



An  
Bord  
Pleanála

## Inspector's Report ABP-305135-19

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<b>Development</b>	Construction of two houses to replace a dwelling with attached crèche granted under Planning Permission 14/5866
<b>Location</b>	Lios Cara, Rathpeacon, Killeens, County Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	19/5327
<b>Applicant(s)</b>	Alumcrest Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Alumcrest Limited
<b>Date of Site Inspection</b>	16 <sup>th</sup> October, 2019
<b>Inspector</b>	Kevin Moore

## **1.0 Site Location and Description**

- 1.1. The site of the proposed development is located within the residential estate of Lios Cara in the village of Killeens on the N20 National Road to the north of Cork City. The site comprises a section of undeveloped land that forms part of a larger area within a new housing estate that remains to be developed to finish out the overall estate. There are a range of house types in the estate comprising primarily terraced and semi-detached two-storey and single-storey houses. There are also a number of bungalows within the immediate environs of the estate.

## **2.0 Proposed Development**

- 2.1. The proposed development would comprise the construction of 2 no. two-storey, semi-detached, three bedroom houses. This development would replace the construction of a four bedroom detached house with an attached crèche granted planning permission under P.A. Ref. 14/5866. Access to the development would be provided via the existing estate road. The proposed houses would each have a gross floor area of 100 square metres and would be on a site stated to be 0.1 hectares in area.
- 2.2. Details submitted with the application included a Childcare Needs Assessment and a Planning Statement that addressed the development and its context, planning policy, planning history, compliance with standards and childcare provision.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 17<sup>th</sup> July 2019, Cork County Council decided to refuse permission for the proposed development for one reason relating to the lack of justification for the removal of the crèche facility.

### 3.2. **Planning Authority Reports**

#### 3.2.1. Planning Reports

The Planner noted the planning history relating to the lands and reports received. In reference to the vacancy of an existing crèche facility in the estate, it was submitted that the form of that facility may explain its vacancy rather than a lack of demand for such a facility. Reliance on two year old data from TUSLA reports on vacancy levels in existing childcare facilities in the area was regarded as unreliable to provide an accurate picture of current demand levels in the area. It was submitted that the further decrease of childcare facilities to 6 spaces in the estate was not justified and is contrary to Council's adopted policy. A refusal on this basis was recommended. The proposed houses were regarded as being satisfactory in terms of visual and residential amenity, access and servicing.

The A/Senior Planner referred to the permitted crèche facilities within the estate as being not well conceived and considered that a purpose built crèche would appear to be a more satisfactory solution. It was concluded that the proposal for two houses would preclude the possibility of developing a crèche facility. The Planner's recommendation to refuse permission was endorsed.

#### 3.2.2. Other Technical Reports

The Public Lighting Section requested details on public lighting for the proposed development.

The Area Engineer had no objection to the proposal subject to conditions.

The Estates Report request information from the applicant demonstrating how the provision of childcare facilities will be met for the estate.

### 3.3. **Prescribed Bodies**

Irish Water had no objection to the proposal.

## 4.0 **Planning History**

I note the following:

[ABP Ref. PL 04.131075 \(P.A. Ref. 01/4442\)](#)

Permission was granted by the Board for the demolition of an existing shop, the construction of 16 apartments in four blocks, 107 dwellings, two crèches and associated site works.

P.A. Ref. 14/05866

Permission was granted for the construction of 27 houses, including one four bedroom detached house with attached crèche and associated site works.

## **5.0 Policy Context**

### **5.1. Cork County Development Plan 2014-2020**

#### Childcare

The Plan states:

In having regard to the Guidelines on Childcare Facilities for Planning Authorities, the Council will take account of existing childcare provision when considering new childcare / crèche facilities provision as part of residential development in order to avoid over provision of these facilities.

Objectives include:

SC 3-1: Support and facilitate the sustainable provision of childcare facilities in appropriate locations and seek their provision concurrent with development, having regard to population targets for the area and in accordance with the Guidelines on Childcare Facilities and the Childcare (Preschool Services) Regulations 2006.

### **5.2. Cobh Municipal District Local Area Plan 2017**

Killeens is designated a 'Village' in the LAP and the site lies within the village's settlement boundary.

The strategic aims for Killeens are to consolidate the existing settlement, improve local services and facilities and to strengthen infrastructure and public transport connections with the larger towns and villages.

It is considered appropriate that the village would accommodate a maximum of 30 dwellings over ten years from 2017.

### **5.3. Appropriate Assessment**

It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any designated European Site and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

### **5.4. EIA Screening**

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment. No EIAR is required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The grounds of the appeal may be synthesised as follows:

- Based on the existing geographical distribution of childcare facilities, the demographic profile and strategic function of Killeens, it is evident that the construction of a second crèche in the immediate area where there are existing childcare facilities with capacity in the area, is not required to cater for the childcare needs of Lios Cara.
- The permitted crèche, as a 44m<sup>2</sup> addendum to a detached dwelling and with a capacity for 5.5 children, is inappropriate. Given the site area, a modern viable crèche could not be accommodated at this location. Given the demographic profile, strategic function of Killeens and current crèche provision in the area,

there is unlikely to be a requirement for an additional crèche. If there was market demand, the former Sunset Ridge Motel site, which is zoned for mixed use development, would be the most appropriate location.

- The proposed replacement of an inappropriate and unviable crèche is not contrary to Policy SC 3-1 of the Cork County Development Plan or the 2001 Childcare Guidelines for Planning Authorities. Appendix 2 of the Guidelines establishes an indicative standard of one childcare facility per 75 dwellings. The threshold for provision must be established having regard to the existing geographical distribution of childcare facilities and the emerging demographic profile of areas. Objective SC 3-1 does not stipulate the mandatory provision of childcare facilities. The Plan also requires the Council to take account of existing childcare provision when considering new childcare facilities as part of residential development.

## 6.2. **Planning Authority Response**

I have no record of any response to the appeal from the planning authority.

## 7.0 **Assessment**

7.1 I note that the proposed houses are regarded by the planning authority as being satisfactory in terms of visual and residential amenity, access and servicing. I wholly concur with this position. Thus, the sole issue of relevance to this planning appeal, in my opinion, relates to the delivery of childcare facilities at this location.

7.2 I first submit to the Board that the appellant has undertaken a review of childcare provision in the vicinity of the appeal site. Having regard to the most up-to-date available information utilised by the appellant, I do not know how much further one could go to demonstrate the lack of a need for further childcare facilities at this location.

7.3 I note that the A/Senior Planner referred to the permitted crèche facilities within the estate as being not well conceived and it was considered that a purpose built crèche would appear to be a more satisfactory solution. It is my opinion that, if it is

adequately determined that there is a significant shortfall in childcare facilities at this location, then the only appropriate way of delivering such a facility is to provide a purpose-built facility. A proposal to convert a room in a house or a small garage to the side of a house or to provide a small extension to the side of a house for use as a childcare facility is not an acceptable or viable approach to providing such a facility today. In that context, refusing permission for the two proposed houses, because an unsatisfactory and likely unsustainable childcare facility tacked onto the side of a house is not being developed, cannot be upheld. A refusal of permission for this reason is unwarranted. The proposed development of two houses would not preclude the possibility of developing a crèche facility within the overall estate lands. It would prohibit the development of a childcare facility that would not be fit for purpose. Such a facility as previously permitted would be extremely limited in scale to accommodate the number of children and provide for the services necessary that would make the facility viable and, more importantly, adequate to serve the needs of the residents of this area.

- 7.4 Further to the above, I acknowledge from the Local Area Plan that it is considered appropriate that the village of Killeens would accommodate a maximum of 30 dwellings over ten years from 2017. Based upon the most up-to-date information available to the applicant on the supply of childcare facilities at this location, one would have to be reasonably pragmatic about the potential for the oversupply of childcare facilities in this instance.
- 7.5 It is reasonable to determine that the previously permitted development of a childcare facility as an add-on to a proposed house is not the appropriate response to providing satisfactory childcare facilities in this location. This would appear to be the views of the parties to this appeal. Accepting the primary residential use previously permitted on this site, which introduced a small childcare component, and accepting that this is seen to be an inadequate facility, one cannot now seek to suppress the primary residential use of this site. Coupled with information that indicates a lack of need for a significant childcare facility at this time at this location and the very restricted residential expansion of the village planned for in the Local Area Plan, I submit to the Board that a grant of permission for the proposed houses is warranted and can reasonably be viewed as constituting sustainable development.

7.6 In conclusion, I do not consider that, in light of the above, the proposed development could be seen to run contrary to the provisions of Cork County Development Plan as they relate to childcare provisions or the *Childcare Facilities: Guidelines for Planning Authorities* published by the Department of the Environment and Local Government in 2001. I note that the former expressly requires existing childcare provision to be taken into account when considering new childcare / crèche facilities provision as part of residential development in order to avoid over provision of these facilities. Regarding the latter, I note in Section 3.2 of the Guidelines relating to development control the criteria to be applied in assessing the suitability of childcare facilities irrespective of location include the number of such facilities in the area.

## 8.0 Recommendation

8.1. I recommend that permission is granted in accordance with the following reasons, considerations and conditions.

## 9.0 Reasons and Considerations

Having regard to the planning history and previously permitted residential development on the site and to the provisions of the current Cork County Development Plan and the *Childcare Facilities: Guidelines for Planning Authorities* published by the Department of the Environment and Local Government in 2001, which require consideration of existing childcare provision where new facilities are being proposed, it is considered that the proposed development would not undermine any necessary provision of childcare facilities in this residential area into the future, would not conflict with the Cork County Development Plan and Childcare Guidelines, and would otherwise be in accordance with the proper planning and sustainable development of the area

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the



developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

**Reason:** In the interest of visual amenity.

3. Details of boundary treatment shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of residential and visual amenity.

4. The applicant or developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

5. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning

authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Kevin Moore  
Senior Planning Inspector

21<sup>st</sup> October 2019