



An
Bord
Pleanála

Inspector's Report ABP-305830-19

Development

The demolition of shed attached to dwelling, new doors to rear of existing dwelling and the construction of a single storey early learning preschool which is ancillary to the main dwelling, accessed via existing driveway, widening of existing driveway, together with associated site works.

Location

Inniskeen, Killincarrick Road,
Greystones, Co. Wicklow.

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

19890

Applicant(s)

Tania Hodgins

Type of Application

Permission

Planning Authority Decision

Grant subject to conditions

Type of Appeal

Third Party v. Decision

Appellant(s)

Burnaby Residents Association

Observer(s)

None.

Date of Site Inspection

11th February, 2020

Inspector

Robert Speer

1.0 Site Location and Description

1.1. The proposed development site is located in an established residential area known as 'The Burnaby Estate' in Greystones, Co. Wicklow, where it occupies a position along the northern side of Killincarrick Road, approximately 200m west of Church Road and the train station. The surrounding area is predominantly characterised by older housing which generally comprises substantial detached and semi-detached, two-storey dwelling houses developed on large plots along a series of definable streets whilst the wider 'Burnaby Estate' includes properties which have been constructed in the "domestic revival style" incorporating influences from the 'Arts and Crafts' movement. In this respect, it is notable that the wider area retains an attractive sylvan quality and is of considerable interest from a built heritage perspective. The site itself has a stated site area of 0.016 hectares, is rectangular in shape, and is presently occupied by a two-storey, semi-detached dwelling house with front and rear garden areas and off-street parking. It is bounded by existing housing to the north, east and west with Killincarrick Road to the south.

2.0 Proposed Development

2.1. The proposed development consists of the following:

- The demolition of a single storey shed / annex to the rear of the existing dwelling house.
- The insertion of sliding doors into the rear elevation of the existing dwelling house.
- The relocation of an existing garden / storage shed.
- The construction of a detached, single-storey, early learning pre-school (floor area: 47m²) within the rear garden area of the existing dwelling house. The service will provide for 15 No. child places (aged 18 months - 3 years) and will operate in an ancillary capacity to the existing house with administrative functions, food preparation and staff facilities etc. conducted from within the main residence (although the areas used for such purposes will continue to function as an integral part of the family home).
- The provision of a new terraced area.

- The widening of the existing vehicular entrance onto Killincarrick Road.
- Associated site development works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 7th October, 2019 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 8 No. conditions. These conditions are generally of a standardised format and relate to issues including signage, infrastructural works, construction management, and development contributions, however, the following conditions are of note:

Condition No. 3 – Requires the applicant to enter into a legal agreement with the Planning Authority, prior to the commencement of development, specifying that the preschool and the existing dwelling house are to be retained in single ownership and are not to be subdivided. This agreement is to be registered as a burden against the property with the Land Registry within three months of the commencement of development.

Condition No. 4 – States that the proposed development is to be used solely as a preschool and that no change of use is to occur without a prior grant of permission, notwithstanding whether or not any such change of use would otherwise constitute exempted development.

3.2. Planning Authority Reports

3.2.1. *Planning Reports:*

Details the site context, planning history, and the applicable policy considerations before concluding that the proposed development is acceptable in principle by reference to the applicable land use zoning and its proximity to the town centre. It is further stated that the proposal will not seriously injure the residential amenity of neighbouring properties, will not detract from the character of the Burnaby

Architectural Conservation Area, and can be adequately serviced in terms of car parking etc. The report subsequently recommends a grant of permission, subject to conditions.

3.2.2. *Other Technical Reports:*

Roads: No observations.

Greystones Municipal District Engineer: Refers to an earlier report prepared in respect of PA Ref. No. 19/769 (an incomplete application on site) wherein it was stated that Killincarick Road was already experiencing parking issues due to the number of existing residences / dwellings without off-street parking. However, it was acknowledged that if it could be demonstrated that there was a demand for a childcare facility for 'walk-ins', such a proposal could perhaps be considered, although given the site location within 'The Burnaby' this was unlikely to be the case.

3.3. **Prescribed Bodies**

Irish Water: No objection, subject to conditions.

3.4. **Third Party Observations**

- 3.4.1. A single submission was received from the appellant, the contents of which are reiterated in the grounds of appeal.

4.0 **Planning History**

4.1. *On Site:*

PA Ref. No. 19305. Was refused on 15th May, 2019 refusing Tania Hodgins permission for the demolition of shed attached to dwelling, new doors to rear of existing dwelling and the construction of a new two storey crèche accessed via existing driveway consisting of ground floor crèche and office and first floor non habitable storage, widening of existing driveway together with associated site works.

- Having regard to the location and zoning of the site, which seeks to preserve and protect residential amenity, and the pattern of development in the vicinity, it is considered that the proposed development would having regard to its size, height, scale and mass and its separation from the existing dwelling on the site, result in the over development of the site, would result in an undue

and disproportionate impact on the residential amenities of the adjacent properties, would have a significant and overbearing impact on the amenity space of the adjoining dwelling to the west, would result in a significant commercial entity on a residential site, would set an undesirable precedent for similar forms of haphazard development. The development would therefore seriously injure the amenities of properties in the vicinity, would it is considered set a precedent for further commercial development of a scale which would it is considered detract from the character of the Burnaby Architectural Conservation Area, and would therefore be contrary to the objectives of the Planning Authority as set out in the Greystones-Delgany & Kilcoole Local Area Plan 2013 – 2019, and proper planning and sustainable development of the area.

PA Ref. No. 917099. Was granted on 30th July, 1991 permitting Mr. Michael Murray permission for the retention of a store & laundry room at Inniskeen Nursing Home, Killincarrick Road, 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 relevant development control considerations.

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 ‘R10: Residential - 10/ha’ with the stated land use zoning objective ‘To provide for the development of sustainable residential communities up to a maximum density of 10 units per hectare and to preserve and protect residential amenity’.

Other Relevant Policies / Sections:

Section 7: Social Infrastructure:

Section 7.1: Social Infrastructure Strategy:

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 9: Natural and Built Heritage:

Section 9.1: Heritage Strategy

Section 9.2: Objectives:

HER1: Protect and enhance the character, setting and environmental quality of natural, architectural and archaeological heritage, and in particular those features of the natural landscape and built structures that contribute to its special interest. The natural, architectural and archaeological heritage of the area shall be protected in accordance with the objectives set out in the Wicklow County Development Plan.

HER12: To preserve the character of Architectural Conservation Areas (ACAs), in accordance with Appendix B. The following objectives shall apply to ACAs:

- Development will be controlled in order to protect, safeguard and enhance the special character and environmental quality of ACAs.
- The buildings, spaces, archaeological sites, trees, views and other aspects of the environment that form an essential part of the character of an ACA will be protected.
- Proposals involving the demolition of buildings and other structures that contribute to the Special Interest of ACAs will not be permitted. The original structure of the La Touche Hotel contributes to the Special Interest of this ACA.
- The design of any development in an ACA, including any changes of use of an existing building, shall preserve and/or enhance the character and appearance of the ACA as a whole.
- Schemes for the conservation and enhancement of the character and appearance of an ACA will be promoted.
- The character and appearance of the urban public domain within an ACA shall be protected and enhanced. The Council will seek to work in partnership with local community and business groups to implement environmental improvements within ACAs.
- Within the Church Road ACA, alterations to the front boundaries to accommodate off-street car parking will not normally be permitted.
- Historic items of street furniture and paving within ACAs shall be retained, restored and repaired.
- All electricity, telephone and television cables within ACAs shall be placed underground where possible.

- The placing of satellite dishes, television aerials, solar panels, telecommunications antennae and alarm boxes on front elevations or above the ridge lines of buildings or structures will generally be discouraged within Architectural Conservation Areas, except where the character of the ACA is not compromised.

It should be noted that the designation of an Architectural Conservation Area does not prejudice innovative and contemporary design. The principle of a contemporary and minimalist design style will be encouraged within ACAs, provided it does not detract from the character of the area. It is considered that new buildings should be of their own time in appearance and should not replicate the style and detailing of heritage buildings. The replication of historic architectural styles is considered to be counter productive to heritage conservation in principle as it blurs the distinction between what is historic and what is contemporary and can lead to the emergence of poorly considered and inauthentic buildings.

The proposed development site is located within '*The Burnaby Architectural Conservation Area*' as identified on Map 'B' (Heritage Map).

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 1.8km north-northwest of the application site.
- The Glen of the Downs Special Area of Conservation (Site Code: 000719), approximately 2.9km southwest of the application site.
- The Murrough Wetlands Special Area of Conservation (Site Code: 002249), approximately 3.4km southeast of the application site.
- The Murrough Special Protection Area (Site Code: 004186), approximately 4.4km southeast of the application site.

5.4. EIA Screening

- 5.4.1. Having regard to the minor nature and scale of the development proposed, the site location within a built-up area of Greystones 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

- The proposed development introduces a significant full-time commercial use into an established residential area and cannot be compared to a home-based activity such as childminding. The locating of such an enterprise in a residential area is not in the interest of proper planning and sustainable development. Furthermore, whereas the previous proposal refused under PA Ref. No. 19305 sought permission for a creche intended to accommodate 11 No. children in a larger building, the subject application envisages an early childhood learning centre for 15 No. children in a smaller building. Therefore, the proposal, by itself and by the precedent it would set for other properties in the Burnaby Architectural Conservation Area, is undesirable and contravenes the Development Plan and Local Area Plan.
- By allowing such haphazard commercial development in this primarily residential area, the subject proposal would set a poor planning precedent. Whilst there are some well-established and pre-existing commercial / shop units towards the end of Killincarrick Road with Church Road, there is no other permitted commercial operation in proximity of the application site. The subject site is residential in nature and is bounded by other residential properties.

- Given the constrained nature of the site (as the original garden area of Inniskeen was excised for infill development some years ago), the proximity of adjacent housing, and noting the siting of well-established residential mews development to the rear of the property, it is considered that the proposed creche / early learning facility would represent an overdevelopment of a confined site.
- Having regard to the proximity of adjacent housing, it is considered that the proposed preschool would have an undue and disproportionately negative impact on the residential amenity of neighbouring properties, with particular reference to the private amenity areas of adjacent dwellings – primarily by reason of noise, footfall, and increased traffic. The noise from children playing in the preschool (and their supervisors) in such close proximity to neighbouring residences would detract from the residential amenity of those properties.
- The Planning Authority has assessed the impact of the proposed development on the Burnaby Architectural Conservation Area purely by reference to built heritage considerations. It is submitted that a broader assessment is required in this instance e.g. the proposed development would establish a precedent for further commercial activity in a residential part of the ACA which would undermine the character of the area as protected by said designation.
- The proposed development serves to weaken the protection afforded by the designation of The Burnaby Architectural Conservation Area. Although the Planning Authority has sought to justify the proposal by reference to the proximity of the town centre and the surrounding pattern of development, the application site is zoned as residential in the ACA and deserves the full protection afforded by that zoning. Moreover, the pattern of development is residential – not commercial.
- It is proposed to widen the existing gateway to Inniskeen as part of the development. This is a feature of the original Burnaby estate house and cannot be altered without due regard to the impact of such a change on

surrounding streets and properties. There has been no attempt to assess the impact of this aspect of the development on the ACA.

- The demand for early child learning services can be satisfied at an alternative and more appropriate location. While there may be a need for additional services in the Municipal District, this does not translate to any imperative that an historic domestic property in an already constrained and exclusively residential area should be the only location where the applicant could provide such a service.
- The Municipal District Area Office has recommended that permission be refused on the basis of inadequate parking provision along Killincarrick Road and the additional demand for parking spaces along same attributable to the proposed development.

6.2. Applicant Response

- The proposed development accords with the applicable land use zoning as per the County Development Plan. It will be operated by the owner / occupier of Inniskeen in an ancillary capacity to the main dwelling and will not trade as an independent commercial enterprise. The number of children to be provided for does not alter the position that the service will operate as a home-based business in response to local need as set out in the accompanying *'Demonstration of Need'* and *'Business Plan'*.
- The proposed development has been designed as a single storey structure separate to the main dwelling and will not alter the character of Killincarrick Road.
- In response to the suggestion that the proposed development will set an undesirable planning precedent, appropriate uses for residential areas, as defined in the County Development Plan, ensure the vibrancy and sustainability of these areas. It is further submitted that the proposed early learning preschool is a use which will provide a much needed service of benefit to the area.

- Given the modest size of the proposal, it will not have any negative impact on the quality or quantity of the private open space presently enjoyed by the existing dwelling (Inniskeen). The site is located within walking distance of the town centre and as such it is appropriate that development be permitted so as to maintain sustainable communities.
- The design of the development has taken cognisance of the need to protect the residential amenities of both Inniskeen and surrounding housing. The floor level of the structure will be similar to that of the existing dwelling thereby minimising the impact on neighbouring properties. It will not give rise to any significant overshadowing or overbearing impact on those properties to the west or their amenity areas whilst its floor level and positioning in line with the gable of the property to the north will avoid any overbearing, overlooking or overshadowing impact on same.
- The garden to Inniskeen is relatively large and comprises both hard and soft landscaping. It extends to 171m² (excluding the banked slopes and garden stairs) whilst the overall area of open space behind the front building line is 270m².
- The proposed development will in no way undermine the character of The Burnaby Architectural Conservation Area or the surrounding area and accords with the relevant policy provisions.
- With regard to the suggestion that the proposal will weaken the ACA designation, it should be noted that the Burnaby ACA and the Church Road ACA abut each other. It is further reiterated that the proposed preschool will be operated by the owner / occupier of Inniskeen and will not result in the commercialisation of the entire property. The primary use of the site will remain residential.
- The widening of the existing entrance gate (with its reinstatement to match existing) will not change the character of the property boundary which is in keeping with the Burnaby ACA guidelines.
- The surrounding residential area, like any other, has childcare needs whilst the application site is located within a short walking distance of public

transport (bus and DART services). The accompanying business plan identifies a definable need for the service proposed.

- The forecourt of the existing house can easily accommodate 4 No. parking spaces with sufficient space to allow for the manoeuvring of cars without adjusting the current landscaping arrangements. These 4 No. spaces will provide for the existing dwelling house and staff on site.
- It is the intention that the proposed development will serve the immediate area, however, it is acknowledged that some children may be dropped off by private car and in this regard it is submitted that there is sufficient public parking available to cater for such short-term usage.
- Given that existing residents in the immediate area can avail of off-street parking, any additional demand for on-street parking consequent on the proposed development will not impact on same.
- The accompanying traffic count and parking survey was commissioned in response to the grounds of appeal and its findings can be summarised as follows:
 - The highest two-way traffic flow during the peak hour is 51 No. vehicles and the subject proposal is not expected to generate more than 10 No. trips within the peak hour. This is an insignificant increase in traffic volumes and demonstrates that traffic flows from the development will not impact on the surrounding road network.
 - It is anticipated that the car parking requirement of the proposed development will be nil as all staff will avail of the existing on-site parking facilities (assuming all staff drive to work).
 - During all the surveyed periods, there was public car parking available with the immediate vicinity of the site.
 - The available car parking is sufficient to accommodate the drop-off / pick-up demands of the proposed development.
 - Car parking associated with nearby construction works will only be present for an interim period pending the completion of same.

The concerns raised in the grounds of appeal as regards roads and traffic considerations are unfounded and the existing infrastructure is adequate to serve the proposed development.

6.3. **Planning Authority Response**

None.

6.4. **Observations**

None.

6.5. **Further Responses**

None.

7.0 **Assessment**

7.1. 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 / impact on built heritage considerations
- Impact on residential amenity
- Traffic implications
- Appropriate assessment

These are assessed as follows:

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

7.2.1. 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 '*R10: Residential - 10/ha*' with the stated land use zoning objective '*To provide for the development of sustainable residential communities up to a maximum density of 10 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 Section 11 of the Greystones-Delgany & Kilcoole Local Area Plan, 2013-2019.

- 7.2.2. It is also notable that the site is well located from an infrastructural and servicing perspective given its proximity to the town centre, local employment, and public transport (with the train station located c. 200m east) whilst it is readily accessible from within the wider residential district.
- 7.2.3. 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 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.
- 7.2.4. Therefore, having considered the foregoing, with particular reference to the land use zoning and the site location within an established residential area proximate to the town centre and public transport services, I am satisfied that the proposed development constitutes an appropriate use on site, 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.

7.3. **Overall Design and Layout / Impact on Built Heritage Considerations:**

- 7.3.1. The proposed development consists of the construction of a single-storey, early learning preschool within the rear garden area of an attractive two-storey, semi-detached period dwelling house known as 'Inniskeen' and in this regard concerns have been raised in relation to the potential impact of the proposal on the character and built heritage interest of the surrounding area, particularly in light of the site location within 'The Burnaby' Architectural Conservation Area.

7.3.2. With regard to the overall design of the preschool, given the modest scale, height and size of the proposed construction, its siting to the rear of the existing dwelling house on site, the level of screening afforded by neighbouring properties, and as only the gable elevation of the structure will be visible in part from Killincarrick Road, it is my opinion that the visual impact of the proposal will be minimal and will not unduly impinge on the prevailing character of the wider area.

7.3.3. In specific reference to the impact of the proposal on the built heritage qualities of the wider area, it is my opinion that although the site in question is located within The Burnaby Architectural Conservation Area, given the specifics of the site context, the proposed development can be satisfactorily assimilated into the area without adversely affecting the architectural conservation area. Similarly, whilst I would acknowledge that 'Inniskeen' is an attractive property of some architectural interest which makes a positive contribution to the streetscape of Killincarrick Road, it should be noted that this property is not a protected structure nor is it included in the National Inventory of Architectural Heritage and, therefore, in light of the site context and the surrounding pattern of development, I am satisfied that the impact on 'Inniskeen' arising as a result of the proposed development (including the demolition of the single storey annex to the rear of the existing house which is a later addition and of no architectural interest) is acceptable and does not warrant a refusal of permission.

With respect to the suggestion in the grounds of appeal that the commercial nature of the proposed development would serve to undermine the overall character and level of protection afforded to the wider area by reference its designation as an Architectural Conservation Area, given the specifics of the development proposed and the site context, I am unconvinced by the merits of any such argument. The proposed development is of a relatively modest scale and has been expressly designed to be both subservient to and reliant on the existing dwelling house as regards its functionality. The operation of the preschool will be intrinsically linked to the main residence and will function in an ancillary capacity to same with administrative & food preparation activities, in addition to staff facilities, all conducted from within the applicant's own dwelling house (with the areas used for such purposes continuing to form an integral part of the family home). Therefore, whilst the proposal will involve the introduction of a commercial use to the area, cognisance

must be taken of the fact that it will not operate as a standalone commercial enterprise and is unsuited to disposal or operation independent of the main residence. Furthermore, given the limited scale and nature of the development proposed, the proximity of the town centre (including those 'town centre' zoned lands to the immediate north of the site and the commercial units located a short distance further east along Killincarrick Road towards its junction with Church Road), and noting that commercial usage would not in itself undermine the built heritage qualities afforded protection through the designation of an Architectural Conservation Area (as evidenced by the Church Road ACA which incorporates much of Greystones town centre), I am satisfied that the subject proposal is acceptable in this instance.

- 7.3.4. Therefore, having considered the foregoing, on balance, it is my opinion that given the specifics of the site context and the limited nature and scale of the development proposed, the subject application will not set an undesirable precedent as regards potentially inappropriate commercial development within Architectural Conservation Area.

7.4. Impact on Residential Amenity:

- 7.4.1. Having reviewed the available information, and in light of the site context, including its location within a built-up urban area, in my opinion, the overall scale, design, positioning and orientation of the proposed development, will not give rise to any significant detrimental impact on the residential amenity of neighbouring property by way of overlooking or overshadowing / loss of daylight / sunlight.
- 7.4.2. Furthermore, given the nature and operation of the proposed preschool (i.e. 15 No. places for children in the age group of 18 months to 3 years); the hours of daily operation (08:45 - 15:00); to the fact that the children will generally be indoors; and as any noise / sounds emanating from outdoor play are likely to be low-level and would not necessarily be inappropriate within a residential context, I am of the view that the proposed preschool is unlikely to give rise to such levels of noise or disturbance as to seriously injure the residential amenity of neighbouring properties or the area in general.

7.5. Traffic Implications:

7.5.1. Concerns have been raised as regards the adequacy of the existing on-street parking arrangements along Killincarrick Road to cater for the demands of the proposed development. In this respect, I would advise the Board that the submitted particulars indicate that the proposed preschool will accommodate a total of 15 No. child places thereby necessitating the employment of 3 No. staff members (one of whom will be the applicant and homeowner / occupant of the existing dwelling house). Therefore, in accordance with Table 7.1: 'Car Parking Standards' of Appendix 1: 'Development and Design Standards' of the County Development Plan, it can be calculated that the preschool will generate an overall demand for 3 No. car parking spaces as follows:

- 15 No. children @ 1 space per 10 No. children = 1.5 No. spaces
- 3 No. staff members @ 0.5 spaces per staff member: 1.5 No. spaces

Total: 3 No. spaces

7.5.2. On the assumption that the existing dwelling house will also necessitate the retention of 2 No. parking spaces, it would appear that the overall usage of the application site will generate a demand for 5 No. parking spaces, however, given that the applicant will be employed within the proposed preschool, I would be amenable to a relaxation in the parking requirement to 4 No. spaces. Notably, it has been submitted that 4 No. car parking spaces can be provided on site (with the existing entrance arrangement to be widened in order to provide for improved access) whilst any set-down / pick-up requirements can be accommodated from the available on-street 'Pay & Display' parking.

7.5.3. Accordingly, having conducted a site inspection, and noting the availability of public parking and public transport within the immediate vicinity of the application site, I am satisfied that the proposed development can be satisfactorily accommodated at the subject location and complies with the requirements of the Development Plan.

7.6. Appropriate Assessment:

7.6.1. Having regard to the minor nature and scale of the development proposed, the site location within a built-up area of Greystones 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 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 granted for the proposed development for the reasons and considerations set out below:

9.0 Reasons and Considerations

- 9.1. Having regard to the relevant provisions of the Wicklow County Development Plan 2016-2022 and to the Greystones-Delgany and Kilcoole Local Area Plan 2013-2019, the pattern of development in the area, and the scale, design and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of pedestrian and traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. The number of children to be accommodated within the premises shall not exceed 15 number at any time on any day or 15 number in any session.

Reason: To limit the development in the interest of residential amenity.

3. The proposed childcare facility shall not operate outside the period of 08:00 to 15:00 hours Monday to Friday inclusive, and shall not operate on Saturdays, Sundays or public holidays.

Reason: In the interest of residential amenity.

4. The existing dwelling house on site shall be occupied by the operator of the proposed preschool and shall not be separated from the proposed use by sale or letting or otherwise.

Reason: In the interest of clarity and the proper planning and sustainable development of the area.

5. Water supply and drainage arrangements, including the attenuation and 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. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

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

Reason: In the interest of visual amenity.

8. Details of all boundary treatments and landscaping, including the surface materials for the play areas, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

9. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

10. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

12. A plan containing details for the management of waste (and in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

13. 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.

Robert Speer
Planning Inspector

22nd February, 2020