

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

PR/1256/21

Reg. Reference: SD21A/0113 **Application Date:** 12-May-2021
Submission Type: Additional **Registration Date:** 23-Aug-2021
Information

Correspondence Name and Address: Peter Kinsella, Tobin Consulting Engineers Block
10-4, Blanchardstown Corporate Park, Dublin, D15
X98N

Proposed Development: Retention/Change of use for existing development
and shed/outbuilding; the development was originally
built as a welfare facility building but is currently
being used as a childcare facility.

Location: St Finian's Community Group, 22, St. Finian's Green,
Lucan, Co. Dublin

Applicant Name: Co-operative Housing Ireland

Application Type: Retention

(DF)

Description of Site and Surroundings

Site Area: Stated as 0.03 Hectares

Site Description:

The subject site (St. Finian's Childcare Facilities) is located in a cul de sac in St. Finian's Green adjacent to No's 20 and 24. Access is off St Finian's Avenue. It is a single storey ground floor building located adjacent to two storey residential dwellings.

Proposal:

The proposal consists of the following:

- Retention/Change of use for existing development and shed/outbuilding; the development was originally built as a welfare facility building but is currently being used as a childcare facility.

Zoning:

The subject site is subject to zoning objective RES - *'To protect and / or improve Residential Amenity'* in the South Dublin County Development plan 2016-2022.

SEA Sensitivity Screening

Indicates no overlap with layers.

Consultations:

Water Services Section: No objections, subject to standard conditions.

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Irish Water: No response

Roads Department: Additional Information requested

Parks Department: No comment or objections

E.H.O: No response

Submissions

No submissions received. Final date for submissions 15/06/21.

Planning History

Subject Property

SD06A/0872. Construction of a single storey extension to the rear and front of the existing cooperative welfare facility building, comprising entrance lobby, meeting room, staff room, kitchen and quiet room, internal and external alterations including 3 new rooflights in existing building, demolition of the existing rear boundary wall and construction of a new rear boundary wall and associated landscaping.

Grant Permission

Adjacent Property-None recorded

Recent Relevant Enforcement History

No recent relevant enforcement history recorded for the subject site.

Pre-Planning Consultation

Pre-planning recorded.

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

3 Community Infrastructure

Policy C8 Childcare Facilities

6 Transport and Mobility

Policy TM 1 Overarching

Policy TM 3 Walking and Cycling

Policy TM 5 Traffic and Transport Management

Policy TM 7 Car Parking

7 Infrastructure & Environmental Quality

Policy IE1 Water & Wastewater

Policy IE2 Surface Water & Groundwater

Policy IE3 Flood Risk

Policy IE5 Waste Management

Policy IE7 Environmental Quality

8 Green Infrastructure

Policy G1 Overarching

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Policy G1 Green Infrastructure Network
Policy G3 Watercourses Network
Policy G5 Sustainable Urban Drainage Systems
Policy G6 New Development in Urban Areas

10 Energy

Policy E4 Energy Performance in New Buildings

11 Implementation

Section 11.2.0 Place Making and Urban Design

Section 11.2.7 Building Height

Section 11.3.11 Early Childhood Care and Education

Section 11.4.1 Bicycle Parking Standards

Table 11.22: Minimum Bicycle Parking Rates

Section 11.4.2 Car Parking Standards

Table 11.23: Maximum Parking Rates (Non-residential)

Section 11.4.3 Car Parking for Electric Vehicles

Section 11.4.4 Car Parking Design and Layout

Section 11.4.5 Traffic and Transport Assessments

Section 11.4.6 Travel Plans

Section 11.6.1 (i) Flood Risk Assessment

Section 11.6.1 (ii) Surface Water

Section 11.6.1 (iii) Sustainable Urban Drainage System (SUDS)

Section 11.6.1 (iv) Groundwater

Section 11.6.1 (v) Rainwater Harvesting

Section 11.6.1 (vi) Water Services

Section 11.7.2 Energy Performance in New Buildings

Section 11.8.1 Environmental Impact Assessment

Section 11.8.2 Appropriate Assessment

Relevant Government Guidelines

Childcare Facilities: Guidelines for Planning Authorities (2001).

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

The Planning System and Flood Risk Management - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government & OPW, (2009)

Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020, Department of Transport, (2009)

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Regional Spatial & Economic Strategy 2019-2031, Eastern & Midland Regional Assembly (2019)

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

Assessment

The main issues for assessment are:

- Zoning
- Childcare Facility
- Design and Visual Impact
- Access and Car Parking
- Appropriate Assessment

Zoning

The subject site is subject to zoning objective RES - *'To protect and / or improve Residential Amenity'* in the South Dublin County Development plan 2016-2022. Childcare Facilities are 'Open for Consideration' under this zoning objective.

Childcare Facility

The applicant has not provided any rationale for the retention permission and history behind the unauthorised change of use from a welfare building. Floor plans are submitted but these are not detailed. There are no details regarding the operating hours, number of people employed, or the capacity of the facility.

Section 11.3.11 of the CDP sets out a number of requirements in terms of the suitability of the site, indoor and outdoor space, traffic, access, nature of the facility, numbers of children, hours of operation and impact on residential amenity. These items are not addressed by the applicant and are required by way of additional information. In this regards a full design and operational report/statement should be submitted to allow for a full assessment to take place.

The site is currently used for childcare use and it appears to be well established.

Matters concerning parking and access and residential amenity will be addressed under the relevant headings below.

In terms of indoor facilities, the applicant has not provided a list of rooms and facilities for staff and children that are deemed to be acceptable. The minimum floor space as per the Childcare Guidelines is 2.32sq.m per child. In terms of outdoor space, the applicant has not provided specific details. The Planning Authority notes that the application site as outlined in red does not cover the outdoor space. In this instance the entire site should be outlined in red, not just the structure(s) on site.

Design & Visual Impact

The proposed development comprises:

- The height of the pitched roof building is approximately 4.4m.
- The facility is deemed to be appropriately set back from the adjacent property lines.

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- Due to the relatively low height of the building there will be no adverse impact regarding overshadowing of adjacent properties.

Note: No contiguous drawings submitted. The applicant is requested to submit contiguous drawings which outline the relationship between the subject property and adjacent properties.

Based on the information submitted the planning authority considers that the structure and use of the site for a childcare facility, subject to appropriate additional information being submitted and mitigation measures put in place by way of condition may not have an adverse impact on the residential amenity of the adjacent properties. However, additional information is required for a full assessment to take place and prior to a final decision being made.

Access & Car Parking

The Roads Department has requested additional information regarding the number of car and bicycle parking, and the number of workers on site.

Appropriate Assessment

Having regard to the existing and permitted development on site and the proposed development for replacement development it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site and consequently a Stage II Appropriate Assessment is not 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.

Other Considerations

Development Contributions

Retention of change of use to childcare facility from welfare building-no additional floor space.

SEA Monitoring

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Additional floor space	0
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.03 Ha.

Conclusion

Additional information is requested from the applicant regarding the operation of the facility, the impact on residential amenity, number of children, and sizes of internal and external spaces.

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Recommendation

Request Further Information.

Further Information

Further Information was requested on 07-July-2021.

Further Information was received on 23-August-2021.

Further information requested is as follows:

Item 1: Guidelines

The applicant is requested to submit the following information and demonstrate how the development is in line with the Childcare Guidelines and the CDP:

(a) Maximum number of childcare places and the age groups accommodated.

(b) Number of staff employed, and daily number of visitors.

(c) Operating hours of the facility.

(d) Details on the indoor and outdoor spaces and areas. The minimum floor space as per the Childcare Guidelines is 2.32sq.m per child.

(e) Total number of car parking spaces (Table 11.23), and bicycle spaces (Table 11.22) to be provided in line with the requirements of the County Development Plan.

(f) Impacts on residential amenity of the area from the operation of the facility.

Item 2: Drawings

The applicant is requested to submit:

(a) Revised site location and site layout plans clearly showing the entire site outlined in red. The red line should include all open space associated with the site and the site layout plan should show clearly areas for the use of children.

(b) Detailed floor plans of the individual rooms, outbuildings, and outdoor space of the childcare facility.

(c) Contiguous elevational drawings showing the relationship between the proposal and the adjacent buildings.

Item 3: Change of Use

The applicant is requested to submit details regarding the change of use and how long the childcare facility has been operating as an unauthorised use.

Further Consultations:

- *None*

Assessment

In response to Items 1 to 3 the applicant has submitted a number of documents. The Planning Authority has had regard to the submitted information as part of its assessment.

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Item No. 1- Guidelines

Assessment:

The applicant has submitted details to address points A-G of the AI request. This information is as follows:

- (a) The facility currently accommodates 34 ECCE children (3-6 years old) from 9am-1pm, and 34 SAC (5-12 years old) 2-5.30pm. It is noted that both groups do not attend the facility at the same time.
- (b) 1 full time and 2 part time employees, and no visitors. Also notes drop off and collections at 66 trips, rising to 104 August 30th. This is noted and acceptable.
- (c) Operating hours of the facility are 9am-5.30pm. This is noted and acceptable.
- (d) It is noted that 1.87m² per child is proposed in line with ECCE Guidelines. This includes Rooms 1 and 2, outdoor play area 1 and 2, and the main building. This is below the 2.32m² stipulated in the AI request. However, the Planning Authority deems the 2016 Circular PL 3/2016 acceptable in this instance which states the following:

'The Childcare Facilities Guidelines for Planning Authorities 2001 outline general planning related standards for childcare facilities. Planning Authorities are advised that the Child Care (Pre-School Services) Regulations 2006 set out a range of childcare related standards for childcare facilities as stipulated by the Department of Children and Youth Affairs. The Child and Family Agency, also known as Tusla, is responsible for inspecting pre-school services under, and enforcing compliance with, the afore-mentioned 2006 Regulations.'

In light of the foregoing, planning authorities are requested to exclude matters relating to childcare facility standards outlined in Appendix 1 of the Childcare Facilities Planning Guidelines 2001 – including the minimum floor area requirements per child - from their consideration of planning applications relating to childcare facilities and to solely focus on planning related considerations that fall within the remit of the Planning and Development Act 2000, as amended, in the determination of such planning applications'

In consideration of this, the Planning Authority will defer the assessment of the childcare facility standards to Tusla. The Planning Authority will hereby assess the application for retention/change of use (see below).

- (e) Three car parking spaces are provided outside the facility and bicycle parking is accommodated within the building. 3 spaces are deemed appropriate regarding 1 full time and 2 part time members of staff. An outdoor bicycle parking stand is required to accommodate 1 per 5 staff and 1 per 10 children as per the CDP, a total of 5 spaces. The location of the stand to be shown on a revised layout plan. This can be achieved by way of CONDITION. However, if a Clarification of Information is being sought this should be sought too.
- (f) The building is in operation since 2001, with no recorded complaints. It does not operate at the weekend or outside normal business hours. There is no noise outside which results in a nuisance to neighbouring properties. The Planning Authority is satisfied that the creche use is an established use with no known recorded complaints, and therefore acceptable in this instance.
- (g) The building has been in operation since 2001. Its use changed sometime before 2006. An extension to the structure on the site was granted permission in 2006 (SD06A/0872).

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Notwithstanding the description of the development at this time, the proposed extension was assessed as a childcare facility and was deemed to be acceptable in 2006. This is noted.

The response to Item 1 is considered to be generally acceptable with the exception of information regarding bicycle parking.

Item 2- Drawings

Assessment:

In response to Item 2 the applicant has submitted revised site layout and floor plans, and elevation drawings.

(a) The revised site layout plan outlines the red and blue line boundaries. The floor plan outlines the open space areas.

(b) This is outlined on the floor plans drawing

(C) This is outlined on the elevational drawings.

Notwithstanding the above, the Planning Authority notes that the development as described in the notices is not reflected clearly in the drawings, making it impossible to assess what permission is being sought for. It remains unclear what shed/outbuilding is being sought for retention. No elevational drawings of this shed/outbuilding have been submitted and the floor plans are not clear or dimensioned.

The response to Item 2 is not considered to be acceptable and Clarification is required.

Item 3- Change of Use

Assessment:

In response to Item 3 the applicant has clarified that the building is in operation since 2001 and then changed into a creche facility. An extension to the existing structures was granted permission in 2006 (SD06A/0872). This application assessed the use of the structure as a creche, which was deemed acceptable at the time. This is noted and acceptable.

The information submitted for Item 3 has satisfactorily responded to the AI request.

Summary

In summary, Item 1 and 3 have been satisfactorily responded to. However, Item 2 has not. The details submitted in response to Item 2 are not considered to be acceptable as they do not clearly clarify what permission/retention permission is being sought for. Clarity on a number of issues arising is required to establish what development is being proposed.

Planner's Note:

(1) The Planning Authority has been requested to assess the following for approval:

- The retention/change of use for:
 - o existing development and
 - o shed/outbuilding.

Where:

- no elevational drawings or floor plans have been submitted for the shed/outbuilding,
- no details of floor area for this shed/outbuilding have been submitted,

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- only two internal rooms are highlighted (measuring 38.5sq.m and 25.3sq.m) for childcare use,
- two areas of 'outdoor space', which are both described as 'enclosed' are labelled for 'for use of children',
- the application form states that 146sq.m of floor area is being sought permission for.
- the description of the development is not reflected in the drawings and documentation submitted with this application.

None of the above is acceptable and the Planning Authority is unable to make a decision without the above clarity.

Furthermore, it is unclear if the 'open space', which is described as 'enclosed' in the AI response, will form part of the floor area to be calculated as part of this permission. If the open space is enclosed, the Planning Authority notes that the information submitted with this application is lacking in detail. No details of this 'enclosure' including materials used, heights of structures, roof (if any) details etc have been submitted. It is impossible to decipher what structures and space will form part of the retention/change of use being sought and therefore there would be no clarity if permission is granted.

(2) To fully assess this proposal, the Planning Authority requires the following information:

- (i) Drawings, documentation, text and details, which clearly demonstrate all development, structures and floor space for which this planning application relates to and for which retention and/or change of use permission is being sought. A full list of floor areas for the structures to be retained (to include the shed/outbuilding to be retained and all floor area within the existing structure for which a change of use is being sought) should be listed in a table and structures without permission should be clearly described as retention and where a change of use of structures is sought (where permission exists) this should be clearly labelled on all drawings. The Planning Authority notes that these may overlap, this too should be clearly labelled where it occurs.
- (ii) A Site Layout Plan in accordance with Article 23(1)(a) of the Planning and Development Regulations, 2001, as amended as the Site Layout submitted does not show "buildings, roads...other features on, adjoining or in the vicinity of the land or structure to which the application relates". The applicant should also clearly delineate the location of the shed/outbuilding to be retained on the Site Layout Plan.
- (iii) If the retention/change of use affects the entire site this needs to be clearly stated on notices and in documentation submitted with this application. If the change of use only affects certain aspects of the existing structure(s) on site, these should be clearly delineated on revised floor, elevational drawings and site layout plan and a letter describing the proposed development should be submitted.
- (iv) Elevational and floor plans of the shed/outbuilding to be retained/change of use should be submitted for assessment.
- (v) A correctly located north point should be placed on all maps, specifically floor plans.

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- (vi) Details of the 'enclosed' 'outdoor spaces' should be submitted. Floor plans and elevational drawings are requested. Revised drawings should clearly detail materials used, overall height and if the 'enclosed' 'outdoor spaces' are provided with a roof, roof plans should be submitted.

Development Contributions

It is unclear what development is being sought for retention and/or change of use. This is to be clarified.

Conclusion

Clarification of additional information is requested.

Recommendation

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

1. The Roads Department is not satisfied with Item 1 of the Additional Information response. The applicant is requested to submit revised proposals (to include drawings) clearly showing an outdoor bicycle parking stand to accommodate 1 per 5 staff and 1 per 10 children as per policy contained in the County Development Plan (a total of 5 spaces). The location of the stand to be shown on a revised layout plan to be submitted.
2. (1) The Planning Authority is not satisfied with Item 2 of the of the Additional Information request. The Authority has been requested to assess the following for approval:
 - The retention/change of use for:
 - o existing development and
 - o shed/outbuilding.
 - Where:
 - no elevational drawings or floor plans have been submitted for the shed/outbuilding,
 - no details of floor area for this shed/outbuilding has been submitted,
 - only two internal rooms are highlighted (measuring 38.5sqm and 25.3sqm) for childcare use,
 - two areas of 'outdoor space', which are both described as 'enclosed' are labelled 'for use of children',
 - the application form states that 146sqm of floor area is being sought permission for,
 - the description of the development is not reflected in the drawings and documentation submitted with this application.

None of the above is acceptable and the Planning Authority is unable to make a decision without the above clarity.

To fully assess this proposal, the Planning Authority requires the following information and requests the applicant to submit all of the following items:

- (i) Drawings, documentation, text and details, which clearly demonstrate all development, structures and floor space for which this planning application relates to and for which retention and/or change of use permission is being sought. A full list of floor areas for the structures to be retained (to include the shed/outbuilding to be retained and all floor area

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within the existing structure for which a change of use is being sought) should be listed in a table. Please note that existing structures without permission should be clearly described as retention and where a change of use of structures is sought (where permission exists) these should be clearly labelled on all drawings. The Planning Authority notes that these may overlap, this too should be clearly labelled where it occurs.

(ii) (a) A Site Layout Plan in accordance with Article 23(1)(a) of the Planning and Development Regulations, 2001, as amended, as the Site Layout submitted does not show 'buildings, roads...other features on, adjoining or in the vicinity of the land or structure to which the application relates'.

(b) The applicant is also requested to clearly delineate the location of the shed/outbuilding to be retained on the Site Layout Plan.

(iii) If the retention/change of use affects the entire site this needs to be clearly stated in notices and in documentation submitted with this application. If the change of use only affects certain aspects of the existing structure(s) on site, these should be clearly delineated on revised floor, elevational drawings and site layout plan and a letter describing the proposed development should be submitted.

(iv) Elevational and floor plans of the shed/outbuilding to be retained/change of use should be submitted for assessment.

(v) A correctly located north point should be placed on all maps, specifically floor plans.

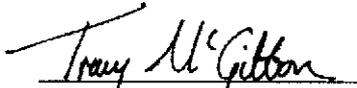
(vi) Details of the 'enclosed' 'outdoor spaces' should be submitted. Floor plans and elevational drawings are requested. Revised drawings should clearly detail materials used, overall height and if the 'enclosed' 'outdoor spaces' are provided with a roof, roof plans should be submitted.

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REG. REF. SD21A/0113

LOCATION: St Finian's Community Group, 22, St. Finian's Green, Lucan, Co. Dublin


Tracy McGibbon,
A/Senior Executive Planner

ORDER: I direct that **CLARIFICATION OF ADDITIONAL INFORMATION** be requested from the applicant as set out in the above report and that notice thereof be served on the applicant.

Dated: 20/9/21

Eoin Burke, Senior Planner