

Comhairle Chontae Atha Cliath Theas

PR/1640/21

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21A/0292 **Application Date:** 26-Oct-2021
Submission Type: New Application **Registration Date:** 26-Oct-2021
Correspondence Name and Address: Fionnuala Kennedy 1, Templeroan Lodge,
Knocklyon, Dublin 16
Proposed Development: Modification to existing grant of permission, Ref.
SD12A/0094, by increasing enrolment in the
morning preschool session (9am until 12 noon)
Monday to Friday, from 14 to 16 children;
modification to existing grant of permission, Ref.
SD19A/0066, consisting of increasing enrolment in
the afternoon preschool session (1pm to 4pm)
Monday to Friday, from 11 to 16 children.
Location: 1, Templeroan Lodge, Knocklyon, Dublin 16
Applicant Name: Fionnuala Kennedy
Application Type: Permission

(CS)

Description of Site and Surroundings

Site Description

No. 1 Templeroan Lodge is a sessional childcare facility and residential dwelling. The site is located in a cul-de-sac in an established residential area and contains a semi-detached dormer bungalow dwelling with full gable roof profile, with extension to the front. Templeroan Lodge is characterised by semi-detached dwellings set back from the street. An area of public open space is located to the side/north of the subject site.

Site Area: Stated as 0.0264 Ha.

Proposal

The proposed development consists of the following:

- Modification to existing grant of permission, Ref. SD12A/0094, by **increasing enrolment in the morning preschool session (9am until 12 noon) Monday to Friday, from 14 to 16 children;**
- Modification to existing grant of permission, Ref. SD19A/0066, consisting of **increasing enrolment in the afternoon preschool session (1pm to 4pm) Monday to Friday, from 11 to 16 children.**

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It is noted that Cond.5 as per previously permitted SD19A/0066 specified that the number of children to be accommodated in the childcare session between 01:00 PM and 04:00 PM shall not exceed 11 at any one time. Any increase in the number of children catered for in this childcare facility shall be the subject of a separate planning application.

Zoning

The site is subject to land-use zoning objective – ‘RES’ – ‘*To protect and/or improve residential amenity.*’

Consultations

Roads Department – No objection subject to **conditions**.

H.S.E. Environmental Health Officer – Recommendation to consult with TUSLA.

TUSLA – No report received to date.

Screening for Strategic Environmental Assessment

No overlap indicated with the relevant environmental layers.

Submissions/Observations/Representations

None Received.

Relevant Planning History

SD19A/0066: Operating a second preschool session from 1pm to 4pm, Monday to Friday, enrolling up to 11 children.

Decision: **GRANT PERMISSION.**

SD12A/0094: Erection of a single storey porch extension to front of house & Montessori to accommodate accessible access and sanitary facilities to the existing Montessori and a single storey extension to rear of existing house/Montessori room to accommodate new pre-school curriculum together with associated signage. The total area of the extension to the front is 5.5sq.m and the extension to the rear is 12sq.m.

Decision: South Dublin County Council **granted permission** with a final grant dated 25th September 2012.

S95A/0064 and ABP Ref. PL06S.095874: Two storey extension to side of existing house, first floor to contain two new bedrooms and ground floor for use as Montessori School.

Decision: South Dublin County Council issued a notification of decision to **grant permission** on 6th April 1995, and this was appealed to An Bord Pleanála by a third party. The Board **granted permission** on 20th July 1995.

Pre-Planning Consultation

None recorded for this development.

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Relevant Policy in South Dublin County Development Plan 2016 – 2022

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.'

Policy C8 Objective 3:

'To support the provision of small scale childcare facilities in residential areas subject to appropriate safeguards to protect the amenities of the area, having regard to noise pollution and traffic management.'

Section 6.4.4 Car Parking

Policy TM7 Car Parking

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 11.8.1 Environmental Impact Assessment

Section 11.8.2 Appropriate Assessment

Section 11.3.0 Land Uses

Section 11.3.10 Home Based Economic Activity

'The Planning Authority will assess the suitability of the residential site to accommodate the proposed home based economic activity having regard to the size and scale of the site and dwelling, the prevailing density of the area, the availability of adequate safe car parking and the general compatibility of the nature of the use with the site context.'

Section 11.3.11 Early Childhood Care and Education

'In residential areas the conversion of detached and semi-detached dwellings will be considered at appropriate locations, subject to the protection of residential amenity... in instances of partial conversion from residential to childcare, the proposal shall be assessed as a Home Based Economic Activity.'

Relevant Government Guidelines

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

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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.

Assessment

The main issues for assessment are

- Zoning and Council policy;
- Childcare facility and residential amenity;
- Access and Parking;
- Environmental Health;
- Screening for Environmental Impact Assessment (EIAR);
- Screening for Appropriate Assessment (AA).

Zoning and Council Policy

The proposed site is subject to zoning objective Local Centre, 'RES' – 'To protect and/or improve residential amenity'. Home Based Economic Activities (including partial use of a residential dwelling for childcare) are 'open for consideration' under the South Dublin County Development Plan 2016 - 2022, and therefore may be acceptable to the Planning Authority subject to detailed assessment against the principles of proper planning and sustainable development, and the relevant policies, objectives and standards set out in the County Development Plan.

The proposed childcare use has already been assessed in principle under SDCC Reg. Ref. SD12A/0064 and the site has been found to be suitable for use as a childcare facility, subject to appropriate management of the sessions provided.

The extension/intensification of the use of the building by increasing enrolment in the morning preschool session (9am until 12 noon) Monday to Friday, from 14 to 16 children and increasing enrolment in the afternoon preschool session (1pm to 4pm) Monday to Friday, from 11 to 16 children is therefore considered to be appropriate subject to assessment of the potential impact of the additional session on the residential amenity of the area.

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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.

Under section 11.3.11 of the County Development Plan, proposals for partial use of a dwelling as a childcare facility shall be assessed as Home Based Economic Activity. The relevant section on Home Based Economic Activity (section 11.3.10), contains the following guidance for assessing applications:

'The Planning Authority will assess the suitability of the residential site to accommodate the proposed home based economic activity having regard to the size and scale of the site and dwelling, the prevailing density of the area, the availability of adequate safe car parking and the general compatibility of the nature of the use with the site context.'

In the context of a proposal to intensify a permitted use (SD19A/0066) by way of increasing enrolment at two sessions, the relevant criterion from the above policy is adequate safe car parking. The proposed extension of increasing enrolment at two sessions would otherwise not alter the suitability of the use in the context of the above criteria. The proposal is therefore acceptable subject to assessment of car parking provision in the area.

The proposal for increasing enrolment at two sessions is considered to have no significant adverse impact on the amenities of the area.

Access and Parking

The Roads Department has issued a report stating no objection subject to **conditions**. An extract taken from the Roads report states the following:

Prior to commencement of any works in the public domain, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10, a Road Opening Licence must be secured from South Dublin County Council, Roads Maintenance Department.

Description:

Proposed increase in preschool enrolment.

Access & Roads Layout:

Potential increase in set-down/turning traffic at peak times.

Turning head at end of cul-de-sac allows cars to turn.

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Mobility Management

A mobility management plan should be developed to manage the drop-offs and pickups from the facility. Staggered times for these drop-offs, and pick-ups may need to be considered.

No Roads objections subject to the following conditions:

1.A mobility management plan should be developed to manage drop-offs and pickups from the facility, and implemented within 3 months

It is considered appropriate to attach the above condition in the event of a grant.

Environmental Health

A comment was received from the EHO recommending consultation with TUSLA. An extract taken from the comment states the following:

We would have no comment to add to this application. Tulsa look after childcare and the only comment we would give would be a recommendation to consult with Tulsa.

In the event of a grant it is considered appropriate to attach a **note** that consultation is carried out with TUSLA.

Screening for Environmental Impact Assessment (EIAR)

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 (AA)

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 Issues

Development Contributions

- No physical works or change of use are proposed. The application relates only to increasing enrolment at two sessions.
- Assessable area is nil.

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Strategic Environmental Assessment Monitoring

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Childcare Facilities	Nil
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.0242

Conclusion

Having regard to the 'RES' land-use zoning objective which applies to the site, and other policies and objectives of the South Dublin County Development Plan 2016 - 2022, in particular section 11.3.10, and having regard also to the advice and requests for Planning Authorities in Departmental Circular PL 3/2016, the proposed development is considered to accord 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. Roads Requirements.

A mobility management plan shall be developed to manage drop-offs and pickups from the facility, and implemented within 3 months of the date of final grant of permission.

REASON: In the interest of traffic safety.

3. Conditions of Previous Permissions.

The proposed development shall comply with all conditions of the previous grant of permission, SD12A/0094 & SD19A/0066 unless otherwise required by the conditions set out below.

REASON: In the interest of clarity.

4. Revert to Prior Use when Current Permitted Use has Ceased.

The use shall revert to use as part of the existing dwelling unit when the development is no longer required for use as a preschool.

REASON: In the interest of the proper planning and development of the area.

5. Maximum Number of Children.

The number of children to be accommodated in the play school shall not exceed 16 at any one session. Any increase in the number of children catered for in this play school shall be the subject of a separate planning application.

REASON: In order to prevent traffic congestion and the creation of a traffic hazard at this location, in the interest of residential amenity and to ensure a minimum standard of childcare amenity.

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: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

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/0292

LOCATION: 1, Templeroan Lodge, Knocklyon, Dublin 16

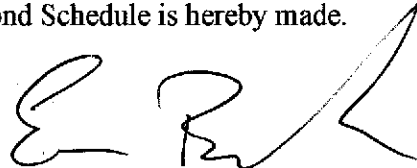
jjohnston

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: _____

17/12/21



Eoin Burke, Senior Planner