



An  
Bord  
Pleanála

## Inspector's Report ABP-303660-19

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<b>Development</b>	Proposed childcare facility (Part 2-storey / part single storey – circa 250sq.m.) in lieu of 2-storey detached house currently permitted under Ref. 17/245 together with associated site development works including designated car parking spaces (& set down area along Chapel Road).
<b>Location</b>	Site No. 1 Seagreen Gate, Chapel Road, Greystones, Co. Wicklow.
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	18/697
<b>Applicant(s)</b>	Hollybawn Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party v. Decision
<b>Appellant(s)</b>	Hollybawn Ltd.
<b>Observer(s)</b>	None.

**Date of Site Inspection**

29<sup>th</sup> May, 2019

**Inspector**

Robert Speer

## 1.0 Site Location and Description

1.1. The proposed development site is located on the western periphery of Greystones, Co. Wicklow, in a developing area known as 'Seagreen' which comprises a considerable expansion of the suburban fringe of the town, where it occupies a position alongside the recently completed Chapel Road distributor / link road that extends between Delgany Wood and its junction with Rathdown Road (the R761 Regional Road). The surrounding area is generally characterised by more established housing schemes to the east of Chapel Road (with the notable exceptions of the higher density, three-storey construction within Blacklion Manor to the north) whilst those lands to the west of the distributor road are dominated by the on-going construction of the wider 'Seagreen' housing development which primarily consists of conventionally designed, two-storey, semi-detached housing. The site itself has a stated site area of 0.1402 hectares, is irregularly shaped, and comprises a small plot of land adjoining Chapel Road which will be located at the end of a small cul-de-sac of housing currently under construction that forms part of the 'Seagreen Gate' housing scheme previously approved under PA Ref. No. 17/245.

(*N.B.* Permission was granted under PA Ref. No. 17/245 for the construction of a detached dwelling house on site).

## 2.0 Proposed Development

2.1. The proposed development, as initially submitted to the Planning Authority, consists of the construction of a partial single / two-storey childcare facility (floor area: 250m<sup>2</sup>) in lieu of the two-storey detached dwelling house previously permitted on site under PA Ref. No. 17/245 together with associated site development works, including 2 No. enclosed external play areas, designated car parking spaces within the adjacent housing development of Seagreen Gate, and a set-down area alongside Chapel Road (the Blacklion Bypass).

2.2. In response to requests for further information and subsequent clarification, the proposed site layout was amended through the omission of the set-down area alongside Chapel Road (the Blacklion Bypass) and the inclusion of additional car parking spaces within Seagreen Gate.

2.3. Water and sewerage services are available from the public mains.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Following the receipt of responses to requests for further information and subsequent clarification, on 14<sup>th</sup> January, 2019 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following reason:

- Having regard to:
  - The location of the proposed childcare facility at the end of a residential cul-de-sac and its proximity to the public road,
  - The nature of the facility which generates its highest traffic movements at peak times,
  - The restricted nature of the site.

It is considered that the proposed development would result in an excessive volume of traffic on a restricted residential cul-de-sac and would encourage unsuitable and haphazard parking arrangements on the adjoining public road which would in turn result in the formation of a serious traffic hazard. The proposed development would therefore be contrary to proper planning and sustainable development.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports:

An initial report details the site location, planning history and applicable policy considerations before setting out the background to the subject proposal. In this regard it is stated that whilst the grant of permission issued in respect of the wider 'Seagreen' residential development under PA Ref. No. 14/1031 included for the construction of a childcare facility at the end of a cul-de-sac ('Seagreen Avenue') adjacent to an area of public open space on the western side of the distributor road, it was subsequently determined that the said creche did not comply with the

childcare needs of the area in terms of its position, size and layout. Accordingly, the proposed development aims to provide a substitute childcare facility (sessional day-care service) designed to a suitable standard which will serve the needs of the wider 'Seagreen' housing scheme (*N.B.* A concurrent planning application lodged under PA Ref. No. 18/673 for the construction of 3 No. townhouses in place of the already permitted creche was ultimately granted permission on 15<sup>th</sup> February, 2019).

The report proceeds to state that the overall principle of the development is acceptable, although there are concerns as regards the restricted size of the application site and the proposed layout (notwithstanding that it would appear to accord with the requirements for childcare facilities) given the limited potential for future expansion. With regard to the site location, it is noted that the proposal will be positioned at the end of a residential cul-de-sac away from the entrance to 'Seagreen Gate' contrary to the requirements of the Development Plan whilst its siting adjacent to the public road (Chapel Road) gives rise to traffic safety concerns. In terms of accessibility etc., the report notes that car parking will be provided outside of the curtilage of the childcare facility whilst the proposed set-down area will also be located off-site alongside the public road. Moreover, there are concerns for the safety of pedestrians exiting onto the busy public road or the adjacent cycleway as well as the width of the grass verge to accommodate vehicular parking and the anticipated traffic volumes. With respect to residential amenity, it is stated that the proposal would not have any significant impact on neighbouring properties.

Following the receipt of a response to a request for further information, which sought to amend the proposal through the omission of the proposed set-down area alongside the link road, a further report was prepared which recommended a refusal of permission on the basis that the proposal would give rise to haphazard parking practices along the public road and excessive volumes of traffic accessing the site by way of a residential cul-de-sac thereby giving rise to a serious traffic hazard.

However, the applicant was afforded another opportunity to address the Planning Authority's concerns by way of a request for clarification of further information

Upon the receipt of a response to the request for clarification, a final report was compiled which concluded that the site was too small to accommodate the nature and scale of the development proposed due to traffic safety concerns. Accordingly, it was recommended that the proposal be refused permission.

### 3.2.2. Other Technical Reports:

*Transportation & Roads Infrastructure:* An initial report recommended that the proposed development be refused permission on the basis of the following:

- The proposed 2m wide lay-by would not be acceptable as it could lead to children exiting cars onto a busy link road whilst any children exiting onto the footpath side of the carriageway would have to cross a cycle lane.
- Concerns as regards the location of the entrance to the childcare facility given its proximity to the link road (within 10m) and the potential for children to run out onto the roadway.

Following the receipt of a response to a request for further information, a further report was prepared which stated the following:

- The location of the car parking and access within Seagreen Gate will result in excessive traffic movements along the roadway serving House Nos. 2-6. The overall layout of the proposal does not adequately provide for vehicular access.
- The proposed access arrangements will likely lead to cars stopping and parking on the link road which could result in children exiting cars onto a busy roadway.
- It is reiterated that the proximity of the entrance to the proposed childcare facility could result in children running out onto the public road.

### 3.3. **Prescribed Bodies**

*Irish Water:* No objection, subject to conditions.

### 3.4. **Third Party Observations**

None.

## 4.0 **Planning History**

### 4.1. On Site:

PA Ref. No. 14/1031. Was granted on 23<sup>rd</sup> January, 2015 permitting Cornerpark Estates Ltd. permission for a development consisting of: demolition of existing

dwelling (186sqm) and associated agricultural buildings and the construction of: 187 no. houses of 1 to 2 storeys in height, comprising: 15 no. 4 bed detached with solar panels at roof level, 3 no. 4 bed detached with attic conversion option and solar panel at roof level, 2 no. 4 bed detached with attic conversion option, 20 no. 4 bed semi detached with attic conversion option, 2 no. 3 bed detached, 1 no. 3 bed detached with attic conversion option, 54 no. 3 bed semi detached, 48 no. 3 bed semi detached attic conversion option, 3 no. 3 bed terraced, and 39 no. 3 bed terraced with attic conversion option, 1 no. 2 storey creche (c. 410sqm gfa) with associated private open space area, and all associated and ancillary site development works, including new vehicular access via an extension of the 'Blacklion Bypass', from the adjoining existing 'Blacklion Manor' housing development to the north through the proposed development southwards to Chapel Road. 385 no. surface level carparking spaces (including 11 to serve the creche). 1 no. ESB substation (c46.5sqm gfa). 3 no. storm water attenuation cells, public and private amenity open space, including play areas, landscaping and boundary treatments.

PA Ref. No. 17/245. Was granted on 1<sup>st</sup> September, 2017 permitting Hollybawn Ltd. permission for a proposed residential development: Total 42 no. dwellings (on a site that overlaps the site subject of planning ref. 14/1031) comprising of 1 no. 2 storey detached house, 37 no. 2 storey semi-detached townhouses & 4 no. 2 storey semi-detached houses (all dwellings except Types C1 and K6 with optional attic conversions) & ancillary site development works including estate roads with access from the Blacklion Bypass extension (now constructed), site services including surface water attenuation facilities, public open space, landscaping & boundary treatments.

#### 4.2. On Adjacent Sites:

PA Ref. No. 05/3956. Was granted on 9<sup>th</sup> December, 2005 permitting Tony & Paula Kidd permission for the demolition and extensions to existing single storey private dwelling house to comprise (a) demolition of existing single storey garage, conservatory and kitchen; (b) single storey extension to north elevation to provide (i) conservatory, (ii) bedroom & en-suite, (iii) study, and (iv) covered side entrance; (c) extension to west elevation to provide for new living room area; (d) provision of new

velux window on west elevation to existing bathroom and (e) elevational alterations, all at 3 Willow Bank, Blacklion, Greystones, Co. Wicklow.

#### 4.3. Other Relevant Files:

PA Ref. No. 18/673. Was granted on 15<sup>th</sup> February, 2019 permitting Hollybawn Ltd. permission for 3 no. 2-storey, 4 bedroom townhouses, including optional attic conversion, together with associated site development works in lieu of 2-storey crèche at Seagreen Avenue, Chapel Road, Blacklion, Greystones, Co. Wicklow.

## 5.0 Policy and Context

### 5.1. National and Regional Policy

- 5.1.1. The 'Childcare Facilities, Guidelines for Planning Authorities, 2001' provide a framework to guide both local authorities in preparing development plans and assessing applications for planning permission, and developers and childcare providers in formulating development proposals. They state that Planning Authorities should encourage the development of a broad range of childcare facilities, i.e. part-time, full day-care, after-school care, etc., including those based in residential areas, in employment areas and in areas close to where users of such facilities live. The Guidelines provide detailed guidance with regard to appropriate locations for the siting of childcare facilities such as in the vicinity of schools in addition to detailing the development control considerations of proposals for same.

### 5.2. Development Plan

#### 5.2.1. Wicklow County Development Plan, 2016-2022:

##### Chapter 3: Settlement Strategy:

Section 3.2: *County Wicklow Settlement Strategy:*

*Level 3 – Large Growth Town II: (2) Metropolitan Area: Greystones-Delgany*

##### Chapter 8: Community Development:

Section 8.2: *Community Development and Land Use Planning*

Section 8.3: *Social Infrastructure: Childcare and Preschool:*



- CD22:* To facilitate the provision of childcare in a manner which is compatible with land-use and transportation policies and adheres to the principles of sustainable development.
- CD23:* To facilitate the provision of a network of childcare facilities that reflects the distribution of the residential population in the County, in order to minimise travel distance and maximise opportunities for disadvantaged communities.
- CD24:* Where considered necessary by the Planning Authority, to require the provision of childcare facilities in all residential developments comprising 75 houses or more (including local authority and social housing schemes). In accordance with Department of Environment, Heritage & Local Government guidelines, childcare places shall be provided at a ratio of 20 places per 75 residential units, having regard to cumulative effects of permitted development, (unless it can be demonstrated that having regard to the existing geographic distribution of childcare facilities and the emerging demographic profile of the area that this level of childcare facilities is not required). Without substantial cause, it is the policy of the Planning Authority not to allow a change of use of these premises within five years.

#### *Appendix 1: Development and Design Standards*

##### *Section 6: Community Developments and Open Space:*

###### *Childcare:*

- The location and design of new childcare facilities shall generally in accordance with the guidance set out the ‘Childcare Facilities: Guidelines for Planning Authorities’ (DoEHLG) and the ‘Child Care (Pre-School Services) Regulations 1996 & 1997’ and any other relevant statutory guidelines which may issue during the life of this plan.
- As a general rule 20 childcare spaces shall be provided for every 75 dwelling units. A childcare facility within a residential development shall be sited at or near the entrance/exit to the proposed development so as to allow for ease of access, drop off / pick up points.

- Where a large development (or a development in conjunction with other developments in an Action Plan area) comprises more than 75 units, a single large childcare facility capable of serving all proposed units (and future units) may be permissible, subject to a ceiling of 100 places (full and part time).
- The internal layout and design of proposed childcare facilities should allow, where possible, for the dual usage of the proposed facility e.g. night time community uses.
- All applications for a childcare facility shall be accompanied by the following information in addition to those set out in the policies set out for childcare developments:
  - The need for the proposed development;
  - The nature of the facility e.g. full day care, sessional care, after school care;
  - Number and ages of children to be catered for;
  - Compliance with standards for parking, traffic impacts and turning areas;
  - Proximity to public transport/areas of employment;
  - Hours of operation;
  - Open space provision and measures for management of same;
  - Impact on residential amenity.
- Childcare facilities will be required to be provided in large-scale employment zones developments. Any application for employment development with in excess of 100 employees shall include a childcare facility unless it can be shown, with regard to the demographic of the workforce or the availability of existing facilities in the immediate area that no such service is necessary.

**5.2.2. Greystones-Delgany & Kilcoole Local Area Plan, 2013-2019:**

Land Use Zoning:

The proposed development site is located in an area zoned as 'R22: Residential' with the stated land use zoning objective 'To provide for the development of

*sustainable residential communities up to a maximum density of 22 units per hectare and to preserve and protect residential amenity’.*

Other Relevant Policies / Sections:

Section 7: *Social Infrastructure:*

Section 7.1: *Social Infrastructure Strategy:*

- SOC1: Social infrastructure shall be progressed in tandem with residential development and the latter will only be permitted on the basis of satisfactory provision of land and/or facilities for the former.
- SOC13: Allow for the development of new and improved community services, for health, welfare, community, education, civic and institutional uses including schools, childcare, nursing homes, community buildings, churches, Garda station, health centre etc. on suitably zoned lands. A site shall be reserved at Charlesland for a new Garda station (see AP7: Charlesland Action Plan).

Section 8: *Transport and Service Infrastructure:*

Section 8.2: *Objectives:*

- R02: Completion of the new road from the R761 at Blacklion to Chapel Road, with an upgraded road continuing southwards to link up with the alignment of road objective R03.

### 5.3. Natural Heritage Designations

5.3.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The Bray Head Special Area of Conservation (Site Code: 000714), approximately 1.2km northeast of the application site.
- The Glen of the Downs Special Area of Conservation (Site Code: 000719), approximately 2.4km southwest of the application site.
- The Murrough Wetlands Special Area of Conservation (Site Code: 002249), approximately 4.7km southeast of the application site.

- The Murrough Special Protection Area (Site Code: 004186), approximately 5.6km southeast of the application site.

*N.B.* This list is not intended to be exhaustive as there are a number of other Natura 2000 sites in excess of the aforementioned distances yet within a 15km radius of the application site.

## 5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, 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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- It has been established by both the Planning Authority and Wicklow County Childcare that the full day-care creche facility originally approved as part of the wider 'Seagreen' development under PA Ref. No. 14/1031 was not fit for purpose in terms of design and location.
- It has been accepted by both the Planning Authority and the Wicklow County Childcare Committee that the relocation of the childcare facility previously approved under PA Ref. No. 14/1031 to the subject site is appropriate and acceptable in principle.
- The location and design of the proposed sessional childcare facility accords with the requirements of the '*Childcare Facilities, Guidelines for Planning Authorities, 2001*', the Wicklow County Development Plan, 2016-2022, the Greystones-Delganey & Kilcoole Local Area Plan, 2013-2019, and the Wicklow County Council Childcare Committee.

- The proposed development will not significantly impact on the residential amenity of adjoining properties and accords with the proper planning and sustainable development of the area.
- The proposed childcare facility is suitably located along a very lightly trafficked residential cul-de-sac near the entrance of the residential estate of 'Seagreen Gate' and adjoining a '*primary traffic route close to public transport nodes*' as per the '*Childcare Facilities, Guidelines for Planning Authorities, 2001*'.
- The location of the proposed development – at the end of a residential cul-de-sac and immediately adjacent to the main public roadway – is similar to that of the nearby childcare facility at 'Waverley' (as approved under PA Ref. No. 14/1925) and other planning precedents in the county (e.g. PA Ref. Nos. 07/909, 07/736 / ABP Ref. No. PL27.213789, & 18/1430).
- It is considered that the decision to refuse permission by reference to traffic volumes and parking arrangements is not supported by any objective technical analysis.
- The accompanying technical note prepared by DBFL Consulting Engineers demonstrates through an objective analysis that the proposed development will not result in a '*serious traffic hazard*':
  - No vehicle parking, drop-offs, collection or deliveries are proposed along the Blacklion bypass.
  - All proposed vehicle parking, drop-offs and collection areas to the childcare facility will be within the adjacent residential cul-de-sac with parking located within 100m of the main public road.
  - The provision of vehicle parking, drop-offs and collection areas within a quiet residential cul-de-sac is deemed suitable given the low speeds and low traffic environment when compared to busier streets.
  - The peak trip generation from the childcare facility will be only 18 No. two-way vehicle trips in the peak AM hour and 17 No. two-way vehicle trips in the PM peak hour i.e. the facility will result in low traffic volumes and movements.

- The provision of 8 No. car parking spaces for the proposed facility, which will primarily serve the adjacent 'Seagreen' development, exceeds the requirements of the Development Plan.
- The proposal includes for a turning bay in order to ensure that vehicles visiting the childcare facility will have the required turning space.
- The suggestion that the proposed development '*would encourage unsuitable and haphazard parking*' is strongly refuted. The carriageway edge of the Blacklion Bypass distributor road at this location is defined by a high concrete kerb and grassed margin. Any potentially unsuitable or haphazard parking would therefore involve traffic stopping on the carriageway itself or mounting the kerb and margin in order to drop off children. It is suggested that any such activities would be extremely unusual and illegal and that drivers would likely opt to travel 100m further in order to safely avail of one of the dedicated parking / drop-off spaces provided.

#### 6.2. **Planning Authority's Response**

None.

#### 6.3. **Observations**

None.

#### 6.4. **Further Responses**

None.

### 7.0 **Assessment**

From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Overall design and layout
- Traffic implications
- Impact on residential amenity

- Appropriate assessment

These are assessed as follows:

7.1. **The Principle of the Proposed Development:**

- 7.1.1. With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that the subject site is located within the development boundary of Greystones on lands zoned as '*R22: Residential*' with the stated land use zoning objective '*To provide for the development of sustainable residential communities up to a maximum density of 22 units per hectare and to preserve and protect residential amenity*' and that the development of childcare facilities on residentially zoned lands is generally considered to be appropriate as per the provisions of Section 11 of the Greystones-Delgany & Kilcoole Local Area Plan, 2013-2019. Moreover, it is apparent that the subject site is located within a developing area that forms part of the wider 'Seagreen' housing development presently under construction and in this regard I would draw the Board's attention to Objective: 'SOC1' of the Local Area Plan which states that the provision of social infrastructure, including childcare facilities, is to be progressed in tandem with residential development.
- 7.1.2. Further support is lent to the proposal by reference to Section 8.3.2: '*Health, Care and Development*' of the Wicklow County Development Plan, 2016-2022 wherein it is recognised that the provision of childcare and preschool facilities forms a key piece of social infrastructure which enables people to play a more active role in society, particularly in accessing employment and education. In addition, the '*Childcare Facilities, Guidelines for Planning Authorities, 2001*' promote the provision of childcare facilities within new and existing residential areas subject to certain criteria, including the overall suitability of the selected site for the type and size of facility proposed, the availability of an area for outdoor play and details of the management of same, convenience to public transport nodes, the adequacy of the proposed parking arrangements, local traffic conditions, the number of such facilities in the area, and the intended hours of operation.
- 7.1.3. By way of further comment, I would advise the Board that the subject proposal is intended to replace the crèche facility previously permitted elsewhere within the wider 'Seagreen' residential development under PA Ref. No. 14/1031. In this regard,

it is of particular relevance to note that the approved crèche was considered by the developer to be deficient in terms of its overall design and layout by reference to the current childcare needs of the area and that permission was approved under PA Ref. No. 18/673 for its replacement with 3 No. townhouses, notwithstanding that arrangements for the provision of alternative childcare facilities within the wider scheme had yet to be finalised / approved by the Planning Authority.

7.1.4. Therefore, having considered the available information, with particular reference to the site location within a developing residential area, I am generally satisfied that the overall principle of the proposed development is acceptable, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties and the overall character of the wider area.

## 7.2. **Overall Design and Layout:**

7.2.1. The proposed development consists of the construction of a partial single / two-storey childcare facility in lieu of a two-storey detached dwelling house previously permitted on site under PA Ref. No. 17/245 together with associated site development works. The building itself will accommodate 2 No. childcare rooms, a reception / office area and ancillary services at ground floor level with associated staff accommodation overhead and will provide for a sessional childcare service (i.e. play groups, after-school care, and Montessori) for c. 44 No. children (typically 22 No. pre-school places in the morning and 22 No. after-school places in the afternoon). Provision has also been made for the inclusion of 2 No. enclosed external play areas.

7.2.2. In my opinion, the overall design and construction of the proposed facility is generally acceptable. It is broadly in keeping with the surrounding pattern of existing (and approved / under construction) residential development whilst its principle elevation has been orientated towards the new distributor / link road (Chapel Road) thereby providing for an active frontage when viewed from along the main carriageway.

## 7.3. **Traffic Implications:**

7.3.1. The proposed development will be positioned at the end of a small cul-de-sac of housing ('Seagreen Gate') approved as part of the wider 'Seagreen' development, although the site itself will retain frontage onto the adjacent distributor / link road



(Chapel Road). In this respect it is notable that due to the restricted size and configuration of the individual plot to be vacated by the dwelling house previously approved under PA Ref. No. 17/245, the application site has been extended to include an area of land previously permitted as public open space in order to accommodate the provision of car parking to serve the proposed childcare facility. Moreover, this car parking will only be accessible via the internal roadway serving the adjacent housing area of Seagreen Gate with the result that concerns arise as regards the potential traffic impact of the proposal on the residential amenity of neighbouring housing, although the initial application has sought to alleviate these concerns (in part) through the provision of a dedicated set-down / pick-up area alongside Chapel Road (the Blacklion Bypass) thereby negating any requirement to drive through the adjacent estate.

7.3.2. From a review of the available information, and having conducted a site inspection, in my opinion, it is clear that the subject site is constrained in terms of its overall size, dimensions and configuration, whilst the specifics of the site context, with specific reference to its location at the end of a cul-de-sac and relationship with the adjacent distributor / link road, gives rise to further difficulties. In this respect, given the nature and scale of the use proposed, including its likely hours of operation, I would have concerns in the first instance as regards the siting of the proposed development relative to neighbouring housing and the necessity for visiting traffic (including both staff and client set-downs / pick-ups) to access the facility through the adjacent residential estate. In my opinion, notwithstanding the car parking provision proposed, I am inclined to suggest that the proposed development would likely give rise to traffic congestion and general disturbance along this narrow cul-de-sac at peak times to the detriment of local residents given the limited space available. It is also unclear how the availability of the proposed parking spaces for the childcare facility will be assured given the likelihood that any such spaces would probably be used to accommodate overflow parking within the residential estate.

7.3.3. With regard to the proposal to provide a set-down / pick-up area alongside the distributor road, whilst I would acknowledge the possible merits of such an arrangement in potentially reducing traffic movements consequent on the operation of the facility through the adjacent housing area (i.e. Seagreen Gate), I would concur with the assessment of the Transportation & Roads Infrastructure Division of the

Council that the proposal as submitted would likely give rise to further difficulties. For example, it is apparent that due to the narrow width (c. 2m) of the proposed set-down area, persons exiting vehicles parked within same would step immediately into either the existing cycle-path or onto the main carriageway (depending on which side of the vehicle they exited). I would also have concerns that the proposal will result in cars stopping and parking haphazardly along this busy distributor road in order to avoid driving through the adjacent housing area, particularly when space is not available within the set-down area, thereby resulting in the obstruction of other road users, traffic congestion, and the endangerment of public safety by reason of uncontrolled road crossings by pedestrians (notwithstanding the presence of a dedicated pedestrian crossing further north). Whilst the applicant subsequently omitted the set-down area in response to a request for further information, my concerns as regards the proposed access arrangements via Seagreen Gate remain outstanding.

- 7.3.4. Accordingly, on balance, I am in agreement with the assessment of the Planning Authority as regards the potential detrimental traffic impact of the development as proposed.

7.4. **Impact on Residential Amenity:**

- 7.4.1. In my opinion, concerns with regard to the potential impact of the proposed development on the residential amenity of neighbouring housing primarily relate to the increase in traffic volumes / movements through the adjacent housing area (i.e. 'Seagreen Gate'). In this regard I would refer the Board to my earlier assessment of the wider traffic impact of the proposed development and my concerns in relation to the likely concentrations of traffic associated with the proposal at particular times of the day, with specific reference to the peak morning period. On balance, it is my opinion that the increased traffic volumes consequent on the proposed development through a housing area, in addition to the increased noise and general disturbance associated with same, would be likely to have an adverse impact on the residential amenity of that estate.

7.5. **Appropriate Assessment:**

- 7.5.1. Having regard to the nature and scale of the proposed development, the availability of public services, the nature of the receiving environment, and the proximity of the

lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

## **8.0 Recommendation**

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the proposed development for the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

1. Having regard to the location of the proposed development off an access road serving a restricted cul-de-sac within an approved housing estate, and its positioning relative to the adjacent distributor road (Chapel Road / Blacklion Bypass), it is considered that the traffic volumes and movements associated with the proposed childcare facility, together with the hours of operation of such a facility, would lead to unacceptable levels of traffic through a residential area, would give rise to haphazard vehicular stopping and parking practices along the adjacent distributor route thereby resulting in the obstruction of other road users, would endanger public safety by reason of traffic hazard, and would seriously injure the residential amenity of the occupants of nearby housing by reason of increased levels of traffic, noise, and general disturbance. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Robert Speer  
Planning Inspector

5<sup>th</sup> June, 2019