

# Comhairle Chontae Atha Cliath Theas

**PR/1630/21**

## Record of Executive Business and Chief Executive's Order

**Reg. Reference:** SD21A/0289      **Application Date:** 22-Oct-2021  
**Submission Type:** New Application      **Registration Date:** 22-Oct-2021

**Correspondence Name and Address:** Stephen O'Shea Architects 14, Bayside Square South, Sutton, Dublin 13.

**Proposed Development:** Change of use of part of existing office at unit 1 first floor to provide additional floor area to existing pre-school facility at unit 2 first floor; associated works including new openable windows at each gable.

**Location:** Units 1 & 2 First Floor, Orlagh Shopping Centre, Orlagh Grove, Scholarstown Road, Dublin 16

**Applicant Name:** Declan O'Driscoll

**Application Type:** Permission

(COS)

### **Description of Site and Surroundings**

Site Area: stated as 0.15 Hectares on the application.  
Site Visit: 10<sup>th</sup> of November 2021

### **Site Description**

The subject site is located at the Orlagh Shopping Centre on Orlagh Grove off Scholarstown Road. This is a parade of approx. 4 shops. The site consists of a two storey building with a row of retail units at ground floor and office space and a pre-school at first floor. The pre-school has an external area at first floor to the rear of the building. Car parking is located to the west and south of the building. The site adjoins a school to the east and is otherwise surrounded by residential development.

### **Proposal**

Change of use of part of existing office at unit 1 first floor to provide additional floor area to existing pre-school facility at unit 2 first floor; associated works including new openable windows at each gable.

### **Zoning**

The subject site is subject to zoning objective 'RES': *'To protect and/or improve residential amenity'* under the South Dublin County Development Plan 2016-2022.

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### **Consultations**

Roads Department – no report received.

H.S.E. Environmental Health Officer – no report received.

TULSA – no report received.

SEA Sensitivity Screening – no overlap is recorded in the SEA monitoring system.

### **Submissions/Observations /Representations**

None received.

### **Relevant Planning History**

None relevant to the subject application.

### **Relevant Enforcement History**

None relevant to the subject application.

### **Pre-Planning Consultation**

None recorded for the subject application according to APAS.

### **Relevant Policy in South Dublin County Council Development Plan 2016 – 2022**

*3 Community Infrastructure*

*Section 3.10.0 Early Childhood Care and Education*

*Policy C 8 Childcare Facilities*

*7 Infrastructure & Environmental Quality*

*Policy IE 1 Water & Wastewater*

*Policy IE 2 Surface Water & Groundwater*

*Policy IE 3 Flood Risk*

*Policy IE 7 Environmental Quality*

*8 Green Infrastructure*

*Policy G1 Overarching*

*Policy G5 Sustainable Urban Drainage Systems*

*9. Heritage, Conservation & Landscapes*

*Policy HCL2 Natura 2000 sites*

*11 Implementation*

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*Section 11.3.11 Early Childhood Care and Education*

*Section 11.4.2 Car Parking Standards*

*Table 11.24 Maximum Parking Rates (Residential Development)*

*Section 11.4.4 Car Parking Design and Layout*

*Section 11.6.0 Infrastructure and Environmental Quality*

*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**

*Project Ireland 2040 National Planning Framework, Government of Ireland, (2018).*

*Regional Spatial & Economic Strategy 2019 - 2031, Eastern & Midlands Regional Assembly, (2019).*

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

*Childcare Facilities Guidelines for Planning Authorities, Government of Ireland (2001)*

#### **Assessment**

The main issues for assessment relate to:

- Zoning and Council Policy;
- Childcare Facility;
- Visual and Residential Amenity;
- Access and Parking;
- Environmental Impact Assessment; and
- Appropriate Assessment.

#### ***Zoning and Council Policy***

The subject site is within zoning objective 'RES': *'To protect and/or improve residential amenity'*. The proposal involves the extension of an existing childcare facility (pre-school) located at the first floor. Childcare Facilities are Open for Consideration under this zoning objective. The use will therefore be subject to full assessment on their own merits and particularly in relation to their impact on the development of the County at a strategic and a local level.

#### ***Childcare Facility***

The existing childcare facility at first floor would be increased by approx. 27.4sq.m to incorporate part of the adjoining office space. This space would be revised as a room (approx. 20.2sq.m) and corridor. A door would be provided at the end of this corridor, linking the

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childcare facility with the lobby used by the office and to a staircase at the northern end of the building. It is noted that the applicant has control over the building as a whole.

#### ***Visual and Residential Amenity***

The proposal involves changes to an existing pre-school. In terms of external modifications, an 'openable vent' window is proposed on both the north and south elevations of the building. These windows are to have obscured glazing. The existing door from the office to the enclosed roof area would be removed and replaced with a window. 2 rooflights are also proposed on the rear roof slope. Given the scale and nature of the proposed development, it would have an acceptable impact in terms of visual and residential amenity.

#### ***Access and Parking***

No report has been received from the Roads Department.

Table 11.22 of the County Development Plan states the minimum bicycle parking rates for a Creche is 1 long term space per 5 staff and 1 short stay per 10 children. Table 11.23 sets out the maximum parking rates for a Creche as 1 per classroom in Zone 1 and 0.5 per classroom in Zone 2. The applicant states that there are 24 existing car parking spaces. Given the scale and nature of the proposal the existing car parking provision is considered to be acceptable as the impact on demand of the change of use is likely to be negligible.

#### ***Screening for Environmental Impact Assessment***

Having regard to the modest nature of the proposed development 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.

#### **Development Contributions**

Change of use from office to pre-school 27.4sq.m

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### **SEA monitoring**

Building Use Type Proposed: Change of use from office to pre-school

Floor Area: 27.4sq.m

Land Type: Brownfield/Urban Consolidation.

Site Area: 0.15 Hectares.

### **Conclusion**

Having regard to the:

- provisions of the South Dublin County Development Plan 2016-2022,
- the established character of the area, and
- the nature and scale of the proposed development,

it is considered that, subject to the conditions set out below, the proposed development would be in compliance with Council policy, would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Recommendation**

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

## **FIRST SCHEDULE**

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2016 - 2022 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

## **SECOND SCHEDULE**

### **Conditions and Reasons**

1. Development in accordance with submitted plans and details.

The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.

REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.

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### 2. Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

### 3. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

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#### **4. Financial Contribution.**

The developer shall pay to the Planning Authority a financial contribution of €2,496.41 (two thousand four hundred and ninety six euros and forty one cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended). The contribution shall be paid prior to commencement of development, or in such phased payments as the Planning Authority may facilitate. Contributions shall be payable at the rate pertaining to the year in which implementation of the planning permission is commenced as outlined in the South Dublin County Council Development Contribution Scheme 2021 - 2025.

**REASON:** The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

**NOTE RE: CONDITION** - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing [customerservice@water.ie](mailto:customerservice@water.ie).

**NOTE:** The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

**NOTE:** The requirements of the HSE Environmental Health Officer shall be ascertained prior to the commencement of development in the interest of public health.

**NOTE:** The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

**NOTE:** The applicant is advised to ascertain and comply with the requirements of Tusla, the Child and Family Agency, in relation to matters such as floorspace, playspace and staff/child ratios, etc.

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**REG. REF. SD21A/0289**

**LOCATION: Units 1 & 2 First Floor, Orlagh Shopping Centre, Orlagh Grove,  
Scholarstown Road, Dublin 16**

*jjohnston*

**Jim Johnston,  
Senior Executive Planner**

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

**Date:**

16/12/21

  
**Eoin Burke, Senior Planner**