



An
Bord
Pleanála

Inspector's Report ABP-301121-18

Development	Change of use from residential use to use as a crèche/nursery.
Location	32 Ardmeen Park, Blackrock, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17A/1092
Applicant(s)	Gemma Holohan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Declan and Leonie O' Carroll
Observer(s)	None
Date of Site Inspection	13 th June 2018
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The site is located at 32 Ardmeen Park, Blackrock, Co. Dublin. The subject site has an area of 0.36 hectares.
- 1.2. The area is a mature residential area with mature trees along the footpath. No. 32 is a semi-detached 4 bedroom 2 storey dwelling house.

2.0 Proposed Development

- 2.1. It is proposed that the existing residential use will change to creche/ Montessori/ nursery on part of the ground floor. It is also proposed to widen the existing entrance to 3.5m.
- 2.2. Little Gems Montessori currently operates at 26 Avoca Park, Blackrock under a temporary permission granted by ABP. It is proposed that this business is relocated to Ardmeen Park and the business at Avoca Park would cease. The owner intends to live in the house. The Montessori school would occupy an area of 51 square metres of the ground floor of the house. It is proposed that 90.8 square metres over the ground and first floors would be for residential use.
- 2.3. Information submitted in the appeal response indicates that the facility would accommodate 22 children. Hours of opening are 08.00 to 18.00. Children arrive in staggered hours in accordance with the hours they are enrolled. The morning ECCE session would be from 9.15-12.15. Between 1.30 and 2.30 some afterschool children (siblings of morning children) would arrive.

3.0 Planning Authority Decision

3.1. Decision

- 3.2. Permission granted subject to 9 No. conditions. Noteworthy conditions include the following:

Condition 2 required that prior to occupation of the proposed creche/ nursery/ Montessori, the applicant shall submit a school travel plan detailing proposed

measures to encourage the use of sustainable transport modes and reduce reliance on the private car.

Condition 3 required the applicant to provide an adequate number of bicycle/ scooter parking spaces within the curtilage of No. 32 Ardmeen Park for staff/ parents/ children. It was also required that the applicant shall also show adequate space to access the proposed bicycle/scooter parking spaces.

Condition 4 required that the proposed width of the entrance shall be a maximum of 3.5m.

Condition 7 required that no advertising sign or structure shall be erected except those which are exempted development without prior grant from the Planning Authority.

Condition 8 required that the retained house shall be occupied by the operator of the proposed creche/ nursery (Montessori) and shall not be separated from the proposed use by sale or letting or otherwise.

Condition 9 required that the proposed use shall be for no more than 22 children.

3.3. **Planning Authority Reports**

3.4. **Planning Report:** The report noted that the majority of the house would remain in residential use and considered that the proposal would not have a negative impact on the character of the site/house, or would not seriously injure the residential or visual amenities of the area.

3.5. **Other Technical Reports**

Transportation Planning: Further Information requested in relation to two items. These items relate to a school travel plan and provision of an appropriate number of bicycle/ scooter parking spaces.

Drainage Planning: No objection subject to one condition.

3.6. **Prescribed Bodies**

- No reports received.

3.7. Third Party Observations

Five No. observations/ submissions were received in the prescribed period. The issues raised are similar to those raised in the grounds of appeal.

4.0 Planning History

None relevant.

5.0 Policy Context

5.1. Development Plan

The operative development Plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The subject site is zoned Objective A: 'To protect and/or improve residential amenity.'

Section 8.2.12.1 provides guidance in relation to assessing individual planning applications for childcare facilities.

Section 8.2.4.11 provides policy in relation to parking and access at childcare facilities.

5.2. Natural Heritage Designations

5.2.1. None applicable.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal from Declan and Leonie O' Carroll can be summarised as follows:

- Traffic safety concerns having regard to the location of the site close to a sharp bend and the levels of additional traffic associated with the facility.
- Concerns regarding emergency vehicle access.
- The Planning Authority has failed to adequately address the concerns raised in the observations.
- The Planning Authority has failed to adhere with Sections 8.2.12 and 8.2.4.11 of the Development Plan.
- The Council failed to clarify the exact nature of the facility.

6.2. Applicant Response

- Details of operation including hours and types of childcare are submitted.
- The site has two car parking spaces. This complies with Development Plan requirements of one per staff member.
- The site is located close to public transport.
- The road is a quiet, purpose built residential road and is safe and suitable. There is a bend but in practice, traffic moves more slowly.
- Fig 3 identifies other childcare facilities in Blackrock.
- It is considered that Development Plan requirements are complied with.

6.3. **Planning Authority Response**

- The Planning Authority are satisfied that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.4. **Observations**

- None.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Impact on Traffic Safety
- Appropriate Assessment

7.2. **Principle of Development**

7.2.1. The subject proposal comprises a modest crèche/Montessori facility in an existing semi-detached dwelling in Ardmeen Park, Blackrock, Co. Dublin. The applicant is currently operating a similar business around 2km from the site under a temporary permission which will expire shortly.

7.2.2. The subject site is zoned objective A and the use 'childcare service' is open for consideration under this zoning objective. The Development Plan generally encourages the development of such facilities in residential areas where they can be easily accessed by the community they serve and notes they are particularly suited to large detached or semi-detached properties.

7.2.3. The subject crèche is located in a large semi-detached dwelling and is within easy walking distance of a large residential community. The total area of the dwelling is 141.8m², it is proposed that 90.8m² will be occupied by the applicant as her home and 51m² will change use from residential to a creche/ nursery (Montessori) school. The hours of operation are 08.00 – 18.00. It would appear from information submitted with the appeal that the premises will also be used as an afterschool facility. A recent circular issued by the Department of Environment, Community and Local Government in 2016 notes the need to provide additional childcare places. I am satisfied that the development provides an important local community facility and the principle of such a development is acceptable at this location.

7.3. Impact on Traffic Safety

7.3.1. The main concerns set out in the appeal refer to traffic safety, congestion and difficulties that may arise for emergency vehicles.

7.3.2. It is proposed to widen the existing access to 3.5m and extend the existing hard surface area to the front of the site. It is a Development Plan requirement in Table 8.2.4 that childcare services require 1 space per staff member. A total of 2 staff members are proposed for the 22 children in accordance with TUSLA requirements. I am satisfied that two car parking spaces can be provided within the site curtilage.

7.3.3. I note that the site is close to a DART station and the area is well served by buses. I also note that a maximum of 22 children will attend the facility some of whom could be siblings. It is stated in the response that 'Little Gems' operates set times for pupils to arrive so that they do not arrive together. The nature of childcare facilities is that generally the times of drop off and pick up are likely to be staggered as parents have different working arrangements.

7.3.4. Whilst there is a bend in close proximity to the site, this in my view would slow traffic down in proximity to the premises. The appeal contends that the road is a rat run. There was no evidence of this on the site inspection and I cannot see any particular benefit of using this road as a rat run. The appeal also considers that children may

be at risk from reversing cars. This is the risk for pedestrians in every suburban environment and it is the responsibly of the driver to watch the road before reversing.

- 7.3.5. Significant concerns have been raised by the appellant regarding ad- hoc parking and access for emergency vehicles. On the site inspection, I noted that there is some on street parking but the road and footpaths are generous in width at this location and I do not consider that access for emergency vehicles would be impacted on. I did not observe either dangerous driving conditions or any parking that would impede access by an emergency vehicle.
- 7.3.6. I am satisfied therefore having regard to the location and limited scale of the development (51m² and a maximum of 22 children) that it will not give rise to any material significant or adverse traffic and parking impacts, has sufficient facilities for drop off and collection and will not detract from the residential amenities of the area.
- 7.3.7. With regard to condition 2 imposed by the Planning Authority which requires the preparation of a travel plan, I note that this is not a large school or college and will only provide facilities for a maximum of 22 children. Having regard to the small scale of the development, I am satisfied that the imposition of such a condition is not warranted in this instance.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development comprising the change of use of 51m² of an existing dwelling house on serviced land within an established urban area, and the distance 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.

8.0 Recommendation

- 8.1. It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

9.1 Having regard to the limited nature and extent of the proposed development, it is considered, that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 developer shall provide an appropriate number of bicycle/ scooter parking spaces within the curtilage of the site.

Reason: In the interest of promoting and encouraging sustainable travel.

3. The number of children to be accommodated within the premises shall not exceed 22 number at any time on any day or 22 number in any session.

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

4. The proposed childcare facility shall not operate outside the period of 0800 to 1800 hours Monday to Friday inclusive, and shall not operate on Saturdays, Sundays or public holidays.

Reason: In the interest of residential amenity.

Emer Doyle
Planning Inspector
28th June 2018