



An
Bord
Pleanála

Inspector's Report ABP-310603-21

Development	Conversion of existing garage and change of use and a section of the existing house at ground floor (circa 75sq.m) to Creche/Pre-School
Location	81, Rossmore Lawns, Templeogue, Dublin 6w
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD21A/0021
Applicant(s)	Dee Maher
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Paul Grennan
Observer(s)	none
Date of Site Inspection	6 th September, 2021
Inspector	Stephen Kay

1.0 Site Location and Description

- 1.1. The appeal site is located in the Rossmore residential development in Templeogue that is accessed off the Templeogue Road (R137) and approximately 1km to the north west of Junction 11 on the M50. The environs of the site are characterised by predominantly two storey semi-detached housing and the appeal site comprises a corner site at the junction of Rossmore Crescent which is a distributor road with no houses directly accessing onto it, and Rossmore Lawns.
- 1.2. The existing house on the site is a large detached two storey five bedroom house that has previously been extended to the rear and side (south). The stated area of the existing house is 317 sq. metres and the area of the ground floor of the house which is proposed to be the subject of the change of use to a creche is indicated as c.102 sq. metres. The existing house currently has an integrated garage area and the ground floor open plan area at the rear of the house was observed to be very large at the time of inspection.
- 1.3. The existing rear garden is bounded by walls to the south and east and there is an existing pedestrian access in the southern boundary that opens onto Rossmore Crescent.
- 1.4. The stated area of the appeal site is 0.65 ha.

2.0 Proposed Development

- 2.1. The proposed development comprises the change of use of part of the existing house on the site to use as a pre school. The specific works proposed comprise the subdivision of the ground floor of the existing house to provide for the pre school accommodation on the southern side of the floor plan including within the current garage area. Access to this area is proposed to be from the rear within the rear garden and the stated area of the pre school area is 75 sq. metres. There is proposed to be a reception area located inside the access from the rear garden and dedicated toilets are proposed. The total area of the proposed change of use is stated to be 102 sq. metres.

- 2.2. At first floor level no significant physical alterations or change of use is proposed. Part of the first floor landing is proposed to be changed to use as a walk in wardrobe which will require the blocking up of a window in the rear elevation at first floor level.
- 2.3. Access to the rear garden and to the proposed accommodation would be available via a pedestrian gate in the southern boundary accessing onto Rossmore Crescent and also potentially via the side passage gate to the front garden. The rear garden of the house is proposed to be sub divided with a play area of c.65 sq. metres proposed to be provided for the creche facility and approximately 110 sq metres of private amenity space retained with the existing house. Also, in the rear garden, it is proposed to construct a stand alone storage unit with an area of 27sq. metres which would be used for the storage of play equipment. The drawings indicate that the rear garden would have a line of fabric canopies to provide shelter to the rear garden area.
- 2.4. The nature of the proposed childcare / creche facility is described as a naionra, providing pre school supervision and education through Irish. The facility is proposed to operate on a sessional basis with the first from 8.30 to 11.30 am and a second from 12.00 to 03.00PM.
- 2.5. To the front of the site, the submitted plans indicate that there is space for 3 no. off street parking spaces and an autotrack analysis of access to these spaces has been submitted.
- 2.6. Signage to the side elevation facing Rossmore Crescent is proposed. The sign is indicated as being 1200 by 400mm. A sign is also indicated on the pedestrian entrance to the site from Rossmore Crescent which is proposed to be fitted with a new timber gate.

3.0 Planning Authority Decision

3.1. Further information

Prior to the issuing of a Notification of decision the Planning Authority requested further information on the following:

- Details of the number of staff who will work at the facility.
- Submission of a traffic survey of the traffic flow through the junction to the south west of the site and a drawing showing the provision of additional drop off spaces along the Rossmore lawns or Crescent frontages.
- Submission of a Tusla registration certificate stating the maximum number of children that can be accommodated.

The following is a summary of the information / revised details were received by the Planning Authority in response to the request for further information:

- 12 hour 07.00 to 19.00 hrs traffic survey of the junction to the south west of the site.
- Proposed to provide set down parking on Rossmore Crescent to the south of the site with the location influenced by the traffic survey that indicates less existing parking in this area and lower traffic flows off peak. Proposed that 4 no. such spaces be provided but this could be increased if required.
- That the facility would have a maximum capacity of 22 no. children and three staff, including the operator. It is envisaged that staff would be from the local area.
- That Rossmore Crescent has sufficient street verge and footpath width to accommodate the proposed development. It comes within what is a local street rather than an arterial or link street as per DMURS and the provision of parking in this location would have the effect of traffic calming. The location of the drop off spaces is conveniently located relative to the drop off / pedestrian entrance to the facility.
- That the applicant is willing to accept a suitably worded condition regarding a contribution towards the cost of provision of the parking / set down spaces.
- That the number of staff would be 3 which meets the Tusla ratio of 1: 11 staff to pupil under the RCCE scheme.
- That under the ECCA scheme there is a requirement to provide 1.8 sq. metres of space per child which based on 22 children would require 39.6 sq.

metres. The plans show 42.5 sq. metres of teaching space and the overall floor area of the Naionra is 75.5 sq. metres.

- Letter submitted from educational advisor (Canavan Byrne) stating that they are advising the applicant regarding policies and requirements for the proposed facility.
- Letter from South Dublin County Council Childcare Committee setting out the process for an application for registration of a service with Tusla including desk assessment and on site assessment. Stated that it is understood not to be normal practice to be in receipt of a Tusla registration certificate prior to receiving planning permission.

3.2. **Decision**

The Planning Authority issued a Notification of Decision to Grant Permission subject to 5 no. conditions, the most significant of which are considered to be:

- Condition No. 4 requires the submission of full details of the traffic survey set out at Item 2(a) of the response to further information.
- Condition No.5 requires the payment of a financial contribution of €6,833.25 in accordance with the s.48 development contribution scheme.

3.3. **Planning Authority Reports**

3.3.1. Planning Reports

The initial report of the planning officer notes the content of the internal reports received and third party observations. Stated that there is no objection in principle to the form of development proposed, however concerns regarding the absence of a report from Tusla expressed, clarity regarding the number of staff working at the facility, and issues around the provision of parking noted. Further information recommended. A second report subsequent to the submission of further information recommends a grant of permission consistent with the notification of decision which issued.

3.3.2. Other Technical Reports

Parks and Landscape – No comments.

Roads and Transport – Initial report recommends further information relating to a traffic survey of the junction to the south west of the site, identification of drop off parking spaces on either Rossmore Crescent or Rossmore Lawns. Second report subsequent to the submission of further information response states that the Roads Department have no objection to the proposed development subject to conditions including the submission of details of the traffic survey referenced in the FI response.

Water Services – No objection.

Environmental Health – No objection subject to conditions.

3.4. Prescribed Bodies

Irish Water – No objection.

3.5. Third Party Observations

The following is a summary of the main issues raised in the third party observations submitted to the Planning Authority:

- That the development would alter the character of the area,
- Negative impact on amenity from noise and traffic,
- Inadequate provision of parking,
- Road safety issues,
- Need for development. Already 4 no. such facilities in the local area. There is a recent application for a similar development at Faughs GAA club c.350 metres away.
- That the signage would be out of keeping with a residential area.

4.0 Planning History

The following planning history is referenced in the report of the Planning Officer and is considered of relevance to the assessment:

Appeal Site

- South Dublin County Council Ref. SD06B/0028 – Permission granted by the Planning Authority for the retention of roof as constructed and as previously granted under ref. SD04B/0138.
- South Dublin County Council Ref. SD04B/0138 – Permission granted for alteration and extension to existing dwelling comprising 3 no. new bedrooms and new bathroom at first floor level over existing garage.
- South Dublin County Council Ref. S98B0431 – Permission granted for single storey extension to the rear of existing house.

Adjoining Site

- South Dublin County Council Ref. SD08A/0767 – Permission granted for two storey detached house to the side of No.1 Rossmore lawns on a site to the west of the current appeal site.

Other Sites

- South Dublin County Council Ref. SD20A/0331; ABP Ref. ABP-310136-21 – Permission granted by the Planning Authority for the change of use of the existing upstairs Club Hall for the operation of a Creche/Montessori for up to 20 children between the hours of 8am to 2pm, Monday to Friday. First party appeal against financial contribution determined 13th August, 2021.

5.0 Policy Context

5.1. Development Plan

The site is located on lands that are zoned Objective RES under the provisions of the *South Dublin County Development Plan, 2016-2022* with a stated objective *'to protect and / or improve residential amenities'*. A creche / childcare facility is listed as a use that is open for consideration on lands that are so zoned.

Policy C8 (a) states that *'It is the policy of the Council to support and facilitate the provision of good quality and accessible childcare facilities at suitable locations in the County.'*

Policy C8 Objective 3 states that it is policy *'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 management'*.

5.2. Natural Heritage Designations

The appeal site is not located within or close to any European sites.

5.3. EIA Screening

The form of development proposed is not of a class for the purposes of EIA. No screening for EIA is therefore required.

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the main issues raised in the third party appeal received against the development:

- That the scale and extent of the change of use proposed is excessive for a residential area.

- That the site is located at the junction of two busy roads and the proposed development will result in increased traffic and traffic congestion from both child collectors / drops and staff traffic.
- The development would lead to traffic safety issues from the increased volumes.
- That there are no mitigations proposed in the application to address traffic concerns.
- That the installation of cycle lanes on Wellington Road has led to increased traffic on Rossmore Road as traffic cannot park on Wellington Lane.
- That the current road layout cannot accommodate the volumes of cars that would be generated by traffic looking to park. The reference to three car parking spaces would not be adequate.
- That the assumption regarding the significant percentage of trips that will be by foot is over optimistic.
- That the nature and scale of the facility would result in significant noise especially during the summer when the children would be outside. There is no proper assessment of noise and the impact of the pergolas has not been properly assessed.
- That there are already 4 no. preschools in the area that provide 5 no. sessions per day. The demand for the proposed development has not been demonstrated. There is also the proposal by Faughs GAA (Ref. SD20A/0331) This proposal would be more appropriate given its location close to main roads and with parking available.
- That the signage proposed would be visually obtrusive and out of keeping with a residential area.
- That the addition of pergolas would further impact on the amenity of No.80 Rossmore Lawns.

6.2. Applicant Response

The following is a summary of the main issues raised in the first party response to the third party appeal:

- That there are currently no Naionra in the local area.
- That the Roads Department were supportive of the development and the applicant is happy to accept the recommended conditions.
- That the use proposed is permitted in principle under the zoning objective and the development was not objected to by the environmental health officer in their report.
- That the facility (naionra) will be closed during the summer and therefore the concerns regarding the noise during the summer from the open space area are unfounded.
- That 2 no. creche / Montessori facilities have closed in the local area in recent times and that letters of support from both of these facilities are submitted with the appeal response.
- That the signage and the changes to the structure will be appropriate for this residential area.

6.3. Planning Authority Response

Submission received by the Board on 7th July, 2021. Submission does not make any specific comments on the grounds of appeal.

7.0 Assessment

7.1. The following are considered to be the main issues in the assessment of this appeal:

- Zoning and Principle of Development
- Impact on Amenity
- Traffic and Parking
- Other Issues
- Appropriate Assessment

7.2. Zoning and Principle of Development

7.2.1. The appeal site is located on lands that are **zoned Objective RES** under the provisions of the *South Dublin County Development Plan, 2016-2022* with a stated objective *'to protect and / or improve residential amenities'*. A creche / childcare facility is listed as a use that is open for consideration on lands that are zoned for residential use and I consider that the form of development proposed is therefore acceptable subject to other relevant planning considerations, in particular those relating to residential amenity, being satisfactory. .

7.2.2. **Policy with regard to childcare** is set out at Chapter 8 of the development plan under the heading of community infrastructure. Policy C8 (a) states that *'It is the policy of the Council to support and facilitate the provision of good quality and accessible childcare facilities at suitable locations in the County.'* The appeal site is in my opinion in an accessible location either by foot from the local area, by car or by bus and the form of development proposed is therefore in my opinion consistent with this policy. With regard to the provision of childcare facilities within established residential areas, Policy C8 Objective 3 states that it is policy *'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 management'*. What constitutes a 'small scale childcare facility' is not defined in the plan and it could be argued that the proposed facility with a capacity of 22 no. children would be at the upper margins of what could be considered to come within this definition. Issues relating to noise and traffic are considered in more detail

below, and I therefore consider that subject to these issues being acceptable that the form of development proposed would be consistent with Policy C8 Objective 3.

- 7.2.3. The third party appellant contends that there is not a clear **demand or need** for the proposed facility and it is stated that there are already 4 no. preschools operating in the area. These existing facilities are not listed by the appellant and I note that the application does not detail the existing facilities and relevant capacities in the general environs of the proposed site and so as would enable an accurate assessment of capacity / demand to be undertaken.
- 7.2.4. With regard to demand and capacity I would highlight the following. Firstly, the form of development proposed is not a standard Montessori or creche facility. Rather the development is proposed to be a Naionra which provides sessions for children aged between 3 and 5 years through Irish and it is therefore of a different format and likely to appeal to different parents than other facilities. One of the submissions made to the Planning Authority is from the principle of the Bishop Shanahan National School on Orwell park in Templeogue which states that only a small number of the children attending the school come from local pre schools and that she is not aware of any other Naionra in the local area that would provide a similar service to the proposed development.
- 7.2.5. Secondly, on the issue of capacity of pre schools in the local area, I note that the first party response to the grounds of appeal includes letters from two childcare operators in the local area (Orwell Park Heights and Cypress Grove) which state that they are both closing in summer 2021 and that there is and will be a shortage of childcare places in the local area. Against this, as highlighted by the third party appellant, permission was granted in April 2021 for the provision of a Creche/Montessori for up to 20 children between the hours of 8am to 2pm, Monday to Friday at Faughs GAA club clubhouse which is located on Wellington lane approximately 500 metres from the appeal site. .
- 7.2.6. In making an assessment of demand there are a number of unknowns. It is not clear from the information provided what number of places were provided in the two facilities stated to be closing, the location of the 4 no. facilities cited by the third party appellant are not known and no childcare capacity assessment has been submitted with the application. On balance however, given the nature of the facility as a

Naionra that is different from other pre schools and the evidence of closure of existing facilities and demand as cited by the principle of a large local national school (Bishop Shanahan NS) I consider that there is evidence of demand for a facility of the form proposed in this general location.

7.3. Impact on Amenity

- 7.3.1. The third party appeal received which is from the occupant of the house to the north of the site at No.80 Rossmore Lawns, raises a number of issues of concern regarding the potential impact of the development on residential amenity. In particular issues regarding noise, visual amenity and traffic are raised.
- 7.3.2. With regard to noise, the appellant highlights that there is no noise assessment undertaken and that the impact of the proposed fabric canopies in terms of noise mitigation is not addressed by the applicant. This is correct, however I do not consider that the assessment of noise arising from a development of the form proposed would require a specific noise assessment to be submitted. In terms of likely noise impact, it should be noted that while the appellants property currently adjoins the appeal site, in the event of a grant of permission the open space area serving the childcare facility would be at the far side of the appeal site from his property and separated by the c.10 metre width of garden proposed to be retained for the house on the appeal site. While not specifically assessed, I consider that the proposed pergola structures and canopies proposed to be erected in the rear garden of the appeal site would have some positive impact in terms of noise attenuation. The boundary between the amenity area serving the childcare facility and that to be retained with the house at No.81 is not very clearly detailed by the elevational drawings submitted do indicate a timber screen and hedgerow of c.2 metres in height which, combined with the c.2 metre high block wall separating the appeal site from the appellants property would also act to mitigate noise impacts on the appellants property.
- 7.3.3. I note that the first party response to the grounds of appeal states that the facility (naionra) will be closed during the summer and therefore that the concerns expressed by the appellant regarding the noise during the summer from the open space area are unfounded. The initial information submitted with the application

does not clearly state an intention that the facility would not operate during the summer months and no condition to this effect was attached to the Notification of Decision issued by the Planning Authority. The application documentation does however highlight the connection between the proposed hours of operation and the opening hours of the primary schools in the area with the intention that the hours of operation of the two sessions proposed on site would match as far as practicable with the times of the local primary schools. In the event of a grant of permission it would be open to the Board to impose a condition requiring that the facility would not operate outside of the dates of the local primary schools and that details of the period of summer closure would be agreed in writing with the Planning Authority. On the basis of the information presented however and on foot of my inspection of the site I do not consider that the imposition of such a condition restricting operation is necessary.

7.3.4. The appellant raises concerns regarding the impact of structures on the site on the visual amenity of their property. Limited details of the scale of the proposed pergolas and canopies are provided with the application, however the side elevational drawings show a maximum height of these structures of c.4 metres. Given the separation of c.10 metres between the amenity area serving the naionra and the appellants rear garden I do not consider that the proposed structures would have any impact on the visual amenity of the appellants property. The pergola and canopy structures would be most visible from the south on Rossmore Crescent where they would appear likely to be clearly visible from the public road above the c. 2.2 metre high boundary wall. Subject to details of these structures being submitted for agreement with the planning authority I do not consider that the visual impact of the development from Rossmore Crescent would be significantly negative or out of keeping with the residential character of the area. .

7.3.5. Similarly, I note the issues raised by the appellant regarding the scale of the house on the appeal site and the impact that this has on his residential amenity. Any such impacts are however existing, and I do not consider that the proposal the subject of this appeal would result in any physical works which would have any impact on the amenity of the appellants property in terms of loss of light or other negative impact on amenity.

- 7.3.6. The proposed development includes for the provision of **signage** with a 1200 by 400mm sign proposed to be erected in the front garden of the house on the appeal site facing south towards Rossmore Crescent. The appellant contends that this signage would be visually obtrusive and out of keeping with a residential area. Given the scale of sign, the fact that it faces Rossmore Crescent which does not have direct accesses to residential properties and subject to the finishes and materials proposed, I do not consider that the proposed sign would have a significant negative impact on the visual or residential amenities of the area or on the established residential character of the area.
- 7.3.7. The proposed development would effectively sub divide the ground floor of the existing house on the site. I consider that the remaining residential accommodation is acceptable in scale and layout. Open space is proposed to be provided to the rear of the house with a total of 110 sq. metres proposed to be provided. The house is large with a total of 5 no. bedrooms however I consider that this open space provision is sufficient to ensure a satisfactory standard of residential amenity for occupants.
- 7.3.8. The proposed development incorporates the provision of a store building at the eastern end of the site within the open space area to serve the naionra. This structure is indicated as having a ridge height of 3.5 metres and would bound the area of public open space located to the east of the site. The scale and design of this structure is in my opinion acceptable and such that it would not impact negatively on the residential or visual amenities of the area.
- 7.3.9. In terms of internal layout, the naionra is proposed to provide a total of 42.5 sq. metres of teaching space and, based on the information submitted in response to the request for further information, this would meet the ECCA requirement of 1.8 sq. metres of space per child. Provision for a reception area, toilets / welfare areas and also outside space for the storage of bikes and scooters is proposed to be provided and the extent of these areas are in my opinion satisfactory. I note that the request for further information required that evidence of a Tusla registration would be submitted, however on the basis of the information available, such a requirement is not standard in advance of a grant of planning permission. Registration of the service will be required in advance of operation and will require a desk based and on site assessment. On the basis of the information provided, the scale of teaching

space available is adequate to cater for the number of students proposed and I do not consider that there is any basis to conclude that the proposed layout would not meet the requirements of Tusla.

7.4. Traffic and Parking

- 7.4.1. The issue of parking and accessibility to the site was raised in a number of third party observations raised with the Planning Authority and is a central concern in the submitted appeal. The main concerns raised relate to increased traffic congestion, inadequate parking / set down areas and safety issues.
- 7.4.2. Cycle parking standard as per Table 11.22 for a crèche is 1 no. space per 5 staff and 1 no. space per 10 children for short stay parking. The proposed development is consistent with this requirement. Parking standards for a creche facility are set out at Table 11.23 of the plan and require 1 no. space per classroom within Zone 1 areas which is outside of a 400 metre radius of train or high capacity bus route.
- 7.4.3. The layout of the proposed development provides for 3 no. identified car parking and an autotrack analysis has been submitted showing how cars can access and exit the site in forward gear from these spaces. These spaces are in my opinion sufficient to cater for the needs of the residential accommodation and proposed 3 no. staff members for the naionra having regard to the fact that parking demand for the two uses on the site will not significantly overlap. With regard to set down spaces for the drop off and collection of children, the issue was the subject of a request for further information. The response to this request indicates the provision of 4 no. parallel parking bays on the Rossmore Crescent frontage of the site with tapered hatching at each end of the parking spaces indicated on the submitted Site Plan (Drg. No. NRB-RFI-001). The number of spaces required is dependant on the numbers who will seek to drive to the facility rather than the walk. Even if the majority of demand is from the local area as asserted by the first party, I consider it likely that the majority of users of the facility will seek to drive, especially if they are looking to do dual purpose trips with local schools as referenced by the first party. The provision of 4 no. spaces is in my opinion likely to be sufficient given the turnover of spaces and demand generated by each session of 22 no. children maximum. Additional parking

could be provided on Rossmore Crescent and drop off / collections could also be facilitated by on street parking on Rossmore Lawns.

- 7.4.4. With regard to the design of the drop off spaces on Rossmore Crescent, the layout would reduce the carriageway width to c.5 metres and therefore be such as to potentially restrict two cars from passing at the point of the set down area when the spaces are in use. While Rossmore Crescent has the character of a link street or distributor road with no houses directly accessing onto it, the road is essentially a local access as it does not cater for any through traffic. I do not therefore consider that the proposed narrowing of the carriageway would have a significant negative impact on the capacity of this street or would negatively impact on its function. The proposed layout may have positive impacts in terms of reduction in speeds and traffic calming.
- 7.4.5. I note the fact that as part of the request for further information the applicant was requested to undertake a traffic survey of the Rossmore Lawn / Rossmore Crescent area. The response submitted indicates that this survey indicates that traffic on the two roads is roughly equal, however contrary to the statement in the response no details of the survey results were submitted. Condition No. attached to the notification of decision requires the submission of full details of the traffic survey set out at Item 2(a) of the response to further information. From the description of the survey results provided it would appear that the off peak traffic flows on Rossmore Crescent are lower and that there is less existing on street parking. These observations were reflected in my observations of the area at approximately mid-day where traffic flows were low and there was no on street parking on Rossmore Crescent in the vicinity of the site.
- 7.4.6. Having regard to the above, on the basis of the information presented and my observations of the site I consider that adequate provision for set down and collections have been made in the proposed layout and that the layout would not have a significant impact on traffic safety or congestion in the vicinity of the site. Contrary to the statement of the appellant, mitigations to address traffic is proposed in the development, specifically in the form of the proposed set down area on Rossmore Crescent which would be conveniently located relative to the site access.

7.5. Other Issues

- 7.5.1. With regard to financial contributions, I note the fact that the first party states that they are willing to accept a suitably worded condition regarding a contribution towards the cost of provision of the parking / set down spaces. No such condition was attached to the notification of decision issued and no such condition was recommended in the report of the Roads Department on the further information response. Given that the proposed layout would require the provision of road markings on the public road it is considered appropriate that the cost of these works would be borne by the developer in this case and the nature of the works required are such that they would not come within the scope of the s.48 development contribution scheme. In the event of a grant of permission it is therefore recommended that a special financial contribution condition would be attached for the payment of an unspecified amount to be agreed between the applicant and the planning authority to cover the cost of the required works.
- 7.5.2. The notification of decision issued does not prescribe any hours of operation for the proposed facility. Given the potential traffic implications of the operation of the facility up to the event peak it is recommended that the facility would be conditioned to operate on a sessional basis with hours of operation limited to between 8.30 and 15.00 hrs.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. Having regard to the above it is recommended that permission be granted based on the following reasons and considerations and subject to the attached conditions.

9.0 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.

10.0 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 particulars submitted on the 30th 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 permitted childcare facility shall not operate outside the period of 0830 to 1500 hours Monday to Friday inclusive except public holidays, and shall not operate on Saturdays, Sundays, or public holidays.

Reason: In the interest of residential amenity.

4. 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.

5. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0900 to 1300 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.

6. 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 29th March, 2021 and referenced in the response received by the Planning Authority on 30th April, 2021.

Reason: In the interests of clarity.

7. 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.

8. Prior to the commencement of operation of the permitted facility details of the permitted signage shall be submitted for the written agreement of the planning authority.

Reason: In the interests of visual and residential amenity.

9. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of the demarcation of parking spaces on Rossmore Crescent as indicated on the site Plan received by the Planning Authority on 30th April, 2021. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

10. The developer shall pay to the planning authority a financial contribution of €6,833.25 (six thousand eight hundred and thirty three euro and twenty five cent) 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.

Stephen Kay
Planning Inspector

27th September, 2021