

An
Bord
Pleanála

Board Direction
BD-014553-23
ABP-314005-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/11/2023.

The Board decided to make a split decision, to

- (1) grant permission, for the **erection of a steel shed for use as a store, all with associated site works.** for the following reasons and considerations and subject to the following conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. 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 and to ensure a proper standard of development.

and

- (2) refuse permission for the **(A) The use of the ground floor of the existing dwelling as a childcare/Montessori Centre, and (B) The erection of a steel structure for use as a shade/covered play area.**

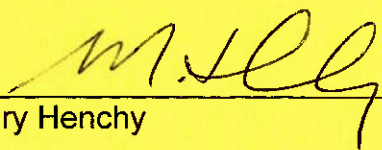
Generally, in accordance with the inspector's assessment. The Board concurred with the Inspector that the traffic generated by the activity detracted from the residential amenity of the area, the Board also considered that the intensification of this use in a semi-detached dwelling detracted from the residential amenity of the adjoining property due to the scale of the operation this the Board concluded did not accord with the objectives in the Clare County Development Plan. Permission is therefore refused for the following reasons:

1. The site of the subject development is located in an area subject to the zoning objective 'Existing Residential' in the Clare County Development Plan 2023-29, where the objective includes *to conserve and enhance the quality and character of the areas, to protect residential amenities*. Furthermore, it is a policy of Clare County Development Plan 2023-29 as set out in Section 10.17.1 which refers to Pre-School/Childcare Facilities to permit childcare facilities in existing residential areas provided that it is balanced with the protection of residential amenities and the retention of the character of the area. It is advised under section A1.4.3 of the Plan that sessional or after-school care which is ancillary to the main residential use is more appropriate in the context of semi-detached properties. Accordingly, having regard to the significantly increased scale and intensification of the childcare/Montessori centre over that which was permitted under planning permission register reference number P04/626, and to the limited residential use on site, it is considered that the development for which retention is sought seriously injures the amenities of residential property in the vicinity and therefore is contrary to the proper planning and sustainable development of the area.

2. Having regard to the number of staff employed and the number of children facilitated on the site, and the significant deficiency in the provision of car parking, it is considered that the traffic volumes and movements associated with the proposed use of the ground floor of the existing dwelling as a childcare/Montessori Centre in conjunction with the existing permitted childcare facility on site, together with the hours of operation of such a facility, would lead to unacceptable levels of traffic

within this residential area, and would give rise to haphazard vehicular stopping and parking practices and turning movements thereby resulting in the obstruction of other road users, would endanger public safety by reason of traffic hazard, and would seriously injure the residential amenity of the occupants of nearby housing by reason of increased levels of traffic, noise, and general disturbance. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Board Member:



Mary Henchy

Date: 13/11/2023