted road safety audit, there is an acknowledged limited amount of traffic information available to inform the audit. Specifically, no traffic survey or detailed capacity assessment has been undertaken. Given the scale of the proposed development I do not consider that this is required, however I note references in the traffic audit to a likely increase in traffic levels on local roads / access points of less than 5-10 percent of existing. In the case of the College Avenue access from the N80 and the internal road within College Avenue I do not consider it likely that the proposed development would result in only a 5-10 percent increase in existing traffic levels given the proposed 48 no. on site parking spaces and the fact that the existing development only comprises c.126 units (60 apartments and 66 houses).

- 7.4.7. With regard to parking provision within the development, Table 18 of the *Laois County Development Plan* sets out parking space requirements for developments and this specifies a standard of 1 space per two bedrooms. The parking standard therefore equates to a total of 30 no. parking spaces. The proposed layout incorporates a total of 48 no. car parking spaces. On site provision for cycle parking spaces has been submitted as part of the response to further information and is considered to be acceptable. Given the town centre location of the proposed development this parking provision is considered to be acceptable.
- 7.4.8. Internal circulation within the site is such that service or other larger vehicles would have to travel around the internal access road to the southern end of the site before being able to turn. Turning areas are provided in this southern end of the site. It would have been useful if the application documentation had indicated a swept path analysis for such vehicles within the site and in the event of a grant of permission it is recommended that details of the internal road layout would be submitted for the agreement of the Planning Authority. .
- 7.4.9. Pedestrian access is proposed to be provided to the open space area at the northern end of the site and this is considered appropriate and necessary given the limited open space proposed to be provided within the development. As noted previously in this assessment, the area of open space to the north is currently not landscaped or planted, however this part of the site is indicated as being within the control of the applicant. As per Condition No.13 attached to the Notification of Decision to Grant Permission issued by the Planning Authority, in the event of a grant of permission it is recommended that the first party be required to submit proposals for the landscaping of this space and also that proposals for the provision of a pedestrian connection and access from the appeal site to this area would be submitted for the written agreement of the Planning Authority prior to the commencement of development.

## **7.5. Site Servicing,**

- 7.5.1. As part of the request for further information issued by the Planning Authority the first party was required to submit a pre connection enquiry to Irish Water. The response from Irish Water indicates that that based on the current capacity, and subject to a valid connection agreement, the proposed connection can be facilitated. On the basis of the information available water supply and drainage connections to enable the proposed development can be facilitated.
- 7.5.2. As part of the request for further information revised drawings on surface water drainage were required to address a number of identified anomalies in the originally submitted drawings. The revised drawings and layout are considered to be acceptable.
- 7.5.3. On site surface water attenuation is proposed and the design submitted accounts for a 1 in 100 year storm event with account for climate change. The site is not located within an area that has a record of flood events and is outside of the flood risk zone (1 in 100 and 1 in 1,000) as identified in the Mountmellick LAP. No significant flood risk is therefore considered likely to arise and the submission of a site specific flood risk assessment is not considered necessary.

## **7.6. Appropriate Assessment.**

- 7.6.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

- 8.1. Having regard to the above, it is recommended that permission be granted based on the following reasons and considerations and subject to the attached conditions.

## 9.0 Reasons and Considerations

Having regard to the town centre zoning objective for the site and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. 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 14<sup>th</sup> day of August 2020, 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. The proposed development shall be amended as follows:
  - (a) The proposed service / delivery vehicular access via Davin Park shall be omitted from the development and vehicular access shall only be provided via the access on the eastern side of the site to College Avenue.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of residential amenity.

3. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

4. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of environmental protection and public health.

5. Prior to the commencement of development, details of the following shall be submitted for the written agreement of the Planning Authority:

- (a) Details of the materials, colours, and textures of all the external finishes to the buildings permitted in the development.

- (b) Details of the angled windows and screens to the first floor level of the north west facing elevation of the nursing home block.

**Reason:** In the interest of visual and residential amenity.

6. Prior to the commencement of development, details of the following shall be submitted for the written agreement of the Planning Authority:

- (a) Details of the location of and pedestrian connections to all site accesses, both pedestrian and vehicular,

- (b) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

7. All service cables associated with the proposed shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

9. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company  
  
(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

10. A plan containing details for the management of waste and materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

11. The site, including the area at the northern end of the development which is proposed to be separated from the main part of the site by a wall and railing, shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing –

(i) The species, variety, number, size and locations of all proposed trees and shrubs,

(ii) Details of roadside/street planting [which shall not include prunus species]

(iii) Hard landscaping works, specifying surfacing materials, furniture [play equipment] and finished levels.

(b) Specifications for mounding, levelling, cultivation, and other operations associated with plant and grass establishment

(c) A timescale for implementation

All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interests of residential and visual amenity.

12. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the [residential] amenities of property in the vicinity.

13. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any part of the permitted development.

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

14. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and  
(ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements including, if necessary, archaeological excavation prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation and protection of any archaeological remains that may exist within the site.



15. The developer shall pay to the planning authority a financial contribution of €14,080 (fourteen thousand and eighty euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Stephen Kay  
Planning Inspector

17<sup>th</sup> May 2021