

Comhairle Chontae Atha Cliath Theas

PR/0936/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0158 **Application Date:** 30-May-2022
Submission Type: New Application **Registration Date:** 30-May-2022

Correspondence Name and Address: Dennehy Architects 7, Rockgrove Industrial Estate,
Little Island, Cork, T45 CH61

Proposed Development: Change of condition 4 of previous Reg. SD09A/0277
to increase number of children at existing sessional
pre-school service from 10 to 11 at any one time and
from 20 to 22 in any one day.

Location: 23, Broadfield Court, Broadfield Manor, Rathcoole,
Co Dublin

Applicant Name: Samantha Nugent

Application Type: Permission

(COS)

Description of Site and Surroundings

Site Area: stated as 0.022 Hectares on the application form.
Site Visit: 22nd of June 2022.

Site Description

The subject site is located on Broadfield Court, a cul-de-sac, within an existing housing estate in Rathcoole. The site consists of a single storey, semi-detached house with a rear extension. Part of the dwelling operates as a permitted childcare facility (sessional pre-school).

Proposal

Permission is being sought for the change of condition 4 of previous Reg. SD09A/0277 to increase number of children at existing sessional pre-school service from 10 to 11 at any one time and from 20 to 22 in any one day.

Zoning

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

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Consultations

Water Services – no objection subject to conditions.

Irish Water – no objection subject to conditions.

Roads Department – no objections.

SEA Sensitivity Screening – no overlap indicated.

Submissions/Observations/Representations

No third party submissions received.

Relevant Planning History

Subject site

SD09A/0277

The change of use of part of existing dwelling house to a sessional pre-school service catering for up to 10 children, aged 2 1/2 - 4, per session, during hours 9:30am - 12:30pm and 12:30pm - 3:30pm, weekdays. **Permission granted.**

Conditions of relevance:

4. The number of children to be accommodated in the play school shall not exceed 10 at any one time and no more than 20 in any one day. Any increase in the number of children catered for in this childcare facility 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.

5. The hours of operation of the play school shall be limited to sessions between 9.00am and 12.30pm, and 1.00pm to 3.30pm Monday to Friday. Any changes in the opening hours shall be the subject of a separate application.

REASON: To limit the scale of the development in the interest of residential amenity.

Overall housing estate

There are a number of planning applications associated with the overall housing estate that are not considered relevant to list for the purposes of this report.

Relevant Enforcement History

None identified in APAS.

Pre-Planning Consultation

Informal Pre-Planning correspondence in April 2022 with Planning Officer.

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

3 Community Infrastructure

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.

C8 Objective 1:

To support and facilitate the provision of childcare infrastructure at suitable locations such as town, village, district and local centres, adjacent to school sites and in employment areas.

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.

4 Economic Development & Tourism

Section 4.4.0 Home Working

Policy ET4 Home-Based Economic Activities

It is the policy of the Council to support small scale home-based economic activities at appropriate locations.

ET4 Objective 1:

To support and facilitate home-based economic activity that is subordinate to the main residential use of a dwelling and where, by virtue of their nature and scale, they can be accommodated without adversely impacting on the amenities of the area.

6 Transport & Mobility

Section 6.4.4 Car Parking

Policy TM7 Car Parking

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

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*9. Heritage, Conservation & Landscapes
Policy HCL2 Natura 2000 sites*

11 Implementation

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.*

In new developments, childcare facilities should be purpose built, at ground floor level or as a stand alone building. In residential areas the conversion of detached and semi-detached dwellings will be considered at appropriate locations, subject to the protection of residential amenity. The applicant will also be required to demonstrate a spatial rationale for the conversion of the full dwelling in the context of the availability of alternative sites within the catchment, the location of schools and employment, available public transport and existing childcare facilities. In instances of partial conversion from residential to childcare, the proposal shall be assessed as a Home Based Economic Activity.

Section 11.4.1 Bicycle Parking Standards

Section 11.4.2 Car Parking Standards

Section 11.4.4 Car Parking Design and Layout

Section 11.6.0 Infrastructure and Environmental Quality

Section 11.7.1 Energy Performance in Existing 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).

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

Circular PL 3/2016 Re: Childcare facilities opening under the Early Childcare and Education (ECCE Scheme) - Department of the Environment, Heritage and Local Government and OPW (March 2016).

Assessment

The main issues for assessment relate to:

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

Zoning and Council Policy

The subject site is zoned 'RES': '*To protect and/or improve residential amenity*' under the South Dublin County Development Plan 2016-2022. Childcare Facilities are 'Open for Consideration' under this zoning objective. The proposal involves the increase in the number of children attending an existing childcare facility. It is therefore acceptable in principle subject to assessment against the relevant policies and objectives of the County Development Plan.

Childcare Facility and Residential Amenity

The existing childcare facility onsite operates under Reg. Ref. SD09A/0277, which has the following Condition No. 4:

*"The number of children to be accommodated in the play school **shall not exceed 10 at any one time and no more than 20 in any one day.** Any increase in the number of children catered for in this childcare facility 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."

The subject application proposes to increase the number of children attending the sessional pre-school service from 10 to 11 at any one time and from 20 to 22 in any one day. The applicant states that this is due to changes in the Tulsa registration.

Circular PL 3/2016 - Childcare facilities requests that planning authorities exclude matters relating to childcare facility standards outlined in Appendix 1 of the Childcare Facilities Planning Guidelines 2001 – including the minimum floor area requirements per child - from

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their consideration of planning applications relating to childcare facilities and to solely focus on planning related considerations that fall within the remit of the Planning and Development Act 2000, as amended, in the determination of such planning applications.

Section 11.3.11 of the County Development Plan states that the Planning Authority will have regard to a number of criteria when assessing applications relating the childcare facilities, including the number of children to be catered for and the impact on residential amenity. The site is located within an existing housing estate. There are no changes proposed to the existing dwelling or site to facilitate the proposed increase. The childcare facility is noted as already being permitted and the proposed increase is not considered significant (increase of 2 no. children per day in total).

It is also noted that no changes to the nature of the facility (sessional) or the hours of operation are proposed. The conditions of the parent permission Reg. Ref. SD09A/0277 should be conditioned to apply in the event of a grant of permission, save as may be required by the other conditions attached.

Given the above it is considered that the proposed development would have an acceptable impact in terms of residential amenity and complies with Council policy in relation to childcare facilities.

Access and Parking

Section 11.3.11 of the County Development Plan states that the Planning Authority will have regard to local traffic conditions, access, car parking and drop off facilities for staff and customers.

The Roads Department have reviewed the proposed development and have no objections. They state that in terms of location the site is located close to the end of a cul de sac. The existing road to the front of the dwelling is 7.5m wide with development on both sides of the road. The Roads Department consider the increase in number of children to be catered for is not significant and will not result in any significant increase in traffic congestion or traffic hazard. This report is noted.

Services and Drainage

Water Services and Irish Water have reviewed the proposed development and have no objection subject to standard conditions. This includes to enter into connection agreements. The site has existing services and no changes to these are proposed. It is therefore not considered necessary to attach this condition in the event of a grant of permission.

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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.

Screening for Appropriate Assessment

The applicant has not provided information to assist the screening for Appropriate Assessment. The subject site is not located within nor within close proximity to a European site. The development involves an increase in childcare numbers at an existing childcare facility.

Having regard to:

- the small scale and nature of the development,
- the location of the development in a serviced 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.

Development Contributions

Increase in number of children at existing childcare facility

SEA monitoring

Building Use Type Proposed: Increase in number of children at existing childcare facility

Floor Area: 0sq.m

Land Type: Brownfield/Urban Consolidation.

Site Area: 0.022 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 compliance with 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.

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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.
2. Parent Permission
All conditions attached to the planning permission granted under Reg. Ref. SD09A/0277, to which this application will have the effect of creating modifications to, shall apply, except for Condition No. 4, save as may be required by the other conditions attached hereto.
REASON: To ensure that the development shall be in accordance with the parent permission.

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 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/0158

LOCATION: 23, Broadfield Court, Broadfield Manor, 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 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:

25/7/22

Eoin Burke

Eoin Burke, Senior Planner