



An  
Bord  
Pleanála

**Board Order**  
**ABP-314168-22**

---

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F22A/0148**

**Appeal** by Claudia Fitzpatrick care of O'Neill Town Planning of Oakdene, Howth Road, Howth, County Dublin against the decision made on the 29<sup>th</sup> day of June, 2022 by Fingal County Council to refuse permission.

**Proposed Development:** Material change of use on application number F19A/0564 condition number 4 and application number F11A/0148 condition number 4 under Article 22(4)(b) of the Planning and Development Regulations 2001 to 2020. The proposed development seeks to provide for an additional seven number children as per Tusla/ECCE Scheme. Condition number 4 (The play school shall accommodate a maximum of  $10+11 = 21$  children, aged between three and six. Reason: In the interest of the proper planning and development of the area). The play school shall accommodate a maximum of (28) twenty-eight children aged between two years and eight months old and five years and five months old, all at 2 Coleman Crescent, Lusk Village, Lusk, County Dublin.

P.C.

## Decision

**GRANT permission for the above proposed development for the reasons and considerations under and subject to the conditions set out below.**

## Reasons and Considerations

Having regard to the provisions of the Fingal County Development Plan 2022-2028, including that the childcare facility with the increased number of children would be supported by Objective DMSO80 (Childcare Provision within a Residential Property), and having regard to the planning history of the site and the area, the nature and scale of the development, and the existing pattern of development in the vicinity of the site, 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, would be acceptable in terms of traffic safety, and 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 noted that the Inspector was satisfied with the principle of the development and the Board agreed with the Inspector in this regard. In relation to the Inspector's concerns that the development would endanger public safety by reason of a traffic hazard, having regard to the modest nature and scale of the development, including the modest increase in numbers of children proposed, the Board was satisfied that with the attachment of an appropriate condition (condition number 3 hereby attached), traffic would be required to be managed appropriately, and the Inspector's refusal reason would be satisfactorily addressed. The Board was satisfied that the proposed development would otherwise be supported by the provisions of the Fingal County Development Plan 2022-2028, including the support for childcare facilities in appropriate residential areas, and 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, 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. The childcare facility shall accommodate an additional seven children in any one day and a maximum total of 28 children and five staff across two sessional periods in any one day.

**Reason:** In the interest of clarity.

  
P.C.

3. A Traffic Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and it shall incorporate the following measures:
  - (a) Drop-off and collection times for children, which shall be staggered by classroom, by a minimum of 10 minutes in order to reduce sudden influxes of traffic. The drop-off and collection times shall be reviewed with the planning authority at regular intervals and modified, if required.
  - (b) Details of a traffic warden to be employed by the operator of the childcare facility to manage peak hour traffic.
  - (c) Measures to encourage carpooling and alternative sustainable modes of travel, including active travel, to and from the childcare facility.

Upon the written agreement with the planning authority, measures shall be implemented in full prior to first occupation or use of the development.

**Reason:** In the interest of residential amenity and traffic safety.

4. 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 prior to the commencement of development 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.

*Patricia Calleary*

**Patricia Calleary**

**Member of An Bord Pleanála**

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



Dated this *26* day of *July* 2023.