

MARSTON

PLANNING CONSULTANCY

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

4th July 2022

AN BORD PLEANÁLA	
LDG-	<u>055020 - 22</u>
ABP-	
05 JUL 2022 <i>OK</i>	
Fee: € <u>220</u>	Type: <u>CHEQUE</u>
Time: <u>13:15</u>	By: <u>BOURLEN</u>

Our Ref. 21101

Re: Planning & Development Act 2000 and the Statutory Regulations made thereunder. Objection on behalf of Ballyboden Tidy Towns Group, 17 Glendoher Close, Rathfarnham, Dublin 16 in relation to the proposed development to construct a 3-4 storey nursing home building to consist of 111 bedrooms (with ensuites) and associated staff and resident welfare facilities, amenities and including extensive landscaped gardens. The protection and preservation of Newbrook House (a protected structure-Ref No 300) and incorporation with the construction of the new 3-4 storey nursing home. Formation of new vehicular access and pedestrian site access off Taylors Lane and associated landscaping works. Communal open space as well as other facilities open to the public such as hair salon, function suite and cinema. Provision of 18 parking spaces including 2 accessible spaces and 2 EV charging bays to service the nursing home. 24 short and long stay cycle parking spaces. 5 new 3 storey dwellings with associated parking landscaping and services at lands to the south of Taylor's Lane, Ballyboden within the curtilage of Newbrook House, Taylors Lane, Rathfarnham, Dublin 16.

South Dublin County Council Reg. Ref. SD21A/0232

Date of decision: 8th June 2022

Last day for making an appeal: on or before 5th July 2022

Dear Sir / Madam

We, Marston Planning Consultancy, 23 Grange Park, Foxrock, Dublin, D18 T3Y4, are instructed by our clients Ballyboden Tidy Towns Group, 17 Glendoher Close, Rathfarnham, Dublin 16 to lodge this third party appeal on their behalf against the above decision of South Dublin County Council to grant permission (subject to 26 no. conditions) to the applicant Luxcare Limited, for the above described development.

In compliance with the statutory regulations we enclose herewith a cheque for the sum of €220 as the statutory appeal fee in this instance for the making of a Third Party Appeal. We have enclosed with this appeal the letter of acknowledgement that was addressed to ourselves from the Planning Authority (South Dublin County Council) in respect of their objection/observation in respect of the planning application.

The decision on the application was the subject of a significant delay due to the extensive nature of both the original Additional Information (AI) request; and then the inadequacy of this response by the applicant led to a request for a Clarification of the Additional Information (CAI). Irrespective of the issues raised in the AI and CAI, and the applicant's response, the fundamentals of our client's original objection remain valid and appropriate as reasons for refusal in this instance.

We respectfully submit that the proposed development, by reason of its design, layout, size, height, mass and scale amounts to an overdevelopment of the subject site (which includes a Protected Structure) in order to provide a Nursing Home, hair salon, function room, cinema, 5 no. dwellings and all associated ancillary elements. The proposed development will be visually dominant at this location and would result in an adverse impact on the existing residential properties at its boundaries at Kingston Court, Palmer Park, Pearse Brother Park and the existing dwellings to the north along Taylors Lane.

In addition, we submit that the proximity of the proposed development to adjoining residential development, the excessive scale, form and design of the proposal, would seriously injure the residential and visual amenities of adjoining properties, particularly, by reason of its dominant appearance and overshadowing of the adjoining residents at Kingston Court, Palmer Park and Pearse Brothers Park. The applicants in this case have failed to take into account the residential and visual amenities in the design of the proposed over-

scaled and incongruously designed Nursing Home, commercial elements and the 5 no. new dwellings provided for within the subject site.

We submit that the proposed development remains excessive in scale and combined with the ill-considered layout that includes a sea of car parking to the front of the protected structure, will have a profoundly negative impact on the character and setting of Newbrook House (a Protected Structure). The proposed development will also lead to a significant traffic hazard on this busy road and haphazard and spill over car parking on surrounding residential streets.

When these and other elements are considered it is reasonable and correct to conclude that the proposed development will be contrary to HCLE 3 Objective 1 and Objective 2 of the Development Plan; and result in a form and layout of development that is substandard for future residents of the proposed 5 no. dwellings contrary to national and local housing standards (including H11 Objective 1 and H13 Objective 3 of the Development Plan) as well as a poor form of accommodation for the future nursing home residents. The proposal will also create a serious traffic hazard by the creation of two entrances on Taylor's Lane that was a significant concern of the Roads Department under their original assessment of the application.

The proposal will have an overbearing and negative visual impact on the Protected Structure; and the proposed height and separation distances to nearby houses would be contrary to section 11.2.7 the South Dublin County Development Plan 2016-2022 and the content of the new County Development Plan.

Screening for Environmental Impact Assessment

It is noted that the application includes no Screening for Environmental Impact Assessment. We refer An Bord Pleanála to the recent judgment by Justice Humphrey on 10th May 2021 in *Waltham Abbey Residents Association v An Bord Pleanála & Ors*¹ which referred matters relating to screening for Environmental Impact Assessment. We refer An Bord Pleanála to the list of items that should be considered as part of the screening exercise as set out in paragraph 22 of the judgment. The lack of a screening report should be scrutinised in this regard.

Screening for Appropriate Assessment

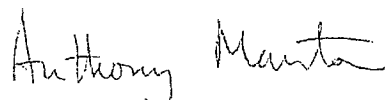
The application includes a Screening Report for Appropriate Assessment of the proposed development. This Screening Report, fails to recognise the connection between the Wicklow Mountains SAC and the adjacent watercourse, which forms an important habitat. This failure must draw into question any of the conclusions of the Screening Report.

For the convenience of the Board we have attached our original objection to the planning application as originally submitted to this appeal (Appendix A).

We request that An Bord Pleanála overturn the Planning Authorities decision based on these considered and objective planning matters and to refuse permission based on the grounds set out above in terms of overdevelopment; overbearing impacts; negative impact on the setting negative impacts on residential and visual amenities and would be contrary to the proper planning and sustainable development of the area including the preservation and improvement of amenities thereof.

We look forward to a favourable decision in due course.

Yours faithfully,



Anthony Marston (MIPI, MRTPI)
Marston Planning Consultancy

¹ [2021] IEHC 312

MARSTON

PLANNING CONSULTANCY APPENDIX A

Planning Department,
South Dublin County Council,
County Hall,
Tallaght,
Dublin 24

20th September 2021

Our Ref. 21101

Re: Planning & Development Act 2000 and the Statutory Regulations made thereunder. Objection on behalf of Ballyboden Tidy Towns Group, 17 Glendoher Close, Rathfarnham, Dublin 16 in relation to the proposed development to construct a 3-4 storey nursing home building to consist of 111 bedrooms (with en-suites) and associated staff and resident welfare facilities, amenities and including extensive landscaped gardens. The protection and preservation of Newbrook House (a protected structure-Ref No 300) and incorporation with the construction of the new 3-4 storey nursing home. Formation of new vehicular access and pedestrian site access off Taylors Lane and associated landscaping works. Communal open space as well as other facilities open to the public such as hair salon, function suite and cinema. Provision of 18 parking spaces including 2 accessible spaces and 2 EV charging bays to service the nursing home. 24 short and long stay cycle parking spaces. 5 new 3 storey dwellings with associated parking landscaping and services at lands to the south of Taylor's Lane, Ballyboden within the curtilage of Newbrook House, Taylors Lane, Rathfarnham, Dublin 16.

South Dublin County Council Reg. Ref. SD21A/0232

Date of lodgement: 20th August 2021

Last day for making a submission/objection/observation: on or before 23rd September 2021

Dear Sir / Madam

We, Marston Planning Consultancy, 23 Grange Park, Foxrock, Dublin, D18 T3Y4, are instructed by our clients Ballyboden Tidy Towns Group, 17 Glendoher Close, Rathfarnham, Dublin 16 to lodge this objection on their behalf in relation to the development described above by the applicant Luxcare Limited as submitted to South Dublin County Council on 20 August 2021.

In compliance with the statutory regulations we enclose payment for the sum of €20.00 as the statutory fee in this instance for the making of an objection to South Dublin County Council. Our submission and the full reasons and considerations upon which this is based are set out below. We confirm that the submission is made within the statutory five week period for observations in accordance with the Planning and Development Regulations 2001 (as amended). We can confirm that we have visited the subject site and the adjoining area, inspected the planning file and reviewed the existing site and its relationship with adjoining properties and the wider receiving environment.

We note that the applicant has indicated that there were pre-planning discussion with South Dublin County Council in advance of making this application, however the planning application does not set out any details relating to these discussions.

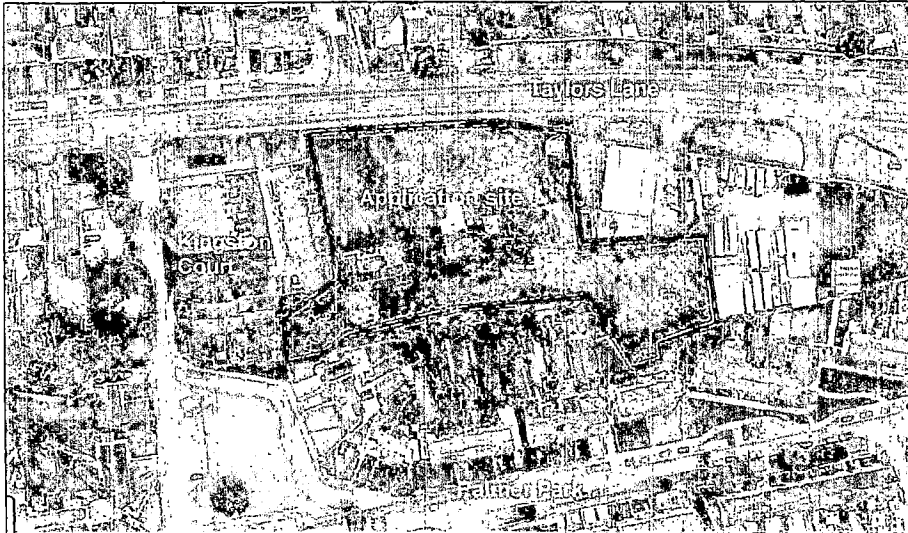
We respectfully submit that the material presented with this planning application is contrary to the Planning & Development Regulations 2001 (as amended) as detailed herein. We submit that it should be invalidated by South Dublin County Council. Notwithstanding this, in the event that the planning authority proceeds with the assessment of this planning application we have set out the grounds of our clients objections herein for the benefit of the Planning Authority.

Reasons for invalidity of planning application

- Statutory notices non-compliant with Planning Regulations– the description of development does not include reference to demolition of existing buildings within the subject site. The application form item 12 refers to the demolition of 336sqm buildings. In addition the drawings enclosed identify buildings to be demolished. The statutory notices are deficient and do not comply with the Planning & Development Regulations 2001 (as amended).
- Site Location Plan – Site Notices are shown beyond the red line area and appear to be identified along a path along Taylors Lane. The Planning Authority should scrutinise the location of the notices. They should be located on the red line or at a point nearest the red line on a public road.
- Existing and Proposed elevations non-compliant with Planning Regulations – The elevations enclosed with the planning application do not include principle dimensions - contrary to the Planning & Development Regulations 2001 (as amended).
- Existing Floor Plans non-compliant with Planning Regulations -The existing floor plans relating to Newbrook House (including drawing no. 4801-HML-ZZ-ZZ-DR-A-10012 prepared by Holmes Miller Architects) do not include principle dimensions – contrary to article the Planning & Development Regulations 2001 (as amended).
- Demolition proposals – Contrary to Planning and Development Regulations 2001 (as amended) the applicant has failed to include demolition drawings as part of the planning application package. Demolition of 336sqm is referenced in the Application Form.
- Inadequate drawings relating to the Protected Structure – The applicant has failed to include plans and elevations that clearly identify the works to the Protected Structure in order to identify what level of intervention is required to connect the existing Protected Structure to the proposed new Nursing Home
- Application Form Inconsistent references to the quantum of proposed development– There are inconsistencies in responses to items 12 and items 13 of the planning application form. Item 12 identifies the area of the proposed development as 5825sqm. However in response to item 13 the applicant has set out that the proposal delivers a Nursing Home of 5268sqm and Housing of 715 sqm. This equates to 5,983sqm. Some 158 sqm more development than identified in response to item 12. As a result it is unclear what quantum of development is proposed within the subject site. It is not expressly set out in the statutory notices.
- Ardpoint Report – dated July 2021 – Issue 2 – this report refers to the provision of a 90 bedroomed nursing home and includes a layout of that version of proposals. The proposal before the Planning Authority is for a 111 no. bedroomed nursing home and all associated ancillary elements. The report does not specifically relate to the development which the applicant is applying for.

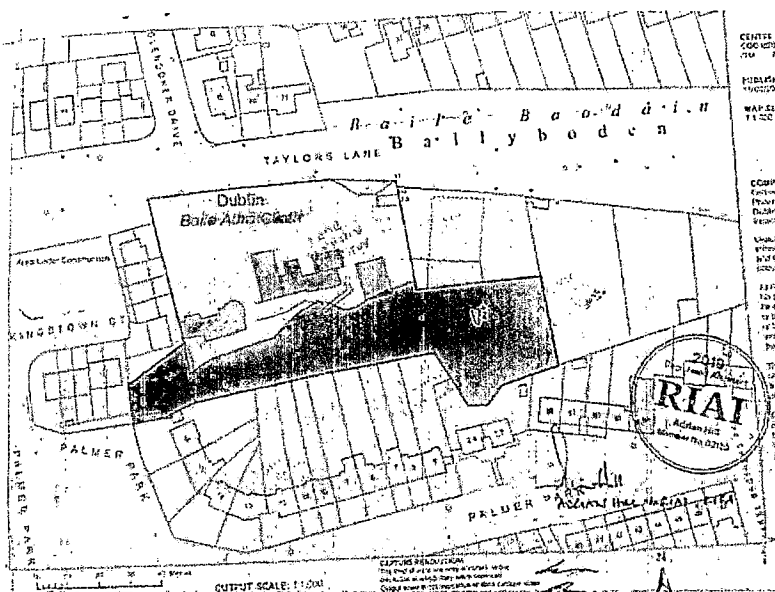
1. Subject Site – Context

The subject site of c. 0.6388ha. includes Newbrook House (a Protected Structure) and its associated grounds that are located to the south of Taylor's Lane, Ballyboden. There are also a series of out buildings/sheds that may have formed part of the former paper mill within the subject site. Newbrook House dates from 18th century and was associated with the paper mill that was located on the site. The site includes areas of hard standing, a watercourse (a mill race associated with the paper mill use), hedgerows and trees primarily located along the southern and western boundary. The existing buildings within the subject site are well set back from Taylors Lane.



Aerial View of subject site (source – Google maps)

The application identifies that the site is gated, not in use at present, builders providers and with the most recent use being as a construction compound for the SDCC Green Route realignment of Taylor's Lane. It is our understanding that the possession of the rear part of the site is significantly open to question. The applicants appear to not hold title to a significant part of the site. For this reason alone, and given that no letter of consent was provided from the owners, we respectfully request the Council to invalidate the application. The extent of the land over which it is our understanding the applicant has no title to the lands is outlined below (shaded blue)



Land not currently owned by the applicant shaded blue

The site is generally bound by existing residential streets at Palmer Park and Kingston Court to the south and west; a petrol station as well as a coach depot to the east; and by Taylors Lane (R113) and linear residential development along this route as well as the junction with Glendoher Drive. There are ten no. residential properties within Kingston Court to the west of the site of which five (nos. 3 – 7 Kingston Court)

share a boundary with the subject site. There are 17 no. residential properties and their associated gardens to the south of the site. 16 no. properties (1-16 Palmer Park) share a boundary with the subject site as does No. 88 Pearse Brothers Park.



Aerial view from Taylors Lane looking towards subject site – Newbrook House in right hand side of image above (source-Google Maps)

The topography of the site varies, and the Design Statement prepared by Holmes Miller Architects identifies it as a constraint to the future development and access to the subject site. They identify that the ground level raises from Taylors Lane by approx. 3.2m to the southern boundary.

The subject site is zoned RES - 'To protect and / or improve Residential Amenity' as per the South Dublin Development Plan 2016-2022. Nursing home and residential uses are permitted in principle under this zoning. We would urge the Planning Authority to consider whether the proposed hair salon, cinema and function room (all of which are identified as open to the public) fits within the use classes permitted in principle and open for consideration in RES zoning terms. The planning application identifies that the closest Dublin Bus stop to the subject site is 100m away on Taylors Lane.

2. Planning History –Summary

There is no recent planning history available for the subject site. Having examined the planning history at the subject site, it is noted that there is no evidence of any large scale development being proposed at the subject site prior to the lodgement of this planning application. It is however notable that there has been some enforcement proceedings brought in relation to the site.

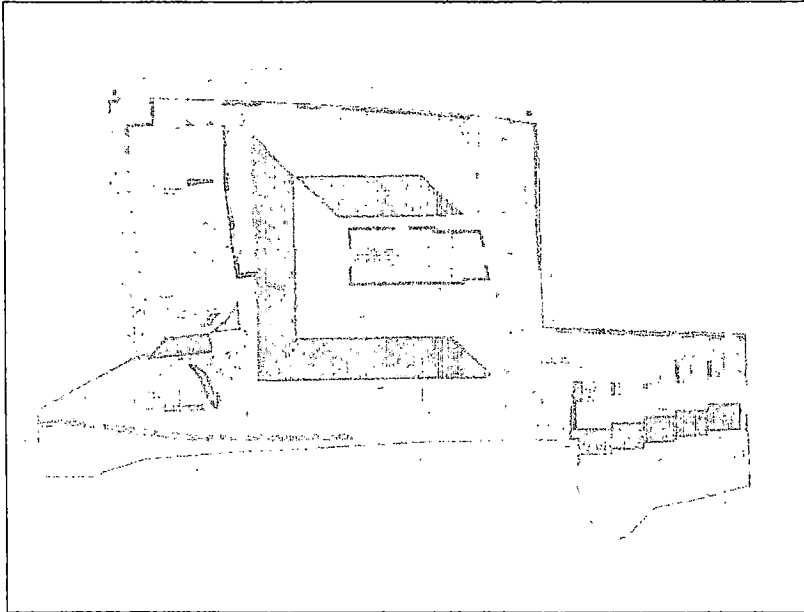
3. Proposed Development

The proposed development is located on lands to the south of Taylor's Lane, Ballyboden within the curtilage of Newbrook House. The proposal provides for the refurbishment of Newbrook House (a Protected Structure) and the construction of a substantial extension all to provide Nursing Home facilities, a hair salon, function suite, cinema and a terrace of 5 new dwellings.

Works are proposed to Newbrook House that would be linked via a glazed link to a new 3-4 storey Nursing Home block of 111 no. bedrooms to be constructed in a letter 'C' configuration with the open part to the east. The nursing home will also include staff and resident welfare facilities, amenities and landscaped gardens. The proposed 5 no. dwellings are located to the rear of the petrol station. The proposed houses are located at the south-east corner of the site and back onto existing residential development at Palmer Park and Pearce Brothers Park. The development will also include communal open space as well as other facilities open to the public – a hair salon, function suite and cinema. The proposal includes for two new vehicular access points into the site off Taylor's Lane. The western vehicular access provides access to the nursing home; with the eastern access providing access to the 5 houses and their associated car parking spaces.

We refer the Planning Authority to the fact that the applicant has failed to provide a schedule of areas for the proposed development. There are different quantum of development referenced within the planning application particulars, by way of example the planning application form references proposed development areas of 5,825sqm and 5,983sqm (refer to item 12 and 13 responses on the form).

The proposal requires the demolition of some of the existing structures within the site. This is not identified on the statutory notices. In addition the nature and extent of the proposed development as it relates to Newbrook House (a Protected Structure) has not been identified within the statutory notices. The notices are vague in terms of the nature and extent of the proposals to Newbrook House. As well as internal alteration to the Protected Structure a glazed link is to be inserted to link the Newbrook House with the new 111 bedroom Nursing Home block.



Extract from Proposed Site Layout Plan – drawing no.4801-HML-ZZ-ZZ-DR-A-10100 prepared by Holmes Miller Architects

The application material claims the stone wall addressing Taylors Lane is to be maintained. However, we note from an examination of the site layout plan prepared by Holmes Miller Architects that there are 2 no. vehicular access points proposed off Taylors Lane. Therefore part of the wall must be removed to provide this. One of the vehicular entrances and internal road serves the nursing home, the access is located at the western corner of the site and channels vehicles to surface car parking along the western site boundary close to the existing residents at Kingston Court. A separate vehicular entrance to the proposed 5 no. new dwellings is located at the north-eastern corner of the subject site immediately adjacent to the exit from the petrol station.

Overall 25 car parking spaces are proposed for this development with 18 no. spaces provided for the Nursing Home and an additional 7 no. spaces provided for the 5 no. new dwellings. The quantum of parking for the new dwellings is not referenced within the statutory notices, nor is there any reference to the provision of car parking associated with the proposed hair salon, function suite or cinema that are referenced on the statutory notices as "*open to the public*". It is noted that the Design Statement also refers to the provision of community resources – one of the diagrams refers to the provision of a library and café which are not referenced in the statutory notices.

We have also noted that there is an absence of detail in relation to the boundaries (if any) and inter-dependency between the proposed nursing home and the proposed 5 no. dwellings. No specific operational connection is referenced between these elements of the proposal.

Having examined the material submitted as part of this planning application it is considered that the proposed development is excessive in scale and will have a profoundly negative impact on the character and setting of Newbrook House (a Protected Structure), the residential amenity of adjoining dwellings; the overall area and would set an undesirable precedent; result in traffic hazards; create a poor form of residential development for future occupants of the nursing home as well as the 5 no. proposed dwellings that must lead to the refusal of this application in this instance. In addition there are a series of inconsistencies, instances of non-compliance with the Planning & Development Regulations 2001 (as amended) and omissions from the planning application documents, plans and particulars which deem this application to be invalid.

Despite the close proximity of the new Nursing Home to Taylors Lane the applicant has failed to include a Noise Assessment as part of the planning application package. We would query the suitability of the location of bedroom accommodation for nursing home residents, quiet rooms and day rooms in close proximity to a busy traffic route. The applicant has not provided a justification report for the proposed Nursing Home nor any indication of how the proposed Nursing Home meets best practice standards for such facilities.

4. Grounds for objection

The full grounds of our clients' submission together with the arguments, reasons and considerations upon which they are based are set out below. We respectfully submit that the proposed development, by reason of its design, layout, size, height, mass and scale amounts to an overdevelopment the subject site (which includes a Protected Structure) in order to provide a Nursing Home, hair salon, function room, cinema, 5 no. dwellings and all associated ancillary elements. The proposed development will be visually dominant at this location and would result in an adverse impact on the existing residential properties at its boundaries at Kingston Court, Palmer Park, Pearse Brother Park and the existing dwellings to the north along Taylors Lane.

In addition, we submit that the proximity of the proposed development to adjoining residential development, the excessive scale, form and design of the proposal, would seriously injure the residential and visual amenities of adjoining properties, particularly, by reason of its dominant appearance and overshadowing of the adjoining residents at Kingston Court, Palmer Park and Pearse Brothers Park. The applicants in this case have failed to take into account the residential and visual amenities in the design of the proposed over-scaled and incongruously designed Nursing Home, commercial elements and the 5 no. new dwellings provided for within the subject site.

Overall the planning application is substantially lacking in terms of detailed material and assessment. The validity of the planning application is called into question on that basis (we refer the planning authority to the list of items set out at the end of this objection).

Overdevelopment of the subject site

The scale of the proposed development within a confined site which includes a Protected Structure (Newbrook House), will result in a form of development which will be over-dominant at this location. The proposal will be out of character with the area and set an undesirable precedent.

Given the scale of the proposal and taking into account the two storey character of the surrounding area, we submit that the proposed development would be overtly visually dominant at this location. We consider that by virtue of its design and scale, the proposed nursing home and new dwellings would fail to integrate with the existing adjoining residential properties, resulting in an adverse impact on the character of the area. The new nursing home block would result in a dominant form of development in close proximity to Newbrook House and would as a result of its mass, height, scale and location negatively impact on the character and setting of the Protected Structure. This is contrary to best conservation practices (which is discussed further below).

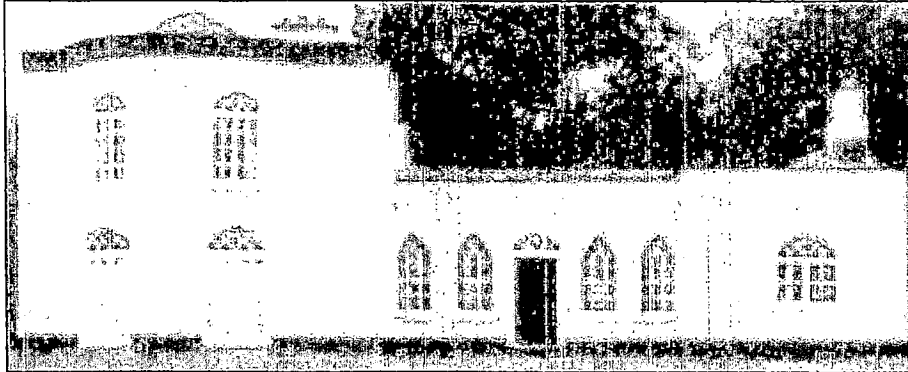
The scale and massing of proposed development at this confined site is unacceptable and indicates a complete and utter disregard for the presence of a Protected Structure within the site as well as the residential amenity of adjoining residences. The proposal amounts to a clear over-development of the subject site. We submit that by virtue of its size, height and scale, the proposed development for a Nursing Home of 3-4 storey and 5 no. dwellings of 3 storey would not integrate with the surrounding area or the adjoining properties.

Accordingly, we respectfully submit that the development should be refused for reasons of its adverse impact on the residential and visual amenity of the area.

Negative Impact on the setting of Newbrook House (A Protected Structure) and its curtilage

While the principle of refurbishing and the adaptive reuse of the Protected Structure is to be welcomed, the manner in which the proposed development seeks to do so will, without doubt, have a profoundly negative impact on the character and setting of the Protected Structure.

The mass, scale and height of the proposed Nursing Home block which is linked to the Protected Structure via a glazed link will project the building line close significantly forward onto Taylors Lane and will as a result of the proposed built form overpower Newbrook House. The proposed location of the car parking associated with the Nursing Home directly in front of Newbrook House will also contribute to the erosion of the setting and character of the Protected Structure. Ultimately the proposals will alter the setting and character of the Protected Structure in a manner which is contrary to its protected status under the Planning & Development Act 2000 (as amended).



Newbrook House in c. 2006

The planning application includes a Conservation Report dated 27 July 2021 prepared by Holmes Miller Architects. Having examined the document we consider that it is deficient in terms of the following:

- The report does not identify the nature of discussions with South Dublin County Council in advance of lodging this application and how the proposal responds to the discussions,
- The Conservation Report does not specifically identify the list of interventions proposed to Newbrook House,
- There is no analysis of the impacts of the proposed development on the Protected Structure at Newbrook House and its setting,
- There is no evidence of the consideration of alternatives layout options within the subject site,
- There is no reference to other buildings apart from Newbrook House within the subject site, despite the fact that elsewhere in the application there is reference to the demolition of existing buildings equating to 336sqm that local residents contend are part of the original paper mill on the site. These have not been surveyed as part of the Conservation Report even though they are to be demolished and are within the curtilage of the Protected Structure, and
- There is very limited information relating to the proposals for the Mill Race, it is stated that the Mill Race "is to be taken further out of the culvert and used as a landscape feature". It is not clear what works this involves and where this is addressed in the planning application.

We consider that the information listed above is critical to the Planning Authority and the Conservation Sections analysis and robust assessment of the proposed development.

Furthermore, having reviewed the proposed application we submit that the bulk, mass, height and scale of the proposed 3 - 4 storey Nursing Home block will result in a form of development which will overwhelm Newbrook House and irrevocably alter the character and setting of the Protected Structure. We submit that such negative impacts are contrary best conservation practice as set out within the Architectural Heritage Guidelines and contrary to HCL3 Objective 1 and Objective 2 of the South Dublin Development Plan 2016-2022, and should be refused on that basis.

Negative impacts on Residential Amenity – Overbearing, loss of privacy and overlooking

This section examines the negative impacts arising from the proposed development in terms of adjoining residents at Kingston Court, Palmer Park and Pearse Brothers Park. These properties are examined in turn below. The proposed development has failed to have regard to the residential amenity directly adjoining the subject site.

Negative Impact on properties at Kingston Court (to the west of the subject site)

The proposed development adjoins and shares a boundary with 5 residential properties, no. 3,4,5,6 and 7 Kingston Court to the west of the subject site. These are modest 2 storey with the corner unit being three

storey dwellings with small back gardens that are only 5m in depth. The Architectural drawings do not expressly set out the distance to these properties from the new Nursing Home block. However, having examined the site layout plan, the elevations and given the topography of the subject site we conclude that the proposed development will be c. 30m (within 35m) from their rear elevation and with a large dining room / function suites at 1st and 2nd floor level and a smaller dining and day room plus balcony at the upper floor. The proposal will be visually dominant when viewed from Kingston Court resulting in a significant and material loss of privacy.

In addition the proposal provides for 18 no. car parking spaces associated with the nursing home at and close to the boundary with Kingstown Court, the Nursing home will operate on a 24 hour basis (which day and night shift staff) as a result there will be traffic coming and going to this facilities 24 hours a day. This will cause daytime as well as night time noise impacts for the existing residents at Kingston Court depleting their residential amenity. This will compromise the internal residential amenity within our client's property. This is contrary to the zoning objective as well as the proper planning and sustainable development of the area. The proposed development should be refused on that basis.

Negative Impact on properties at Palmer Park and Pearse Brothers Park (adjoining the site to south)

17 no. residential properties and their associated outdoor amenity areas are located to the south of the site. 16 no. properties (1-16 Palmer Park) share a boundary with the subject site as does No. 88 Pearse Brothers Park. The rear and in some cases side gardens of these residential properties adjoin the subject site. The proposed 5 no. dwellings and the proposed 3-4 storey Nursing Home block are located in close proximity to the rear gardens of the existing properties at Palmer Park and Pearse Brothers Park. The four storey part of the nursing home will be located only 11m from their shared boundary with properties along Palmer Park that will be profoundly overlooked as a result of the proposed development. This is further compounded by the significant levels of fenestration within the southern elevation of the Nursing Home. This will result in a loss of privacy and enjoyment of the outdoor amenity areas by existing residents of Palmer Park. This is contrary to the zoning objective of the area.

The proposed 5 no. dwellings to be located in the south-east corner of the site are all 3 storey and are located in close proximity to the nearest existing dwelling to the south of the subject site. We respectfully submit that they will negatively impact upon the residential amenity of these nearest houses as a result of overlooking due to their three storey height.

The proposed development is contrary to the provision of Section 11.2.7 of the Development Plan, relating to Building Height, which states that:

"The proximity of existing housing - new residential development that adjoins existing one and/or two storey housing (backs or sides onto or faces) shall be no more than two storeys in height, unless a separation distance of 35 metres or greater is achieved."

We note that the site layout plan identifies that the 3 storey dwellings and nursing home are significantly less than 35m from the adjoining 2 storey dwellings.

In addition it is noteworthy that section 11.2.7 of the Development Plan is clear that there is a requirement of 35m or greater between new and proposed dwellings that is not achieved by the proposed dwellings or nursing home. In addition contrary to section 11.2.7 the applicant has proposed 5 no. dwellings which are 3 storey. When in fact section 11.2.7 requires that new residential development adjoining existing housing of one and/or two storey should be not more than two storey in height.

The proposed development should be refused on that basis.

We respectfully submit that the design proposal has had little if any regard to adjoining residential amenities. The nature of the proposal would clearly set an undesirable precedent that has the potential to devalue neighbouring and other properties in the immediate vicinity. This is contrary to the zoning at the subject site. Accordingly, we respectfully submit that the development should be refused for reasons of its adverse impact on the residential and visual amenity of the area.

Negative Visual Impact arising from the Proposed Development along Taylors Lane

The proposed 3-4 storey nursing home development brings the building line within the subject site significantly forward of the building line set by the County Council at Kingston Court to the west and right up to the boundary of the site with Taylors Lane. The existing Newbrook House and its associated building complex are significantly set back within the subject site some 40m from the front boundary. The proposed development will introduce a bulky form of development along Taylors Lane which will be visually dominant and austere in nature. The new built form will be the dominant form of development within the site, Newbrook House will be engulfed by the new built elements, it will regress within the site appearing as a very minor element of this excessive scheme. In essence its public setting will be entirely lost to only a partial glimpse through a sea of car parking from the proposed new entrance.

The bulk, height and scale of the proposed building will be compounded by the topography of the subject site that rises to the south. As a result the proposed 3-4 storey nursing home will read as much taller as it steps back within the site. The negative visual impact arising is particularly evident from the images included within the planning application (two of which are included above) when viewed from the direction of Kingston Court to the immediate west of the subject site.

Traffic Hazards Arising from Inappropriate Entrance Arrangements & Car Parking Provisions

The proposed development provides for 2 new vehicular entrances from Taylors Lane, one to serve the Nursing Home and a separate entrance to serve the 5 no. proposed dwellings. We note that the vehicular entrance for the proposed 5 no. dwellings is located in very close proximity to the petrol station to the east of the site. The entrance to the 5 no. dwellings is generally located where the existing gated access to the subject site is located. The documentation submitted with the planning application does not specifically identify what modifications are required to the existing entrance (if any) to accommodate the proposed development.

We note that the proposal provides for 19 no. car parking spaces on either side of an internal street directly in front of Newbrook House (a Protected Structure). This in our opinion will detract from the setting of the Protected Structure. We respectfully submit that the argument made by the applicant that they are maintaining views from the Protected Structure in that they are not building in front of it as a weak argument for the overall development strategy being proposed on the site. The provision of car parking spaces directly in front of the Protected Structure, with the scale of the 3 / 4 storey nursing home will significantly detract from the character and setting of the protected structure.

The proposed car parking layout for the nursing home as well as the proposed 5 no. houses is extremely confined in nature. The applicant has failed to include any details of car parking assessments or evidence of the workability of the proposed car parking layouts at the subject site particularly in terms of the day to day operation of the proposed Nursing Home (which provides for 111 bedroomed, associated ancillary facilities plus 24 hour staff).

There is reference in the TTA prepared by Aecom to ambulance and delivery parking associated with the nursing home. Ambulance parking or set down areas have not been identified on the Architectural drawing submitted with the application. A deliveries area is noted close to the eastern boundary of the site, this is the route which will be utilised to access the proposed 5 no. dwellings. It is not clear if the deliveries area is associated with the Nursing home, if it is, this will result in Nursing home generated traffic and residential traffic using this access. It is our view that this will ultimately result in traffic conflicts between delivery traffic, potentially ambulance traffic (if they are to use this – noting that this element of the proposal is not identified by the applicant), pedestrian, cyclist and residential vehicles. This will result in traffic hazards at this location.

In addition the statutory notices and the Design Statement refer to the provision of a hair salon, a function room and a cinema which will be available for public use. No car parking provisions has been made for these elements of the scheme, these elements of the proposal have not been referenced in the Traffic and Transport Assessment prepared by Aecom. The drawings and documentations provided with the planning application have failed to identify where ambulance services can be accommodated within the proposed development, given the scale of the Nursing home (111 no. bedrooms) it is considered that this is a critical omission from the planning application.

The proposal will result in a proliferation of vehicular entrances at this location for a variety of uses including residential, nursing home staff, visitors, deliveries, ambulances as well as visitors to the elements "open to the public" the hair salon, coffee shop, function room and cinema, which would give rise to traffic conflicts and a traffic hazard along Taylor's Lane.

We respectfully submit that given that there is a wider range of land uses being proposed, than indicated in the Aecom report, it is clear that the level of car parking is significantly deficient. It will undoubtedly result in haphazard car parking in surrounding residential streets resulting in a further traffic hazard and denudation of the residential amenity of the area. The proposed development should be refused on the basis of the proposed access and lack of car parking spaces; as well as the poorly design car parking layout in front of the protected structure.

Inadequate provision and poor location of cycle parking

The TTA prepared by Aecom identifies that the proposal provides for 29 no. cycle parking spaces. The proposal does not provide for cycle parking spaces associated with the hair salon, cinema or function room which the statutory notices identify as open to the public.

Part of the cycle parking associated with the nursing home is located outside of Newbrook House. It is proposed to provide internal bicycle parking within the ground level of the Nursing home block. It is our view that indoor bicycle parking is at a location which is difficult to access and its location despite being secure would be a significant deterrent to its usage by visitors. It is not clear how this bicycle parking area could be easily accessed by staff or visitors to the nursing home or indeed by visiting members of the public seeking to access the publicly accessible facilities on site.

Proposed 5 no. houses – Non Compliant with relevant Housing Standards

The proposed 5 no. 3 bed roomed terraced houses with a study and each will have a gross floor area of 142.9sqm. Based on the floor plans provided with the planning application we consider these to be family homes. The proposed dwellings are viewed on that basis as a separate entity from the Nursing home.

We draw the Planning Authorities attention once again to the lack of specific information which in our view is critical to the determination of this planning application. There is no Planners Report or attempt by the applicant to provide evidence as to how in their view the proposed development complies with the Development Plan standards for residential dwellings. We consider that the proposals have not demonstrated compliance with nor meet the criteria set out in section 11.3.2 of the Development Plan relating to infill development – the applicant has failed to demonstrate compliance with the urban design criteria with the documents submitted.

Having examined the proposed layouts of the proposed new dwellings and the drawings presented by Holmes Miller Architects it is noted that the proposed dwellings do not comply the housing standards set out in the relevant National Housing standards nor the standards set out in the South Dublin County Development Plan 2016-2022:

Internal Storage Proposals

The Quality Housing for Sustainable Communities Guidelines (2007) sets out in Table 5.1 that a 3 bed/6p House (3 storey) should include 6sqm of storage. The ground floor of the proposed dwelling (refer to the floor plans) includes a cloak room (1sqm) and a store (1sqm) and wardrobes at first floor. We note that the storage elements at ground floor level are small and it is considered that the storage areas will not be suitable for the storage of larger household items.

Inadequate Private Open Space Provisions for New Dwellings

The proposal provides 5 no. 3 storey 3 bed roomed dwellings c. 142 sqm. The Architectural drawings i.e the site layout plan shown a landscaped area to the rear of the proposed dwellings. The drawings do not show individual rear gardens associated with each dwelling nor the areas of any such rear garden provision. Having regard to the above, we refer the Planning Authority to Section 11.3.1 of the South Dublin County Development Plan 2016-2022 which sets out the minimum private open space provision for houses in Table 11.20 as being 60sqm for a 3 bedroom house and 70sqm for a 4 bedroom house.

The Development Plan states that: "*Development proposals for housing must be required to accord with or exceed the minimum private open space standards set out in Table 11.20. Open space should be located behind the front building line of the house and be designed to provide for adequate private amenity*". (our emphasis)

The proposed dwellings which are all 3 bedrooms plus a study require (at minimum) private open space of 60sqm if not 70sqm. The applicant has failed to demonstrate that the open space requirements have been accommodated within the subject site. This is contrary to Section 11.3.1 of the South Dublin Development Plan and Table 11.20 therein. In addition the proposed development is contrary to **Housing Policy 11 (H11 Objective 1)** and **Housing Policy 13 (H13 Objective 3)** of the County Development Plan. The proposed development should be refused on the basis of the above.

Land of information relating to existing Trees and Hedgerows as well as biodiversity within the Subject Site

There is reference to an Arborist Report in the documentation submitted within the planning application. Having examined the material submitted and available online via the SDCC portal it appears that an Arborist Report was not submitted. We note this is not included in the list of enclosures set out by the applicant's agent in their cover letter nor is it included on the South Dublin County Council website. There are existing trees and hedgerows within the subject site, there does not appear to be information relating to the location of the existing trees/hedgerows, their categorisation, their condition and whether they are to be removed or maintained within the subject site. These are important omissions from this planning application, given that the subject site includes a Protected Structure and its curtilage, we respectfully consider that the applicant has therefore not demonstrated compliance with objective HCL15 Objective 3 of the Development Plan.

Whilst the applicant has undertaken a bat survey on site, they appear not to have undertaken any reasonably considered ecological assessment of the impact of the proposed development. This is despite there being local evidence of badgers (including a sett) and otters that use the site as a habitat and for foraging; and the fact that the watercourse that runs through part of the site connects to the Owendoher River that is a feeding and commuting habitat for otters. The application and Appropriate Assessment submitted as part of the application completely fail to assess the impact of the proposed development on this important ecological habitat. In addition we note that the Appropriate Assessment fails to assess the impact of the proposal on the Owendoher River and its connectivity to Natura 2000 sites in Dublin Bay.

We also note that there is also a serious risk of contamination as chemicals have not been removed from the site that are a legacy issue from being a builder's providers.

Impact on Property Values

The proposed development will have a negative impact on the value of properties adjoining the boundaries of the subject site given the profound overbearing nature of the proposed development, loss of privacy, significant loss of residential amenity, traffic impacts arising and safety concerns which will occur as a consequence of the proposed development.

5. Conclusions

We respectfully submit that there are substantive and forceful arguments which when taken individually and collectively must lead the Council to a conclusion that the proposal would by virtue of its layout, height and scale as well as positioning relative to existing residential properties to the west and south would result in overlooking and be overbearing that would be seriously injurious to the residential and visual amenities of adjoining residents including those at Palmer Park, Pearse Brothers Park and Kingston Count and would therefore be contrary to the proper planning and sustainable development of the area.

We submit that the proposed development is excessive in scale and combined with the ill-considered layout that includes a sea of car parking to the front of the protected structure, will have a profoundly negative impact on the character and setting of Newbrook House (a Protected Structure). The proposed development will also lead to a significant traffic hazard on this busy road and haphazard and spill over car parking on surrounding residential streets.

When these and other elements are considered it is reasonable and correct to conclude that the proposed development will be contrary to HCLE 3 Objective 1 and Objective 2 of the Development Plan; and result in a

form and layout of development that is substandard for future residents of the proposed 5 no. dwellings contrary to national and local housing standards (including H11 Objective 1 and H13 Objective 3 of the Development Plan) as well as a poor form of accommodation for the future nursing home residents.

The proposal will have an overbearing and negative visual impact on the Protected Structure; and the proposed height and separation distances to nearby houses would be contrary to section 11.2.7 the South Dublin County Development Plan 2016-2022.

In conclusion, for all of the foregoing arguments, reasons and considerations, South Dublin County Council are invited to assess the subject application on its own individual merits and to **refuse planning permission** for this development. The proposed development, would seriously injure the residential and visual amenities and would be contrary to the proper planning and sustainable development of the area.

Yours faithfully,



Anthony Marston (MIPI, MRTPI)
Marston Planning Consultancy

An Rannóg Talamhúsáide, Pleanála agus Iompair
Land Use, Planning & Transportation Department
Telephone: 01 4149000 Fax: 01 4149104 Email: planning.dept@sdblincoco.ie

Marston Planning Consultancy
C/o Anthony Marston
23, Grange Park
Foxrock
Dublin 18

Date: 30-Sep-2021

Dear Sir/Madam,

Register Ref: SD21A/0232
Development: 3-4 storey nursing home building to consist of 111 bedrooms (with ensembles) and associated staff and resident welfare facilities, amenities and including extensive landscaped gardens. The protection and preservation of Newbrook House (a protected structure-Ref No 300) and incorporation with the construction of the new 3-4 storey nursing home. Formation of new vehicular access and pedestrian site access off Taylors Lane and associated landscaping works. Communal open space as well as other facilities open to the public such as hair salon, function suite and cinema. Provision of 18 parking spaces including 2 accessible spaces and 2 EV charging bays to service the nursing home. 24 short and long stay cycle parking spaces. 5 new 3 storey dwellings with associated parking landscaping and services.
Location: Lands to the south of Taylor's Lane, Ballyboden within the cutilage of Newbrook House
Applicant: Luxcare Limited
Application Type: Permission
Date Rec'd: 20-Aug-2021

I wish to acknowledge receipt of your submission in connection with the above planning application. The appropriate fee of €20.00 has been paid and your submission is in accordance with the appropriate provisions of the Planning and Development Regulations 2001(as amended). The contents of your submission will be brought to the attention of the Planning Officer during the course of consideration of this application.

This is an important document. You will be required to produce this document to An Bord Pleanála if you wish to appeal the decision of the Council when it is made. You will be informed of the decision in due course. Please be advised that all current applications are available for inspection at the public counter and on the Council's Website, www.sdblincoco.ie.

You may wish to avail of the Planning Departments email notification system on our website. When in the **Planning Applications** part of the Council website, www.sdblincoco.ie, and when viewing an application on which a decision has not been made, you can input your email address

into the box named **"Notify me of changes"** and click on **"Subscribe"**. You should automatically receive an email notification when the decision is made. Please ensure that you submit a valid email address.

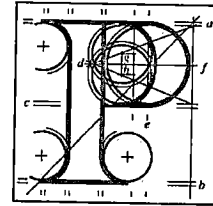
Please note: If you make a submission in respect of a planning application, the Council is obliged to make that document publicly available for inspection as soon as possible after receipt. Submissions are made available on the planning file at the Planning Department's public counter and with the exception of those of a personal nature, are also published on the Council's website along with the full contents of a planning application.

Yours faithfully,

M. Furney
for **Senior Planner**

Our Case Number: ABP-314004-22

Planning Authority Reference Number: SD21A/0232



**An
Bord
Pleanála**

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24

Land Use Planning & Transportation

08 JUL 2022

South Dublin County Council

Date: 07 July 2022

Re: 3-4 storey nursing home building, the protection and preservation of Newbrook House (a Protected Structure) new vehicular access and pedestrian access off Taylors Lane, communal open space and facilities open to the public such as hair salon, function suite and cinema, 18 parking spaces including 2 accessible spaces and 2 EV charging bays to service the nursing home. 24 cycle parking spaces. 5 three-storey dwellings with associated parking landscaping and services. Lands to the south of Taylor's Lane, within the cutilage of Newbrook House, a Protected Structure, Taylor's Lane, Ballyboden, , Dublin 16

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). Please forward, **within a period of 2 weeks beginning on the date of this letter, the following documents:-**

- (i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,
- (ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,
- (iii) a certified copy of the relevant Manager's Order giving the decision of the planning authority,
- (iv) a copy of the notification of decision given to the applicant,

Teil	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde 64 Marlborough Street
Baile Átha Cliath 1 Dublin 1
D01 V902 D01 V902

scaled and incongruously designed Nursing Home, commercial elements and the 5 no. new dwellings provided for within the subject site.

We submit that the proposed development remains excessive in scale and combined with the ill-considered layout that includes a sea of car parking to the front of the protected structure, will have a profoundly negative impact on the character and setting of Newbrook House (a Protected Structure). The proposed development will also lead to a significant traffic hazard on this busy road and haphazard and spill over car parking on surrounding residential streets.

When these and other elements are considered it is reasonable and correct to conclude that the proposed development will be contrary to HCLE 3 Objective 1 and Objective 2 of the Development Plan; and result in a form and layout of development that is substandard for future residents of the proposed 5 no. dwellings contrary to national and local housing standards (including H11 Objective 1 and H13 Objective 3 of the Development Plan) as well as a poor form of accommodation for the future nursing home residents. The proposal will also create a serious traffic hazard by the creation of two entrances on Taylor's Lane that was a significant concern of the Roads Department under their original assessment of the application.

The proposal will have an overbearing and negative visual impact on the Protected Structure; and the proposed height and separation distances to nearby houses would be contrary to section 11.2.7 the South Dublin County Development Plan 2016-2022 and the content of the new County Development Plan.

Screening for Environmental Impact Assessment

It is noted that the application includes no Screening for Environmental Impact Assessment. We refer An Bord Pleanála to the recent judgment by Justice Humphrey on 10th May 2021 in *Waltham Abbey Residents Association v An Bord Pleanála & Ors*¹ which referred matters relating to screening for Environmental Impact Assessment. We refer An Bord Pleanála to the list of items that should be considered as part of the screening exercise as set out in paragraph 22 of the judgment. The lack of a screening report should be scrutinised in this regard.

Screening for Appropriate Assessment

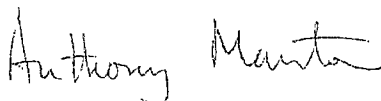
The application includes a Screening Report for Appropriate Assessment of the proposed development. This Screening Report, fails to recognise the connection between the Wicklow Mountains SAC and the adjacent watercourse, which forms an important habitat. This failure must draw into question any of the conclusions of the Screening Report.

For the convenience of the Board we have attached our original objection to the planning application as originally submitted to this appeal (Appendix A).

We request that An Bord Pleanála overturn the Planning Authorities decision based on these considered and objective planning matters and to refuse permission based on the grounds set out above in terms of overdevelopment; overbearing impacts; negative impact on the setting negative impacts on residential and visual amenities and would be contrary to the proper planning and sustainable development of the area including the preservation and improvement of amenities thereof.

We look forward to a favourable decision in due course.

Yours faithfully,



Anthony Marston (MIPI, MRTPI)
Marston Planning Consultancy

¹ [2021] IEHC 312

MARSTON

PLANNING CONSULTANCY APPENDIX A

Planning Department,
South Dublin County Council,
County Hall,
Tallaght,
Dublin 24

20th September 2021

Our Ref. 21101

Re: Planning & Development Act 2000 and the Statutory Regulations made thereunder. Objection on behalf of Ballyboden Tidy Towns Group, 17 Glendoher Close, Rathfarnham, Dublin 16 in relation to the proposed development to construct a 3-4 storey nursing home building to consist of 111 bedrooms (with en-suites) and associated staff and resident welfare facilities, amenities and including extensive landscaped gardens. The protection and preservation of Newbrook House (a protected structure-Ref No 300) and incorporation with the construction of the new 3-4 storey nursing home. Formation of new vehicular access and pedestrian site access off Taylors Lane and associated landscaping works. Communal open space as well as other facilities open to the public such as hair salon, function suite and cinema. Provision of 18 parking spaces including 2 accessible spaces and 2 EV charging bays to service the nursing home. 24 short and long stay cycle parking spaces. 5 new 3 storey dwellings with associated parking landscaping and services at lands to the south of Taylor's Lane, Ballyboden within the curtilage of Newbrook House, Taylors Lane, Rathfarnham, Dublin 16.

South Dublin County Council Reg. Ref. SD21A/0232

Date of lodgement: 20th August 2021

Last day for making a submission/objection/observation: on or before 23rd September 2021

Dear Sir / Madam

We, Marston Planning Consultancy, 23 Grange Park, Foxrock, Dublin, D18 T3Y4, are instructed by our clients Ballyboden Tidy Towns Group, 17 Glendoher Close, Rathfarnham, Dublin 16 to lodge this objection on their behalf in relation to the development described above by the applicant Luxcare Limited as submitted to South Dublin County Council on 20 August 2021.

In compliance with the statutory regulations we enclose payment for the sum of €20.00 as the statutory fee in this instance for the making of an objection to South Dublin County Council. Our submission and the full reasons and considerations upon which this is based are set out below. We confirm that the submission is made within the statutory five week period for observations in accordance with the Planning and Development Regulations 2001 (as amended). We can confirm that we have visited the subject site and the adjoining area, inspected the planning file and reviewed the existing site and its relationship with adjoining properties and the wider receiving environment.

We note that the applicant has indicated that there were pre-planning discussion with South Dublin County Council in advance of making this application, however the planning application does not set out any details relating to these discussions.

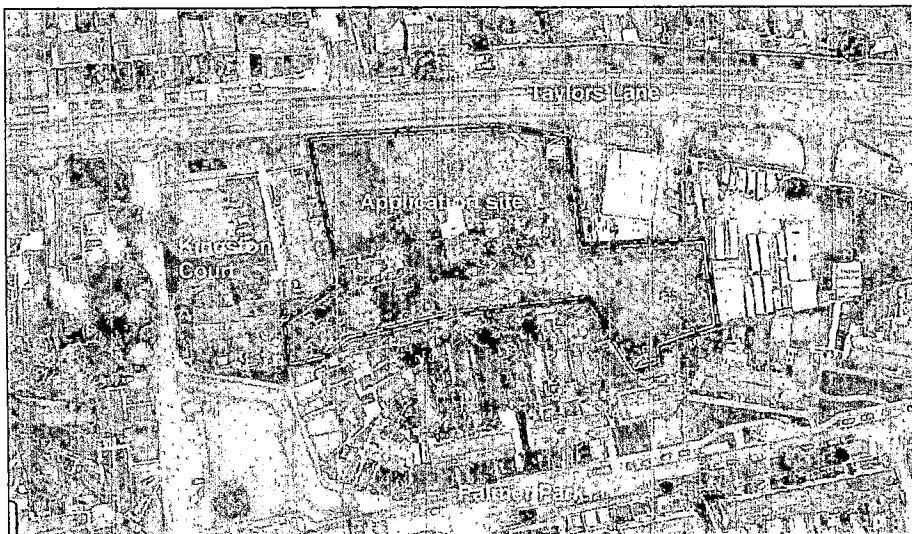
We respectfully submit that the material presented with this planning application is contrary to the Planning & Development Regulations 2001 (as amended) as detailed herein. We submit that it should be invalidated by South Dublin County Council. Notwithstanding this, in the event that the planning authority proceeds with the assessment of this planning application we have set out the grounds of our clients objections herein for the benefit of the Planning Authority.

Reasons for invalidity of planning application

- Statutory notices non-compliant with Planning Regulations– the description of development does not include reference to demolition of existing buildings within the subject site. The application form item 12 refers to the demolition of 336sqm buildings. In addition the drawings enclosed identify buildings to be demolished. The statutory notices are deficient and do not comply with the Planning & Development Regulations 2001 (as amended).
- Site Location Plan – Site Notices are shown beyond the red line area and appear to be identified along a path along Taylors Lane. The Planning Authority should scrutinise the location of the notices. They should be located on the red line or at a point nearest the red line on a public road.
- Existing and Proposed elevations non-compliant with Planning Regulations – The elevations enclosed with the planning application do not include principle dimensions - contrary to the Planning & Development Regulations 2001 (as amended).
- Existing Floor Plans non-compliant with Planning Regulations -The existing floor plans relating to Newbrook House (including drawing no. 4801-HML-ZZ-ZZ-DR-A-10012 prepared by Holmes Miller Architects) do not include principle dimensions – contrary to article the Planning & Development Regulations 2001 (as amended).
- Demolition proposals – Contrary to Planning and Development Regulations 2001 (as amended) the applicant has failed to include demolition drawings as part of the planning application package. Demolition of 336sqm is referenced in the Application Form.
- Inadequate drawings relating to the Protected Structure – The applicant has failed to include plans and elevations that clearly identify the works to the Protected Structure in order to identify what level of intervention is required to connect the existing Protected Structure to the proposed new Nursing Home
- Application Form Inconsistent references to the quantum of proposed development– There are inconsistencies in responses to items 12 and items 13 of the planning application form. Item 12 identifies the area of the proposed development as 5825sqm. However in response to item 13 the applicant has set out that the proposal delivers a Nursing Home of 5268sqm and Housing of 715 sqm. This equates to 5,983sqm. Some 158 sqm more development than identified in response to item 12. As a result it is unclear what quantum of development is proposed within the subject site. It is not expressly set out in the statutory notices.
- Ardpoint Report – dated July 2021 – Issue 2 – this report refers to the provision of a 90 bedroomed nursing home and includes a layout of that version of proposals. The proposal before the Planning Authority is for a 111 no. bedroomed nursing home and all associated ancillary elements. The report does not specifically relate to the development which the applicant is applying for.

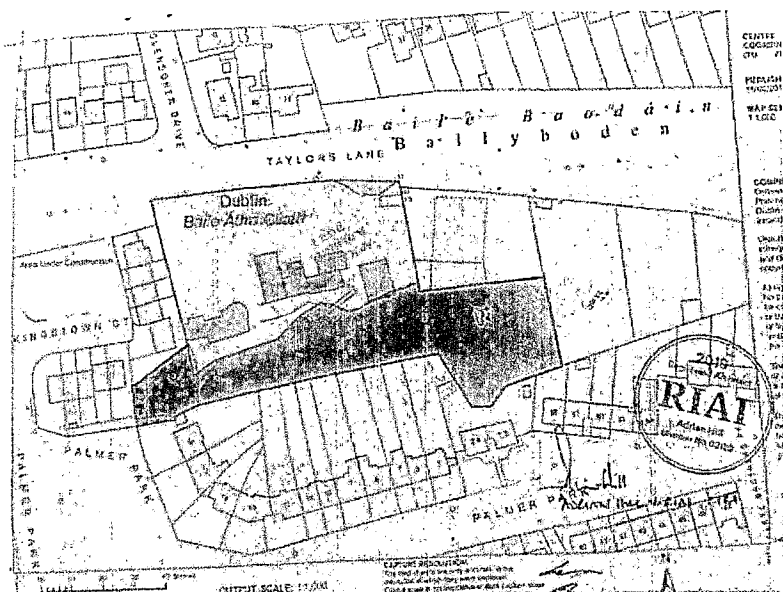
1. Subject Site – Context

The subject site of c. 0.6388ha. includes Newbrook House (a Protected Structure) and its associated grounds that are located to the south of Taylor's Lane, Ballyboden. There are also a series of out buildings/sheds that may have formed part of the former paper mill within the subject site. Newbrook House dates from 18th century and was associated with the paper mill that was located on the site. The site includes areas of hard standing, a watercourse (a mill race associated with the paper mill use), hedgerows and trees primarily located along the southern and western boundary. The existing buildings within the subject site are well set back from Taylors Lane.



Aerial View of subject site (source – Google maps)

The application identifies that the site is gated, not in use at present, builders providers and with the most recent use being as a construction compound for the SDCC Green Route realignment of Taylor's Lane. It is our understanding that the possession of the rear part of the site is significantly open to question. The applicants appear to not hold title to a significant part of the site. For this reason alone, and given that no letter of consent was provided from the owners, we respectfully request the Council to invalidate the application. The extent of the land over which it is our understanding the applicant has no title to the lands is outlined below (shaded blue)



Land not currently owned by the applicant shaded blue

The site is generally bound by existing residential streets at Palmer Park and Kingston Court to the south and west; a petrol station as well as a coach depot to the east; and by Taylors Lane (R113) and linear residential development along this route as well as the junction with Glendoher Drive. There are ten no. residential properties within Kingston Court to the west of the site of which five (nos. 3 – 7 Kingston Court)

share a boundary with the subject site. There are 17 no. residential properties and their associated gardens to the south of the site. 16 no. properties (1-16 Palmer Park) share a boundary with the subject site as does No. 88 Pearse Brothers Park.



Aerial view from Taylors Lane looking towards subject site – Newbrook House in right hand side of image above (source-Google Maps)

The topography of the site varies, and the Design Statement prepared by Holmes Miller Architects identifies it as a constraint to the future development and access to the subject site. They identify that the ground level raises from Taylors Lane by approx. 3.2m to the southern boundary.

The subject site is zoned RES - 'To protect and / or improve Residential Amenity' as per the South Dublin Development Plan 2016-2022. Nursing home and residential uses are permitted in principle under this zoning. We would urge the Planning Authority to consider whether the proposed hair salon, cinema and function room (all of which are identified as open to the public) fits within the use classes permitted in principle and open for consideration in RES zoning terms. The planning application identifies that the closest Dublin Bus stop to the subject site is 100m away on Taylors Lane.

2. Planning History –Summary

There is no recent planning history available for the subject site. Having examined the planning history at the subject site, it is noted that there is no evidence of any large scale development being proposed at the subject site prior to the lodgement of this planning application. It is however notable that there has been some enforcement proceedings brought in relation to the site.

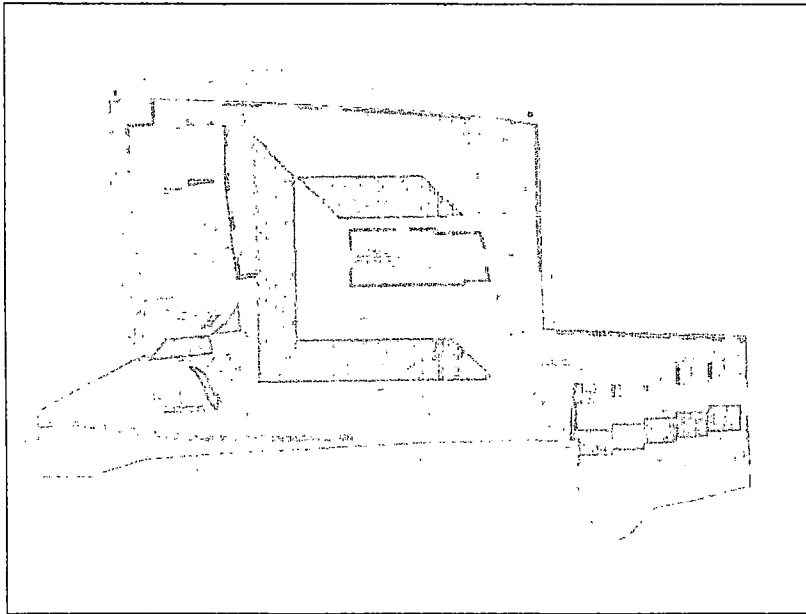
3. Proposed Development

The proposed development is located on lands to the south of Taylor's Lane, Ballyboden within the curtilage of Newbrook House. The proposal provides for the refurbishment of Newbrook House (a Protected Structure) and the construction of a substantial extension all to provide Nursing Home facilities, a hair salon, function suite, cinema and a terrace of 5 new dwellings.

Works are proposed to Newbrook House that would be linked via a glazed link to a new 3-4 storey Nursing Home block of 111 no. bedrooms to be constructed in a letter 'C' configuration with the open part to the east. The nursing home will also include staff and resident welfare facilities, amenities and landscaped gardens. The proposed 5 no. dwellings are located to the rear of the petrol station. The proposed houses are located at the south-east corner of the site and back onto existing residential development at Palmer Park and Pearce Brothers Park. The development will also include communal open space as well as other facilities open to the public – a hair salon, function suite and cinema. The proposal includes for two new vehicular access points into the site off Taylor's Lane. The western vehicular access provides access to the nursing home; with the eastern access providing access to the 5 houses and their associated car parking spaces.

We refer the Planning Authority to the fact that the applicant has failed to provide a schedule of areas for the proposed development. There are different quantum of development referenced within the planning application particulars, by way of example the planning application form references proposed development areas of 5,825sqm and 5,983sqm (refer to item 12 and 13 responses on the form).

The proposal requires the demolition of some of the existing structures within the site. This is not identified on the statutory notices. In addition the nature and extent of the proposed development as it relates to Newbrook House (a Protected Structure) has not been identified within the statutory notices. The notices are vague in terms of the nature and extent of the proposals to Newbrook House. As well as internal alteration to the Protected Structure a glazed link is to be inserted to link the Newbrook House with the new 111 bedroom Nursing Home block.



Extract from Proposed Site Layout Plan – drawing no.4801-HML-ZZ-ZZ-DR-A-10100 prepared by Holmes Miller Architects

The application material claims the stone wall addressing Taylors Lane is to be maintained. However, we note from an examination of the site layout plan prepared by Holmes Miller Architects that there are 2 no. vehicular access points proposed off Taylors Lane. Therefore part of the wall must be removed to provide this. One of the vehicular entrances and internal road serves the nursing home, the access is located at the western corner of the site and channels vehicles to surface car parking along the western site boundary close to the existing residents at Kingston Court. A separate vehicular entrance to the proposed 5 no. new dwellings is located at the north-eastern corner of the subject site immediately adjacent to the exit from the petrol station.

Overall 25 car parking spaces are proposed for this development with 18 no. spaces provided for the Nursing Home and an additional 7 no. spaces provided for the 5 no. new dwellings. The quantum of parking for the new dwellings is not referenced within the statutory notices, nor is there any reference to the provision of car parking associated with the proposed hair salon, function suite or cinema that are referenced on the statutory notices as *"open to the public"*. It is noted that the Design Statement also refers to the provision of community resources – one of the diagrams refers to the provision of a library and café which are not referenced in the statutory notices.

We have also noted that there is an absence of detail in relation to the boundaries (if any) and inter-dependency between the proposed nursing home and the proposed 5 no. dwellings. No specific operational connection is referenced between these elements of the proposal.

Having examined the material submitted as part of this planning application it is considered that the proposed development is excessive in scale and will have a profoundly negative impact on the character and setting of Newbrook House (a Protected Structure), the residential amenity of adjoining dwellings; the overall area and would set an undesirable precedent; result in traffic hazards; create a poor form of residential development for future occupants of the nursing home as well as the 5 no. proposed dwellings that must lead to the refusal of this application in this instance. In addition there are a series of inconsistencies, instances of non-compliance with the Planning & Development Regulations 2001 (as amended) and omissions from the planning application documents, plans and particulars which deem this application to be invalid.

Despite the close proximity of the new Nursing Home to Taylors Lane the applicant has failed to include a Noise Assessment as part of the planning application package. We would query the suitability of the location of bedroom accommodation for nursing home residents, quiet rooms and day rooms in close proximity to a busy traffic route. The applicant has not provided a justification report for the proposed Nursing Home nor any indication of how the proposed Nursing Home meets best practice standards for such facilities.

4. Grounds for objection

The full grounds of our clients' submission together with the arguments, reasons and considerations upon which they are based are set out below. We respectfully submit that the proposed development, by reason of its design, layout, size, height, mass and scale amounts to an overdevelopment the subject site (which includes a Protected Structure) in order to provide a Nursing Home, hair salon, function room, cinema, 5 no. dwellings and all associated ancillary elements. The proposed development will be visually dominant at this location and would result in an adverse impact on the existing residential properties at its boundaries at Kingston Court, Palmer Park, Pearse Brother Park and the existing dwellings to the north along Taylors Lane.

In addition, we submit that the proximity of the proposed development to adjoining residential development, the excessive scale, form and design of the proposal, would seriously injure the residential and visual amenities of adjoining properties, particularly, by reason of its dominant appearance and overshadowing of the adjoining residents at Kingston Court, Palmer Park and Pearse Brothers Park. The applicants in this case have failed to take into account the residential and visual amenities in the design of the proposed over-scaled and incongruously designed Nursing Home, commercial elements and the 5 no. new dwellings provided for within the subject site.

Overall the planning application is substantially lacking in terms of detailed material and assessment. The validity of the planning application is called into question on that basis (we refer the planning authority to the list of items set out at the end of this objection).

Overdevelopment of the subject site

The scale of the proposed development within a confined site which includes a Protected Structure (Newbrook House), will result in a form of development which will be over-dominant at this location. The proposal will be out of character with the area and set an undesirable precedent.

Given the scale of the proposal and taking into account the two storey character of the surrounding area, we submit that the proposed development would be overtly visually dominant at this location. We consider that by virtue of its design and scale, the proposed nursing home and new dwellings would fail to integrate with the existing adjoining residential properties, resulting in an adverse impact on the character of the area. The new nursing home block would result in a dominant form of development in close proximity to Newbrook House and would as a result of its mass, height, scale and location negatively impact on the character and setting of the Protected Structure. This is contrary to best conservation practices (which is discussed further below).

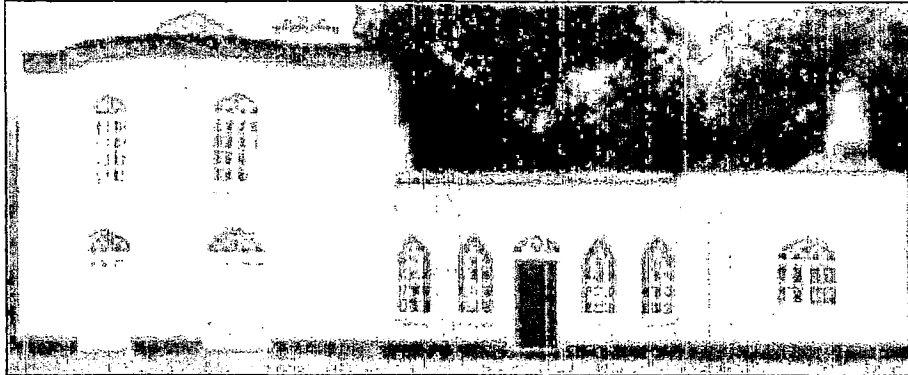
The scale and massing of proposed development at this confined site is unacceptable and indicates a complete and utter disregard for the presence of a Protected Structure within the site as well as the residential amenity of adjoining residences. The proposal amounts to a clear over-development of the subject site. We submit that by virtue of its size, height and scale, the proposed development for a Nursing Home of 3-4 storey and 5 no. dwellings of 3 storey would not integrate with the surrounding area or the adjoining properties.

Accordingly, we respectfully submit that the development should be refused for reasons of its adverse impact on the residential and visual amenity of the area.

Negative Impact on the setting of Newbrook House (A Protected Structure) and its curtilage

While the principle of refurbishing and the adaptive reuse of the Protected Structure is to be welcomed, the manner in which the proposed development seeks to do so will, without doubt, have a profoundly negative impact on the character and setting of the Protected Structure.

The mass, scale and height of the proposed Nursing Home block which is linked to the Protected Structure via a glazed link will project the building line close significantly forward onto Taylors Lane and will as a result of the proposed built form overpower Newbrook House. The proposed location of the car parking associated with the Nursing Home directly in front of Newbrook House will also contribute to the erosion of the setting and character of the Protected Structure. Ultimately the proposals will alter the setting and character of the Protected Structure in a manner which is contrary to its protected status under the Planning & Development Act 2000 (as amended).



Newbrook House in c. 2006

The planning application includes a Conservation Report dated 27 July 2021 prepared by Holmes Miller Architects. Having examined the document we consider that it is deficient in terms of the following:

- The report does not identify the nature of discussions with South Dublin County Council in advance of lodging this application and how the proposal responds to the discussions,
- The Conservation Report does not specifically identify the list of interventions proposed to Newbrook House,
- There is no analysis of the impacts of the proposed development on the Protected Structure at Newbrook House and its setting,
- There is no evidence of the consideration of alternatives layout options within the subject site,
- There is no reference to other buildings apart from Newbrook House within the subject site, despite the fact that elsewhere in the application there is reference to the demolition of existing buildings equating to 336sqm that local residents contend are part of the original paper mill on the site. These have not been surveyed as part of the Conservation Report even though they are to be demolished and are within the curtilage of the Protected Structure, and
- There is very limited information relating to the proposals for the Mill Race, it is stated that the Mill Race "is to be taken further out of the culvert and used as a landscape feature". It is not clear what works this involves and where this is addressed in the planning application.

We consider that the information listed above is critical to the Planning Authority and the Conservation Sections analysis and robust assessment of the proposed development.

Furthermore, having reviewed the proposed application we submit that the bulk, mass, height and scale of the proposed 3 - 4 storey Nursing Home block will result in a form of development which will overwhelm Newbrook House and irrevocably alter the character and setting of the Protected Structure. We submit that such negative impacts are contrary best conservation practice as set out within the Architectural Heritage Guidelines and contrary to HCL3 Objective 1 and Objective 2 of the South Dublin Development Plan 2016-2022, and should be refused on that basis.

Negative impacts on Residential Amenity – Overbearing, loss of privacy and overlooking

This section examines the negative impacts arising from the proposed development in terms of adjoining residents at Kingston Court, Palmer Park and Pearse Brothers Park. These properties are examined in turn below. The proposed development has failed to have regard to the residential amenity directly adjoining the subject site.

Negative Impact on properties at Kingston Court (to the west of the subject site)

The proposed development adjoins and shares a boundary with 5 residential properties, no. 3,4,5,6 and 7 Kingston Court to the west of the subject site. These are modest 2 storey with the corner unit being three

storey dwellings with small back gardens that are only 5m in depth. The Architectural drawings do not expressly set out the distance to these properties from the new Nursing Home block. However, having examined the site layout plan, the elevations and given the topography of the subject site we conclude that the proposed development will be c. 30m (within 35m) from their rear elevation and with a large dining room / function suites at 1st and 2nd floor level and a smaller dining and day room plus balcony at the upper floor. The proposal will be visually dominant when viewed from Kingston Court resulting in a significant and material loss of privacy.

In addition the proposal provides for 18 no. car parking spaces associated with the nursing home at and close to the boundary with Kingstown Court, the Nursing home will operate on a 24 hour basis (which day and night shift staff) as a result there will be traffic coming and going to this facilities 24 hours a day. This will cause daytime as well as night time noise impacts for the existing residents at Kingston Court depleting their residential amenity. This will compromise the internal residential amenity within our client's property. This is contrary to the zoning objective as well as the proper planning and sustainable development of the area. The proposed development should be refused on that basis.

Negative Impact on properties at Palmer Park and Pearse Brothers Park (adjoining the site to south)

17 no. residential properties and their associated outdoor amenity areas are located to the south of the site. 16 no. properties (1-16 Palmer Park) share a boundary with the subject site as does No. 88 Pearse Brothers Park. The rear and in some cases side gardens of these residential properties adjoin the subject site. The proposed 5 no. dwellings and the proposed 3-4 storey Nursing Home block are located in close proximity to the rear gardens of the existing properties at Palmer Park and Pearse Brothers Park. The four storey part of the nursing home will be located only 11m from their shared boundary with properties along Palmer Park that will be profoundly overlooked as a result of the proposed development. This is further compounded by the significant levels of fenestration within the southern elevation of the Nursing Home. This will result in a loss of privacy and enjoyment of the outdoor amenity areas by existing residents of Palmer Park. This is contrary to the zoning objective of the area.

The proposed 5 no. dwellings to be located in the south-east corner of the site are all 3 storey and are located in close proximity to the nearest existing dwelling to the south of the subject site. We respectfully submit that they will negatively impact upon the residential amenity of these nearest houses as a result of overlooking due to their three storey height.

The proposed development is contrary to the provision of Section 11.2.7 of the Development Plan, relating to Building Height, which states that:

"The proximity of existing housing - new residential development that adjoins existing one and/or two storey housing (backs or sides onto or faces) shall be no more than two storeys in height, unless a separation distance of 35 metres or greater is achieved."

We note that the site layout plan identifies that the 3 storey dwellings and nursing home are significantly less than 35m from the adjoining 2 storey dwellings.

In addition it is noteworthy that section 11.2.7 of the Development Plan is clear that there is a requirement of 35m or greater between new and proposed dwellings that is not achieved by the proposed dwellings or nursing home. In addition contrary to section 11.2.7 the applicant has proposed 5 no. dwellings which are 3 storey. When in fact section 11.2.7 requires that new residential development adjoining existing housing of one and/or two storey should be not more than two storey in height.

The proposed development should be refused on that basis.

We respectfully submit that the design proposal has had little if any regard to adjoining residential amenities. The nature of the proposal would clearly set an undesirable precedent that has the potential to devalue neighbouring and other properties in the immediate vicinity. This is contrary to the zoning at the subject site. Accordingly, we respectfully submit that the development should be refused for reasons of its adverse impact on the residential and visual amenity of the area.

Negative Visual Impact arising from the Proposed Development along Taylors Lane

The proposed 3-4 storey nursing home development brings the building line within the subject site significantly forward of the building line set by the County Council at Kingston Court to the west and right up to the boundary of the site with Taylors Lane. The existing Newbrook House and its associated building complex are significantly set back within the subject site some 40m from the front boundary. The proposed development will introduce a bulky form of development along Taylors Lane which will be visually dominant and austere in nature. The new built form will be the dominant form of development within the site, Newbrook House will be engulfed by the new built elements, it will regress within the site appearing as a very minor element of this excessive scheme. In essence its public setting will be entirely lost to only a partial glimpse through a sea of car parking from the proposed new entrance.

The bulk, height and scale of the proposed building will be compounded by the topography of the subject site that rises to the south. As a result the proposed 3-4 storey nursing home will read as much taller as it steps back within the site. The negative visual impact arising is particularly evident from the images included within the planning application (two of which are included above) when viewed from the direction of Kingston Court to the immediate west of the subject site.

Traffic Hazards Arising from Inappropriate Entrance Arrangements & Car Parking Provisions

The proposed development provides for 2 new vehicular entrances from Taylors Lane, one to serve the Nursing Home and a separate entrance to serve the 5 no. proposed dwellings. We note that the vehicular entrance for the proposed 5 no. dwellings is located in very close proximity to the petrol station to the east of the site. The entrance to the 5 no. dwellings is generally located where the existing gated access to the subject site is located. The documentation submitted with the planning application does not specifically identify what modifications are required to the existing entrance (if any) to accommodate the proposed development.

We note that the proposal provides for 19 no. car parking spaces on either side of an internal street directly in front of Newbrook House (a Protected Structure). This in our opinion will detract from the setting of the Protected Structure. We respectfully submit that the argument made by the applicant that they are maintaining views from the Protected Structure in that they are not building in front of it as a weak argument for the overall development strategy being proposed on the site. The provision of car parking spaces directly in front of the Protected Structure, with the scale of the 3 / 4 storey nursing home will significantly detract from the character and setting of the protected structure.

The proposed car parking layout for the nursing home as well as the proposed 5 no. houses is extremely confined in nature. The applicant has failed to include any details of car parking assessments or evidence of the workability of the proposed car parking layouts at the subject site particularly in terms of the day to day operation of the proposed Nursing Home (which provides for 111 bedroomed, associated ancillary facilities plus 24 hour staff).

There is reference in the TTA prepared by Aecom to ambulance and delivery parking associated with the nursing home. Ambulance parking or set down areas have not been identified on the Architectural drawing submitted with the application. A deliveries area is noted close to the eastern boundary of the site, this is the route which will be utilised to access the proposed 5 no. dwellings. It is not clear if the deliveries area is associated with the Nursing home, if it is, this will result in Nursing home generated traffic and residential traffic using this access. It is our view that this will ultimately result in traffic conflicts between delivery traffic, potentially ambulance traffic (if they are to use this – noting that this element of the proposal is not identified by the applicant), pedestrian, cyclist and residential vehicles. This will result in traffic hazards at this location.

In addition the statutory notices and the Design Statement refer to the provision of a hair salon, a function room and a cinema which will be available for public use. No car parking provisions has been made for these elements of the scheme, these elements of the proposal have not been referenced in the Traffic and Transport Assessment prepared by Aecom. The drawings and documentations provided with the planning application have failed to identify where ambulance services can be accommodated within the proposed development, given the scale of the Nursing home (111 no. bedrooms) it is considered that this is a critical omission from the planning application.

The proposal will result in a proliferation of vehicular entrances at this location for a variety of uses including residential, nursing home staff, visitors, deliveries, ambulances as well as visitors to the elements "open to the public" the hair salon, coffee shop, function room and cinema, which would give rise to traffic conflicts and a traffic hazard along Taylor's Lane.

We respectfully submit that given that there is a wider range of land uses being proposed, than indicated in the Aecom report, it is clear that the level of car parking is significantly deficient. It will undoubtedly result in haphazard car parking in surrounding residential streets resulting in a further traffic hazard and denudation of the residential amenity of the area. The proposed development should be refused on the basis of the proposed access and lack of car parking spaces; as well as the poorly design car parking layout in front of the protected structure.

Inadequate provision and poor location of cycle parking

The TTA prepared by Aecom identifies that the proposal provides for 29 no. cycle parking spaces. The proposal does not provide for cycle parking spaces associated with the hair salon, cinema or function room which the statutory notices identify as open to the public.

Part of the cycle parking associated with the nursing home is located outside of Newbrook House. It is proposed to provide internal bicycle parking within the ground level of the Nursing home block. It is our view that indoor bicycle parking is at a location which is difficult to access and its location despite being secure would be a significant deterrent to its usage by visitors. It is not clear how this bicycle parking area could be easily accessed by staff or visitors to the nursing home or indeed by visiting members of the public seeking to access the publicly accessible facilities on site.

Proposed 5 no. houses – Non Compliant with relevant Housing Standards

The proposed 5 no. 3 bed roomed terraced houses with a study and each will have a gross floor area of 142.9sqm. Based on the floor plans provided with the planning application we consider these to be family homes. The proposed dwellings are viewed on that basis as a separate entity from the Nursing home.

We draw the Planning Authorities attention once again to the lack of specific information which in our view is critical to the determination of this planning application. There is no Planners Report or attempt by the applicant to provide evidence as to how in their view the proposed development complies with the Development Plan standards for residential dwellings. We consider that the proposals have not demonstrated compliance with nor meet the criteria set out in section 11.3.2 of the Development Plan relating to infill development – the applicant has failed to demonstrate compliance with the urban design criteria with the documents submitted.

Having examined the proposed layouts of the proposed new dwellings and the drawings presented by Holmes Miller Architects it is noted that the proposed dwellings do not comply the housing standards set out in the relevant National Housing standards nor the standards set out in the South Dublin County Development Plan 2016-2022:

Internal Storage Proposals

The Quality Housing for Sustainable Communities Guidelines (2007) sets out in Table 5.1 that a 3 bed/6p House (3 storey) should include 6sqm of storage. The ground floor of the proposed dwelling (refer to the floor plans) includes a cloak room (1sqm) and a store (1sqm) and wardrobes at first floor. We note that the storage elements at ground floor level are small and it is considered that the storage areas will not be suitable for the storage of larger household items.

Inadequate Private Open Space Provisions for New Dwellings

The proposal provides 5 no. 3 storey 3 bed roomed dwellings c. 142 sqm. The Architectural drawings i.e the site layout plan shown a landscaped area to the rear of the proposed dwellings. The drawings do not show individual rear gardens associated with each dwelling nor the areas of any such rear garden provision. Having regard to the above, we refer the Planning Authority to Section 11.3.1 of the South Dublin County Development Plan 2016-2022 which sets out the minimum private open space provision for houses in Table 11.20 as being 60sqm for a 3 bedroom house and 70sqm for a 4 bedroom house.

The Development Plan states that: *“Development proposals for housing must be required to accord with or exceed the minimum private open space standards set out in Table 11.20. Open space should be located behind the front building line of the house and be designed to provide for adequate private amenity”.* (our emphasis)

The proposed dwellings which are all 3 bedrooms plus a study require (at minimum) private open space of 60sqm if not 70sqm. The applicant has failed to demonstrate that the open space requirements have been accommodated within the subject site. This is contrary to Section 11.3.1 of the South Dublin Development Plan and Table 11.20 therein. In addition the proposed development is contrary to **Housing Policy 11 (H11 Objective 1) and Housing Policy 13 (H13 Objective 3)** of the County Development Plan. The proposed development should be refused on the basis of the above.

Land of information relating to existing Trees and Hedgerows as well as biodiversity within the Subject Site

There is reference to an Arborist Report in the documentation submitted within the planning application. Having examined the material submitted and available online via the SDCC portal it appears that an Arborist Report was not submitted. We note this is not included in the list of enclosures set out by the applicant's agent in their cover letter nor is it included on the South Dublin County Council website. There are existing trees and hedgerows within the subject site, there does not appear to be information relating to the location of the existing trees/hedgerows, their categorisation, their condition and whether they are to be removed or maintained within the subject site. These are important omissions from this planning application, given that the subject site includes a Protected Structure and its curtilage, we respectfully consider that the applicant has therefore not demonstrated compliance with objective HCL15 Objective 3 of the Development Plan.

Whilst the applicant has undertaken a bat survey on site, they appear not to have undertaken any reasonably considered ecological assessment of the impact of the proposed development. This is despite there being local evidence of badgers (including a sett) and otters that use the site as a habitat and for foraging; and the fact that the watercourse that runs through part of the site connects to the Owendoher River that is a feeding and commuting habitat for otters. The application and Appropriate Assessment submitted as part of the application completely fail to assess the impact of the proposed development on this important ecological habitat. In addition we note that the Appropriate Assessment fails to assess the impact of the proposal on the Owendoher River and its connectivity to Natura 2000 sites in Dublin Bay.

We also note that there is also a serious risk of contamination as chemicals have not been removed from the site that are a legacy issue from being a builder's providers.

Impact on Property Values

The proposed development will have a negative impact on the value of properties adjoining the boundaries of the subject site given the profound overbearing nature of the proposed development, loss of privacy, significant loss of residential amenity, traffic impacts arising and safety concerns which will occur as a consequence of the proposed development.

5. Conclusions

We respectfully submit that there are substantive and forceful arguments which when taken individually and collectively must lead the Council to a conclusion that the proposal would by virtue of its layout, height and scale as well as positioning relative to existing residential properties to the west and south would result in overlooking and be overbearing that would be seriously injurious to the residential and visual amenities of adjoining residents including those at Palmer Park, Pearse Brothers Park and Kingston Court and would therefore be contrary to the proper planning and sustainable development of the area.

We submit that the proposed development is excessive in scale and combined with the ill-considered layout that includes a sea of car parking to the front of the protected structure, will have a profoundly negative impact on the character and setting of Newbrook House (a Protected Structure). The proposed development will also lead to a significant traffic hazard on this busy road and haphazard and spill over car parking on surrounding residential streets.

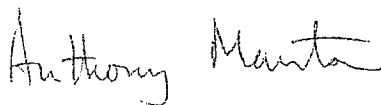
When these and other elements are considered it is reasonable and correct to conclude that the proposed development will be contrary to HCLE 3 Objective 1 and Objective 2 of the Development Plan; and result in a

form and layout of development that is substandard for future residents of the proposed 5 no. dwellings contrary to national and local housing standards (including H11 Objective 1 and H13 Objective 3 of the Development Plan) as well as a poor form of accommodation for the future nursing home residents.

The proposal will have an overbearing and negative visual impact on the Protected Structure; and the proposed height and separation distances to nearby houses would be contrary to section 11.2.7 the South Dublin County Development Plan 2016-2022.

In conclusion, for all of the foregoing arguments, reasons and considerations, South Dublin County Council are invited to assess the subject application on its own individual merits and to **refuse planning permission** for this development. The proposed development, would seriously injure the residential and visual amenities and would be contrary to the proper planning and sustainable development of the area.

Yours faithfully,



Anthony Marston (MIPI, MRTPI)
Marston Planning Consultancy

Please note: If you make a submission in respect of a planning application, the Council is obliged to make that document publicly available for inspection as soon as possible after receipt. Submissions are made available on the planning file at the Planning Department's public counter and with the exception of those of a personal nature, are also published on the Council's website along with the full contents of a planning application.

Yours faithfully,

M. Furney
for **Senior Planner**