



An
Bord
Pleanála

Inspector's Report

Development

Change of use from retail unit to a sessional and part-time childcare facility, repositioning and widening of existing entrance onto public road at Ballbradagh, Robinstown, Navan, Co. Meath

Planning Authority

Meath County Council

Planning Authority Reg. Ref.

NA/160116

Applicant

Orla Reilly

Type of Application

Permission

Planning Authority Decision

Grant subject to conditions

Appellant

Yvonne Burke

Type of Appeal

3rd Party v. Grant

Observer(s)

None

Inspector

Pauline Fitzpatrick

Date of Site Inspection

03/08/16

1.0 SITE LOCATION AND DESCRIPTION

The site subject of the appeal, which has an area of 0.12 ha., is in the village of Robinstown which is c. 7km to the south of Navan town. The single storey building which is stated to have been previously used as a retail unit is vacant and is setback from the road with a pull in area in front. There is a gated access to the side of the building providing access to the detached garage and to the rear of the premises. The site is somewhat overgrown. A timber fence delineates the rear boundary with the lands to the south undeveloped. A low block wall delineates the western site boundary with the adjoining lands again undeveloped. The structure directly adjoins a two storey building which comprises a retail unit with petrol pumps to the front with a dwelling further east of same. There is a footpath between the site and a staggered crossroads c. 110 metres to the east which could be considered to be the centre of the village. The entrance to the Hollybrook housing estate is immediately opposite. To the west of the estate entrance there are 4 no. dwellings which have frontage onto the local road whilst there is a large detached dwelling to the east. The village also has a public house, church, primary school and a number of housing estates.

2.0 PROPOSED DEVELOPMENT

The proposal is for the change of use of the building from retail use to use as a childcare facility providing both sessional and part time places. It will cater for up to 21 children and will operate between 0700 and 1800 Monday to Friday.

The existing entrance is to be relocated and widened with 6 parking spaces to be provided within the curtilage in addition to set down provision along the roadside frontage. An outdoor play area is proposed to the rear of the building.

Internal alterations to facilitate the use are proposed with no external alterations proposed.

Note: Objections to the proposal received by the Planning Authority has been forwarded to the Board and are on file for its information. The issues relate to road

safety, suitability of location for proposed use, adequacy of play area and impact on amenities of adjoining property.

3.0 TECHNICAL REPORTS

The **HSE, Environmental Health Officer** in a report dated **16/03/16** has no comment.

The **Senior Executive Engineer, Road Design Office** in an undated report has no objection subject to the relocation of the charity bin currently located to the west of the forecourt.

The **Executive Planner's** report dated **06/04/16** (countersigned) considers the proposal to be in accordance with the development plan policy SOC POL 24 and would be consistent with the approach of the Development Plan towards Graigs and childcare facilities. The policy does not preclude an entire property being used as a childcare facility. The number of children to be accommodated is not considered excessive. The open space is not considered to be of sufficient size for use by all the children proposed at any one time which would reduce the noise generated. The site is situated within a settlement adjacent to a filling station and shop where traffic movement and associated noise would be expected as part of the background noise environment. It is not considered that the scale of the proposed development is such that it would negatively impact on the residential amenities of the area. The car parking to be provided is considered acceptable. The site is linked to the rest of the Graig by a footpath. A financial contribution is not applicable. A grant of permission subject to conditions is recommended.

4.0 PLANNING AUTHORITY'S NOTIFICATION OF DECISION

The planning authority decided to grant permission for the above described development subject to 5 conditions reiterating the hours of operation and number of children to be accommodated as per details given with the application. Condition 4 requires the area indicated as the yellow box to be kept clear of obstacles and Condition 5 precludes advertising.

5.0 GROUNDS OF APPEAL

The 3rd Party appellant lives adjacent to the site. Her submission can be summarised as follows:

- The noise arising from the childcare facility would detract from the amenities of her property. The Council did not apply any noise limits.
- The retail element of the proposed development was extinguished 15 years ago and the structure returned to residential use.

6.0 APPLICANT'S RESPONSE TO GROUNDS OF APPEAL

Response received late.

7.0 PLANNING AUTHORITY'S RESPONSE TO GROUNDS OF APPEAL

The response can be summarised as follows:

- The development plan supports Graigs as rural service centres. The site is linked with the remainder of the Graig by a footpath which extends to the primary school on the southern side of Robinstown and which provides good accessibility to residential areas in close proximity. It is therefore convenient for linked trips.
- The proposed play area would be surrounded by the crèche building, a garage and an adjoining two storey building in addition to a 2 metre high fence which would provide some containment for sound. The number of children to be accommodated is considered reasonable for a rural service centre and is not considered to be of a level that would generate excessive noise or unduly impact on residential amenities.

8.0 OBSERVATIONS

None

9.0 PLANNING HISTORY

NA/70613 – permission refused for demolition of existing commercial unit and dwelling unit, construct 2 no. commercial units, 2 no. town houses and 4 no. apartments and ancillary works

00/5060 – permission granted for demolition of existing stores and construct a new shop.

10.0 DEVELOPMENT PLAN PROVISIONS

Meath County Development Plan, 2013-2019

CS OBJ 19 – to support rural communities through the identification of lower order centres including small towns, villages and graigs to provide more sustainable development centres in the rural areas.

Robinstown is designated as a Graig.

RUR DEV SO 5 – to support the vitality and future of Graigs for rural development and ensure a functional relationship between housing in Graigs and the rural area in which they are located.

Objective RD OBJ 1 – to support Graigs ...in offering attractive housing options to meet the needs of the established rural communities and to support existing local community facilities such as school, post offices etc.

Policies SOC POL 21 – 25 address the provision of childcare facilities. SOC POL 24 seeks to permit childcare facilities of appropriate size and scale in rural locations adjacent to development clusters, community and educational facilities provided that they do not have a significant impact on the character or amenities of the area, particularly with regard to car parking, traffic generation and noise disturbance and subject to satisfying environmental standards and the needs of the community. Such facilities must generally:

- be required to be located within community/educational campuses, where purpose built childcare facilities are being provided.
- retain a significant residential element where proposed facilities relate to properties which have been designed and built as dwellings.

In terms of Development Management Standards development of childcare facilities at the following locations will normally be required...

In rural areas where it can be demonstrated that a need exists in the locality for such a facility subject to normal planning criteria including access, traffic generation and environmental considerations.

Note: Due regard is had to the Childcare Facilities Guidelines for Planning Authorities.

11.0 ISSUES AND ASSESSMENT

The building which is to be converted to a childcare facility is located within the Graig of Robinstown which is characterised by basic services including a shop and pub, church and primary school serving a notable level of residential development with housing estates noted immediately opposite the site and to the east of the crossroads. A footpath connects the site to the residential development and primary school to the east and south. The 50kph speed limit applies.

The current County Development Plan as set out in policy RUR DEV SO 5 and objective CS OBJ 19 seeks to support the vitality and future of Graigs for rural development to provide more sustainable development centres in the rural areas whilst objective RD OBJ 1 seeks to support existing local community facilities such as school, post offices etc. It is considered that the proposed development accords with the said principles and will provide a service to the residential development in the settlement.

The building which would appear to have been originally built and used as a residential unit with part use as a retail unit in the past is to be used in its entirety as a childcare facility. Whilst SOC POL 24 generally requires the retention of a

significant residential element where proposed facilities relate to properties which have been designed and built as dwellings I consider that it does not preclude the use in its entirety. Taking into consideration the fact that the structure is detached, is located immediately adjacent to a shop and, itself, was previously part used as a retail unit, I submit that full use of the premises for the proposed childcare facility is acceptable.

The appellant's property is to the east and adjacent to the open space area proposed to the rear of the structure. Noise and disturbance and consequent impact on her residential amenities are cited as concerns. The proposal is to provide for both sessional and part time child care facilities with opening hours between 0700 and 1800. A maximum of 21 children are to be provided for although it is reasonable to suggest that in practice due to the differing nature of sessional and part time facilities, the actual number on the premises at any one time would vary and that the use of the open space by the children would be staggered.

Taking into consideration (a) the location of the site within the settlement, (b) the fact that there is a shop and petrol pumps immediately adjacent which, in itself, would generate a certain level of noise and traffic generation, (c) the number of children to be facilitated which, at a maximum of 21, is not considered excessive and (d) the proposed 2 metre high timber fence boundary treatment, I do not consider that the impacts arising would adversely impact on the residential amenities of the said dwelling or other dwellings in the immediate vicinity as to warrant a refusal of permission.

I consider that sufficient parking, inclusive of the set down area in front of the building which is shared with the adjoining shop, is provided in accordance with the requirements of the County Development Plan with alterations proposed to the site access to improve sightlines. The clothes bank currently located to the east of the access will require relocation. Taken with the fact that the site is within the 50kph speed limit I do consider that the vehicular movements that would be generated by the proposal would give rise to a traffic hazard or would give rise to concerns in terms of conflicting vehicular movements due to its location adjacent to the shop and petrol pumps.

The issue of the accuracy of the existing use of the structure as given in the public notices has been raised and it is contended that the retail use was extinguished by reason of the permission granted under ref. 00/5060. As per the drawings that accompanied the said application, the building on the appeal site was referenced as a dwelling. Notwithstanding the previous use of the building to which there appears to be lack of consensus, I submit that the proposed change of use to be acceptable and that the public notices are clear in terms of the said proposed use.

AA – Screening

Having regard to the nature and scale of the development within the settlement of Robinstown, 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.

12.0 RECOMMENDATION

Having regard to the documentation on file, the grounds of appeal, the responses thereto, a site inspection and the assessment above I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

REASONS AND CONSIDERATIONS

Having regard to location of the site within the graig of Robinstown, the pattern of development and availability of on-street and off-street car parking 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 existing property or of property in the vicinity and would 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 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 more than 21 children shall be accommodated at any one time in the childcare facility and the hours of operation shall be limited to between 0700 hours and 1800 hours from Monday to Friday only.

Reason: To protect the amenities of property in the vicinity of the site.

3. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected (on the building/within the curtilage of the site) unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area

- 4 The area indicated on the site layout plan received by the planning authority on the 12th day of February, 2016 as 'Yellow Box' shall be kept clear of any obstruction.

Reason: In the interest of traffic safety

Pauline Fitzpatrick

Inspector

August, 2016