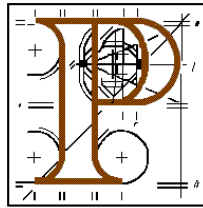


## An Bord Pleanála



## Inspector's Report

**Development:** Conversion of existing domestic garage to Sessional Montessori Play School with the extension of same and the upgrading of the existing sewerage treatment system at Kilcarn, Navan, Co. Meath

### Planning Application

Planning Authority: Meath County Council

Planning Authority Reg. Ref.: NA/140233

Applicant: Paula O'Brien

Type of Application: Permission

Planning Authority Decision: Grant Permission

### Planning Appeal

Appellant (s): 1. Frank Burke

2. Ann Gibbons

Type of Appeal: Two 3<sup>rd</sup> Party

Observers: None

Date of Site Inspection: 24<sup>th</sup> January 2015

Inspector: Fiona Fair

Appendices: Site location Map  
Photographs  
Excerpts from the Meath County  
Development Plan 2013 – 2019  
Excerpt from the Childcare Guidelines for  
Planning Authorities, 2001

## **1.0 SITE DESCRIPTION**

The appeal site is located in the rural townland of Kilcarn circa. 1.5 Km south of Johnstown Village, to the east of Navan in County Meath. The local county road is narrow and very busy with significant one off housing development adjoining the appeal site. The entrance to the appeal site is located east of a bend in the road.

There is an existing detached dormer dwelling of recent construction on site, with dormer detached garage located to its rear (south). The dwelling is set back on the site approx. 30m from the adjoining public road and a narrow driveway, allowing one direction traffic, with electronic gated entrance serves the host dwelling.

The site boundaries are defined by mature hedgerows. The appeal site is bounded to the north by the narrow Local Public Road, to the east by semidetached dwellings and to the south and west by open agricultural / grazing lands.

## **2.0 PROPOSAL:**

Planning Permission sought for:

- Conversion of existing domestic garage to Sessional Montessori Play School extension of same and the upgrading of the existing sewerage treatment system.

Significant further information/revised plans was submitted on this application. The applicant has submitted a revised site layout plan indicating a widening of the entrance to accept 2 way traffic.

- Existing garage 75.2 sq. m
- Extension 26.2 sq. m
- 104 sq. m of rear garden to be used as a play area.

Information submitted by way of further information attached to the file indicates that the development will cater for 10 children potentially increasing to 16 over a 5 year period. There will be only one staff member; possibly rising to two over a 5 year period. Three designated car parking spaces, to serve the childcare facility, are proposed on site with a set down area. One additional car space is proposed to serve the host dwelling. It is proposed to widen the existing driveway and entrance.

### **3.0 PLANNING AUTHORITY'S DECISION**

The planning authority requested further information with respect to (i) no. of children to be catered for at the facility (ii) predicted / proposed traffic movements on a daily basis (iii) response to submissions / objections received and (iv) visibility / sightlines at the entrance.

Meath County Council subsequently granted full planning permission subject to 15 no. conditions. Conditions of note include:

#### **Condition No 3**

The maximum number of children that shall be accommodated in the childcare facility at any one time is restricted to 16.

#### **Condition No 4**

Relates to the waste water treatment and disposal system

#### **Condition No 5**

Entrance to the site shall be as per site layout plan submitted to the planning authority on the 28<sup>th</sup> August 2014.

## **4.0 TECHNICAL REPORTS**

### **4.1 Planners report:**

The report indicates that the planning authority is satisfied with the proposal, given the nature and scale of the development. It is considered acceptable in terms of residential amenity and traffic.

### **4.2 Transportation Planning Section:**

Subject to further information being submitted, report indicates no objection to the proposal.

### **4.3 Objections**

A number of objections were received by the planning authority objecting to the proposed change of use. The concerns raised are similar to the concerns raised in the subject appeal as summarised below.

## **5.0 APPEAL GROUNDS**

**5.1** A third party appeal has been lodged by Ann Gibbons Skara Stud, Kilcarn, Navan. The grounds of appeal are summarised as follows:

- Proximity of the proposed development to Bloodstock Business
- Noise from both traffic and school children would negatively impact upon thoroughbred mares and sensitive foals
- The size of the proposed play school is excessive to cater for up to 16 children
- The size and location of the outdoor play area is excessive and located too close to neighbouring bloodstock lands
- Concern with respect to sessional nature of the play school and its operation twice daily.
- The public access road is substandard.
- The Montessori school is remotely located and there are 17 Montessori schools servicing the area of Kilcarn and Johnstown.
- The location collection points are unrealistic
- Inadequate car parking proposed

- Concern with respect to the sewerage system and its potential to cater for up to 25 persons
- The playschool is located approx. 16 m from a 3 phase electricity cable – safety implications
- Negative visual impact & inappropriate rural setting
- Appeal accompanied with report by RH Building Consultants (raises similar issues to those set out above) and photographs

**5.2** A third party appeal has been lodged by Frank Burke of Gerardstown, Navan, Co. Meath. The grounds of appeal are summarised as follows:

- The proposal is contrary to the Meath County Development Plan 2013 – 2019
- Kilcarn is a rural un-serviced area located approx. 1.5 Km from the designated settlement of Johnstown. It is not an appropriate location for a childcare facility as per section 5.8 of the CDP.
- The proposal is contrary to SOL POL 24 and SOL POL 25 set out in the CDP
- The no. of set down spaces proposed is inadequate
- Loss of the garage use will have negative impact upon residential amenity afforded to the host dwelling.
- A dedicated external play area is required.
- The size of the playschool is excessive for the stated / proposed number of children to be cater for.
- Proposed parking / vehicular movement provision is inadequate
- Proposed facility could generate 120 trips per day (2 sessions with 16 children at a rate of 2 trips per child per session)
- This is a rural area with no public transport
- Inadequate sightlines and stopping distance at the entrance – traffic hazard
- The sewerage treatment system at 10 BOD equivalents has not been designed to cater for the full potential of the proposed development
- No need for the facility – there are 13 childcare facilities listed by the HSE in the Johnstown / Athlumney area and a further 29 in the Navan Town & environs.

- Precedent set by NA60289 / PL219558 at Gerardstown, Garlowcross, Navan must be taken into account. In the interests of consistency and fair play. Believe that the Council should have applied the same considerations in respect of the safety aspects of the receiving road.

## **6.0 RESPONSES**

### **6.1 Planning Authority Response**

A response to the appeal has been submitted. It is summarised as follows:

- SOC POL 24 relates. The site is relatively close to Johnstown and the intention to use a mini bus to transport kids to the local schools where required is noted.
- Having regard to the nature of the facility proposed it is considered acceptable subject to condition restricting the number of children to 16 maximum occupancy
- There is no transportation objection

## **7.0 PLANNING HISTORY**

**7.1 Reg. Ref. NA60343** Permission *Granted* for Change of house type from bungalow to dormer style dwelling from that previously granted under planning application ref. no. NA50400

**7.2 Reg. Ref. NA50400** Planning Permission *Granted* for a bungalow style dwelling with detached domestic garage, install a proprietary sewerage treatment system and form new entrance from public road.

**7.3 Reg. Ref. NA50163** Planning permission *refused* for the construction of a bungalow style dwelling with detached domestic garage, install a proprietary sewerage treatment system and form new entrance from public road.

## **8.0 NATIONAL POLICY:**

### **Childcare Facilities - Guidelines for Planning Authorities, June 2001.**

In particular section:

3.0 Development Control and related standards for Childcare facilities.

3.2 Development Control

The following criteria should be applied in the assessment of the suitability of childcare facilities irrespective of location:

- Have regard to the Child Care (Pre-School Services) Regulations, 1996, in relation to the planning implications of these Regulations.
- Suitability of the site for the type and size of facility proposed.
- Availability of outdoor play area and details of management of same.
- Convenient to public transport nodes.
- Safe access and convenient parking for customers and staff.
- Local traffic conditions.
- Number of such facilities in the area.
- Intended hours of operation

## **9.0 LOCAL POLICY**

**9.1** The appeal site is located in a rural area 1.5 Km from Johnstown Village, the Meath County Development Plan 2013 – 2019 is the statutory Development Plan.

Section 5.8 Childcare Facilities is of relevance.

Section 11.9 Car Parking Standards

SOC POL 24:

SOC POL 25

## 10.0 ASSESSMENT

I have read through the file documentation, the relevant provisions of the Development Plan and have carried out a site inspection. In my judgement the principle factors for consideration in this appeal relates primarily to:

- **Principle of the proposal**
- **Scale of Proposal**
- **Impact upon amenity**
- **Traffic Impact**
- **Appropriate Assessment (AA)**

### 10.1 Principle of the Proposal

The appeal site at Kilcarn is located in an un-serviced rural area, approx. 1.5 Km from Johnstown Village to the south east of Navan. It is submitted that the applicant proposes to extend (26.2sq.m) and convert an existing detached garage (75.2 sq. m) to a sessional Montessori (101.4 sq. m) operational during the hours of 9 am – 12 noon, Monday to Friday for 3 – 5 year olds. It is submitted that in the future a session may be introduced in the afternoons. And by way of further information the first party has indicated that it is proposed to cater for 10 children potentially increasing to 16 over a 5 year period. There will be only one staff member; possibly rising to two over a 5 year period.

I note the planning authority report states: *‘...there is an existing similar facility relatively close and as such a precedent for this type of development has been set...It is considered that the facility (on the basis of the numbers provided) would be relatively low in intensity (particularly that child minding of 6 children would be exempt) and thus there is no objection in principle to the development’.*

I do not concur with the opinion of the Planning Authority in this regard, in the first instance I highlight that Childcare Facilities – Guidelines for Planning Authorities’ identify appropriate locations for childcare facilities including in the



vicinity of concentrations of work places, of schools, of neighbours, district and town centres and adjacent to public transport corridors, park-and-ride facilities, pedestrian routes and dedicated cycle ways, the subject development is contrary to such principles. It is my opinion that the subject development for a sizable, standalone sessional childcare facility in this rural un-serviced area would represent an unsustainable form of development. I am mindful of the additional traffic that would be generated; that the childcare facility would rely on an effluent treatment system and polishing filter; and that childcare facilities are more appropriately located in town/village centres, where a critical mass of demand would exist. In forming this opinion I have had regard to policies SOC POL 24 and SOC POL 25 of the County Development Plan 2013 -2019.

SOC POL 24 states: *'To permit childcare facilities of appropriate size and scale in rural locations adjacent to development clusters, community and educational facilities provided that they do not to have a significant impact on the character or amenities of an area, particularly with regard to car parking, traffic generation and noise disturbance and subject to satisfying environmental standards and the needs of the community. Such facilities must generally:*

- be required to locate within community/educational campuses, where purpose built childcare facilities are being provided;*
- retain a significant residential element where proposed facilities relate to properties which have been designed and built as dwellings'.*

Having regard to the rural location of the subject site and to policy SOC POL 24 of the Meath County Development Plan, which is considered reasonable, it is considered that the site of the proposed development would not constitute an appropriate location for the establishment of a new child-care facility. Traffic issues will be considered in detail later in this report.

## **10.2 Scale of Proposal**

Third parties to the appeal have raised concern with respect to the size and scale of the development proposed (101.4 sq. m) and the need for same.

Regard is had to Appendix 1 – General Standards of the Childcare Guidelines for Planning Authorities, 2001.

I note that the 2.32 sq. m referred to in the application relates to full day-care childcare facilities for 2 – 6 year olds. The Guidelines state: *‘for full day care Minimum floor space per child: 2.32 m<sup>2</sup>, exclusive of kitchen, bathroom and hall, furniture or permanent fixtures... However In relation to drop-in and sessional services, for pre-school children the Explanatory Guide to the Child Care (Pre-School Services) Regulations, 1996 recommends the following:*

- *Clear floor space per child: 2.00 m<sup>2</sup>, exclusive of kitchen, bathroom and hall, furniture or permanent fixtures’.*

Given the open plan area (classroom) proposed i.e. the clear area of 11m x 4.3m = 47.3 sq. m I calculate in the region of 23 childcare places could be accommodated per session or 46 on a daily basis, should the afternoon session commence. I note that the planning authority seeks via condition to limit childcare places to 16 no. maximum. However given the floor area proposed could accommodate well in excess of the number permitted I would consider that the scale of the proposal is excessive at this location and would likely facilitate a greater number of childcare places than that permitted, or indeed appropriate, for a rural area. I would also have concern with respect to intensification of the facility to cater for afternoon sessional child care.

Note. The ground floor plan drawings scale 1:50 submitted indicates 21 children (2 – 3 years) at 2.23 sq. m per child. This information is at variance with that set out by the applicant by way of further information submitted, indicating that 10 children are to be catered for initially, to potentially increase to 16 over a 5 year period. The figure of 2.23sq.m per child would appear to be an error.

I note the concern raised by third parties to the appeal with respect to the sewerage treatment system and its potential to cater for additional loading. The applicant is proposing to upgrade the existing wastewater treatment system to cater for the additional effluent arising. I note that the polishing filter

is adequate in area and the proposal to the upgrade the existing treatment plant to a 10PE. The planners report notes that there is no objection to the proposal from a public health perspective. Given my overriding concerns with regard to the principle of the proposal and my recommendation that planning permission be refused on fundamental grounds I do not propose to further dwell on this matter.

### **10.3 Impact upon amenity**

A third party to the appeal has concern that noise from both traffic and children associated with the proposed development would negatively impact upon Bloodstock Business (thoroughbred horses / mares and sensitive foals) given the proximity of the development to the third party's business.

Traffic associated with the proposal is discussed in detail below in the succeeding section of this report. Given the nature of the development proposed, sessional childcare, cognisance to the outdoor play area, drop off and pick up traffic noise, to existing boundaries in place and separation distances involved. I do not consider that the proposed development if permitted would have a significant negative impact upon surrounding amenity in terms of noise or would have a detrimental impact upon the neighbouring stud farm.

I also do not agree that an extension to the garage such as that proposed, located to its rear and finished to match with existing, would have a detrimental visual impact.

### **10.4 Traffic**

I note the intention of the applicant to transport children from the local school and from Johnstown via a collection and drop off system where required. I would have concern regarding the viability of such a proposal, as it is indicated that the facility would operate with just one staff member. I consider the proposal of one staff member to manage the collection and drop off of children in addition to parents dropping off to the facility flawed. Also the childcare facility proposed is a sessional Montessori for children aged 3 – 5

year olds and therefore pre-schoolers, not associated in any way with the schools in the area. Therefore the workability of a collection and drop off service is in my opinion seriously questionable.

Cognisance is had that some children may have siblings attending school locally, however, in general I consider it would be more convenient for parents to drop off to the childcare facility at a time which suits them, rather, than dropping to a collection point and being restricted to a specific time.

The planning authority has restricted the number of children per session to 16, by way of condition in the draft decision. While I note the applicant's intention to initially cater for 10 children for one session per day and build the business over the next five years I calculate that it is conceivable that an additional 64 car trips could be generated per day by the facility.

I consider that such traffic movements in a rural area on a local road should be discouraged as a matter of principle given the lack of opportunities for multi-trip efficiency.

Compounding the above is the rural location of the childcare facility, on a narrow busy county road with significant one off housing. The entrance is located on a bend and cognisance being had to the amendments proposed by way of further information i.e. widening of the access to accept 2 way traffic, there is substandard stopping distance for cars travelling from Navan / Johnstown. The area engineer notes that the acceptable forward stopping sight distance here is 90m, the further information submitted indicates a 65m stopping distance. I consider this is unacceptable in particular whereby pedestrian access is not a feasible alternative to vehicular transport (given the generally dispersed nature of dwellings in the area). Further, I note that no footpath exists along the road serving the site, nor is an acceptable level of street lighting provided for pedestrians.

Following from the above, I do not consider the proposed additional traffic movement generated by the proposal would be appropriate having regard to the character of this rural area.

## **10.5 Appropriate Assessment (AA)**

The appeal site is located approx. 5.1Km from the River Boyne / River Blackwater SAC and SPA. It is considered that the proposed development would not give rise to any significant adverse direct, indirect or secondary impacts on the integrity of any nearby Natura 2000 sites having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

## **11.0 RECOMMENDATIONS**

I have read the submissions on file and visited the site and surrounding area, and had due regard to the provisions of the Development Plan, national guidance on childcare facilities and all matters arising. Following from this I conclude that planning permission for development should be refused for the reasons and considerations outlined below.

## **12.0 REASONS AND CONSIDERATIONS**

1. Having regard to the rural location of the subject site and to Policy SOC POL 24 which states: *'To permit childcare facilities of appropriate size and scale in rural locations adjacent to development clusters, community and educational facilities provided that they do not to have a significant impact on the character or amenities of an area, particularly with regard to car parking, traffic generation and noise disturbance and subject to satisfying environmental standards and the needs of the community...'* which is considered reasonable, it is considered that the rural un-serviced site location, approx. 1.5 Km south of Johnstown Village, would not constitute an appropriate location for a sessional child care facility of the size and scale proposed and would militate against the preservation of the rural environment. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development would endanger public safety by reason of obstruction of road users arising from the increase in traffic movement on the local road that it would generate and also there is substandard stopping distance for cars travelling from Navan / Johnstown towards the entrance. The development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Fiona Fair  
Planning Inspector  
26<sup>th</sup> January 2015