

An
Bord
Pleanála

Board Order ABP-318337-23

Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: 23/347

Appeal by Daniel Kane of 1 Callenders Mill, Celbridge, County Kildare against the decision made on the 4th day of October, 2023 by Kildare County Council to grant subject to conditions a permission to Aidan Henry care of PDC Architectural of Churchfields, Kentstown, Navan, County Meath in accordance with plans and particulars lodged with the said Council.

Proposed Development: Development comprising new creche/childcare facility over two floors (circa 254 square metres), new signage, bin storage, play area to rear, parking area/drop off zone to front and associated site works to comply with planning permissions previously granted under planning register reference numbers 17/711 and 04/1371, all at Callenders Mill, Celbridge, County Kildare, as revised by the further public notice received by the planning authority on the 26th day of July, 2023.

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 pattern of residential development in the area, to the zoning of the site, to the policy and objectives, in relation to the provision of childcare facilities, as set out in the Kildare County Development Plan 2023 – 2029 and to the "Childcare Facilities: Guidelines for Planning Authorities" issued by the Department of the Environment and Local Government in June, 2001, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the aforementioned Guidelines and the policy and objectives of the Development Plan, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered, having regard to the location of the proposed creche not immediately adjacent to dwellings and to the nature of the use of the creche, that the creche's operating hours should be from 0700 to 1800 hours and not restricted to 0800 hours as recommended by the Inspector.

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 7th day of July, 2023, the 26th day of July, 2023 and 7th day of September, 2023, 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 hereby permitted, shall not be converted to any other use without a prior grant of planning permission in the event of the childcare facility ceasing operations.

Reason: To protect the amenities of residential properties in the vicinity.

3. The number of children to be accommodated within the premises shall not exceed 66 at any time on any day.

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

4. The proposed childcare facility shall not operate outside the period of 0700 to 1800 hours from Mondays to Fridays inclusive except public holidays, and shall not operate on Saturdays, Sundays, or public holidays.

Reason: In the interest of residential amenity.

5. Details of the materials, colours, and textures of all the external finishes to the proposed building, including details of the proposed signage, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. A secure outdoor play area shall be provided for the use of children attending the childcare 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.

7. Site development and building works shall be carried out only between the hours of 0700 and 1800 from Mondays to Fridays inclusive, between 0800 and 1300 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of properties in the vicinity.

8. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

9. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interests of public health and surface water management.

10. Prior to the commencement of development, details showing the following shall be submitted to, and agreed in writing with, the planning authority:

- (a) a minimum of one number car parking space shall be provided for persons with a disability. This space shall be located as close as possible to the building entrance and details of the layout, dimensions and markings of this space shall be submitted to the planning authority for agreement, and
- (b) e-bike facilities shall be provided to serve the proposed development.

Reason: To ensure that adequate car parking and bicycle parking provision is available to serve the proposed development.



11. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Uisce Éireann.

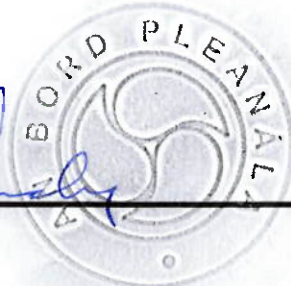
Reason: In the interest of public health.

12. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. The relocation of existing services shall be the responsibility of the applicant.

Reason: In the interests of visual and residential amenity.

13. 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 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.



Mary Henchy

Member of An Bord Pleanála

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

Dated this 4th **day of** July **2024.**