



An
Bord
Pleanála

Inspector's Report ABP- 304626-19.

Development

Alterations to previously approved planning application F17A/0198 including change of use from a family living unit to a pre-school childcare facility.

Location

26 Offington Park, Sutton, Dublin 13.

Planning Authority

Fingal County Council.

Planning Authority Reg. Ref.

F18A/0619

Applicant(s)

Mr. Bob Fagan

Type of Application

Permission.

Planning Authority Decision

Grant Permission with Conditions.

Type of Appeal

Third Party

Appellant(s)

Ian McMurtry and Muriel O'Sullivan

Observer(s)

None

Date of Site Inspection

02nd August 2019

Inspector

Brendan Coyne.

1.0 Site Location and Description

- 1.1. The site is located on the western side of Offington Park and contains a 1.5 storey 5-bedroom dwelling (207 sq.m.) with a single storey detached garage (17sq.m.) located to its northern side. The site has a stated area of 0.12 hectares. The roof profile of the dwelling is pitched with a gable element presenting to its front and an elongated dormer window on its front roof slope. Elevation finishes comprise pebble-dash finishing and timber surrounds.
- 1.2. The garage to its side has a pitched roof profile with a ridge height of 3.6m and eave height of 2.6m. The front elevation the garage includes a pair of wooden garage doors. The garage extends for a depth of 5.8m along the northern side common boundary. A block wall c.1.8m high is provided along the northern boundary of the site, to the rear of the garage. Mature hedging c. 2m high is planted to the front of the garage, along the northern boundary of the site.
- 1.3. The front building line of the main dwelling is orientated at an oblique angle to the street, as are the neighbouring dwellings at either side. Its front elevation is setback 14.5m from the edge of the public footpath at its nearest point and is served with a curved cobble-locked driveway to its front. A mature deciduous tree is planted on the roadside kerb to the front of the dwelling. A speed ramp traverses the public road to the front of the site. There are no parking restrictions along Offington Park road. The streetscape of Offington Park is characterised by single storey and 1.5 storey dwellings of differing form and appearance.

2.0 Proposed Development

- 2.1. **Original proposal:** The original proposal sought permission for alterations to previously approved application P.A. Ref. F17A/0198 comprising the following;
 - Change of use from a family living unit to a pre-school facility,
 - Additional floor area of 10 sq.m.
 - Modifications to the floor plan,
 - Amended roof profile,
 - Changes to fenestration,

- New vehicular access, set down area and 2 no. dedicated car parking spaces,
- All associated site works.

Under P.A. Ref. F17A/0198 permission was granted for a single storey, one-bedroom family unit attached to the side of the main dwelling.

2.2. Additional Information Requested:

2.3. In assessing the original proposal, the Planning Authority sought 5 no. items of additional information. These items were addressed as follows;

1. The Planning Authority considered the description of the proposal in the public notices as inaccurate by reason that the family unit granted permission under F17A/0198 has not been constructed and a change of use is not possible. The applicant was requested to submit a revised proposal describing the proposed development as a new development, omitting association with P.A. Ref. F17A/0198 and that it would involve the removal of the garage on the site.
2. Submit a revised layout plan providing a suitable set-down facility that does not require reverse manoeuvres and is in accordance with Objective DMS44 and Objective 118 of the Development Plan.
3. Justify the provision of a stand-alone childcare facility or alternatively submit a revised proposal showing integration with the main dwelling.
4. Submit details demonstrating compliance regarding Objective DMS94 of the Development Plan, re. childcare facilities and provide details justifying its location and information on the nature of the facility, numbers to be catered for and numbers of such facilities in the area.
5. Submit documentation detailing the ownership of the property, the occupation of the property owner and information in relation to the operator of the proposed childcare facility.

2.4. Revised Proposal:

2.4.1. A revised proposal was submitted as significant additional information, comprising the following;

- Demolition of the existing garage (17sq.m.).
- Construction of a new single storey pre-school childcare facility attached to the side of the main dwelling.
- Provision of a set down area and 2 no. dedicated car parking spaces for the pre-school childcare facility.
- Provision of dry bicycle parking to the front of the proposed childcare facility.
- All associated site works.

While not stated in the re-advertised public notices, the childcare facility would provide the following;

- A sessional childcare and after-school service.
- Accommodate 22 no. children within each session.
- Hours of operation of the facility: 7.30am to 6pm (after-school club from 3.30pm to 6pm)

3.0 Planning Authority Decision

3.1.1. Fingal County Council granted permission for the proposed development, subject to 15 no. Conditions. The following Conditions are considered noteworthy;

C.2 The proposed facility shall operate as a sessional pre-school age facility with two sessions only (each session a maximum of 3 hours), with a maximum of 22 children per session and 11 children per classroom.

C.3 The proposed development shall not provide after-school care or a homework club.

C.4 The operating hours for the two sessions shall be between 9am and 5pm Monday to Friday only. Set-down and collection shall be restricted to half an hour either side of those times.

- C.5 The part of the house used as childcare facility shall not be separated from the main house and not be sold or let independently of the main house and when no longer required as a childcare facility, revert to use as part of the main house.
- C.6 The playschool facility shall be operated by a person in residence in the main dwelling.
- C.9 The final layout of the set-down area and staff/residential parking area to be agreed in writing with the Planning Authority prior to the first operation of the facility. Layout plan to be submitted showing the omission of the dry cycling shelter and its replacement with a single Sheffield stand.
- C.11(b) A tree bond of €800 to be lodged with the Council prior to commencement of development, to ensure the protection of the street tree and verge.
- C.15 Development Contributions

3.2. Planning Authority Reports

3.2.1. **Planning Report:** In assessing the significant additional information, the Planning Report found the following;

- The re-advertised proposal was considered acceptable.
- The dry bicycle parking to the front of the proposed childcare facility would impact on the visual amenity of the area and that a single Sheffield stand would be more appropriate.
- The revised proposal shows improved integration with the main dwelling, with shared facilities including the sunroom, kitchen, a toilet and store.
- While not stated in the re-advertised public notices, the revised proposal provides sessional childcare and an after-school service. No information was provided with regard numbers attending, staff numbers and hours of operation. The Planning Authority considered that in order to protect the residential amenity of the area, a Condition should be imposed requiring that the child-care facility be ancillary to the dwelling, is for a sessional playschool only with opening hours 9-5 only.

3.2.2. Other Technical Reports

Transportation Section: No objections subject to conditions (further to significant additional information received).

Water Services Department: No objection subject to conditions.

Parks Division: No objection subject to conditions.

3.3. Prescribed Bodies

Irish Water: No objections.

4.0 Planning History

- 4.1.1. **P.A. Ref. F17A/0198 / ABP PL06F.249118** Permission granted on appeal by An Bord Pleanála for a single storey, one bedroom family unit attached to the side and rear of the existing house and all associated site works.

Decision Date: 06th February, 2018.

5.0 Policy and Context

5.1. Fingal Development Plan 2017 – 2023

Relevant provisions are referenced as follows –

- 5.1.1. **Chapter 11 Land Use Zoning Objectives:** The site is zoned ‘RS – Residential’ with an objective to ‘*provide for residential development and protect and improve residential amenity*’. The zoning vision is to ‘*ensure that any new development in existing areas would have a minimal impact on an enhance existing residential amenity*’.

Relevant Use Classes - Permitted in Principle include Childcare Facilities and Residential.

5.1.2. **Appendix 6 Map Based Local Objective No.118** which relates to Offington seeks to *'Ensure that development is in keeping with the layout, scale, design and character of existing development'*.

5.1.3. **Section 3.6 Childcare Facilities.** Policies include;

Objective PM74 *Encourage the provision of childcare facilities in appropriate locations, including residential areas, town and local centres, areas of employment and areas close to public transport nodes.*

Objective PM75 *Ensure that childcare facilities are accommodated in appropriate premises, suitably located and with sufficient open space in accordance with the Childcare (Pre-School) Services) (No. 2) Regulations 2006.*

5.1.4. **Chapter 12 Development Management Standards**

Objective DMS44 *Protect areas with a unique, identified residential character which provides a sense of place to an area through design, character, density and/or height and ensure any new development in such areas respects this distinctive character.*

Objective DMS118 *Ensure that all new employment and education developments include adequate, secure and dry bicycle parking, in accordance with the standards set out in Table 12.9.*

5.1.5. **Section 12.4 Design Criteria for Residential Development**

5.1.6. **Section 12.8 Childcare Facilities.** Policies include;

Objective DMS94 *Any application for childcare facilities shall have regard to the following:*

- *Suitability of the site for the type and size of facility proposed.*
- *Adequate sleeping/rest facilities.*

- *Adequate availability of indoor and outdoor play space.*
- *Convenience to public transport nodes.*
- *Safe access and convenient off-street car parking and/or suitable drop-off and collection points for customers and staff.*
- *Local traffic conditions.*
- *Intended hours of operation.*

Objective DMS95 *Residential properties with childcare shall retain a substantial residential component within the dwelling, and shall be occupied by the operator of the childcare facility.*

5.1.7. **Appendix 4: Technical Guidance Notes – Definitions of use classes:**

‘Childcare Facilities’ are defined as the *‘Use of a building, or part thereof, for the provision of full day and/or sessional care and services for pre-school age, and/or for school-going children out of school hours. It includes services involving care, education, and socialisation opportunities for children. As such, services such as pre-schools, naíonraí (i.e. Irish language play groups), day care services, crèches, and after school groups are included, but child minding, schools (including primary and secondary schools) and residential centres are excluded’.*

‘Sessional Childcare’ is defined as *‘the provision of a service which offers a planned programme to pre-school children of up to 3.5 hours per day by trained personnel. Sessional services include playgroups and Montessori groups’.*

‘Where the facility is provided in a house within a residential area, the following conditions will generally apply:

- *It should be operated by the resident living in the house,*
- *The use should be subordinate to the use of the dwelling as a main residence.*

In all cases, the use shall not be injurious to the residential amenities of the area (e.g. it will not result in unacceptable levels of noise or on street car parking etc.).

5.2. Chapter 12 Table 12.8 Car Parking Standards

5.3. Relevant Government Guidelines

Childcare Facilities – Guidelines for Planning Authorities Department of the Environment, Heritage and Local Government (2001)

Child Care Act 1991 (Early Years Services) Regulations 2016

Circular Letter PL3/2016 - Childcare facilities operating under the Early

Childhood Care and Education (ECCE) Scheme This Circular issued by the Department of Environment, Community and Local Government in respect of the Childcare Facilities Guidelines for Planning Authorities 2001 within which Planning Authorities were advised that matters relating to childcare facility standards outlined in Appendix 1 of the Childcare Facilities Planning Guidelines 2001, including the minimum floor area requirements per child, should be excluded in the consideration of planning applications relating to childcare facilities and the planning authorities should solely focus on planning related considerations that fall within the remit of the Planning and Development Act 2000, as amended.

5.4. Natural Heritage Designations

None relevant.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Two third party appeals against the decision of the Planning Authority were received from;

- Ian McMurty of No. 23 Offington Park, Sutton, Dublin 13. Appeal submission prepared by O'Neill Planning and Development Consultants on behalf of the appellant.
- Muriel O'Sullivan of No. 24 Offington Park, Sutton, Dublin 13.

The grounds of appeal of both appellants are synopsised below accordingly.

6.1.2. ***Ian McMurty of No. 23 Offington Park***

- The subject application was invalid and the Planning Authority erred in not invalidating the application.
- Little information was submitted with regards the credentials and suitability of the applicant to run and manage the childcare facility from his home.
- The proposed development appears to be an extension of an already quasi-commercial use as a shared residential unit which is totally inappropriate for the area and contrary to Development Plan requirements and the Guidelines for Childcare Facilities.
- No information was submitted by the applicant demonstrating the need for a childcare facility in the area.
- The location of the facility is not well serviced by public transport.
- Concern at the idea that the childcare facility could be sub-let to a non-resident of the main dwelling.
- The internal area available for the childcare facility is 38 sq.m. which allows for a maximum of nineteen children.
- The sessional nature of the proposal has not been adequately explained.
- Concern with regards the impact of the proposal on the neighbouring dwelling to the north, particularly with regards noise impact and the use of the garden to the rear of the proposal.
- Concern expressed with regards consequent increase in traffic resulting from the sessional nature of the proposal.
- The demolition of the garage and the construction of a 15m long and 4m high childcare facility (with a floor area of 70 sq.m.) will adversely impact on the residential amenity of the neighbouring dwelling No. 24 by way of overbearing impact and overshadowing.

6.1.3. **Muriel O’Sullivan of No. 24 Offington Park**

- The proposal will have a direct and unequivocal negative impact on the health of the occupant of the neighbouring dwelling, No. 24 (Mr. O’Sullivan) who is suffering from advanced Alzheimer’s disease. Any disruption to his routine and living condition will have a profoundly negative impact on his condition.
- The Planning Authority erred in not invalidating the application as submitted, but instead asked the applicant, by way of an Additional Information request, to re-advertise what was a gross misrepresentation of the proposed development.
- The height and scale of the proposed development will adversely impact on the residential amenity of dwelling No. 24 by way of overbearing impact, overshadowing and encroachment.
- The proposed second entrance will pose significant traffic safety issues at the entrance to the site. The proposal will result in an increase in on-street car parking. The increase in traffic will cause safety issues for cyclists, pedestrians and children along Offington Park.
- The existing dwelling on the site is not owner occupied, thus the proposal would breach Objective DMS95 of the Development Plan which requires that residential properties with childcare shall retain a substantial residential component within the dwelling and shall be occupied by the operator of the childcare facility.
- The childcare facility will result in a significant increase in noise. This will adversely impact on the residential amenity of neighbouring dwelling No. 24.
- Concern that the removal of the large green area to the front of the property and provision of hard-surfacing would result in an increase of local flooding.

6.2. **Applicant Response**

- 6.2.1. CQA Design & Build Consultants has responded on behalf of the first party to the third party appellants Grounds of Appeal. The response addresses both the appellants separately but is summarised collectively below;

- The Additional Information submitted addressed the validity of the application and was accepted by the Planning Authority.
- TUSLA is the body charged with determining the appropriateness and suitability of persons deemed fit to operate childcare facilities.
- The applicant has no interest in sub-letting his home, in whole or part.
- The rooms measure 28sq.m. and 30 sq.m. It is proposed to accommodate 22 children. There is no issue in relation to the floor area provided. The site is large and can easily accommodate a playschool.
- The Fingal County Council Transportation Department outlines no objections to the proposed development with regards traffic congestion.
- Under P.A. Ref. F17A/0198, An Bord Pleanála granted permission on appeal for a family flat. The roof profile of the proposal under the current application is flat with roof height that is lower than the existing garage.
- The Applicant sympathises with the third party appeal by Muriel O'Sullivan whereby her husband has advanced Alzheimer's disease. The applicant, however, puts forward that from his experience of working in a live-in nursing home, construction works would provide stimulus and activity for Mr. O'Sullivan, thereby not having a negative impact on his condition.
- The applicant is the owner and lives at No. 26 Offington Park.
- The playschool, if granted permission will provide an amenity and service to the local community.
- Playschools are permitted to be located in residential areas. Schools and pre-schools co-exist in residential areas throughout the country.
- There will be no second entrance serving the proposal.
- The paving proposed is permeable and the underlying ground is sandy. There is no question of an increased risk of flooding.
- On the basis that An Bord Pleanála is considering the application de novo, the applicant requests An Bord Pleanála to permit the operation of an after-school club at the subject site as this increases the viability of the development and provides an additional amenity to the local area.

- The intended hours of operation of the after-school club would be 3.30pm – 6pm. The maximum number of children accommodated would be 22. The provision of the afterschool club would allow the staff to be employed for 8 hours per day.

6.3. Planning Authority Response

6.3.1. The Planning Authority's response is as follows;

- Having reviewed the grounds of the 2 no. third party appeals, the Planning Authority remains of the opinion that, based on the information submitted and the amendments proposed as part of the additional information received, the proposed development is in accordance with the Fingal Development Plan 2017-2023 and will not detract from adjoining residential amenity, subject to compliance with the conditions set out in the grant of permission. As such, An Bord Pleanála is requested to uphold the decision of the Planning Authority.
- In the event that the Planning Authority's decision is upheld, the Planning Authority requests that Condition No.'s 11(B) and 15 are included in An Bord Pleanála's determination.

6.4. Observations

None

6.5. Further Responses

6.5.1. A further response was received from O'Neill Town Planning Consultants on behalf of Ian McMurty of No. 23 Offington Park, detailing the following;

- Confirming support for the appellant Muriel O'Sullivan and her grounds of appeal.
- Concern expressed in relation to the probable impact of the proposal on neighbouring dwelling No. 24 (residence of Muriel O'Sullivan) in terms of overshadowing, overbearing impact and noise nuisance.
- The proposal is contrary to the policies and objectives of the Fingal County Development Plan 2017 – 2023.

7.0 Assessment

7.1. I consider that the main issues in this appeal are as follows;

- The scale of operation of the proposed development,
- Impact on residential amenity,
- Compliance with policy re. residential properties with childcare,
- Traffic and parking impacts,
- Drainage.

7.2. The Scale of Operation of the Proposed Development

7.2.1. The Fingal County Development Plan 2017-2023 is the relevant statutory plan. The appeal site is zoned 'RS' with the objective to 'provide for residential development and protect and improve residential amenity'. Childcare facilities are 'permitted in principle' in this zone. It is an objective of the Development Plan to encourage the provision of childcare facilities in appropriate locations, including residential areas (Objective PM74).

7.2.2. The Development Plan recognises that applications for childcare facilities in existing residential areas will be treated on their own merits, having regard to the likely effect on the amenities of adjoining properties, and compliance with criteria as set out in Objectives DMS94 and DMS95 of the Development Plan, as outlined in Section 5.0 above.

7.2.3. The proposed development seeks to demolish the existing detached garage to the side of the main dwelling and to replace it with a new structure attached to the side of the main dwelling, to provide a new childcare facility. The proposed childcare facility will provide a sessional pre-school service and an after-school club.

7.2.4. The stated hours of operation of the childcare facility are from 7.30am to 6pm. It is stated that the sessional pre-school will care for 3-5 year olds only and that no child will be in the premises for over 3 hours. The stated hours of the after-school club are from 3.30pm to 6pm. The facility would accommodate a maximum of 22 no. children at any one time. Internally, the proposal provides two childcare rooms with a floor

area of 30.1sq.m. and 28.1sq.m. respectively. Both rooms are stated as having the capacity to accommodate 11 no. children in each.

- 7.2.5. Having regard to the 3 hour sessional nature of the proposal and its intended hours of operation (a total of 10.5 hours per day), the proposal has the capacity to provide 3 no. childcare sessions within any working day. Given that the proposal can accommodate 22 no. children within any one session, this would potentially enable a maximum of 66 no. children be accommodated in the childcare facility in any one day.
- 7.2.6. While the proposed development would be attached to and integrated with the main dwelling, I consider that the scale of operation and intensity of use of the proposed childcare facility would not be subordinate to the main dwelling. Such development would be contrary to the requirements of Appendix 4 of the Development Plan which requires that where a childcare facility is provided in a house within a residential area, that the use be subordinate to the use of the dwelling as a main residence. Given the residential context of the area, I consider the scale of operation of the proposal inappropriate.

It is noted that the Planning Authority in its grant of permission attempted to curtail the scale of operation of the proposed development under Condition No.'s 2, 3 and 4 by a) restricting the facility to operate as a sessional pre-school facility with two sessions only per day, with a maximum of 22 children per session, b) restricting the facility from operating as an after-school facility and c) restricting the hours of operation of the facility. Notwithstanding this, I consider that the terms of these Conditions would not adequately reduce the scale of operation and intensity of use of a childcare facility such that it would be subordinate to use of the dwelling as a main residence.

7.3. Impact on Residential Amenity

- 7.3.1. The proposed childcare facility would be located over the footprint of the existing garage (to be demolished) and would extend for a depth of 14.5m along the northern common boundary of the site, shared with neighbouring dwelling No. 24 Offington Park. The existing garage (to be demolished) extends for a depth of 5.8m along the northern boundary.

7.3.2. The proposal would have a flat roof with a maximum parapet ridge height of 3m when measured from the ground level of neighbouring dwelling No. 24. The existing garage has a pitched roof with an eave height of 2.6m and ridge height of 3.6m above ground level. A separation distance of 1m would be maintained between the northern side elevation of the proposal and the south-western corner of neighbouring dwelling No. 24. It is considered that the scale, height and extent of the proposal would not adversely impact on the residential amenity of neighbouring dwelling No. 24 by way of overshadowing, overbearing impact or loss of outlook. Overlooking would not occur.

7.3.3. A designated 100sq.m. play area would be provided immediately to the rear of the proposed childcare facility, adjoining the shared northern boundary for a depth of 9m. Given the overall possible capacity of 66 no. children that could be accommodated within the proposed childcare facility and the intended hours of operation from 7.30am to 6pm, I consider that the proposal would generate noise and disturbance, in particular during drop-off and collections times and in the play area to the rear of the facility. Having regard to its location, in close proximity to neighbouring dwelling No. 24 and its context within a quiet residential area, I consider that the generation of noise and disturbance from the proposal would be injurious to the residential amenity of neighbouring dwelling No. 24, adjacent neighbouring dwellings and the surrounding residential area. Such development would be contrary to the zoning objective of the area which seeks to protect and improve residential amenity and would be contrary to Appendix 4 of the Development Plan which requires that in all cases, the use of childcare facilities will not result in unacceptable levels of noise and shall not be injurious to the residential amenities of the area.

7.4. Compliance with Policy re. Residential Properties with Childcare

7.4.1. Objective DMS95 of the Development Plan requires that residential properties with childcare shall retain a substantial residential component within the dwelling, and shall be occupied by the operator of the childcare facility.

7.4.2. The proposal would be integrated with the main dwelling whereby there would be a number of shared rooms including the sunroom, kitchen and 1 no. w.c. The applicant

Mr. Bob Fagan states that he resides in the main dwelling, has no intention in sub-letting his home in whole or part and that he intends to operate the proposed childcare facility. As such the proposal accords with the requirements of Objective DMS95. Notwithstanding this, it is considered that compliance with this Objective is over-ridden by the fact that the proposed development would be contrary to the requirements of Appendix 4 of the Development Plan by reason of its scale of operation and intensity of use, such that it would not be subordinate to the use of the dwelling as a main residence.

7.5. Traffic and Parking Impacts

- 7.5.1. The site is a detached dwelling located on a residential street linking the regional roads of Carrickbrack Road and Howth Road. Offington Park is characterised by residential dwellings with driveways and off-street parking. There are no parking restrictions along Offington Park, which has a carriageway width of 7.5m.
- 7.5.2. The proposal would be accessed / egressed via the existing vehicular entrance. The proposal would provide 4 no. car parking space, with 1 no. space designated for disability access and 2 no. set-down car parking spaces. This accords with the car parking standards as set out in Table 12.8 of the Development Plan which requires 0.5 spaces per classroom in pre-school/ creche facilities and 2 spaces per 3+ bedroom house – an overall requirement of 3 no. car parking spaces in this instance.
- 7.5.3. It is noted that the Transportation Section of the Planning Authority outlines no objection to the proposed development subject to Conditions requiring (interalia) the submission of a final layout plan of the set-down and staff / residential parking area for the written agreement of the Planning Authority prior to commencement of development.
- 7.5.4. Notwithstanding the above, I consider that the increase in the volume of traffic associated with drop-off and collection times for up to 66 children each day at the proposed childcare facility from 7.30am to 6pm would be significant. Drop-off and pick-up parking would invariably take place on the street along Offington Park. While much of the associated parking would be for short stays and would be concentrated during drop-off and collection periods, the proposed development would place significant additional demand for on-street parking, particularly during those periods.

While Offington Park provides ample free on-street parking, I consider that the intensity of use of the proposed development would create unacceptable levels of traffic through a residential area, would result in significant on-street parking and would lead to increased levels of noise. Such development would seriously injure the residential amenity of nearby residents and would, therefore, not be in accordance with the proper planning and sustainable development of the area.

7.6. Drainage

- 7.6.1. The concerns of the 3rd party appellant that the removal of the large green area to the front of the property and provision of hard-surfacing would result in an increase of local flooding are noted. The applicant states in the Grounds of Appeal response report that the paving provided would be permeable. It is considered that this would minimise surface water run-off and mitigate against local flooding. It is noted that the Water Service Division of the Planning Authority and Irish Water outline no objections to the proposed development subject to standard Conditions.

7.7. Appropriate Assessment:

- 7.7.1. Having regard to the nature and modest scale of the proposed development, to the location of the site within a fully serviced urban environment, and to the separation distance and absence of a clear direct pathway to any 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

- 8.1.1. I recommend that permission be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. Having regard to the overall daily capacity and hours of operation of the proposed sessional childcare facility, it is considered that the scale of operation and intensity of use of the proposed development would be contrary to the requirements of Appendix 4 of the Development Plan which requires that the use of a sessional childcare facility be subordinate to the use of the dwelling as a main residence. Such development would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the proposed development in a residential area, it is considered that the intensity of use and hours of operation of the proposed development would generate noise and disturbance, in particular in the play area to the rear of the proposed childcare facility and during drop-off and collections times. The proposed development would also create unacceptable levels of traffic through a residential area, would result in significant on-street parking along Offington Park and would lead to increased levels of noise throughout the day. Such development would be injurious to the residential amenity of neighbouring dwellings and the surrounding residential area. The proposed development therefore, would be contrary to the zoning objective of the area which seeks to protect and improve residential amenity and would be contrary to Appendix 4 of the Development Plan which requires that in all cases, the use of childcare facilities will not result in unacceptable levels of noise and not be injurious to the residential amenities of the area. As such, the proposed development would not be in accordance with the proper planning and sustainable development of the area.

Brendan Coyne
Planning Inspector

21st August 2019

