

Comhairle Chontae Atha Cliath Theas

PR/1210/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0321 **Application Date:** 03-Aug-2022
Submission Type: New Application **Registration Date:** 03-Aug-2022
Correspondence Name and Address: Shane Brew 116, Longwood Park, Rathfarnham, Dublin 14
Proposed Development: Change of use of existing creche to a single family dwelling with some minor internal alterations, no external alterations to the existing building are proposed.
Location: 17a, The Glebe, Lucan, Co. Dublin.
Applicant Name: Niall & Carol Leech
Application Type: Permission

(NM)

Description of Site and Surroundings:

Site Area: Stated as 0.0317 ha.

Site Description:

The application site is located in The Glebe in Lucan off the Esker Road, a primarily residential area but dwellings of similar design and scale. The area has a relatively uniform building line. The property is a detached corner unit with a pitched roof which is currently in use as a childcare facility.

Proposal:

Permission is sought for the following:

- Change of use of existing creche to a single family dwelling with some minor internal alterations, no external alterations to the existing building are proposed.
- Total area of works 0sqm.

Zoning:

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

Consultations:

Water Services - No objection, subject to conditions.

Irish Water - No objection, subject to conditions.

Tusla – No report received at time of writing.

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Submissions/Observations /Representations

None

Relevant Planning History

Subject

SD06A/0268 – **Permission for Retention Granted** for retention of previously approved creche (S00A/0869).

S00A/0869 – **Permission for Retention Granted** for retention of rear ground floor extension, fenestration and door changes at ground and first floor levels to front, rear and sides and retention of use of premises as a creche.

S98A/0673 – **Permission Granted** for a detached house to the side of existing house and alterations to existing vehicular entrance.

Relevant Enforcement History

No current relevant enforcement.

Pre-Planning Consultation

None recorded for subject site.

Relevant Policy in South Dublin County Council Development Plan 2022 - 2028

Chapter 3 Natural, Cultural and Built Heritage

Policy NCBH3 Natura 2000 Sites

NCBH3 Objective 3 (Appropriate Assessment)

Chapter 4 Green Infrastructure

Policy G11 Overarching

G11 Objective 4: To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.

Policy G12 Biodiversity

G12 Objective 4: To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments in accordance with the requirements set out in Chapter 12: Implementation and Monitoring and the policies and objectives of this chapter.

Policy G14 Sustainable Drainage Systems

G14 Objective 1: To limit surface water run-off from new developments through the use of

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Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.

Chapter 6 Housing

Section 6.8 Residential Consolidation in Urban Areas

Chapter 7 Sustainable Movement

Section 7.10 Car Parking

Policy SM7 Car Parking and EV Charging

SM7 Objective 1 Maximum car parking standards

Chapter 8 Community Infrastructure and Open Space

Policy COS7: Childcare Facilities

Support and facilitate the provision of good quality and accessible childcare facilities at suitable locations within the County in consultation with the County Childcare Committee.

COS7 Objective 1: To support and facilitate the provision of childcare facilities on well located sites within or close to existing built-up areas, including adjacent to school sites, and within employment areas where the environment is appropriate, making provision to encourage sustainable transport, consistent with NPO 31 of the NPF.

*COS7 Objective 4: To support investment in the sustainable development of the County's childcare services as an integral part of social infrastructure provision, including support of the Affordable Childcare Scheme; ensuring quality and supply of sufficient childcare places; and support of initiatives under a cross-Government Early Years Strategy, consistent with RPO 9.20 of the RSES.322 SOUTH DUBLIN COUNTY DEVELOPMENT PLAN 2022-2028
Community Infrastructure and Open Space (COS)*

COS7 Objective 5: 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 and parking management.

Chapter 10 Energy

Section 10.2 Energy Measures

Policy E3 Energy Performance in Existing and New Buildings

Chapter 12 Implementation & Monitoring

Section 12.3 Natural, Cultural and Built Heritage

Section 12.3.1 Appropriate Assessment

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Section 12.3.3 Environmental Impact Assessment

Section 12.6.7 Residential Standards

(i) Housing

Table 12.20 Minimum Standards for Housing

Section 12.6.8 Residential Consolidation

Relevant Government Guidelines and Policy

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

Regional, Spatial & Economic Strategy 2020-2032 (RSES), Eastern & Midlands Regional Assembly (2019)

Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional, Spatial and Economic Strategy 2019 – 2031.

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment and Local Government (2009).

Urban Design Manual, 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).

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009).

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

Childcare Facilities Guidelines for Planning Authorities, (2001)

3.3.1 New and Existing Residential Areas

Full Day Care Facilities - Suitable Sites

Detached houses/sites or substantial semi-detached properties with space for off-street parking and/or suitable drop-off and collection points for customers and also space for an outdoor play area. In relation to new housing areas, a standard of one childcare facility providing for a minimum 20 childcare places per approximately 75 dwellings may be appropriate. This is a

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guideline standard and will depend on the particular circumstances of each individual site. Consideration of childcare facilities provision should be raised as early as possible in Pre-Planning discussions for larger housing developments.

3.4.1 Residential Content

In certain circumstances, it may be appropriate to attach a condition that would require some residential content be maintained in the premises. This would apply to planning permissions for change of use to childcare facilities in existing residential areas. It is not necessary that the owner-occupier be the resident. The reason for this condition is that the presence of totally commercial premises would detract from the amenity of the residential community. This condition would not be appropriate in certain, heavily trafficked through roads.

Assessment

The main issues for assessment are:

- Zoning and Council policy
- Residential and Visual Amenity
- Drainage
- Tusla
- Green Infrastructure
- Appropriate Assessment
- Environmental Impact Assessment

Zoning

The site is subject to zoning objective 'RES' - '*To protect and/or improve residential amenity*'. A childcare facility is 'Open for Consideration' under this zoning objective and residential use is 'Permitted in Principle' under this zoning objective. Therefore, a change in use from a childcare facility to residential is acceptable subject to the policies and provisions of the South Dublin County Development Plan 2022 – 2028.

Council Policy

COS7 Objective 1: To support and facilitate the provision of childcare facilities on well located sites within or close to existing built-up areas, including adjacent to school sites, and within employment areas where the environment is appropriate, making provision to encourage sustainable transport, consistent with NPO 31 of the NPF.

COS7 Objective 5: 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 and parking management.

H2 Objective 1: To maximise the use of existing housing stock, prioritising Council voids, facilitating and promoting upgrade / retrofit of existing stock reducing energy demand and

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addressing Climate Change in line with the Energy, Efficiency and Retrofitting Programme 2021-2030 (or any superseding document)

The property in its current use as a childcare facility is consistent with the policies and objectives of the County Development Plan in providing childcare facilities in well located sites in an existing built-up area. Furthermore, the current use is a small-scale childcare facility in a residential area which is an objective of the CDP. Notwithstanding this, it is also an objective of the CDP to maximise the use of the existing housing stock and therefore, a development consisting of a change of use from childcare to residential use would be acceptable in principle subject to all other planning considerations being satisfactorily addressed.

Visual and Residential Amenity

Visual amenity

There will be no changes to the external façade of the property, therefore, the proposed change of use is visually acceptable.

Residential amenity

The application site is a two-storey detached residential unit that was converted to a childcare facility under planning application S00A/0869. Under this permission the following condition was attached:

“That the use of the premises as a crèche shall cease and the premises shall be returned to a private residence, within five years of the ‘Notification of grant of permission’ unless planning permission has been obtained to further extend the period of operation of the crèche.”

Therefore, retention permission was applied for after this period and the current permission (under SD06A/0268) allows for a maximum of 10 children on a full-time basis and 15 on a sessional basis. There are 2 other childcare facilities within a short walking distance of the subject property and a further 7 childcare facilities within a 2km radius. The NPF and CDP encourage the use of existing housing stock and compact growth and therefore a **grant of permission** is considered appropriate subject to conditions.

Drainage

Water Services and Irish Water have no objections to the proposed change of use subject to the standard conditions.

Tusla

No report was received from Tusla at the time of writing.

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Green Infrastructure

The subject site is located within a Core Area, Primary GI Corridor 4 “Liffey Valley Corridor” as identified in the Green Infrastructure Strategy Map (Figure 4.4 of the County Development Plan 2022 – 2028). The development is a change of use from a childcare facility to a residential use and will not result in a loss of any hedgerow, trees and or grassland and therefore a full GI Plan is not required for this application.

Screening for Appropriate Assessment

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 change of use from a childcare facility to a residential use.

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.

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 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.

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Development Contributions	
Planning Reference Number	SD22A/0321
Summary of permission granted & relevant notes:	Change of use from Childcare Facility to Residential Use
Are any exemptions applicable?	No
If yes, please specify:	Change of use: In respect of a permission for change of use, where development contributions were paid in respect of the former use the contribution payable on the new use will be net of the quantum of development previously paid for. Where a contribution was not previously paid, or the original development was carried out before 1963 it shall be treated in its entirety as new development and assessed accordingly.
Is development commercial or residential?	Residential
Standard rate applicable to development:	104.49
% Reduction to rate, if applicable (0% if N/A)	0
Rate applicable	€104.49
Area of Development (m2)	111
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	111
Total development contribution due	€11,598.39

Conclusion

Having regard to the provisions of the South Dublin County Development Plan 2022 – 2028 it is considered that, subject to the conditions set out below, the proposed change of use 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 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 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. Restriction on Use.
The house shall be used as a single dwelling unit and shall not be sub-divided by way of sale or letting (including short-term letting) or otherwise nor shall it be used for any commercial purposes.
REASON: To prevent unauthorised development.
3. Minimise Air Blown Dust.
During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.
REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.
4. Construction Noise and Hours.
To control, limit and prevent the generation of unacceptable levels of Environmental

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Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

5. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €11,598.39 (Eleven thousand, five hundred and ninety-eight euro and thirty-nine cent), 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 Acts 2000-2011 (as amended).

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is

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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.

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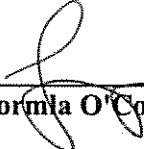
REG. REF. SD22A/0321

LOCATION: 17a, The Glebe, Lucan, Co. Dublin.


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: 27/09/22


Gormla O'Corrain, Senior Planner