

Leonard Mangan

From: Bord
Sent: Monday 1 July 2019 10:06
To: procbordemail
Subject: FW: ABP-304612-19
Attachments: De Paul Response to Referral Appeal 1 .docx

From: Jane Doyle <jane@doylekent.com>
Sent: Monday 1 July 2019 08:45
To: Bord <bord@pleanala.ie>
Cc: Tara Doyle <t.doyle@pleanala.ie>
Subject: ABP-304612-19

Dear Sir/ Madam

Please find attached our response to the Section 5 Referral case.

Regards

Jane



Doyle Kent Planning Partnership Ltd
71 Carysfort Avenue
Blackrock
Co Dublin
Ireland

t +353 87 626 3918 (Jane)
t +353 85 739 4853 (Karl)
e info@doylekent.com
w www.doylekent.com



Doyle Kent Planning Partnership Ltd
71 Carysfort Avenue
Blackrock, Co. Dublin

Company Reg. No 513327
Vat Reg. No. IE 9829282N

An Bord Pleanála

30th June 2019

64 Marlborough Street,

Dublin 1

Re: ABP-304612-19

South Dublin county Council Ref: ED 19/0009

Dear Sir or Madam,

We, Doyle Kent PP Ltd. of 71 Carysfort Avenue, Blackrock, Co. Dublin, on behalf of De Paul, on the invitation of the Board (10th June 2019) wish to respond to the third party Cllr Brian Lawlor's Referral letter to An Bord Pleanála. In this response we will deal with the specific issues raised in the letter from Cllr Lawlor but would also refer the Board to our detailed submission to the planning authority dated 27th April where we have set out our referral case.

The primary objectives of the Care Centre Recovery Hub is to:

- To accommodate women and support them in their pathway to consolidate their progress within a drug and alcohol free environment.
- **The service is not a drug or alcohol treatment clinic for people wishing to come off drugs or alcohol but rather a residential care centre for women.** These women will have completed a recognised recovery programme but are in need of residential care to rehabilitate them back into their communities. The women will have completed a recognised rehabilitation programme at the Coolmine, Ashleigh House Centre but now need

DIRECTORS

PHONE

EMAIL

WEB

Jane Doyle MRUP Dip.EIA (Mgmt) B.Soc.Sc MIPI

087 6263918

Karl Kent B.Arch MUBC Dip.TP Dip.EIA (Mgmt) FRIAI MIPI

085 7394853

info@doylekent.com

www.doylekent.com

residential care to assist them gain independence in living skills. Ashleigh House is the only mother and child residential rehabilitation centre in Ireland. Mothers can access residential treatment accompanied by their children under the age of five. The programme seeks to address the mothers' addiction issues as well as the impact of parental substance use on babies and young children. The Glencarrig residential centre offers the next stage in the rehabilitation of the women and their young children back into the community.

- It supports women in positive parenting practices through a recognised accredited programme 'Parents Under Pressure' (PUP Programme).
- It supports these small families to eventually move out of the care environment by assisting them in obtaining long term residential tenancies.
- The property can accommodate 10 -13 women and their young children at any one time. It provides 13 family rooms, which are shared between parent and child.
- There is no tolerance of any use of drugs and alcohol on site.
- There are two entrances to the Glencarrig Centre one from the Firhouse road and the second from Glencarrig Court and DePaul encourage all residents and staffs, to use the Firhouse road entrance in order to minimise any local traffic disruption.
- DePaul have a robust 'good neighborhood' policy which places at its heart the proper management of its environs and due to the fact that they operate another service of this nature in another part of the city for single women the precedence has been set that no disruption occurs in its local facility.
- This facility is focused on women with children and the highest level of child protection practice will operate on site. The facility is staffed on a 24-hour basis with support workers in order to ensure excellent management standards.

In Councillor Lawlor's submission he makes reference to two recent cases decided by An Bord Pleanála namely a residential drug rehabilitation facility in Ballivor, Co Meath and a drug dispensing facility in Coolmine, Fingal. The Board has found that services related to drug addiction and rehabilitation do not qualify for exemption for Change of Use under Part 4 of the Planning and Development Regulations – due to external impacts these services have on the surrounding communities.

ABP 301064: Ballivor, Co. Meath - ABP decided this in relation to Class 9 of Part 4, Schedule 2 of the Planning and Development Regulations. . Ballivor "the proposed use as a residential drug rehabilitation facility would involve a change of use from use as a nursing home and such use would raise material planning considerations including patterns of traffic and pedestrian activity movements a different service to a different user group including a population with a broader age profile and who are drug dependent, and with limited interaction with the local community, and is, therefore a material change of use , and is development.

ABP RL 2762: Coolmine, Fingal County - The HSE drug treatment case whereby a Drug Treatment operator sought to avail of exemption for a centre for the dispensing of treatments for addiction, offices and consulting rooms, whereby the Board concluded that it had material implications in terms of potential impacts on the amenities of the area and of property in the vicinity in terms of public health , security, noise and general disturbance, such that it is considered to be 'sui generis' and not constitute a type of use coming within the scope of Class 8 of Part 4 of Schedule of the Planning and Dev Act 2001.

We submit that these two centres are not comparable to the Glencarrig Centre. The two cases quoted above are treatment centres for people needing help in relation to substance abuse i.e drug and alcohol treatment centres. The first case, in Ballivor, Co Meath, concerns a residential drug rehabilitation facility whereby people from various parts of the country, who are drug dependent, sign up for a residential drug recovery programme with the centre. They are involved in an extensive programme of rehabilitation whilst living in the centre to enable them to return to their community and live in substance free life when they leave the treatment facility.

The second case quoted, in Coolmine, refers to a dispensing centre for drug addicts whereby drug addicts can use the facility to take their drugs within a safe environment and where there are care workers available to support them. This is a drop in facility for drug addicts and not a residential care facility.

The women living at the residential care centre at Glencarrig with their young children are not substance dependent. They have completed a recognised treatment programme at Ashleigh House Treatment centre and are being supported to eventually move back into their community. Glencarrig is a residential care centre for women and their young children in need who require support to enable them to live independently. They will be provided with both residential accommodation and with care at Glencarrig, until they can be assisted into independent living with their young children within the community.

A nursing home falls within the same class of use as a building for the provision of residential accommodation and care to people in need of care (but not the use of a house for that purpose). The question therefore for the Board is whether the use of the former nursing home as a care home for women (with their children), who have been through a one year drug rehabilitation programme and need to be rehabilitated back into the community, is a use which is consistent with the provision of residential accommodation and care to people in need of care.

The key in our opinion is if the change of use is for the "*provision of residential accommodation and care to people in need*" i.e. it must be for people in need and include both accommodation and care.

Schedule 2, Part 4, Class 9: Use—

- (a) *for the provision of residential accommodation and care to people in need of care (but not the use of a house for that purpose),*
- (b) *as a hospital or nursing home,*
- (c) *as a residential school, residential college or residential training centre.*

The term 'care' is defined in article 5(1), Part 2, of the Planning and Development Regulations, 2001 (as amended), as 'means personal care, including help with physical, intellectual or social needs'.

We consider that a rehabilitation residential care facility for women and their children would fall within Class 9(a) above as set out below. The existing nursing home use falls within Class 9 (b).

DePaul is a charitable organisation that provides homelessness services in Ireland with support from the HSE and Tusla.

It provides services for women and children within a variety of community and accommodation based settings, including drug and alcohol free services.

The current nursing home at Glencarrig property was utilised for the purpose of nursing home accommodation for the past 15 years. It ceased operations for that purpose in 2018. It currently comprises of 14 bedrooms, with 2 being ensuite, a commercial kitchen and a large sitting room/congregation areas. It previously accommodated up to 25 people in shared bedroom facilities. It also has on site car parking and a large back garden area.

The proposed use of the building by the charity DePaul is to deliver an accommodation based care centre 'Recovery Hub'. This will be aimed at the accommodation of women and children. The women will have already completed the treatment programme in the Coolmine treatment centre Ashleigh House for up to a year and their stay at Glencarrig Centre is to provide care in assisting the women to move from a care environment to long term residential independence. As part of their stay at the care centre, women will expected to be completely drug and alcohol free. The aim of the personal care provided at Glencarrig, is to restore the women to a normal life through a full programme of day -to -day personal care activities relating to physical, intellectual and social needs' provided by a dedicated team of care workers. The care centre recovery hub also provides 24- hour supervision and security for the residents and is a well-supervised facility offering residential accommodation and care to people in need of care.

We would ask the Board to agree with the planning authority's findings on this Section 5 referral that the proposed change of use from a nursing home (Class 9(b) of Part 4, Schedule 2 of the Planning and Development Regulations, 2001 (as amended) to use as a residential rehabilitation care centre (Class 9(a) of Part 4, Schedule 2 of the Planning and Development Regulations 2001 as amended) is exempted Development.

We look forward to hearing from you in due course

Yours faithfully



Jane Doyle