

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

PR/1434/21

Reg. Reference: SD21A/0195

Application Date: 14-Jul-2021

Submission Type: Additional
Information

Registration Date: 07-Oct-2021

Correspondence Name and Address: Michael Malone, Ceardean Architects 9, Dolphins Barn, Dublin 8

Proposed Development: Increase in the permissible number of children attending from a daily total of 42 to 56 at any one time at the existing childcare facility from that approved in previous planning ref. SD11A/0278 and extended & amended by ref. SD16A/0343; 2 additional carparking spaces on site; no additional construction work is proposed.

Location: Sunflowers, Ballyowen Lane, Lucan, Co. Dublin

Applicant Name: John & Lynn O'Dwyer

Application Type: Retention

(DF)

Description of Site and Surroundings:

Site Area: Stated as 0.2328 hectares

Site Description:

The corner site is located at the junction of Upper Cross and Ballyowen Lane and contains an existing dwelling/childcare facility with a two-storey detached childcare building 'Sunflowers' to the rear.

Site Visit: 10/08/2021

Proposal:

Retention permission is sought for the following:

- Increase in the permissible number of children attending from a daily total of 42 to 56 at any one time at the existing childcare facility from that approved in previous planning ref. SD11A/0278 and extended & amended by Ref. SD16A/0343;
- 2 additional carparking spaces on site.

No additional construction work is proposed.

Zoning:

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

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Consultations:

Environmental Health Officer – no response

Irish Water – no objection subject to standard conditions

Surface Water Drainage – no objection subject to conditions.

Roads Department – Additional Information requested

Parks-No comment or objection

Tusla- No response

Chief fire officer-No response

SEA Sensitivity Screening:

None recorded

Submissions/Observations /Representations:

None received. Final date for submissions 17/08/21.

Recent Relevant Planning History:

SD16A/0343. (a) Construction of flat roofed single storey extension (35sq.m) to rear and side of existing childcare area in the rear section of existing dwelling at ground floor. (b) Construction of covered buggy store to rear of existing entrance to childcare area to rear of existing dwelling at ground floor. (c) All associated internal and external alterations.

Grant Permission

SD11A/0278; Sunflowers, Ballyowen Lane, Lucan, Co. Dublin

Proposal as stated on APAS; (a) Change of use of part of the ground floor of existing dwelling from residential use to use as childcare facility (to extend use from existing detached Sunflowers Childcare facility to rear of dwelling); (b) construction of entrance porch extension for proposed childcare facility to rear of dwelling and all alterations associated with the change of use to childcare facility; (c) alterations to existing hardstanding to side/front of dwelling to provide additional carparking and associated hard and soft landscaping; (d) conversion of the attic space of the existing dwelling to create bedroom, study and en-suite with the construction of a flat roofed dormer roof window to front of dwelling, 'Velux' roof windows, new replacement entrance porch to side of dwelling and all associated internal alterations.

Decision: permission granted subject to conditions.

Condition 3 of SD11A/0278 stated that the number of children to be accommodated in the overall childcare facility on site shall not exceed 42 on any day.

S95A/0057; Ballyowen Lane, Ballyowen, Lucan.

Proposal as stated on APAS; Erect a crèche/playschool and bathroom extension to existing dwelling.

Decision: permission granted subject to conditions

Recent Relevant Enforcement History

None.

Pre-Planning Consultation

None.

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

Section 3: Community Infrastructure

Table 3.1 Appraisal of Existing and Planned Community Facility Provision

'Childcare facilities distributed throughout the area. New facilities required in developing areas on phased basis, in accordance with approved Local Area Plans and Planning Schemes'

Section 3.10.0 Early Childhood Care and Education

Policy C8 (a) – Childcare Facilities – 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.

C8 Objective 3 – “To support the provision of small scale children facilities in residential areas subject to appropriate safeguards to protect the amenities of the area, having regard to noise pollution and traffic management”.

Section 4.4.0 Home Working Home-Based Economic Activities

Policy ET(4)

It is the policy of the Council to support small scale home-based economic activities at appropriate locations

Section 6.4.4 Car Parking

Policy TM7 Car Parking

Section 7.3.0 Flood Risk Management

Policy IE3 Flood Risk

Section 9.3.1 Natura 2000 Sites

Policy HCL12 Natura 2000 Sites

Policy IE6 Environmental Quality

Section 11.4.1 Bicycle Parking Standards

Table 11.22: Minimum Bicycle Parking Rates

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

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*Section 6.4.4 Car Parking
Policy TM7 Car Parking*

*Section 7.1.0 Water Supply & Wastewater
Policy IE1 Water & Wastewater*

*Section 7.2.0 Surface Water & Groundwater
Policy IE2 Surface Water & Groundwater*

*Section 7.3.0 Flood Risk Management
Policy IE3 Flood Risk*

*Section 7.5.1 Waste and Resource Policy and Legislation
Policy IE5 Waste Management*

*Section 9.3.1 Natura 2000 Sites
Policy HCL12 Natura 2000 Sites*

Section 11 Implementation

Relevant Government Guidelines

The Childcare Facility Guidelines for Planning Authorities, DEHLG (2001).

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

Circular Letter PL3/2016. Re: Childcare facilities opening under the Early Childcare and Education (ECCE Scheme) - Department of the Environment, Heritage and Local Government and OPW (March 2016).

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

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

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

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

Assessment:

The main issues for consideration are:

- Zoning and council policy,
- Childcare Facility and Residential Amenity,
- Access and car parking,

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- Services and drainage,
- Screening for Appropriate Assessment (AA).
- Screening for Environmental Impact Assessment (EIAR),

Zoning and Council Policy.

The subject site is located in an area which is subject to zoning objective 'RES' '*To protect and/or improve Residential Amenity.*' Childcare facilities are Open for Consideration under Zoning Objective 'RES'. As the premises is an existing facility, an increase in the number of childcare spaces to an existing childcare facility is considered generally to be acceptable in principle but subject to compliance with Development Plan policies and objectives.

Policy C8 Objective 1 states 'to support and facilitate the provision of childcare infrastructure at suitable locations such as town, village, district and local centres, adjacent to school sites and in employment areas'.

The proposal is considered acceptable in principle in the context of the site zoning and policies of the Development Plan in respect of childcare facilities. A full assessment is carried out below in order to ascertain compliance with the relevant policies, standards and requirements of the Development Plan and Government Childcare Guidelines.

It is acknowledged that there is an existing established use on the site for a Childcare Facility under planning reference SD11A/0278 and SD16A/0343. Therefore, it is the intensification of this use that will be assessed due to the increase in the number who would be using the facility as well as the additional car parking spaces.

Childcare Facility and Residential Amenity

As per Departmental Circular PL 3/2016 'Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme', the contents of Appendix 1 of the 2001 Childcare Guidelines have not been taken into account in the assessment of this application. The Child and Family Agency, also known as Tusla, is responsible for inspecting pre-school services under, and enforcing compliance with the 2001 and 2006 Childcare (Pre-School Facilities) Regulations.

The applicant specifies that the increase in the floor area under SD16A/0343 did not include an increase in the number of children that could use the facility at the same time. According to the applicant the facility has the ability to accommodate 56 children currently under Tusla guidelines, and this is the number currently using the facility at any one time. The applicant seeks to regularise this, and also states that there are 70 children enrolled at present, but not all attend at the same time mainly due to the variety of childcare provided including full time care, ECCE which only takes place in the morning, and after school care. As such the applicant has confirmed that there is never more than 56 children present at one time. **A planning condition will be included for clarity.**

It is stated that the opening hours are from 7.30am to 6.30pm daily. This conforms with the approved opening times under SD11A/0278. **A planning condition will be included for clarity.**

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There is at least 30 minutes between the morning and afternoon sessions as set out below in the Traffic Management Statement. This conforms with the conditions of SD11A/0278, and **a planning condition will be included for clarity.**

1. Fulltime care from 07:30 – 18:30 for up to 25 children. Unlike a school there is no specific starting or finishing time - most children arrive between 07:30 and 09:15 and leave between 16:30 and 18:30.
2. ECCE sessional care for up to 33 children consisting of 16 children from 09:15 to 12:15 and 17 children from 09:30 -12:30
3. Afterschool Care – We collect up to 35 children from 7 local schools and they attend Sunflowers from their time of collection (1:10pm – 3:00pm) until being collected by their parents between 16:30 and 18:30. It should also be noted that the majority of these children are siblings of children in fulltime care (1 above) and are collected at the same time that their siblings are collected.

10 full time and 7 part time staff, never more than 10 on site at any one time. This is noted. **A planning condition will be included for clarity.**

Section 11.3.11 of the County Development Plan states that the Planning Authority will have regard to the number of children to be catered for and the impact on residential amenity in assessing childcare proposals. The site is located in a residential area on a mixed-use site that contains a residential building. Considering the permitted use is childcare, and considering the site's location, it is not considered that the application for retention to include for the additional places would detract from the residential amenity of the area. TUSLA would be responsible for ensuring that the standards provided by the facility meet the relevant guidelines.

Access and Car Parking

The applicant states that there are never more than 5 cars on site at any one time, and that many of the children walk to the premises from the surrounding area. The approved layout under SD16A/0343 of 8 spaces has been amended to include for two additional car parking spaces, the total now being 10. This is noted.

The file was referred to the Roads Department for comment. Section 11.3.11 of the County Development Plan requires that applications be assessed in terms of their potential impact on traffic.

The Roads Department has provided the following comments:

Roads Assessment: *Ballyowen Lane is a Local Access Road which has access to the N4 westbound via a service road. The proposal will increase the capacity of the facility from 42 no. children to 56 no. (an increase of 33%). Previously at the proposed development within planning application ref no. SD11A/0278 childcare facility capacity was increased from 23 no. children to 42 no. children at the proposed development which make a total increase of (143%) this increase is a substantial intensification of use on this site.*

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Due to the intensification of use more vehicular movement will originate at the proposed development, the applicant shall submit accurate plans demonstrating the provision of a visibility splay is adequate in both directions from the entrance.

The submitted parking survey appears to show a reasonable staggering of drop offs and pick-ups which, if extrapolated to reflect the proposed increased numbers, should not cause any significant traffic disruption in the area.

Notwithstanding the above, the fact that the site is located approximately 160m from the N4 with direct access via a service road, there is potential for the creation of a localised bottleneck in the evening.

*With this in mind, SDCC Roads Department recommend that the increased capacity **be granted on a 1-year temporary basis**, so that any effects from the increased traffic volumes can be assessed over a period of time, and appropriate additional traffic management measures implemented if necessary.*

1. Car Parking:

The applicant is proposing changes to the driveway layout and has included 2 no. additional parking spaces to the front of the house a total of 10 no. parking spaces are available at the proposed development. Applying the SDCC Development Plan Standard of 1 space per classroom, this is an acceptable parking provision.

2. Bicycle Parking:

Bicycle parking spaces are not included in the proposal. The applicant shall submit a revised layout showing bicycle parking spaces. The bicycle parking provision shall be as per the guidelines of table 11.22 of the SDCC County Development Plan. On surface/external bicycle parking spaces shall be covered or sheltered.

Roads recommends that additional information be requested from the applicant:

The applicant/developer is requested to submit accurate plans demonstrating the provision of a visibility splay of 2.4m x 45m at a height of 1.5m in both directions from the entrance. Sightlines should be shown to the near side edge of the road to the right-hand side of entrance and to the centreline of the road to the left-hand side of the entrance (when exiting).

The applicant shall submit a revised layout showing bicycle parking spaces. The bicycle parking provision shall be as per the guidelines of table 11.22 of the SDCC County Development Plan. On surface/external bicycle parking spaces shall be covered or sheltered.

Conclusion

The comments, and in particular the comments in relation to the potential for traffic build up, the intensification of the use from the original permission, the proximity to the N4, and the request for additional information from the Roads Department are noted. Given the fact that there has been an increase in numbers attending the facility and two additional car parking spaces which could lead to an increased number of cars arriving and leaving the premises, as well as the proximity of the N4 which is located only 160m away, it is considered reasonable to request additional information

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regarding sightlines to ensure that the site would provide safe conditions for traffic and pedestrians. In addition to this, given the increased numbers attending and the evidence in the applicant's own surveys that the use of bicycles has increased, it is considered reasonable to request additional information on bicycle storage facilities.

The Roads Department has requested that if permission is granted a one year temporary permission is granted to assess whether there is any impact on traffic in the area. This will be fully assessed on the submission of the Additional Information items requested.

Services and Drainage

Surface Water Drainage has recommended no objection subject to a condition regarding the submission of drawings showing the existing surface water layout. However, as no physical changes are proposed all matters concerning surface water should comply with the conditions attached to the existing permissions on site.

Screening for Environmental Impact Assessment

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Screening for Appropriate Assessment

The applicant has not provided information to assist the screening for Appropriate Assessment. Having regard to the nature of the development, connection to public services and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

Other Considerations

Development Contributions

Retention Permission to include for

- Increase in the permissible number of children attending from a daily total of 42 to 56 at any one time at the existing childcare facility from that approved in previous planning ref. SD11A/0278 and extended & amended by ref. SD16A/0343;
- 2 additional carparking spaces on site; no additional construction work is proposed.

No contributions required-No additional floor space

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq. m)
Childcare – retention	No additional floor space
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.2328 ha

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Conclusion

The additional numbers and car parking spaces are considered to be acceptable in principle given the established use on site. However, further clarity is required on the safety of the access given the sites location in close proximity to the N4 and also on bicycle storage to encourage sustainable transport modes. It is therefore recommended that additional information is sought from the applicant.

Recommendation

Request Further Information.

Further Information

- Further Information was requested on 07-September-2021.
- Further Information was received on 07-October-2021.

Further information requested is as follows:

Item 1: Roads

(1) Given the increase in numbers attending the premises, the increased number of car parking spaces, and the proximity of the N4, the applicant is requested to submit accurate plans demonstrating the provision of a visibility splay of 2.4m x 45m at a height of 1.5m in both directions from the entrance. Sightlines should be shown to the near side edge of the road to the right-hand side of entrance and to the centreline of the road to the left-hand side of the entrance (when exiting). (2) Given the desire to promote sustainable transport methods and the increased number of children attending the premises as well the increased number of car parking spaces, the applicant is requested to submit a revised layout showing bicycle parking spaces within the application site. The bicycle parking provision shall be as per the guidelines of table 11.22 of the SDCC County Development Plan. On surface/external bicycle parking spaces should be shown as covered or sheltered.

Further Consultations:

- *Roads. Recommend refusal*

Assessment

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

Item No. 1- Roads

Assessment:

The applicant has provided revised plans and a photo outlining the sightlines, and the location of the bicycle storage for 7 bicycles. The bicycle parking meets the CDP standards of 5-6 spaces.

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The amendments to the adjacent flanking wall and landscaping, which includes a letter of consent, are not acceptable to permit a grant of permission. The Planning Authority requests that the works are carried out first

Roads have recommended a refusal and state that they *'consider the application premature, until the works required to the existing landscape and boundary to improve vehicle sight lines has been completed.'*

The information submitted for Item 1 does not conform with the appropriate policies of the County Development Plan and is not considered acceptable to the Planning Authority. A refusal is recommended.

Summary

In summary, the details submitted in response to the request for additional information are not considered to be acceptable to the Planning Authority and a grant of permission for the proposed development is not recommended in this instance until the adjacent works are carried out.

Conclusion

Having regard to the unsatisfactory response to the AI request and having regard to the proposed development, which seeks to increase numbers at a site where there is an established use on the site, the relatively small increase in pupils on the site taken in conjunction with the pattern of development in the vicinity and the design and layout of the proposed residential development, the applicant should be afforded an opportunity to overcome the refusal reason put forward by the Roads Department. Clarification of Additional Information should be sought.

Recommendation

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

1. The Planning Authority considers that the response to the Additional Information request is unsatisfactory and remains concerned that the access to the site and the increase in its usage may have a negative impact on road safety. The Roads Department has recommended that permission be refused. The applicant is asked to submit revised proposals that will overcome the Roads Department's concerns. In particular, the amendments to the adjacent flanking wall and landscaping, which includes a letter of consent, are not deemed to be sufficient to support a grant of permission. The Planning Authority requests that applicant liaises directly with the Roads Department to seek a satisfactory solution to the road safety concerns and submit a written agreement that is satisfactory to the Roads Department. In particular the applicant is requested to demonstrate how the works required to the existing landscape and boundary to improve vehicle sight lines can be achieved and within a reasonable timeframe.

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REG. REF. SD21A/0195

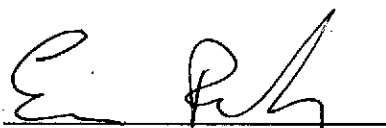
LOCATION: Sunflowers, Ballyowen Lane, Lucan, Co. Dublin



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: 4/11/21



Eoin Burke, Senior Planner