



An
Bord
Pleanála

Inspector's Report ABP 309802-21

Development	Demolition of house and construct creche facility.
Location	Cranford Lodge, 188 Stillorgan Road, Dublin 4.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3468/20
Applicant	Flaxview Ltd.
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellants	<ol style="list-style-type: none">1. Robert Dowley2. Brendan Dillon & Ruth Shipsey3. Helen & Laurence Shields4. Patrick Sheeran
Observer(s)	None
Date of Site Inspection	18/01/22
Inspector	Pauline Fitzpatrick

1.0 Introduction

The Board is advised that there is a concurrent appeal under ref. ABP 310792-21 for the associated car park and access arrangements for the proposed creche which is within the administrative area of Dun Laoghaire Rathdown County Council. As the applications are linked, I recommend that they be assessed in tandem.

2.0 Site Location and Description

The site, which has a stated area of 726 sq.m., is at the corner of Stillorgan Road and Cranford Court access road. It is rectangular in shape on which there is a single storey, unoccupied dwelling setback into the site served by a gated vehicular access in addition to pedestrian access from Cranford Court access road. The boundary to Stillorgan Road and Cranford Court access road is delineated by a boundary wall backed by trees in places. There is a mature hedge along the western boundary. The site backs onto the Elm Park Golf Course. Ad hoc parking occurs on the hardstanding area immediately to the east of the site boundary.

No. 186 Stillorgan Road bounds the site to west. It is a two storey dwelling with a large, two storey, flat roofed extension built up to the shared boundary with the appeal site. A window directly overlooks the appeal site. The site levels are higher than those of No. 186. The dwellings further west reflect the established residential pattern of the area and comprise of large dwellings on relatively large plots. On street parking along Stillorgan Road is subject to pay and display. The Stillorgan Road dual carriageway is to the south.

The Cranford Centre on the opposite side of the road to the east is a two storey, flat roofed commercial centre comprising of a mix of units served by surface parking. Cranford House Apartments are to the north of same.

3.0 Proposed Development

The application was lodged with the planning authority on the 30/09/20 with further plans and details submitted 01/02/21 following a further information request dated 24/11/20. As amended, the proposal entails:

- Demolition of single storey dwelling on the site

- Construct 491 sq.m. part single, part two storey creche to provide for 77 child spaces
- 7 no. parking spaces (on lands within administrative area of Dun Laoghaire Rathdown County Council)
- 16 bicycle spaces

The application is accompanied by:

- Architects Design Statement
- 3D Visualizations
- Sunlight & Daylight Access Impact Analysis
- Noise Impact Assessment
- Engineering Planning Report
- Site Specific Flood Risk Assessment
- Travel Plan
- Screening Report for Appropriate Assessment

4.0 Planning Authority Decision

4.1. Decision

Grant permission for the above described development subject to 12 conditions including:

Condition 3: Boundary wall to front of No. 186 to be no greater than 1.8 metres and wall to rear not to exceed 2.2 metres.

Condition 9: Operating hours of creche to be between 7.00am and 7.00pm Monday to Friday excluding public holidays.

4.2. **Planning Authority Reports**

4.2.1. Planning Reports

The 1st Planner's report notes:

- The site could be considered a transitional site.
- The setting back of the 1st floor element helps to reduce its impact on the rear garden of No.186.
- Noise from creche activities will be variable in nature, hence, predicted noise levels should only be used as an indication of potential noise and not as a limit to be achieved.

Further information recommended on site level differences between the site and No.186, clarification of works within the City Council's jurisdiction and submission of a Travel Plan.

The 2nd Planner's report following further information notes:

- The front boundary wall is excessive and should be reduced to 1.8 metres with the wall to the rear not exceeding 2.2 metres.

A grant of permission subject to conditions recommended.

4.2.2. Other Technical Reports

Transportation Planning Division in a report dated 16/11/20 recommends a Travel Plan be sought by way of further information. The 2nd report dated 22/02/21 following further information has no objection subject to conditions.

4.3. **Prescribed Bodies**

None

4.4. **Third Party Observations**

Objections to the proposal received by the planning authority are on file for the Board's information. The issues raised are comparable to those set out in the 3rd party appeals summarised in section 6 below.

5.0 Planning History

ABP 310792-21 (D20A/0759) – current appeal for vehicular access and car/bicycle parking spaces to serve the proposed childcare facility (lands within the administrative area of Dun Laoghaire Rathdown County Council).

6.0 Policy Context

6.1. Development Plan

Dublin City Development Plan 2016

The site is within an area zoned Z1 the objective for which is to protect, provide and improve residential amenities.

Childcare facilities are permitted in principle.

Policy SN17 – to facilitate the provision in suitable locations of sustainable, fit for purpose childcare facilities in residential, employment and educational settings, taking into account the existing provision of childcare facilities and emerging demographic trends in the area.

Appendix 13 of the plan sets out the Guidelines for Childcare Facilities.

6.2. Natural Heritage Designations

None in the vicinity.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. Robert Dowley

The submission from BMA Planning on his behalf can be summarised as follows:

Procedural Issues

- Should permission be granted a condition restricting the occupation of the development until completion of the works proposed under ref. D20A/0759 should be included.
- Ownership of the lands subject of application D20A/0759 is disputed by another 3rd party.

Zoning Provisions

- Such a large scale commercial creche facility is contrary to the Z1 zoning objective for the site.
- It is contrary to the Guidelines for Childcare facilities contained in Appendix 13 of the Dublin City Development Plan.
- The proposal will completely remove the residential component.
- The proposal involves a significant intensification of use of the site and is incompatible with the adjoining residential use.
- The proposal is not justified having regard to the availability of creche spaces in the vicinity.
- The applicant has consistently failed to demonstrate how the safety of parents and children can be safeguarded.

Building Height and Scale

- The building design, scale and layout is disproportionate to the established two storey dwellings on Stillorgan Road.
- The proposed lift overrun element adds a further unnecessary and incompatible height and design element that undermines the order and regularity of the established residential streetscape.

- The proposed boundary wall to Stillorgan Road adds an additional incompatible variation in height and boundary treatment along the streetscape.

Residential Amenity

- The drawings are inaccurate. There are significant level differences between the application site and No.186. The difference in proposed finished floor levels between the two properties is in the order of 1.3 metres as opposed to the 0.6 metres identified on the drawings. The scale of the development and its impact on No.186 is magnified unnecessarily. It would have an overbearing impact on No.186. This is unnecessary having regard to the lands at the applicant's disposal i.e. the current appeal site and adjoining lands to the south and east.
- There is a complete absence of a setback from the boundary and No.186 at ground floor level and inadequate setback of between 1.5m and 2.4 m at 1st floor level.
- It will have significant adverse impacts to the availability of daylight and sunlight to the dwelling and rear garden. This is confirmed by the Sunlight and Daylight Access Analysis report accompanying the application.
- The proposal will result in a Vertical Sky Component within window 1c of 15.9% or 0.42, which is significantly below the guidance threshold of 27% or 0.8. The loss of daylight will be compounded by the significant visual impact generated by the 1st floor of the proposal and the associated lift over run.
- The proposal will have an adverse impact on the usability and enjoyment of the rear garden. The visual and functional quality of the space will be destroyed and will be rendered unusable.
- The property will be devalued.
- No consideration has been given to the adverse impacts during the construction phase on the integrity of No.186.
- The retention of a number of trees will not be possible with the proposed boundary wall.

- Significant noise will be generated by the proposal. There are limitations with the Noise Impact Assessment carried out. The mitigation measures are insufficient with a lack of co-ordination and detail within the proposal.
- The absence of ventilation via opening windows will result in significant air handling plant and equipment to ventilate the building and classrooms. No information has been provided. Any proposals to locate this equipment at roof level would have a significant negative impact both visually and from a noise perspective.
- The opening hours are considered excessive.

7.1.2. **Brendan Dillon and Ruth Shipsey**

The submission by BMA Planning on behalf of the appellants can be summarised as follows:

Zoning Provisions

- Such a large scale commercial creche facility is contrary to the Z1 zoning objective for the site.
- It is contrary to the Guidelines for Childcare facilities contained in Appendix 13 of the Dublin City Development Plan.
- The proposal will completely remove the residential component.
- The proposal involves a significant intensification of use of the site and is incompatible with the adjoining residential use.
- The proposal is not justified having regard to the availability of creche spaces in the vicinity.
- The applicant has consistently failed to demonstrate how the safety of parents and children can be safeguarded.

Building Height and Scale

- The building design and scale is inappropriate at the end of a terrace of detached and semi-detached dwellings and will have an overbearing impact on the streetscape and dwellings in the vicinity. It will visually dominate the

rear gardens of Nos.184 and 186, diminishing the amenity value of the spaces.

- The proposed lift overrun element adds a further unnecessary and incompatible height and design element that undermines the order and regularity of the established residential streetscape.
- The proposed boundary wall to Stillorgan Road adds an additional incompatible variation in height and boundary treatment along the streetscape.

Residential Amenity

- Significant noise will be generated by the proposal.
- The opening hours are considered excessive.
- No consideration has been given to the adverse impacts during construction.

7.1.3. Helen and Laurence Shields

The submission can be summarised as follows:

- The proposal would have an adverse impact on residential amenities and would contravene the zoning objective for the area.
- It attempts to 'piggy back' on the commercial setting of the Cranford Centre.
- It is out of scale relative to the adjoining houses and would be overbearing.
- The site is unsuitable for a creche due to its location at the junction of two busy roads and in proximity to a neighbourhood centre due to traffic and vehicular movements.
- Noise will be problematic.
- It will lead to increased traffic, parking and congestion and raises issues for cyclists and pedestrians.
- It will result in loss of amenity to their rear garden and will devalue their property.

7.1.4. Patrick Sheeran

The submission can be summarised as follows:

- The applicant does not have sufficient legal interest to provide the access/vehicular arrangements subject of the application to Dun Laoghaire Rathdown County Council.
- The proposal is excessive for the residentially zoned land.
- There are no conditions requiring the provision of the car parking and infrastructure. Without these services to support the creche the stand alone decision made by the City Council is incorrect.
- The demolition of a habitable dwelling is inappropriate.
- The proposal will create a potential traffic hazard and endanger public safety due to its location at a busy junction.
- The objections raised in the other appeals are endorsed.
- The applicant has alternatives available to it.

7.2. Applicant Response

The submissions by Tom Phillips Associates on behalf of the applicant can be summarised as follows:

Procedural Issues/Legal Interest

- The associated car park and access arrangements for the proposed development are subject of a separate application to Dun Laoghaire Rathdown County Council (D20A/0759). 3rd Party rights were not impacted.
- The contention as to legal title does not relate to lands subject of this appeal. It is not a planning consideration. The appellant's certain rights and entitlements will not be impacted by the proposed development.

Zoning Provisions and Planning Policy

- Childcare facilities are permitted in principle in zoning Z1.
- The development plan contains policies which support the provision of childcare facilities in appropriate locations (SN17).

- The Cranford Centre site is zoned NC in the Dun Laoghaire - Rathdown Development Plan, the objective for which is to protect, provide for and or improve mixed use neighbourhood centre facilities.
- The site fronts the N11 dual carriageway and adjoins an existing neighbourhood centre. It is considered a transitional site.
- There is demand for childcare services in the area.

Building Height and Scale

- It was designed to provide a single, detached building of high quality and to preserve the residential scale of the neighbouring houses with a public presence to Cranford Court.
- The form is carefully shaped to minimize impact on the neighbour's property in relation to light, scale, sound transmission and overlooking. The building along the shared boundary with the garden at 186 is single storey.
- The dwelling to be demolished is not of architectural merit and is not within an ACA.

Residential Amenity

- The unusual location of the gable window directly facing into the applicant's site must be considered.
- The Sunlight and Daylight Access Analysis noted that potential impact on adjoining properties would be minimal. There will be little or no change in daylight access with the exception of the room served by a window built on the boundary facing the appeal site.
- In assessing the extent of impact of the proposal on daylight access to the east facing window at No.186 the report notes the proposed development has the potential to result in a moderate to significant change in daylight access to this one room. Appendix 1 of BRE Guide describes a situation where only a small number of windows are affected as tending towards a minor adverse impact.
- At least half of the garden of No.186 will continue to receive at least 2 hours of sunlight on 21st March.

- Mitigation measures are proposed to minimise as far as is reasonably practicable any potential impact of noise. The Council sought the reduction in the height of the front boundary wall from 2.2 metres to 1.8 metres.
- The creche operated by the applicant in the vicinity has not received any noise complaints
- It will operate between 0730 and 1830 with staggered outdoor playtimes, so the assertion that the external noise will be on a continuous basis throughout the day is inaccurate.
- The opening hours proposed are standard within the industry.
- Conditions were attached by the planning authority addressing the construction phase.
- Due to the relatively small scale of the proposal the planning authority did not request a Construction Management Plan. The applicant is willing to prepare one.

Traffic

- A comprehensive Travel Plan accompanies the application and proposes measures to reduce car dependency.
- The proposed parking design will regularise the existing irregular parking arrangement.
- The quantity of child drop offs by car is not the same as the number of children that will attend the creche. Arrivals will be distributed during the day by various modes of transport.
- Existing pedestrian crossings are to be improved and additional crossings provided.
- Given the small nature of the proposal there is not expected to be a significant increase in traffic or queuing on the surrounding roads.

7.3. Planning Authority Response

None

7.4. **Observations**

None

8.0 **Assessment**

I consider that the issues arising in the case can be assessed under the following headings:

- Principle of development
- Building Design, Height and Scale
- Amenities of Adjoining Property
- Access and Traffic
- Other Issues

8.1. **Introduction**

8.1.1. As noted at the outset there are two concurrent appeals which are inextricably linked. This appeal refers to the creche building, itself, whilst ABP 310792-21 refers to the associated car park and access arrangements within the administrative area of Dun Laoghaire Rathdown County Council. I recommend that they be assessed in tandem.

8.1.2. As noted by the applicant the creche, itself, is reliant on a favourable decision on the access arrangements and parking subject of the concurrent appeal and would not proceed without same. On this basis should the Board be disposed to favourable decision on the files a condition could be attached to the instant case requiring the parking, set down and pedestrian facilities to be carried out and available for use prior to the occupation of the building.

8.2. **Principle of Development**

8.2.1. The site is located at the corner of Stillorgan Road and Cranford Court access road at the interface between the line of residential dwellings to the west and the commercial centre to the east. The site is within an area zoned Z1 in the current City Development Plan the objective for which is to protect, provide and improve residential amenities. Childcare facilities are permitted in principle within such a zone. Appendix 13 of the Plan sets out the guidelines for such type development

and states that in existing residential areas, detached houses/sites or substantial semidetached properties with space for off-street parking and/or suitable drop-off and collection points for customers and also space for an outdoor play area will generally be permitted, provided the premises remains primarily residential and traffic and access arrangements do not interfere with general residential amenity.

8.2.2. The proposal entails a entirely commercial enterprise with no residential component and, as such, does not accord with the said guidelines. However, I submit that in this instance the site context is an important consideration in assessing the suitability of the proposal. Whilst zoned residential the character of the area is influenced by its location at the end of a line of dwellings at the junction of Stillorgan Road and Cranford Court access road, immediately to the west of a complex of commercial uses zoned NC in the Dun Laoghaire Rathdown Development Plan, the objective for which is to protect, provide for and-or improve mixed-use neighbourhood centre facilities. The fact that the site backs onto Elm Park Golf Course and Club is also noted. I submit it has the characteristics of a transitional site.

8.2.3. I consider that this site context allows for a greater latitude than may be applicable in other locations where dwellings, only, prevail. On this basis I consider that the requirement to maintain a residential component within the development can be waived. Notwithstanding, the suitability or otherwise of the proposal is predicated on the residential amenities of adjoining properties being adequately protected. I shall address this matter in further detail below.

8.2.4. I note that the dwelling to be demolished is not a protected structure and is not within an Architectural Conservation Area. Having regard to the statement accompanying the application setting out the demand for childcare places there is no objection to the demolition.

8.3. Building Design, Height and Scale

8.3.1. The dwelling to be demolished is set back into the site close to its northern boundary with the area to the south laid out as private open space and enclosed by a wall backed with planting in places. In my opinion the site location at the end of a line of dwellings at the junction of two roads adjoining the commercial centre and backing onto the golf course allows for a greater latitude in terms of a design solution.

8.3.2. The part single, part two storey building as proposed has a stated floor area of 491 sq.m. and is contemporary in design. It will align with the building line of the

dwellings to the west. The building is to be orientated onto Cranford Court access road from which it is to be accessed. It is to be served by open spaces to the north and south.

- 8.3.3. The proposal with a plot ratio of 0.53 comes within the parameters of 0.5 – 2.0 for Z1 lands in outer city locations. Site coverage at 67% exceeds the indicative limit of 60% for Z1 lands although I note that the plan allows for higher site coverage to be considered in certain circumstances. I submit that this exceedance, of itself, does not render the development unacceptable and the proposal needs to be assessed in totality with regard had to plot ratio, building height, amenities of adjoining property, traffic etc.
- 8.3.4. By reason of the flat roofed design the overall height at 6.8 metres (save for lift roof) is below the ridge of the adjoining dwelling. The two storey element is setback from the southern boundary which will assist in reducing its massing when viewed contiguously with the adjoining dwellings from the south. Whilst the two storey element is in line with the extension to No.186 adjoining it is set back from the rear garden. I consider that the stepped modulation assists in breaking up its bulk with the materials proposed to be durable and of a high standard. I also consider that the extent of visual change would be in character with the constantly evolving and restructuring urban landscape and the existing scale of development in the area.

8.4. Amenities of Adjoining Property

- 8.4.1. Of material concern is the impact of the proposal on the amenities of the immediately adjoining dwelling (No. 186 Stillorgan Road) to the west. No.186 is a large, semi-detached dwelling with a 2 storey, flat roofed extension built on the boundary in which there is a 1st floor window resulting in direct overlooking of the appeal site.
- 8.4.2. As noted above the two storey element of the proposal aligns with that of the dwelling with a setback of in the region of 4 metres from the boundary. The single storey element will have a height of approx. 4 metres. The existing boundary wall is c.1.9 metres in height. The building is to have a setback of approx. 1.5 metres allowing side access. As clarified by way of further information the level of the rear garden of No.186 is 12.88 metres. The level of the appeal site on completion of the development will be 13.78 metres a difference of less than 1 metre.
- 8.4.3. The application is accompanied by a Sunlight and Daylight Access Impact Analysis and has been prepared in accordance with Building Research Establishment (BRE)

Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice. As noted in section 1.6 of the BRE document the detail is advisory, it is not mandatory.

Although it gives numerical guidelines it recommends that they be interpreted flexibly since natural lighting is only one of many factors in site layout design.

Daylight

- 8.4.4. In term of daylight paragraph 2.2.7 of the BRE Guidance notes that for existing windows, if the VSC (vertical sky component) is greater than 27% then enough skylight should be reaching the window of the existing building. If the VSC with the new development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice a reduction in daylight.
- 8.4.5. I consider that the assessment complies with best practice in terms of the locations tested based on guideline recommendations for the closest façades which have windows with potential for impact. The results show that the 1st floor window in the extension of No.186 which directly overlooks the site will be impacted with the VSC to decrease to approx. 0.42 times its former value. BRE states that where the loss of skylight or sunlight does not meet the guidelines the impact is assessed as minor, moderate or major adverse. Factors tending towards a minor adverse impact include only a small number of windows being affected as is the case in this instance.
- 8.4.6. All other windows assessed show that the VSC was greater than 27% or not breaching the 0.8 times its former limit value for habitable rooms as per the recommendations.

Sunlight

- 8.4.7. The impact on sunlight to neighbouring windows is generally assessed by way of assessing the effect of the development on the Annual Probable Sunlight Hours (APSH). Save for the said 1st floor window noted above all tested windows comply with the annual, summer and winter requirements as set out in section 3.2.3.

Overshadowing

- 8.4.8. In relation to overshadowing the BRE guidelines states that an acceptable condition is where external amenity areas retain a minimum of 2 hours of sunlight over 50% of the area on the 21st March.

- 8.4.9. Table 3.2 of the study sets out the predicted impact of the development in tabular form with shadow casting diagrams provided in support. The rear garden of No. 186 will experience increased shadow in early/mid morning. The report concludes that at least half of the garden will continue to receive at least two hours of sunlight on 21st March after the construction of the development.
- 8.4.10. No. 184 Stillorgan Road further north would not be impacted by the proposal.
- 8.4.11. In conclusion, a window in the adjoining property will be impacted by the proposed development with its rear garden experiencing an increase in overshadowing early morning on 21st March with some impact as can be expected in the winter. Taking into consideration the particular characteristics of the said window on the site boundary and directly overlooking the site I submit that the impacts would be not so significant as to warrant a refusal of permission.

Overbearance

- 8.4.12. The proposed building is largely single storey with a height of 4 metres with the 2 storey component to align with that of No. 186 adjoining. The foot print of the building is set back somewhat from the shared boundary. As noted the site level of the rear garden of No.186 is 12.88 metres. The level of the appeal site on completion of the development will be 13.78 metres, a difference of less than 1 metre.
- 8.4.13. Certainly the proposed development would be visible from No. 186 and the garden of No. 184 and will change the outlook from these properties and it is acknowledged that the proposed development will alter the relationship between No. 186 and the scale and density of development that currently exists on site. I consider that the extent of visual change would be in character with the constantly evolving and restructuring urban landscape and would not adversely impact on the residential amenities of the properties as to warrant a refusal of permission.
- 8.4.14. A 2.2 metre high wall is proposed along the boundary to the front garden of No. 186. Due to the differential in site levels it will be higher when viewed from the said property. The height is considered excessive and I would concur with the planning authority that its reduction to not greater than 1.8 metres to be appropriate. The same concerns arise in terms of the boundary treatment to the rear with a wall increasing in height from 2.2 metres to 2.4 metres which will read higher when

viewed from No. 186. Its reduction to no greater than 2.2 metres is, again, recommended.

Noise

- 8.4.15. The application is accompanied by a Noise Impact Assessment which details a series of mitigation measures to reduce potential noise impacts including boundary walls, internal design and construction considerations. By reason of the proposed use the adjoining property will experience a change in the level of activity and noise arising that heretofore experienced. In view of the location of the site and adjoining properties fronting both the Stillorgan Dual Carriageway which, of itself, dominates the noise environment and proximity to the Cranford Court commercial centre, the impact would be within acceptable parameters.
- 8.4.16. As noted above the proposal to construct a 2 metre high wall along the boundary to the front garden of No.186 adjoining is excessive and I recommend that it be reduced to no greater than 1.8 metres as per condition 3 attached to the planning authority's notification of decision.

Construction Impact

- 8.4.17. I note the concerns raised with regard to the proposed construction works and associated hours of operation. There will inevitably be disruption during the course of construction, however this will be a short term impact and can be minimised to acceptable levels with appropriate standard working / construction procedures such as controlling construction hours, dust minimisation etc. Overall, I am satisfied that these matters can be dealt with by way of a suitably worded condition requiring the submission of a construction management plan for agreement. With the attachment of such a condition I do not consider that the construction phase of the development would give rise to an unreasonable impact on neighbouring properties in this instance.

Impact on Amenities of Adjoining Property – Conclusion

- 8.4.18. In conclusion, sufficient information has been provided with the application to allow a comprehensive and thorough assessment of the impacts of the proposal on neighbouring residential amenities as well as the wider area. I am satisfied that the proposal would not result in excessive overshadowing and would not have excessively overbearing impacts when viewed from the adjoining residential

property. Having regard to the assessment and conclusions set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the enjoyment or value of property in the vicinity.

8.4.19. Accordingly, the proposed development would comply with the zoning objective for these lands, as contained in the development plan and the proposed development should not be refused for reasons relating to impacts on neighbouring amenities.

8.5. Access and Traffic

I address the issue of access and legal interest in detail in the concurrent appeal. In summary I note:

- The existing car parking along the eastern site boundary is irregular and haphazard giving rise to conflicting vehicular movements in such close proximity to the junction of Stillorgan Road and Cranford Court access road.
- The proposed arrangement will provide for a level of order with designated pedestrian, parking and setdown facilities.
- The Travel Plan details measures to reduce car dependency. It is an initial plan which sets out the key infrastructural proposals and target modal splits. A survey of a nearby creche notes that 55% of children travel by foot/buggy and 45% by car.
- The quantity of child drop off by car is not the same as quantity of children that will attend the creche (77 no). Arrivals and departures will be distributed throughout the day.

I consider that the adjoining road network can accommodate the additional vehicular movements that would arise without give rise to vehicular or pedestrian safety concerns.

8.6. Appropriate Assessment - Screening

8.6.1. The application is accompanied by a Screening Report for Appropriate Assessment.

8.6.2. Having regard to the nature of the proposed development in an urban area which is served by public infrastructure including water supply and foul drainage arrangements, together the separation distance between the appeal site and the nearest Natura 2000 site (c.1.2 km) it is considered that no appropriate assessment

issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

10.0 Reasons and Considerations

Having regard to the Z1 residential zoning for the site in the current Dublin City Development Plan in which childcare facilities are permitted in principle, to the pattern of development in the vicinity and the scale, nature and design of the proposed development, it is considered that subject to compliance with the conditions set out below the proposed development would be acceptable in terms of scale, design and use and would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 particular submitted on the 1st day of February 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 childcare facility shall not be occupied until the parking, set down arrangements and pedestrian facilities permitted under appeal reference number ABP 310792-21 (planning authority register reference number D20A/0759) have been completed.

Reason: In the interest of clarity and pedestrian and vehicular safety.

3. The wall along the boundary to the front garden (south) of No. 186 Stillorgan Road shall not exceed 1.8 metres in height. The boundary wall along the boundary with the rear garden of No. 186 Stillorgan Road (north) shall not exceed 2.2 metres as measured on the application site.

Reason: In the interest of the residential and visual amenities of the area.

4. No additional development shall take place above roof parapet level, including air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

5. Details including samples of the materials, colour and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

6. The 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.

7. 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.

8. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.

9. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

10. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

11. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

12. 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. 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.

Pauline Fitzpatrick
Senior Planning Inspector

February, 2022