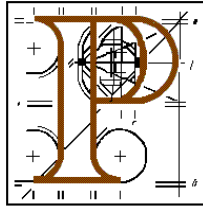


An Bord Pleanála



Inspector's Report

PL06F.245535

DEVELOPMENT: Permission for the construction of 6 no. 2-storey, 3-bedroom houses at The Terrace on lands south of the parkside road and accessed from the existing road network, at Robswall, Malahide, County Dublin.

PLANNING APPLICATION

Planning Authority: Fingal County Council

Planning Authority Reg. No.: F14A/0373

Applicant: Hollybrook New Homes Limited

Application Type: Permission

Planning Authority Decision: **REFUSE PERMISSION**
for Reasons and Considerations (2)

APPEAL

Appellant: Hollybrook New Homes Limited

Type of Appeal: **FIRST PARTY**

Observer: None

DATE OF SITE INSPECTION: 3rd December, 2015.

INSPECTOR: Dermot Kelly

1. SITE LOCATION

The subject site is located at Robswall, Malahide, County Dublin, as indicated on **APPENDIX A - LOCATION MAP**.

2. SITE DESCRIPTION

2.1 The subject site lands at The Terrace on lands to the south of Park View Road are accessed from the existing road network at Robswall, Malahide, County Dublin and are approximately 0.17 hectares in area. The Robswall residential development is accessed off the Coast Road to the south-east of Malahide Town Centre.

2.2 The Architects Report submitted with the planning application stated: 'This is a planning application for 6 mews houses on permitted Mews Lane (The Terrace) in the central southern section of the Robswall residential development in Malahide. This central southern portion is the last remaining piece of land at Robswall to be developed. The application covers a site area of 0.17 hectares (0.42 acres) and includes a portion of the mews lane '(The Terrace)' that runs east-west, parallel with the parkside road 'The Avenue'. There are 5 houses on the north side of the road and one house to the south. With the exception of The Terrace all other roads are existing'.

2.3 The attached Photographs in **APPENDIX B – PHOTOGRAPHS** (including Key Plan which indicates the approximate Photograph locations) illustrate the nature of the subject site and its context.

3. PROPOSED DEVELOPMENT

3.1 Planning Application

- The proposed development comprises as specified in the Public Notices: Permission for the construction of six two-storey three-bedroom houses on lands at Robswall, Malahide – with provision of twelve car parking spaces within the residential curtilages.
- The submitted Architects Report stated as follows:
'The parent permission for the entire Robswall development provided for mews houses on the application site. One of the conditions of this permission (from An Bord Pleanála

PL06F.123998, F00A/1009) required appropriate childcare facilities to be provided in accordance with Planning Guidelines 2001. Permission Reg. Ref. F08A/0324 included a small crèche which was designed to cater for 35 children. This permission was not carried out and has since withered.

Enclosed drawing no. 1423 P 03 analyses the comparison of the layout permitted under Reg. Ref. F08A/0324 and the current proposal. The crèche is proposed to be replaced by 5 no. 3-bedroom houses’.

- The Planning Report for the Planning Authority stated:
‘It is proposed to replace a previously permitted crèche (F08A/0324), required under condition 19 of parent permission F00A/1009, with 5 no. 3 bedroom dwellings. An additional dwelling is proposed in a location where a dwelling was previously omitted under F10A/0492’.

3.2 Further Information Request

The Planning Authority by letter dated 4th November, 2014 sought Further Information as follows:

‘It would appear from the survey information undertaken by Knight Frank and submitted with this application in relation to childcare facilities, that there is a shortage of full day care crèche places in the Malahide area. The applicant is requested to consult with the Fingal Childcare Committee to establish whether this is the case comparing available data from the Childcare Committee with that provided by property consultants Knight Frank. The applicant is requested to provide an assessment of need in the Malahide area for childcare facilities, in particular for full daycare, having particular regard to the lack of provision within the existing development of 522 dwellings’.

3.3 Further Information Submission

Further Information received on 6th August, 2015 included stating:
‘Between the new Marina Crèche and the proposed extension to Charlie’s Childcare, there is an increase of 78 full-time childcare spaces in Malahide.

The original crèche in Robswall, subject site of this planning application, was designed to accommodate 35 children (Reg. Ref. F08A/0324). We contend that the increase in full-time places provided by the Malahide Marina Creche, and those proposed to be provided in

Charlie's Childcare satisfy the need for childcare driven by the Robswall development'.

4. NOTIFICATION OF DECISION OF PLANNING AUTHORITY - Submissions and Relevant Reports

4.1 Third Party Submissions on Planning Application

No Submissions were received.

4.2 Transportation Planning Section Report

This report, dated 20th October, 2014 raised no objection to the proposed development.

4.3 Planning Report for Planning Authority

- The Planning Report, dated 30th October, 2014 included documenting the Planning History of the subject site and under 'Creche Requirement' included stating as follows:
'The applicant has submitted a report from property consultants Knight Frank indicating that of the 12 childcare facilities in Malahide, 50% had availability. The applicant states no childcare facilities have been provided within Robswall, which they take to assume there is a lack of need', and
'The Robswall development, as stated by the applicant, has permission for 522 dwellings, the majority of which have been constructed. It would appear from the information submitted that there is a lack of full day care facilities in the area. It is unclear to the Planning Authority that there is justification to remove a crèche facility from the last remaining section of the undeveloped lands, a facility which the developer of Robswall was conditioned to provide as part of the parent permission. In order to verify whether there is a demand for a full time day care crèche facility, the applicant should be requested to make contact with the Fingal Childcare Committee. Further information is recommended in order to fully assess this application'.

4.4 Third Party Submissions on Further Information Submission

No Submissions were received.

4.5 Final Planning Report for Planning Authority

- This report dated 31st August, 2015 included stating as follows in regard to the Further Information Submission:
‘The Planning Officer acknowledges that 1 new childcare facility has opened in Malahide Marina since the Further Information request was issued, and that a second facility has a permission to extend’, and also
‘However, the Planning Officer is of the view that this does not justify the removal of the required crèche facility from Robswall, which comprises 522 dwellings (majority of which have been constructed). The developer of Robswall was conditioned to provide as part of the parent permission for a crèche within Robswall. The Planning Authority is strongly of the view that such a facility should be provided in the interests of the proper planning and sustainable development of the area’, and
‘The permission for an additional 39 spaces in Malahide United (that are not yet constructed), cannot in the view of the Planning Authority mitigate the need for a childcare facility for a housing scheme of 522 units’.
- Refusal of permission was recommended for the Reasons and Considerations as stated in the notification of decision of the Planning Authority.

4.6 Notification of Decision of Planning Authority

- The Planning Authority, Fingal County Council, issued a notification of decision to **REFUSE PERMISSION** for the proposed development for Reasons and Considerations (2) as follows:
 1. Having regard to the scale of development at Robswall, which comprises 522 permitted residential units, it is considered that the proposal for 6 houses on the site of a previously permitted crèche, would result in a development which does not comply with the requirements of the ‘Childcare Facilities Guidelines for Planning Authorities, June 2001’ and would be contrary to objectives CI16 and CI13 of the Fingal Development Plan 2011-2017. The proposed development is therefore considered contrary to the proper planning and sustainable development of the area.
 2. The proposal would set an undesirable precedent for other similar development and would be contrary to the proper planning and sustainable development of the area.

5. APPEAL GROUNDS

First Party Appeal

- The First Party Appeal Grounds included stating with reference to the 'Childcare Facilities – Guidelines for Planning Authorities':
'The text highlighted in bold above, which is our emphasis, is a crucial determinant in the consideration of the assessment of the subject application. It clearly states that regard should be had to the quantum of childcare facilities in adjoining developments and the existing geographical distribution of childcare facilities. Therefore, any Decision in relation to the subject application should have afforded a reasoned assessment of the capacity and geographical layout of crèches in the vicinity of the subject site – it appears that such an assessment did not take place despite extensive supporting information being submitted by the Applicant in Response to a Request for Further Information. This is discussed in this Appeal.'
(The *'text highlighted'* is in Section 2.4 of the Guidelines).
- Objective C1113 and C1116 in the Development Plan were noted and it was submitted in regard to same:
'It may be concluded (from the documents available in the public domain) that the National (Childcare Guidelines) and Local (Development Plan) level guidance pertaining to the provision of childcare facilities as part of largescale residential developments, clearly recognise the need to assess the requirements for such facilities having regard to the existing distribution and capacity of such facilities'.
- The Further Information Submission indicated that 'there was no capacity issue relating to the provision of childcare facilities in the Malahide area' as stated. It was also submitted:
'A fundamental point that was not considered by the Planning Authority and that we consider is key to the Board's assessment of this Appeal is that a substantial portion of the houses at Robswall were completed in 2008 and therefore the children residing in the development that require childcare are already accommodated in the existing facilities in the Malahide area and have been accounted for in the surveys referred to above.
In this regard, Robswall is a development of 522 no. dwellings. Gannon Homes Limited were the original developers of the site and completed 367 no. units by 2008. The balance of the undeveloped

land was acquired by Hollybrook New Homes Limited in April, 2014 and the construction of the remaining 155 no. dwellings commenced in 2014. Some 48 no. of the Hollybrook units are completed. Therefore, there are only 107 no. units to be completed at the site (only some of which may have children requiring childcare in the future particularly as 52 no. of the units are apartments)'.

- The Appeal Grounds also submitted as follows:
'New Full-Time Childcare Facilities can cater for demand that may arise by completion of final units in Robswall.
The lack of demand by childcare operators to construct or lease the subject facility which was permitted over 7 no. years ago demonstrates that the use is not viable at the subject location.
It is noted that the Board have previously granted permission for substantial residential schemes without childcare facilities.***
The subject development will provide an additional 6 no. dwellings that are critically required having regard to housing shortage'.
- I note the detailed submission in regard to above***:-
'A similar conclusion was reached in a case which related to lands at Leaca Ard, Abbeylands, Ferrybank, County Kilkenny (ABP Ref. PL10.239926). In that case, the Applicant proposed to omit a crèche facility and 2 no. residential units (from an overall residential scheme which included the provision of 81 No. houses) and replace the permitted uses with an additional 4 No. houses. Following Kilkenny County Council's decision to Refuse Permission for the development the Applicant submitted a First Party Appeal to the Board. The Inspector recommended that permission be refused for the development for 3 No. reasons with 1 No. of the reasons relating to the requirement for a childcare facility as set out below:
'It is a recommendation of the Childcare Facilities Guidelines for Planning Authorities, published by the Department of Environment and Local Government in 2001, that childcare facilities should be provided at the rate of 1 per 75 dwellings in new housing areas, unless there are significant reasons to the contrary. This standard is adopted in the Kilkenny County Development Plan 2008-2014 and in the Ferrybank/Belview Local Area Plan, 2009. Having regard to the existing houses at Leaca Ard, the existing and permitted housing in the area and the extent of undeveloped residentially zoned lands in the vicinity, the Board is not satisfied that it has been established, beyond reasonable doubt, that there are significant reasons as

to why there should not be a childcare facility at this location. The proposed development would, accordingly, fail to protect and enhance the existing residential amenity of the area, as required under the zoning objective for the area and would be contrary to the proper planning and sustainable development of the area.

However, whilst the Board ultimately refused permission for the scheme, it should be noted that the refusal related only to open space issues and the Inspector's recommended refusal reason relating to compliance with the Childcare Guidelines was omitted by the Board. Therefore, it is clear that the Board has no concerns regarding the replacement of the previously permitted childcare facility with the dwellinghouses in this case'.

6. APPEAL RESPONSES

6.1 Appeal Observation

No Appeal Observation was received.

6.2 Planning Authority Appeal Response

This Appeal Response received 22nd October, 2015 included stating: 'The Planning Authority deems the provision of a childcare facility to serve the Robswall development to be entirely necessary in the interests of sustainable development and on-going need for a childcare infrastructure in the Malahide area to serve the needs of working families, particularly those within the proposed new residential development. The Planning Authority is open to consider options in relation to the scale of a proposal, but remains of the view that a facility should be provided'.

7. PLANNING HISTORY

- The Architects Report submitted with the planning application: 'The parent permission for the entire Robswall development provided for mews houses on the application site. One of the conditions of this permission (from An Bord Pleanála PL06F.123998, F00A/1009) required appropriate childcare facilities to be provided in accordance with Planning Guidelines 2001. Permission Reg. Ref. F08A/0324 included a small crèche which

was designed to cater for 35 children. This permission was not carried out and has since withered’.

- The Planning Report for the Planning Authority documented the Extensive Planning History of the subject site/area including: F08A/0324 – Permission GRANTED for approved development Reg. Ref. F00A/1009 (An Bord Pleanála PL06F.123998) to omit 7 three bedroom houses of two storeys, and to now provide 2 three bedroom houses of two storeys and a two storey crèche 473 square metres, all on lands north of the park side road (Road No. 1, The Meadow) and accessed from the newly constructed road network at Robswall, Malahide, Co. Dublin for Gannon Homes Limited.

8. DEVELOPMENT PLAN / GUIDELINES

8.1 The provisions of the 2011-2017 Fingal County Development Plan have been considered, and in particular the following provisions which are attached in **Appendix C – Development Plan:-**

- The ‘RS’ land use zoning objective for the subject site: ‘To provide for residential development and protect and improve residential amenity’.
- The Planning Report for the Planning Authority documented relevant provisions in the Development Plan as follows: ‘Objectives CI11 and CI13 of the Fingal Development Plan 2011-2017 are of note:
CI11 – Encourage the provision of childcare facilities in appropriate locations, including residential areas, town and local centres, areas of employment and areas close to public transport nodes.
CI13 – Require as part of planning applications for new residential and commercial developments that provision be made for appropriate purpose built childcare facilities where such facilities are deemed necessary by the planning authority.
CI16 – Implement the Childcare Guidelines for Planning Authorities 2001 and the Fingal County Childcare Strategy’.

8.2 The ‘Childcare Facilities – Guidelines for Planning Authorities’ published by the Department of the Environment and Local Government in 2001 have also been noted including the following:

- Section 2.4 ‘Appropriate Locations for Childcare Facilities’ states: ‘Appropriate locations for childcare facilities would include: **New communities/larger new housing developments.** Planning authorities should require the provision of at least one childcare facility for new housing areas unless there are significant reasons to the contrary for example, development consisting of single bed apartments or where there are adequate childcare facilities in adjoining developments. For new housing areas, an average of one childcare facility for each 75 dwellings would be appropriate. (See also paragraph 3.3.1 and Appendix 2 below). The threshold for provision should be established having regard to the existing geographical distribution of childcare facilities and the emerging demographic profile of areas.....’
- Section 2.2 – ‘Policies’ – including as follows: ‘Planning authorities should, in their Development Plans, encourage the development of a broad range of childcare facilities, i.e. part-time, full day-care, after-school care, etc., including those based in residential areas, in employment areas and in areas close to where users of such facilities live’.

9. PLANNING ASSESSMENT – Issues and Evaluation

Having regard to the above and having inspected the site and having reviewed all documents on file, the following is my assessment of this case where the major planning issues for consideration are as follows:

Proposed Development and First Party Appeal Grounds

- The subject site lands at The Terrace on lands to the south of Park View Road are accessed from the existing road network at Robswall, Malahide, County Dublin and are approximately 0.17 hectares in area. The Robswall residential development is accessed off the Coast Road to the south-east of Malahide Town Centre. As submitted by the Applicant the subject site forms part of the final remaining lands in the overall Robswall development of 522 dwellings as permitted – as specified in the Further Information Request of the Planning Authority.
- The proposed development comprises as specified in the Public Notices: ‘Permission for the construction of six two-storey three-bedroom houses on lands at Robswall, Malahide – with provision of

twelve car parking spaces within the residential curtilages' on the subject site to a stated area of 0.17 hectares (0.42 acres).

- The submitted *Architects Report* stated as follows:
'The parent permission for the entire Robswall development provided for mews houses on the application site. One of the conditions of this permission (from An Bord Pleanála PL06F.123998, F00A/1009) required appropriate childcare facilities to be provided in accordance with Planning Guidelines 2001. Permission Reg. Ref. F08A/0324 included a small crèche which was designed to cater for 35 children. This permission was not carried out and has since withered'.
- The *Planning Report for the Planning Authority* stated:
'It is proposed to replace a previously permitted crèche (F08A/0324), required under condition 19 of parent permission F00A/1009, with 5 no. 3 bedroom dwellings. An additional dwelling is proposed in a location where a dwelling was previously omitted under F10A/0492'.
- The *Further Information Request* of the Planning Authority included:
'The applicant is requested to provide an assessment of need in the Malahide area for childcare facilities, in particular for full daycare, having particular regard to the lack of provision within the existing development of 522 dwellings'.
- The *Further Information Submission* included as follows:
'The original crèche in Robswall, subject site of this planning application, was designed to accommodate 35 children (Reg. Ref. F08A/0324). We contend that the increase in full-time places provided by the Malahide Marina Creche, and those proposed to be provided in Charlie's Childcare satisfy the need for childcare driven by the Robswall development'.
- The *Planning Report for the Planning Authority* included:
'The applicant states no childcare facilities have been provided within Robswall, which they take to assume there is a lack of need.....'
'The Robswall development, as stated by the applicant, has permission for 522 dwellings, the majority of which have been constructed.....'
'It is unclear to the Planning Authority that there is justification to remove a crèche facility from the last remaining section of the

undeveloped lands, a facility which the developer of Robswall was conditioned to provide as part of the parent permission’.

- The *Final Planning Report for the Planning Authority* included:
‘The Planning Officer acknowledges that 1 new childcare facility has opened in Malahide Marina since the Further Information request was issued, and that a second facility has a permission to extend’, and also
‘.....this does not justify the removal of the required crèche facility from Robswall, which comprises 522 dwellings (majority of which have been constructed).The developer of Robswall was conditioned to provide as part of the parent permission for a crèche within Robswall’.
- The Planning Authority, Fingal County Council, issued a notification of decision to **REFUSE PERMISSION** for the proposed development for Reasons and Considerations (2) as follows:
 1. Having regard to the scale of development at Robswall, which comprises 522 permitted residential units, it is considered that the proposal for 6 houses on the site of a previously permitted crèche, would result in a development which does not comply with the requirements of the ‘Childcare Facilities Guidelines for Planning Authorities, June 2001’ and would be contrary to objectives C116 and C113 of the Fingal Development Plan 2011-2017. The proposed development is therefore considered contrary to the proper planning and sustainable development of the area.
 2. The proposal would set an undesirable precedent for other similar development and would be contrary to the proper planning and sustainable development of the area.
- The *First Party Appeal Grounds* included stating with reference to the ‘Childcare Facilities – Guidelines for Planning Authorities’:
‘The text highlighted in bold above, which is our emphasis, is a crucial determinant in the consideration of the assessment of the subject application. It clearly states that regard should be had to the quantum of childcare facilities in adjoining developments and the existing geographical distribution of childcare facilities’.
- The *‘text highlighted’* in Section 2.4 of the Guidelines states:
*‘Planning authorities should require the provision of at least one childcare facility for new housing areas **unless there are significant reasons to the contrary for example, development consisting of single bed apartments or where there are adequate***

childcare facilities in adjoining developments. For new housing areas, an average of one childcare facility for each 75 dwellings would be appropriate. (See also paragraph 3.3.1 and Appendix 2 below). The threshold for provision should be established ***having regard to the existing geographical distribution of childcare facilities and the emerging demographic profile of areas.*** [Our emphasis added]’.

- The *First Party Appeal Grounds* included submitting that ‘a substantial portion of the houses at Robswall were completed in 2008 and therefore the children residing in the development that require childcare are already accommodated in the existing facilities in the Malahide area’, and also as follows:
‘In this regard, Robswall is a development of 522 no. dwellings. Gannon Homes Limited were the original developers of the site and completed 367 no. units by 2008. The balance of the undeveloped land was acquired by Hollybrook New Homes Limited in April, 2014 and the construction of the remaining 155 no. dwellings commenced in 2014. Some 48 no. of the Hollybrook units are completed. Therefore, there are only 107 no. units to be completed at the site (only some of which may have children requiring childcare in the future particularly as 52 no. of the units are apartments)’.
- In regard to the above submissions in the First Party Appeal Grounds, I refer to Section 2.4 of the Guidelines as emphasised above in the Appeal Grounds, see Appendix C – Development Plan/Guidelines. I note where stated in the Guidelines as follows under ‘*New Communities/Larger New Housing Developments*’:
‘*Planning authorities should require the provision of at least one childcare facility for new housing areas....*’, and also
‘*For new housing areas, an average of one childcare facility for each 75 dwellings would be appropriate.....*’ (Emphasis added)
- The overall permitted residential development at Robswall comprising 522 dwellings as such constitutes such a ‘*New Community/Larger New Housing Development*’ as referred to in Section 2.4 of the Guidelines. Under the specified standard for such new housing areas i.e. ‘*an average of one childcare facility for each 75 dwellings would be appropriate*’, the calculation would be that 6/7 childcare facilities would be appropriate within the Robswall overall development of 522 dwellings. I note that both

Section 3.3.1 and Appendix 2 in the Guidelines also specify the Guidelines standard of ‘one childcare facility per 75 dwellings’.

- However there is only *one such permitted childcare facility* within the overall Robswall permitted development of 522 dwellings – which *permitted childcare facility* Ref. F08A/0324 it is now proposed to replace with an additional 6 dwellings. Such proposed development by reason of the large scale of the overall permitted residential development of 522 dwellings at Robswall, would be in serious contravention of the *Childcare Facilities – Guidelines for Planning Authorities and Objectives CI13 and CI16 in the Development Plan* as follows:
‘CI13 – Require as part of planning applications for new residential and commercial developments that provision be made for appropriate purpose built childcare facilities where such facilities are deemed necessary by the planning authority.
CI16 – Implement the Childcare Guidelines for Planning Authorities 2001 and the Fingal County Childcare Strategy’.
- The submissions in the First Party Appeal Grounds in regard to existing Childcare Facilities in the Malahide area are noted including in regard to a new facility at the Malahide Marina Creche – which is located a considerable distance from the Robswall area. The permitted childcare facility (Ref. F08A/0324) is located within the Robswall residential development and as such by reason of such proximity to the existing and proposed dwellings in Robswall, would accord with the stated Policy in *Section 2.2 of the Childcare Facilities Guidelines* as follows:
‘Planning authorities should, in the Development Plans, encourage the development of a broad range of childcare facilities, i.e. part-time, full day-care, after-school care, etc., *including those based in residential areas*, in employment areas and *in areas close to where users of such facilities live*’. (Emphasis added).
- I note again in regard to the location of a Childcare Facility within the Robswall residential area that the *Architects Report* submitted with the planning application included stating as follows:
‘*One of the conditions* of this permission* (from An Bord Pleanála PL06F.123998, F00A/1009) *required appropriate childcare facilities to be provided in accordance with Planning Guidelines 2001*. Permission Reg. Ref. F08A/0324 included a small crèche which was designed to cater for 35 children. This permission was not carried out and has since withered’. * *Condition No. 19 attached*.

- In my opinion such Crèche provision as was required to be provided under *Condition No. 19 of the permission of An Bord Pleanála (Ref. PL06F.123988)* and subsequently permitted by the Planning Authority under Planning Permission (Ref. F08A/0324), should continue to be required in the context of the large scale of the overall permitted Robswall development of 522 dwellings.
- In conclusion I note the Appeal Grounds submissions in regard to the decision of An Bord Pleanála (Ref. PL10.239926) in regard to a proposed development 'to omit a crèche facility' as specified. I note that an overall development of *81 houses* was proposed.
- As stated above the now proposed development in this case comprising *omission* of a required Crèche facility (Ref. PL06F.123998 and Ref. F08A/0324) to serve an overall development of 522 dwellings in the Robswall residential development, would evidently not comply with the requirements of the 'Childcare Facilities – Guidelines for Planning Authorities' issued by the Department of the Environment and Local Government in 2001, and would be contrary to the stated Objective CI16 of the 2011-2017 Fingal County Development Plan – 'Implement the Childcare Guidelines for Planning Authorities 2001.....'
- In this regard I fully concur with the Planning Authority Appeal Response where stated as follows: '*The Planning Authority deems the provision of a childcare facility to serve the Robswall development to be entirely necessary* in the interests of sustainable development and on-going need for a childcare infrastructure in the Malahide area to serve the needs of working families, *particularly those within the proposed new residential development*' at Robswall, and as such it is recommended that the proposed development be refused permission.

Appropriate Assessment

Having regard to the location of the subject site and to the nature and scale of the proposed development, I consider that no Appropriate Assessment issues arise in this case. It is not considered that the proposed development either individually or in combination with other plans or projects, would be likely to have a significant effect on a European Site.

10. CONCLUSIONS AND RECOMMENDATION

In conclusion, further to the above planning assessment of matters pertaining to this appeal, including consideration of the submissions of each party to the appeal, and including the site inspection, I consider that the proposed development would be contrary to the proper planning and sustainable development of the area, having regard to the relevant provisions of the 2011-2017 Fingal County Development Plan and the Childcare Facilities – Guidelines for Planning Authorities which are considered reasonable. Accordingly, I recommend that permission be refused for the proposed development for the Reasons and Considerations stated in the Schedule below.

DECISION

REFUSE permission for the proposed development for the Reasons and Considerations set out below.

REASONS AND CONSIDERATIONS

Having regard to the scale of the overall permitted residential development at Robswall comprising 522 residential units, it is considered that the proposed development of an additional 6 houses which would include omission of childcare facilities as required under condition no. 19 of the permission (Ref. PL06F.123998) and as consequently permitted (Ref. F08A/0324) to serve this larger new housing development at Robswall, would result in a development which would not comply with the stated requirement: 'For new housing areas, an average of one childcare facility for each 75 dwellings would be appropriate' under Section 2.4 of the 'Childcare Facilities – Guidelines for Planning Authorities' issued by the Department of Environment and Local Government in 2001, and which would be contrary to the 2011-2017 Fingal County Development Plan stated Objective CI13: 'Require as part of planning applications for new residential and commercial developments that provision be made for appropriate purpose built childcare facilities where such facilities are deemed necessary by the planning authority' and the stated Objective CI16: 'Implement the Childcare Guidelines for Planning Authorities 2001.....' The proposed development if permitted would set an undesirable precedent for other similar-type developments replacing permitted childcare facilities within new communities/larger new housing developments, and would be contrary to the proper planning and sustainable development of the area.

DERMOT KELLY
SENIOR PLANNING INSPECTOR
8th January, 2016. Sg

APENDIX A - LOCATION MAP
APPENDIX B - PHOTOGRAPHS (incl. KEY PLAN)
APPENDIX C - DEVELOPMENT PLAN / GUIDELINES