



An
Bord
Pleanála

Inspector's Report ABP-300955-18

Development	2no. single-storey pre-fabricated buildings for sessional pre-school and after school care.
Location	Westfield House, Ballymun Road, Dublin 9
Planning Authority	Dublin City Council Nth
Planning Authority Reg. Ref.	4368/17
Applicant(s)	Tender Hearts Ltd.
Type of Application	Permission
Planning Authority Decision	
Type of Appeal	Third Party
Appellant(s)	Sandra McKenna
Observer(s)	D. Quearny, J. O'Callaghan.
Date of Site Inspection	23/07/18
Inspector	John Desmond

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	4
3.3. Third Party Observations	4
4.0 Planning History.....	4
5.0 Policy Context.....	4
5.1. Development Plan.....	4
6.0 The Appeal	5
6.1. Grounds of Appeal	5
6.2. Applicant Response	6
6.3. Planning Authority Response	6
6.4. Observations	6
7.0 Assessment.....	6
8.0 Recommendation.....	8
9.0 Reasons and Considerations.....	8
10.0 Conditions	9

1.0 Site Location and Description

- 1.1. The application relates the site of a detached dwelling fronting onto Ballymun Road to the west and backing onto Albert College Crescent to the east, terminating the cul-de-sac. The site has pedestrian access onto Ballymun Road, which is a busy arterial route carrying 4 standard traffic lanes, two bus lanes and two cycle lanes. Vehicular access onto Albert College Crescent, a cul-de-sac servicing 28no. semi-detached dwellings.
- 1.2. The site has a stated area of 995-sq.m and accommodates a 2-storey (apparently derelict) dwelling dating probably from the interwar period, and an overgrown mature garden of trees and shrubs.

2.0 Proposed Development

- 2.1. It is proposed to erect 2no. single-storey prefabricated buildings of 109-sq.m GFA in total, for sessional pre-school and afterschool care, catering for 43 childcare spaces for children aged 3-12 years, opening 07.45-19.00 hours Monday to Friday, with outdoor play area, landscaping, services, bike parking (15no.), car parking (2no. plus drop off area) and extension of existing vehicular entrance (to 5.5m).

3.0 Planning Authority Decision

3.1. Decision

GRANT subject to 13no. conditions. Non-standard conditions of note:

No.3 – Permission limited to 5 years.

No.6 - Limits the number of children to be accommodated to 43no.

No.8 – Use of outdoor facilities limited to 5 hours per day.

No.13 – Onsite parking limited to use for drop-off / collect purposes only.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report is consistent with the decision of the Planning Authority and the conditions attaching thereto.

3.2.2. Other Technical Reports

Drainage Division (20/12/17) – No objection subject to standard conditions.

Roads Division (23/01/18 – note it incorrectly states 17) – No objection subject to standard conditions and conditions limiting permission to temporary 3-year period to enable associated traffic and parking impact to be monitored; onsite parking to be for drop-off / collect purposes only.

3.3. Third Party Observations

8no. letters of objection were received to the application from Noel Rock and Róisín Shorthall TDs, and from residents of Albert College Crescent, Avenue and Drive: Angela Gallagher no.27 ACC, Aideen Murphy no.21 ACC, Ronan Killeen no.26 ACC, Sandra McKenna no.28 ACC, Julie and Julie O’Callaghan no.30 ACA and Deirdre Quearney no.22 ACD.

The main issue of concern related to traffic safety and parking congestion impacts on Albert College Crescent and surrounding road network, exacerbating existing problem of commuter parking.

4.0 Planning History

None.

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan 2016-2022

Z1 *'to protect, provide and improve residential amenities'*. Childcare facility is a permissible use.

Policy SN17 *'To facilitate the provision in suitable locations of sustainable, fit-for-purpose childcare facilities in residential, employment, and educational settings, taking into account the existing provision of childcare facilities and emerging demographic trends in an area. Natural Heritage Designations'*.

Appendix 13 *'Guidelines for Childcare Facilities'*.

6.0 The Appeal

6.1. Grounds of Appeal

The main grounds of the Third-Party appeal by Sandra McKenna of no28 Albert College Crescent (almost adjacent the northwest of the application site) may be summarised as follows:

- Strenuously objects to a creche for 43 children on a site located at the end of a small residential cul-de-sac.
- Will bring 30-35 extra cars to the road every day from 6.45am to 7pm, excluding staff.
- Impact on residents' access / egress to / from the cul-de-sac and their properties in the morning and evenings.
- There is not sufficient room for two cars to pass on the cul-de-sac with cars parked on the road.
- Disputes that parents will park at the church car park.
- The area is heavily used for free parking by commuters taking the bus to work or to DCU, or even accessing the shops to the west of the main road.
- Traffic risk to children in the cul-de-sac, including local children playing on the cul-de-sac and those accessing the creche.

6.2. Applicant Response

The main points in the applicant's response to the appeal, submitted c/o Studio Anois may be summarised as follows:

- There is a lack of childcare places in the area.
- The jobs of 6 employees are at stake if the premises cannot open in 2018.
- Requests that a decision be expedited.

6.3. Planning Authority Response

None.

6.4. Observations

Two letters of observation were received, from Deirdre Quearny (of no. 22 Albert College Drive) and Julie O'Callaghan (of no.30 Albert College Avenue). The main issues raised repeat points made in the appeal and in observations on file and relate to road traffic congestion and road traffic safety.

7.0 Assessment

- 7.1. This is a single-issue case relating to road traffic congestion and road traffic safety concerns. The Council's Road and Traffic Planning Division raised no objection to the proposal but recommended that the period of permission be limited to 3-years to enable the traffic impact to be monitored and that the 2no. parking spaces on site be limited to use for drop-off/ pick-up purposes only, in addition to three other standard conditions.
- 7.2. The appellant, observers to the appeal and observers to the application have strenuously objected to the proposed development on grounds of traffic / parking congestion within the cul-de-sac and consequential traffic safety impact on the cul-de-sac with regard to its use by local children and by the children that would access the proposed facility.
- 7.3. The applicant submitted a Planning and Traffic Report by Anois Architecture and Design Studio. The report indicates that the proposed sessional day care facility will

have a morning session (9.15-12.15am) and afterschool session (1.30-6.30pm), with 43no. children accommodated in each session, with opening hours from 07.45 hours to 19.00 hours. Children will be dropped and collected by parents to/from the morning session but will be collected by the childcare facility's staff from local primary schools and walked to the premises for the after-school session. It is indicated that the cul-de-sac has free on-street parking and an 11+m diameter turning are adjacent the site to accommodate the proposed development. 2no. off-street parking spaces are provided to comply with Development Plan guidelines. The vehicular entrance is to be widened to Albert College Crescent to allow for a drop off area. The applicant submits that parents will be encouraged to park at the church 190m north of the site entrance and that their two existing pre-school facilities in Drumcondra and Glasnevin are already committed to a 'traffic reduction' approach, with sheltered bicycle parking and encouraging parents to walk / cycle their children to the facility.

- 7.4. It is certain that the proposed development will generate additional traffic, much of which can be expected to be by private car. It is reasonable to assume that much of the private car traffic, possibly the majority, will be through Albert College Crescent, although the implementation of a policy to encourage parents to park at the school would help reduce this. The impact will occur for drop and collect for the morning session and for the collect at the afternoon session. The start time of the two pre-school sessions will be staggered to reduce the potential traffic impact, a method which I am aware of having been implemented at other such facilities. Should the Board decide to grant permission, it would be reasonable to attach a condition in this regard, with the time-stagger to be agreed with the Planning Authority.
- 7.5. A staggered start is not possible for the afterschool sessions which will be dictated by national school finish times, however as children will be collected by staff from the various primary schools and brought to the centre on foot there should be no traffic impact from 'drops'. Collection time will depend on parents' work finishing times and can be expected to be naturally dispersed, thereby having a reduced potential for adverse traffic impact.
- 7.6. Given the built-up and mixed-use nature of the wider, mature suburban area and its location adjacent a quality bus corridor, it is likely that some children will be dropped

/ collected by bus or will walk or use other passive transport modes to access the site, particularly if encouraged by the facility operator.

- 7.7. Arising from the foregoing assessment, I do not consider it likely that the proposed facility will seriously impact on local residential amenities through traffic congestion on the cul-de-sac. The provision of additional parking or drop off spaces on site, whilst evidently possible, would likely be counterproductive and encourage more parents to drive to the site rather than use the church car park and, in the context, the limited parking would constitute a reasonable traffic demand reduction measure.
- 7.8. The issue of commuters using this suburban area for free parking, whether to access DCU or to commute to work, as raised by the appellants and observers, is not relevant to the appeal but is a separate matter that it is within the power of the Local Authority to address.
- 7.9. I consider the limiting of the period of permission by condition (no.3) to 5 years (a compromise by the Planning Officer on the 3 years recommended by the Roads Traffic Planning Division) to be unwarranted given the small scale of the proposed development within the locational context. I also consider limiting of use of the outdoor garden to five hours per day (by condition no.8) to be unwarranted in the context of the site, and limiting the capacity of the proposed development to 43no. children (condition no.6) to be unnecessary as this is effectively covered by standard condition no.1 (it is also reinforced by the fact that the proposed capacity is stated in the public notices). Despite that these conditions were not subject to first party appeal, I consider it reasonable to omit them in the event of a decision to grant permission.

8.0 Recommendation

- 8.1. I recommend that permission be **GRANTED** subject to the conditions set out under section 10.0 below.

9.0 Reasons and Considerations

Having regard to the zoning objective for the site, Z1 '*to protect, provide for and improve residential amenities*' where childcare facilities are permissible in principle,

to the location of the site adjacent a dedicated QBC and to a stop on same and to the built up, mixed-use nature of this mature suburban location, where there are a range of transport mode options to access the facility, it is considered that the proposed development would not seriously injure the amenities of residential property in the vicinity, would be consistent with the policies and objectives of the Dublin City Development Plan 2016-2022 pertaining to childcare facilities and would be consistent with the proper planning and sustainable development of the area, subject to compliance with the following conditions:

10.0 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 hours of operation of the facility shall be limited to between the hours of 07.45 and 19.00, Monday to Friday and the hours of 08.00 and 14.00, Saturday and the facility shall not operate on any Sunday or Bank Holiday.

Reason: In the interest of clarity and to protect the residential amenities of the area.

3. (i) The car parking spaces on site shall be reserved as set down spaces only, for the purposes of drop-off / collect of children.

(ii) The footpath and kerb shall be dished at the widened entrance, the details of which shall be submitted for the prior written agreement of the Planning Authority.

(iii) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary to accommodate the development shall

be at the expense of the applicant.

Reason: In the interest of traffic movement and traffic safety.

4. Prior to the commencement of development, the developer shall submit, for the written agreement of the planning authority, details of the staggered start and finish times for the two preschool (morning) sessions.

Reason: To reduce the potential traffic impact of the childcare facility.

5. 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.

6. Prior to the commencement of development, the developer shall submit, for the written agreement of the planning authority, full details of signage.

Reason: In the interest of visual amenities.

7. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 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: To safeguard the residential amenities of property in the vicinity

8. The development shall comply with the requirements of Dublin City Council's Code of Practice for its Drainage Division, its Road Streets and Traffic Department and the Noise and Air Pollution Section.

Reason: To ensure a satisfactory standard of development.

9. The developer shall pay to the planning authority a financial contribution of €7,636 (seven thousand, six hundred and thirty six 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, 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. 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 An Bord Pleanála to determine.

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.

John Desmond
Senior Planning Inspector

27th July 2018