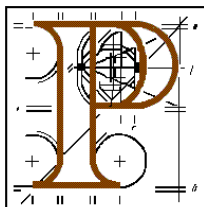


## An Bord Pleanála



## Inspector's Report

**Development:** 100 Bed Community Nursing Unit and Day care centre including day rooms, dining rooms, activity and therapy rooms entrance, and carpark at Tymon North Road, Dublin 24

### Planning Application

Planning Authority: South Dublin Co. Co.  
Planning Authority Reg. SD15A/0053  
Applicants: Health Service Executive  
Type of Application: Permission  
Planning Authority Decision: Grant Permission with Conditions

### Planning Appeal

Appellant(s): Cllr Mick Murphy, Cllr Kieran Mahon and Paul Murphy TD  
Type of Appeal: 3<sup>rd</sup> Party Vs Decision  
Observers: None

**Date of Site Inspection: 01/12/2015**

## **1.0 SITE LOCATION AND DESCRIPTION**

- 1.1 The subject site is located south of the M50 in close proximity to Tallaght. It is located off the Castletymon Road which serves Tallaght Community School, the National Basketball centre, parkland areas and a suburban area.
- 1.2 The subject site is 0.8Ha with two road frontages onto Tymon Road North and Tymon North Grove. It is an L-shaped site which slopes gently from south to north towards Castletymon Road. Presently the site resembles a large green open space area to the front of a terrace along Tymon North Grove.
- 1.3 There is a single storey building on a separate site to the north western extremity of the site, which is the local scouts hall. To the east and south on abutting lands are two storey dwelling houses backing onto and facing the subject site. On the opposite side of Tymon Road North to the west, is a national school. The predominant landuse in the immediate vicinity is a large residential community.

## **2.0 PROPOSED DEVELOPMENT**

- 2.1 The proposal is a community nursing unit (100No. bed) to care for elderly people who require longterm nursing care and a Day care Centre. It is three storeys configured around two internal courtyards. There is a total of 52No. carparking spaces proposed including 3No. disabled spaces, to cater for staff and visitors. The access to the facility will be from Tymon North Road, and perimeter fencing.
- 2.2 The building presents a two storey façade onto Tymon North Grove and an additional lower floor on the lower ground level addressing Castletymon Road.

## **3.0 SUBMISSIONS RECIEVED**

A number of third party submissions expressed the following concerns:

- Reduce sunlight to the rear gardens and houses of Aoungus Lawns
- Devalue property
- Overlooking
- Overbearing mass
- On street parking

There were also a number of third party submissions supporting the proposal

## **4.0 TECHNICAL REPORTS**

**Planning Report:**

- The proposal is acceptable in principle under the residential zoning objective
- The scale and size of the development is reflective of the aging population in the area
- The visual impact of the development requires greater consideration
- The hedgerow along St. Aongus Grave is to be retained, maintaining privacy. There will be 22metre separation distance between existing and proposed building lines, there will be no loss of privacy and the proposal will not appear to be overbearing.
- Furthermore is require din line with internal reports.

**Roads:**

Further information was issued on 5<sup>th</sup> of May 2015 regarding extent of stays, and traffic generated. Additional carparking is required to prevent overflow. Clarification on the bus service to be provided. Lighting, construction management plan all required

**EHO:**

The proposal is acceptable.

**Water Services:**

Additional Information required regarding attenuation storage, separation of foul and surface water.

**Irish Water:**

No objection

**Parks & Landscape**

No objection but additional information required.

Following receipt of the additional information, the proposal was deemed to be acceptable and a permission was recommended.

**5.0 ADDITIONAL INFORMATION**

The planning authority requested the following additional items:

- Drawings indicating the full impact of the proposed development should be submitted including photomontages from various vantage points
- Extent of opening hours and the day care centre, extent of other services
- Storm water
- Landscape plan

The further information was submitted in full on the 3<sup>rd</sup> of July 2015.

## **7.0 PLANNING AUTHORITY'S DECISION**

South Dublin Co. Co. granted the proposed development subject to 17No. conditions relating to :

- Drainage
- Roads
- Signage
- Landscaping
- Tree Bond
- Landscape Architect
- Landscape Management Plan
- Dust
- Hours of use
- Underground of Utilities
- Construction and demolition of waste Management
- External Lighting
- Noise

## **8.0 APPEAL GROUNDS**

8.1 The appeal has been lodged on behalf of Cllrs Mick Murphy, Cllr Kieran Mahon and Paul Murphy TD of the Anti-Austerity Alliance. The following is a summary of the points raised in the grounds of appeal:

- The design does not conform with the retirement Village zoning relating to the site
- The footprint of the proposed building is 68m x 42m which is 15% larger than the national basketball arena on a two acre site
- Specific Local Objective (SLO) 55 in the county Development Plan states - Tymon Retirement Village. A village is a variety of buildings.
- The sale of the site is subject to planning permission. The planners were aware of this, and the size of the unit been proposed on the site. The scale of the single unit contravenes SLO. The planning authority proceeded to stitch in planning as a condition the sale (point 10 as per appendix 1) and by so doing has set themselves as a vested interest in granting planning permission no matter what design is proposed.
- The proposal will overlook St. Aongus Lawn and Tymon North Grove. The proposed building is higher than the surrounding buildings.
- Enable Ireland, Scoil Iosa and the Scouts Den are all based around the proposed entrance on Tymon North. The area is

subjected to illegal onsite carparking, and emergency vehicles have had to use alternative roads to gain access to the area. At Kiltipper Woods Nursing Home on the day google maps took a photo, there were 62No. cars parked on and around the site completely overflowing from the carparking areas. Therefore 54No. parking spaces is inadequate to cater for the proposal, the staff alone will use most of the spaces.

- A garden roof serves no purpose given the weather conditions and people's mobility issues. The proposal is unacceptable from an overlooking point of view.
- The proposal is a clear contravention of the development plan, and it represents an overbearing feature within a housing area. The magnitude of the building is out of character with the area.
- The site should be used to care for the elderly of the community but it should dovetail with other retirement villages that care for the elderly in the area.

## **9.0 RESPONSES**

### **9.1 Planning Authority**

It has nothing further to add to their planning report on file.

### **9.2 Applicant's Response**

#### **Zoning**

It is clear from the zoning Objective A –to protect and improve residential amenity. A nursing home is permitted in principle under the zoning objective.

The site is accessible to the wider community and public transport links are available. The large scale of the building is reflective of the aging population in the area. The planning authority considered fully the issue of zoning and the development is in compliance with the general policies of the plan and conforms with the specific local objective.

#### **Overlooking**

There is a section drawing through St. Aongus Lawn and the proposed development. The proposed building is setback from the common boundary 12.6metre and is approximately 22metres to the nearest house in St. Aongus Lawn. There will be no loss of daylight. New landscaping along the southeastern site boundary will limit views and provide visual screening.

Tymon North Grove has a separation distance between the existing dwellings and the new building of 25metres. The distance and the northern orientation will ensure there will be no loss of sunlight attributed

to the houses on Tymon North Grove. Every effort has been made to ensure the privacy of the existing and future residents. The building has been limited to two storey along this opposing elevation, minimising loss of privacy.

### **Parking**

The development plan standard states 1 space per 4 residents. The building will accommodate 100No. residents. The proposed number of spaces is 52No. excluding setdown and delivery areas. This represents an over provision of 108%. The day care centre uses a minibus service provided for by the HSE. The day centre will provide a service for 25 elderly persons living in the community, such as meals, occupational therapy and physiotherapy. The clients will arrive around 10.00am and leave at 3.30pm.

The building will not contain any clinical rooms for the provision of other health care in the local area.

The vast majority of the residents will be longer term with standard care for the elderly.

### **Roof Garden**

The roof garden was originally proposed to deal with surface water in a sustainable manner. The area is now wheelchair friendly and secure and will provide an outdoor amenity for the residents. The space is close to the wards. The sunshine will be limited to the mornings with views towards Tymon Park been popular. The first floor roof garden is one amenity area and another is a sensory garden in the southeast corner and a number of courtyard areas adjacent to day rooms on each floor. There is an obscure glazed screen to the south east end of the roof garden to avoid overlooking. There will be no loss of privacy to adjoining residents.

## **8.0 PLANNING HISTORY**

8.1 There is no relevant planning history recorded.

## **11.0 PLANNING POLICY**

11.1 The site is zoned Objective A which seeks 'to protect and improve residential amenity'.

**Specific Local Objective 55** – Tymon \_ Retirement Village which states:

Advance the provision of a retirement village with a six year objective on the lands bordering Tymon Road North, Tymon North Grove and St. Aongus Grove.

A cycleway Objective is located to the north of the site along Castletymon Road.

### **Policy H20 - Housing for Older People including Nursing Homes**

The intended use, scale and design of the proposed community nursing unit and day care centre at this location would be generally consistent with the policies and objectives of the South Dublin County Council Development Plan 2010-2016, specifically Policy H20: Housing for Older People including Nursing Homes which seeks to support the concept of independent living for older people, to provide specific purpose built accommodation to promote the opportunity for older householders to avail of the option of downsizing and to facilitate the provision of nursing / care facilities for older people at appropriate locations. In the context of this application, it is the nursing and care facilities which have been amplified and comprise the primary use.

### **Policy H21**

#### **1.2.18.1 Policy 11 Residential Amenity in Existing Residential Areas**

It is the policy of the Council that proposals for accommodation for older people should be located in existing residential areas well served by infrastructure and amenities such as footpath networks, local shops, public transport in order not to isolate residents and allow for better care in the community, independence and access. This preference and presumption towards convenient locations applies to any scheme whether provided by communal set-ups or similar, facilities providing higher levels of care, self - contained units or a mix of these.

## **12.0 ASSESSMENT**

- 12.1 The proposed development is a nursing home and day care centre for the elderly located in a suburban part of Tallaght off Tymon North Road where there are houses, a school, and a scouts den, and enable Ireland alongside the subject site. To the immediate north of the site is Tymon Park a large parkland and further east along Castletymon Road is the National Basketball Centre.
- 12.2 The proposed development is a one large unit on the site (6547sqm.) with parking. The proposed building is a 100No. bed nursing home unit which will cater for elderly persons requiring long terms residential nursing care, and a day care range of services for elderly people within the community, including social care, activities, meals occupational therapy and physiotherapy. Physically, the building is essentially a three storey building configured around two internal courtyards and it has a two storey legibility alongside the contiguous Tymon Grove North which is a two storey terrace of dwellings, and a three storey legibility towards Castletymon Road. The bedroom layout is purposely designed opposite existing houses to reduce overlooking.

12.3 The main public facilities including the foul sewer, water mains and surface water run alongside the subject site. The subject site is a greenfield area fronting a number of dwellings. It resembles a large open space area. The general area is very well served with public open space, with a large area immediately to the west of the site and a parkland to the north.

12.4 The general locality is accessible from public transport and is served by an excellent road network. The proposed access is directly off Tymon North Road alongside the existing scout hall located to north of the site. There will be elderly persons arriving to the day care unit from the general locality by a HSE bus. There are also a total of 52No.carparking spaces including 3No. disabled spaces proposed on site within a secure complex.

#### 12.5 **Development Plan**

The subject site is located on grounds that have a current zoning objective for residential and a Specific Local objective 55 Tymon- Retirement Village:

*Advance the provision of a retirement village with a six year objective on the lands bordering Tymon Road North, Tymon North Grove and St. Aongus Grove.*

The site has been earmarked in the current development plan to cater for the elderly in the wider community. A 'retirement home' is permitted in principle under the zoning objective for the site. The site area is 0.8Ha and although the development plan states a 'retirement village' to be provided on the site. The third party appellants have stated the proposal is not a village and therefore is a contravention of the development plan. In my opinion the terminology in the development plan is incorrect, as this is a small site which is sloped and it does not have the capacity to accommodate a 'village'. The essence and underlying objective in the plan is to provide a retirement facility for the elderly within the community, which is in keeping with the development plan ethos and underlying intentions. I consider the proposal is in compliance with the development plan and policies H20 and H21 in relation to Housing for Older People.

#### 12.6 **Impact on Residential Amenity**

There is a terrace of dwellings backing onto the eastern site boundary, St Aongus Lawn and a terrace of dwellings orientated towards the site, Tymon North Grove. Both terraces have a separation distance from the proposed building of 22metres. In terms of Tymon North Grove, the opposing elevation is two storey in height with a parapet roof (9.2metres), with an estate road and footpath positioned between the front building line of the existing dwellings and the proposed development. The development will not appear overbearing when viewed from these properties, with the nearest dwelling along the terrace being 25metres from the proposed building line. It will not result in loss of privacy or loss of light due to the separation distances between the existing and proposed developments and the northern orientation of the building, as there are only bedrooms along this elevation, and the main activity rooms are located elsewhere within the building.

In terms of St Aongus Lawn to the east, there will be a therapeutic garden at the south east extremity of the proposal between the rear garden areas of



the terraced housing and the subject building. The security and amenity of the future residents is a priority in the overall design and perimeter boundary fencing will be provided along the common boundary to the east. The boundary will also be reinforced with soft landscaping. Given that the existing site boundary includes a mix of vegetation of various density and heights, I believe the new proposals will enhance the privacy and security of the rear garden areas of St Aongus Lawn. A section drawing has been provided on appeal to illustrate the impact on the neighbouring residential properties to the east. The building line of the proposed nursing unit is 12.6metre from the site boundary. Given the western orientation of the rear gardens of St Aongus Lawn, there will be no loss of lighted resulting from the proposal.

#### 12.7 **Impact on Visual Amenity**

There were a number of objections to the proposal at planning application stage and on appeal regarding the visual impact of the proposal on its immediate environs which is largely a two storey dwellings. In response the applicant prepared a visual analysis both as part of the further information response and the response to the third party appeal. I believe the building will contribute significantly to the architectural quality of the area. The site is a vacant plot and the scouts den building detracts from the overall streetscape. I believe the site has the capacity to cater for a landmark type building which the proposal is providing without been unduly dominant in height. The dwellings in the immediate vicinity are terraced blocks and the long continuous elevations of the proposed building reflect the existing building envelop.

The overall building will read as two storey from within the residential approach roads to the south and east. It will not be overbearing when viewed from these vistas. The more elaborate three storey elevation to the north befits the setback and elevated nature of the site when viewed from Castletymon Road. In my opinion, it will provide a very interesting architectural statement to the locality without been unduly overbearing because of the significant setbacks from existing roads and houses.

#### 12.8 **Parking**

The appellants have stated the parking is insufficient and the proposal will result in overflow parking onto the adjoining road and residential areas. They claim there is already illegal parking in the immediate vicinity of the site caused by the school and Enable Ireland. I did note on-street parking to the immediate west of the site during my inspection, which may have been associated with the school.

The South Dublin County Development Plan Table 2.2.4 General Car Parking Standards related to Land Use states that a Nursing Home provisions should be *1 space per 4No. residents*. The building caters for 100No. residents which is a requirement of 25No. spaces. The proposed development provides for 52No. spaces including a setdown area, and 3No. disabled spaces. The Day Care unit will operated room 10am to 3.30pm, and there are no clinical services or rooms at the facility. I consider the proposed parking provision to be adequate and the appellants have not substantiated their claims with any technical data to explain how the parking provision is inadequate.

## **12.9 Roof Garden**

The first floor roof garden area is one of a number of small pockets of outdoor spaces to be provided within the new complex. There is a sensory garden in the southeast corner of the site and a number of courtyards located centrally within the building alongside the day rooms. Overall the residents will have limited mobility and the outdoor area will provide variety and stimulation. The design of these areas has been carefully considered in order to provide safety and privacy to the residents and visitors of the complex. In addition, the roof garden area is setback back a consider distance from adjoining properties to the east, and the board should note there are no corresponding rear garden areas to the east. There is an open space area within St. Aongus Lawn to the east which would be visible from the roof garden area however an opaque screen is been provided along this section of the roof garden. The bulk of the views will be north across Tymon Park, and will not interfere on the privacy of existing residents.

## **12.10 Other Matters**

The matters purchase of the site by the HSE is not relevant to the appeal. The external finishes include high quality materials and specification. The revised proposals submitted as part of the further information regarding surface water attenuation are acceptable.

I note from the Planning report on file there are no development contributions payable in respect of the proposed development.

## **12.11 RECOMMENDATION**

I recommend the planning authority's decision to grant planning permission for the proposed development be upheld.

## **REASONS AND CONSIDERATIONS**

Having regard to the zoning objective for the site and to the specific local objective as set out in the current development plan for the area, and to the design, layout and location of the proposed development and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the residential amenity of property in the vicinity and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

## CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 3<sup>rd</sup> of July 2015, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. (a) Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.  
  
(b) The new driveway and additional reconfigured parking area shall be constructed with sustainable drainage systems (SUDs) and to the satisfaction of the planning authority. The developer shall ensure that drainage from the new driveway and additional reconfigured parking area shall not enter onto the surrounding road network.

**Reason:** In the interest of public health and the proper planning and sustainable development of the area.

3. All foul sewage and soiled water shall be discharged to the public foul sewer. Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

**Reason:** In the interest of public health.

4. The proposed new vehicular entry and exit arrangement shall be constructed to the requirements of the planning authority. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of amenity and of traffic safety.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and residential amenity.

6. Site development and building works shall be carried out only between the hours of 08.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

7. Details of the materials, colours and textures of all external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All roofing shall be dark-grey or blue-black in colour.

**Reason:** In the interests of visual amenity.

8. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs and car parking, shall be in accordance with the detailed standards of the planning authority for such works.

**Reason:** In the interests of amenity and of pedestrian and traffic safety.

9. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, including a timetable for implementation, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All planting shall be protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All

existing overhead cables that bound or cross the site shall be undergrounded as part of the site development works, at the developer's expense.

**Reason:** In the interests of visual and residential amenity.

11. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

**Reason:** In the interests of amenity and public safety.

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**Caryn Coogan**  
**Planning Inspector**

**18<sup>th</sup> of December 2015**