

Planning Department
South Dublin County Council
County Hall
Tallaght
Dublin 24

19 September 2022

Emailed to: planningsubmissions@sdublincoco.ie

From: Monica McGill and Ed Murphy

RE: Planning application ref SD22A/0336 – change of use of convent building at Convent Road/New Road, Clondalkin, Dublin 22.

Dear Sir or Madam,

I/we wish to make the following observations and objections regarding planning application ref SD22A/0336. This application goes contrary to the SDCC County Development Plan 2022-2028 as the site is designated "Open Space" under the current Development Plan for the reason listed below.

1. Location of geriatric clinic: While a geriatric clinic ("Ageing Well Centre") is welcomed, it would have made better sense to include it in the Primary Care Centre/Health Centre currently under construction at the corner of Boot Road/Fonthill Road, a two-minute walk away from the convent building.

The Boot Road Health Clinic includes at least 2 floors of primary care treatment rooms with required offices according to available plans.

2. Poor economics: Including a geriatric clinic in the Boot Road Health Centre would have been more economically sound because it would have saved the HSE/TUH (i.e. the taxpayer) the extra expenses incurred in locating the geriatric clinic in a separate building.

3. The impact on the convent structure.

(a) The Convent is a protected structure – ref 158 - and is also included in the National Inventory of Architectural Heritage, reg. no. 11209046.

(b) No significant architectural change to the interior or exterior structure should be allowed as they would alter the appearance of this neo-gothic protected building.

4. Accommodation for carestaff:

(a) To date, no carestaff have been transferred from TUH to work in the proposed geriatric clinic, so how can anyone know where the carestaff will be living?

(b) Contrary to the planning application (see quotation below), there is no guarantee that future carestaff will be already resident in the local area.

(c) It is widely acknowledged that privately-rented accommodation is very difficult to find in the surrounding districts and rental prices are expensive. If carestaff need to re-locate to the area will find it very difficult to secure living accommodation.

The new planning application states:

"... it became clear that the Convent building far exceeds the requirements of the staff accommodation needs of the Nursing Home/Retirement Home and was not viable from a commercial perspective. The Nursing Home operator confirmed that their on-site accommodation needs were limited and that their staff members were either resident in the local community or preferred to seek accommodation through private rental in the general area. Therefore, the staff accommodation requirements for night staff could be accommodated within the new build elements."

5. Car-parking space: Already there are issues regarding car parking at the adjacent church for weddings and funerals etc. in the church car park, and it is also heavily used for local schools drop-offs and pickups.

6. Increased traffic snarl-ups: The original planning permission allowed necessary staff accommodation in the convent building. This would have reduced traffic flow in the village. With this proposal for change of use, carestaff and clients of the complex will have to travel to it, and this will increase traffic flow in the already-congested village.

7. Matters concerning the SDCC County Development Plan 2022-2028:

(a) Designation of site: Under the SDCC County Development Plan 2022-2028, the convent and remaining grounds are designated as an amenity/Open Space ("To preserve and provide for open space and recreational amenities.")

(b) Only one classification used: In this new planning application, the developers rely on only one classification of permitted use – "public services" – but there are other classifications to be taken into account under the County Development Plan 2022-2028.

The developers state they are quoting the *South Dublin County Council Development Plan 2022-2028* when they say in their application:

"Chapter 11 of the written Statement includes, the land use 'Public Services' is 'permitted in principle' and 'open for consideration uses include Health Centre, Primary Health Care Centre. The proposed use is not comparable to any use defined as 'Not permitted'."

This quotation comes from the previous County Development Plan (2016-2022, page 201). Chapter 11 in the current County Development Plan (2022-2028) refers to Infrastructure and Environment Services.

(c) Other classifications "open for consideration" and "not permitted": Contrary to the planning application, the proposed site of the geriatric clinic includes many classifications which are not permitted by the SDCC County Development Plan 2022-2028, which lists the following uses (see https://experience.arcgis.com/experience/f8990ef0badf42acaee196bd4b9a3725?data_id=dataSource1-1821ff35216-layer-1-1821ff35280-layer-2%3A20632)

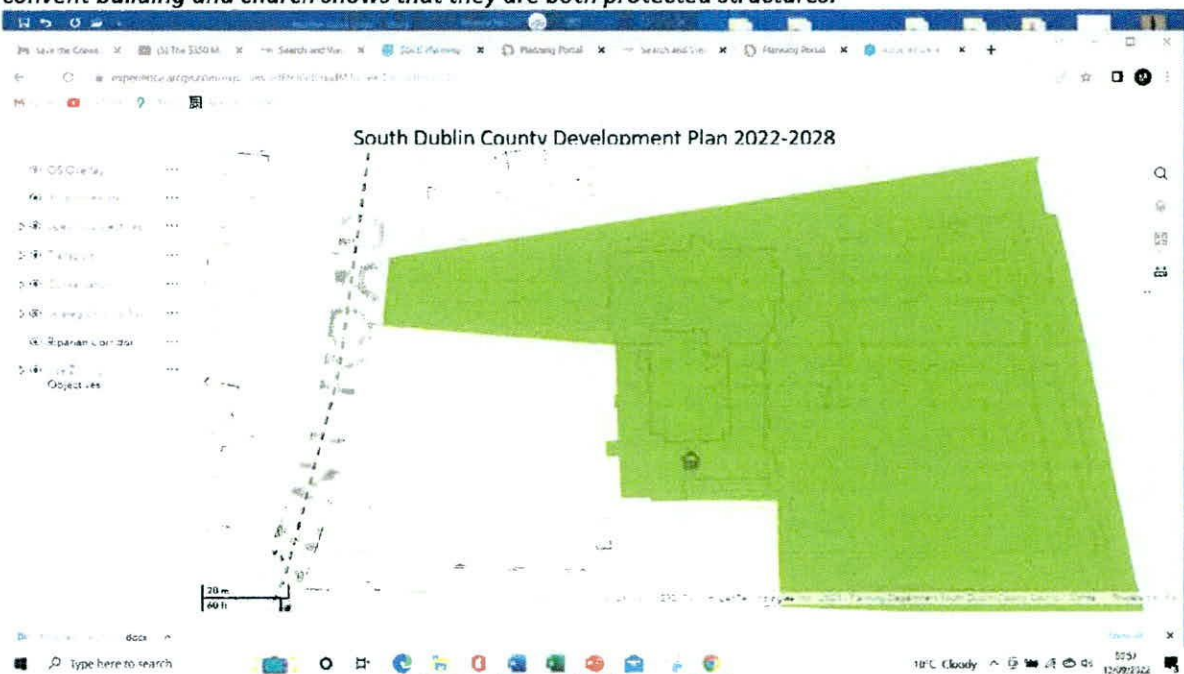
Open for consideration:

- * Carpark (For small-scale amenity or recreational purposes only)
- * Housing for Older People
- * Place of Worship,
- * Public Services (the developer relies on this classification, but disregards the classifications which are not permitted – see list below.)
- * Residential
- * Restaurant/Café (a café is proposed in the changes of use)

Not permitted:

- * Doctor/Dentist, (treatment rooms and doctors' consulting rooms are proposed in the changes of use)
- * Health Centre
- * Hospital (the proposed clinic will be staffed by employees of TUH)
- * Nursing Home
- * Offices less than 100 sq.m, (the proposed clinic will include offices)
- * Offices 100 sq.m -1,000 sq.m, (it is not clear from available information what the total office space is proposed)
- * Offices over 1,000 sq.m,
- * Primary Health Care Centre
- * Residential Institution
- * Retirement Home

Below: Detail of site according to SDCC's Interactive Map, County Development Plan 2022-2028. The area coloured green (Open Space) includes the Church of the Immaculate Conception & St Killian, the church carparks, the front lawn of the convent, the convent building and the central courtyard inside the convent. Convent Road is shown on the left of the map and New Road is on the right. The symbol on the convent building and church shows that they are both protected structures.



(d) TUH's disregard for the relevant Development Plan: The County Development Plan came into effect on 3 August 2022. TUH's letter to the SDCC Planning Dept is dated 9 August 2022. Therefore, TUH should have known that the proposed changes to the convent building were not permitted under the new Development Plan when their letter was included as part of this planning application.

(e) Developer's disregard for the relevant Development Plan: The developers submitted their change of use proposal on 19 August 2022. The new County Development Plan came into effect on 3 August 2022. The developers should have consulted the current County Development Plan in operation before this planning application was submitted.

(f) Lack of forward planning: The developers and operators (Bartra) of the nursing home and nuns' retirement home appear to exhibit a lack of forward planning. They admit in their planning application that they miscalculated the requirements of the carestaff for the Nursing Home and the Retirement Home and that their previous planning application was "not viable from a commercial perspective". Is there any guarantee that the same miscalculations will be used to submit further changes of use and developments?

The planning application states:

"Following the grant of permission on the previous application and based on negotiations with the Nursing Home operator and discussions with the Presentation Order in relation to their needs as part of the retirement home, it became clear that the Convent building far exceeds the requirements of the staff accommodation needs of the Nursing Home/Retirement Home and was not viable from a commercial perspective. The Nursing Home operator confirmed that their on-site accommodation needs were limited and that their staff members were either resident in the local community or preferred to seek accommodation through private rental in the general area. Therefore, the staff accommodation requirements for night staff could be accommodated within the new build elements."

(g) Governance: Under the provisions of public competition, proper procurement, tender-submission and governance, surely the partnership between TUH and Bartra should have gone to public tender before the arrangements outlined in the planning application were put in place?

Tenders for public-private partnerships are usually advertised under the Government website E-tenders. The question is which framework is being used: Government Procurement for Public Services, done through the E-Tenders website – or the Government Framework. Both must be open to public competition.

(h) Designation: The SDCC *County Development Plan 2022-2028* is a legal document. It clearly states that the convent building and the remaining land around it is zoned as OS (Open Space) and not RES (Residential) as stated in the Planning Assessment section of this change of use planning application. The developers appear to have used a map from the previous, out-dated, County Development Plan.

(i) Invalid planning application: It is argued that the present planning application (SD22A/0336) is invalid because the developers rely on a map (coloured yellow) copied from the previous Development Plan. The map from the out-of-date Development Plan was used in the planning application. The proper map is coloured green in the new County Development Plan.

(j) Not "similar to previous application": The changes listed below are not "similar to the previous application" as stated by the applicants. The proposed changes do not seem to have been part of the previous planning application when the convent was to be made into living quarters for carestaff for the nursing home and the nuns' retirement home.

Planning application ref SD22A/0336 states:

"Repurposing of the existing convent accommodation includes interventions to the protected structure that are similar to the works permitted in the previous application."

The proposed changes under SD22A/0336 include:

- (a) Windows to be altered to become doors.

- (b) Doors to be removed and the resulting ope(s) to be blocked off.
- (c) Openings to be created to allow new doors to be inserted where no doors existed previously.
- (d) Changes to ceilings/floors
- (e) Another escape stairs to be installed in the courtyard and attached to the convent building.

(k) Architectural Conservation Officer's Report: There does not appear to be a report on file from the SDCC's Architectural Conservation Officer regarding the change of use and the impact on this protected structure. This report needs to be carried out before any planning application is considered.

Yours faithfully,

Signed: 
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Signed: 
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26 Monastery Crescent
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Eddie Murphy
Camac Cottage
Orchard Road
Clondalkin
Dublin 22

Date: 20-Sep-2022

Dear Sir/Madam,

Register Ref: SD22A/0336
Development: Change of use of part of existing convent building (Protected Structure Ref 158) from staff accommodation ancillary to the adjacent nursing home/retirement home permitted under SD18A/0328 to geriatric daycare centre (Ageing Well Centre) with all associated ancillary accommodation; internal alterations and improvements to the interior of the convent at ground, first and second floors; external alterations to accommodate 2 stair cores (one includes a lift) within the courtyard space and alterations to 2 existing windows to form escape doors and blocking up a 2nd floor window. Permission is also sought for all ancillary site and development works associated with the above.

Location: Presentation Convent, Convent Road, Clondalkin, Dublin 22
Applicant: Bartra Property (NH) Limited
Application Type: Permission
Date Rec'd: 19-Aug-2022

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**