



An
Bord
Pleanála

Inspector's Report

ABP-309834-21

Development

Retention of 2 no. 6.0m high and 1 no. 7.0m high flagpole at the south east corner of the site adjacent to the intersection of Monastery Road & Monastery Park

Location

Lexington House Nursing Home, junction of Monastery Road & Monastery Park, Clondalkin, Dublin 22

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD21A/0001

Applicant(s)

GN Lexington Property Limited

Type of Application

Retention

Planning Authority Decision

Grant Retention

Type of Appeal

Third Party

Appellant(s)

Monastery Estate Residents Association

Observer(s)

none

Date of Site Inspection

30th June, 2021

Inspector

Stephen Kay

1.0 Site Location and Description

- 1.1. The appeal site is located at the junction of Monastery Road and Monastery Park in Clondalkin village and is currently occupied by the Lexington House Nursing Home. The area in the vicinity of the site to the north, east and west is characterised by established residential areas. The site is adjoined by Clondalkin Library immediately to the south west.
- 1.2. The overall nursing home site is roughly rectangular in shape and has frontage onto both Monastery Road and Monastery Park frontages. The existing access points to the site are located from both the south on Monastery Road and the east on Monastery Park. Monastery Park is the primary access route into the Monastery residential estate.
- 1.3. The corner at the junction of Monastery Road and Monastery Park is characterised by a tarmacked area that is currently used for parking. Three flagpoles are located in this area.
- 1.4. The stated area of the site is 0.4464 ha.

2.0 Proposed Development

- 2.1. The development the subject of the subject appeal comprises the retention of three flagpoles located on the site at the corner of Monastery Road and Monastery Park. These flagpoles comprise 2 no. 6.0 metres high and a third that is 7.0 metres in height.
- 2.2. These flagpoles are located within the railing bounding the site and are located in a grassed area at the corner of Monastery Road and Monastery Park. The poles as installed on site are white and at the time of inspection were displaying national / local flags as well as a flag advertising the use on the site.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Grant Permission subject to two conditions that are standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer notes the internal and external submissions on file and the relevant development plan policy relating to signage, advertising structures and protected structures. The development is considered to be consistent with the residential zoning objective of the site and with the development management standards of the plan and is not considered to be such as to have any adverse impact on protected structures. The layout and location of the flagpoles is considered to be such that it would not inhibit the planting of the area at the corner or the implementation of the agreed landscaping plan. A grant of permission consistent with the notification of decision which issued is recommended.

3.2.2. Other Technical Reports

Water Services – No objection subject to conditions.

Roads Department – No objection.

3.3. Prescribed Bodies

Irish Water – No objection.

3.4. Third Party Observations

The following is a summary of the main issues raised in the third party observations on file:

- That the area where the poles are located was proposed to have been landscaped and planted.

- That the area at the corner is being used for car parking and no hedgerows have been planted as were proposed.
- That the development is contrary to Green Infrastructure Policy 2 Objective 9 and Policy 6 Objective 2.
- That the building on the site is excessively visually prominent and needs landscaping to soften / screen it.

4.0 Planning History

The following planning history is referenced on the appeal file and is considered relevant to the assessment of the appeal:

South Dublin Co. Co. Ref. SD20A/0019 – Permission granted for an extension at first floor level to the existing nursing home building on the site.

South Dublin Co. Co. Ref. SD17A/0007; ABP ref. PL06S.248776 – Permission granted by the Planning authority and decision upheld on appeal for the demolition of existing habitable house on the site and the development of a new detached 87 bedroom nursing home consisting of 92 no. bedspaces in a single, two and three storey building over part basement, vehicular access from Monastery Park and widening of existing access to Monastery Road, 29 no. car parking spaces and ancillary works.

Condition No.6 attached to the grant of permission issued by the Board required the submission of a comprehensive landscaping scheme and boundary treatment plan for the written agreement of the Planning authority. Part B of the condition requires the submission of *‘details of the proposed location of trees and other landscape planting in the development including details of protected species and settings’*. Part C of the condition required that *‘details of proposed boundary treatments at the perimeter of the site and internally within the site including heights, materials and finishes’*.

It is noted that the report of the Planning Officer references a number of live and closed enforcement cases on the site. No details of these cases are available.

5.0 Policy Context

5.1. Development Plan

The appeal site is located on lands that are zoned Objective RES under the provisions of the South Dublin County Development Plan, 2016-2022 with the stated objective ‘*to protect and / or improve residential amenity*’.

Advertisement and advertising structures are identified as being a class of development that is Open for Consideration on lands that are zoned for this use.

Variation No.5 of the Plan relates to outdoor advertising and states that proposals that include signage should take account of a number of criteria including the following:

‘outdoor advertising structures (on buildings or standalone) will be assessed having regard to the South Dublin County Council Outdoor Advertising Strategy.

Any sign, advertising structure or associated structure should not create an obstruction to pedestrian or cycle movement or create a traffic hazard.

To consider appropriately designed and located advertising structures primarily with reference the zoning objectives and permitted advertising uses and with secondary consideration of the SDCC Outdoor Advertising Strategy (2019).’

The definition of ‘advertisements or advertising structure’ contained in the plan makes specific reference to a pole that is used or intended for use for exhibiting advertisements.

The library building that is located immediately to the south west of the overall site is included on the Record of Protected Structures for

The plan contains a number of policies and objectives relating to protected structures including Policy HCL3 Objective 1 which states that it is an objective ‘*to ensure the protection of all structures (or parts of structures) and the immediate surroundings including the curtilage and attendant grounds of structures contained on the Record of Protected Structures.*’

5.2. Natural Heritage Designations

The appeal site is not located within or close to any European site.

5.3. EIA Screening

The form of development for which retention permission is sought is such that it does not fall within a class of development set out in Part 1 or Part 2 of the Fifth Schedule of the *Planning and Development Regulations, 2001 (as amended)*. No screening for EIA is therefore required.

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the main issues raised in the third party grounds of appeal:

- That the first party has failed to implement Condition No.6 attached to Ref. SD17A/0007 (ABP Ref. PL06A.248776). This condition required the submission of a comprehensive boundary treatment and landscaping scheme and that the first party has failed to implement this condition of the Boards decision.
- That the compliance submission submitted with respect to condition No.6 of the parent permission included a landscape drawing that shows planting along the corner of the site where the flagpoles that are proposed for retention are located. No compliance in relation to Condition 6c appears to have been agreed with the Planning Authority.
- That the presence of the flag poles for which retention is sought would prevent the landscaping of the corner space where they are located as is proposed in the compliance submission agreed with the Planning Authority.
- That the flag poles for retention have a negative visual impact which is further emphasised by the lack of soft landscaping at the site boundaries and their retention would be contrary to the proper planning and sustainable development of the area.

- Requested that the Board examine the proposal in the context of the previous permission on the site and the associated compliance with conditions.
- Noted that the first party has to date failed to implement any part of the permitted landscaping plan at the site and notable that no timeline for the implementation of landscaping proposals has been provided.
- Submitted that given the number of enforcement cases open on the site that the planning authority should have attached a condition to the granting of the flag poles that required the full and complete implementation of the landscape plan as submitted in compliance with condition No.6 attached to Ref. PL06S.248776. Alternatively, the Board should request that the flagpoles are relocated to another part of the site.

6.2. **Applicant Response**

No record of a first party response received.

6.3. **Planning Authority Response**

Response on file stating that the Planning Authority confirms its decision and that the issues raised in the appeal have been raised in the planners report.

7.0 **Assessment**

7.1. The following are considered to be the main issues in the assessment of this case:

- Principle of Development / Land Use Zoning
- Visual Impact
- Other issues
- Appropriate Assessment

7.2. Principle of Development / Land Use Zoning

- 7.2.1. The appeal site is located on lands that are zoned Objective RES under the provisions of the *South Dublin County Development Plan, 2016-2022* with the stated objective ‘*to protect and / or improve residential amenity*’. Advertisement and advertising structures are identified as being a class of development that is Open for Consideration on lands that are zoned for this use, and I therefore consider that the form of development for which retention is sought is acceptable subject to compliance with other relevant development plan policies and that the proposal does not have a significant impact on visual amenity.

7.3. Visual Impact

- 7.3.1. The scale of the flagpoles erected on site at 6-7 metres above ground level are not in my opinion particularly large and, as noted by the report of the Planning Officer are such that they are lower than the height of the building. While they are located at a corner and are therefore relatively prominent in the streetscape, in the context of the completed development on the appeal site I do not consider that the flagpoles erected, and for which retention permission is now sought, constitute a particularly visually prominent or discordant feature in the streetscape.
- 7.3.2. The completed development on the appeal site has been undertaken to a high standard and the overall presentation of the site and site boundary railings along the Monastery Road and Monastery Park elevations is in my opinion such that the development does not have a significant impact on the visual amenities of the area. In terms of context, while the site is located at the entrance to the Monastery Estate from Monastery Road and the general context of the site is residential in character, the location of the site and specifically the area where the flagpoles have been installed, is on a main road and not a residential street.
- 7.3.3. The third party appeal submission on file highlights the fact that condition No.6 attached to the grant of permission issued by the Board for the development of the site (Ref. PL06S.248776) has not been complied with in full, and that the location of the flagpoles as erected would mitigate against the implementation of the landscaping plan as submitted by way of compliance. The content of the landscaping plan as approved by the Planning Authority by way of compliance is noted, however on the basis of the information available on file and presented with

the appeal I would agree with the Planning Officer that the location of the flagpoles for which retention permission is sought would not clearly conflict with the submitted landscape layout. My reading of the plan is that there remains significant scope for the landscaping and planting of the corner area within which the flagpoles are located.

- 7.3.4. The point raised by the third party appellants with regard to the encroachment of car parking into the corner of the site where the flagpoles are located is noted. A comparison of the landscape plan drawing submitted to the planning authority as compliance with Condition No.6 and the situation as observed during the course of my site visit indicates that an area to the west of the flagpoles which is indicated as landscaped green space in the compliance submission is currently used for staff parking. This area does not however impact on the area at the corner of the site where the flagpoles have been erected and any discrepancy with the as constructed layout and the compliance submission is in my opinion an enforcement issue for the Planning authority. Similarly, I note that the third party appellants contend that the first party has failed to comply with the requirement of Condition 6 to submit and agree a boundary plan, and this is also in my opinion an issue between the Planning Authority and the first party. With regard to enforcement, I note that the Planning Officers report indicates that there are a number of current enforcement cases relating to the site.
- 7.3.5. The third party appellants contend that the planning authority should have attached a condition to any retention permission that required the full and complete implementation of the landscape plan as submitted in compliance with condition No.6 attached to Ref. PL06S.248776. I do not consider that this is the correct approach as the submission of a landscaping plan is already a requirement of the parent permission for the development of the site (Ref. PL06S.248776), that enforcement can be undertaken by the Planning Authority under this permission and that it would appear that enforcement proceedings are already being progressed. I do not consider it appropriate that a compliance submission submitted in respect of a permission that has been implemented would be attached as a condition of another permission and do not therefore consider it appropriate or necessary that such a condition would be attached to any grant of permission that the Board may grant on this appeal.

7.4. Other Issues

- 7.4.1. The appeal site is located such that Clondalkin public library is located at the south west corner of the site. As noted in the report of the Planning Officer and the third party appeal, this building is included on the record of protected structures for South Dublin County Council and the building is clearly of considerable architectural merit and visual quality.
- 7.4.2. The flagpole structures are located c.25 metres from the library building at the closest point and in my opinion are located at such a remove that they do not impact on the main elevation of the library to Monastery Road such that they could reasonably be considered to impact negatively on the character or setting of the structure. When viewed from the east on Monastery Road, the installed flagpoles do impact on the view of the eastern elevation of the library building. Again, given the separation between the installed flagpoles and the library building, the scale of the flagpole structures and the wider context of the immediate vicinity of the library, including the constructed nursing home development, I do not consider that the flagpole structures for which retention is sought would impact in a significantly negative way on the character or setting of the library building.
- 7.4.3. The location and scale of the flagpole structures for which retention is sought are such that they do not have any impact on vehicular sightlines or visibility or on pedestrian safety.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the development for which retention permission is sought and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the development has any likely significant effect either individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. Having regard to the above, it is recommended that retention permission be granted based on the following reasons and considerations and subject to the attached conditions.

9.0 Reasons and Considerations

Having regard to the residential zoning objective for the area, to the location of the site and to the pattern of development in the area, it is considered that, subject to compliance with conditions below, the development for which retention permission is sought would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would not impact negatively on any protected structures in the vicinity. The development is, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application 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.

Stephen Kay
Planning Inspector

30th June, 2021

