



An  
Bord  
Pleanála

## Inspector's Report ABP 302988-18.

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<b>Development</b>	Change of use of existing crèche facility to a dwelling.
<b>Location</b>	13 Saunders Lane, Rathnew, Co. Wicklow.
<b>Planning Authority</b>	Wicklow Co. Council.
<b>Planning Authority Reg. Ref.</b>	18443
<b>Applicant</b>	Ken Fennell
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Noel Heatley
<b>Observers</b>	None
<b>Date of Site Inspection</b>	24/1/19
<b>Inspector</b>	Siobhan Carroll

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## 1.0 Site Location and Description

- 1.1. The appeal site at no. 13 Saunders Lane with a stated area of 0.0287 hectares is located to the west of Wicklow town. It is situated within Saunders Lane Housing Estate, a scheme of two-storey detached, semi-detached and terraced and dwellings. The building on site is detached and two-storey with associated front and rear gardens and vehicular driveway.
- 1.2. The site is situated at a corner circa 30m from the entrance to the housing estate. There are five other dwellings along the section of road to the north of the site. The neighbouring dwelling no. 14 is the same as design as the subject property. The subject property was originally constructed as a dwelling and permission was granted for a change of use to a crèche in 2006. It formally accommodated Merry Meetings Montessori. 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 the area, 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 PRR06/4735. Your response to this item should reference the planning history associated with this development (in particular how it relates to PRR06/5224 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 they accepted that the use of the premises as a crèche facility has ceased and that it may no longer be suitable to cater for such a use and while there may be demand for crèche facilities in the Wicklow/Rathnew area that the proposed change of use would not create an additional demand for childcare services 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. 06/4735** – Permission was granted for the conversion of the dwelling granted under planning register reference 05/2155 to a creche for child day care facilities.

**PA Reg. Ref. 06/5224** – Permission was granted for two new house types, for a reduction in dwelling numbers from 112 to 110 & amendments to site layout subject of Planning Register Reference 05/2702.

**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 Keatingstown road.

**PA Reg. Ref. 05/2155** – Permission was granted for 211 no. dwellings with sewerage pumping station, connection to existing services, underground attenuation tank, site ancillary works, upgrading of road known as Saunders Lane.

**PA Reg. Ref. 04/2041** – Permission was granted for mixed use development including 2 storey creche and children's entertainment facility, two-storey warehouse/light industrial units, three-storey office building, new entrance road and car parking at Broomhill Business Park.

## **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 2006 permission was granted under Reg. Ref. 06/4735 for conversion of a dwelling to a childcare facility.
- The premises subsequently operated as a childcare facility. It provided necessary childcare facilities which complied with the permission granted under Reg. Ref. 07/626 for the residential development of lands at Burkeen, Wicklow. Condition no. 10 of that permission 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 for new house types, a reduction in dwelling number from 112 to 110 to scheme granted under Reg. Ref. 05/2702, 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 also provided at no. 5 Pebble

Bay, Wicklow. 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. 16/1454 for a change of use from crèche to dwelling of the subject property no. 13 Saunders Lane. It was deemed invalid. There was a concurrent application for a change of use from crèche to dwelling at no. 5 Pebble Bay, Wicklow under Reg. Ref. 16/1455. There was a request for further information on the Planning Officer's report. The application was withdrawn.
- In relation to the current application, further information was sought 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 at the subject site. 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 questioned 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. 06/4735 permission was granted for the conversion of the dwelling granted under planning register reference 05/2155 to a crèche for child day care facilities.
- 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. 06/4735. They were required to address the existing demand for childcare facilities in the area and also to reference the planning history associated with this development in particular how it relates to Reg. Ref. 06/5224.
- 7.1.3. Regarding the original planning application Reg. Ref. 05/2155 it was stated in the response that the needs of the community in relation to childcare arising from that application would be facilitated through provision from a separation application Reg. Ref. 04/2041. The scheme which was granted permission under Reg. Ref. 04/2041 at Broomhall Business Park included a two-storey crèche to provide childcare facilities for the surrounding area.



- 7.1.4. In relation to the subject site it is noted that following the grant of permission under Reg. Ref. 06/4735 the building operated as a crèche and that it ceased trading in 2015. The property has remained vacant since then.
- 7.1.5. Regarding the planning history associated with the development and particularly how it relates to Reg. Ref. 06/5224, the applicant responded to the Planning Authority that it is clear from the original planning submission on Reg. Ref. 06/5224 that there was no original requirement from a planning point of view for the property at no. 13 Saunders Lane to be a crèche as the community needs would be catered for in the Broomhall development granted under Reg. Ref. 04/2041.
- 7.1.6. Under Reg. Ref. 06/5224 permission was granted for two new house types, for a reduction in dwelling numbers from 112 to 110 & amendments to site layout subject of Planning Register Reference 05/2702. Reg. Ref. 05/2702 refers to a residential scheme and single storey childcare facility with access from Keatingstown road.
- 7.1.7. Having reviewed the planning history, I note that condition no. 3 of Reg. Ref. 06/5224 specifies that;

3.

- (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.*

- 7.1.8. Having reviewed the planning history in respect of Reg. Ref. 06/4735 which relates to the subject childcare facility at no. 13 Saunders Lane, I note that there is no specific reference in the reports of the Planning Officer or in the further information request with respect to compliance with condition no. 3 of Reg. Ref. 06/5224.
- 7.1.9. The applicant set out in their response to the Planning Authority that the premises does not meet the standards of a purpose built childcare facility and that there are

other childcare facilities in the area which are purpose built. It is noted that Little Harvard crèche and Montessori operates from a purpose built premises which is located circa 300m from the appeal site. That childcare facility can accommodate 95 children. The further information response also made reference to another crèche which was due to open at Kirven Hill which is situated circa 1km from the site.

- 7.1.10. Along with Little Harvard crèche and Montessori 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 therefore the proposed change of use would not result in a shortfall of required childcare spaces within the catchment.
- 7.1.11. 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.
- 7.1.12. The area to the front of the property is hard surfaced with no physical front boundary to the footpath and road. This area to the front can provide off-street parking for two/three 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.
- 7.1.13. Having regard to the fact that the use of the premises as a crèche ceased in 2015, that the premises was not purpose built as a childcare facility and therefore that it may no longer be suitable to accommodate such a use, the existing provision of childcare facilities in the area, 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 Condition

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.

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Siobhan Carroll  
Planning Inspector

14<sup>th</sup> of February 2019