

An Bord Pleanála



Inspector's Report

PL25A.245852

Development:

Description: Change of use of an existing single storey private dwelling into a pre-school facility.

Address: Pearsonbrook, Glasson, Athlone, County Westmeath.

Planning Application

Planning Authority: Westmeath County Council

Planning Authority Reg. No: 15/7104

Applicant: Glasson Pre-School Ltd.

Application Type: Permission

Planning Authority Decision: Grant

APPEAL

Appellant(s): Charlie and Pauline Walsh

Type of Appeal: 3rd Party –v- Grant

Observers: None

Date of Site Inspection: 2/03/16

INSPECTOR: Paul Caprani

1.0 INTRODUCTION

PL25A.245852 relates to a third party appeal against the decision of Westmeath County Council to issue notification to grant planning permission for a change of use from an existing single-storey private dwelling to a pre-school facility at Glasson outside Athlone in County Westmeath. The grounds of appeal express concerns in relation to traffic, parking restrictions, pedestrian safety and potential impact on residential amenity.

2.0 SITE LOCATION AND DESCRIPTION

The village of Glasson is located on the N55 national secondary route (Athlone to Edgeworthstown) approximately 6 kilometres to the north-east of Athlone. The appeal site is located at the eastern side of the N55 fronting directly onto the national secondary route. The site is located in the centre of the village. The site has a road frontage of approximately 22 metres and a depth of between 50 and 75 metres. The overall site area is stated as 1.478 hectares. The site currently accommodates a single-storey rectangular shaped dwellinghouse which is centrally located within the site curtilage. The dwellinghouse incorporates a shallow pitched roof rising to a ridge height of just under 5 metres. The house currently accommodates four bedrooms in the northern portion of the building while the main living area comprising of a kitchen, sitting room and living room is located in the southern portion of the building. The hallway, bathroom and utility room are located centrally within the building all of which are located at ground floor level. No accommodation is provided above ground floor level. A small single-storey shed is located to the rear of the dwellinghouse adjacent to the northern boundary of the site. In terms of surrounding land uses, lands to the immediate north/ and south and east of the site accommodate detached single-storey and two storey houses. Lands directly opposite the site accommodate a mixture of residential and commercial uses associated with the village centre. The dwellinghouse has a gross floor area of 129 square metres and is served by public water supply and public foul drainage.

3.0 PROPOSED DEVELOPMENT

Planning permission is sought for a change of use from residential development to a pre-school facility. The change of use is to involve in

the main internal alterations to the existing room configuration. The pre-school facility is to accommodate a classroom (50 square metres) an extra activity room (37 square metres) together with a kitchenette, small office and toilet facilities. It is also proposed to incorporate some changes in the elevation treatments with alterations to the fenestration to the rear of the building including the incorporation of two doorways where originally windows were located. It is also proposed to incorporate a new entrance door on the front elevation.

The front garden is to be altered to incorporate a circulatory drop-off/pick-up point for children attending the play-school to the front of the house. A separate pedestrian entrance and footpath is to be incorporated within the layout. Staff parking spaces are provided to the rear of the site.

4.0 PLANNING AUTHORITY'S DECISION

A covering letter submitted with the application indicates that the pre-school facility will be open from 9.00a.m. to 1.00p.m. Monday to Friday. There will be a maximum of 22 children attending. Details of child drop off arrangements are set out in the covering letter.

4.1 Planning Authority Assessment

A report from the Senior Assistant Fire Officer states that there is no objection to the proposal provided adequate water supply for fire-fighting is provided. It is also noted that the application will require a Fire Safety Certificate under the Building Control Act 1990. A report from the Westmeath National Roads Office states that the proposed development does not impact on any national roads schemes being developed by this office.

The environmental health officer's report states that there is no objection from a public health point of view to the proposal. A letter of objection from the current appellants was submitted, the contents of which have been read and noted. A report from the Westmeath County Childcare Committee states that the committee are of full support of the pre-school facility. The new service will have access to a secure and safe outdoor play facility which are essential for a quality pre-school service. With the onset of a second free pre-school year the development of this service is essential for Glasson Village.

4.2 Planning Report

The planner's report outlines the proposed development, the site history and the policies and objectives contained in the Westmeath Development Plan and the Glasson Rural Centre Plan. The planner's report notes that the proposed development generally complies with the policies in relation to local service provision contained in both the County Development Plan and the Glasson Village Plan. It further notes that the existing pre-school facilities have been provided in temporary rental accommodation at the local community Heritage Centre. It further notes that there is limited availability for opportunity sites within the built environment of the village and the application site, while residential, is located in the centre of the village and meets the requirements outlined by the HSE for such pre-school activity. In terms of traffic, it is not considered that the activity on site would have a serious impact on traffic through the village and the district engineer has inspected the site and has recommended conditions be attached in the case of a grant of permission. In terms of impact on adjoining residential amenity, it is considered that the proposed activity, particularly with regard to the limited hours of use, will not have a significant adverse impact on the residential amenity of neighbouring dwellings. It is therefore recommended that planning permission be granted for the proposed development subject to six conditions.

4.3 Decision

In its decision dated 9th November 2016, Westmeath County Council issued notification to grant planning permission for the proposed development subject to six conditions.

5.0 PLANNING HISTORY

There are no appeal files attached to the current file. Details of one application is attached to the rear of the file. Under reg. ref. 11/1015 planning permission was granted on the subject site for the construction of extensions and alterations to the existing dwellinghouse. This comprised of a single-storey extension to the rear, a new raised roof throughout with new dormer level accommodation and various internal alterations and ancillary site works. The decision was granted subject to four conditions from 21st September 2011.

6.0 GROUNDS OF APPEAL

A third party appeal was submitted by adjoining neighbours to the subject site. The grounds of appeal are outlined below.

Concerns are expressed in relation to traffic. It is argued that the proposed development will give rise to approximately 90 traffic movements per day. The subject site is located in close proximity to a very busy medical centre which has no dedicated parking and gives rise to significant illegal parking along both sides of a busy national road. Concerns are also expressed that the subject site is located to the south on an acute bend on the N55 and therefore incorporates restricted sight lines. Reference is made to policy PGLN8 of the Westmeath County Council Development Plan which requires that provision be made for adequate car and cycle parking accommodation in respect of new retail and commercial development. It is not considered that the planning application has demonstrated the ability to facilitate the proposed traffic movements which would arise. The proposed development would therefore represent a traffic hazard. It is noted that there had been a number of accidents already in the village.

The turning circle is sufficient for two or three cars but the proposal to stagger drop off times is not a realistic option for a site that is simply too small for the proposed use. It is suggested that there is no adequate way to police the proposed staggered drop off times. The proposal would therefore be contrary to the Childcare Facility Guidelines which require safe access and convenient parking for customers and staff. The proposal would exacerbate existing deficiencies with regard to parking in the vicinity. The proposed development would represent an overdevelopment on the subject site and would give rise to serious congestions regarding traffic congestion on a national route.

It is argued that pedestrian safety within the proposed development is poorly developed. There is no proper segregation and this would result in conflicting vehicular pedestrian movements.

Finally in relation to residential amenity concerns are expressed that the proposal would result in parking along the front boundaries of the subject site and the front boundaries of the adjoining houses. The deficiencies in parking provided would impose an unreasonable burden of disturbance and disruption on the appellant's home. The operation of the facility would also give rise to general noise and disturbance.

7.0 APPEAL RESPONSES

A response was received on behalf of the applicant by Murphy - McGerr Architecture and the contents is summarised below. The background to the proposed development is set out and it is noted that the preschool is an established resource within the village but the existing facility within the Heritage Centre is a temporary solution due to its limited size, amenity and restrictive use. The new facility will offer a number of advantages in terms of a permanent facility with proper storage and recreational facilities. The facility is also deemed to be fit for purposes and incorporates suitable open space provision and offers significant advantages in terms of set down facilities and parking.

In terms of traffic concerns it is noted that the site is located within the 50 km/hour speed limit and incorporates adequate sightlines in both directions. The site is also located adjacent to a traffic light controlled pedestrian crossing. The fact that drop-off parking is provided within the site will enable the safe transfer of children to the proposed facility and will not give rise to illegal parking on the public road. A meeting was held with the County Engineer and the engineer was satisfied with the viability of the access arrangements.

With regard to the medical centre, it is stated that the medical centre is not in the vicinity of the subject site nor is parking arrangements associated with same in any way the responsibility of the applicant.

Finally in regard to accidents in the village, it is stated that these accidents are associated with the petrol filling station located to the north of the subject site.

With regard to parking restrictions it is stated that the site area allows for drop off parking for parents at the front of the property and also provides for segregated staff parking and disabled parking to the rear of the building. The proposed drop off area will provide space for five vehicles at any one time. The staggered arrival of cars will ensure that no congestion occurs. The proposed staggered drop off strategy is currently enforced at the existing facility. The proposal is also in full compliance with parking standards set out in the Westmeath County Development Plan. Three permanent car parking spaces have been provided for staff and is fully in compliance with Part M of the Building Regulations. Staff parking to the rear of the site will ensure that no

conflict arises with drop off and staff parking provision. Details of the traffic management strategy is set out in the response. Each parent of the pre-school facility is given a handbook (details attached) a section of which deals with car parking and arrival and departure from the facility. Details of the protocol for parking/drop off arrangements are set out in the response. Finally reference is made to Condition 6 of the grant of planning permission which in effect prohibits parking/set down along the public road.

With regard to pedestrian safety, it states that the site benefits greatly from the proximity of a signalised pedestrian crossing directly to the front of the facility. A separate pedestrian gate is also provided adjacent to the vehicular entrance. It is proposed that a demarcated pedestrian route will be incorporated into the proposed landscaping to provide and define a safe path to the building (this is indicated in drawing PD005 attached to the response).

With regard to residential amenity, it is stated that the proposed traffic management system will be maintained and controlled so as no disturbance or disruption will result in adjoining houses. Illegal on-street car parking is an offence and will be the subject of appropriate enforcement proceedings and actions.

With regard to noise and general disturbance it is noted that the subject site is located within the boundaries of an existing village and that there are a number of commercial uses in the immediate vicinity including restaurants, public houses, pharmacy, medical centre and community building etc. Finally it should be noted that Glasson pre-school operates under the controls and structures of the Child and Family Agency and the Early Childhood Care and Education Scheme as well as under the controls of the Office of the Minister of Children and Youth Affairs. Pre-school facilities are very important from the educational and social development of children before entering the formal learning and social environment.

7.2 Planning Authority's Response to the Grounds of Appeal

No response to the grounds of appeal were received from Westmeath County Council.

8.0 DEVELOPMENT PLAN PROVISION

The site is governed by the policies and provisions contained in the Westmeath County Development Plan 2014-2020. Chapter 7 specifically deals with social and community development. In terms of childcare policy, Policy P-CC1 seeks to encourage and support the provision of childcare facilities, subject to appropriate locations and design throughout the county and in accordance with needs identified by Westmeath County Childcare Committee. All planning applications for childcare facilities should be assessed in consultation with Westmeath County Council childcare committee. The dual use of such facilities will be encouraged to provide for the wider community needs.

Paragraph 14.5.6 specifically relates to childcare. Childcare facilities should comply with the provisions of “Childcare Facilities: Guidelines for Planning Authorities” (The Department of Environment, Heritage and Local Government, 2001). Childcare facilities are a key element in the provision of sustainable communities and the following locations are considered appropriate locations for childcare facilities.

- In community/larger new housing estates.
- The vicinity of concentration of works places, such as industrial estates, business parks and any other locations where there are significant numbers working.
- In the vicinity of schools.
- Neighbourhood and town centres.
- Adjacent to public transport corridors, park and ride facilities, pedestrian routes and dedicated cycle ways.

8.2 Glasson Rural Centre Plan 2014-2020

Glasson is designated as a rural centre with its function to serve the need of its immediate rural catchment with a primary focus of facilitating local services, tourism and community development. In terms of social and community policies P-GLN2 seeks to provide for and facilitate the future expansion and development of social and community facilities in the village.

P-GLN3 seeks to provide for recreational and amenity uses within the village including the provision of a playground. In terms of zoning the subject site is zoned ‘R2’ Existing Residential. Under the County Development Plan a crèche/nursery is a permitted use under the residential zoning objective.

8.3 Childcare Facilities: Guidelines for Planning Authorities (June 2001)

Section 3.3 sets out details of specific locations where childcare facilities are deemed to be acceptable. These include

- New and existing residential areas.
- Industrial estates/employment areas.
- City/town centres district centres and neighbourhood centres.
- Educational establishments.
- Public transport nodes.
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In terms of spatial standards the minimum floor space per child should be 2.32 square metres exclusive of kitchen/bathroom, hall, furniture or permanent fixtures.

9.0 PLANNING ASSESSMENT

I have read the entire contents of the file, have had particular regard to the issues raised in the grounds of appeal and I consider the following issues to be particularly pertinent in determining the current application and appeal.

- Traffic considerations
- Parking considerations
- Impact on residential amenity

9.1 Traffic Considerations

The grounds of appeal suggest that the proposed development will give rise to traffic and parking congestion in the vicinity of the proposed pre-school. It is suggested that more than 90 traffic movements per day would be generated by the proposed activity. This assumption presupposes that all children will be brought to the pre-school by private car. Having regard to the preschool central location within the village of Glasson it is probable that a proportion of children will be brought by foot. In this regard I note that there is an existing signalised pedestrian crossing directly in front of the proposed pre-school facility and this would be advantageous and would facilitate pedestrian trips from the vicinity.

With regard to the issue of traffic congestion, it is proposed to incorporate a clockwise circulatory system around a central area of open space within the existing front garden for cars to systematically drop children off at the pre-school facility. The drawings indicate that there is a stacking provision for five to six vehicles within the confines of the site. The covering letter submitted to the planning authority sets out details of the drop-off schedule. All drop-offs will take place over a 30 minute period during the AM peak (9.00-9.30). I consider that there is ample scope provided on site to facilitate the safe and sequential manoeuvring of vehicles to and from the designated drop off point to the front of the pre-school facility without causing any parking congestion or roadside parking in the vicinity of the site.

Any parking congestion associated with the medical centre on the opposite side of the road to the south of the subject pre-school facility would not justify reasonable grounds of refusal. The pre-school facility in itself would not give rise to or exacerbate on-street traffic congestion as appropriate staff parking facilities to the rear and set down facilities to the front have been provided as part of the proposal.

With regard to a traffic hazard, I note that the subject site is located in the 50km/h speed zone and sufficient sightlines in excess of 70 metres are afforded in both directions from the entrance to the site. The Board should also note that there is an existing entrance at this location. While the proposal may result in an intensification of this access, the sightlines are adequate in both directions and therefore I do not consider that the access and egress of the site represents a traffic hazard.

9.2 Parking Arrangements

With regard to the on-site parking arrangements, I note that the applicant in his response to the grounds of appeal submitted a report from TTRSA (Traffic Transport and Road Safety Associates). Accompanying this document was a sweep path analysis (see drawings received in response to the grounds of appeal dated 12th January 2016). It demonstrates that the car parking spaces located to the rear of the house can be readily accommodated within the confines of the site. I do not consider that there is any requirement, as suggested in the grounds of appeal, that specific car parking spaces should be provided for the parents of children. As in the case of any pre-school/school it is sufficient in my opinion to provide a drop off point for parents delivering children. With regard to permanent parking requirements, I consider one car parking space for a staff member together with a disabled car

parking space is sufficient and is in accordance with the provisions of the Development Plan. Again any reference to car parking facilities associated with other commercial developments in the vicinity (references made to medical centre, restaurant/pub etc.) are not a pertinent issue in determining the current application and appeal before the Board. I have argued above that sufficient off-street drop off and parking facilities have been provided for the pre-school in question. As sufficient car parking provision has been made, I do not consider that the proposed development would contribute to an overspill of on-street car park to the front of adjoining sites.

With regard to the issue of pedestrian facilities, it is clear that there is a designated pedestrian entrance to the childcare facility. Furthermore there is a separate segregated footpath within the site leading to the building and an existing signalised pedestrian crossing is also located directly outside the facility. Footpaths are located on both sides of the road in the vicinity of the site. I am therefore satisfied that pedestrian facilities are catered for.

9.3 Residential Amenity Issues

Finally with regard to the issue of residential amenity. I do not consider that the proposed development will give rise to excessive or inappropriate levels of noise which would adversely impact on the amenity of adjoining residences. The site is located in a village centre. Both the Development Plan and the Glasson Rural Centre Plan seek to provide for and facilitate the development of social and community facilities within the village of Glasson. In terms of Development Plan objectives therefore, the proposal is deemed to be acceptable in principle. Furthermore elevated ambient noise levels can be expected in a village centre. Raised ambient noise levels are likely to occur in the vicinity of the existing commercial facilities which surround the subject site and the relatively busy traffic associated with the N55 to the front of the site.

Finally in relation to residential amenity, I note that the pre-school facility will not operate outside normal business hours and will be restricted to the hours between 9.00am and 1.00pm. I also note that the maximum number of children to be accommodated at the facility is 22 and there is a thick mature hedge running along the common boundary of both dwellings. The potential therefore for significant or adverse noise generation which would impact on surrounding amenity is modest and I

don't consider that planning permission should be refused on these grounds.

10.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development and/or nature of the receiving environment and proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

11.0 CONCLUSIONS AND RECOMMENDATIONS

Arising from my assessment above therefore I recommend that the decision of the Planning Authority be upheld in this instance and that planning permission be granted for the proposed development on the grounds that the pre-school facility is unlikely to have an adverse impact on traffic congestion or parking arrangements within the vicinity of the site and is unlikely to give rise to significant or material residential amenity issues.

12.0 DECISION

Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

Having regard to the proposed pre-school facility location in the centre of the village of Glasson, it is considered that subject to conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity and would generally be acceptable in terms of traffic safety and convenience. The proposed development 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 the 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. No advertisement or advertising structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Acts 2001 or any statutory provision amending or replacing them shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

3. Hours of operation of the pre-school shall be from 9.00a.m. to 1.30p.m. Monday to Friday only and not at all on Saturday and Sundays. Any changes to the hours of operation/activity shall be the subject of a subsequent planning application to the Planning Authority.

Reason: In the interests of orderly development.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. All car parking and set down areas associated with the pre-school facilities shall be limited to the confines of the application site as indicated in the drawings submitted. Parking or set down of vehicles along the public road (N55 national secondary route) shall be strictly prohibited.

(a) The pre-school shall implement a policy that all children entering and exiting the pre-school by vehicle shall be dropped off and collected from a designated car parking area within the confines of

the site and to the front of the playschool facility as indicated in the drawings submitted.

- (b) Prior to the commencement of development the applicant shall submit details of signage to be located at the vehicular entrance on the pre-school prohibiting the set down of vehicles on the N55. The approved signage shall be erected prior to the commencement of pre-school activities on site.

Reason: In the interest of traffic management and orderly development.

6. The developer shall pay to the planning authority a financial contribution of €3,044 (three thousand and forty four euro) 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. 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

Reason: It is a requirement of the Planning and Development Act 2000 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.

**Paul Caprani,
Senior Planning Inspector.**

9th March, 2016

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