

Comhairle Chontae Atha Cliath Theas

PR/0863/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0143 **Application Date:** 18-May-2022
Submission Type: **Registration Date:** 18-May-2022

Correspondence Name and Address: John Dempsey Architect Apt. 13, 'Liffey', Cois Abhainn, Sallins Road, Clane, Co. Kildare

Proposed Development: Replace condition 4 (stating a limit of 15 children) Ref. SD03A/0384 with a new limit of 32 children in sessional care in compliance with current ratios of floor area to number of children as set out in the childcare act 1991 (Early Years Service) Regulations 2016.

Location: 2, Tynan Hall Park, Kingswood Heights, Dublin 24

Applicant Name: Linda Mair, Kingswood Childcare

Application Type: Permission

(CS)

Description of Site and Surroundings

Site Description

This large corner site is located at the junction of Tynan Hall Park and Ballymount Road, facing onto the roundabout. The subject site contains a detached dwelling with two-storey extension to side.

Site Area: Stated as 0.0394Ha

Proposal

The proposed development consists of the following:

- Replace condition 4 (stating a limit of 15 children) Ref. SD03A/0384 with a new maximum increased limit of 32 children in sessional care.
- No new additional floor area proposed.

Zoning

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

Consultations

Roads Department – **Additional Information** recommended or **conditions** to be attached to any grant.

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TUSLA – No report received

Surface Water Drainage – No objection subject to **conditions**.

Irish Water – No objection subject to **conditions**.

Screening for Strategic Environmental Assessment

No overlap indicated with the relevant environmental layers.

Submissions/Observations /Representations

A submission signed by a number of neighbouring properties objecting to the proposal was received. Concerns include:

- Increased noise levels and increased levels of disruption to neighbouring properties.
- The shed structure to the rear has already contributed to increased noise levels.
- Increased traffic from dropping off and picking up more children.
- There is already minimal car parking available outside the preschool.

The objection/s and submission/s lodged with the application have been considered in the overall assessment of the development

Relevant Planning History

SD03A/0384: The development consists of two storey extension at side of existing two storey detached house consisting of a creche, toilet on the ground floor, conservatory, first floor of the existing house and extension shall remain residential. This application shall be read with the previous application Ref. No. S99A/0703.

Decision: **GRANT PERMISSION.**

Pre-Planning Consultation

None recorded for this development.

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.'

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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.

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)

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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;
- Services & Drainage;
- Screening for Appropriate Assessment (AA).
- Screening for Environmental Impact Assessment (EIAR);

Zoning and Council Policy

The 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. SD03/0384 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 preschool session from 15 to 32 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.

It is noted that the applicant does not specify if the increase in the no. of children relates to the morning or afternoon preschool session. The applicant does not specify the days and the times for these sessions and the applicant does not specify the number of existing staff members and the number of proposed additional staff members.

Condition.4 as per previously permitted SD03A/0384 specified that:

*The maximum number of children in the childcare facility at any one time shall not exceed **fifteen.***

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Reason: In the interests of proper planning and sustainable development.

It is noted that Condition 5 as per previously permitted SD03A/0384 specified that:

The hours of operation shall be restricted to 7.30am to 6.30pm, Monday to Friday and excluding public holidays.

Reason: In the interests of clarity.

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 (SD03A/0384) by way of increasing enrolment, the relevant criterion from the above policy is adequate safe car parking. The proposed extension of increasing enrolment 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 the preschool is considered to have no significant adverse impact on the amenities of the area.

Access and Parking

The Roads Department has issued a report recommending **Additional information** be requested or **conditions** be attached in the event of a grant.

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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:

The existing creche facility is situated in close proximity to the Ballymount Rd/Tynan Hall Pk roundabout, with a continuous white line/hatching laid outside the front/entrance of the house. On street parking or set down is not permitted. Tynan Hall is a cul de sac with one entrance only.

It is proposed to increase the maximum student number rate to 32no. which would more than double the current limit of 15no.

A local TTA (Transport and Traffic Assessment) Report will be required.

Roads recommend that **additional information** be requested from the applicant:

1. A local TTA (Transport and Traffic Assessment) Report is required detailing the following:
 - a. Existing situation of how children and dropped-off/picked-up
 - b. Existing traffic movements using AutoTRAK analysis of vehicle access/egress/parking
 - c. Existing parking arrangements (Set down, residents, staff)
 - d. Peak drop-off/pick-up times
 - e. Are drop-offs staggered?

Should the permission be granted, the following **conditions** are suggested:

1. A Mobility Management Plan is to be completed within six months of opening of the proposed development. The Mobility Management Plan shall be submitted for the written agreement of the Planning Authority.
REASON: In the interest of sustainable transport.
2. The boundary walls at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.
3. The vehicular access point shall not exceed a width of 3.5 meters.
4. Any gates shall open inwards and not outwards over the public domain.
5. All vehicles parked in the driveways must exit the site in a forward direction. No vehicles to reverse onto the public roadway at any time.
6. The entrance apron shall be dished and widened to the full width of the proposed widened driveway entrance and shall be constructed to the satisfaction of South Dublin County Council's Road Maintenance Department, and at the applicant's expense.

Having regard to the Roads report it is considered appropriate to request the above **Additional Information**.

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Services & Drainage

Both Irish Water and Surface Water Drainage have issued reports recommending no objection subject to **conditions**. An extract taken from the Irish Water report states the following:

IW Recommendation: No Objection

- 1. The applicant shall sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.*
- 2. All development shall be carried out in compliance with Irish Water Standards codes and practices.*
- 3. Any proposals by the applicant to divert or build over existing water or wastewater services shall be submitted to Irish Water for written approval prior to works commencing.*
- 4. Separation distances between the existing Irish Water assets and proposed structures, other services, trees, etc. have to be in accordance with the Irish Water Codes of Practice and Standard Details.*

REASON: To ensure adequate provision of water and wastewater facilities

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

An extract taken from the Surface Water Drainage report states the following:

Flood Risk No Objection:

The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.

All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

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

Screening for Appropriate Assessment (AA)

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established residential area and comprises of a house extension.

Having regard to:

- the small scale and domestic nature of the development,
- the location of the development in a serviced urban area, and

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• 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.

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 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 Issues

Development Contributions

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

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	0.0394

Conclusion

Request **additional information** to clarify the following:

- Does the increase in children from 15 to 32 relate to the morning and/or afternoon session.
- The days and the times for these sessions that the increase in children relates to.
- number of existing staff members and the number of proposed additional staff members.
- Roads requirements.

Recommendation

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

1. The applicant is requested to submit a local TTA (Transport and Traffic Assessment) Report detailing the following:
 - a. Existing situation of how children and dropped-off/picked-up

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- b. Existing traffic movements using AutoTRAK analysis of vehicle access/egress/parking
 - c. Existing parking arrangements (Set down, residents, staff)
 - d. Peak drop-off/pick-up times
 - e. Are drop-offs staggered, if so provide details of same?
2. The applicant is requested to submit the following information regarding the preschool:
- (a). Does the increase in children from 15 to 32 relate to the morning and/or afternoon session. Please provide details of same.
 - (b). The days and the times for these sessions that the increase in children relates to.
 - (c). The number of existing staff members and the number of proposed additional staff members.

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REG. REF. SD22A/0143

LOCATION: 2, Tynan Hall Park, Kingswood Heights, Dublin 24


jjohnston

Jim Johnston
Senior Executive Planner

ORDER: I direct that **ADDITIONAL INFORMATION** be requested from the applicant as set out in the above report and that notice thereof be served on the applicant.

Date:

11/7/22



Eoin Burke, Senior Planner