



An  
Coimisiún  
Pleanála

## Inspector's Report

**ACP 323078-25**

### Development

Retention Permission for existing Marshals Hut (8.8sqm) and revised operating hours: Monday 07:30-17:30, Tuesday 07:30-23:30, Wednesday 07:30-23:00, Thursday 07:30-23:00, Friday 07:30-21:00, Saturday 08:00-19:30, Sunday & Bank Holidays CLOSED, together with all associated works.

### Location

Greenhills NCT Centre, Greenhills Road, Tallaght, Dublin 24.

### Planning Authority

South Dublin County Council.

### Planning Authority Reg. Ref.

SD 25A/0105W.

### Applicant(s)

Applus Inspection Service Ltd.

### Type of Application

Retention.

### Planning Authority Decision

Grant Retention and Grant Permission

### Type of Appeal

Third Party

### Appellant(s)

Paul Murphy and Residents.

### Observer(s)

None on file.

**Date of Site Inspection**

24<sup>th</sup> September 2025.

**Inspector**

Des Johnson

## **1.0 Site Location and Description**

- 1.1 The site is located to the north side of a cul de sac, east of Greenhills Road. The site comprises the National Car Testing (NCT) Centre, and is within the Hibernian Industrial Estate.
- 1.2 To the north, there are the rear of houses on Tymonville Road, the rear gardens of which back on to the subject site. To the west, east and south are industrial units.
- 1.3 The Marshals Hut is located close to the western site boundary. It is a small single storey structure.
- 1.4 Along the northern site boundary, there is an acoustic wall with roof overhang and returns. There is a high line of mature trees between the acoustic structure and the rear of gardens attached to houses on Tymonville.

## **2.0 Proposed Development**

- 2.1 The proposal is for the retention of existing Marshals Hut (8.8m<sup>2</sup>) and revised operating hours as follows:

Monday 07:30 – 17:30

Tuesday 07:30 – 23:30

Wednesday 07:30 – 23:00

Thursday 07:30 – 23:00

Friday 07:30 – 21:00

Saturday 08:00 – 19:30

Sunday & Bank Holidays CLOSED

- 2.1.1 A letter accompanying the application states that the existing operating hours are as follows:

Monday 08:00-17:10

Tuesday 08:00-17:10

Wednesday 08:00-19:10

Thursday 08:00-18:00

Friday 08:00-19:10

Saturday 08:00-17:10

Sunday & Bank Hols Closed.

The total operating hours are stated to be 59hours 50mins.

2.1.2 The gross floor area of existing building is stated to be 2241.00 sqm. The site area is 0.520ha.

2.1.3 The applicant's legal interest is stated to be "Occupier".

### **3.0 Planning Authority Decision**

#### **3.1 Decision**

The Planning Authority granted Permission for Retention subject to 4 conditions.

##### **3.1.1. Conditions**

The conditions relate to the following:

1. Standard compliance
2. Operating hours – Monday – Friday 07:30 – 21:00 only, Saturday 08:00 – 19:30, Bank Holidays & Public Holidays - Closed. The reason is in the interest of residential amenity and the proper planning and sustainable development of the area.
3. Financial Contribution
4. Noise levels not to exceed 55dB(A) rated sound level as measured at any point along the site boundary at any time. The reason is in the interest of public health and proper planning and sustainable development of the area.

##### **3.1.2. Planning Authority Reports**

The Planning Report states that the site is zoned 'EE' with the objective *to provide for enterprise and employment related uses*. The adjoining residential development to the north is zoned 'RES' with the objective *to protect and/or improve residential amenity*. The site is in a transitional area and Section 12.2.1 (iv) of the

Development Plan applies. The visual impact of the Marshals Hut is acceptable. Having regard to the previous Board decision, and to protect the residential amenity of adjoining resident, revised operating hours are recommended – Monday – Friday 07:30 – 21:00, Saturday 08:00 – 19:30, Sunday & Bank Holidays – Closed. A noise condition is also recommended.

### 3.1.3 Other Technical Reports

The EHO Report raises no objection and is not subject to any conditions.

The Roads Report raises no objection and is not subject to any conditions. The report states concern for residents regarding potential noise nuisance.

### 3.3. Prescribed Bodies

None on file.

### 3.4. Third Party Observations

None.

## 4.0 Planning History

- 4.1 Reference 310858-21 – Permission granted on appeal for the construction of an acoustic wall, 4.5m high and with cranked roof. The Permission is subject to 7 conditions. Condition 2 limits the operating hours of the test centre and all activities therein as follows:

Mondays 0800 and 1800

Tuesday 0800 and 1900

Wednesday, Thursday & Friday 0800 and 2100

Saturday 0800 and 1900

Sunday & Bank Hols. No activity.

The reason for the condition is to protect the residential amenities of nearby property.

Condition 3 requires the acoustic barrier to be provided prior to the commencement of the hours of operation detailed in Condition 2. The reason for the condition is in the interests of residential amenity and safety.

Condition 5 requires that the noise level shall not exceed 55 dB(A) rated sound level measured at any point along the site boundary. The reason for the condition is to protect the residential property in the vicinity.

4.1.2 Reg.Ref: SD09A/0359 – permission granted for change of use from warehouse to NCT Centre.

Reg Ref: SD15A/0111 – temporary permission for a 5-year period granted on appeal for revised operating hours at the NCT Centre as follows:

Monday & Tuesday            0800 and 1800

Wednesday to Friday        0800 and 2000

Saturday                        0800 and 1800

Sundays & Bank Holidays Closed.

The Board considered that a temporary permission would enable the continued operation to be reviewed.

## **5.0 Policy Context**

### **5.1 Development Plan**

5.1.1 The South Dublin County Development Plan 2022-2028 is the operative plan for the area. The site is zoned 'EE' with the objective *to provide for enterprise and employment related uses*. The adjoining residential lands to the northern boundary are zoned 'RES' with the objectives *to protect and/or improve residential amenity*.

Section 12.2.1 (iv) of the Plan refers to Transitional Areas. It states that abrupt transitions in scale and use should be avoided adjacent to the boundary of land use zones. Development proposals in transition areas should seek to avoid development that would be detrimental to the amenities of the contiguous zone.

### **5.2. Natural Heritage Designations**

The site is located approximately 1.2km to the north of Dodder Valley pNHA.

The Glenasmole Valley SAC and pNHA is approximately 4.8km to the south south west.

## **6.0 EIA Screening**

The proposal includes the retention of a small hut (8.8sm) and change to operating hours of the NCT Centre. The development proposed is not of a Class for the purposes of Schedule 5. As such, the development is excluded at pre-screening stage.

## **7.0 The Appeal**

### **7.1 Grounds of Appeal**

- There is no objection to the retention of the Marshals Hut
- The proposed new unsocial operating hours would impact on residents through significant noise pollution. This would impact on normal sleep and rest patterns
- It is proposed to increase opening hours from 66hrs at present to 81hrs, mostly at unsocial times
- The biggest impact would be from the evening opening times. Noise is generated from cars revving, horns, shouting etc.
- The back of the building is about 15m from the back of residents' houses
- Tymonville Road adjoining is zoned with the objective *to protect and/or improve residential amenities*.
- Existing noise barriers have no noticeable impact
- There is no new noise impact assessment submitted
- There would be a negative impact on public health
- There would a negative impact on property value.

A satellite view map is submitted showing the NCT building and surrounding houses.

## **7.2. Planning Authority Response**

The Planning Authority confirms its decision. The issues raised were covered in the Planning Report.

## **7.3. Observations**

None.

## **7.4. Further Responses**

None.

## **8.0 Assessment**

- 8.1. The proposal is for the retention of a small single storey hut (8.8sqm), and a change to the operating hours of the NCT Centre. The car testing centre is an established permitted use of the premises. The site is within an industrial estate but borders a large residential area to the north.
- 8.2 The Planning Authority granted permission for retention but, by way of condition, altered the operating hours.
- 8.3 There is a Third Party appeal against the Planning Authority's decision. The grounds of appeal oppose the proposed operating hours for reasons of detrimental impacts on residents from noise pollution on the premises. It is stated that the biggest impact would be from evening opening times, that no new noise impact assessment was submitted, existing noise barriers have no noticeable impact, there would be a negative impact on public health, and there would be a detrimental impact on property value.
- 8.4 I consider that the key issues to be assessed are as follows:
- Policy
  - Visual impact
  - Residential amenities
  - Other issues

### **Policy**



- 8.5 The use of the premises as a car testing centre is approved and established. The site is within an area zoned 'EE' with the objective *to provide for enterprise and employment related uses*. Having regard to the established use of the premises, and to the zoning objective for the area, I consider that the proposed retention of the hut, and the proposed alteration of operating hours is 'permissible' in principle.

### **Visual Impact**

- 8.6 It is proposed to retain a Marshals Hut on the premises. This is located close to the western boundary and back from the site frontage and public road. It is small (8.8sqm) and single storey. I consider that the hut has minimal visual impact and is acceptable.

### **Residential Amenities**

- 8.7 The key issue in this case is the noise impact from the activities on then site on the adjoining residential properties on Tymonville Road. The grounds of appeal relate to the decision of the Planning Authority, and expresses strong opposition to "the opening hours that has been proposed". The permitted hours of operation, as conditioned in the decision differ (and are more restrictive) from the proposed hours of operation. It is not clear from the Planning Report if the large acoustic barrier structure along the northern site boundary, permitted under Ref. 310858-21, was erected at the time of the decision.

- 8.7.1 The permitted hours of operation have changed over time, as detailed in the planning history for the site. The existing permitted hours of operation are as conditioned under Reference 310858-25. These hours were imposed by the Board to protect the residential amenities of nearby properties, and came into effect on the completion of the acoustic barrier. A further condition of that permission (Condition 4 of Ref: 310858-21) required the submission of a Noise Management Plan, and with regular performance reviews, prior to the revised hours of operation commencing.

- 8.7.2 The First Party states, in a letter accompanying the application to the Planning Authority, that the current operating hours are as follows:

Monday      08:00-17:10

Tuesday 08:00-17:10

Wednesday 08:00-19:10

Thursday 08:00-18:00

Friday 08:00-19:10

Saturday 08:00-17:10

Sunday & Bank Hols Closed.

The proposed operating hours would be a significant increase on these, particularly at nighttime hours. The operating hours, as conditioned by the Planning Authority would also be an increase on both the permitted hours under Reference: 310858-25, and the stated current operating hours.

- 8.7.3 Based on the information submitted in the application and appeal, observations made on site at the time of inspection, and having regard to Section 12.2.1 (iv) of the County Development Plan for transitional areas, I conclude that the terms of the Planning Authority decision are reasonable, subject to review after a 5-year period to re-assess the impact of extended operating hours on residential property in the vicinity at time.

### **Other Issues**

- 8.8 The grounds of appeal refer to public health. The EHO of the Planning Authority raises no objection to the development and does not recommend any conditions. The Planning Authority has imposed a noise restriction in Condition 4 of the decision in the interest of public health. Under Ref: 310855, the Board attached a noise level condition but the reason was to protect residential amenities. In these circumstances, I consider that a noise level condition should be attached with reason relating to the residential amenities only.
- 8.8.1 The grounds of appeal contend that there would be a negative impact on property value in the area. This contention is not supported by any convincing documentation submitted. In the circumstances, I consider that there is no reason to refuse permission on the basis of negative impact on property value.

## **9.0 AA Screening**

- 9.1 The proposal includes the retention of a small hut (8.8sqm) and change to operating hours of the NCT Centre. The development proposed is not of a Class for the purposes of Schedule 5. As such, the development is excluded at pre-screening stage.

## **10.0 Water Frame Directive**

- 10.1. The subject site is located in an industrial estate distanced from water bodies. The proposed development relates to the retention of a small (8.8sqm) inspection hut and alteration to operating hours. No water deterioration concerns are raised in the appeal. I have assessed the development in the context of the objectives of the Water Framework Directive. Having regard to the nature, scale, and location of the development, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any surface and/or groundwater bodies either qualitatively or quantitatively.

## **11.0 Recommendation**

- 11.1. I recommend that planning permission for retention of the Marshals Hut be granted, and that planning permission for a change in operating hours be granted.

## **12.0 Reasons and Considerations**

Having regard to the land use zoning for the site, the pattern of development in the area, and the established use of the site for car testing operations, it is considered that the retention of the Marshals Hut, and alteration to the site's operating hours, subject to the following conditions, would not seriously injure the residential amenities of property in the vicinity, would be consistent with the provisions of the

South Dublin County Development Plan 2022-2028, and would be in accordance with the proper planning and sustainable development of the area.

### 13.0 Conditions

1. 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:** In the interest of clarity.

2. The operating hours for the test centre, and all activities occurring therein, shall be as follows:

Monday – Friday: 07:30 to 21:00 only

Saturday: 08:00 to 19:30 only

Sunday & Bank Holidays: Closed.

**Reason:** In the interest of residential amenities and the proper planning and sustainable development of the area.

- 3 This permission shall be for a period of 5 years, commencing on the date of this permission. Operating hours then shall revert to the hours specified under Ref: 310858-25, unless permission has been granted for alternative the operating hours.

**Reason:** To re-assess the impact of the operating hours on residential property in circumstances then prevailing.

- 4 The developer shall pay to the planning authority in relation to the retention of the hut, a financial contribution in respect of public infrastructure and facilities benefiting development in 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 made under section 48 of the Planning and Development Act 2000, as amended.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

- 5** The noise level shall not exceed 55 dB(A) rated sound level as measured at any point along the boundary of the site.

**Reason:** In the interests of residential amenities.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Des Johnson

Planning Inspector

**Form 1**  
**EIA Pre-Screening**

<b>An Coimisiún Pleanála</b> <b>Case Reference</b>	<b>323078-25</b>		
<b>Proposed Development</b> <b>Summary</b>	<b>Retention of Marshals Hut, and change to operating hours.</b>		
<b>Development Address</b>	<b>Greenhills NCT Centre, Greenhills Road, Tallaght, D24 PX63.</b>		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>YES</b>	<b>Yes</b>
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>			
<b>No</b>	<b>No</b>		
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			
<b>No</b>			
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>			

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>		
<b>Yes</b>		

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_