



An
Bord
Pleanála

Inspector's Report

ABP-314285-22

Development	Change of use of existing single-storey guest house to single-storey HSE community residence. Retention of minor alterations.
Location	Glenwood House, Ballinrea Road, Carrigaline West, Carrigaline, Co Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	224479
Applicant(s)	Health Service Executive
Type of Application	Permission and Retention
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Lynda O'Donnell
Observer(s)	Jim & Carole Shalloo, Joe & Carmel Dennehy and Stella Costello
Date of Site Inspection	14/04/23
Inspector	Adrian Ormsby

1.0 Site Location and Description

- 1.1. The site is located in a residential area of Carrigaline. The site includes a single storey building known as Glenwood House. This building is accessed via a long hedgerow lined drive way from a vehicular entrance from its northern boundary off the Ballinrea Road.
- 1.2. The site includes an existing single storey red brick and plaster dash finished building with an area of hardstanding to its western boundary providing for car parking with a smaller area of parking to the east side. There is a small mono pitch shed like structure to the southwest of the site located near number 16 Glenwood Court. This structure provides general services for the main building with ventilation extracts on the southern elevation into the application site.
- 1.3. The primary elevation to the building appears to be its southern boundary where it seems it once accessed directly into the Glenwood Court housing estate. The southern boundary now includes a low-level boundary wall enclosing the site from the public path.
- 1.4. The sites eastern and western boundaries adjoin existing residential properties. The eastern boundary includes a c. 1.8m high panel fencing mature landscaping on the inside of the residential properties for much of the boundary. Further south the boundary appears to be mature and high hedgerow. The western boundary includes mature high-level landscaping and the submitted 'Site Layout Drawing' indicates a '2m High Block wall Boundary'.
- 1.5. The site did not appear to be in any apparent use at the time of my inspection.
- 1.6. The site has a stated area of 0.187ha.

2.0 Proposed Development

- 2.1. The application comprises of-
 - Retention of minor alterations and
 - Permission for change of use of existing 479 sq.m single-storey guest house to single-storey HSE community residence and associated site works.
- 2.2. The Planning Authority sought Further Information (FI) on the 25/04/22 in relation to

- Proposals for vehicular access in Glenwood Estate
- Bicycle parking
- Nature of use of the facility including number of residents, staff numbers over 24 hours, resident profile risk etc.

2.3. The Applicants responded on the 15/06/22 detailing-

- The vehicular access in Glenwood estate will be closed permanently.
- Bicycle parking proposals
- Maximum residents at any onetime will be 10, 4 staff per day and 3 at night. The proposal will have a rehabilitation and recovery focus for individuals with mental health difficulties and is for individuals who need assistance to become independent to improve their lives. The occupants will have already received support in specialist units and are deemed stable from a mental health perspective.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission on the 11/07/22, subject to 4 conditions generally of a standard nature.

4.0 Planning Authority Reports

4.1. Planning Reports

The planning reports reflects the decision of the Planning Authority.

4.2. Other Technical Reports

- Environment Report
 - 28/03/22- No objection subject to condition
 - 22/06/22- No further comment

- Engineering Report
 - 07/07/22- No objection

4.3. **Prescribed Bodies**

- Uisce Eireann/Irish Water
 - 04/03/22- No objection subject to Irish water requirements

4.4. **Third Party Observations**

Forty-one submissions were received. I have reviewed all of these and consider the relevant concerns raised are generally those as indicated in the third-party appeal and the observations set out in section 7 below.

5.0 **Planning History**

- None recent or relevant

6.0 **Policy Context**

6.1. **Cork County Development Plan 2022-2028 (CDP)**

- The Plan came into effect on 6th of June 2022.
- Figure 1.3 of Volume 1 of the CDP identifies Carrigaline as located in the Cork Metropolitan Area Strategic Planning (MASP).

6.1.1. **Volume 1**

- Table 2.9 details Carrigaline is a settlement identified as a 'Large Town' in the Core Strategy.
- Chapter 18 deals with Zoning and Land use. Section 18.3.9 is relevant-
 - County Development Plan Objective ZU 18-9: Existing Residential/Mixed Residential and Other Uses

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Other uses/non-residential uses should protect and/or improve residential amenity and uses that do not support, or threatens the vitality or integrity of, the primary use of these existing residential/mixed residential and other uses areas will not be encouraged.

- The Plan then lists 'Appropriate Uses in Existing Residential/Mixed Residential and Other Uses Area' including- residential care, sheltered housing, specialised housing, community facilities, local medical /healthcare services etc.

6.1.2. Volume 4

- Carrigaline is located in the East Cork Municipal District to which Volume 4 of the CDP (South Cork) relates. Chapter 1 deals with Carrigaline
- The site is located within the Carrigaline Settlement Boundary and is zoned 'Existing Residential/Mixed Residential and Other Uses' as per the Map on Page 38.

6.2. Natural Heritage Designations

The site is-

- c. 1 km north west of the Cork Harbour SPA (004030)
- c. 8 km south west of the Great Island Channel SAC (001058)

7.0 The Appeal

7.1. Grounds of Appeal

One third party appeal has been received from Lynda O'Donnell of 17 Glenwood Court on behalf of the Glenwood Residents Association. The Grounds of Appeal can be summarised as follows-

- It is considered the issues raised can be addressed by way of design amendments.

- They are not opposed to the application but are anxious that certain matters are clarified, significantly amended or conditioned to alleviate concerns.
- Clarity is sought in relation to the nature of patients and selection of same as well as other such services related matters as listed.
- Works are believed to have commenced on site in February 2021. At that time the nature of the change of use falls within the scope of Class 9, Part 4, Schedule 2 of the Planning and Development Regulations 2001 (as amended) i.e. from class 6 as a guest house to class 9 residential accommodation for people in need of care.
- Depending on nature of services to be provided to defined client groups may not be appropriate on the subject site having regard to existing and permitted pattern of development in the area.
- Concerns include access, traffic & transport arrangements, hours of operation, security and impact on existing residential amenity.
- The proposal may introduce a conflict with the existing Landuse Zoning designation i.e. by serving a clientele greater than local demand, or be a district service, or offer services that may be considered beyond those of a local healthcare service.
- Lack of clarity in relation to distinct nature of services to be provided. Previously the HSE had advised that the proposal would be used for non-addict and non-violent patients and clarity in writing is sought. The suitability of the site for services of that nature is questioned.
- Concerns are raised in relation to possible future change of uses to drug rehabilitation or supervised methadone centres that may be exempted development.
- Formal communication between the HSE and residents is sought through condition.
- Concerns are raised in relation to insufficient information submitted with the application e.g. levels not shown on drawings, depiction of boundaries, measurements of facilities, location of communal open space, extraction and

odour abatement, plant, access ramps, lighting, cctv and interaction with adjoining properties etc.

- Specific reference is made to an extraction vent to the west emitting into the side passage of No 16 Glenwood Court. This emits odours and triggers security lighting at night. This should be relocated by condition.
- A site location map is not of a recognised scale and site boundary is not clearly indicated.
- Concerns raised about the site notice.
- Impacts upon private open space of adjoining property due to inadequate detailing of drawings.
- Impacts related to construction management.
- Cumulative impacts on the road network including assessment of public transport, if there is an increase in traffic generated, impacts of training facilities at the site, other visitors to the site, waste and emergency access, parking, proliferation of on street parking and potential for car dependency, pedestrian safety and sightlines.
- It is suggested a Mobility Management Plan and Transport Impact Assessment is sought.
- Having regard to nature, scale and location of the proposed development it should be considered that a requirement for Appropriate Assessment can arise in this instance. The Board are invited to request an Ecological Impact Assessment and associated Bat Survey is undertaken.
- Clarity is sought in relation to lighting and hours of same.
- Concerns raised in relation to parking and cycle parking standards.

7.2. Applicant Response

The Applicants have submitted a response to the Appeals prepared by Wiggins & Associates Architects and Engineers. The response can be summarised as follows-

- The application does not propose an extension, increased floor area or material alteration to the external fabric of the existing building other than addition of a small number of fire escapes.
- The requirement for planning permission is acknowledged and the application has been submitted.
- The site is not located within a size with restrictive planning criteria. Residents from outside Carrigaline will be entitled to reside at Glenwood house should they wish.
- The proposal complies with the land use zoning which includes for community facilities and healthcare facilities.
- The HSE have indicated the intended use of the service is to-
“enable people who have experienced mental health difficulties to live more independently and provided training and assistance with this regard.”
- The requirement for quarterly meetings with appellants through condition is not appropriate.
- In terms of insufficient information and inaccurate drawings the following is noted-
 - The application is for change of use, existing levels are to be retained
 - There are no works proposed to the boundary walls other than closure of vehicular access to Glenwood estate
 - Existing communal spaces, vent extracts and external lighting are to be retained. Access Ramps are part M compliant and cctv is installed in accordance with I.S. EN 50132-7 and compliance with GDPR with respect to overlooking.
 - New gas extract vents were installed and directed to the garden area of Glenwood House.
- External communal spaces are to be retained with no changes proposed to the boundaries other than the entrance to Glenwood estate. The appellants amenity space is not affected.

- In terms of construction all works have been completed and the property is unoccupied.
- In terms of traffic movement the proposal will have less than the previous 16-bedroom guest house.
- On site is lighting will be provided in accordance with Health and Safety legislation once the facility is operational. Lights are currently left on at night as the building is unoccupied.
- The application does not warrant Appropriate Assessment, Energy Statement, Ecological Assessment and a Bat Survey.
- The site provides 18 no. car parking spaces, 8 bicycle bays, a set down area and meet the requirements of the Development Plan.

7.3. Planning Authority Response

The Planning Authority's response to the grounds of appeal (23/08/22) can be summarised as follows-

- The Planning Authority can only assess the development described in the public notices i.e. a community residence.
- Enforcement complaints will be dealt with separately through the enforcement mechanism.
- The site inspection was adequate to ascertain existing levels on site and how existing structures related to adjoining properties.
- There is no objection to the relocation of vents.
- The site notices were considered adequate.
- There is no objection to a condition to agree construction management.
- The application has been accessed by other council departments and deemed acceptable in terms of traffic, vehicular movements, parking, surface water etc.
- The application was screened for Appropriate Assessment.

7.4. Observations

Three observations have been received from Jim & Carole Shalloo, Joe & Carmel Dennehy and Stella Costello. They are all residents of Glenwood Court and Glenwood along the eastern boundary of the application site. The observations include many of the matters raised in the appeal and can generally be summarised as-

- the nature of the change of use,
- suitability of the site for the proposal,
- impacts on residential amenities,
- concerns over safety,
- unsatisfactory communications with the HSE.

8.0 Assessment

8.1. Introduction

8.1.1. I have examined the application details and all other documentation on file, including the Appeal, Observations and the Applicant's Response to the Appeal. I have inspected the site walking its boundaries and viewed adjoining and neighbouring properties in the area. I have had regard to relevant local/regional/national policies and guidance where relevant.

8.1.2. I am satisfied the substantive issues arising from the grounds of the third-party Appeals relate to the following matters-

- Nature and Principle of the Development
- Impacts upon Residential Amenity
- Traffic and Roads related concerns
- Inadequate Drawings and Specifications
- Other Matters
- Appropriate Assessment

8.2. Nature and Principle of the Development

- 8.2.1. The application form and public notices clearly indicate the proposal is for retention of minor alterations and change of use of the property to a HSE community residence. The Appeal and Observers generally raise concerns in relation to the nature of this use and its intended users including its hours of operation and security.
- 8.2.2. A letter has been submitted by the 'Cork Kerry Community Healthcare' section of the HSE with the application. It details the clinical importance of the facility and refers to a model/type of rehabilitation service which provides an approach to recovery from mental ill health which maximises an individual's quality of life and social inclusion by encouraging their skills, promoting independence and autonomy in order to give them hope for the future and which leads to successful community living through appropriate support. It details the proposed service will be staffed 24 hours per day by registered psychiatric nurses. It details that such community residences are not suitable for individuals who are acutely unwell, have a diagnosis of substance misuse or dementia.
- 8.2.3. The drawings on file clearly show the provision of ten ensuite bedrooms (numbered 2-11). Following a request for FI the applicant detail the maximum number of residents at any one time will be 10 with four staff on site during the day and three on site at night.
- 8.2.4. I am satisfied the nature of the proposed use is adequately described in the documentation on file and in the public notices. I note concerns raised in relation to possible future exempted development changes such as drug rehabilitation or supervised methadone centres etc. In my opinion the proposed development is adequately described in the application, does not include those uses raised by the Appellant and I would agree with the Planning Authority's Response that only the details submitted with the application should be assessed i.e. a community residence.
- 8.2.5. The site is located on lands that are zoned for '*Existing Residential/Mixed Residential and Other Uses*'. Objective ZU 18-9 of the County Development Plan 2022-28 details the following as 'Appropriate Uses' in this zoning- residential care, sheltered housing, specialised housing, community facilities, local medical /healthcare services etc.

- 8.2.6. While Objective ZU 18-9 generally refers to traditional residential and mixed residential development it also provides for 'other uses/non-residential uses'. The objective requires these uses should protect and/or improve residential amenity. It also details that uses that do not support, or threatens the vitality or integrity of, the primary use of these existing residential/mixed residential and other uses areas will not be encouraged.
- 8.2.7. I am satisfied that a well-managed residential HSE care 'community facility' such as that proposed is an acceptable land use for this site and in this residential area where its hours of operation would be consistent with residential amenity. I consider security for such proposals to be an onsite management issue and there is no reason to suggest such concerns would be incompatible with the zoning objective in this context. Overall the proposal is residential in nature and would not threaten the vitality or integrity of the primary use of the existing residential area. Consideration of the impact of the proposal on existing residential amenity is set out in section 8.3 below.
- 8.2.8. Having considered all of the above I am satisfied that adequate information has been provided to adequately describe the nature of use proposed and that use is an appropriate use in principle by virtue of the sites land use zoning which does not threaten the vitality or integrity of the primary use of the existing residential area.

8.3. Impacts upon Residential Amenity

- 8.3.1. I note concerns raised in by the Appellant and Observers in relation to impacts upon residential amenity. These generally include-
- Boundary Treatment and Privacy
 - Extract Ducting
 - Lighting
- 8.3.2. The site was previously used as a guesthouse/B&B. The site benefits from existing boundary treatment and mature high-level landscaping that are adequately described in the drawings. I walked the boundaries of the site and I could not see into any private amenity spaces of any neighbouring property.

- 8.3.3. There is a small area of enclosed grassed space to the southeast corner of the site that adjoins the rear of number 36 and 37 Glenwood. There is a new exit door from a corridor between an Office and a Clinical room. There is a wheelchair accessible ramp from this door to the external space. The applicants note these doors are for emergency exit purposes. Given the small nature of the space which is existing and its location in the context of each bedroom I do not consider the space will be used significantly for communal amenity purposes. Even if it was I do not consider its usage would have a significant adverse impact upon the use of neighbouring private amenity spaces.
- 8.3.4. Concerns have been raised in relation to extraction ducts located within the existing shed like structure of the site. These vents are in close proximity to No. 16 Glenwood Court. However they are located on the southern elevation of the structure and face into the southern garden area of Glenwood House. The Applicant indicates they are gas extracts. In this context, I am satisfied there will be no significant or adverse impact upon existing residential amenity of neighbouring property including noise and odour. The impacts of these ducts upon movement sensor lightings in properties outside of the site are not in my opinion concerns for the Board.
- 8.3.5. I note concerns have however been raised in relation to lighting within the site. The Applicant indicates that lighting will be provided in accordance with Health and Safety legislation once the facility is operational and that lights are currently left on at night as the building is unoccupied. Subject to a condition ensuring all external lighting is cowled into the application site I am satisfied the development will not have a significant or adverse impact upon existing residential amenity in the area.
- 8.3.6. Having considered all of the above I am satisfied the proposal will not significantly detract from existing residential amenity of adjoining properties in the area.

8.4. Traffic and Roads related concerns

- 8.4.1. The Appeal contends the proposal should be considered in terms of its cumulative impacts on the existing road network. It refers to the 10 traffic movements indicated in the application form, argues no qualitative analysis is submitted and lists a number of possible trip types that could visit the site. It details no refuse or emergency

personal access has been considered. The appeal invites the Board to request Mobility Management Plan and a Traffic and Transport Assessment.

8.4.2. The site is served from an existing vehicular entrance of the Ballinrea Road with adjoining pedestrian connectivity. An entrance off the Glenwood estate has now been closed up avoiding vehicular movements into and out of the site from within the Glenwood estate. The site previously operated as a guesthouse where a number of traffic movements listed by the Appellant are likely to have existed. The site benefits from 18 on site parking spaces that is likely to exceed demand for the nature of the use proposed. I see no reason why service and/or emergency vehicles would not be able to access the site if required. 8 bicycle parking spaces have been provided for as detailed at FI stage.

8.4.3. Having considered all of the above and having visited the site, I am satisfied the proposed development will not contribute to a significant increase in traffic volumes to or from the site or on the wider road network, that would likely represent a traffic hazard or endanger public safety. The proposal is not of a size or scale that would warrant a Mobility Management Plan or a Traffic and Transport Assessment. The Councils Engineering section have also raised no concerns. The proposal is acceptable from a Traffic and Roads perspective.

8.5. Inadequate Drawings and Specifications

8.5.1. I note concerns raised in relation to the adequacy of the drawings and details on file e.g. site location map, details of site levels and concerns in relation to the Site Notice. The Planning Authority have validated the application. Having reviewed the drawings and details on file and having visited the site I am satisfied there is sufficient information on file for the purpose of this assessment.

8.5.2. I note existing pedestrian access ramps and rails are not shown on the drawings. I do not consider the absence of these materially impacts upon this assessment.

8.6. Other Matters

- The application is for retention of certain works the extent of which are relatively minor. As the works are complete I do not consider a condition is necessary in relation to construction management.

- I see no planning or other concerns in relation to CCTV at this site which is private property.
- The site is located within an established and developed urban area on zoned lands. Concerns relating to ecological impact and bats are not substantiated. I see no reason for further consideration in this context.
- Conditioning formal communication between the HSE and local residents would be inappropriate and unnecessary for a development of this nature and scale.

8.7. Appropriate Assessment

- 8.7.1. Notwithstanding the concerns raised by the Appellant, having regard to the nature of the development to be retained and that proposed, the established development and previous use of the site, its location on existing zoned lands, and the separation distance to European sites, no Appropriate Assessment issues are considered to 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.

9.0 Recommendation

- 9.1. I recommend permission is granted subject to the following conditions-

10.0 Reasons and Considerations

- 10.1. Having regard to the 'Existing Residential/Mixed Residential and Other Uses' zoning of the site and Objective ZU 18-9 as set out in the Cork County Development Plan 2022-2028, the existing and general pattern of development in the area and the nature and scale of the proposed development, and subject to compliance with the conditions set out below, the proposed development, would constitute an acceptable use, would not seriously injure the amenities of the area or of properties in the vicinity and would be acceptable in terms of traffic and road safety and would not be prejudicial to public health. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application on the 04th day of March, 2022 and by the further plans and particulars received on the 15th day of June, 2022 except as may otherwise be required in order to comply with the following conditions.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
3.	<p>External on-site lighting or any equivalent replacement lighting shall be directed into the site to be illuminated and shall be directed and cowled such as to reduce, as far as possible, the light scatter over adjacent property.</p> <p>Reason: To protect the amenity of properties in the vicinity.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Adrian Ormsby
Planning Inspector

06th of June 2023