

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Fingal County

Planning Register Reference Number: FW16A/0065

An Bord Pleanála Reference Number: PL 06F.247466

APPEAL by Jarlath Lynn care of Hughes Planning and Development Consultants of The Mash House, Distillery Road, Dublin against the decision made on the 28th day of September, 2016 by Fingal County Council to grant subject to conditions a permission to Fiona and Marc Bowe care of Peter W. Rafter Architects Limited of “Glandore”, College Road, Castleknock, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Part change of use from dwelling to pre-school incorporating single storey extension to side and front, single storey kitchen extension at rear and new pedestrian entrance on north boundary to facilitate the pre-school along with new set down area at curb on Castleknock Manor and associated site works at 89 Peck’s Lane, Castleknock, Dublin, as amended by the further public notice received by the planning authority on the 2nd day of September, 2016.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the Zoning Objective "RS" for the area and the pattern of residential development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Fingal County Development Plan 2011-2017 and the 'Childcare Facilities - Guidelines for Planning Authorities' issued by the Department of the Environment, Heritage and Local Government in June, 2001 and Departmental Circular PL3/2016, would not seriously injure the amenities of the Peck's Lane neighbourhood 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.

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 24th day of August 2016, 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. This is a temporary permission only, and shall expire five years from the date of the final grant of permission, unless by that time permission for its retention has been granted by the planning authority or by An Bord Pleanála on appeal.

Reason: To permit the planning authority re-assess the situation in light of the circumstances at this time.

3. The external finishes of the proposed pre-school, including roof tiles/slates, shall be the same as those of the existing dwelling in respect of colour and texture. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual and residential amenity.

4. The proposed childcare facility shall not operate outside the period of 0900 hours to 1200 hours and 1230 hours to 1530 hours Monday to Friday inclusive, and shall not operate on Saturdays, Sundays or public holidays.

Reason: In the interest of residential amenity.

5. The number of children to be accommodated within the premises shall not exceed 22 number at any time on any day or 22 number in any session.

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

6.
 - (i) Only the area indicated as the pre-school within drawing number 1616/PL02 submitted to the planning authority on the 4th day of May, 2016 shall be used as a pre-school and shall not be used for any other commercial use/purpose.
 - (ii) The use as a pre-school shall be operated by a resident of the main dwelling.
 - (iii) The part of the house used as a pre-school shall not be separated from the main house. In particular, it shall not be sold or let independently of the main house and, when no longer required for use as a pre-school, use of that part shall revert to use as part of the main house.

Reason: To prevent unauthorised development, and in the interest of residential amenity and the proper planning and sustainable development of the area.

7. A register of attendance of the pre-school shall be maintained by the provider, which shall be made available for inspection, at the request of the planning authority.

Reason: In the interests of orderly development and the protection of residential amenity.

8. No advertising signs or structures shall be erected, except those which are compliant with the exempted development provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, without the prior approval of the planning authority.

Reason: In the interests of orderly development and of visual amenity.

9. (i) No set-down parking shall be facilitated within the curtilage of the site. All parking within the curtilage shall be restricted to staff car parking and parking for the existing residential use, and parents shall be informed of this.
- (ii) All works shall be carried out at the developer's expense and to the requirements of the planning authority.

Reason: In the interests of traffic safety and orderly development.

10. The secure outdoor play area shown on drawing number 1616/PL10, submitted to the planning authority on the 24th day of August, 2016 shall be provided for the use of children attending the pre-school facility, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity and safety.

11. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interests of public health and to ensure a proper standard of development.

12. 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, provision of adequate off carriageway parking facilities for all traffic associated with the proposed development, measures to prevent and mitigate the spillage or deposit of debris, soil or other material on the adjoining public road network, and off-site disposal of construction/demolition waste.

Reason: In the interests of public health and safety and residential amenity.

13. The developer shall be responsible for the full cost of repair in respect of any damage caused to any adjoining public roadway arising from the construction work, and shall make good any such damage, to the satisfaction of the planning authority.

Reason: In the interest of the proper planning and sustainable development of the area.

14. All waste generated during construction, including surplus excavation material to be taken off-site, shall be only recovered or disposed of at an authorised site which has a current Waste Licence or Waste Permit in accordance with the Waste Management Acts, 1996 to 2008. This shall not apply to the reuse of excavated material within the applicants site boundary.

Reason: In the interest of sustainable waste management and orderly development.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017.