



An
Bord
Pleanála

Inspector's Report ABP 302984-18.

Development	Change of use of existing crèche facility to a dwelling.
Location	5 Pebble Bay, Friars Hill, Wicklow town, Co. Wicklow.
Planning Authority	Wicklow Co. Council.
Planning Authority Reg. Ref.	18442
Applicant	Ken Fennell
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant	Noel Heatley
Observers	None
Date of Site Inspection	24/1/19
Inspector	Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The appeal site no. 5 Pebble Bay with a stated area of 0.0537 hectares is located to the west of Wicklow town. It is situated within Pebble Bay Housing Estate, a scheme of detached dormer, two-storey detached, two-storey semi-detached and two-storey terraced and dwellings.
- 1.2. The building on site is detached and dormer with associated front and rear gardens and vehicular driveway. The front of the property addresses a small area of grassed open space.
- 1.3. It is one of six similar properties within a cul-de-sac immediately to the east of the estate access off Friarshill. It was originally constructed as a dwelling and permission was granted for a change of use to a crèche in 2007. On inspection of the site the property appeared to be vacant.

2.0 Proposed Development

- 2.1. Permission is sought for a change of use of existing crèche facility to a dwelling.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 1 no. condition

3.2. Planning Authority Reports

3.2.1. Planning Reports

Report dated 12/6/18 – Further Information sought in relation to the following;

1. Having regard to the planning history of the site whereby the use of these premises as a crèche facility was proposed by the former owners/developers (Whittle/Dunne Development Partnership) in order to meet the childcare needs of the housing development constructed under PRR06/5224 and having regard to the existing shortage of childcare facilities in Wicklow Town and its environs, you are requested to submit a detailed planning report in

support of this application. This report should demonstrate to the satisfaction of the Planning Authority why there is no longer a need for the childcare facility permitted under PRR07/626. Your response to this item should reference the planning history associated with this development (in particular how it relates to PRR06/52241 and the existing demand for childcare facilities in the area.

- 3.2.2. **Report dated 17/10/18** – Following the submission of a response to the further information requested the Planning Officer concluded that no. 5 Pebble Bay has never operated as a crèche and that it is unsuitable to operate as a crèche and therefore they are satisfied its change of use to a dwelling would be acceptable.

3.3. **Third Party Observations**

- 3.3.1. The Planning Authority received one observation/submission in relation to the application. The main issues raised are similar to those set out in the appeal.

4.0 **Planning History**

PA Reg. Ref. 07/626 – Permission was granted for change of use of dwelling to a crèche facility for 30 children with car parking for staff in front driveway.

PA Reg. Ref. 06/5224 – Permission was granted for amendments to the parent permission for the Pebble Bay housing development (Reg. Ref. 05/2702) for two new house types, for a reduction in dwelling numbers from 112 to 110 & amendments to site layout. Condition no. 3 referred to a childcare facility and stated;

- (a) *Planning permission shall be sought for a childcare facility to meet the requirements of this development at a suitable location in close proximity to the current site upon occupation of 50% of the residential units.*
- (b) *No occupation of the remaining 50% of units shall take place until planning permission has been obtained.*
- (c) *No occupation of entire development shall take place until the childcare facility is fully operational.*

REASON: In the interest of orderly development.

PA Reg. Ref. 05/2702 – Permission was granted for 67 dwellings comprising 12 no. two storey 3 bedroom duplexes over 12 no. 2 bedroom ground floor units, 43 no. three, four and five bedroom, two and three storey detached and semi-detached dwellings and single storey childcare facility with access from Keatingtown Road.

PA Reg. Ref. 04/1056 – Permission was granted for a change of use from garage to pre-school at no. 5 Pebble Bay.

5.0 Policy Context

5.1. Wicklow Town – Rathnew Development Plan 2013 – 2019

- 5.1.1. The site is zoned Objective RE – Existing Residential: To protect and preserve existing residential uses and provide for infill residential development.
- 5.1.2. To protect, provide and improve residential amenities of existing properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located and with minimal impact on the existing residential amenity.

5.2. Wicklow County Development Plan 2016 – 2022

- 5.2.1. Chapter 3 – refers to Residential Development
- 5.2.2. Chapter 4 – refers to Housing
- 5.2.3. Objective HD2 – New housing development, above all other criteria, shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.
- 5.2.4. Appendix 1 – refers to Development Design Standards

5.3. Project Ireland 2040 - National Planning Framework

- 5.3.1. The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. National Policy

Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.

- 5.3.2. National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was submitted by Michael Connolly Architects on behalf of Noel Heatley. The main issues raised are as follows;

- It is submitted that a childcare centre has been in existence on the site since permission was granted under Reg. Ref. 04/1056 for conversion of the existing garage to childcare facility.
- Under Reg. Ref. 07/626 permission was granted for a change of use of the existing dwelling house to a crèche. The provision of the creche was necessary for the compliance Condition no. 10 of the permission granted for residential development at the lands at Burkeen, Wicklow specified that ‘*The proposed childcare facility shall be completed and operational upon the completion of 50% of the residential units*’.
- A condition of the permission granted under Reg. Ref. 06/5224 required that ‘*planning permission be obtained for a childcare facility at a suitable location in close proximity to the current site upon occupation of 50% of the residential units.*’
- This facility was completed in accordance with the advice and guidance of Wicklow Childcare Committee in accordance with ‘Childcare Facilities – Guidelines for Planning Authorities’.
- In order to meet the requirement for childcare places to serve the residential development at Burkeen a childcare facility was provided at no. 13 Saunders

Lane, Rathnew. A change of use from creche to dwelling at that location is the subject of a concurrent application and appeal.

- A previous application was made under Reg. Ref. 16/1455 for a change of use from crèche to dwelling of the subject property no. 5 Pebble Bay. There was a request for further information on the Planning Officer's report. The application was withdrawn.
- Further information was sought in relation to the current application regarding existing childcare provision in the area. The applicant obtained information from two childcare facilities in the Wicklow area and a playgroup. It is stated that the comments submitted from those sources are anecdotal and from competing operators.
- There are no details or records that the applicant consulted with the Wicklow Childcare Committee to ascertain its view on the closure of the facility.
- It is the opinion of the appellant that based on their discussions with the committee on related matters that if the committee were consulted in relation to the current application that it would not support the change of use.
- It is submitted that the applicant has not demonstrated that there no longer is a need for a crèche a no. 5 Pebble Bay. If permission is granted it would permit the removal of a childcare facility which is linked to the completion of Burkeen Estate.
- The appellant is currently developing residential lands at Burkeen Hall under Reg. Ref. 14/1816 and subsequent permissions. Under those permissions he is required to provide childcare facilities for up to 100 children. Therefore, the loss of the subject crèche facility is question in this context.

6.2. Applicant Response

The Board did not receive a response to the third party appeal from the applicant.

6.3. Planning Authority Response

- None received

7.0 Assessment

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Principle of development
- Appropriate Assessment
- Environmental Impact Assessment

7.1. Principle of development

- 7.1.1. Permission is sought for a change of use from crèche facility to a dwelling. The site is zoned 'RE' – Existing Residential, where it is the objective 'to protect and preserve existing residential uses and provide for infill residential development.' The property on site was originally constructed as a dwelling. Under Reg. Ref. 07/626 permission was granted for change of use of the dwelling to a crèche facility for 30 no. children.
- 7.1.2. In determining the application, the Planning Authority requested further information. The applicant was requested to provide a report supporting the application to address why there is no longer a need for a childcare facility permitted under Reg. Ref. 07/626. They were required to address the existing demand for childcare facilities in the area.
- 7.1.3. As set out in the response to the further information the applicant stated that the property never operated as a crèche because a tenant/operator was not found. The matter of existing demand for childcare facilities in the area was also addressed in the report submitted to the Planning Authority. The report set out that there are 15 no. crèches within a 15km radius of the site. A survey of three of the crèches/childcare facilities Naíona Chill Mhantain, Little Explorers Childcare Limited and Postman Pats Playgoup at St. Patrick's Valley indicated that there is a free surplus of 55 no. childcare spaces in Wicklow Town. The result of this survey of three operating childcare facilities indicates that there is a surplus of registered childcare places available in the catchment in excess of the 30 no. childcare spaces which were provided for under the permitted crèche facility at no. 5 Pebble Bay and

therefore the proposed change of use would not result in a shortfall of required childcare spaces within the catchment.

- 7.1.4. The appellant raised the matter of the Wicklow Childcare Committee and a lack of consultation in relation to the subject application. The report of the Planning Authority on foot of the response to the further information referred to the Wicklow Childcare Committee. The contribution to the report from the Senior Engineer refers to previous discussions with the Wicklow Childcare Committee and their advice that childcare facilities should be purpose built as opposed to smaller premises operating in a dwelling alongside existing residential use. The absence of any operator/tenant for the subject creche at no. 5 Pebble Bay since permission was granted for the change of use, would appear to correlate with this advice from the Wicklow Childcare Committee.
- 7.1.5. The property is served by a driveway and parking area to the front which provides off-street parking for two vehicles. The proposed change of use to dwelling would generate less traffic movements than a crèche facility and would require 2 no. car parking spaces as per the car parking requirements are set out in Appendix 1 of the County Development Plan, therefore the proposal would be acceptable in terms of traffic and parking considerations.
- 7.1.6. Having regard to the fact that despite permission being granted for a change of use to crèche over eleven years ago the property has never operated as a crèche, given the limited scale of the building, its previously permitted use as a dwelling and details provided with the application, I am satisfied that the proposed change of use from crèche facility to a dwelling would be acceptable in terms of the zoning provisions, planning history and would not seriously injure the amenities of the area or of property in the vicinity, and would therefore, be in accordance with the proper planning and sustainable development of the area.

7.2. **Appropriate Assessment**

- 7.2.1. Having regard to the nature and scale of the proposed development, and the location of the site within an established urban area, and its 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.

7.3. Environmental Impact Assessment

- 7.3.1. Having regard to the nature and scale of the development which consists of a change of use of a creche to a dwelling, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

- 8.1. I recommend a grant of permission subject to the following condition.

9.0 Reasons and Considerations

Having regard to the provisions of the Wicklow Town – Rathnew Development Plan 2013 – 2019, specifically the residential zoning objective for the site, the nature and extent of the proposed development and the planning history it is considered, that subject to compliance with the condition set out below, the proposed development would not seriously injure the amenities of the area 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.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application.

Reason: In the interest of clarity.

Siobhan Carroll
Planning Inspector

8th of February 2019