



## Board Direction

**Ref: PL29S.246208**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27<sup>th</sup> May 2016. The Board decided to make a split decision, to:

- (1) grant permission, subject to conditions, in accordance with the reasons and considerations marked (1) under, for the use of Unit 6 as a crèche/childcare facility, and
- (2) refuse permission, generally in accordance with the recommendation of the Inspector and in accordance with the reasons and considerations marked (2) under, for the use of Unit 5 as a food take-away premises.

In deciding not to accept the Inspector's recommendation to refuse permission for the childcare facility, the Board considered that a crèche located within a substantial apartment development would be of benefit to the community, and furthermore, had regard to the planning history of the site, whereby An Bord Pleanála appeal reference number PL29S.203642 (planning register reference number 1408/03) required under Condition 8 that appropriate childcare facilities be provided. The Board did not share the Inspector's concerns in relation to traffic in this city centre location, where permission already exists for the use of this unit for retail purposes. The Board was satisfied that other concerns in relation to the level of crèche occupancy, and the use of open space to serve it, could be addressed by means of condition.

### REASONS AND CONSIDERATIONS (1)

Having regard to the nature and scale of the proposed childcare facility, the pattern of development in the vicinity, and the planning history of the overall development at this location, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### CONDITIONS

1. PlansPartic incl. FI

2. The number of children to be accommodated within the premises shall not exceed 36 at any time on any day.

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

3. The proposed childcare facility shall not operate outside the period of 08:00 to 18:00, Monday to Friday inclusive, except public holidays, and shall not operate on Saturdays, Sundays or public holidays.

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

4. A management plan for the outdoor play area, including hours of operation, shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

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

5. Details of the unit frontage, including the proposed fascia sign, shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of the visual amenities of the building and of the area.

6. RetailAd 2 (“No additional advertisement...”)

## **REASONS AND CONSIDERATIONS (2)**

Having regard to the nature, layout and location of the proposed food takeaway premises, in particular the inadequate arrangements for ventilation, its proximity to apartments and to private shared amenity areas serving them, and the lack of a dedicated easily accessible bin storage area, it is considered that the proposed change of use would have a significant adverse impact on residential amenity by reason of noise, odour and conflict with the residential use of the rest of the site. The proposed development would, therefore, seriously injure the amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

*Please issue notices to the parties in respect of Section 34(13) of the Planning and Development Act, 2000.*

Board Member: \_\_\_\_\_ Date: 27<sup>th</sup> May 2016  
Fionna O’ Regan