

Comhairle Chontae Atha Cliath Theas

PR/1084/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0261 **Application Date:** 01-Jun-2022
Submission Type: Additional **Registration Date:** 10-Aug-2022
Information

Correspondence Name and Address: Bell Associates Bell Associates, Executive House,
Whitestown Road, Rush, Co. Dublin

Proposed Development: Retention to increase the number of children
attending the preschool facility previously granted
under SD12A/0101 from 6 to 8 children.

Location: 56, Wainsfort Road, Terenure, Dublin 6w

Applicant Name: Helen and Greg O' Toole

Application Type: Retention

(CS)

Description of Site and Surroundings

Site Description

The site is located on the eastern side of Wainsfort Road in Terenure, Dublin 6w. The site contains a two storey semi-detached dwelling. The character of the surrounding area comprises semi-detached two-storey dwellings similar to that located on the application site.

Site Area: 0.074 hectares.

Proposal

The proposed development consists of the following:

- **Retention Permission** for an increase in the number of children attending the preschool facility previously granted under SD12A/0101 from 6 to 8 children.
- No new additional session(s) proposed.
- No new additional floor area proposed.
- Existing floor area is stated as 75sq.m.

It is noted this current application seeks to retain the use of c.72sq.m. However, the previous application SD12A/0101 sought for a change of use for c.75sq.m. even though the area shown on both planning drawings represents the same area.

Zoning

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

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Consultations

Roads Department – **Additional Information** recommended.
TUSLA – No report received. (Applicant has submitted Tusla Registration Cert only).
Surface Water Drainage – No report as will not affect water or drainage.
Irish Water – No report as will not affect water or drainage.

Screening for Strategic Environmental Assessment

No overlap indicated with the relevant environmental layers.

Submissions/Observations /Representations

None received.

Relevant Planning History

SD12A/0101: Change of use from dwelling house (part of ground floor level) to Montessori pre-school (3.5 hours/day sessional) childcare facility; single storey toilet extension to the rear; internal alterations and minor external alterations to front doorway with all associated development works.

Decision: **GRANT PERMISSION.**

It is noted that permission was granted under SD12A/0101 for **3.5 hours/day sessional** childcare.

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.'

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

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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)

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.

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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. SD12A/00101 and the site has been found to be suitable for use as a childcare facility, subject to appropriate management of the session provided.

The extension/intensification of the use of the building by increasing enrolment in the preschool session from 6 to 8 children is therefore considered to be appropriate subject to assessment of the potential impact of the additional number of children on the residential amenity of the area.

It is noted that the applicant has not applied to increase the number of sessions for the childcare facility but has applied for retention for the increase in the number of children attending the childcare facility from 6 to 8 children. The applicant does not specify the number of existing staff members and the number of any proposed additional staff members.

Condition. 2 as per previously permitted SD12A/0101 specified that:

*The hours of operation of the Montessori pre-school shall be restricted to **9.00 am to 12.30pm Monday to Friday excluding Public Holidays.***

REASON: In the interest of residential amenity.

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It is noted that Condition 3 as per previously permitted SD12A/0101 specified that:

*The number of children to be accommodated in the Montessori pre-school shall **not exceed 6.***

REASON: To limit the scale of the development

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 (SD12A/0101) by way of increasing enrolment, the relevant criterion from the above policy is adequate safe car parking. The proposed increase in 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.

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.

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Description

The retention for to increase the number of children attending the preschool facility. There is no information on the bike parking provision or car parking. The applicant should provide provision depending on the staff numbers.

Roads recommend that additional information be requested from the applicant:

1. The applicant is requested to submit a revised layout of not less than 1:200 scale showing the location and number of parking spaces to be provided at the development. Please refer to Table 11.23: Maximum Parking Rates (Non-Residential) – from the SDCC County Development Plan 2016-2022.

2. The applicant is requested to submit a revised layout not less than 1:200 scale showing bicycle parking and pedestrian routes within the development. Please refer to Table 11.22: Minimum Bicycle Parking Rates– SDCC County Development Plan 2016-2022.

Having regard to the Roads report it is considered appropriate to request the above **Additional Information**. As the applicant does not specify the number of existing staff members and the number of any proposed additional staff members to provide for the proposed increase in the number of children to attend the childcare facility it is considered this information should also be requested by way of **Additional Information**.

Services & Drainage

Both Irish Water and Surface Water Drainage have issued comments recommending the application will not affect water or drainage. An extract taken from the comments received state the following:

No report done because this will not affect water or drainage.

Notwithstanding the comments from both Irish Water and Surface Water Drainage it is considered appropriate to attach standard drainage **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
- 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 (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 retaining the increased enrolment at the preschool from 6 to 8 children.
- Assessable area is nil.

Strategic Environmental Assessment Monitoring

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Childcare Facilities	75
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.0394

Conclusion

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

- Number of existing staff members and the number of proposed additional staff members if any.
- Road's requirements.

Recommendation

Request Further Information.

Further Information

Further Information was requested on 26/07/22

Further Information was received on 10/08/22

Consultations

Roads Department – No objection

Submissions/Observations

No further submissions/observations received.

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Assessment of Further Information

The Further Information requested was as follows:

- 1. The applicant is requested to submit a revised layout of not less than 1:200 scale showing the location and number of parking spaces to be provided at the development. Please refer to Table 11.23: Maximum Parking Rates (Non-Residential) – from the SDCC County Development Plan 2016-2022. (b). The applicant is requested to submit a revised layout not less than 1:200 scale showing bicycle parking and pedestrian routes within the development. Please refer to Table 11.22: Minimum Bicycle Parking Rates– SDCC County Development Plan 2016- 2022.*
- 2. The applicant is requested to confirm the number of existing staff members and the number of any proposed additional staff members to provide for the proposed increase in the number of children to attend the childcare facility.*
- 3. A survey/ details of the predominant mode of transport used for the existing families with places in the preschool.*

Assessment

The Roads Department have reviewed the additional information submitted and have stated that they are satisfied with the submission. Their report does not specifically recommend any conditions however that have stated that *'Some provision for cycling to the facility should be made, the county development plan requires 1no. bike stand per 5 staff and 1no. stand per 10 children. Provision of one stand for set-down of bicycles for parents or attending children should be provided.'* Given the nature of the application, it is not considered appropriate to request the provision of such cycling facilities. While it is desirable to encourage sustainable transport, the primary function of the building is as a house. It is considered beyond the scope of the application to require the provision of formal cycle parking and it is considered likely that cycling can be facilitated less formally within the dwelling or rear garden.

Other Considerations

Development Contributions

No additional floor area / change of use.

Assessable area:

Nil

Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022 and the overall design and scale of the development proposed it is considered that, subject to conditions set out below, the proposed development 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 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 2022 - 2028 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 retained and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, as amended by further information, 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.

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/0261

LOCATION: 56, Wainsfort Road, Terenure, Dublin 6w



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 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: 23/8/22



Eoin Burke, Senior Planner