

An  
Bord  
Pleanála

Board Order  
ABP-312402-22

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F21A/0550**

**Appeal** by Regina McGovern care of Simon Clear and Associates of 3 Terenure Road, West, Terenure, Dublin against the decision made on the 2<sup>nd</sup> day of December, 2021 by Fingal County Council to refuse permission for the proposed development.

**Proposed Development:** (1) Retention of an increase in childcare spaces from 53 permitted under parent application F17A/0248 to 94 spaces, due to an internal floor plan redesign to include six classrooms and first floor mezzanine/kitchen area, (2) alterations to existing car parking to provide two additional staff parking spaces, (3) retention of two number windows at first-floor mezzanine level on the southern elevation over the main entrance foyer, and (4) permission sought to increase the opening hours from the permitted hours of 7.30 am to 6 pm to proposed hours of 7 am to 7 pm Monday to Friday all at Little Havard Creche and Montessori, 22 Muileann Drive, Kinsealy, 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.**

## **Reasons and Considerations**

Having regard to the nature and scale of the current purpose-built creche, the location within a residential area, and the design and layout of the proposed development, it is considered that the nature and scale of the proposed development, including the intensification of use, subject to compliance with the conditions set out below, would be acceptable within the overall context of the site. The orientation of the dwellings around the site is such that the proposed development does not result in a negative impact on the existing character of the area. In addition, it is considered that having regard to the retention of the existing parking layout and set down area, the proposed development would not cause any traffic hazard or negative impact on the pedestrian movement past the site. The development proposed to be retained would be in accordance with the policies and objectives of the Fingal Development Plan 2017-2023, in particular Objective DMS94, and 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, 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 carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity

2. The proposed development shall be amended as follows:
  - (a) The car park layout and footpath shall remain as the existing layout (drawing number 02A submitted to the planning authority with the application).
  - (b) The proposed hours of operation shall be between the hours of 0730 and 1900, Monday to Friday excluding Bank Holidays.

**Reason:** In the interest of residential amenity and to prevent any traffic hazard.

3. Within three months of the date of this Order, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling by staff employed in the development and to reduce and regulate the extent of staff parking to that permitted on site. The mobility strategy shall be prepared and implemented by the operator of the creche. Details to be agreed with the planning authority shall include the provision of centralised facilities

within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

4. Within three months of the date of this Order, the developer shall enter into a water connection agreement with Irish Water.

**Reason:** In the interest of public health.

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.

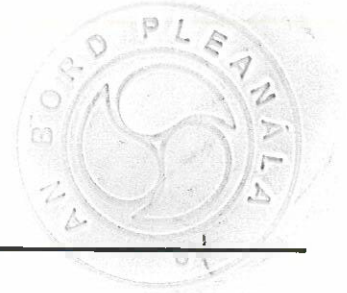


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**Michelle Fagan**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**



Dated this 12<sup>th</sup> day of May 2022.