

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

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

|                                       |                                      |
|---------------------------------------|--------------------------------------|
| <b>Decision Order Number:</b> 0475    | <b>Date of Decision:</b> 04-May-2023 |
| <b>Register Reference:</b> SD23A/0047 | <b>Date:</b> 10-Mar-2023             |

**Applicant:** Bartra Property (NH) Limited

**Development:** Change of use of part of existing convent building (Protected Structure - Ref. 158) from staff accommodation ancillary to the adjacent nursing home/retirement home permitted under Ref. SD18A/0328 (ABP-304708-19) to community geriatric daycare centre (Ageing Well Centre) with all associated ancillary accommodation (1267sq.m); Internal alterations and improvements to the interior of the convent at ground, first and second floors; External alterations to accommodate two stair cores (one includes a lift) within the courtyard space and minor alterations to existing windows and doors to facilitate new escape routes; All ancillary site and development works associated.

**Location:** Presentation Convent, New Road, Clondalkin, Dublin 22

**Floor Area:**

**Time extension(s) up to and including:**

**Additional Information Requested/Received:** /

**Clarification of Additional Information Requested/Received:** /

**DECISION TO:** Pursuant to the Planning & Development Act 2000 (as amended), it is hereby decided, for the reasons set out in the First Schedule hereto, to **GRANT PERMISSION** for the said development in accordance with the said plans and particulars,

subject to the conditions specified in the Second Schedule hereto, the reasons for the imposition of the said conditions being as set out in the said Second Schedule and the said decision is subject to the said conditions.

## **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 condition(s) set out hereunder is thereby in accordance with the proper planning and sustainable development of the area.

## **SECOND SCHEDULE**

### **Conditions and Reasons:**

1. Development in accordance with submitted plans and details.  
The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.  
REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.
2. Architectural Conservation  
Prior to the commencement of development, the applicant/developer shall submit for the written agreement of the Planning Authority, following consultation with SDCC's Architectural Conservation Officer where necessary, the following:
  - (a) All works should be carried out in accordance with the details and particulars submitted and in accordance with the details and methodology provided in the Architectural Impact Assessment Report. All works should adhere to best practice in minimising and direct impact on the original built fabric and should adhere to conservation principles in achieving the best overall approach.
  - (b) Safety measures should be put in place during the proposed works on site. A Safety Statement should be provided detailing how the Protected Structure and all original architectural features and fixtures will be protected. A safety statement should be submitted for written agreement with the Councils Architectural Conservation Officer prior to the commencement of development.
    - To ensure the protected structure and all associated architectural features/decorative internal fabric are being safeguarded during the proposed development and appropriate safety measures are put in place to prevent and minimise any possible damage.
    - Once works commence on site the Councils Architectural Conservation Officer should be contacted with regard to inspecting the safety measures put in place to safeguard and protect the protected structures and original fabric and features.
  - (c) A suitably qualified Architect with Conservation expertise or Conservation Architect should be engaged to supervise the proposed works ensuring that works are carried out in accordance with the current proposals and mitigation measures are carried out in full in achieving a sensitive overall approach and minimal intervention. The Conservation Architect should continue to liaise with the Councils Architectural Conservation Officer throughout the proposed development and the Councils Architectural Conservation Officer should be notified during the key stages of works.
  - (d) The proposed new fire door between the entrance hall section of the corridor and the

north section leading to the Chapel and upgrading of existing door for fire rating has been designed to use a non-impactful system of fire protection. The new fire door should take account of the character of the surrounding joinery and while being functional and contemporary in form, should respect the context to minimise any impacts. All fire safety and upgrading works should be carried out in accordance with the fire strategy provided and all works should take account of the original joinery and minimise any overall impact.

(e) It is proposed to create two new service openings into the inner (courtyard side) wall of the Chapel to facilitate air handling. The two new wall vents would be placed centrally on the west facing courtyard wall between two gothic style windows. The original windows are fixed stained glass windows which do not provide any means of openings in order that natural ventilation can be provided.

- It is considered that a method statement should be provided detailing how the insertion of the ventilation system will be carried out ensuring minimal intervention to the original built fabric.

(f) It is proposed to add 2 no. Staircase towers within the courtyard, one which will contain a lift. These are to facilitate access and escape and to replace the existing metal open fire escape stairs. The design of the proposed new staircase towers will be modern in form and the material finish will reflect the materiality of the Protected Structure. These new additions will allow the clear reading of an additional contemporary structure within the context of the existing Convent Building. A glazed interface will provide a clear separation between the original built fabric and the new Staircase towers.

- A schedule of materials should be submitted for the new staircase towers.

REASON: To ensure that the integrity of the Protected Structure is maintained and that the structure is protected from unnecessary damage or loss of fabric.

### 3. Irish Water Connection Agreement.

Prior to the commencement of development the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

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

### 4. Drainage - Irish Water.

(a) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

(b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

### 5. SUDS

Prior to the commencement of development, the applicant/developer shall submit for the written agreement of the Planning Authority, permeable paving, or other relevant SuDS measures as part of the landscaping plan, to offset the additional hardstanding areas in the courtyard.

REASON: In the interests of surface water drainage, green infrastructure and the proper planning and sustainable development of the area.

6. Mobility Management Plan

A Mobility Management Plan shall be submitted for the written agreement of the Planning Authority within six months of opening of the proposed development.

REASON: In the interest of sustainable transport.

7. Environmental Health

1. No heavy / noisy construction equipment or 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 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.

2. Noise levels arising from construction activities shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give rise to a noise nuisance affecting a person in any premises in the neighbourhood.

3. 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.

4. A suitable location for the storage of refuse shall be provided during the construction and operational phase of the development so as to prevent a public health nuisance.

5. The applicant shall put in place a pest control contract for the site for the duration of the construction works.

6. 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).

7. Any connections to the main sewer must be connected so as not to give rise to a public health nuisance.

8. Signage or lighting to be used on site during both construction and the on-going operation of the development must not be intrusive to any light sensitive location including residential properties in close proximity to the development.

9. Clearly audible or impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.

REASON: In the interests of public health.

8. Archaeological Monitoring.

The applicant/developer shall employ a qualified Archaeologist, licensed to carry out Archaeological Monitoring of all sub-surface works carried out within the proposed development site. This will include the archaeological monitoring of the removal of topsoil, the excavation of trenches for foundations, services, access roadway, etc. associated with the proposed development.

REASON: To facilitate the recording and protection of any items of archaeological significance that the site may possess.

9. Archaeological Recording.

Should archaeological material be discovered during the course of Archaeological Monitoring, the applicant shall facilitate the archaeologist in fully recording the material. The applicant shall also be prepared to be advised by the Department with regard to the appropriate course of action, should archaeological material be discovered.

REASON: To facilitate the recording and protection of any items of archaeological significance that the site may possess.

10. Archaeological Reporting.

The archaeologist shall prepare and submit a report, describing the result of the Archaeological Monitoring, to the Local Authority and the Development Application Unit of the Department of Environment, Heritage and Local Government within six weeks following completion of Archaeological Monitoring.

REASON: To facilitate the recording and protection of any items of archaeological significance that the site may possess.

11. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €99, 838.33 (Ninety-nine thousand eight hundred thirty-eight euros and thirty-three cents), 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).

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.

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 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.

The Developer is advised that under the provisions of the Construction Products Regulation 2013 (No.305/2011-CPR) All products sourced for use in building process must conform with the statutory requirements of the CPR. For more information on these responsibilities see <http://ec.europa.eu/enterprise/sectors/construction/legislation>.

From March 1, 2014, the Building Control (Amendment) Regulations 2013 (SI 80 of 2013) come into effect. All Commencement Notices for works greater than 40sq.m are obliged to be accompanied by a number of certified undertakings as described by these Regulations.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001, as amended.

Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001, as amended, have been considered in the determination of this application.

Signed on behalf of the South Dublin County Council.

*Pamela Hughes*  
for **Senior Planner**      **05-May-2023**

## NOTES

### (A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

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

### (A) APPEALS

1. An appeal against the decision may be made to An Bord Pleanála. The applicant or ANY OTHER PERSON who made submissions or observations to the Local Authority may appeal within FOUR WEEKS beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received).
1. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. In the case of a third party appeal it must be accompanied by the acknowledgement by the Planning Authority of receipt of the submissions/observations. Appeals should be sent to:
  2. The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1.
3. An Appeal lodged by an applicant/ agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below.
4. A party to an appeal making a request to An Bord Pleanála for an Oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (g) below).
5. A person who is not a party to an appeal must pay a fee to An Bord Pleanála when making submissions or observations to An Bord Pleanála in relation to an appeal.
6. If the Council makes a decision to grant permission/grant permission consequent on a grant of outline permission and there is no appeal to An Bord Pleanála against this decision, PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If any appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION/RETENTION as soon as may be after the withdrawal.
7. Fees payable to An Bord Pleanála from 10th December 2007 are as follows:
  - (a) Appeal against a decision of a Planning Authority on a planning application relating to commercial development made by the person by whom the planning application was made.  
where the application relates to unauthorised development ..... €4,500.00 or €9,000 if an E.I.A.R. is involved
  - (b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made.  
other than an appeal mentioned at (a)..... €1,500.00 or €3,000.00 if an E.I.A.R. is involved
  - (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal mentioned at (a) or (b) ..... €660.00
  - (d) Appeal other than an appeal mentioned at (a), (b), (c) or (f) ..... €220.00
  - (e) Application for leave to appeal ..... €110.00
  - (f) Appeal following a grant of leave to appeal ..... €110.00
  - (g) Referral..... €220.00
  - (h) Reduced fee (payable by specified bodies)..... €110.00
  - (i) Submission or observations (by observer) ..... €50.00
  - (j) Request from a party for an Oral Hearing ..... €50.00

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

Telephone 01-858 8100