

Comhairle Chontae Atha Cliath Theas

PR/1580/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0360 **Application Date:** 14-Sep-2022
Submission Type: Additional **Registration Date:** 23-Nov-2022
Information

Correspondence Name and Address: Liam Cullen Design & Planning 44, Ballinteer Crescent, Dublin 16

Proposed Development: Use of the existing ground floor pre-school facility to cater for an increase in the number of childcare spaces from the already planning approved 10 childcare spaces to a total of 16 childcare spaces in line with the approved Tusla certification.

Location: 4, Weston Lawn, Lucan, Co. Dublin.

Applicant Name: Laura Farrelly

Application Type: Permission

Description of Site and Surroundings:

Site Area:

Stated as 0.064 hectares.

Site Description:

The subject site is located in the established residential area of Weston Lawn, Lucan. The site contains a 2 No. storey semi-detached dwelling, which operates a childcare facility within approximately 35 sq.m of the ground floor level.

Proposal:

Permission is sought for the use of the existing ground floor pre-school facility to cater for an increase in the permissible number of childcare spaces from 10 No. to 16 No. children.

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

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.

The subject site is also located within the following Development Plan Map layers:

- Conical Surface - Casement Aerodrome),
- Bird Hazards
- Approach Surface – Weston Aerodrome

Comhairle Chontae Atha Cliath Theas

PR/1580/22

Record of Executive Business and Chief Executive's Order

- Extended Public Safety Zone – Weston Aerodrome
- Take off climb surfaces – Weston Aerodrome
- Noise Significant Boundaries – Weston Aerodrome
- Inner Horizontal Surface – Weston Aerodrome
- Riparian Corridor (southern part of site)

Consultations:

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

Irish Water – No objection, subject to conditions.

Roads Department – Additional Information required.

TUSLA - No report received at time of writing.

SEA Sensitivity Screening:

None recorded.

Submissions/Observations /Representations:

Final date for submissions/observations 18th October 2022.

None received.

Recent Relevant Planning History:

SD06A/0320

Continuation of the provision of a sessional childcare service (Montessori) operating from 9.00am to 12.30pm, Monday to Friday, from September to June each year.

SDCC Decision: Grant Permission, subject to conditions.

S01B/0301

Provision of a 2-storey extension at side and single storey extension at rear.

SDCC Decision: Grant Permission, subject to conditions.

Recent Relevant Enforcement History

S4654 – Enforcement file relating to an unauthorised childcare facility operating at No. 4 Weston Lawn. **Status:** File closed. **Reason for closure:** Retention permission granted.

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)

Comhairle Chontae Atha Cliath Theas

PR/1580/22

Record of Executive Business and Chief Executive's Order

Chapter 4 Green Infrastructure

Policy GI1 Overarching

GI1 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 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.

Comhairle Chontae Atha Cliath Theas

PR/1580/22

Record of Executive Business and Chief Executive's Order

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

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.

Comhairle Chontae Atha Cliath Theas

PR/1580/22

Record of Executive Business and Chief Executive's Order

Assessment:

The main issues for consideration are:

- Zoning and Council Policy
- Childcare Facility and Residential Amenity
- Vehicular Access and Car Parking
- Drainage and Water Services
- Screening for Appropriate Assessment
- Screening for Environmental Impact Assessment

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, an increase in the number of childcare spaces to an existing childcare facility 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 proposed development will result in the increase in the number of childcare spaces from 10 No. to 16 No. children. This is considered acceptable.

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 buildings, such as community centres and schools.'

Comhairle Chontae Atha Cliath Theas

PR/1580/22

Record of Executive Business and Chief Executive's Order

Having regard to the above outlined objectives and the proximity of the subject site to 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. The Applicant has provided a copy of the TUSLA Registration Certificate, which indicates that the registered maximum capacity of the facility is 16 No. children.

Section 12.8.4 of the Development Plan outlines the following details to be included in all 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 outlines a justification for the increase in the number of childcare spaces from 10 No. to 16 No. children, on the basis that the facility at No. 2 Weston Lawn has ceased operation and the certification of the property by TUSLA for 16 No. children. Having regard to the existing nature of the Childcare Facility at the subject site and the certification of the premises by TUSLA for 16 No. children, it is considered that the nature of the facility, the number of children, hours of operation, suitability and accessibility of the site and availability of play space have been established.

Comhairle Chontae Atha Cliath Theas

PR/1580/22

Record of Executive Business and Chief Executive's Order

However, no information is provided by the Applicant in relation to the number of full-time and part-time staff and the vehicular access and parking arrangements for staff. 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 the Development Plan, the Applicant should be requested to provide clarification by way of **ADDITIONAL INFORMATION** in relation to the existing and proposed number of full-time and part-time staff and access and car parking arrangements for staff.

Vehicular Access and Car Parking

The Roads Department have assessed the proposed development, with their Report indicating that the following **ADDITIONAL INFORMATION** is required to facilitate a complete assessment of the proposed development:

- *'The applicant shall 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 12.25: Maximum Parking Rates (Non-Residential) – from the SDCC County Development Plan 2022-2028.*
- *The applicant is requested to submit details on the number of workers and daily visitors to the development.*
- *The applicant shall submit a revised layout of not less than 1:200 scale showing the location and number of Bicycle parking spaces to be provided at the development. Please refer to Table 12.23: Minimum Parking/Storage Rates (Non-Residential) – from the SDCC County Development Plan 2022-2028'.*

Having regard to the Planning History and the existing nature of the Childcare Facility at the subject site, it is considered that the Site Layout has been established. However, it is considered pertinent that the Application provide clarification by way of **ADDITIONAL INFORMATION** in relation to the details and numbers of workers and daily visitors to the Childcare facility and the provision of bicycle parking, to facilitate a complete assessment of the proposed development.

Drainage and Water Services

The Drainage and Water Services Department have assessed the proposed development, with their Report indicating no objection, subject to standard **CONDITIONS**.

Irish Water have also assessed the proposed development, with their Report indicating no objection, subject to standard **CONDITIONS**.

Comhairle Chontae Atha Cliath Theas

PR/1580/22

Record of Executive Business and Chief Executive's Order

Green Infrastructure

The subject site is located at the cross section of a Primary (the Liffey Valley Corridor) and a Secondary GI Corridor (M50-Liffey Cross Link) as identified in the Green Infrastructure Strategy Map outlined in Figure 4.4 of the County Development Plan 2022 – 2028.

Having regard to the nature and extent of the proposed development i.e., the increase in the number of spaces for an existing childcare facility and considering no works are proposed to the existing building, 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.

Screening for Appropriate Assessment

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:

- the nature and scale of the proposed development,
- the intervening land uses and distance from European sites,
- the lack of direct connections with regard to the Source-Pathway-Receptor model,

it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

An 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 increase in the number of children attending an existing childcare facility is considered to be acceptable in principle given the established use on site. However, further clarity is required to demonstrate compliance with Section 12.8.4 of the Development Plan and to address the concerns of the Roads Department regarding bicycle parking spaces and the movements to and from the site, to facilitate a complete assessment of the proposed development. It is therefore recommended that **ADDITIONAL INFORMATION** is sought from the applicant.

Comhairle Chontae Atha Cliath Theas

PR/1580/22

Record of Executive Business and Chief Executive's Order

Recommendation

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

1. The Applicant is requested to provide the following additional information:
 - (a) Details on the number of existing and proposed full-time and part-time staff and car parking arrangements for staff and customers.
 - (b) Details of the number of daily visitors to the development.
 - (c) A revised layout of not less than 1:200 scale showing the location and number of Bicycle parking spaces to be provided at the development, having regard to Table 12.23: Minimum Parking/Storage Rates (Non-Residential) of the SDCC County Development Plan 2022-2028.

Additional Information

Additional Information was requested on 8th November 2022.

Additional Information was received on 23rd 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 23rd November 2022:

- Letter of Response from Liam Cullen Design and Planning dated 19th November 2022.
- Drawing No. 22.234.FI.01 – General Layout Plan prepared by Liam Cullen Design and Planning.

Additional Information Item No. 1

The Applicant has addressed each point within Additional Information Item No. 1 as follows:

- a) The Applicant has indicated that there are only 2 No. staff members, who both live within walking distance of the subject site. There are 3 No. car parking spaces to the front of the building and 1 No. drop off space within the curtilage of the property.

Comhairle Chontae Atha Cliath Theas

PR/1580/22

Record of Executive Business and Chief Executive's Order

- b) The only people on the premises are the 2 No. staff members and the children who use the service. Random inspections by regulatory bodies may occur from time to time.
- c) The revised General Layout Plan indicates the current car parking arrangement and the provision of 4 No. bicycle parking spaces.

The Roads Department have assessed the Applicant's Response to Additional Information Item No. 1, with their Report indicating no objection subject to **CONDITIONS**.

Overall, it is considered that the Applicant has satisfactorily responded to Additional Information Item No. 1.

Other Considerations

Development Contributions

The proposed development is comprised of an increase in the number of children attending an existing childcare facility, no new floor area proposed. Therefore, a Development Contribution is not applicable.

SEA Monitoring

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq m)
Childcare (increase in number of children i.e., no new floor area)	N/A
Land Type	Site Area (Ha)
Brownfield / Urban Consolidation	0.064 Ha

Conclusion

Having regard to the Additional Information provided by the Applicant and the policies outlined in the South Dublin County Development Plan 2022-2028, 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 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.

Comhairle Chontae Atha Cliath Theas

PR/1580/22

Record of Executive Business and Chief Executive's Order

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 carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 23rd 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.
2. 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>
All development shall be carried out in compliance with Irish Water Standards, Codes and Practices in relation to water and wastewater facilities.
REASON: In the interest of public health and to ensure adequate drainage and water services infrastructure.
3. 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.
REASON: In the interests of traffic and pedestrian safety.
4. Any further increases in the number of childcare spaces relating to this pre-school facility shall be agreed in writing with the Planning Authority before attendance increases.
REASON: In the interests of proper planning and sustainable development

Comhairle Chontae Atha Cliath Theas

PR/1580/22

Record of Executive Business and Chief Executive's Order

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.

Comhairle Chontae Atha Cliath Theas

PR/1580/22

Record of Executive Business and Chief Executive's Order

REG. REF. SD22A/0360

LOCATION: 4, Weston Lawn, Lucan, 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: 15/12/22

Gormla O'Corrain

**Gormla O'Corrain,
Senior Planner**