



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 4368/17

Appeal by Sandra McKenna of 28 Albert College Crescent, Glasnevin, Dublin against the decision made on the 30th day of January, 2018 by Dublin City Council to grant subject to conditions a permission to Tender Hearts Limited care of Studio Anois of The Complex, 15 Little Green Street, Smithfield, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Two number single-storey pre-fabricated buildings for sessional pre-school and afterschool (43 childcare spaces ages - 3-12 years, opening hours 07.45 - 19.00, Monday – Sunday. (Total floor area 109 square metres) including outdoor play area at ground floor, ancillary site works including landscaping, services, bike parking, car parking and extension of existing vehicular entrance all at Westfield House, Ballymun Road, Ballymun, Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the zoning objective for the site, Z1 'to protect, provide for and improve residential amenities' where childcare facilities are permissible in principle, to the location of the site adjacent to a dedicated Quality Bus Corridor and to a stop on same and to the built up, mixed-use nature of this mature suburban location, where there are a range of transport mode options to access the facility, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of residential property in the vicinity, would be in accordance with the policies and objectives of the Dublin City Development Plan 2016-2022 pertaining to childcare facilities and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The hours of operation of the facility shall be limited to between the hours of 07.45 and 19.00 Monday to Friday and between the hours of 08.00 and 14.00 on Saturdays and the facility shall not operate on Sundays or Bank Holidays.

Reason: In the interest of clarity and to protect the residential amenities of the area.

3. (a) The car parking spaces on site shall be reserved as set down spaces only, for the purposes of drop-off/collection of children.
- (b) The footpath and kerb shall be dished at the widened entrance, details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (c) All costs incurred by the planning authority, including any repairs to the public road and services necessary to accommodate the development shall be at the expense of the developer.

Reason: In the interest of traffic safety.

4. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority details of the staggered start and finish times for the two preschool (morning) sessions.

Reason: To reduce the potential traffic impact of the childcare facility.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority, details of signage.

Reason: In the interest of visual amenity.

7. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: To safeguard the residential amenities of property in the vicinity.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in 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 made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Maria FitzGerald
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2018.