



An
Bord
Pleanála

Inspector's Report

ABP-306485-20

Development	Change of use of a previously approved creche (Reg. Ref. 16/1107) to a single dwelling and minor amendments to elevations, internal layout and car parking.
Location	Rickardstown, Newbridge, Co. Kidare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	19/11193
Applicant(s)	Perwood Holdings Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v. Refusal
Appellant(s)	Perwood Holdings Limited
Observer(s)	None
Date of Site Inspection	13 th March 2020
Inspector	Elaine Power

1.0 Site Location and Description

- 1.1. The site is located within the recently constructed White Oaks residential development in Newbridge. The site is located approx. 1.8km north west of the town centre and approx. 440m north of Newbridge Train Station.
- 1.2. The appeal site has a stated area of 0.61ha and the existing building has a gross floor area of 122sqm. It is noted that the building has been recently constructed and is vacant. The site is generally bound to the north and east by the White Oaks internal access road, to the south by a recently constructed single storey semi-detached dwelling and to the west by the Sarsfield GAA ground.
- 1.3. There are 2 no. communal car parking spaces located on the internal access road to the east of the appeal site. These spaces are shown within the red line boundary of the appeal site.

2.0 Proposed Development

- 2.1. It is proposed to change the use of a previously approved (Reg. Ref. 16/1107) creche building to a single house. The works include minor amendments to the as constructed elevations and internal layout. The external works include alterations to the reposition and size of windows on side and rear elevations. The internal works result in the provision of a kitchen / dining room, a living room and 4 no. bedrooms (1 no. en-suite) and a bathroom.
- 2.2. The alterations also include the omission of 4 no. car parking spaces located to the east of the appeal site. These spaces have not been provided to date. It is proposed that the area previously approved for car parking would be incorporated into private amenity space associated with the proposed house.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reason:

1. Having regard to the planning history of the overall development site, which required the provision of a childcare facility (Planning Register Reference 16/1107), it is considered that to permit the replacement of the permitted and constructed creche building to a single dwelling house, would set an undesirable precedent for similar residential developments, and would contravene the provisions of the Childcare Facilities Guidelines 2001 issued as Ministerial Guidelines under Section 28 of the Planning and Development Act 2000 (as amended), for its failure to provide a childcare facility within the new housing area and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. ***Planning Reports***

The report by the Area Planner raised concerns regarding the loss of the proposed childcare spaces and recommended that permission be refused for the reason outlined above.

3.2.2. ***Other Technical Reports***

Area Engineer's report: No objection subject to conditions.

Housing Section report: Notes that the condition 3 of the parent permission, Reg. Ref. 16/1107, which related to Part V has been complied with.

Chief Fire Officer. No objection

Roads, Transportation and Public Safety Department. No objection

Water Services. No objection subject to conditions

3.3. **Prescribed Bodies**

Irish Water. No objection

3.4. **Third Party Observations**

None

4.0 Planning History

Reg. Ref. 16/1107: Permission was granted in 2017 for the demolition of an existing house and the construction of 96 no. dwellings and a creche facility.

5.0 Policy Context

5.1. Newbridge Local Area Plan 2013 - 2019, (as extended)

- 5.1.1. The appeal site is located within an area zoned 'C6' with the associated land use objective *'to provide for new residential development'*. Table 17.1 of the plan also notes that *'this zoning provides for new residential development and associated ancillary services. Permission may also be granted for home based economic activity within this zone subject to the preservation of residential amenity and traffic considerations.'* The following policies are considered relevant.

HL7: To facilitate and co-operate in the provision of community facilities in tandem with residential development including, in particular, local services, schools, crèches and other education and childcare facilities, including youth facilities.

CO 2: To facilitate the use of appropriate sites/ buildings within the town for the provision of childcare services in tandem and in the vicinity of all new and existing residential development.

5.2. Kildare County Development Plan, 2017 - 2023

- 5.2.1. Section 11.13 states that the provision of childcare facilities, in its various forms is recognised as a key piece of social infrastructure required to enable people to participate more fully in society...central to this is the provision of good quality and accessible childcare and early education facilities at community level.
- 5.2.2. Section 17.5 states that all childcare facilities shall be provided in accordance with the Childcare Facilities: Guidelines for Planning Authorities (DEHLG)... one childcare facility is generally required to cater for 20 places in developments of 75 houses, including local authority and social housing schemes, in accordance with DEHLG

Guidelines. This standard may be varied depending on local circumstances. The Council will consult with the Kildare County Childcare Committee in this regard.

5.2.3. The following are considered relevant: -

Policy CPF 2 *Facilitate and encourage the provision of childcare facilities, including community crèche facilities, of an appropriate type and scale, at appropriate locations throughout the county and to identify suitable locations through the Local Area Plan process, where appropriate.*

Objective CPFO 2 Facilitate and encourage the provision of childcare facilities, including community crèche facilities, of an appropriate type and scale, at appropriate locations throughout the county.

5.3. **National Planning Framework:**

5.3.1 The relevant policies of the National Planning Framework which relate to creating high quality urban places and increasing residential densities in appropriate locations are set out below.

- Policy Objective 4
- Policy Objective 6
- Policy Objective 10
- Policy Objective 11
- Policy Objective 33
- Policy Objective 35

National Policy Objective 31: Prioritise the alignment of targeted and planning employment growth with investment in: The provision of childcare facilities and new and refurbished schools on well-located sites within or close to built-up areas, that meet the diverse needs of local populations

5.4. **National Guidance**

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area (2009).
- Childcare Facilities – Guidelines for Planning Authorities 2001
- Circular Letter PL 3/2016

5.5. Natural Heritage Designations

The appeal site is located approx. 2km east of Pollardstown Fen SAC (000396) and approx. 2.3km south of Mouds Bog SAC (002331).

5.6. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any 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. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first party appeal against the Planning Authority's decision to refuse permission. The submission addresses the reason for refusal and is summarised below: -

- A planning history for the site has been provided. The applicant is also currently constructing 281 no. dwellings and a creche at The Paddocks, Newbridge, which is less than 1km from the appeal site (approved under ABP-301818-18). The applicant is responsible for both this site and the overall White Oaks residential development site.
- The previously approved creche as capacity for 25 no. childcare places. The creche within The Paddocks has capacity for 75 no. childcare places. Appendix A submitted with the appeal provides details of existing childcare providers in the Newbridge area. It is stated that these facilities have a combined spare capacity for 19 no. children. The applicant considers that the planning authority failed to have due consideration to the existing childcare facilities in Newbridge.

- It is also noted that the applicant is finding it difficult to secure an operator for both creche facilities. The omission of the smaller creche would reduce competition with the larger creche facility at The Paddocks and would ensure its viability. The applicant wishes to avoid a proliferation of unoccupied childcare facilities within Newbridge, which is in accordance with policy HL7 of the Newbridge LAP.
- The objectives to increase childcare provision as set out in Childcare Facilities – Guidelines for Planning Authorities 2001, has largely been achieved. The governments policy is now focused on housing.
- The applicant is engaged with Cluid Housing Association who are acquiring the 96 no. units within the White Oaks residential development. Cluid have no commercial need for or ability to acquire a creche. A letter from Cluid is attached with the appeal, which confirms that they are in the process of acquiring the development.

6.2. **Planning Authority Response**

In response to the appeal the Planning Authority request that all internal reports be referred to and note that is it a requirement of the planning guidelines that a childcare facility be provided for the development.

7.0 **Assessment**

7.1. The main issues relate to the reason for refusal. Car parking and Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Principle of Development
- Car Parking
- Appropriate Assessment

7.2. ***Principle of Development***

7.2.1. It is proposed to change the use of an existing single storey building from a previously approved creche to a single house. The building forms part of a recently constructed

residential scheme, White Oaks, which comprise 96 no. houses. It is noted that Cluid Housing are in final negotiations to acquire the 96 no. housing units, which they would manage and operate. A letter is attached with the appeal from the approved housing body which states that Cluid does not have a commercial need for of the ability to acquire a creche.

- 7.2.2. The appeal site is located within an area zoned 'C6' with the associated land use objective '*to provide for new residential development*'. The proposed residential use is, therefore, compatible with the zoning objective for the site.
- 7.2.3. The proposed house has a gross floor area of 122sqm and accommodates a kitchen / dining room, a living room and 4 no. bedrooms (1 no. en-suite) and a bathroom. It is proposed to provide 251 sqm of private open space to the rear (west) and side (south) of the house. It is noted that the room sizes and floor areas reach and exceed the standards set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area (2009).
- 7.2.4. Permission was refused on the basis that the proposed development would contravene the provisions of the Childcare Facilities Guidelines 2001 for its failure to provide a childcare facility within the new housing area.
- 7.2.5. The applicant has provided a breakdown of the existing available creche spaces within the Newbridge area, which indicates that there are 19 no. existing childcare providers within the environs of the appeal site, with a combined spare capacity of 19 no. spaces. It is also noted that the applicant is currently constructing a residential development The Paddocks, less than 1km from the site, which includes a new creche facility with capacity for 75 no. childcare spaces. The applicant has stated that it has proved difficult to secure an operator for both creche facilities. The omission of the smaller creche would reduce competition with the larger creche facility at The Paddocks and would ensure its viability.
- 7.2.6. While it is acknowledged that the Childcare Facilities Guidelines 2001 recommend the provision of 1 no. childcare facility for new housing areas, it is also noted that the threshold for the provision should be established having regard to the existing geographical distribution of childcare facilities. Therefore, Having regard to the evidence submitted by the applicant regarding the number of available childcare

spaces within existing and proposed childcare facilities in the Newbridge area, the limited capacity of the previously approved creche and to the status of the operator of the White Oaks estate as an established housing charity, it is my view that the proposed development is acceptable in this instance.

7.3. ***Car Parking***

7.3.1. The proposed works also include the omission of 4 no. previously approved car parking spaces to the south of the appeal site. It is proposed that this space would be incorporated into a front garden / amenity space for the proposed house. It is noted that these 4 no. spaces have not been constructed to date.

7.3.2. These spaces were proposed to accommodate vehicular movements associated with the childcare facility. Having regard to the nature and scale of the proposed development, it is my view that there is sufficient car parking provided within the overall development to accommodate car parking generated by the proposed house.

7.4. ***Appropriate Assessment***

Having regard to the nature and small scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 **Recommendation**

I recommend that permission be granted subject to conditions.

9.0 **Reasons and Considerations**

Having regard to the zoning objective of the subject site, the existing pattern of development and to the nature and scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the

area. The proposed development 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. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. The applicant shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

4. Site development and building works shall be carried out only between the hours of 0700 to 1900 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.

5. 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 noise management measures and off-site disposal of construction/demolition waste.

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

Elaine Power
Planning Inspector

16th March 2020