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**Planning and Development Acts 2000 to 2020**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD21A/0021**

**Appeal** by Paul Grennan of 80 Rossmore Lawns, Templeogue, Dublin against the decision made on the 27<sup>th</sup> day of May, 2021 by South Dublin County Council to grant subject to conditions a permission to Dee Maher care of Graham McNevin of 3 Kilakee Gardens, Firhouse, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Conversion of existing garage and change of use and a section of the existing house at ground floor (circa 75 square metres) to Creche/Pre-School with external play area which is partially covered with fabric canopies, construction of associated standalone storage unit (circa 27 square metres), associated signage, internal alterations and all associated site works. The Creche/Pre-School is sessional with one morning teaching session of three hours and one afternoon teaching session of three hours 8:30-11:30 and 12:00-3pm Monday to Friday for up to a maximum of 22 children. The facility will meet Tusla requirements of the businesses of this nature with the operator of the facility offering the ECCE scheme and the National Childcare Scheme, all at 81 Rossmore Lawns, Templeogue, 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 residential zoning objective for the area and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. 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 30<sup>th</sup> day of April, 2021, 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 number of children to be accommodated within the premises shall not exceed 22 in any session.

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

3. The part of the house used as a creche/preschool shall not be separated from the main house by sale and, when no longer occupied for use as a creche/pre-school, use of that part shall revert to use as part of the main house.

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

4. Site development and building works shall be carried out only between the hours of 0700 to 1900 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:** In order to safeguard the residential amenities of property in the vicinity.

5. Prior to the commencement of development, the developer shall submit details of the traffic survey as requested in Item 2(a) of the request for further information issued by the planning authority on the 29<sup>th</sup> day of March, 2021 and referenced in the response received by the planning authority on 30<sup>th</sup> day of April, 2021.

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

6. Water supply and drainage arrangements, including the 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.

7. Prior to the commencement of operation of the permitted facility, details of the permitted signage shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interests of visual and residential amenity.

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.

*DR. Maria FitzGerald*

**Maria FitzGerald**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this 7<sup>th</sup> day of October 2021.