

**BMA Planning
Taney Hall
Eglinton Terrace
Dundrum
Dublin 14**

**NOTIFICATION OF DECISION TO REFUSE PERMISSION
PLANNING & DEVELOPMENT ACT 2000 (as amended) AND
PLANNING REGULATIONS THEREUNDER**

Decision Order No.	1293	Date of Decision	13-Oct-2022
Register Reference	SD22A/0336	Date	19-Aug-2022

Applicant:

Bartra Property (NH) Limited

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

Time extension(s) up to and including:

Additional Information Requested/Received:

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Clarification of Additional Information Requested/Received:

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DECISION: Pursuant to the Planning and Development Act 2000 (as amended), dated as above a decision to **REFUSE PERMISSION** is hereby made for the said development for the reason(s) set out on the Schedule hereto.

REASON(S)

1. Under the South Dublin County Development Plan 2022 - 2028 the zoning objective for the site is 'OS' - 'To preserve and provide for open space and recreational amenities.' There is no provision for geriatric day centre contained within Table 12.15 of the Plan, and similar uses, including Doctor/Dentist, Health Centre, Hospital, Nursing Home, Offices less than 100 sq.m, Offices 100 sq.m – 1,000 sq.m, Primary Health Care Centre, Residential Institution and Retirement Home are all listed as 'Not Permitted'. In this regard, the proposed change of use would materially contravene the zoning objective of the site and the South Dublin County Development Plan 2022 - 2028. Thus the proposed development would be contrary to the proper planning and sustainable development of the area.
2. The applicant has provided insufficient information in relation to the protection and maintenance of the integrity of the protected structure RPS Ref. 158 (Presentation Convent & Church of Immaculate Conception, Clondalkin – Church & Convent). There are concerns regarding the partition of rooms within the protected structure, as well as the potential impact on the building as a result of fire safety upgrades. Further detail would also be required in relation to the proposed staircase towers located within the courtyard. Without this information, it is considered that the full impact of the development on the protected building can not be assessed. The development is therefore considered to be contrary to the proper planning and sustainable development of the area.
3. The applicant has provided insufficient information in relation to the traffic and transport impacts of the development. The applicant has not satisfactorily provided information in relation to parking arrangements to serve the geriatric day centre, or the potential impact of the development on the surrounding road network. The Planning Authority has a concern that these impacts have not been properly considered in making this application and therefore the development would be contrary to the proper planning and sustainable development of the area.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001 (as amended). Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001 (as amended), have been considered in the determination of this application.

Register Reference: SD22A/0336

Signed on behalf of the South Dublin County Council.

Yours faithfully,

Pamela Hughes 13-Oct-2022
for **Senior Planner**

NOTES

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications related to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of two months beginning on the date of the Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

(A) APPEALS

1. An appeal against the decision may be made to An Bord Pleanála. The applicant or ANY OTHER PERSON who made submissions or observations to the Local Authority may appeal within FOUR WEEKS beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received).
1. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. In the case of a third party appeal it must be accompanied by the acknowledgement by the Planning Authority of receipt of the submissions/observations. Appeals should be sent to:
 2. The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1.
 3. An Appeal lodged by an applicant/ agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below.
 4. A party to an appeal making a request to An Bord Pleanála for an Oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (g) below).
 5. A person who is not a party to an appeal must pay a fee to An Bord Pleanála when making submissions or observations to An Bord Pleanála in relation to an appeal.
 6. If the Council makes a decision to grant permission/grant permission consequent on a grant of outline permission and there is no appeal to An Bord Pleanála against this decision, PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If any appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION/RETENTION as soon as may be after the withdrawal.
7. Fees payable to An Bord Pleanála from 10th December 2007 are as follows:

- (a) Appeal against a decision of a Planning Authority on a planning application relating to commercial development made by the person by whom the planning application was made. where the application relates to unauthorised development€4.500.00 or €9.000 if an E.I.A.R. is involved
- (b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made. other than an appeal mentioned at (a)..... €1.500.00 or €3,000.00 if an E.I.A.R. is involved
- (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal mentioned at (a) or (b)€660.00
- (d) Appeal other than an appeal mentioned at (a), (b), (c) or (f)€220.00
- (e) Application for leave to appeal.....€110.00
- (f) Appeal following a grant of leave to appeal€110.00
- (g) Referral€220.00
- (h) Reduced fee (payable by specified bodies).....€110.00
- (i) Submission or observations (by observer).....€50.00
- (j) Request from a party for an Oral Hearing€50.00

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at

Telephone 01-858 8100