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**Planning and Development Acts 2000 to 2019**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD19A/0091**

**Appeal** by Caroline Brady and Edel Corr and others of 4 Shackleton Place, Shackleton Park, Lucan, County Dublin and by Angela and Thomas Gallagher of 55a Dodsboro Cottages, Lucan, County Dublin against the decision made on the 6<sup>th</sup> day of August, 2019 by South Dublin County Council to grant subject to conditions a permission to David and Frances Carr care of Terry O'Riordan Planning and Design of 32 Glen Easton Way, Leixlip, County Kildare in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** A new single storey building in the rear garden, comprising of a Montessori with entrance to side of existing house and all associated site works and two number car spaces to front garden for Montessori at 56A Shackleton Way, Lucan, County 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 location of the site on lands zoned for residential development in the South Dublin County Development Plan 2016-2022, to the Guidelines for Planning Authorities on Childcare Facilities issued by the Department of Housing, Planning and Local Government in 2001 and to the design and layout of this small scale childcare facility, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not be prejudicial to public health and would not endanger public safety by reason of a traffic hazard. The proposed development 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, as amended by the further plans and particulars submitted on the 8<sup>th</sup> day of July 2019, 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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue/black or slate grey in colour only.

**Reason:** In the interest of visual amenity.

3. The proposed Montessori shall not be separated from the main house permitted under planning register reference SD18A/0320. In particular, it shall not be sold or let independently of the main house and, when no longer required for use as a Montessori, the use of the structure shall revert to use as part of the main house.

**Reason:** In the interest of residential amenity.

4. The number of children to be accommodated within the premises shall not exceed 22 number at any time on any day or 22 number in any session.

**Reason:** To limit the development in the interest of residential amenity.

5. The proposed Montessori facility shall not operate outside the period of 0850 to 1600 hours Monday to Friday and shall not operate on Saturdays, Sundays or public holidays.

**Reason:** In the interest of residential amenity.

6. The proposed development shall be used solely as a Montessori facility and no change of use shall take place without a prior grant of planning permission, whether or not such change of use would otherwise constitute exempted development as defined in the Planning and Development Act (as amended) and associated Planning and Development Regulations (as amended).

**Reason:** In the interest of clarity and the proper planning and sustainable development of the area.

7. One additional on-site car parking space shall be provided prior to the opening of the childcare facility.

**Reason:** In the interests of public safety and orderly development.

8. Details of the revised vehicular entrance and front boundary details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of public safety.

9. Details of the proposed side access gates and/or boundaries between the permitted house and the proposed Montessori shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of safety.

10. 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.

11. The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to commencement of development.

**Reason:** In the interest of public health.

12. No signage shall be erected within the site and adjoining lands under the control of the applicant unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

13. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures, measures to ensure the safe removal, handling and disposal of asbestos and any other hazardous waste and off-site disposal of other construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

14. 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 the 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

**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.

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

**Dated this            day of            2020.**