



An
Bord
Pleanála

Board Order
ABP-306606-20

Planning and Development Acts 2000 to 2019

Planning Authority: Fingal County Council

Planning Register Reference Number: F19A/0542.

Appeal by Michelle Keegan care of Peter P. Gillett and Associates of 55 Glencarraig, Sutton, Dublin against the decision made on the 15th day of January, 2020 by Fingal County Council to refuse permission for the proposed development.

Proposed Development: Retention of a Montessori school on the ground floor to cater for a maximum of 16 children at 45 Holywell Green, Feltrim Road, Swords, County Dublin.

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 Fingal Development Plan 2017-2023, in particular Section 3.6 Childcare Facilities, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought would constitute an acceptable childcare facility in this residential location, would be of an appropriate scale and intensity, would not result in unacceptable levels of noise, would not seriously injure the residential amenities of the area, would be subordinate to the use of the dwelling as a main residence, and would be acceptable in terms of pedestrian and traffic safety. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board concurred with the Inspector that adequate residential accommodation is provided at first and second floor level, and considered that the scale of operation and intensity of the childcare facility proposed for retention was subordinate to the main dwelling, would not seriously injure the residential amenities of the area and would not result in unacceptable levels of noise. The Board also considered that the provision of childcare facilities was appropriate in this residential area. It is also considered that the turning head, provided under the parent planning permission for the overall estate development, and the cul-de-sacs to either side of the subject site, allowed suitable drop-off and collection points and would not create a traffic hazard.

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. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The retention of the Montessori school on the ground floor of the main building shall be limited to a maximum of 16 children at any one time.

Reason: In the interest of clarity.

3. The part of the house used as a Montessori 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 Montessori school, use of that part shall revert to use as part of the main house.

Reason: In the interest of residential amenity.

4. This grant of permission for the retention of the Montessori school does not apply to the shed structures in the rear garden for which there is no permission for the use of these sheds as part of the Montessori school.

Reason: In the interest of clarity.

5. The developer shall pay to the planning authority a financial contribution 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 within three months of the date of this Order 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

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

Dated this day of 2020.