

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

PR/1404/21

Reg. Reference: SD21A/0245 **Application Date:** 03-Sep-2021
Submission Type: New Application **Registration Date:** 03-Sep-2021

Correspondence Name and Address: The Select Vestry, Leixlip Union of Parishes Hanbury Lane, Lucan, Co. Dublin

Proposed Development: Retention of 2 prefabs as childcare facilities within the curtilage of a Protected Structure 025 - James MacCarten slab 1807 within a National Heritage Area adjoining Liffey Valley.

Location: Canon Despard Centre, Chapel Hill, Lucan Road, Lucan, Co. Dublin

Applicant Name: The Select Vestry, Leixlip Union of Parishes

Application Type: Retention

(SW)

Description of Site and Surroundings:

Site Area: stated as 0.36 ha

Site Description:

The subject site comprises St Andrews National School building with associated prefabs and surface car parking at Chapel Hill, Lucan, Co. Dublin. Lucan Village is located west of subject site.

Site Visit: 4 October 2021

Proposal:

The development for retention on site is outlined as follows;

- Retention of 2 prefabs as childcare facilities
 - o within the curtilage of a Protected Structure 025 - James MacCarten slab 1807
 - o within a National Heritage Area adjoining Liffey Valley.

Zoning:

The subject site is subject to zoning objective 'HA-LV' - *'To protect and enhance the outstanding natural character and amenity of the Liffey Valley Area'* under the South Dublin County Council Development Plan 2016-2022.

SEA Sensitivity Screening:

Indicates overlap with:

- within the proposed Natural Heritage Area

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- Protected Structure Map Ref.025 James McCarten Memorial, The Old Hill, Chapel Hill, Lucan; Carved Limestone Memorial Slab Date 1807 is within the site
- The Liffey Valley Special Area Amenity Order 1990 (SAAO) is located immediately west of subject site – a small element of the western boundary of the application site is located within this area.

Consultations:

<i>Water Services:</i>	No objection, subject to conditions.
<i>Roads:</i>	No objection, subject to conditions.
<i>Parks and Public Realm:</i>	No objections.
<i>Heritage Officer:</i>	<i>No Report</i>
<i>Architectural Conservation Officer:</i>	No objection.
<i>EHO:</i>	No objection, subject to conditions.
<i>Irish Water:</i>	No objection, subject to conditions.
<i>Dep. of Housing, LG &H:</i>	No report at time of writing this report
<i>Department of Education & Science:</i>	No report at time of writing this report
<i>Chief Fire Officer:</i>	No report at time of writing this report
<i>An Taisce:</i>	<i>Report states 'The planning application should be assessed with regard to impact on the amenity of the area and the relevant provisions of the South Dublin County Council Development Plan particular care being taken to see that the ambience of the Protected Structure is retained'.</i>

Submissions/Observations /Representations

None

Relevant Planning History

SD18A/0132 Retention of change of use of existing single storey national school building premises from education to childcare facilities in classrooms and to recreational facility for mixed use in general purpose hall. Retention of 2 pre-fabs - Prefab No. 1 (southwest of site) to be retained as recreational facilities for mixed use, Prefab No. 2 (northeast of site) to be retained as childcare facility. Retention of boiler house extension. Retention of secure play area to north classrooms. Proposed signage and logo at east gable (at entrance) titled Canon Despard Centre within a curtilage that includes Protected Structure 025, James MacCarten memorial slab 1807 within a natural heritage area adjoining Liffey Valley. **Retention Permission Granted.** ** C3 of this permission restricted the temporary use to 3 years from the date of final grant**

SD06A/0545; St. Andrew's National School, Chapel Hill, Lucan, Co. Dublin.

Proposal; 2 prefabricated classrooms and toilets, alterations for existing classrooms and associated site works, including raising of boundary fence. Temporary **Permission for 5 years Granted**

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SD03A/0391; St. Andrews National School, Old Hill, Lucan, Co Dublin
Proposal; Development of a pre-fabricated classroom inclusive of porch and toilets and associated site works. **Permission Granted** **C5 of this application restricted it to a **temporary period of 5 years**, reason “*a structure of this type is not acceptable for use as a classroom on a permanent basis*”**

S01A/0607; St. Andrew's National School, Lucan, Co. Dublin.
Proposal; Construction of temporary classrooms. **Permission Granted.** **Condition 5 of this application restricted it to a **temporary period of 5 years**, reason “*a structure of this type is not acceptable for use as a classroom on a permanent basis*”**

S00A/0524; St. Andrew's National School, Chapel Hill, Lucan, Co. Dublin.
Proposal; Temporary prefab classroom (Roankabin) and ancillary services **Permission Granted**

S94A/0338; Rear of St. Andrews School, Dublin Road, Lucan.
Proposal; Erect palisade fence around substation. **Permission Granted**

Relevant Enforcement History

None

Pre-Planning Consultation

Yes – PP114/17

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

Section 3.10.0 Early Childhood Care and Education

Policy C8 Childcare Facilities

Policy C8 (a)

It is the policy of the Council to support and facilitate the provision of good quality and accessible childcare facilities at suitable locations in the County.

Policy C8 (b)

It is the policy of the Council to require the provision of new childcare facilities in tandem with the delivery of new communities.

Section 3.2.0 Community Facilities

Table 3.1 Appraisal of Existing and Planned Community Facility Provision (with particular provision for Childcare Facilities)

Section 11.3.11 Early Childhood Care and Education

The Planning Authority will have regard to the following in the assessment of proposals for childcare and educational facilities:

- *Suitability of the site for the type and size of facility proposed.*
- *Availability of indoor and outdoor play space.*
- *Local traffic conditions.*
- *Access, car parking and drop off facilities for staff and customers.*
- *Nature of the facility (full day care, sessional, after school, etc.).*

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- *Number of children to be catered for.*
- *Intended hours of operation.*
- *Impact on residential amenity.*

Section 3.11.0 Social Infrastructure and Section 11.3.12 Educational Facilities address education provision in the County. Policies contained in this chapter have regard to the recommendations and requirements of The Provision of Schools and the Planning System, a Code Practice for Planning Authorities (2008) and also the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009, which highlights the importance of schools and their provision in tandem with residential development. Section 11.3.12 outlines that 'applications relating to schools and school sites should be assessed with regard to the requirements of The Provision of Schools and the Planning System, A Code of Practice for Planning Authorities (DES & DEHLG, 2008).'

3.11 Educational Facilities

Policy C9 (a)

It is the policy of the Council to work in conjunction with the relevant education authorities to promote and support the provision of primary and post-primary schools in the County.

Policy C9 (b)

It is the policy of the Council to engage with the Department of Education and Skills and to support the Department's School Building Programme by actively identifying sites for primary and post primary schools at suitable locations, based on forecast need.

C9 Objective 5:

To support and facilitate the extension of existing school facilities, based on identified needs, subject to appropriate safeguards in relation to traffic management and the amenities of the area.

C9 Objective 6:

To ensure schools are located so as to promote walking and cycling, including the provision of adequate secure bicycle storage in all schools.

C9 Objective 9:

To ensure all proposals for new schools make adequate and sufficient provision for both 'drop off' and parking spaces for staff and parents with a view to safe and manageable traffic flows.

C9 Objective 11:

To facilitate the development of all new schools and extensions planned as part of the Government's School Building Programme 2016-2021.

3.14 Community Infrastructure Delivery

6.3 Walking & Cycling

TM3 Objective 2:

To ensure that connectivity for pedestrians and cyclists is maximised in new communities and improved within existing areas in order to maximise access to local shops, schools, public transport services and other amenities, while seeking to minimise opportunities for anti-social behaviour and respecting the wishes of local communities

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TM3 Objective 5:

To provide that planning permissions granted for the development of all new schools or for existing schools where 25% or greater expansion in classrooms is proposed, should include a requirement for the provision of cycle paths from the school to join the nearest cycle network, where feasible.

6.3.2 Local Permeability Improvements

6.3.3 Green Schools

6.4.3 Road and Street Design

6.4.4 Car Parking

11.4.1 Bicycle Parking Standards

11.4.2 Car Parking Standards

11.4.6 Travel Plans – Mobility Management Plan

Relevant Government Guidelines

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

Circular letter PL 3/2016 Re: Childcare Facilities operating under the Early Childcare and Education (ECCE) scheme, Department of the Environment, Community and Local Government (2016).

Childcare Facilities Guidelines, Department of Environment, Heritage and Local Government (2001)

We like this Place - Guidelines for Best Practice in the Design of Childcare Facilities Dept Justice, Equality and Law Reform (2002)

Child Care (Pre-School Services) (No 2) Regulations 2006 (as amended), Department of Health & Children.

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

Assessment

The main issues for assessment relate to Zoning and Council policy, temporary permission, visual impact and amenity, heritage and conservation, vehicular access and car parking, services and drainage.

Government policy is to increase access to childcare having regard to the extension of the ECCE scheme and the associated demands on childcare facilities with effect from September 2016. The *Childcare Facilities Guidelines for Planning Authorities 2001* outline general planning related standards for childcare facilities. 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

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Children and Youth Affairs. The Child and Family Agency *Tusla* is responsible for inspecting pre-school services under, and enforcing compliance with, the aforementioned 2006 regulations.

Zoning and Council Policy

Childcare facilities in existing premises are '*Open for Consideration*' within 'HA-LV' zoning.

It is noted that under Reg. Ref. SD18A/0132, the prefab to the west of the site was granted permission as a recreational facility. This application proposes to retain both as childcare facilities, as per the description of development in the advertised notices. It is noted that the cover letter associated with the application states: "*Prefab No1 (SD001A/0607, southwest of site) was retained for Recreation and Mixed Use, but is now proposed to retain it for childcare facilities/ Prefab no 2 (SD03A/0391 northeast of site) would continue as childcare facilities.*

The projected child population of Prefab 1 to be 22 with a projected staff population of 3 in accordance with Tusla guidelines".

This statement implies that, whilst the structure is being retained, a new change of use is proposed. The applicant is therefore requested to clarify via **additional information** whether the change of use has taken place and is therefore to be retained. If a new change of use is proposed and has not yet taken place, then the applicant is requested to re-advertise the change of use indicating it is 'permission', rather than 'retention permission'.

Temporary Permission

Prefab 1 was initially granted permission under S01A/0607 in October 2001. C5 of this application restricted it to a temporary period of 5 years, reason "*a structure of this type is not acceptable for use as a classroom on a permanent basis*".

Prefab 2 was initially granted permission under SD03A/0391 in July 2003. C5 of this application restricted it to a temporary period of 5 years, reason "*a structure of this type is not acceptable for use as a classroom on a permanent basis*".

SD06A/0545 also granted permission for 5 years for a prefab to the rear (west) of the main building. It is not apparent that this is still in place.

SD18A/0132 granted retention permission for a change of use of existing single storey national school building premises from education to childcare facilities in classrooms and to recreational facility for mixed use in general purpose hall. Retention of 2 pre-fabs - **Prefab No. 1 (southwest of site) to be retained as recreational facilities for mixed use, Prefab No. 2 (northeast of site) to be retained as childcare facility.** Retention of boiler house extension. Retention of secure play area to north classrooms. Proposed signage and logo at east gable (at entrance) titled Canon Despard Centre within a curtilage that includes Protected Structure 025, James MacCarten memorial slab 1807 within a natural heritage area adjoining Liffey Valley. Condition 3 of the 2018 permission restricted the temporary use to 3 years from the date of final grant. It is apparent that these structures were always intended as a temporary measure.

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Planning Assessment:

The Planning Authority is concerned that the granting of retention permission for the buildings, the subject of this permission, without any proposals for a more permanent measure going forward would be contrary to County Development Plan policy and objectives. This is particularly important due to the location of the site:

- Within a pNHA (proposed Natural Heritage Area),
- Abutting the Liffey Valley Special Area Amenity Order 1990 (SAAO), located immediately to the west of the subject site, and
- Where it is an objective to protect and enhance the outstanding natural character and amenity of the Liffey Valley.

The Planning Authority notes that the proposals do not in any way seek to protect or enhance the outstanding natural character of the Liffey Valley amenity. Furthermore, it is clear from the planning history on the site that these structures were never considered as permanent. If permission is to be granted it will result in a further temporary permission which will be limited to a maximum timeframe of two years, which should provide time for a search of a more appropriate location for the proposed development and use.

The Planning Authority is also concerned with regards to the ramifications of Section 9 of the cover letter, submitted with the 2018 application, which stated "*prefabs to be retained (2No) cannot be removed without total disintegration. They will serve a useful purpose to kickstart the Canon Despard Centre however their lifespan is at an end*". The applicant is now stating, in 2021, that these structures, where were deemed to be at the end of their lifespan are now suitable for further use and permanent retention.

The applicant is, therefore, requested to detail via **additional information**,

- The rationale for a further temporary permission; and
- Proposal for removing the structures; or
- Proposals for a more permanent solution on the site going forward.

* The applicant is reminded that any permanent proposals will be required to address the siting of the site within a pNHA (proposed Natural Heritage Area) and abutting the Liffey Valley Special Area Amenity Order 1990 (SAAO) and seek to ensure that the zoning objective is met by demonstrating that the proposed development will protect and enhance the outstanding natural character and amenity of the Liffey Valley.

Visual Impact and Amenity

Please also refer to Temporary Permission section of this report

It is noted that the applicant states that both Prefabs have undergone extensive repairs, including painting of their exterior in Heritage Green. As temporary structures, the visual impact is considered to be reversible. However, it should be noted that the Planning Authority are concerned regarding

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the length of the temporary permission and has been requested to address this via **additional information** and that if permanent permission is being sought that the proposals address fully the current zoning objectives of the site.

Parks and Public Realm has raised no objections to the proposed development.

Heritage and Conservation

The proposal does not involve any works and would not have any additional impact on heritage features. Notwithstanding this, if the structures are to become permanent the design will need to demonstrate how it will protect and enhance the outstanding natural character and amenity of the Liffey Valley. In this regard, the applicant is requested to liaise with South Dublin County Council's Heritage Officer to seek reasonable proposals to address the protection and enhancement of the Liffey Valley, and submit a letter confirming that this meeting/discussion has taken place.

The Architectural Conservation Officer has stated "*It is considered that the proposals do not impact or directly affect the Protected Structure (RPS Ref. 025 – James Mac Carten Memorial) which is located on the opposite side of the boundary wall as indicated on the contiguous elevation drawings. Based on the above I have no concerns with regard to the proposed development as it does not impact on the protected structure*". The Architectural Conservation Officer's report has been noted.

Vehicular, Cycle & Pedestrian Access & Car Parking

The Road's Department has stated no objections subject to conditions and these conditions can be attached to any future permission. Prefab 1 will provide for 22 children and 3 staff.

The report states:

"There was an overprovision of 7 car parking spaces on the last application (SD18A/0132) if there are only 3 more staff then they should have enough parking. The increase in child places should increase the bicycle parking provision by 1 per 5 staff and 1 per 10 children. Other than that, the same conditions of the previous traffic report should apply."

Services & Drainage and Public Health

The Drainage Section and Irish Water reports state no objection to the development subject to conditions being attached in the event of a grant of retention permission. The report from the HSE Environmental Health Officer also states no objection to the development subject to conditions being attached in the event of a grant of retention permission.

Development Contributions

- Retention of temporary prefabs for a further temporary period
- Change of use of Prefab 1 from recreation to childcare 54sq.m

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SEA Monitoring Information

Building Use Type Proposed Childcare

Floor Area (sq.m) 792

Land Type Brownfield/Urban Consolidation

Site Area (Ha.) 0.36

Conclusion

Having regard to the overall design and scale of the development, the location within the Liffey Valley pNHA and in immediate proximity to the SAAO, and the Planning Authority's general support for childcare facility provision throughout the County, the applicant should be afforded an opportunity to demonstrate a timeframe for removal for the temporary structures or seek more suitable solutions to permanent structures, which are in a sensitive location.

Recommendation

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

1. The applicant is requested to clarify whether the change of use has taken place and is therefore to be retained, or if a new change of use is proposed. If it is new, then the applicant is requested to readvertise the change of use indicating it is 'permission', rather than 'retention permission'.
2. The Planning Authority is concerned that the granting of retention permission for the buildings, the subject of this permission, without any proposals for a more permanent measure going forward would be contrary to County Development Plan policy and objectives. This is particularly important due to the location of the site:
 - Within a pNHA (proposed Natural Heritage Area),
 - Abutting the Liffey Valley Special Area Amenity Order 1990 (SAAO), located immediately to the west of the subject site, and
 - Where it is an objective to protect and enhance the outstanding natural character and amenity of the Liffey Valley.

The Planning Authority notes that the proposals do not in any way seek to protect or enhance the outstanding natural character of the Liffey Valley amenity. Furthermore, it is clear from the planning history on the site that these structures were never considered as permanent.

The Planning Authority is also concerned with regards to the ramifications of Section 9 of the cover letter, submitted with the 2018 application, which stated "prefabs to be retained (2No) cannot be removed without total disintegration. They will serve a useful purpose to kickstart the Canon Despard Centre however their lifespan is at an end". The applicant is now stating, in 2021, that these structures, where were deemed to be at the end of their lifespan are now suitable for further use and permanent retention.

The applicant is, therefore, requested to detail via additional information,

- The rationale for a further temporary permission; and
- Proposal for removing the structures; or

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- Proposals for a more permanent solution on the site going forward.

* The applicant is reminded that any permanent proposals will be required to address the siting of the site within a pNHA (proposed Natural Heritage Area) and abutting the Liffey Valley Special Area Amenity Order 1990 (SAAO), and seek to ensure that the zoning objective is met by demonstrating that the proposed development will protect and enhance the outstanding natural character and amenity of the Liffey Valley.

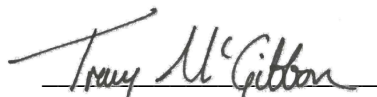
3. If the structures are to become permanent, the design will need to demonstrate how it will protect and enhance the outstanding natural character and amenity of the Liffey Valley. In this regard, the applicant is requested to liaise with South Dublin County Council's Heritage Officer prior to responding to this AI request to seek reasonable proposals to address the protection and enhancement of the Liffey Valley, and submit a letter confirming that this meeting/discussion has taken place and any findings thereof.

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REG. REF. SD21A/0245

LOCATION: Canon Despard Centre, Chapel Hill, Lucan Road, Lucan, Co. Dublin



**Tracy McGibbon,
A/Senior Executive Planner**

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

Date: 28/10/2021



**Hazel Craigie,
Senior Planner**