



An
Bord
Pleanála

Inspector's Report ABP-315971-23

Development

Construction of new covered ambulance set-down bays, new entrance to existing hospital, minor internal reconfiguration works and the demolition of existing internal ramp long with new ambulance parking, accessible parking, and all associated site development works.

Location

Bantry General Hospital, Bantry, Co. Cork

Planning Authority

Cork County Council (Western Division).

Planning Authority Reg. Ref.

22/753.

Applicant(s)

Health Service Executive - South.

Type of Application

Permission.

Planning Authority Decision

Grant Permission.

Type of Appeal

Third Party.

Appellant(s)

Laetitia Baker.

Observer(s)

None.

Date of Site Inspection

16 December, 2023.

Inspector

Aiden O'Neill.

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
2.5. Decision	5
2.6. Planning Authority Reports	5
3.0 Planning History.....	7
4.0 Policy and Context.....	8
4.1. National Policy	8
4.2. Natural Heritage Designations	10
4.3. EIA Screening	10
5.0 The Appeal	10
5.1. Grounds of Appeal	10
5.2. Planning Authority Response.....	11
5.3. Observations.....	11
5.4. Further Responses	12
6.0 Assessment.....	13
7.0 Recommendation.....	16
8.0 Reasons and Considerations.....	17
9.0 Conditions.....	17

1.0 Site Location and Description

- 1.1. The proposed development site is located at the existing, established Bantry General Hospital accessed off Hospital Road (L-4731-0) via a mini roundabout, in the townland of Carrignagat, to the south of Bantry town centre.
- 1.2. The hospital is located at a higher level than the public road. To the north, at a lower level, is a terrace of two-storey dwellings identified as Rock Villas, accessed off the same mini roundabout as the hospital. To the south is the Dromleigh Resource Centre and Marino Medical Centre. There is an area of mature trees to the east on School Road, and to the west there are individual dwellings on large plots rising in level along Dromleigh North.
- 1.3. The overall area of the hospital is 3.5ha, and the existing buildings on site are c. 3,577m². The location of the proposed works is principally on existing hardstanding in the central grounds of the overall hospital site, at c. 43.7m OD, to the south of the main hospital building, the ground floor level of which is 44.86m OD. This ground level area is characterised by existing car parking, an existing ramp, and ancillary development including an existing island and flagpoles. The main entrance to the hospital is located to the south.
- 1.4. The proposed development site is located outside of the Chapel Architectural Conservation Area (ACA). There are no Protected Structures or NIAH structures on the site or in the immediate vicinity. St. Finbarr's Catholic Church, a Protected Structure, RPS 746, is located over 100m to the north-east. There is a Recorded Monument, a Burial Ground, CO118-033----, located to the west of Dromleigh North, c. 80m from the proposed development site. The proposed development site is not located in a Flood Zone.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of new covered ambulance set down bays, new entrance for patients being taken from an ambulance into the existing hospital, 2no. external stretcher lifts, trolley turning space, minor internal reconfiguration works and the demolition of existing external ramp, along with new ambulance parking and turning area, 3no. accessible parking spaces, new location for 3no.

flagpoles, new footpath and pedestrian crossing and all associated site works. The proposed development is 20.9m² in area. The level of the site remains unchanged by the proposed development.

- 2.2. The proposed canopy, 2-storey in height, over the ambulance set down area includes rooflights and brise soleil on 2no. sides.
- 2.3. In addition to the existing external ramp, an existing storage building, 2no. existing ground floor windows and part of the existing wall at ground floor level, an existing island and flagpoles, existing parking spaces and paving are to be removed to facilitate the proposed development. The total area of the works to be demolished is 72.1m².
- 2.4. The planning application was subject to a swept path analysis to confirm that the proposed layout is adequate for the intended use. A drainage layout identifies that the proposed development is to connect to the existing storm drainage on site.

2.5. **Decision**

The Planning Authority decided to grant permission by Order dated 6th February, 2023 subject to 5no. standard conditions.

The First Schedule states that the development, subject to compliance with conditions, would not seriously injure the amenities of the area and would be not be prejudicial to public health, and, therefore, would be in accordance with the proper planning and sustainable development of the area.

2.6. **Planning Authority Reports**

2.6.1. Planning Reports

The planner's report dated 2nd February, 2023 commented that:

- As is the norm for many hospitals which serve a town, Bantry hospital covers a substantial area. It has been subject to numerous modest extensions over the years, all of which have been implemented.
- In the last 10 years or so, the future of the hospital has been somewhat uncertain, but recent developments, including the new Primary Care Facility

linked to the rear of the hospital, and Stroke Rehabilitation Unit currently under construction, are evidence of commitment to the hospital.

- The current application essentially relates to the reconfiguration of the set down area for ambulances and to ensure they are covered when patients are taken from them, which is welcome.
- The overall layout is improved, providing a clockwise circulation and dedicated set down area with those with impaired mobility.
- It is difficult to see how the proposed development would raise any greater noise than the current set up.
- Many signs can be erected as exempted development. Old signage would be immune from enforcement.

The planner's report is the basis for the Planning Authority's decision to grant planning permission.

2.6.2. Other Technical Reports

The Environment Report dated 18th January, 2023 raises no objection.

The Area Engineer's Report dated 12th January, 2023 notes that sight visibility at the existing entrance to the hospital at the roundabout is satisfactory. Sight distance does not apply to the particular development of the ambulance set down bays. The report raises no objection.

2.6.3. Prescribed Bodies:

None on file.

2.6.4. Observations:

There was 1 no. observation on the application welcoming the application which should mean that the future of the hospital is secure. However, it cites the following observations:

- The signage required by the various planning applications is haphazard and multitudinous. There are currently over 12 planning signs, including old signs, making applications hard to identify.
- The infrastructure required if permission is granted is not in place.

- The noise is not in keeping with the neighbourhood.
- The increase in traffic will lead to a traffic hazard.
- A detailed environmental impact plan and consultative process is needed.

3.0 Planning History

There is an extensive planning history associated with the hospital, including the following applications:

PA Ref No. 22/502: Permission was granted on 28th November, 2022 for an ESB substation.

PA Ref No. 21/536: Permission was granted on 23rd March, 2022 for the construction of a single-storey Endoscopy Units and the construction of a single-storey extension to the existing hospital to provide 16no. beds for a Stroke Rehabilitation Unit and the construction of an overflow car park (17no. spaces) to the north of the site.

PA Ref No. 15/218: Permission was granted on 24th July, 2015 for a new first floor single-storey extension to the south of the existing Ward Block and first floor extension to the west of the existing Ward Block.

PA Ref No. 09/6: Permission was granted on 26th March, 2009 for an emergency helicopter landing pad.

PA Ref No. 07/1745: Permission was granted on 26th September, 2007 for the construction of a glazed enclosure entrance and alterations to the steps to the main hospital portico entrance.

In the vicinity of the hospital, a Primary Care Centre was granted permission on 8th March, 2017 under PA Ref No. 16/743, as modified under ABP Ref No. ABP-302448-18 (PA Ref No. 18/327), PA Ref No. 20/15 and PA Ref No. 20/280.

ABP Ref No. ABP-302448-18 (PA Ref No. 18/327) permitted a change of use from medical mobility equipment unit to dispensary on 3rd April 2019. Condition no. 3 states that:

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, the unit shall be operated as a

dispensary, as specified in the lodged documentation, unless otherwise authorised by a prior grant of planning permission.

Reason: In the interests of protecting the vitality and viability of the town centre.

The lodged documentation specified that the nature and extent of the proposed use will be limited to dispensing prescriptions and it is not intended to sell cosmetics etc.

PA Ref No. 20/15 permitted the construction of a covered pedestrian walkway between Bantry General Hospital and Bantry Primary Care Centre, and the construction of a foul sewer, on 15th June, 2020. In this application, the owner is stated to be the applicant, Ardmanagh Horizons Ltd.

4.0 Policy and Context

4.1. National Policy

4.1.1 National Planning Framework (NPF) 2018

The NPF promotes the densification of urban areas, and a presumption in favour of the redevelopment of brownfield land.

National Strategic Outcome 10 includes, in relation to health, the need to build additional capacity and targeted at enhancing ambulatory care and elective care to reflect the scale of population growth and ageing, in line with identified service needs.

4.2 Regional Policy

4.2.1 Regional Spatial and Economic Strategy (RSES) for the Southern Region, 2020

Table 3.3 of the RSES identifies Bantry, in combination with the Key Town of Clonakilty, and Skibbereen, as a service centre for West Cork.

Page 356 of the RSES lists Bantry hospital as one of the health attributes of West Cork.

4.3 Local Policy

4.3.1 Cork County Development Plan 2022-2028.

Policy Objective CS 2-6(c) of Volume 1 of the Plan seeks to establish an appropriate balance in the spatial distribution of future population growth so that Bantry,

Castletownbere, Dunmanway and Skibbereen, can accelerate their rate of growth, in line with the Core Strategy and achieve a critical mass of population to enable them to maximise their potential to attract new investment in employment, services and public transport. Bantry is identified as a County Town in policy objective CS 2-7.

Section 6.5.1 of Volume 1 of the Plan notes that the hospitals at Mallow and Bantry have a defined role in delivering less complex care as close as possible to patient's homes.

Objective SC 6-7 of Volume 1 of the Plan seeks to support the Health Service Executive and other statutory and voluntary agencies and private healthcare providers in the provision of healthcare facilities to all sections of the community, at appropriate locations within settlement boundaries (subject to exceptions), with good public transport links and parking facilities for both motor vehicles as well as bicycles.

Policy Objective SC 6-1 of Volume 1 of the Plan in relation to Social and Community Infrastructure Provision seeks to:

a) Support the provision of social and community facilities which meet the current and future needs of the entire population and which should grow in tandem with development in communities. b) Secure lands for social and community facilities in appropriate locations and encourage the provision of facilities suitable for intergenerational activities, which are accessible to all members of the community, through initiatives in partnership with community groups and sporting organisations. Encourage the provision of community facilities, in accordance with the livable town concept, in order to enhance ease of access to social and community facilities and services to all members within the community.

Policy Objective SC 6-2 of Volume 1 of the Plan in relation to Social and Community Engagement seeks to recognise the diversity of needs of all citizens of various life stages, cultural and ethnic minorities, and ensure all have the opportunity to contribute to the development of their communities. The Planning Authority will continue to actively engage with all citizens in order to encourage involvement in their community so people have a voice in the decisions that affect their quality of life in their county, where appropriate.

The site is zoned BT-C-02 in Volume 5 of the Plan (West Cork), with a specific objective for community lands reserved for hospital. Policy Objective ZU 18-21 of Volume 1 of the Plan in relation to lands zoned community seeks to promote the provision of educational, community related and healthcare development including, where relevant, the provision of ancillary accommodation and facilities.

4.2. Natural Heritage Designations

The proposed development site is at a remove, c. 2.8km, from the nearest Designated Site, the Whiddy Island pNHA (371). Glengarriff Harbour and Woodland SAC and NHA (000090) lies c. 10km to the northwest. Caha Mountains SAC (000093) lies c. 11km to the north. Derryclogher Bog SAC (001873) lies c. 8km to the northwest. Sheep's Head SAC (000102) lies c. 12km to the southwest.

4.3. EIA Screening

The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

5.0 The Appeal

5.1. Grounds of Appeal

The Third Party appeal sets out the following grounds:

- There are outstanding planning and legal issues about development on the grounds of Bantry Hospital, which should have been regularised prior to allowing any further development:
 - Permission was granted under PA Ref No. 18/327 [ABP Ref No. ABP-302448-18] for a change of use from a medical mobility equipment unit to a dispensary at the Primary Care Centre adjacent to the hospital. However Bantry Pharmacy operates from the unit.

- There does not appear to be a legal right of way/access from Bantry Hospital to Bantry Pharmacy as the covered pedestrian walkway between the Hospital and the Primary Care Centre [permitted under PA Ref No. 20/15] is over land owned solely by a Third Party and there is no legal right of way registered in favour of Bantry General Hospital which does not appear to be in compliance with SC 6-1 and SC 6-2 of the Plan.
 - PA Ref No. 22/687 for the construction of a 34 space car park was deemed invalid on grounds of an unacceptable site notice and misleading plans despite that the car park would appear to be up and running.
 - The site notices for the current application were erected without removing previous site notices.
 - The ongoing piecemeal approach to the development of the Hospital should be regularised prior to the granting of permission for the proposed development.
 - There are so many applications with different conditions that it is difficult to determine what was proposed.
- The appellant is hugely supportive of all developments which would ensure the future of Bantry General Hospital.
 - An oral hearing is requested.

5.2. **Planning Authority Response**

None on file.

5.3. **Observations**

None on file.

5.4. Further Responses

A response dated 30 March 2023 was submitted by HW Planning on behalf of the applicant. The contents of this response can be summarised as follows:

- The applicant welcomes the decision of Cork County Council to grant planning permission and wishes the Board to note that Bantry General Hospital is an acute facility, where the proposed development represents an urgent and critical piece of infrastructure for the hospital.
- The proposed development will facilitate the discontinuance of the existing practice of bringing patients from ambulances through the public areas of the hospital, and will allow ambulance patients to be taken directly to the infection control area for assessment before entering the hospital. Managing infectious disease remains a significant challenge.
- Noting that appellant is hugely supportive of all developments at Bantry General Hospital, the appeal matters raised relate to alleged legal and planning compliance issues, which are outside the remit of the Board, and the appeal should be dismissed on this basis, and that the matters raised are without substance or foundation.
- In the event that the appeal is not dismissed, the response addresses the issues raised, and requests that the decision of Cork County Council be upheld:
 - Compliance with the Cork County Development Plan 2022-2028
 - The design and layout is in keeping with the wider hospital campus.
 - It is a much needed facility.
 - It will not have any impact on traffic safety.
 - It does not result in the loss of residential amenity.
 - Objectives SC 6-1 and SC 6-2 of the Plan are general policy objectives which promote the provision of social and community infrastructure and social and community engagement. The appellant does not elaborate on how the proposed development

does not comply with these objectives, but, given its nature and scale, it could not be considered to be contrary to these objectives. The proposed upgrade will serve the population of the wider West Cork area.

- The proposed development is in accordance with the policies in the Plan relating to healthcare facilities.
- Issues Relating to the Use of the Permitted Dispensary
 - The Bantry Pharmacy is located within the Bantry Primary Care Centre and only serves patients of this facility which is in compliance with the dispensary use as permitted by Cork County Council.
 - If there was a compliance issue, this would have been subject to enforcement proceedings.
 - The issues raised in respect of the permitted dispensary are not justified.
- Piecemeal Approach to Hospital Development
 - The HSE is committed to ensuring that the healthcare received by its patients is of the highest standard, and continues to upgrade its facilities, subject to funding and, in many cases, planning permission.
 - One large application would have an impact on the overall provision of services, slow down the upgrade of much needed services, lead to the reuse of funding elsewhere, and have a wider impact on healthcare provision in West Cork.

6.0 Assessment

- 6.1. Having examined all the application and appeal documentation on file, and having regard to relevant local and national policy and guidance, I consider that the main issues which require consideration in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise.

6.2. It is also noted that the Board has decided to determine the appeal without an oral hearing.

6.3. The main issues are as follows:

- Legal and planning compliance issues
- Appropriate Assessment

6.4. Legal and planning compliance issues

6.4.1 I have given due consideration to the appeal prepared by the Third Party, to the reports of the Planning Authority, to the response of the applicant to the appeal, and to the planning history of the site.

6.4.2 I also note that the Third Party is hugely supportive of all developments which would ensure the future of Bantry General Hospital.

6.4.3 The appeal raises legal and planning compliance issues in respect of development on the grounds of Bantry Hospital, including:

- The use of the permitted dispensary at the Primary Care Centre as a pharmacy (Bantry Pharmacy).
- The absence of a legal right of way/access from Bantry Hospital to Bantry Pharmacy, which is not in compliance with SC 6-1 and SC 6-2 of the Cork County Development Plan 2022-2028.
- Application PA Ref No. 22/687 for a 34 space car park was invalidated but the car park is in operation.
- Site notices for the current application were erected without removing previous site notices.

6.4.4 The Third Party also requests that permission for the proposed development be refused pending the regularisation of the piecemeal approach to the ongoing development of the hospital.

6.4.5 At the outset, these legal and planning compliance issues do not relate to the proposed development now before the Board on appeal. The proposed development primarily seeks permission for new covered ambulance set-down bays and new entrance into

the hospital, which are described by the applicant's agent as urgent and critical infrastructure that will address current deficiencies in hospital admissions by ambulance, particularly during inclement weather.

- 6.4.6 Given the clear and urgent need for the proposed development as set out by the applicant's agent, which involves a specific intervention of a minor nature to improve and enhance patient services, I do not agree with the Third Party that it constitutes a piecemeal approach to the development of the hospital. I note that the applicant's agent has stated that the ongoing development of the hospital is presented in the context of HSE's overarching commitment to providing a high standard of healthcare that is subject to the availability of funding, and, where appropriate, the receipt of planning permission. In this context, I would be inclined to agree with the applicant's agent that it would be impractical to require the submission of a comprehensive application for individual works such as that proposed in this instance, given the need to provide improved services for Bantry Hospital, recognised as one of the health attributes of West Cork in regional planning policy, and the imperative to avoid the loss of funding.
- 6.4.7 As also endorsed by the Planning Authority, the works essentially involve the reconfiguration of the existing set down area for ambulances to ensure patients arriving by ambulance are covered when taken from the ambulance.
- 6.4.8 The issues raised in respect of Bantry Pharmacy and the legal right of way/access from the hospital to the pharmacy are not relevant to the construction and operation of the proposed development. The Primary Care Centre which includes the Bantry Pharmacy are located outside the red line boundary of the proposed development site.
- 6.4.9 In any event, in respect of Bantry Pharmacy, the applicant has confirmed that the pharmacy is compliant with the terms of its permission and the Planning Authority has raised no issue with it.
- 6.4.10 The matters raised in respect of the invalidated application for the car park are also not relevant to the proposed development, although I would note that this invalidated application relates to an existing car park permitted under PA Ref No. 21/536.
- 6.4.11 The issue raised about the site notices is a matter for the Planning Authority.

6.4.12 As indicated by the applicant and confirmed by the Planning Authority, the proposed development will not result in a traffic hazard and will not result in any impact on residential amenity.

6.4.13 Although minor in nature, the proposed development will support the provision of acute hospital services for the West Cork area in conjunction with other recently permitted developments, including those under construction, and sustain Bantry Hospital into the future, which I note the Third Party expressly supports.

6.4.14 Objectives SC 6-1 and SC 6-2 of the Plan, which are general policy objectives promoting the provision of social and community infrastructure and social and community engagement, are not relevant to the proposed development. I agree with the applicant's agent that the Third Party has not explained how the proposed development is not in compliance with these objectives.

6.4.15 The proposed development is consistent with the applicable BT-C-02 zoning objective at this established hospital location, and Objective SC 6-7 of the Plan which supports the provision of healthcare facilities. In the context of Objective SC 6-7 of the Plan, the proposed development will be of benefit to the population of the wider West Cork area.

6.4.16 In this context, a refusal of permission is not warranted. I would agree with the Planning Authority and the applicant that the proposed development is in the interests of the proper planning and sustainable development of Bantry Hospital.

6.5 Appropriate Assessment

Having regard to the nature and scale of the proposed development and proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.0 Recommendation

7.1. I recommend that planning permission be granted based on the reasons and considerations set out below.

8.0 Reasons and Considerations

Having regard to the provisions of national and local planning policy, to the nature and extent of proposed development, and to the pattern of development in the vicinity, it is considered that, subject to compliance with conditions set out below, the proposed development will not result in a traffic hazard and would not seriously injure the residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 8th December 2022, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Water supply and drainage arrangements, including the attenuation and 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>Prior to the commencement of development, the developer shall submit a Construction and Environment Management Plan for agreement with the Planning Authority.</p> <p>Reason: In the interests of public safety and residential amenity.</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.

Aiden O'Neill

Aiden O'Neill
Planning Inspector

5th January, 2024.