

Comhairle Chontae Atha Cliath Theas

PR/1582/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0107 **Application Date:** 14-Apr-2022
Submission Type: Clarification of **Registration Date:** 23-Nov-2022
Additional
Information

Correspondence Name and Address: CQA Design and Build Unit B4, Swords Enterprise Park, Feltrim Road, Swords, Co. Dublin

Proposed Development: Retention of the change of use from residential to use as residential staff accommodation ancillary to the use of Lexington House Nursing Home; hard landscaping and the use of an area of rear garden as an overflow carpark to be incorporated in and accessed from Lexington House; a single storey detached storage shed to the rear of the existing house.

Location: 6, Bettysford Terrace, Monastery Road, Clondalkin, Dublin 22

Applicant Name: Glenaulin Nursing Home Holdings Ltd.

Application Type: Retention

Description of Site and Surroundings:

Site Area:
Stated as 0.0468 Hectares.

Site Description:

The subject site is located on the northern edge of Monastery Road, a short distance from Clondalkin village. The site is bound to the north by the rear garden of residential properties along Castle Park, to the east by the Lexington Nursing Home and Clondalkin Library, to the west by No. 5 Bettysford Terrace and to the south by Monastery Road.

The subject site is comprised of an existing two-storey semi-detached dwelling. According to the drawings submitted by the Applicant, the dwelling is comprised of an entrance hall, living/dining area, kitchen, lounge and toilet at ground floor level and 3 No. bedrooms, a bathroom, a toilet and a storeroom at first floor level.

To the front of the dwelling there is a gravel area with parking for approximately 2 No. cars and a vehicular entrance from Monastery Road which appears to have been modified (widened) in the past. To the rear of the dwelling there is a hard surface (tarmacadam) area used as an overflow car park for the adjacent Lexington Nursing Home. There are approximately 8 No. car parking spaces

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to the rear of the dwelling in the overflow carpark, which are accessed from a vehicular entrance off Monastery Road that is associated with the Lexington Nursing Home. A through way has been created between the boundary of the subject site and the Lexington Nursing Home to facilitate vehicular access to the overflow car park. There is also a single storey shed structure, a generator and bins located to the rear of the existing dwelling on the subject site.

Proposal:

Retention permission is sought for the following:

- Change of use of the existing dwelling from residential-to-residential staff accommodation which is ancillary to the adjacent Lexington Nursing Home.
- The use of the rear garden as an overflow carpark to be incorporated into and accessed from Lexington House.
- A single storey detached shed to the rear of the existing house.

Zoning:

The site is located in an area which is zoned 'RES' 'to protect and/or improve residential amenity' in the South Dublin County Development Plan 2016-2022.

Consultations:

Drainage and Water Services Department:	No objection, subject to conditions.
Irish Water:	No objection, subject to conditions.
Roads Department:	Additional Information required.
Parks and Landscape Services Department:	Objection indicated.
Architectural Conservation Officer:	No objection.
Transport Infrastructure Ireland:	No objection.
Department of Housing, Local Government and Heritage:	No report received.

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Submissions/Observations /Representations

Final date for submissions/observations – 18th May 2022.

A number of submissions were received, the key points of which are briefly summarised below:

- The proposal is for a change of use from residential to commercial and therefore not an application for retention.
- The proposed location of an industrial generator on a residential property and the risks associated.
- The sewage system serves Nos. 1-6 and does not have capacity to serve the proposed change of use to a multi-unit dwelling.
- The vehicular entrance has been subject to material modifications (removal of pillars and widening of entrance without planning permission and as a result has altered the character of the streetscape.
- The alteration from a grass covered garden to hard surfacing represents a contravention of Development Plan Policy, specifically Policy NCBH2 regarding Biodiversity.
- The use of the rear garden as an overflow carpark is unnecessary given the 29 No. spaces located in the adjoining Lexington Nursing Home.
- The noise and additional pollution from vehicular traffic and the industrial generator significantly impact the residential amenity of the rear gardens of adjacent properties.
- The address on the Planning Application is incorrect as it should read '6 Bettysfort Terrace'.

The key issues outlined in the submissions shall be addressed in the Assessment section of this Report.

Relevant Planning History

Subject site

No relevant Planning History for the subject site.

Lexington Nursing Home Site

SD21A/0001 / ABP 309834-21 - Lexington House, Junction of Monastery Road, Monastery Park, Clondalkin, Dublin 22

Retention of 2 6.0m high and 1 7.0m high flagpole at the south east corner of the site adjacent to the intersection of Monastery Road & Monastery Park. **SDCC Decision:** Grant Permission, subject to conditions. The decision was subject to a Third party Appeal. **ABP Decision:** Grant permission, subject to conditions.

SD20A/0019 - Lexington House, Junction of Monastery Road, Monastery Park, Clondalkin, Dublin 22

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Single storey extension at second floor level to the east (front) and south (side) elevations of the existing nursing home (under construction) consisting of additional staff facilities. **SDCC Decision:** Grant Permission, subject to conditions.

SD17A/0007 - Lexington House, Junction of Monastery Road, Monastery Park, Clondalkin, Dublin 22

Demolition of existing habitable house on this site, the development of a new detached 87 bedroom nursing home consisting of 92 bed spaces made up in single storey, two storey and three storey elements over part basement, a new vehicular entrance from Monastery Park, the widening of the existing entrance to Monastery Road, single storey detached sub-station, a refuse storage enclosure, a single storey detached gardeners shed, a landscaped communal open space at ground level and roof terraces at first floor and second floor levels, 29 car parking spaces and ancillary site works. **SDCC Decision:** Grant permission, subject to conditions. The decision was subject to a Third party Appeal. **ABP Decision:** Grant permission, subject to conditions.

Adjacent Sites

No recent relevant Planning History within the immediate vicinity of the subject site.

Relevant Enforcement History

Subject Site

S8496

Change of use from residential to commercial and part of rear garden being incorporated into adjacent Nursing Home. **File Status:** Open.

Lexington Nursing Home Site

S8515

Non-compliance with condition 1 of SD17A/0007-ABP PL06S.248779-Pillars at entrance exceed 1.2m. **File Status: Open**

S8282

Non-compliance with condition 1 of SD17A/0007 -elevations not constructed as per permission **File Status:** Open

S8184

Raising of ground level. **File Status:** Open

S8161

Non-compliance condition 1. **File Status:** Closed.

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S8092

Non-compliance condition 8(working hours). **File Status:** Closed.

S8088

Non-compliance condition 6 & 8. **File Status:** Open.

S7926

Non-compliance condition 12(a). **File Status:** Closed.

S7907

Non-compliance condition 13 & 14. **File Status:** Closed.

Pre-Planning Consultation

None recorded for the subject scheme.

SEA Sensitivity Screening

Overlap indicated with the following environmental layers:

- Areas of Archaeological Potential – The Clondalkin ACA is a short distance from the subject site.
- Protected Structures – The Clondalkin Library is a Protected Structure.
- Record of Monuments and Places

Relevant Policy in South Dublin County Council Development Plan 2016-2022

Section 2.2.0 Sustainable Neighbourhoods

Policy H6 Sustainable Communities

Policy H7 Urban Design in Residential Communities

Policy H8 Residential Densities

Policy H9 Residential Building Heights

Policy H10 Mix of Dwelling Types

Section 2.3.0: Quality of Residential Development

Policy H11 Residential Design and Layout

Policy H11 Objective 1

Policy H12 Public Open Space

Policy H13 Private and Semi-Private Open Space

Policy H13 Objective 3

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Policy H14 Internal Residential Accommodation

Policy H14 Objective 1:

'To ensure that all residential units and residential buildings are designed in accordance with the relevant quantitative standards, qualitative standards and recommendations contained in Sustainable Urban Housing: Design Standards for New Apartments (2015), the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), the companion Urban Design Manual and have regard to the standards and targets contained in Quality Housing for Sustainable Communities (2007), particularly the standards and recommendations that relate to internal amenity/layout, overall unit size, internal room sizes, room dimensions, aspect, sound insulation, communal facilities, storage, sustainability and energy efficiency.'

(The 2015 Apartment Guidelines have since been superseded by the 2018 Apartment Guidelines)

Policy H15 Privacy and Security

Section 2.4.0: Residential Consolidation – Infill, Backland, Subdivision & Corner Sites

Policy H17 Residential Consolidation

Section 7.1.0: Water Supply & Wastewater

Policy IE1 Water & Wastewater

Policy IE1 Objective 7

Section 7.2.0: Surface Water & Groundwater

Policy IE 2 Surface Water & Groundwater

Policy IE2 Objective 5

Section 11.3.0: Land Uses

Section 11.3.1 (iv): Dwelling Standards

Table 11.20: Minimum Space Standards for Houses

Section 11.3.1 (v): Privacy

Section 11.3.2: Residential Consolidation

Section 11.3.2 (i): Infill Developments

Section 11.3.2 (iv): Dwelling sub-division and Upper Floors

Section 11.4.2: Car Parking Standards

Section 11.6.5 (iv)

Section 11.7.2: Energy Performance in New Buildings

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Section 11.8.1: Environmental Impact Assessment

Section 11.8.2: Appropriate Assessment

Relevant Government Guidelines:

Project Ireland 2040 National Planning Framework, Government of Ireland (2018).

Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, Department of Housing, Planning and Local Government (2020).

Urban Design Manual, Department of the Environment, Heritage and Local Government, (2008).

Quality Housing for Sustainable Communities-Best Practice Guidelines, Department of the Environment, Heritage and Local Government (2007).

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009).

OPR Practice Note PN01 Appropriate Assessment Screening for Development Management (March 2021)

Planning Note

The information shown on the Site Layout Plan does not appear to accurately reflect the existing scenario on the ground. For example, it was observed during a site visit that there are 2 No. car parking spaces located adjacent to the western elevation of the nursing home building. However, these spaces are not shown on the Site Layout Plan drawing.

Furthermore, the Site Layout Plan appears to show 4 No. car parking spaces in total and approximately 60 sq.m of private amenity space associated with the existing dwelling surrounded by a 1.8m high concrete post and timber panel fence. However, it was observed during a site visit that there are approximately 8 No. spaces in total and no clearly demarcated private amenity space for the dwelling.

There also appear to be a number of industrial sized bins located next to the generator in the north-western corner of the site, which are not shown on the Site Layout.

Having regard to the inaccurate information shown on the drawings provided, the Applicant should be requested to provide ADDITIONAL INFORMATION in the form of accurate drawings showing the original and proposed layout of the subject site.

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Assessment

The main issues for the assessment are:

- Zoning and Council Policy
- Visual Impact
- Residential Amenity
- Archaeological and Built Heritage
- Vehicular Access and Parking
- Parks and Public Realm
- Drainage and Water Services
- Screening for Appropriate Assessment
- Environmental Impact Assessment

Zoning and Council Policy

The subject site is zoned objective 'RES' – 'To protect and/or improve residential amenity' in the South Dublin County Development Plan 2016-2022.

The proposed development seeks retention permission for the change of use from residential-to-residential staff accommodation, the hard surfacing of the rear garden for use as an overflow car park and a shed structure (13 sq.m) to the rear.

Residential staff accommodation would be considered consistent with the 'residential' use, which is *Permitted in Principle* for lands zoned 'RES' and 'car park' is listed as an *Open for Consideration* use.

Subject to their being in accordance with the relevant provisions of the South Dublin County Development Plan 2016-2022, the proposed development is considered to be acceptable in principle.

However, clarification is required as to the intended use of the shed structure, whether it is ancillary to the main residential use or whether it is associated with the adjacent nursing home use. This is not clear from the documentation provided by the Applicant and should be clarified through a request for ADDITIONAL INFORMATION.

Visual Impact

Retention permission is sought for a shed structure with an approximate floor area of 13 sq.m constructed in the rear garden of the existing dwelling, the hard surfacing of the rear garden to provide an overflow car park and the change of use of the dwelling to provide staff accommodation. These works have taken place without the benefit of Planning Permission. The purpose of this Planning Application appears to be to seek Retention Permission for the use of the dwelling as residential staff accommodation, the use of the rear garden as an overflow car park and

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the shed structure, to regularise their planning status. The potential visual impact of each element of the proposed development shall be assessed individually below.

Change of Use from Residential to Staff Accommodation

As no material alterations are proposed to facilitate the change of use from residential to staff accommodation and no alteration are proposed to external appearance of the existing dwelling, the Planning Authority is satisfied that there will be no adverse visual impact to the subject site, surrounding properties and the adjacent streetscape.

Hard surfaced overflow carpark

The rear garden of the existing dwelling has been covered in hard surfacing to facilitate the creation of an overflow car park for the adjacent nursing home. As previously noted, the information shown on the Site Layout drawing does not appear to accurately reflect the existing layout of the subject site. A concern arises in relation to the impact of the proposed car park on the residential amenity of the dwelling, this is further outlined in the forthcoming section of this Report. No rationale has been provided for the overflow car park. It was observed during a site visit that there were a number of parking spaces available in the main car parks to the east and south of the nursing home. In terms of visual impact, although it is not ideal for a rear garden to be converted into a car park, it is noted that it would only be visible from the upper floor windows of and the windows of the nursing home to the west. As such, it is considered that the visual impact of the proposal is acceptable.

Shed Structure

The shed is located adjacent to the northern boundary of the subject site and has an approximate width of 2.59m and an approximate length of 6.36m, with a sloped roof profile that has a maximum overall height of 3.41m. There is 1 No. access door in the southern elevation. It is unclear from the information provided whether the shed structure is ancillary to the existing dwelling or associated with the adjacent nursing home. In this regard clarification is required from the Applicant. Although the structure itself is location adjacent to the northern boundary, it is noted that a tree located in the rear amenity space of the nursing home appears to screen the structure from adjoining properties. It is therefore considered that the visual impact of the structure is minimal.

Residential Amenity

The Site Layout drawing appears to show 60 sq.m of private amenity space to the rear of the dwelling for use by the occupants. This would adhere to the minimum standards for a 3 No. bedroom dwelling outlined in Table 11.20 of the Development Plan. However, as noted during a site visit, the information shown on the Site Layout drawing does not appear to accurately reflect the existing scenario on the ground. In this regard, the Applicant should be requested to confirm the private amenity space provision for the dwelling, this can be provided by way of ADDITIONAL INFORMATION.

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It is noted that there is an industrial generator located in the north-western corner of the subject site, adjacent to the party boundary with residential dwellings to the north and west of the site. Whilst the generator was not in use during the site visit, a concern arises as to the potential noise emanating from the generator and the impact this may have on the residential amenity of adjacent properties. As such, the Applicant should be requested to provide ADDITIONAL INFORMATION in relation to the generator including, but not limited to, the purpose of the generator, the operating hours of the generator, the rationale for its location in the north-western corner of the subject site and whether or not alternative locations were considered. In addition, the Applicant should be requested to provide a Noise Impact Assessment of the generator to facilitate a complete assessment of the potential impact to the residential amenity of adjacent properties.

Archaeological and Built Heritage

Having regard to the nature and scale of the proposed development, it is considered that the proposal will not adversely impact the character and setting of the nearby Clondalkin Library, which is a Protected Structure.

Vehicular Access and Parking

A report received from the Roads Department indicates that the following ADDITIONAL INFORMATION is required to facilitate a complete assessment of the proposed development:

'The Applicant is requested to submit a revised drawing showing the following information:

- *If a section of wall was to be removed.*
- *Proposed carpark spaces numbered and dimensioned.*
- *Proposed access/egress to rear garden carpark with clear dimensions.*
- *AutoTRAK analysis of how vehicles would access and egress the proposed rear garden carpark from the adjacent site (SD17A/0007 - Nursing home).*
- *Distance between main nursing home building and sub-station; and all similar and relevant dimensions.'*

Parks and Public Realm

A report received from the Parks and Public Realm Department provides the following commentary in relation to the proposed development:

'The Public Realm Section would not have approved this development without first seeing an arborists report on the impact of the development on existing trees. It appears that there has been development in the root zone of an existing mature trees and other trees may have been removed to facilitate the development involving soil sealing with hardstanding and buildings.'

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It is regrettable that the development carried out, without the benefit of Planning Permission, appears to have the potential for a negative impact to existing trees and soil sealing caused by the introduction of a large area of hard standing. This would be contrary to a number of policies and objectives contained within the Development Plan and the Council's Tree Management Policy - 'Living with Trees 2015-2020'. In this regard, should the Planning Authority be minded to Grant Retention Permission for the proposed development, a CONDITION should be attached requiring the Applicant to plant replacement trees to offset the potential amenity and biodiversity loss resulting from the proposal.

Drainage and Water Services

The Drainage and Water Services Department and Irish Water have reviewed the proposed development and have indicated no objection to the proposal, subject to conditions.

Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established residential area and comprises retention permission for the change of use from residential-to-residential staff accommodation, the hard surfacing of the rear garden for use as an overflow car park and a shed structure 13 sq.m.

Having regard to:

- the small scale and domestic nature of the development,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

Environmental Impact Assessment

Having regard to the nature and scale of the proposed development and pursuant to Schedule 5 of the Planning and Development Regulations 2001 (as amended), the proposal is not a class of development for which a mandatory Environmental Impact Assessment Report is required. Additionally, having regard to the distance of the site from nearby sensitive receptors, the need for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.

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Conclusion

Having regard to the 'RES' land-use zoning of the area, the relevant policies and objectives of the South Dublin County Development Plan 2016 – 2022 and the inaccurate information shown with in the drawings provided with the Application, it is considered that ADDITIONAL INFORMATION is required to facilitate a complete assessment of the proposed development.

Recommendation

I recommend that ADDITIONAL INFORMATION be requested from the applicant with regard to the following:

1. The Applicant is requested to address the following deficiencies in the information and inaccuracies in the drawings provided:
 - a) The information shown on the Site Layout Plan does not appear to accurately reflect the existing scenario on the ground, specifically the Site Layout Plan appears to show 4 No. car parking spaces in total and approximately 60 sq.m of private amenity space associated with the existing dwelling surrounded by a 1.8m high concrete post and timber panel fence. However, it was observed during a site visit that there are approximately 8 No. spaces in total and no clearly demarcated private amenity space for the dwelling. There also appear to be a number of industrial sized bins located next to the generator in the north-western corner of the site, which are not shown on the Site Layout. The Applicant is requested to provide amended Site Layout drawings accurately showing original and proposed (existing) layout of the subject site.
 - b) The Applicant is requested to confirm the private amenity space provision for the dwelling and ensure that it is clearly demonstrated on the amended Site Layout drawings.
 - c) The Applicant is requested to provide clarification regarding the intended use of the shed structure, whether it is ancillary to the main residential use or whether it is associated with the adjacent nursing home use.
2. Having regard to the industrial generator located in the northwestern corner of the subject site, the Applicant is requested to provide an Acoustic Assessment which must be undertaken by a suitably qualified acoustic consultant describing and assessing the impact of noise emissions from the generator, to include the accumulative noise impact from existing on-site activities. The investigation must include, but not be necessarily limited to, the following:
 - a) The identification of any neighbouring noise sensitive receivers who may be potentially impacted by the proposal.
 - b) The purpose and operating hours of the generator and the likelihood that it could give rise to a public nuisance for the neighbouring noise sensitive receivers.

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- c) Distances between the generator and the nearest noise sensitive receiver and the predicted level of noise (L_{Aeq}, 15min) from any activities when assessed at the boundary of that receiver.
 - d) An assessment of the existing background (LA₉₀,15 min) and ambient (L_{Aeq},15 Min) acoustic environment at the receiver locations representative of the time periods that any noise impacts may occur. NOTE: For the purposes of the assessment background noise includes; noise of the surrounding environment excluding all noise sources currently located on-site.
 - e) A statement outlining any recommended acoustic control measures that should be incorporated to ensure the use of the generator will not create adverse noise impacts on the occupiers of any neighbouring noise sensitive properties.
3. The Applicant is requested to submit a revised drawing showing the following information:
- a) If a section of wall was to be removed.
 - b) Proposed carpark spaces numbered and dimensioned.
 - c) Proposed access/egress to rear garden carpark with clear dimensions.
 - d) AutoTRAK analysis of how vehicles would access and egress the proposed rear garden carpark from the adjacent site (SD17A/0007 - Nursing home).
 - e) Distance between main nursing home building and sub-station; and all similar and relevant dimensions.

Additional Information

Additional Information was requested on 8th June 2022.

Additional Information was received on 15th September 2022.

The Additional Information received was not deemed to be significant, as such the Applicant was not required to erect a Site Notice or publish a Newspaper Notice.

Submissions/Observations

No submissions / observations received.

Assessment

The following Additional Information was received from the Applicant on 15th September 2022:

- Letter of Response prepared by CQA Design & Build dated 12th September 2022.
- Drawing No. P401 – Retention Plans, Elevations and Sections prepared by CQA Design & Build.
- Drawing No. P402 – Original and As-Built Site Layouts prepared by CQA Design & Build.
- Drawing No. P403 – Swept Path Analysis prepared by CQA Design & Build.
- Generator Data Sheet.

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The Additional Information provided by the Applicant will be assessed below in the context of the 3 No. items of Additional Information requested by the Planning Authority on 8th June 2022:

Additional Information Item No. 1

Revised drawings have been provided which, according to the Applicant, address Additional Information Item No. 1 as follows:

- a) An accurate representation of the existing and proposed Site Layout Plans is shown on Drawing Nos. P401 and P402.
- b) Drawing No. P401 indicates the Applicant's intention to provide 60 sq.m private amenity space to the rear of the existing dwelling at No. 6 Bettysford Terrace.
- c) The shed structure is ancillary to the adjacent nursing home, providing contingency storage.

The revised Site Layout drawings demonstrate the reduction in the quantum of car parking spaces to 4 No. spaces.

The omission of the 2 No. spaces located directly adjacent to the western elevation of the nursing home building is noted. Although these spaces are located outside the redline boundary of this Planning Application. It is noted that they are contingent on retention permission being granted for the subject application to facilitate access to the spaces. Should permission be granted for the proposed development of this Planning Application, the reduction in the quantum of car parking and the omission of the 2 No. spaces adjacent to the nursing home can be secured by way of **CONDITION**.

The revised Proposed Site Layout Plan demonstrates the provision of 60 sq.m private amenity space for the existing dwelling. This would be in compliance with Table 3.20 of the South Dublin County Development Plan 2022-2028. However, it is noted that this proposal is contingent upon Retention Permission being granted for the car park and ancillary development to the rear. The Applicant should be aware that, should permission be refused for the proposed development, the requirement to provide private amenity space for the dwelling would remain.

Whilst the adjacent nursing home lies outside the redline boundary of this Planning Application, it is understood that the subject site and the nursing home are under the same ownership. As such, the ancillary nature of the shed structure is accepted.

Overall, it is considered that the Applicant has satisfactorily responded to Additional Information Item No. 1. Whilst the revised Proposed Site Layout Plan is generally acceptable, concerns remain in relation to the presence of the industrial generator and the accessibility of the car parking spaces. These concerns are further outlined in the assessment of Additional Information Item Nos. 2 and 3 below.

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Additional Information Item No. 2

In response to Additional Information Item No. 2 the Applicant has clarified the operational role of the generator and a rationale for the location. Whilst the information provided by the Applicant is noted, the Acoustic Assessment requested in Additional Information Item No. 2 has not been provided. The Applicant provides the following explanation for failing to provide the requested information.

'Having regard to the points outlined above, and in particular the intended purposes of the generator and its occasional use only in the circumstances of an emergency, we would submit that it would be overly onerous to request that a full acoustic assessment by (sic) carried out. We hope that the above clarification of the operational role of the generator will be sufficient to address this item of Additional Information.'

The intention of the Acoustic Assessment requested in Additional Information Item No. 2 was to facilitate a complete assessment of the potential impact to the residential amenity of adjacent properties.

It is considered that the Applicant has not satisfactorily addressed Additional Information Item No. 2. In this regard, the Applicant should be afforded one final opportunity to provide **CLARIFICATION OF ADDITIONAL INFORMATION**, to facilitate a complete assessment of the proposed development, in the form of an Acoustic Assessment undertaken by a suitably qualified Acoustic Consultant. It should be noted that, if the Applicant fails to satisfactorily demonstrate that the generator will not have an adverse impact on adjacent properties, a Condition could be attached requiring its removal from the subject site.

Additional Information Item No. 3

In response to Additional Information Item No. 3, the Applicant has indicated the following:

- a) The original boundary wall between the rear of No. 6 Bettysford Terrace and the nursing home site was removed following the purchase of the property. The original location of the wall is indicated on Drawing No. P402.
- b) Drawing No. P403 shows the number and size of car parking spaces and the intended car parking layout following the allocation of 60 sq.m private amenity space for the existing dwelling.
- c) Drawing No. P403 provides clarification of the dimensions at the access and egress points between the sites.
- d) Drawing No. P403 provides a Swept Path Analysis of the proposed site showing vehicle access and egress to and from the site and parking manoeuvres. The Applicant states that there is sufficient space to access and safely manoeuvre a vehicle within the car park.

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- e) Drawing No. P403 includes the dimensions of the access and egress point to the subject site.

The Roads Department have assessed the Applicant's response to Additional Information Item No. 3 and indicated the following:

- a) SDCC Roads are satisfied with the Applicant's response.
- b) Subject to Additional Information Item No. 3(d) being met.
- c) SDCC Roads are satisfied with the Applicant's response.
- d) AutoTrak Analysis was requested but Drawing No. P403 does not meet the required analysis standard. The clearance between Lexington House and the ESB sub-station is very narrow, as is the clearance between Lexington House and the proposed private amenity space. The applicant has not demonstrated, to the satisfaction of SDCC Roads Department, using **AutoTRAK analysis**, that cars can safely navigate this narrow laneway.
- e) SDCC Roads are satisfied with the Applicant's response.

Having regard to the deficiency in the information provided by the Applicant, specifically Drawing No. P403, and the Report of the Roads Department, it is considered that Additional Information Item No. 3 has not been satisfactorily addressed. In this regard, the Applicant should be requested to provide **CLARIFICATION OF ADDITIONAL INFORMATION** in the form of an accurate Swept Path Analysis which is generated by AutoTRAK software and AutoTRAK stamped and fully dimensioned, including offset dimensions show the clearance in each scenario between a car and the building at each vehicular pass. It should be noted that, depending on the information shown in the accurate AutoTRAK drawing, alterations may be required to the proposed private amenity space in order to create a safe passage through the narrow space.

Other Considerations

South Dublin County Development Plan 2022-2028

The South Dublin County Development Plan 2022-2028 was adopted on 3rd August 2022. It is noted that the zoning of the subject site remains Objective 'RES.'

Green Infrastructure

The site is not located within a Primary GI Corridor or Secondary GI Link as identified in the Green Infrastructure Strategy Map (Figure 4.4 and fully detailed in Appendix 4 of the South Dublin County Development Plan 2022-2028).

Whilst the subject site is not located within a Primary or Secondary GI corridor, it is regrettable that the Applicant has introduced hard surfacing to an area which was previously a rear garden for the existing dwelling at No. 6 Bettysford Terrace.

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The re-introduction of approximately 60 sq.m amenity space to the rear of the dwelling is welcomed as it will partially offset the overall loss of green infrastructure.

Conclusion

Having regard to the deficiencies in the Additional Information provided by the Applicant regarding the Acoustic Assessment of the existing generator and the AutoTrak Analysis drawings of the access and egress to the car park, it is considered that, **CLARIFICATION OF ADDITIONAL INFORMATION** should be sought from the Applicant.

Recommendation

I recommend that **CLARIFICATION OF ADDITIONAL INFORMATION** be requested from the applicant with regard to the following:

1. Acoustic Assessment

The Applicant is requested to provide an Acoustic Assessment, which must be undertaken by a suitably qualified acoustic consultant describing and assessing the impact of noise emissions from the generator, to include the accumulative noise impact from existing onsite activities. The Assessment must include, but not be necessarily limited to, the following:

- (a) The identification of any neighbouring noise sensitive receivers who may be potentially impacted by the proposal.
- (b) The purpose and operating hours of the generator and the likelihood that it could give rise to a public nuisance for the neighbouring noise sensitive receivers.
- (c) Distances between the generator and the nearest noise sensitive receiver and the predicted level of noise (L_{Aeq}, 15min) from any activities when assessed at the boundary of that receiver.
- (d) An assessment of the existing background (LA₉₀,15 min) and ambient (L_{Aeq},15 Min) acoustic environment at the receiver locations representative of the time periods that any noise impacts may occur.
NOTE: For the purposes of the assessment background noise includes; noise of the surrounding environment excluding all noise sources currently located on-site.
- (e) A statement outlining any recommended acoustic control measures that should be incorporated to ensure the use of the generator will not create adverse noise impacts on the occupiers of any neighbouring noise sensitive properties.

2. AutoTRAK Analysis

The Applicant is requested to provide an accurate Swept Path Analysis which is generated by AutoTRAK software and AutoTRAK stamped and fully dimensioned, including offset dimensions showing the clearance in each scenario between a car and the building at each vehicular pass between the subject site and the adjacent nursing home. It

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should be noted that, depending on the information shown in the accurate AutoTRAK drawing, alterations may be required to the proposed private amenity space in order to create a safe passage through the narrow space. Should such alterations be provided, the Applicant is requested to provide a revised Proposed Site Layout drawing.

Clarification of Additional Information

Clarification of Additional Information was requested on 12th October 2022.

Clarification of Additional Information was received on 23rd November 2022.

The Clarification of Additional Information received was not deemed to be significant, as such the Applicant was not required to erect a Site Notice or publish a Newspaper Notice.

Submissions/Observations

No submissions / observations received.

Assessment

The following Clarification of Additional Information was received from the Applicant on 23rd November 2022:

- Letter of Response prepared by CQO Design and Build dated 17th November 2022.
- Lexington House Generator Noise Impact Assessment prepared by iAcoustics.
- Drawing No. P401 – Retention – Plans, Elev's & Sect's prepared by CQO Design and Build.
- Drawing No. P403 – Swept Path Analysis prepared by CQA Design and Build.

The Clarification of Additional Information provided by the Applicant will be assessed below in the context of the 2 No. items requested by the Planning Authority on 12th October 2022:

Clarification of Additional Information Item No. 1

In response to Clarification of Additional Information Item No. 1 the Applicant has provided a Noise Impact Assessment prepared by iAcoustics. The Assessment concludes that the potential noise impact arising from the occasional use of the back-up generator will not be significant and will not pose a nuisance to neighbouring properties.

The content of the Noise Impact Assessment is noted by the Planning Authority. According to the Applicant the generator is used for emergency back-up purposes only and is tested once a week after midday for a duration of less than a minute.

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It is noted that the Noise Impact Assessment has assessed the potential impact on the basis of the distance of the generator to the nearest dwellings.

The Report of the HSE Environmental Health Officer indicates no objection to the proposed development (area of expertise include noise), subject to **CONDITIONS**.

The issue of noise is considered resolved having regard to the noise impact assessment and that the EHO has not raised objections in this regard.

Clarification of Additional Information Item No. 2

In response to Clarification of Additional Information Item No. 2, the Applicant has provided drawings demonstrating the AutoTRAK analysis and site dimensions of the site layout.

The Roads Department have assessed the Applicant's Response, with their Report noting no objection to the proposed development subject to the following **CONDITION**:

- Prior to the commencement of development, the applicant is required to submit a revised layout showing the section of 'access/egress' roadway as a shared surface with a priority to pedestrians to be in line with DMURS.

It is considered that the Applicant has addressed Clarification of Additional Information Item No. 2.

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Other Considerations

Development Contributions

Development Contributions	
Planning Reference Number	SD22A/0107
Summary of permission granted & relevant notes:	Retention of the change of use from residential to use as residential staff accommodation ancillary to the use of Lexington House Nursing Home; hard landscaping and the use of an area of rear garden as an overflow carpark to be incorporated in and accessed from Lexington House; a single storey detached storage shed to the rear of the existing house.
Are any exemptions applicable?	No
If yes, please specify:	
Is development commercial or residential?	Commercial
Standard rate applicable to development:	98.76
% reduction to rate, if applicable (0% if N/A)	0
Rate applicable	€98.76
Area of Development (m2)	159.20
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	159.2
Total development contribution due	€15,722.59

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SEA Monitoring

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Retention of Change of Use from Residential to Staff Accommodation and Storage Shed associated with Nursing Home.	159.2 sq.m
Land Type	Site Area (Ha)
Brownfield / Urban Consolidation	0.0468 Ha

Conclusion

Having regard to the Clarification of Additional Information provided by the Applicant and the policies outlined in the South Dublin County Development Plan 2022-2028, it is considered that, subject to conditions, the proposed development generally adheres to the key policies, objectives and guidance and would not be contrary to the proper planning and sustainable development of the area.

Recommendation

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for Retention for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

FIRST SCHEDULE

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2022 - 2028 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

Conditions and Reasons

1. Development to be in accordance with submitted plans and details.

The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 15th September 2022 and Clarification of Further Information received on 23rd November 2022, save as may be required by the other conditions attached hereto.

REASON: To ensure that the development shall be in accordance with the permission,

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and that effective control be maintained.

2. Prior to the commencement of development, the applicant is required to submit a revised layout showing the section of 'access/egress' roadway as a shared surface with a priority to pedestrians, and shall be in line with DMURS, as far as possible.

REASON: In the interests of pedestrian and traffic safety.

3. Having regard to the extensive area of hardstanding and resultant soil sealing, prior to the commencement of development, the Applicant shall submit details of replacement tree planing to offset the potential amenity and biodiversity loss resulting from the proposal.

REASON: In the interests of proper planning and sustainable development.

4. In accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 15th September 2022 and Clarification of Further Information received on 23rd November 2022, only 4 No. car parking spaces are permitted to the rear of the dwelling. The use of the area to the rear of the dwelling for the parking of more than 4 No. vehicles would be considered unauthorised development.

REASON: In the interest of traffic and pedestrian safety.

5. (i) The applicant shall include SuDS (Sustainable urban Drainage Systems) features for the proposed development such as but not limited to the following:

- Permeable Paving
- Grasscrete
- Water Butts
- Rain Gardens
- Planter boxes with overflow connection to the public surface water sewer.

(ii) The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.

(iii) All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

(iv) All development shall be carried out in compliance with Irish Water Standards codes and practices in relation to water and waste water.

REASON: In the interest of public health and to ensure adequate water and wastewater facilities.

6. Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice

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for demolition.

REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

7. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

8. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €15, 722.59 (Fifteen Thousand, Seven Hundred and Twenty Two Euro and Fifty Nine Cent), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

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The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

9. Noise.
 - a) Noise due to the normal operation of the proposed development, expressed as Laeq over 15 minutes at the façade of a noise sensitive location, shall not exceed the daytime background level by more than 10 dB(A) and shall not exceed the background level for evening and night time. Clearly audible and impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.
 - b) During the construction / demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances.
 - c) No heavy construction equipment/machinery (to include pneumatic drills, construction vehicles, generators, etc) shall be operated on or adjacent to the construction site before 07:00 hours on weekdays and 09:00 on Saturdays nor after 19:00 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays. Any work outside of these hours shall only be permitted following a written request to the Planning Authority and subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unwanted noise outside the hours stated above.
 - d) Diesel generator must be attenuated to achieve a maximum sound pressure level at 1m from any point of the generator of 75dBA.
 - e) Clearly audible or impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level
 - f) The development shall be so operated that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials, no noise vibration on site so as would give reasonable cause for annoyance to any person in any adjoining unit or public place in the

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vicinity.

REASON: In the interests of public health and the proper planning and sustainable development of the area.

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The applicant is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

NOTE: The applicant is advised that where industrial effluent is produced or stored a licence may be required under the provisions of the Waste Management Act.

NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

NOTE: The applicant/developer is advised that the most up to date South Dublin County Council Taking in Charge Policy and associated documents can be found at the following location <https://www.sdcc.ie/en/services/planning/commencement-and-completion/completion/taking-in-charge-policy-standards>.

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; please apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

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REG. REF. SD22A/0107

LOCATION: 6, Bettysford Terrace, Monastery Road, Clondalkin, Dublin 22

Colm Harte

Colm Harte,
Senior Executive Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for Retention for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

Date: 15/12/22



Gormla O'Corrain,
Senior Planner