

Comhairle Chontae Atha Cliath Theas

PR/0772/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0123 **Application Date:** 26-Apr-2022
Submission Type: New Application **Registration Date:** 26-Apr-2022

Correspondence Name and Address: Jong Kim, AKM Design Unit 6, Kingswood Business Park, 4075 Kingswood Road, Citywest, Dublin 24

Proposed Development: Retention of use of existing portacabin building for childcare use granted under SD16A/0175 and portacabin building for childcare use granted under SD19A/0288. Retention sought to continue to use both premises for childcare use and retain permission for minor changes to the layout of buildings and all associated works.

Location: Forest Hills, Rathcoole, Co. Dublin

Applicant Name: Rathcoole Boys Football Club

Application Type: Retention

Description of Site and Surroundings:

Site Description:

The application site lies within the car park of Rathcoole Boys Football Club, which is located adjacent to the residential areas of Peyton Close and Forest Hills. It contains 2 No. existing single storey, flat roofed prefabricated structures, which was previously granted planning permission as a temporary pre-school/creche under SD16A/0175 and SD19A/0288.

Site Area:

Stated as 0.03343 Hectares.

Proposal:

Retention permission is sought for the continuing use of the 2 No. portacabin structures for childcare use, minor changes to the internal layout of the structures and all associated works.

Zoning:

The subject site is subject to land-use zoning objective 'OS' - 'To preserve and provide for open space and recreational amenities' in the South Dublin County Development Plan 2016-2022.

Consultations:

Drainage and Water Services Department: No objection subject to conditions.

Irish Water: No objection subject to conditions.

Parks Department: No objection subject to conditions

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Roads Department: No objection.
Transport Infrastructure Ireland: No observation.
Department of Defence: No report received at time of writing.

Strategic Environmental Assessment:

No overlap indicated with relevant environmental layers.

Submissions/Observations /Representations

Final date for submissions/observations – 30th May 2022.

None received.

Relevant Planning History

SD19A/0288 – Temporary grant of permission for a Portacabin unit to the side of existing clubhouse, connection to existing services and all associated site works. **SDCC Decision:** Grant Permission, subject to conditions.

SD16A/0175 - Temporary permission of five years duration sought for the change of use of an existing single-storey flat-roofed pre-fabricated temporary building from education use to a commercial (pre-school/creche) use. The existing building is located within the grounds/front car-park. **SDCC Decision:** Grant Permission, subject to conditions.

SD14A/0076 - Holy Family National School Rathcoole, Killeel Road granted a temporary permission of two years duration for a single storey unit of prefabricated temporary classroom accommodation and all associated site works. **SDCC Decision:** Grant Permission, subject to conditions.

SD09A/0420 - Single storey extension and improvements to existing clubhouse and associated site works, also retention permission sought for single storey detached shed/store as built on same site. **SDCC Decision:** Grant Permission, subject to conditions.

Relevant Enforcement History

S8119 – Floodlights pertaining to the Rathcoole Boys Football Club. Not related to the proposed use of this Planning Application.

Pre-Planning Consultation

None recorded for subject site.

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

Relevant Government Guidelines

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

Regional Spatial and Economic Strategy, Eastern & Midlands Regional Assembly, (2019).

The Planning System and Flood Risk Management - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government & OPW, (2009).

Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities DoEHLG (2009).

OPR Practice Note PN01 Appropriate Assessment Screening for Development Management (March 2021).

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Planning Note

It should be noted that this assessment relates to the proposed retention of the existing portacabin structures only and no other development within the application red line or wider football club site.

Assessment

The main issues for consideration are as follows:

- Zoning and Council policy.
- Visual Impact and Residential Amenity.
- Temporary Nature of Permission.
- Drainage and Water Services.
- Vehicular Access, Traffic and Car Parking.

Zoning and Council Policy

The proposed development would be open for consideration within the 'OS' zoning objective which seeks 'to preserve and provide for open space and recreational amenities.'

Given that the use has been established on the subject site and the location of the structures it is proposed to retain is hardstanding (car parking) and that the proposal is for temporary use, it is considered that the proposed development would not have an adverse impact on the zoning objective set out above.

Visual Impact and Residential Amenity.

The proposed development seeks retention permission for the 2 No. portacabin structures, the use of which as childcare facility has previously been established under SD19A/0288 and SD16A/0175. The proposed use of the portacabin structures located in the existing car park to the north of the site be as classrooms to facilitate the operation of a commercial childcare facility.

The drawings provided by the Applicant indicate no alterations to the structures previously permitted under SD19A/0288 and SD16A/0175. It is therefore considered that the proposed development of this Planning Application will not have an adverse impact on the visual or residential amenity of the subject site, nearby residential properties, or the surrounding streetscape.

It is noted that the previous application for temporary use of the adjacent portacabin was for use as a preschool/creche. The Planning Report provided by the Applicant indicates that the childcare facility will operate between the hours of 07:30 – 18:00, with 6 No. full time staff and 46 No. children in attendance.

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The Planning Report provided by the Applicant indicates that there are 2 No. outdoor play areas, however these are not indicated on the Existing Site Layout Drawing (Drawing No. 21064-AKM-NA-XX-XX-DR-A-000002). Considering the established nature of the use at the subject site, it is considered acceptable that, in the event of a Grant of Retention Permission, the Applicant can clarify the location and extent of the 2 No. outdoor areas through a CONDITION requiring a compliance submission.

Temporary Nature of Permission

The Applicant has not outlined the timeframe of permission being sought nor whether there are future plans to erect a permanent structure. It is noted that the portacabin structures are inherently temporary in nature and are not designed to be retained in situ indefinitely. Having regard to the Planning History of the subject site and the established nature of the use, it is considered appropriate that, in the event of a Grant of Retention Permission, a CONDITION should be attached limiting the lifetime of the permission to 5 years, which would result in the duration of permission for both structures (permitted under SD16A/0175 and SD19A/0288) to be aligned.

Drainage and Water Services

The Drainage and Water Services Department and Irish Water have indicated no objections to the proposed development, subject to conditions.

Vehicular Access, Traffic and Car Parking

The Roads Department have assessed the proposed development and have indicated no objection.

It is noted that the proposed development does not include any alteration to the existing vehicular access and car parking arrangements.

Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development seeks Retention Permission for 2 No. pre-fabricated structures operating as a childcare facility, located within the carpark of Rathcoole Boys Football Club.

Having regard to:

- the small scale nature of the development,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

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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.

Other Considerations

Development Contributions

Development Contributions Assessment	
Building Use Type Proposed	Overall Quantum
Commercial - Childcare Facility (2 No. prefab structures)	133.4 sq.m

SEA Monitoring

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (Sq.M.)
Childcare Facility (2 No. prefab structures)	50.16sq.m
Land Type	Site Area (Ha.)
Brownfield / Urban Consolidation	0.03343

Conclusion

Having regard to the 'OS' land-use zoning of the area, the relevant policies, and objectives of the South Dublin County Development Plan 2016 – 2022, the proposed development would, subject to the conditions attached hereto, comply with the South Dublin County Development Plan 2016 - 2022 and 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 Retention 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.

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SECOND SCHEDULE

Conditions and Reasons

1. Development to be in accordance with submitted plans and details.
The development shall be retained and completed fully in accordance with plans, particulars and specifications lodged with the application, save as may be required by other conditions attached hereto.
REASON: To ensure that the development is in accordance with the permission and that effective control is maintained.
2. Temporary Permission.
The duration of this planning permission is for a period of 5 years from the date of the final grant of planning permission. Upon expiry of this permission, the prefabricated structures shall be removed and the site re-instated, unless an extension of planning permission has been granted by the Planning Authority or An Bord Pleanála on appeal.
REASON: In the interest of ensuring the provision of an appropriate permanent structure more suited to the location of the site.
3. Prior the commencement of development, the Applicant shall submit an amended Site Layout Plan clearly demonstrating the location and extent of the open space areas associated with the childcare facility. The drawing shall be agreed in writing with the Planning Authority.
REASON: In the interests of proper planning and sustainable development.
4. (i) The developer shall include SuDS measures in the proposed development, such as permeable paving, grasscrete, rain gardens, planter boxes with overflow connection to the public surface water sewer, water butts and channel rills.
(ii) The developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.
(iii) All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.
(iv) All works shall be carried out in compliance with Irish Water's Standards, Codes and Practices in relation to water and wastewater.
REASON: In the interest of public health and to ensure adequate water/wastewater facilities.
5. Financial Contributions.
The developer shall pay to the Planning Authority a financial contribution of €13,174.58 (thirteen thousand one hundred and seventy four euros and fifty eight 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 Act 2000 (as amended). This

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contribution is to be paid on receipt of Final Grant of Permission.

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

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 applicant is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

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: Waste, arising from the site, must be kept to a minimum, segregated where appropriate, and disposed in accordance with the Waste Management Regulations 2007, as amended. Transport of such waste, must be by an authorised waste permit holder. Waste disposal records must be maintained and made available, for inspection by Authorised Persons appointed under the Waste Management Act 1996, as amended. A Waste Transfer Form shall accompany the transportation of all hazardous waste arising from the construction works.

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. SD22A/0123

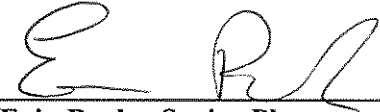
LOCATION: Forest Hills, Rathcoole, Co. Dublin

Colm Harte

Colm Harte,
Senior Executive Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for Retention 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: 20/6/22


Eoin Burke, Senior Planner