

Comhairle Chontae Atha Cliath Theas

PR/0183/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0459 **Application Date:** 14-Dec-2022
Submission Type: New Application **Registration Date:** 14-Dec-2022

Correspondence Name and Address: John Spain Associates 39, Fitzwilliam Place, Dublin 2

Proposed Development: Construction of a two storey creche / childcare facility of c. 778sq.m as well as single storey bin store and connections to existing services; Access will be from the existing constructed entrance onto Newcastle Boulevard and cycle and car parking are as permitted (under TA06S.305343 & ABP305343-19); This application will replace and supersede the permitted creche of c. 518sq.m (under ABP References, TA06S.305343 & ABP305343-19).

Location: In the townland of Newcastle South, at the junction of Newcastle Boulevard, Burgage Street & Lyons Avenue, Graydon, Newcastle, Co. Dublin

Applicant Name: Cairn Homes Properties Limited

Application Type: Permission

Description of Site and Surroundings:

Site Area:

Stated as 0.07 hectares.

Site Description:

The subject site is located approximately 300m to the south of Newcastle Main Street and is bound to the north by Newcastle Boulevard, to the east by Lyons Avenue, to the south and west by residential development which is currently under construction.

Proposal:

Permission is sought for:

- The construction of a two storey creche/childcare facility with an approximate gross floor area of 778 sqm comprised of:
 - A Ground floor level consisting of 4 No. classrooms, toilets, changing facilities, office/staff room, cleaner's store, kitchen, laundry/storage room and a sleeping room.
 - A First Floor Level consisting of 5 No. classrooms, toilets, and storage rooms.

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- A bin store with an approximate gross floor area of 16.22 sqm.
- All ancillary site works above and below ground.
- Access will be from the existing constructed entrance onto Newcastle Boulevard and cycle and car parking are as per the creche/childcare facility permitted under ABP Ref. 305343-19.

Planning Note

It is noted that the proposed development essentially amounts to amendments to the creche/childcare facility permitted under ABP Ref. 305343-19. The proposed childcare/creche facility of this Application is sited in approximately the same location as that which was permitted under ABP Ref. 305343-19 and represents a slight increase in the floor area and height of the permitted structure. The proposed amendments are briefly summarised in the below table:

	Permitted – ABP Ref. 305343-19	Proposed Development
Approximate floor area	517.74sqm	778sqm
Maximum overall length	25.78m	26.31m
Maximum overall width	19.08m	17.99m
Maximum overall height	6.60m	6.65m
Area of outdoor play space	95.87sqm	Not clearly identified.
Car Parking	12 No. spaces	12 No. spaces
Bicycle parking	22 No. spaces	28 No. spaces

It is noted that the drawings provided by the Applicant with this Planning Application do not appear to clearly identify an outdoor play space, where the previously permitted creche/childcare facility had approximately 95.87 sqm of outdoor play space located adjacent to the south western corner of the building. Furthermore, the originally permitted creche/childcare facility (ABP Ref. 305343-19) included green roofing but not such materiality is indicated on the drawings enclosed with this Planning Application.

Given that permission has previously been granted for a creche/childcare facility under ABP Ref. 305343-19 and that the proposed development of this Planning Application essentially amounts to the above outlined amendments to said creche/childcare facility, the proposed development of this Planning Application shall be assessed as an amendment application throughout this Report.

It is also noted that the proposed creche/childcare facility of this Planning Application appears to be identical to the facility which forms part of an overall SHD Application that is currently under consideration by An Bord Pleanála (ABP Ref. 313814-22). It would appear that the proposed amendments to the previously permitted creche/childcare facility are to accommodate the additional capacity required by the proposed increase in residential dwellings in the area. As a decision has yet to be issued in relation to ABP Ref. 313814-22, the proposed development of this Planning Application shall be assessed separately on its own merits and the pending decision

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in relation to the SHD Application shall have no bearing on the assessment of this Planning Application.

Zoning:

The subject site is subject to zoning objective RES-N - 'To provide for new residential communities in accordance with approved area plans' under the South Dublin County Development Plan 2022-2028.

Overlap is also indicated with the following Development Plan Map layers:

- Bird Hazards.
- Newcastle Street Network.
- Site of Geological Interest – SD010 – Newcastle Buried Channel.
- Inner Horizontal Surface – Casement Aerodrome.

The subject site is also located within the administrative area of the Newcastle Local Area Plan.

Consultations:

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

Irish Water – No objection, subject to conditions.

Roads Department – Additional Information required.

Parks and Public Realm Department – No objection, subject to conditions.

TUSLA – No report received at time of writing.

SDCC Childcare Committee – No report received at time of writing.

SEA Sensitivity Screening:

Overlap is indicated with the following relevant SEA Sensitivity Layers:

- Areas of Archaeological Potential - Newcastle Architectural Conservation Area.
- Sites of Geological Interest.
- Records of Monuments and Places.

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Submissions/Observations /Representations:

Final date for submissions/observations 26th January 2023.

One submission was received, with the key points summarised below:

- Loss of privacy – Potential overlooking from several large classroom windows to adjacent properties along Graydon Green.
- Insufficient car parking.
- Access to Graydon Green – Residents of Graydon Green will be restricted from exiting and entering their homes at particular times of the day owing to the location of the creche entrance on the cul-de-sac.
- Noise disturbance owing to the proximity to residential dwellings.

The key points outlined above have been considered in the assessment of the proposed development, as outlined throughout this Report.

Recent Relevant Planning History:

SHD3ABP-313814-22: Newcastle South, Newcastle, Co. Dublin

Construction of 280 no. dwellings, a creche, and open space as follows:

A) 128 no. 2 storey houses (8 no. 2 bedroom houses, 94 no. 3 bedroom houses, 25 no. 4 bedroom houses and 1 no. 5 bedroom house;

B) 116 no. apartments in 2 no. 5 storey buildings comprising (54 no. 1 bedroom apartments & 62 no. 2 bedroom apartments, all with terrace or balcony along with solar panels and green roofs at roof level as well as telecommunications infrastructure comprising 9 no. support poles on ballast mounts (to accommodate 1No. 2m 2G/3G/4G antenna & 1No. 5G antenna each) & 3 no. poles on lift overrun (to accommodate 2No. Ø0.3m Microwave links each at roof level of Apartment building B, together with associated equipment and cabinets/shrouds);

C) 36 no. apartments/duplex apartments in 3 no. 3 storey buildings – (18 no. 2 bedroom apartments and 18 no. 3 bedroom duplex apartments) all with terrace;

D) Amendment to permitted Creche (c. 518sqm) in 'Graydon' (ABP References: TA06S.305343 & ABP-305343-19) to now provide a Creche of c. 778 sq. m of 2 no. storeys;

E) Open space, hard and soft landscaping (including public lighting & boundary treatment), communal open space for duplex apartments and apartments; along with single storey bicycle/bin stores and ESB substations;

F) Vehicular access from the Athgoe Road from a new signalised junction along with upgrades to footpath and pedestrian crossing as well as provision of vehicular/pedestrian/cycle link to permitted 'Graydon' (TA06S.305343) 'Newcastle Boulevard' to the east, as well as 423 no. car

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parking spaces and 370 no. bicycle spaces and all internal roads,

Decision: Pending.

SD20A/0186: Newcastle South & Ballynakelly, Newcastle, Co. Dublin

Option of the inclusion of an ancillary single storey garden room structure (c.12.5sq.m) in gardens of permitted dwellings under planning Reg. Ref. ABP305343-19.

SDCC Decision: Grant permission, subject to conditions.

SD20A/0178: Newcastle South, Newcastle, Co. Dublin

Amendments to the development permitted under Reg. ABP 305343-19 at Newcastle South (development to be known as Graydon) as required under Condition 6(d) of An Bord Pleanála's decision. Amendments consist of: (a) re-alignment of Graydon Drive; (b) provision of 9 three bedroom two storey houses as previously proposed and omitted by Condition 6(d) of permission Reg. ABP 305343-19; (c) extension of Graydon Row by 4m and the provision of 1 additional three bedroom, two storey terraced house; (d) minor revisions to the positioning of 6 houses, necessitated by re-alignment of the road and (e) all associated and ancillary works associated with the development. Proposed amendment will result in the provision of 16 houses where there were 15 previously proposed.

SDCC Decision: Grant permission, subject to conditions.

SHD3ABP-305343-19

(1) The demolition of 5 structures on site, total area measuring 359sq.m, comprising 2 habitable dwellings and 3 associated outbuildings/sheds located to the northwest of the site; (2) development of 406 residential homes; (3) a childcare facility (518sq.m GFA); (4) 1 commercial unit (67.7sq.m GFA); (5) reservation of a school site (1.5ha); (6) new vehicular, cycle and pedestrian access from Main Street; (7) continuation of Newcastle Boulevard forming part of a new east-west link street; (8) a new Public Park (2ha); (9) pocket parks and greenway together with associated internal access roads, pedestrian and cycle paths and linkages; (10) 1 single storey marketing suite (81sqm) and signage (including hoarding) during the construction phase of development only and (11) all associated site and development works. The overall site comprises lands to the south of Main Street (c.15ha) together with 3 additional infill sites at the corner of Burgage Street and Newcastle Boulevard (c. 0.8ha); No. 32 Ballynakelly Edge (c.0.05ha); and Ballynakelly Rise (c.0.18ha)

Decision: Permission granted, subject to conditions.

Recent Relevant Enforcement History

No recent relevant enforcement history recorded for the subject site.

Pre-Planning Consultation

None recorded.

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

Policy CS1: Strategic Development Areas

2.6.1 Land Capacity Study

Land Capacity Sites

2.6.5 Core Strategy – 2022-2028 Development Plan

2.6.6 Housing Strategy

2.7 Settlement Strategy

Policy CS6: Settlement Strategy - Strategic Planning Principles

2.7.2 Self-Sustaining Growth Towns / Self-Sustaining Town

Policy CS9: Newcastle

Support the sustainable long-term growth of Newcastle by focusing development growth within the current settlement boundary and based on the ability of local services to cater for sustainable growth levels.

CS9 Objective 1:

To ensure that development proposals provide for infrastructure including community buildings, sports pitches and service provision in line with population growth as set out in the Newcastle LAP (2012 extended to December 2022) or any succeeding plan.

CS9 Objective 3:

To proactively support and promote the highest appropriate levels of services, social infrastructure, facilities, retail, open space amenity and economic activity to meet the needs of current and future growth in line with the scale and function of Newcastle within the settlement hierarchy.

CS9 Objective 4:

To facilitate and commit to the delivery of new residential development in a coordinated manner, ensuring alignment with investment infrastructure and supporting amenities and services. Such measures shall be delivered through appropriate phasing in line with CS9 SLO1, SLO2, SLO3 and SLO4.

Chapter 3 Natural, Cultural and Built Heritage

Policy NCBH3 Natura 2000 Sites

NCBH3 Objective 3 (Appropriate Assessment)

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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.

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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

Newcastle Local Area Plan

Vision: “A village with a strong sense of identity that offers a good quality of life building upon its past. Where there is integration between existing and new developments through the creation of an intricate network of walkable streets that connect pedestrian and cyclist paths with important destinations, a beautiful village with quality useful spaces that realise and enhance the full potential of Newcastle’s rich natural and built heritage through the sensitive and considered incorporation of hedgerows, water features, burgage plots, townland and parish boundaries, archaeology, protected structures and recorded monuments, a developing village that sensitively addresses the contrast between existing and new elements and retains much of its existing character, whilst being a showcase for the sensitive expansion of an historic and nationally important settlement”.

Objective GI2 All proposed public open spaces shall have a clear role and function that falls within the Plan’s open space hierarchy detailed under Table 5.1 and shall comply with the qualitative standards detailed under Sustainable Residential Development in Urban Areas, 2009. Play facilities shall be provided at a rate of 3 sq.m per dwelling and in accordance with Planning Guidance on Provision of Children’s Play Facilities in New Developments, 2007. (Objective GI3) Retention, incorporation and Reinstatement of Burgage Plot Field System

Objective GI7 Protect the historic burgage plot boundary and townland delineations (including townland boundaries to the Glebe, Ballynakelly Newcastle South and Commons Little) around Newcastle Village including their associated hedgerows and ditches.

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Objective GI8 Require all planning applications for development on lands that include or are bound by burgage plot and/or townland hedgerow boundaries and ditches to clearly detail how these boundaries will be enhanced or reinstated and incorporated. All such applications shall include a comprehensive hedgerow survey and method statement (compiled by a suitably qualified person) for protection, incorporation and reinstatement of the historic boundaries before, during and after construction. This shall include for details on protecting any section(s) of hedgerow outside the application site that directly adjoin the application site.

Objective GI9 Require that burgage and townland field boundaries and ditches are utilised wherever possible as SUDS elements such as swales for conveying water; landscape features; and biodiversity protecting elements.

Objective GI10 Allow for limited sections of field boundaries (burgage and townland) to be carefully altered where a need has been clearly demonstrated on the basis of a requirement for accessibility in terms of pedestrian and cyclist movement and the creation of successful streets and spaces. Where this occurs, high quality design cues that signal and delineate the pre-existing plot line of the section of removed hedgerow boundary shall be utilised such as a change in materials with the use of high-quality materials like cut stone and the use of lighting strips etc.

Objective GI11 Where removal of a section of hedgerow is required for street access, the street width and gap in the hedgerow shall be kept to a minimum and determined by street typology (see street design cross sections and typologies in Appendix 3) in order to protect and retain foraging routes for bats. Mature street planting should also be located to help fill the void between sections of hedgerow and create an 'eco hop' across each street as detailed in Section 7 of this Plan.

Objective GI12 To promote the sustainable collection and on-site retention of surface water for delayed discharge to the local water system and for use as an on-site resource and as a means of creating a biodiversity network that will retain and develop existing flora and fauna.

Objective GI13 That a linked SUDS network shall be implemented fully across the Plan Lands in accordance with national and regional SUDS requirements including the Greater Dublin Strategic Drainage Study Initiative and all proposed developments shall contribute to the achievement of this integrated network in order to reduce surface water run-off and to minimise the risk of flooding of the Plan Lands and surrounding lands. This shall include for a series of attenuation wetland areas in parklands that will collect surface water from the developed SUDS network prior to it feeding the stream system to the north of the Village.

Objective GI14 That all development shall incorporate on site SUDS technologies detailed in the Standards Section (Section 7) of this Local Area Plan such as porous grass pavers, green roofs, rainwater recycling systems and soakaways.

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Objective GI15 That existing natural swales, ditches and hedges shall be retained to form an integral part of the overall SUDS network.

Objective GI16 That SUDS elements such as swales, detention and retention basins and other landscape based attenuation features be planted with suitable riparian vegetation and water tolerant tree planting that will clean and attenuate surface water flow. The planting of such species will be particularly required within parkland areas and along the east-west running SUDS elements in order to help intercept and direct waterflows.

Objective GI17 That all swales utilised within the SUDS network shall be of an appropriate (shallow and wide) dimension to allow for ease of maintenance including mowing and shall be designed in the interest of health and safety where practical.

Objective GI18 All planning applications for residential and/or commercial development in areas at risk of flooding shall be accompanied by a Flood Risk Assessment that is carried out at the site-specific level in accordance with The Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009). The scope of flood risk assessment shall depend on the type and scale of development and the sensitivity of the area.

Objective GI19 Development proposals in the vicinity of the extreme to high aquifer vulnerability areas shall be accompanied by sufficient details to protect existing groundwater sources from pollution during construction and development phases. The details shall accord with the requirements of the South Dublin Groundwater Protection Scheme (2011). Natural Heritage including Green Links.

Objective GI27 Ensure that all extensive development proposals maximise the opportunities for enhancement of existing ecology and biodiversity and are accompanied by a full ecological assessment, carried out by a suitably qualified professional, that includes measures to enhance ecology and biodiversity and avoid or minimise loss to local ecology and biodiversity.

Objective GI28 To require the submission of a Bat Survey as part of every planning application for development (excluding house extensions) within the Plan Lands and require the implementation of appropriate mitigation measures that ensure for the protection of bats and their habitats.

Objective GI29 To require the planting of mature native trees along both sides of streets located within the foraging and flight routes of bats in a manner that creates links between retained and augmented hedgerows and creates 'eco hop' opportunities across streets as detailed in Section 7 of this Plan.

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Objective GI30 To encourage the planting of native species to reinforce the natural habitats of bats within Newcastle and its environs.

Objective GI31 To create an open ended and integrated network of walking and cycle routes that promotes universal access for all and permeate the Plan Lands in a manner that coincides with biodiversity corridors and SUDS features. These routes shall form heritage trails that use natural and built heritage features to link a necklace of parks, open spaces and landscaped squares.

Objective GI32 To ensure that the transition between built development and the open countryside is sensitively treated, large open spaces and low-density housing set amongst heavily landscaped streets shall be provided along the undeveloped fringes of the Plan Lands. This will require the augmentation of existing hedgerows with planting of streets and spaces with mature and semi-mature native tree species prior to the occupation of dwellings.

Objective AM7 Cycling and walking shall be encouraged within and through the Plan Lands by creating an open ended and integrated network of safe and accessible pedestrian and cycle routes that serve all streets and spaces including existing streets. All existing and new Neighbourhoods shall be afforded direct pedestrian and cyclist access to Main Street and direct or indirect links to each other and community facilities especially schools.

Objective AM12 Create open ended routes through existing and new development in a manner that ensures greater permeability and convenient pedestrian access to community facilities, schools, open spaces, shopping facilities, local employment and public transport stops.

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).

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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.

Assessment:

The main issues for consideration are:

- Zoning and council policy,
- Childcare Facility,
- Visual and Residential Amenity,
- Vehicular Access and car parking,
- Drainage and Water Services
- Green Infrastructure.
- 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-N - 'To provide for new residential communities in accordance with approved area plans' Childcare facilities are 'Permitted in Principle' under Zoning Objective 'RES-N'. As the proposal is essentially comprised of amendments to a creche/childcare facility previously permitted under ABP Ref. 305343-19, 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 not provided correspondence from the South Dublin County Childcare Committee to outline their support for the proposed development of this Planning Application.

Although a submission in relation to the proposed development was sought from the South Dublin County Childcare Committee, none was forthcoming at the time of writing this Report. However, in this instance as the proposal essentially amounts to amendments to a previously permitted creche/childcare facility and the Applicant has adequately demonstrated that there is a need for a facility with increased capacity, it is considered that the proposal is suitably located.

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

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'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.'

Having regard to the above outlined objectives and the proximity of the subject site to local schools, existing and future 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

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. However, it is noted that the capacity of the proposed 778 sqm facility is estimated to be approximately 172 No. children and that this would comply with the accepted standard of gross floor space per child. Should the Planning Authority ultimately be minded to Grant Permission for the proposed development, the Applicant would be required to obtain appropriate certification from TUSLA prior to the facility becoming operational.

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;*

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- *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'.*

The Applicant has provided the following table to demonstrate compliance with Section 12.8.4 of the Development Plan:

Nature of the facility (full day care, sessional, after school, etc.);	Full day care
Number of children to be catered for;	Up to 172
Number of full-time and part-time staff;	Staff as required depending on end user mix of children
Intended hours of operation;	07.00-19.00 operating hours
Impact on residential amenity, taking into account factors such as noise, traffic and parking;	The facility would primarily serve residents of Graydon and the SHD application to the west and is located in Graydon. It is not anticipated that the proposal would attract additional car trips
Suitability of the site for the type and size of facility proposed;	The site is located at a convenient location, easily accessible using the existing and proposed road, cycle and pedestrian network. Also located between existing School and future school sites.
Availability of indoor and outdoor play space;	Indoor and outdoor play space is provided – located close to Taobh Chonaic which will provide further open space.
Accessibility to public transport, walking and cycling routes	The site is located at a convenient location, easily accessible using the existing and proposed road, cycle and pedestrian network and to bus stops on the Main Street.
Local traffic conditions;	Not anticipated to be an issue having regard to the TTA submitted with the application.
Access, car parking and drop off facilities for staff and customers.	13 no. car parking spaces are assigned for the creche (as part of Graydon SHD) No additional spaces are provided notwithstanding the increase in the size of the permitted creche. Cycle parking is provided as well.

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It is considered that the Applicant has provided sufficient information to comply with Section 12.8.4 of the Development Plan. However, as previously noted the drawings provided by the Applicant do not clearly identify outdoor play space associated with the creche/childcare facility. The Cover Letter provided by the Applicant states that:

'Indoor and outdoor play space is provided – located close to Taobh Chonaic which will provide further open space'.

The quantum and quality of the play space associated with the proposed creche/childcare facility is not readily identifiable on the drawings provided by the Applicant. In this regard, should the Planning Authority be minded to grant permission for the proposed development, a **CONDITION** should be attached requiring the Applicant to provide a revised Site Layout Plan clearly identifying the proposed outdoor play space, prior to the commencement of development.

Visual and Residential Amenity

As previously indicated the proposed development of this Planning Application essentially amounts to amendments to the creche/childcare facility previously permitted under ABP Ref. 305343-19. The additional floor area, scale, bulk and mass of the proposed creche/childcare facility of this Planning Application represents an appropriate increase having regard to the receiving context of the subject site. It is noted that the proposal does not include a significant increase in the maximum overall height of the previously permitted building, with the additional floor area resulting from the increased massing to the western elevation, which faces towards an area of open space and therefore has capacity to absorb additional massing.

A specific concern was raised in the submission received regarding the potential overlooking of adjacent properties along Graydon Green. The drawings provided by the Applicant demonstrate a separation distance of approximately 21m between the proposed creche/childcare facility and the adjacent residential dwellings along Graydon Green. This separation distance is considered appropriate and would not have an adverse impact on the visual and residential amenity of adjacent properties.

Overall, it is considered that the proposed creche/childcare facility would not have an adverse impact on the visual or residential amenity of the subject site, adjacent properties and the surrounding streetscape.

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Vehicular Access and Car Parking

The Roads Department have assessed the proposed development, with their Report indicating that the following additional information is required:

'The applicant is requested to submit a revised layout not less than 1:200 scale showing the bicycle parking and pedestrian routes within the development. Please refer to Table 12.23 Minimum Bicycle Parking Rates– SDCC County Development Plan 2022-2028. All external bicycle parking spaces shall be covered.'

Should the Planning Authority be minded to grant permission for the proposed development, a **CONDITION** should be attached requiring the Applicant to provide a revised Site Layout Plan clearly identifying the pedestrian routes and covered bicycle parking, prior to the commencement of development.

Drainage and Water Services

As outlined in Section 12.11(iii) of the Development Plan, in general, all new developments will be required to incorporate Sustainable Urban Drainage Systems (SuDS). The previously permitted creche/childcare facility incorporated SuDS measures, including green roofs which do not appear to be indicated on the drawings provided with this Planning Application. GI5 Objective 7 of the Development Plan states that it is an objective of the Council to:

'To require the provision of green roofs and green walls, providing benefits for biodiversity and as an integrated part of Sustainable Drainage Systems (SuDS) and Green Infrastructure, in apartment, commercial, leisure and educational buildings, wherever possible and develop an evidence base for specific green roof requirements as part of the Council's ongoing SuDS strategy development.'

Having regard to the above outlined objective, should the Planning Authority be minded to grant permission for the proposed development a **CONDITION** should be attached requiring SuDS measures.

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

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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., the provision of a 2 No. storey creche/childcare facility within a residential development with landscaping proposals, it is considered that the proposed development is unlikely to have a significant impact to the existing green infrastructure network. However, as per the recommendation of the Report of the Parks and Public Realm Department, it is considered prudent that, should the Planning Authority be minded to Grant Permission for the proposed development, a **CONDITION** should be attached requiring the provision of a Landscape Plan and a Green Infrastructure Plan prior to the commencement of development.

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 subject site is not located within nor within close proximity to a European site. The proposed development is located within an established area and essentially comprises amendments to a previously permitted creche/childcare facility. Having regard to:

- the scale and nature of the development within the overall context of ongoing residential 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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Other Considerations

Development Contribution

No proof of payment of a Development Contribution relating to the previously permitted creche/childcare facility has been provided by the Applicant. As such, a development contribution has been raised in relation to the proposed development of this Planning Application.

Development Contributions	
Planning Reference Number	SD22A/0459
Summary of permission granted & relevant notes:	Construction of a two storey creche / childcare facility of c. 778sq.m as well as single storey bin store and connections to existing services.
Are any exemptions applicable?	No
If yes, please specify:	
Is development commercial or residential?	Commercial
Standard rate applicable to development:	112.57
% reduction to rate, if applicable (0% if N/A)	0
Rate applicable	€112.57
Area of Development (m2)	778
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	778
Total development contribution due	€87,579.46

SEA Monitoring

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq. m)
Creche/childcare facility	778 sqm
Land Type	Site Area (Ha)
Brownfield / Urban Consolidation	0.07Ha

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Conclusion

Having regard to 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.

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. Prior to commencement of development, the applicant shall submit for the written agreement of the Planning Authority a revised layout not less than 1:200 scale clearly identifying the location and quantum of outdoor play space associated with the creche/childcare facility.
REASON: In the interests of the proper planning and sustainable development of the area.
3. (a) Prior to commencement of development, the applicant shall submit for the written agreement of the Planning Authority a revised Site Layout not less than 1:200 scale showing the bicycle parking and pedestrian routes within the development. Please refer to Table 12.23 Minimum Bicycle Parking Rates– SDCC County Development Plan 2022-2028. All external bicycle parking spaces shall be covered.
(b) Prior to commencement of development, the applicant shall submit the Construction Traffic Management Plan for the written agreement of the Planning Authority.

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(c) A Mobility Management Plan is to be completed within six months of opening of the proposed development. The Mobility Management Plan shall be submitted for the written agreement of the Planning Authority.

REASON: In the interest of sustainable transport.

4. Irish Water Connection Agreement.

Prior to the commencement of development the applicant or developer shall enter into water and wastewater connection agreement(s) with Irish Water.

REASON: In the interest of public health and to ensure adequate water/wastewater facilities.

5. Drainage and Water Services

(a) Prior to the commencement of development the Applicant is required to submit for the written agreement of the Planning Authority a revised Site Services Layout not less than 1:200 scale showing the inclusion of Sustainable Urban Drainage measures, including but not limited to green roofing to the creche/childcare building and bin store.

(b) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

(c) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use.

(d) All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

6. 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.

7. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental 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

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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.

8. Noise Tones During Evening and Night.

Clearly audible and impulsive tones at noise sensitive locations during evening and night time as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006 (currently 19:00 – 07:00). shall be avoided irrespective of the noise level.

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, and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

9. Prior to commencement of development, the applicant shall submit the following for the written agreement of the Planning Authority:

(a) A landscape plan and associated planting plan for the proposed development. The Landscape Plan shall include details of hard and soft landscaping. The Landscape Plan shall be implemented in full, within the first planting season following completion of the development. The Landscape Plan to include a detailed Planting Plan and Planting Schedule stating species/varieties, indicative quantities, sizes, rootball presentation and spacings. Planting mixes should contain pollinator-friendly native species (in accordance with the All-Ireland Pollinator Plan 2021-2025).

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(b) A Green Infrastructure Plan which shall be submitted as part of the suite of Landscape Plans that are required for a development. The Green infrastructure Plans should include the following information:

- i. Site location plan showing the development site in the context of the wider GI as shown on the Council's GI Plan for the County.
- ii. Indicate how the development proposals link to and enhance the wider GI Network of the County.
- iii. Proposed GI protection, enhancement, and restoration proposals as part of the landscape plan, where appropriate, for the site.
- iv. Proposals for identification and control of invasive species where appropriate, for the site

REASON: In order to ensure the protection and enhancement of Green Infrastructure in the County through the provision of green infrastructure elements as part of the design process in accordance with relevant policies of the CDP 2022-2028 and to protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory, in accordance with the policies and objectives contained within Section 3.4.3 LANDSCAPES of the CDP 2022-2028.

10. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €87, 579.46 (Eighty Seven Thousand, Five Hundred and Seventy Nine Euro and Forty Six 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 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.

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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.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

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: Adequate provision should be made to facilitate access to and the use of the development, buildings, facilities and services by disabled persons, including sanitary conveniences. The minimum requirements should be as per Part M of the Building Regulations.

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; please apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

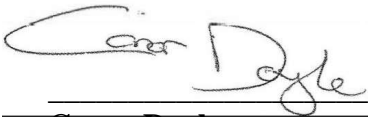
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REG. REF. SD22A/0459

**LOCATION: In the townland of Newcastle South, at the junction of Newcastle Boulevard,
Burgage Street & Lyons Avenue, Graydon, Newcastle, Co. Dublin**



**Conor Doyle,
Assistant 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: 16/02/23



**Gormla O'Corrain,
Senior Planner**