

Comhairle Chontae Atha Cliath Theas

PR/0725/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0107 **Application Date:** 14-Apr-2022
Submission Type: New Application **Registration Date:** 14-Apr-2022

Correspondence Name and Address: CQA Design and Build Unit B4, Swords Enterprise Park, Feltrim Road, Swords, Co. Dublin

Proposed Development: Retention of the change of use from residential to use as residential staff accommodation ancillary to the use of Lexington House Nursing Home; hard landscaping and the use of an area of rear garden as an overflow carpark to be incorporated in and accessed from Lexington House; a single storey detached storage shed to the rear of the existing house.

Location: 6, Bettysford Terrace, Monastery Road, Clondalkin, Dublin 22

Applicant Name: Glenaulin Nursing Home Holdings Ltd.

Application Type: Retention

Description of Site and Surroundings:

Site Area:

Stated as 0.0468 Hectares.

Site Description:

The subject site is located on the northern edge of Monastery Road, a short distance from Clondalkin village. The site is bound to the north by the rear garden of residential properties along Castle Park, to the east by the Lexington Nursing Home and Clondalkin Library, to the west by No. 5 Bettysford Terrace and to the south by Monastery Road.

The subject site is comprised of an existing two-storey semi-detached dwelling. According to the drawings submitted by the Applicant, the dwelling is comprised of an entrance hall, living/dining area, kitchen, lounge and toilet at ground floor level and 3 No. bedrooms, a bathroom, a toilet and a storeroom at first floor level.

To the front of the dwelling there is a gravel area with parking for approximately 2 No. cars and a vehicular entrance from Monastery Road which appears to have been modified (widened) in the past. To the rear of the dwelling there is a hard surface (tarmac) area used as an overflow car park for the adjacent Lexington Nursing Home. There are approximately 8 No. car parking spaces to the rear of the dwelling in the overflow carpark, which are accessed from a vehicular entrance off Monastery Road that is associated with the Lexington Nursing Home. A through way has been created between the boundary of the subject site and the Lexington Nursing Home to facilitate vehicular access to the

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overflow car park. There is also a single storey shed structure, a generator and bins located to the rear of the existing dwelling on the subject site.

Proposal:

Retention permission is sought for the following:

- Change of use of the existing dwelling from residential-to-residential staff accommodation which is ancillary to the adjacent Lexington Nursing Home.
- The use of the rear garden as an overflow carpark to be incorporated into and accessed from Lexington House.
- A single storey detached shed to the rear of the existing house.

Zoning:

The site is located in an area which is zoned 'RES' 'to protect and/or improve residential amenity' in the South Dublin County Development Plan 2016-2022.

Consultations:

Drainage and Water Services Department:	No objection, subject to conditions.
Irish Water:	No objection, subject to conditions.
Roads Department:	Additional Information required.
Parks and Landscape Services Department:	Objection indicated.
Architectural Conservation Officer:	No objection.
Transport Infrastructure Ireland:	No objection.
Department of Housing, Local Government and Heritage:	No report received.

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Submissions/Observations /Representations

Final date for submissions/observations – 18th May 2022.

A number of submissions were received, the key points of which are briefly summarised below:

- The proposal is for a change of use from residential to commercial and therefore not an application for retention.
- The proposed location of an industrial generator on a residential property and the risks associated.
- The sewage system serves Nos. 1-6 and does not have capacity to serve the proposed change of use to a multi-unit dwelling.
- The vehicular entrance has been subject to material modifications (removal of pillars and widening of entrance without planning permission and as a result has altered the character of the streetscape.
- The alteration from a grass covered garden to hard surfacing represents a contravention of Development Plan Policy, specifically Policy NCBH2 regarding Biodiversity.
- The use of the rear garden as an overflow carpark is unnecessary given the 29 No. spaces located in the adjoining Lexington Nursing Home.
- The noise and additional pollution from vehicular traffic and the industrial generator significantly impact the residential amenity of the rear gardens of adjacent properties.
- The address on the Planning Application is incorrect as it should read '6 Bettysfort Terrace'.

The key issues outlined in the submissions shall be addressed in the Assessment section of this Report.

Relevant Planning History

Subject site

No relevant Planning History for the subject site.

Lexington Nursing Home Site

SD21A/0001 / ABP 309834-21 - Lexington House, Junction of Monastery Road, Monastery Park, Clondalkin, Dublin 22

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Retention of 2 6.0m high and 1 7.0m high flagpole at the south east corner of the site adjacent to the intersection of Monastery Road & Monastery Park. **SDCC Decision:** Grant Permission, subject to conditions. The decision was subject to a Third party Appeal. **ABP Decision:** Grant permission, subject to conditions.

SD20A/0019 - Lexington House, Junction of Monastery Road, Monastery Park, Clondalkin, Dublin 22

Single storey extension at second floor level to the east (front) and south (side) elevations of the existing nursing home (under construction) consisting of additional staff facilities. **SDCC Decision:** Grant Permission, subject to conditions.

SD17A/0007 - Lexington House, Junction of Monastery Road, Monastery Park, Clondalkin, Dublin 22

Demolition of existing habitable house on this site, the development of a new detached 87 bedroom nursing home consisting of 92 bed spaces made up in single storey, two storey and three storey elements over part basement, a new vehicular entrance from Monastery Park, the widening of the existing entrance to Monastery Road, single storey detached sub-station, a refuse storage enclosure, a single storey detached gardeners shed, a landscaped communal open space at ground level and roof terraces at first floor and second floor levels, 29 car parking spaces and ancillary site works. **SDCC Decision:** Grant permission, subject to conditions. The decision was subject to a Third party Appeal. **ABP Decision:** Grant permission, subject to conditions.

Adjacent Sites

No recent relevant Planning History within the immediate vicinity of the subject site.

Relevant Enforcement History

Subject Site

S8496

Change of use from residential to commercial and part of rear garden being incorporated into adjacent Nursing Home. **File Status:** Open.

Lexington Nursing Home Site

S8515

Non-compliance with condition 1 of SD17A/0007-ABP PL06S.248779-Pillars at entrance exceed 1.2m. **File Status:** Open

S8282

Non-compliance with condition 1 of SD17A/0007 -elevations not constructed as per permission **File Status:** Open

S8184

Raising of ground level. **File Status:** Open

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S8161

Non-compliance condition 1. **File Status:** Closed.

S8092

Non-compliance condition 8(working hours). **File Status:** Closed.

S8088

Non-compliance condition 6 & 8. **File Status:** Open.

S7926

Non-compliance condition 12(a). **File Status:** Closed.

S7907

Non-compliance condition 13 & 14. **File Status:** Closed.

Pre-Planning Consultation

None recorded for the subject scheme.

SEA Sensitivity Screening

Overlap indicated with the following environmental layers:

- Areas of Archaeological Potential – The Clondalkin ACA is a short distance from the subject site.
- Protected Structures – The Clondalkin Library is a Protected Structure.
- Record of Monuments and Places

Relevant Policy in South Dublin County Council Development Plan 2016-2022

Section 2.2.0 Sustainable Neighbourhoods

Policy H6 Sustainable Communities

Policy H7 Urban Design in Residential Communities

Policy H8 Residential Densities

Policy H9 Residential Building Heights

Policy H10 Mix of Dwelling Types

Section 2.3.0: Quality of Residential Development

Policy H11 Residential Design and Layout

Policy H11 Objective 1

Policy H12 Public Open Space

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Policy H13 Private and Semi-Private Open Space

Policy H13 Objective 3

Policy H14 Internal Residential Accommodation

Policy H14 Objective 1:

'To ensure that all residential units and residential buildings are designed in accordance with the relevant quantitative standards, qualitative standards and recommendations contained in Sustainable Urban Housing: Design Standards for New Apartments (2015), the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), the companion Urban Design Manual and have regard to the standards and targets contained in Quality Housing for Sustainable Communities (2007), particularly the standards and recommendations that relate to internal amenity/layout, overall unit size, internal room sizes, room dimensions, aspect, sound insulation, communal facilities, storage, sustainability and energy efficiency.'

(The 2015 Apartment Guidelines have since been superseded by the 2018 Apartment Guidelines)

Policy H15 Privacy and Security

Section 2.4.0: Residential Consolidation – Infill, Backland, Subdivision & Corner Sites

Policy H17 Residential Consolidation

Section 7.1.0: Water Supply & Wastewater

Policy IE1 Water & Wastewater

Policy IE1 Objective 7

Section 7.2.0: Surface Water & Groundwater

Policy IE 2 Surface Water & Groundwater

Policy IE2 Objective 5

Section 11.3.0: Land Uses

Section 11.3.1 (iv): Dwelling Standards

Table 11.20: Minimum Space Standards for Houses

Section 11.3.1 (v): Privacy

Section 11.3.2: Residential Consolidation

Section 11.3.2 (i): Infill Developments

Section 11.3.2 (iv): Dwelling sub-division and Upper Floors

Section 11.4.2: Car Parking Standards

Section 11.6.5 (iv)

Section 11.7.2: Energy Performance in New Buildings

Section 11.8.1: Environmental Impact Assessment

Section 11.8.2: Appropriate Assessment

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Relevant Government Guidelines:

Project Ireland 2040 National Planning Framework, Government of Ireland (2018).

Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, Department of Housing, Planning and Local Government (2020).

Urban Design Manual, Department of the Environment, Heritage and Local Government, (2008).

Quality Housing for Sustainable Communities-Best Practice Guidelines, Department of the Environment, Heritage and Local Government (2007).

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009).

OPR Practice Note PN01 Appropriate Assessment Screening for Development Management (March 2021)

Planning Note

The information shown on the Site Layout Plan does not appear to accurately reflect the existing scenario on the ground. For example, it was observed during a site visit that there are 2 No. car parking spaces located adjacent to the western elevation of the nursing home building. However, these spaces are not shown on the Site Layout Plan drawing.

Furthermore, the Site Layout Plan appears to show 4 No. car parking spaces in total and approximately 60 sq m of private amenity space associated with the existing dwelling surrounded by a 1.8m high concrete post and timber panel fence. However, it was observed during a site visit that there are approximately 8 No. spaces in total and no clearly demarcated private amenity space for the dwelling.

There also appear to be a number of industrial sized bins located next to the generator in the north-western corner of the site, which are not shown on the Site Layout.

Having regard to the inaccurate information shown on the drawings provided, the Applicant should be requested to provide ADDITIONAL INFORMATION in the form of accurate drawings showing the original and proposed layout of the subject site.

Assessment

The main issues for the assessment are:

- Zoning and Council Policy
- Visual Impact

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- Residential Amenity
- Archaeological and Built Heritage
- Vehicular Access and Parking
- Parks
- Drainage and Water Services
- Screening for Appropriate Assessment
- Environmental Impact Assessment

Zoning and Council Policy

The subject site is zoned objective 'RES' – 'To protect and/or improve residential amenity' in the South Dublin County Development Plan 2016-2022.

The proposed development seeks retention permission for the change of use from residential-to-residential staff accommodation, the hard surfacing of the rear garden for use as an overflow car park and a shed structure (13 sq m) to the rear.

Residential staff accommodation would be considered consistent with the 'residential' use, which is *Permitted in Principle* for lands zoned 'RES' and 'car park' is listed as an *Open for Consideration* use.

Subject to their being in accordance with the relevant provisions of the South Dublin County Development Plan 2016-2022, the proposed development is considered to be acceptable in principle.

However, clarification is required as to the intended use of the shed structure, whether it is ancillary to the main residential use or whether it is associated with the adjacent nursing home use. This is not clear from the documentation provided by the Applicant and should be clarified through a request for ADDITIONAL INFORMATION.

Visual Impact

Retention permission is sought for a shed structure with an approximate floor area of 13 sq m constructed in the rear garden of the existing dwelling, the hard surfacing of the rear garden to provide an overflow car park and the change of use of the dwelling to provide staff accommodation. These works have taken place without the benefit of Planning Permission. The purpose of this Planning Application appears to be to seek Retention Permission for the use of the dwelling as residential staff accommodation, the use of the rear garden as an overflow car park and the shed structure, to regularise their planning status. The potential visual impact of each element of the proposed development shall be assessed individually below.

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Change of Use from Residential to Staff Accommodation

As no material alterations are proposed to facilitate the change of use from residential to staff accommodation and no alteration are proposed to external appearance of the existing dwelling, the Planning Authority is satisfied that there will be no adverse visual impact to the subject site, surrounding properties and the adjacent streetscape.

Hard surfaced overflow carpark

The rear garden of the existing dwelling has been covered in hard surfacing to facilitate the creation of an overflow car park for the adjacent nursing home. As previously noted, the information shown on the Site Layout drawing does not appear to accurately reflect the existing layout of the subject site. A concern arises in relation to the impact of the proposed car park on the residential amenity of the dwelling, this is further outlined in the forthcoming section of this Report. No rationale has been provided for the overflow car park. It was observed during a site visit that there were a number of parking spaces available in the main car parks to the east and south of the nursing home. In terms of visual impact, although it is not ideal for a rear garden to be converted into a car park, it is noted that it would only be visible from the upper floor windows of and the windows of the nursing home to the west. As such, it is considered that the visual impact of the proposal is acceptable.

Shed Structure

The shed is located adjacent to the northern boundary of the subject site and has an approximate width of 2.59m and an approximate length of 6.36m, with a sloped roof profile that has a maximum overall height of 3.41m. There is 1 No. access door in the southern elevation. It is unclear from the information provided whether the shed structure is ancillary to the existing dwelling or associated with the adjacent nursing home. In this regard clarification is required from the Applicant. Although the structure itself is location adjacent to the northern boundary, it is noted that a tree located in the rear amenity space of the nursing home appears to screen the structure from adjoining properties. It is therefore considered that the visual impact of the structure is minimal.

Residential Amenity

The Site Layout drawing appears to show 60 sq m of private amenity space to the rear of the dwelling for use by the occupants. This would adhere to the minimum standards for a 3 No. bedroom dwelling outlined in Table 11.20 of the Development Plan. However, as noted during a site visit, the information shown on the Site Layout drawing does not appear to accurately reflect the existing scenario on the ground. In this regard, the Applicant should be requested to confirm the private amenity space provision for the dwelling, this can be provided by way of ADDITIONAL INFORMATION.

It is noted that there is an industrial generator located in the north-western corner of the subject site, adjacent to the party boundary with residential dwellings to the north and west of the site. Whilst the generator was not in use during the site visit, a concern arises as to the potential noise emanating from the generator and the impact this may have on the residential amenity of adjacent properties. As such,

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the Applicant should be requested to provide ADDITIONAL INFORMATION in relation to the generator including, but not limited to, the purpose of the generator, the operating hours of the generator, the rationale for its location in the north-western corner of the subject site and whether or not alternative locations were considered. In addition, the Applicant should be requested to provide a Noise Impact Assessment of the generator to facilitate a complete assessment of the potential impact to the residential amenity of adjacent properties.

Archaeological and Built Heritage

Having regard to the nature and scale of the proposed development, it is considered that the proposal will not adversely impact the character and setting of the nearby Clondalkin Library, which is a Protected Structure.

Vehicular Access and Parking

A report received from the Roads Department indicates that the following ADDITIONAL INFORMATION is required to facilitate a complete assessment of the proposed development:

'The Applicant is requested to submit a revised drawing showing the following information:

- *If a section of wall was to be removed.*
- *Proposed carpark spaces numbered and dimensioned.*
- *Proposed access/egress to rear garden carpark with clear dimensions.*
- *AutoTRAK analysis of how vehicles would access and egress the proposed rear garden carpark from the adjacent site (SD17A/0007 - Nursing home).*
- *Distance between main nursing home building and sub-station; and all similar and relevant dimensions'.*

Parks and Public Realm

A report received from the Parks and Public Realm Department provides the following commentary in relation to the proposed development:

'The Public Realm Section would not have approved this development without first seeing an arborists report on the impact of the development on existing trees. It appears that there has been development in the root zone of an existing mature trees and other trees may have been removed to facilitate the development involving soil sealing with hardstanding and buildings'.

It is regrettable that the development carried out, without the benefit of Planning Permission, appears to have the potential for a negative impact to existing trees and soil sealing caused by the introduction

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of a large area of hard standing. This would be contrary to a number of policies and objectives contained within the Development Plan and the Council's Tree Management Policy - 'Living with Trees 2015-2020'. In this regard, should the Planning Authority be minded to Grant Retention Permission for the proposed development, a CONDITION should be attached requiring the Applicant to plant replacement trees to offset the potential amenity and biodiversity loss resulting from the proposal.

Drainage and Water Services

The Drainage and Water Services Department and Irish Water have reviewed the proposed development and have indicated no objection to the proposal, subject to conditions.

Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established residential area and comprises retention permission for the change of use from residential-to-residential staff accommodation, the hard surfacing of the rear garden for use as an overflow car park and a shed structure 13 sq m.

Having regard to:

- the small scale and domestic nature of the development,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

Environmental Impact Assessment

Having regard to the nature and scale of the proposed development and pursuant to Schedule 5 of the Planning and Development Regulations 2001 (as amended), the proposal is not a class of development for which a mandatory Environmental Impact Assessment Report is required. Additionally, having regard to the distance of the site from nearby sensitive receptors, the need for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.

Conclusion

Having regard to the 'RES' land-use zoning of the area, the relevant policies and objectives of the South Dublin County Development Plan 2016 – 2022 and the inaccurate information shown with in

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the drawings provided with the Application, it is considered that **ADDITIONAL INFORMATION** is required to facilitate a complete assessment of the proposed development.

Recommendation

I recommend that **ADDITIONAL INFORMATION** be requested from the applicant with regard to the following:

1. The Applicant is requested to address the following deficiencies in the information and inaccuracies in the drawings provided:
 - (a) The information shown on the Site Layout Plan does not appear to accurately reflect the existing scenario on the ground, specifically the Site Layout Plan appears to show 4 No. car parking spaces in total and approximately 60 sq m of private amenity space associated with the existing dwelling surrounded by a 1.8m high concrete post and timber panel fence. However, it was observed during a site visit that there are approximately 8 No. spaces in total and no clearly demarcated private amenity space for the dwelling. There also appear to be a number of industrial sized bins located next to the generator in the north-western corner of the site, which are not shown on the Site Layout. The Applicant is requested to provide amended Site Layout drawings accurately showing original and proposed (existing) layout of the subject site.
 - (b) The Applicant is requested to confirm the private amenity space provision for the dwelling and ensure that it is clearly demonstrated on the amended Site Layout drawings.
 - (c) The Applicant is requested to provide clarification regarding the intended use of the shed structure, whether it is ancillary to the main residential use or whether it is associated with the adjacent nursing home use.
2. Having regard to the industrial generator located in the northwestern corner of the subject site, the Applicant is requested to provide an Acoustic Assessment which must be undertaken by a suitably qualified acoustic consultant describing and assessing the impact of noise emissions from the generator, to include the accumulative noise impact from existing on-site activities. The investigation must include, but not be necessarily limited to, the following:
 - (a) The identification of any neighbouring noise sensitive receivers who may be potentially impacted by the proposal
 - (b) The purpose and operating hours of the generator and the likelihood that it could give rise to a public nuisance for the neighbouring noise sensitive receivers.
 - (c) Distances between the generator and the nearest noise sensitive receiver and the predicted level of noise (L_{aeq}, 15min) from any activities when assessed at the boundary of that receiver.
 - (d) An assessment of the existing background (LA₉₀,15 min) and ambient (L_{Aeq},15 Min) acoustic environment at the receiver locations representative of the time periods that any noise impacts may occur. NOTE: For the purposes of the assessment background

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noise includes; noise of the surrounding environment excluding all noise sources currently located on-site.

(e) A statement outlining any recommended acoustic control measures that should be incorporated to ensure the use of the generator will not create adverse noise impacts on the occupiers of any neighbouring noise sensitive properties

3. The Applicant is requested to submit a revised drawing showing the following information:
 - (a) If a section of wall was to be removed.
 - (b) Proposed carpark spaces numbered and dimensioned.
 - (c) Proposed access/egress to rear garden carpark with clear dimensions.
 - (d) AutoTRAK analysis of how vehicles would access and egress the proposed rear garden carpark from the adjacent site (SD17A/0007 - Nursing home).
 - (e) Distance between main nursing home building and sub-station; and all similar and relevant dimensions.

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REG. REF. SD22A/0107

LOCATION: 6, Bettysford Terrace, Monastery Road, Clondalkin, Dublin 22

Colm Harte

Colm Harte,
Senior Executive Planner

ORDER: I direct that **ADDITIONAL INFORMATION** be requested from the applicant as set out in the above report and that notice thereof be served on the applicant.

Date:

8/6/22

Eoin Burke

Eoin Burke, Senior Planner