

# Comhairle Chontae Atha Cliath Theas

**PR/0568/22**

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

**Reg. Reference:** SD21A/0226      **Application Date:** 13-Aug-2021  
**Submission Type:** Additional      **Registration Date:** 04-Apr-2022  
Information

**Correspondence Name and Address:** Equator Architects Ireland Ltd. Pavillion House,  
31/32, Fitzwilliam Square South, Dublin 2

**Proposed Development:** Partial change of use of the ground floor of an existing dwelling to a childcare facility; proposed ground floor extension to form part of the childcare facility; new side entrance; proposed rear extension to the existing ground floor measuring 12sq.m; Internal alterations to include proposed accessible wc and minor demolition to accommodate new extension; all associated ancillary site works.

**Location:** 4, Griffeen Glen Drive, Griffeen Glen, Lucan, Co. Dublin

**Applicant Name:** Mridul Sharma

**Application Type:** Permission

(DF)

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

Site Area:

Stated as 0.023ha

Site Visit: 1st September 2021

Site Description:

The subject site is located within an established residential area and comprises an existing semi-detached house with a rear garden. The surrounding streetscape is characterised by predominantly similar semi-detached and terraced houses with rear gardens.

### **Proposal:**

The proposed development comprises the following

- Partial change of use of the ground floor of an existing dwelling to a childcare facility – the childcare floor area will be located to the rear of the property and entry gained through a proposed side entrance;

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- proposed ground floor extension to form part of the childcare facility measuring 12sq.m;
- Internal alterations to include proposed accessible wc and minor demolition to accommodate new extension;
- all associated ancillary site works.

### **SEA Sensitivity:**

No overlap identified with relevant environmental layers

### **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.

### **Consultations:**

Water Services- No objection subject to standard conditions

Irish Water- No objection subject to standard conditions

Roads-Recommend refusal

Parks-No comments

Tusla-No response

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

Final date for submissions 16/9/21. None received.

### **Relevant Planning History**

*Subject site*

None for subject site

*Adjacent sites*

SD03B/0411. Double storey extension to gable end and single storey extension to rear.

Grant Permission

### **Relevant Enforcement History**

None active

### **Pre-Planning Consultation**

None recorded for the subject site.

### **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*

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*'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 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.*

### *Section 2.4.1 Residential Extensions*

#### *Policy H18 Residential Extensions*

*It is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities.*

### *Section 11.3.3 Additional Accommodation*

#### *Section 11.3.3 (i) Extensions*

*The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards*

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*For rear extensions:*

- *Match or complement the style, materials and details of the main house unless there are good architectural reasons for doing otherwise.*
- *Match the shape and slope of the roof of the existing house, although flat-roofed single storey extensions may be acceptable if not prominent from a nearby public road or area.*
- *Make sure enough rear garden is retained.*
- *Do not create a higher ridge level than the roof of the main house.*
- *The roofline of large extensions to the rear of single storey bungalows should not be visible from public view to the front or to the side of the bungalow.*

### **Relevant Government Guidelines**

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

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

### ***Sustainable Residential Development in Urban Areas - Guidelines for Planning***

*Authorities, Department of the Environment, Heritage and Local Government (2008).*

***Urban Design Manual: A Best Practice Guide***, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage and Local Government, (2008).

***Quality Housing for Sustainable Communities-Best Practice Guidelines***, Department of the Environment, Heritage and Local Government, (2007).

***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).

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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).*

*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 relate to Zoning and Council policy, Childcare Facility, Residential and Visual Amenity, and Roads.

### ***Zoning and Council policy***

The subject site is subject to zoning objective RES - *'To protect and / or improve Residential Amenity'*. 'Childcare Facilities' are 'open to consideration' within the 'RES' zoning objective subject to its design being in accordance with the relevant provisions in the Development Plan including extensions (not including design which is addressed within the 'residential and visual amenity' section of the report).

The change of use from residential to childcare facilities is approximately 40.14sq.m, with the provision of a 12.05sq.m rear extension for childcare facilities.

In terms of Council Policy, policy C8 – Childcare Facilities and section 11.3.11 Early Childhood Care and Education are relevant to the proposal. Policy C8 states that 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.

### **Childcare Facility**

The Planning Authority notes that there is a deficiency in information submitted with this application to fully assess the implications of the proposed development. The proposed childcare element of development comprises Room A, measuring 33.9sq.m, with the additional 12sq.m annex proposed, providing space for 14 children with 2.4sq.m allocated per child. Regarding the additional floor space of 12sq.m, it is unclear if additional children are proposed. The applicant is requested by additional information to clarify what this space will be used for and if additional children to the 14 confirmed will be accommodated.

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In terms of outdoor space, the applicant has not provided specific details for the use of the 71.81sq.m rear garden and how it may be used for both the childcare use and the residential use of the dwelling house. ADDITIONAL INFORMATION.

The applicant has not provided supporting documentation for the proposed change of use to a childcare facility to demonstrate compliance with County Development Plan policy and objectives. Having regard to current County Development Plan Policy and the Planning Authority's support for childcare facility provision throughout the County, the applicant should be afforded an opportunity to demonstrate compliance with Development Plan policy (Policy C8 – Childcare Facilities and section 11.3.11 Early Childhood Care and Education), in particular:

- *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.*

The applicant should be requested to submit a suitability report for the proposed use on the site addressing each of the above issues. ADDITIONAL INFORMATION.

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

- The rear extension projects approximately 2.8m beyond the existing rear return and 5.035m beyond the primary rear building line. The flat roof extension will have an approximate height of 2.7m. It is not considered that the proposed extension would give rise to any undue overshadowing of neighbouring properties.
- A new side entrance door to the house is proposed which will provide a separate access to the childcare part of the ground floor. It will be located over a metre from the adjoining property, and it is not considered that it would diminish existing residential amenity.
- A minor shift in the position of the existing entrance door is proposed. This is minor and generally acceptable.

Notwithstanding the above, the internal layout requires clarification. It is unclear how the residential element of the house can successfully operate as both a dwelling and a childcare facility. In particular, the kitchen, living and dining areas for the dwelling is not clear. The applicant is requested to delineate individual room details and include dimensions on the

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existing and proposed floor plan drawings by way of additional information. ADDITIONAL INFORMATION.

### ***Roads***

The Roads Department has recommended refusal due to *'The proposed development lacks an adequate drop off/pick up facilities on site and would intensify the use of the access and increase vehicular movements, increasing the risk of a traffic accident, thereby endangering public safety by reason of a traffic hazard.'*

The Planning Authority notes the concerns that the Roads Department has raised. However, having regard to current County Development Plan Policy and the Planning Authority's general support for childcare facility provision throughout the County, the applicant should be afforded an opportunity to demonstrate how the Roads Department concerns can be overcome.

### ***Appropriate Assessment***

The applicant has not provided information to assist the screening for Appropriate Assessment. Having regard to the scale and nature of the development proposed and the distance from Natura sites, it is considered that the development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site, therefore Stage 2 Appropriate Assessment is not required.

### ***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 real 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.

### ***Other considerations***

#### **Development Contributions**

The proposed development comprises

- Partial change of use of the ground floor of an existing dwelling to a childcare facility;
- proposed ground floor extension to form part of the childcare facility;
- new side entrance;
- proposed rear extension to the existing ground floor measuring 12sq.m;
- Internal alterations to include proposed accessible WC and minor demolition to accommodate new extension;
- all associated ancillary site works.

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### Permission for Childcare extension:

- Known previous extension to property: None
- Additional floor area 12.05sq.m.

No contributions required

<b>SEA Monitoring Information</b>	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq.m)</b>
Childcare facilities – additional floor space	12.05sq.m
<b>Land Type</b>	<b>Site Area (Ha.)</b>
Brownfield/Urban Consolidation	0.023ha

### **Conclusion**

Having regard to current County Development Plan Policy and the Planning Authority's general support for childcare facility provision throughout the County, the applicant should be afforded an opportunity to demonstrate how the Roads Department concerns can be overcome and how the proposed development can demonstrate compliance with Development Plan policy.

### **Recommendation**

Request additional information.

### **Additional Information**

Additional information requested: 7 October 2021

Additional information received: 4 April 2022

### Consultations:

Roads – recommend refusal

Water Services – No objections, subject to conditions

### Item 1:

The Roads Department has recommended refusal due to 'The proposed development lacks an adequate drop off/pick up facilities on site and would intensify the use of the access and increase vehicular movements, increasing the risk of a traffic accident, thereby endangering public safety by reason of a traffic hazard.'

The Planning Authority notes the concerns that the Roads Department has raised. However, having regard to current County Development Plan Policy the applicant is afforded an opportunity to demonstrate how the Roads Department concerns can be overcome. The applicant may wish to liaise directly with the Roads Department prior to responding to this Additional Information request.



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*Applicant's response:*

*The applicant has provided a desktop study. This provided an analysis of the existing facilities in close proximity, as well as public transport networks, walking and cycling facilities. The operator will encourage the use of public transport, cycling and walking to the facility to alleviate any possible impact on the existing context. At present, there is an existing facility located at the corner of Griffeen Glen Drive. This proposal is located further down Griffeen Glen Drive and will not create added pressure nor create vehicular congestion at the junction.*

*Assessment:*

*The Roads Department has stated "The applicant has submitted a desk top survey for the proposal. The report does not directly address the roads department concerns for the lack of traffic infrastructure at the development, the absence of a set-down area, staff parking or safe turning with in the residential area of Griffeen Glen. The applicant has noted the times of operation will be limited but has not considered the other childcare facility at number 1 Griffeen Glen Drive or the national primary schools near the development. The principal mitigation for the development will be the facilitators of the childcare facility reviewing the transportation from time to time and to encourage the dependence on the private car as a means of travel".*

Based upon the comments of the Roads Department, it is considered that the applicant has not adequately addressed the additional information request in this instance.

The Roads Department has recommended refusal as follows:

*"The proposed development lacks an adequate drop off/pick up facilities on site and would intensify the use of the access and increase vehicular movements, increasing the risk of a traffic accident, thereby endangering public safety by reason of a traffic hazard".*

It is considered that the proposed development should be refused on the above basis.

Item 2:

The applicant has not provided supporting documentation for the proposed change of use to a childcare facility to demonstrate compliance with County Development Plan policy and objectives. Having regard to current County Development Plan Policy and the Planning Authority's support for childcare facility provision throughout the County, the applicant should be afforded an opportunity to demonstrate compliance with Development Plan policy (Policy C8 – Childcare Facilities and section 11.3.11 Early Childhood Care and Education), in particular:

- Suitability of the site for the type and size of facility proposed.
- Availability of indoor and outdoor play space.

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- 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.).
- Catchment area for children, include any details of expressions of interest to date. Include projected proportion of children within a walkable distance.
- Intended hours of operation.
- Impact on residential amenity.

The applicant is requested to submit a suitability report for the proposed use on the site addressing each of the above issues.

*Applicant's response:*

*The applicant has provided a suitability report. The suitability report sets out the following details:*

- 1- Suitability of the site for the proposal: facility located in a mature neighbourhood that has experienced an increase in population, due to existing infrastructure and amenities. Aim to provide for young families. Staggered approach to mitigate against impact to adjacent properties.*
- 2- Indoor and outdoor provisions: to cater for 14 children aged 3 – 5. Depending on hours chosen by the students, this may stagger in times to minimise disruption to the local environment. Proposed internal area generally accords with 'Childcare Facilities Guidelines for Planning Authorities'. External play located in rear garden – 35sq.m secured and fenced off and the remaining area of the garden proposed to be used by the residential component and bicycle parking. With the staggered number of children, the external play area provided will cater for the needs of the children that will use the facility.*
- 3- Traffic, transport conditional and management: see desktop study*
- 4- Nature of the facility: the proposal is an Early Childhood Care and Education Programme (ECCE), which is a universal 2-year pre-school programme available to all children within the eligible age range. 3 hours a day 5 days a week from September to June.*
- 5- Catchment: Aims to cater for the local community. At present, it is understood that there is significant interest from the local area however space and numbers are limited. Aim will be to serve needs of immediate surrounding before others. The roster has not been finalised but there will be no more than 14 children at any one time. Operating hours are 0930 to 1600. These will limit traffic as outside peak. Critical operating times will be 0930 to 1230 and 1330 to 1600. Anticipated there will be 20% vehicle traffic and 80% walking and cycling.*
- 6- Impact on surrounding: low volume of children. Depending on the hours chosen by the children this will be staggered, which will contribute to the low volume of traffic*

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7- *Report qualifications: based on instruction of client, visual inspection only. Report is limited to illustrations and documentation as part of the planning permission application.*

### Assessment:

It is considered that the applicant's response to the above is mostly acceptable and, subject to conditions, such as restrictions on the hours of operation, the amenities of the neighbouring properties would not be negatively impacted. However, as noted above, the Roads Department still has concerns regarding the proposed development and it is considered that planning permission should be refused on this basis.

### Item 3:

(1) Regarding the additional floor space of 12sq.m, it is unclear if additional children are proposed. The applicant is requested by way of additional information on the floor plan to clarify what this space will be used for and if additional children to the 14 confirmed will be accommodated.

(2) In terms of outdoor space, the applicant has not provided specific details for the 71.81sq.m rear garden. Further information is requested to outline the outdoor childcare facilities and the rear residential garden area, to be included on the site layout plan.

(3) It is unclear regarding the internal layout of the residential element of the house. The applicant is requested to delineate individual room details and include dimensions on the existing and proposed floor plan drawings by way of additional information. (particularly the location of the kitchen, dining and living areas)

### *Applicant's response:*

*(1) Refer to drawing PL-101. Max of 14 children. 33.9sq.m included existing and proposed 12sq.m. No additional children can or will be accommodated.*

*(2) refer to drawing Pl-003. Play area will be equipped.*

*(3) Refer to drawing PL-100 (existing floor plans) and Pl-101 (proposed floor plans) enclosed for clarity. Drawings have been updated to include room sizes.*

### Assessment:

The annotated floorplans are noted.

The Planning Authority notes that 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 Children and Youth Affairs. The Child

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

### ***Other considerations***

#### **Development Contributions**

The proposed development comprises

- Partial change of use of the ground floor of an existing dwelling to a childcare facility;
- proposed ground floor extension to form part of the childcare facility;
- new side entrance;
- proposed rear extension to the existing ground floor measuring 12sq.m;
- Internal alterations to include proposed accessible WC and minor demolition to accommodate new extension;
- all associated ancillary site works.

#### **Permission for Childcare extension:**

- Known previous extension to property: None
- Additional floor area 12.05sq.m.

No contributions required

<b>SEA Monitoring Information</b>	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq.m)</b>
Childcare facilities – additional floor space	12.05sq.m
<b>Land Type</b>	<b>Site Area (Ha.)</b>
Brownfield/Urban Consolidation	0.023ha

### **Conclusion**

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022, the 'RES' zoning objective, the additional information submitted, as well as the proposed parking and access arrangements, it is considered the applicant has failed to provide adequate drop off/pick up facilities on site. The Planning Authority is not satisfied that the proposed development would not give rise to traffic hazard. It would set an undesirable precedent and would therefore not be in accordance with the 'RES' zoning objective or the proper planning and sustainable development of the area.

### **Recommendation**

I recommend that a decision to Refuse Permission be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto:-

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### **SCHEDULE**

#### **REASON(S)**

1. The proposed development lacks adequate drop off/pick up facilities on site to serve future users and would result in an increase in the number of vehicular movements. Resultantly, the proposed development would increase the risk of a traffic accident on the roads within the vicinity of the site, thereby endangering public safety by reason of a traffic hazard. This is contrary to the provisions of the County Development Plan, specifically Policy TM7, the zoning objective 'RES' - 'To protect and / or improve Residential Amenity' and the sustainable development of the area.

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**REG. REF. SD21A/0226**

**LOCATION: 4, Griffeen Glen Drive, Griffeen Glen, Lucan, Co. Dublin**



**Sarah Watson,  
Executive Planner**

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000 (as amended) to Refuse Permission for the above proposal for the reasons set out above is hereby made.

**Date: 03/05/2022**



**Colm Harte,  
Senior Executive Planner**