

Comhairle Chontae Atha Cliath Theas

PR/1572/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0359 **Application Date:** 14-Sep-2022
Submission Type: Additional **Registration Date:** 22-Nov-2022
Information

Correspondence Name and Address: GS Services 16, The Laurels, Castlepark, Mallow, Co. Cork

Proposed Development: Retention for the partial change of use into a childcare facility and all ancillary site works.

Location: The Bush Scout & Community Centre, Foxdene Avenue, Lucan, Co. Dublin.

Applicant Name: K & L Naionra & Afterschool Club Ltd

Application Type: Retention

Description of Site and Surroundings:

Site Area:

Stated as 0.083 hectares.

Site Description:

The subject site is a corner site located adjacent to the junction of Newlands Roads and Foxdene Avenue. The site contains a single storey detached building, which operates a childcare facility and a community centre. There is a singular vehicular access to the site off Foxdene Avenue, with approximately 8 No. car parking spaces situated within an area of hardscaping adjacent to the eastern elevation of the building. The building is bound to the south and west by grassland area and an outdoor play area. A playschool and after school facility directly about the northern boundary of the subject site, operating within the remainder of the community centre building.

The wider surrounding context of the subject site includes Ballyowen Park to the north (on the opposite side of Newlands Road), residential dwellings to the east (on the opposite side of Foxdene Avenue), residential dwellings to the south and the Church of the Divine Mercy to the west.

Proposal:

Retention permission is sought for the partial change of use of the Bush Scout and Community Centre, Foxdene Avenue, Lucan, Dublin 15 to a childcare facility and all ancillary site works.

The area subject to the application for retention permission is approximately 207 sq.m within the overall community centre building, which has an approximate gross floor area of 302 sq.m.

No additional construction work or modifications to the existing building are proposed.

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Zoning:

The subject site is subject to zoning objective RES - *'To protect and / or improve Residential Amenity'* under the South Dublin County Development Plan 2022-2028.

Consultations:

Drainage and Water Services Department – No objection, subject to conditions.

Irish Water – No objection, subject to conditions.

Roads Department – No objection.

TUSLA - No report received at time of writing.

SEA Sensitivity Screening:

Overlap is indicated with the following SEA Sensitivity Layer:

- Record of Monuments and Places – Owing to the subject site's proximity to Duchas No: 017-031. Class: Holy Bush Site.

Submissions/Observations /Representations:

Final date for submissions/observations 18th October 2022.

None received.

Recent Relevant Planning History:

No recent relevant Planning History on the subject site or within the surrounding context.

Recent Relevant Enforcement History

No recent relevant enforcement history recorded for the subject site.

Pre-Planning Consultation

None recorded.

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 GII Overarching

GII 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,

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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 GI2 Biodiversity

GI2 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 GI4 Sustainable Drainage Systems

GI4 Objective 1: To limit surface water run-off from new developments through the use of 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 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

Section 8.4.3 Universally Accessible Social / Community Facilities

Policy COS2: Social / Community Infrastructure

Section 8.9 Early Childhood Care and Education Facilities

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 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

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COS7 Objective 6:

To support the provision of childcare facilities within or co-located with community buildings, such as community centres and schools.

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

Section 12.3.3 Environmental Impact Assessment

Relevant Government Guidelines

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

The Childcare Facility Guidelines for Planning Authorities, DEHLG (2001).

We like this Place - Guidelines for Best Practice in the Design of Childcare Facilities Dept. of Justice, Equality and Law Reform (2002).

Circular Letter PL3/2016. Re: Childcare facilities opening under the Early Childcare and Education (ECCE Scheme) - Department of the Environment, Heritage and Local Government and OPW (March 2016).

Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020, Department of Transport, (2009).

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

Child Care (Pre-School Services) (No. 2) Regulations 2006 (as amended), Department of Health & Children.

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Assessment:

The main issues for consideration are:

- Zoning and council policy,
- Childcare Facility and Residential Amenity,
- Access and car parking,
- Drainage and Water Services
- Green Infrastructure.
- Screening for Appropriate Assessment (AA).
- Screening for Environmental Impact Assessment (EIAR),

Zoning and Council Policy.

The subject site is located in an area which is subject to zoning objective 'RES' '*To protect and/or improve Residential Amenity.*' Childcare facilities are Open for Consideration under Zoning Objective 'RES.' As the premises is an existing facility, for which retention permission is being sought, it is considered generally to be acceptable in principle but subject to compliance with Development Plan policies and objectives.

Policy COS7 of the South Dublin County Development Plan 2022-2028 states that is it policy to:

'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'.

The Applicant has provided correspondence from the South Dublin County Childcare Committee which outlines their support for the proposed development of this Planning Application.

The following objectives of the Development Plan are of relevance to the subject application:

'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 area subject to appropriate safeguards to protect the amenities of the area, having regard to noise pollution and traffic and parking management

COS7 Objective 6:

To support the provision of childcare facilities within or co-located with community

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buildings, such as community centres and schools'.

Having regard to the above outlined objectives and the proximity of the subject site to local schools, residential dwellings and community facilities, the proposal is considered acceptable in principle. A full assessment is carried out below in order to ascertain compliance with the relevant policies, standards and requirements of the Development Plan and Government Childcare Guidelines.

Childcare Facility and Residential Amenity

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. No information has been provided by the Applicant regarding the Tusla Certification of the childcare facility and the registered maximum capacity. Furthermore, it is noted that there is no apparent Planning History for the childcare facility at the subject site. The purpose of this Planning Application appears to be to regularise the planning status of the existing childcare facility. The Applicant should be requested by way of **ADDITIONAL INFORMATION** to confirm the status of the Tusla Certification of the facility and the registered maximum capacity.

Section 12.8.4 of the Development Plan outlines the following details to be included in Planning Applications for Childcare and early educational facilities:

'Planning applications for childcare and early educational facilities should include full details in order to allow understanding of the nature and extent of the proposed development. Planning applications will be assessed on the basis of the following factors:

- *Nature of the facility (full day care, sessional, after school, and so on);*
- *Number of children to be catered for;*
- *Number of full-time and part-time staff;*
- *Intended hours of operation;*
- *Impact on residential amenity, taking into account factors such as noise, traffic and parking;*
- *Suitability of the site for the type and size of facility proposed;*
- *Availability of indoor and outdoor play space;*
- *Accessibility to public transport, walking and cycling routes;*
- *Local traffic conditions;*
- *Access, car parking and drop off facilities for staff and customers'.*

It is noted that the Cover Letter provided by the Applicant indicates that there are currently 32 No. children attending the facility and 4 No. staff. The Applicant does not specify whether there will be an increase in the number of children that could use the facility at the same time. Nor is it

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specified whether there will be an increase in the number of staff. The hours of operation of the facility are not stated and, although the Site Layout Plan appears to indicate outdoor play space and grassland area, it is unclear how the space is allocated to the 2 No. existing facilities on the subject site.

It is also noted that there is an existing playschool and afterschool facility operating in the remainder of the community centre building. However, other than a letter of support from the operators of the playschool and afterschool facility, no information is provided which would facilitate a complete assessment of the potential cumulative impact of the 2 No. facilities.

It is acknowledged that there is an existing established use on the site for a Childcare Facility, however having regard to the information provided by the Applicant and the content of Section 12.8.4 of the Development Plan, the Applicant should be requested to provide **ADDITIONAL INFORMATION** in relation to the total number of staff and children attending the subject site, the opening hours of each of the 2 No. facilities, details of morning/afternoon sessions (where applicable), details of the indoor and outdoor play spaces, public transport accessibility, walking and cycling routes, and car parking and drop off arrangements for staff and customers, to facilitate a complete assessment of the proposed development.

Vehicular Access and Car Parking

In relation to the level of traffic to/from the subject site, the Cover Letter provided by the Applicant states the following:

'Currently the childcare facility caters for a maximum of 32 children from the local community along with 4 staff (2 of whom are the owners). Approximately 60% of the children walk to and from the facility on a daily basis with the remaining 40% using public or private transport. The hours of operation area 8am – 1pm Monday to Friday of the primary school year.'

It is noted that the proposal is for retention of an existing childcare facility, with no apparent increase in the number of children attending the facility. The drawings provided by the Applicant indicate that there will be no change to the existing vehicular access and car parking arrangements.

The file was referred to the Roads Department, with their Report indicating no objection to the proposed development.

Drainage and Water Services

The Drainage and Water Services Department have assessed the proposed development, indicating no objection, subject to the following **CONDITIONS**:

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- The Developer shall ensure that there is complete separation of the foul and surface water drainage systems within the site, both in respect of installation and use.
- All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works which can be viewed /downloaded from the South Dublin County Council website at the following link <http://www.sdcc.ie/sites/default/files/publications/greater-dublin-regional-code-of-practice-for-drainage-works.pdf>

The above recommended conditions are noted; however, no works are proposed as part of this development.

Irish Water have assessed the proposed development, indicating no objection, subject to the following **CONDITIONS**:

- The Applicant or development shall enter into a watermain connection agreement(s) with Irish Water.
- The Applicant or development shall enter into a foul connection agreement() with Irish Water.

Green Infrastructure

The subject site is not located within a Primary or Secondary GI Corridor as identified in the Green Infrastructure Strategy Map (Figure 4.4 of the County Development Plan 2022 – 2028).

Having regard to the nature and extent of the proposed development i.e., retention of an existing childcare facility on a site which includes grassland and play area, it is considered that the proposed development will not result in a significant loss of any grassland or permeable surfaces. In this regard, there would be little impact to the existing green infrastructure network and a limited impact in terms of additional runoff from the site.

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.

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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 area and comprises retention permission for an existing childcare facility. 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.

Conclusion

Having regard to the zoning objective, policies, and objectives within the South Dublin County Development Plan 2022-2028, it is considered that the retention of an existing childcare facility is considered to be acceptable in principle given the established use on site. However, further clarity is required on the Tusla Certification of the facility, the maximum registered capacity, the total number of staff and children attending the subject site, the opening hours of each of the 2 No. facilities, details of morning/afternoon sessions (where applicable), details of the indoor and outdoor play spaces, public transport accessibility, walking and cycling routes, and car parking and drop off arrangements for staff and customers, to facilitate a complete assessment of the proposed development. It is therefore recommended that additional information is sought from the applicant.

Recommendation

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

1. The Applicant is requested to provide details of the TUSLA Certification of the premises and maximum registered capacity of the existing childcare facility.
2. Having regard to the content of Section 12.8.4 of the South Dublin County Development Plan 2022-2028, the Applicant is requested to provide details in relation to the following:
 - a) The total number of staff and children attending the subject site and a breakdown of each of the 2 No. facilities,
 - b) The opening hours of each of the 2 No. facilities, details of morning/afternoon sessions (where applicable) for the subject facility of this Planning Application;

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- c) Details of the indoor and outdoor play spaces for the subject facility of this Planning Application,
- d) Public transport accessibility, walking and cycling routes, and car parking and drop off arrangements for staff and customers.

Additional Information

Additional Information was requested on 8th November 2022.

Additional Information was received on 22nd November 2022.

The Additional Information received was not deemed to be significant, as such the Applicant was not required to erect a Site Notice or publish a Newspaper Notice.

Submissions/Observations

No submissions / observations received.

Assessment

The following Additional Information was received from the Applicant on 22nd November 2022:

- Cover Letter prepared by GS Services Architectural and Engineering Draughting dated 9th September 2022.
- *TUSLA Pre-Registration Regulatory Inspection Report – Inspection Due to a Proposed Change of Circumstances – TUSLA Ref. TU2015DS075.*
- Appendix A – Childcare Facilities Particular Details.
- Appendix B – Site Attendees Mode of Transport Details.

The Additional Information provided by the Applicant will be assessed below in the context of the 2 No. items of Additional Information requested by the Planning Authority on 8th November 2022:

Additional Information Item No. 1

The Cover Letter prepared by GS Services Architectural and Engineering Draughting dated 9th September 2022 outlines the following response to Additional Information Item No. 1:

'Please see attached document TUSLA Pre-Registration Regulatory Inspection Report – Inspection Due to a Proposed Change of Circumstances (TUSLA Ref. TU2015DS075) this report is a was (sic) carried out by Tusla on the 29/03/2022 to determine the

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suitability of the above-mentioned premises as a pre-school. As can be seen from reading the aforementioned report Tusla have signed-off on the premises as a suitable sessional Early Years Service, furthermore Tusla have capped the maximum number of children who are permitted to attend the existing childcare facility at 30.'

According to the accompanying document prepared by TUSLA that the premises will temporarily operate as a sessional after-school club for 30 No. children with operating hours of 09:00 to 12:30. The TUSLA Inspection Report indicates that the premises is deemed to be compliant with the relevant regulations and as such, is deemed appropriate.

The Applicant has satisfactorily addressed Additional Information Item No. 1.

Additional Information Item No. 2

The Tusla Pre-registration Inspection Report and details provided by the Applicant outlines the breakdown of the total number of staff and children attending the subject site between the proposed facility and the existing adjacent facility. The opening hours and session details of both facilities are also outlined. It is incumbent on the Applicant to ascertain and comply with the requirements of Tusla in relation to matters such as child/staff ratios, floorspace and play space requirements.

The Applicant has also outlined details of the indoor/outdoor play spaces, the public transport accessibility for the subject site and the modes of transport used by staff and children attending the subject scheme and the adjacent facility.

It is considered that Additional Information Item No. 2 has been satisfactorily addressed.

Conclusion

Having regard to the policies outlined in the South Dublin County Development Plan 2016-2022 and the Additional Information provided by the Applicant, it is considered that, subject to conditions, the proposed development generally adheres to the key policies, objectives and guidance and would not be contrary to 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.

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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 to be in accordance with submitted plans and details.

The development shall be retained and operated in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 22nd November 2022, 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.

NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

NOTE: Where the applicant proposes to connect to a public water/wastewater network operated by Irish Water, the applicant must 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.

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REG. REF. SD22A/0359

LOCATION: The Bush Scout & Community Centre, Foxdene Avenue, 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 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: 14/12/22



Gormla O'Corrain,
Senior Planner