



An
Bord
Pleanála

Inspector's Report

ABP-312402-22

Development	Retention of an increase in childcare spaces from permitted under parent application F17A/0248. Alterations to car parking. Retention of 2 windows. Permission to increase the opening hours.
Location	22 Muileann Drive, Kinsealy, Swords, Co. Dublin K67 X7Y5
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F21A/0550
Applicant(s)	Regina Mc Govern.
Type of Application	Retention and Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Regina Mc Govern
Observer(s)	Paul Donnelly.
Date of Site Inspection	19 th of April 2022.

Inspector

Karen Hamilton

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1.0 Site Location and Description

- 1.1. The subject site includes a creche, located at the entrance of the residential Muileann Drive, Kinsealy, Swords, Co. Dublin. The crèche fronts onto the internal access road of Muileann Drive of a wider residential estate. This residential estate includes a range of terrace and duplex units which mainly front onto the internal road network.
- 1.2. Carparking and the associated drop off area for the creche is located along the front, south of the site. There is a row of two storey terraced dwellings adjacent to the site (No 20 Muileann Drive) southwest and a detached dwelling (No. 1 Muileann Mews) to the northwest. The play area associated with the creche is located to the rear (northeast) of the site.

2.0 Proposed Development

- 2.1. The proposed development comprises of the following:

Retention

- Retention of an increase in childcare spaces from the number permitted under parent application F17A/0248 from 53 to 94 spaces. The increase in childcare spaces is accommodated by a reconfiguration of in the internal floor plan
- Retention of 2 windows at first- floor mezzanine level on the southern elevation over the main entrance foyer.

Permission

- Alterations to car parking layout to provide an additional 2 no. staff spaces.
- Permission to increase the opening hours from 7.30 am to 6pm and 7:00 am to 7 pm.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority (PA) decision was to refuse permission for two reasons as stated below:

1. The subject property is a purpose- built structure located within a new residential development immediately surrounded by existing dwellings. Given the constraints on the site by virtue of location, together with the lack of a proportionately sized set down area, haphazard retrofitting of car parking resulting in the termination of a continuous footpath which does not prioritise pedestrians over vehicular traffic would constitute a traffic hazard. When considered cumulatively with the increase in operational hours, the development would be contrary to Objective DMS94 of the Fingal Development Plan 2017-2023 which seeks to ensure the suitability of the site for the type and size of facility proposed. To permit the development as set out would unduly impact upon the existing residential and visual amenities of the area contravening the RS Zoning Objective which seeks to Provide for residential development and protect and improve residential amenity.
2. The development as proposed would not be consistent with the proper planning and sustainable development of the area and to permit same would set an undesirable precedent for other similar development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The area planners report reflects the decision to refuse permission and is summarised below:

Zoning Objective

- The proposed works are an acceptable form of development and subject to assessment are in compliance with the development plan objectives

Integration and impact on the visual and residential amenity of the area

- The works to the elevation would not give rise to undue impact on the visual amenities or character of the area.
- It is acknowledged there is an on-going need for the provision of childcare although the site is immediately adjoining private amenities spaces of dwellings to the north, east and south.
- There is a need to ensure the substantial constraints for the expansion of this service is balanced with the protection of adjoining residential amenities.
- The PA notes a 3rd party submission in relation to the increase of childcare numbers although it is noted that this has been approved for a large-scale use such as this.
- The baseline activity may not necessarily be exacerbated by an increase in numbers, subject to their requirements such as traffic levels and car parking
- The increase in the number of places would have significant concerns on the operational capacity of the service of which retrofitting of car parking, loss of continuous footpath and inappropriate set down would be unacceptable.

Hours of operation

- There are concerns with the change in hours of operation and the earlier start as cars pulling up at 7am may create nuisance and sleep disturbance from activities such as car slamming etc
- It is considered the operation of 7.30 am sufficient facilitate working families.

3.2.2. Other Technical Reports

Water Services: No objection to the proposal.

Transportation Planning Section: Recommendation to refuse permission having regard to the following:

- Set down area has been provided as per planning reference F17A/0248, based on permission for 53 children.
- The proposed development for 94 no children is almost double the permitted size.
- There is no proposed increase in the creche set down area.

- Set down may need to be doubled for the potential children.
- Staff parking will increase by 1 although the configuration is haphazard.
- The configuration requires pedestrians to cross at the road level behind staff parking which is not safe.

3.2.3. Environmental Health Air & Noise Unit: Recommendation to refuse permission having regard to the following:

- The intensification of the crèche will give rise to increased noise levels.
- The area is predominantly residential and the increase in noise will have an adverse effect on neighbouring residents.
- All external plant shall be acoustically enclosed to prevent noise from the mechanically services.
- All activities should be carried out in a manner to ensure that air emissions and/or odours do not result in significant impairment or interference with the environment.

3.3. **Prescribed Bodies**

Irish Water: No objection subject to conditions.

3.4. **Third Party Observations**

One third party submission on the application was received from the residents of the adjoining property (northwest of the site). This third party has also made an observation to the appeal. The issues raised in both submissions are similar and have been summarised below in Section 6.4.

4.0 **Planning History**

Reg Ref F17A/ 00552

Permission granted for an amendment to previously permitted residential development Reg Ref F10A/00338 (as extended) and amended under Reg Ref

F17A/0428 for the completion of Phase 3 and prior to the occupation of Phase 4 (F10A/0338).

Reg Ref F17A/0248

Permission granted for alterations to permission F10A/0338 to include the omission of 5 no dwellings and replacement with a single storey childcare facility with associated parking (6 no dedicated spaces and 2 no on-street set down spaces).

Condition of note include:

Condition No 3: The proposed staff parking and set down arrangements to serve the crèche shall be subject to the following amendment:

- a) A maximum of two staff car parking spaces shall be provided. These spaces shall be proximate to the roadside edge.
- b) The set down shall be expanded to accommodate up to four cars consecutively.
- c) Pedestrian priority shall be maintained.

Prior to commencement of development, the applicant shall submit a revised layout at a scale of 1:200 containing the stated amendments for the written agreements of the Planning Authority.

Reason: In the interest of providing safe and effective parking arrangement for the creche.

Condition No 6: The hours of the permitted crèche use shall be restricted to between 7.30 and to 6pm Monday to Friday and excluding the weekends and public holidays.

Reason: In the interest of residential amenity and the proper planning and sustainable development in the area.

5.0 **Policy Context**

5.1. **National Policy**

Childcare Facilities: Guidelines for Planning Authorities (2001).

5.2. Fingal County Development Plan 2017-2023

The site is located on lands zoned as residential, RS, where it is an objective “*To provide for residential amenity and protect, provide and improve residential amenities*”.

5.2.1. Childcare facilities

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.

Objective DMS 94:

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.

5.2.2. Car Parking

Table 12.8 Car parking Standards

- Pre-school facilities/creche: 0.5 spaces per classroom

5.3. **Natural Heritage Designations**

The site is located c. 300m to the north west of Feltrim Hill p NHA and c.2.2km to the south west of Malahide Estuary SPA (Site code 004025), Malahide Estuary SAC (site code 000205) and Malahide Estuary p NHA.

5.4. **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 at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal are submitted by the applicant in relation to the refusal of permission by the PA. A planning consultation has prepared the grounds of appeal, and this is accompanied by a response by the architect. The issues raised are summarised below:

6.2. **Planning Consultant submission**

6.2.1. Introduction

- Fingal County Council allowed deferment of the crèche until after the delivery of 155 dwellings.
- The permitted internal design was not fit for purpose and has been reconfigured to be compliant with regulations for pre-school and post school children.
- The floor area layout out (4 for after-school care and 2 for pre-school) means that there are only pre-school children being dropped off in the morning.
- After school care are picked up by a bus so there is no additional car parking pressure.

- Parking spaces are not required for parents/guardians pick up.

6.2.2. Constraints of the site by virtue of location

- There are no site constraints on the location and the proposal is in keeping with the proper planning and sustainable development of the site.

6.2.3. Lack of proportionally sized set down areas.

- There is no lack of a proportionality sized set down area.
- The set down requirements are the same as originally envisaged and permitted.

6.2.4. Parking Layout resulting in discontinuous path affecting pedestrians.

- The Traffic and Transport section failed to address the Mobility Management Report.
- This report indicated that the proposal is in accordance with the Fingal CDP and the parking standards.
- The reason for refusal only deals with the adjustments and not the adequacy of the permitted arrangements.

6.2.5. Increase in operational hours.

- The increase in operational hours is not a critical part of the proposed development and can be dealt with by condition on any grant of permission.
- The operator is experienced and knows the needs of parent/ guardian.
- The earlier start spreads the concentration of activities.
- Service activities such as bins start at 6am.
- The site is located close to the airport a major employer and staff operate early in the morning.

6.2.6. Impact on existing and visual amenities.

- The potential impact on the residential amenities is not explained as a reason for refusal
- Having a crèche that can operate for the entire residential area is more important.

- The visual impact of two high-level mezzanine windows is negligible.

6.2.7. Contrary to zoning objective RS.

- The creche is permitted within the legislation.

6.2.8. Undesirable precedent

- The fitting out and operating of a viable crèche is not an undesirable precedent.

6.3. **Architect's Submission**

6.3.1. Planning History

- A list and breakdown of the planning history is provided being primarily F100A/0338 for the original permitted residential development and F17A/0248 for the purpose built creche
- The original proposed creche included a proposal for 53 no children, this was not restricted by the council.
- The council requested a reduction of parking spaces from 8 to 6 to reduce the need for parking.
- The as built design meets all the requirements for childcare facilities and has been altered in line with the demand for childcare types.
- The applicant owns and runs 14 other childcare facilities and is a professional childcare supplier.

6.3.2. Reason for refusal

- The PA quote Objective DMS 94 in the reason for refusal. This objective relates to the suitability of the site for a creche.
- The site already has permission.
- The increase and proposed works is a positive addition.
- If the building can accommodate a higher vacancy, then it should be used for full occupancy.
- The applicant submits there is a chronic shortfall in childcare spaces and Swords has one of the fastest growing populations.

- Objective PMS74 encourages the provision of childcare locations at suitable locations.

6.3.3. Increase in childcare spaces

- There is little assessment in the planners report of the specific issues applied for.
- Although a facility of 94 is applied for, there would be rarely 94 children present.
- 90 % vacancy is rare, and it is usually 75%.
- 94 is the absolute maximum applied for the increase.
- The PA accept that the baseline activity may not necessarily be altered by the increase in numbers, subject to the traffic requirements.
- The play area wouldn't be used at the same time.

6.3.4. Additional 2 parking spaces

- The basis for the main reason for refusal appears to be the issue of parking.
- It is argued that no additional parking spaces are required.
- Table 12.8 of the development plan includes car parking standards.
- There re currently 6 classrooms and 6 spaces provided.
- The applicant put forward two scenarios for parking (one without a change to parking and one with an additional two spaces).
- The transport section recommended a refusal for the option with the additional two spaces rather than without any change.
- Table 12.8 of the development plan doesn't make any reference to the number of children at the facility.
- A condition can be attached to any grant of permission that the car parking layout remain the same as currently on site and permitted.

6.3.5. 2 No high-level windows

- The original building was single storey

- The proposal includes a mezzanine area for to allow the use of the ground floor for more classrooms
- The PA report does not raise any issues with the windows.

6.3.6. Hours of Operation

- The planner's report notes the hours of operation at 7am would impact the residential amenity.
- There is no mention of the request to the operation until 7pm.
- Condition No. 6 of permission F17A/0248 restricted the hours of operation from 7.30am to 6.30pm.
- The applicant has other childminding facilities with operate from 7am to 7pm.
- These opening hours respond to the parents demand for flexible shifts.
- The longer opening hours will reduce congestion.

6.4. **Applicant Response**

The applicant is the appellant.

6.5. **Planning Authority Response**

A response from the PA was received on the ground of appeal and the issue raised are summarised below:

- The PA is of the opinion that the proposal is contrary to Objective DMS94
- The use of the set down area cannot be simultaneously used as a set-down and parking area.
- Notwithstanding the applicant contention, permission was sought for alterations to the existing parking area in order to provide 2 staff car parking spaces.
- The adhoc and cumulative effect of the parking and set down would result in a traffic hazard.

- The intensification of the use without the scope to improve the set down facilities causes safety concerns.
- The PA notes the applicant's contention that this permission is for a new build rather than alterations under F17A/0248. The development description and public notices should have reflected this.
- In the event that permission is upheld the Board is requested to apply a financial contribution in accordance with the Council's Section 48 Development Contribution Scheme.

6.6. Observations

One observation was received from the resident of the dwelling to the northwest (No. 1 Muileann Place) and the issues raised are summarised below:

6.6.1. Planning History

- The planning history on the site is noted.
- The original crèche permission F17A/0248 included a number of specifications and conditions in relation to the crèche

6.6.2. Observations on summary and conclusion

- The permission as for 53 children and 4 classrooms.
- The proposal is now for 94 children and 12 staff.
- It is difficult to see how the set down and parking can be provided.

6.6.3. Lack of proportionately sized set down area

- Objective DSM94 requires suitable drop off.
- Condition No 3 of the permission granted requires a certain drop off area or up to 4 cars.
- Due to the increase in childcare spaces, it is contended that increase would warrant a 77% increase.

6.6.4. Parking layout

- The grounds of appeal state that the current layout is sufficient to serve the 6 classrooms
- The current provision would appear to be adequate.

6.6.5. Increase in operation hours

- The increase in operational hours is considered critical
- Crèche are open 5 days a week
- All the other crèche operational be the applicant have opening ours at 7.30am.
- It is contented in the grounds of appeal that the increased opening hours would allow the drop offs staggered.
- Should the capacity be retained the set down would not be an issue.

6.6.6. Impact on existing residential and visual amenities

- There is already significant noise levels from the crèche
- The increase in level and duration would further impact the quality of life.

6.6.7. Contrary to zoning objective RS

- At 172 units the estate requires a crèche at a capacity for 46 children
- The increase in capacity would create more traffic, parking and noise, contrary to the zoning objective.

6.6.8. Undesirable precedent

- It would be unfair of permission was granted and therefore an undesirable precedent.

6.6.9. Observations on the submitted "Summary"

- Planning permission was granted, and their building (detailed floor plans) was not a shell as stated by the applicant
- The number of permitted children was 53.
- The parking was detailed in the original permission with appropriate conditions for the set down area (F17A/0248).

6.6.10. Observations on application F21A/0550

- The application of the original permission was comprehensively addressed in the planner's report.

6.6.11. Other

- There is a structure to the rear of the building (Photo 2) which was not in the original plans.

6.6.12. Parking

- The residents of Muileann have designated parking spaces and the covenants do not permit on street parking.
- The number of parking spaces is stated in the development plan although the number of set down spaces is not.
- Objective PMS94 requires safe and convenient off-street parking and/or suitable collection points.
- The grounds of appeal consider the transport section made a clear error. It is difficult to see how the site can accommodate further 3 to 4 spaces.

6.6.13. Mezzanine windows

- The development plan refers to the provision of day care on the ground floor.
- The additional mezzanine area does not comply with the council's development plan.

6.6.14. Opening hours

- None of the applicants 12 crèche facilities open at 7.00am.
- The condition on the original permission restricted the hours of operation from 7.30 and to 6pm.
- The ensure all parents are accommodated a crèche would need to open 24hrs.

6.6.15. Other

- The grounds level differences between the crèche and surrounding area.

- The boundary treatment between the crèche and adjoining residence is not sufficient to ensure privacy.
- A 5m landscaping strip along the rear of the boundary of the crèche was required. This has not been undertaken.
- External plant and structures at the rear of the building have been added (photos submitted).

7.0 Assessment

7.1. The main issues of the appeal can be dealt with under the following headings:

- Principle of development
- Impact on Residential Amenity
- Impact on Visual Amenity
- Traffic and Transport
- Appropriate Assessment.

Principle of Development

Introduction

- 7.2. The proposed development comprises of both retention of alterations to a previously granted creche (F17A/248) to include ground floor layout and 2 no windows on the first floor and permission to alter the number of childcare spaces, opening hours and carparking layout.
- 7.3. The Planning Authority refused permission for two reasons. The first reason relates to the constraints of the site and the impact of the new carparking configuration on the movement and flow of pedestrians. The PA considered the works in conjunction with the opening hours would unduly impact the residential and visual amenities and therefore contravene the RS zoning objective on the site. The second reason or refusal related to the undesirable precedent a permission would set.
- 7.4. The grounds of appeal are submitted by the applicant in relation to the refusal. It is considered the reason for refusal mainly relates to the impact on the traffic, further

elaborated below. An observation to the grounds of appeal has raised, *inter alia*, the RS zoning objective.

RS Zoning Objective

- 7.5. The site is located on lands zoned as RS, Residential, in the Fingal County Development Plan 2017-2023 where it is an objective “to provide for residential development and protect and improve residential amenity”. A childcare facility is a permissible use. The impact on the residential amenity of the surrounding residents is further detailed below although it is my opinion that the land use zoning does not preclude childcare facilities.

Planning History

- 7.6. The location of the crèche was set out in a parent permission for the surrounding residential development (Reg Ref F10A/0338). This permission was granted an extension of duration. The final design of the creche was permitted under Reg Ref F17A/0248). The total number of children proposed under this permission was 53 within 4 no classrooms. Condition no. 3 required the redesign of the parking area to the front of the crèche and Condition No.6 restricted the hours of opening. This proposal has been submitted to, *inter alia*, to amend this permission and regulate works already undertaken (ground floor layout).

Increase in childcare spaces

- 7.7. The permitted crèche (F17A/0248) was for 4 no classrooms to accommodate up to 53 children. The crèche has not been constructed as granted under the original permission and a mezzanine floor was introduced to accommodate a staff area. The ground floor classrooms are now larger due to the removal of an office and staff area from the ground floor. The number of classrooms has increased to 6 with an increase in staff to 12 and the crèche can now accommodate up to 94 children.
- 7.8. The PA report does not raise any significant concerns in relation to the intensification of the use within the crèche, rather the increase traffic etc is the main concern and reason for refusal, further discussed separately below. The observation submitted with both the application and the grounds of appeal raises concern in relation to the increase in number which represents a 77% increase from the original permission

and 104% above the ministerial guidelines (Childcare Facilities: 2001 Ministerial Guidelines).

- 7.9. The grounds of appeal state that the works have been undertaken in compliance with the national standards. I note the permission for the crèche (Reg Ref F17A/0248) did not restrict the number of childcare spaces, rather the number was included within the proposal. Having regard to the permitted use on the site, it is my opinion that there can be no objection to an increase in childcare spaces, subject to other planning considerations, further detailed below.

Conclusion

- 7.10. Overall, having regard to the RS, Residential Zoning, the planning history and the current creche activity on the site, I consider the proposed development which relates to the retention of works to an existing crèche and alterations to the capacity, opening hours and caraprking layout are acceptable in principle, subject to other planning considerations detailed below.

Impact on Residential Amenity

- 7.11. The creche is located within an existing residential development (Muileann Drive and Mews). There are dwellings located adjacent to the site. The impact on residential amenity is included in the PA reason for refusal. Whilst I note that reason for refusal mostly relates to the impact of traffic, I note the report of the area planner refers to hours of operation etc. In addition, the observation submitted from the adjoining resident considers the proposed development would have a negative impact on their quality of life. Other issues, not included in the proposed development, such as absence of landscaping, are raised in the third-party submissions. I do not consider these are relevant in the assessment of the proposed development.
- 7.12. Having regard to the characteristics of the works proposed being the increase in activities, I consider the main impacts on the residential amenity would be the increase in the hours of operation and the potential impacts from noise generated. Aside from the carparking to the front of the site, detailed below, and two small windows the proposal would not impact the residential amenities of occupants in the vicinity of the site.

Hours of operation

- 7.13. The proposed development includes the permission for an extension of the hours of operation from 7.30 am to 6pm to the new time of 7.00am to 7.00pm. Condition No 6 of the original permission F17A/0248 stated the following: *“That the hours of the permitted crèche use shall be restricted to between 7.30am- 6pm Monday to Friday and excluding weekends and public holidays. Reason: In the interest of residential amenity and proper planning and sustainable development of the area.”*
- 7.14. The PA report notes the proposed hours of operation and raised concern in relation to the earlier opening hours of 7.00am. The additional activity was considered to have a negative impact on the residential amenities by reason of noise from cars leaving etc. and the impact on sleep.
- 7.15. The grounds of appeal consider the amended opening hours respond to the demand of parents who require flexible dropping off due to hours of work and the employment of the airport is noted. The observer does not consider this a reasonable explanation and considers that to accommodate all works a 24hr facility would be required. The observer also provides reference to the applicant’s other facilities which do not operate earlier than 7.30am. I note the applicant operates c.14 childcare facilities. A quick examination of the public information on these facilities (www.littlehavard.ie) indicates that out of the 14 on such facility opens at 7.00am in the morning (Lexlip, Captians Hill).
- 7.16. In relation to the earlier opening hours, I would consider it reasonable that a commercial facility would not operate before 7.30am having regard to the scale of movement from drop offs etc. and the location of the creche adjoining a large number of dwellings. I note the hours of operation of the applicant’s other childcare facilities and whilst the grounds of appeal refer to flexible opening hours, I consider it reasonable that the normal hours of operation would be from 07.30am. I consider that any grant of permission could include a condition restricting the operating hours.
- 7.17. In relation to the later opening hours, I note the PA has not raised this as an issue of concern. It would be my opinion that issues relating to the movement of cars and people would not be applicable in the evening hours. In this regard I consider the additional opening until 7.00pm would be acceptable and would not have a significant negative impact on the residential amenities of those adjoining resident’s.

Noise

- 7.18. The report of the Environmental Health Air & Noise Unit considers the proposed development is acceptable subject to conditions. Point no 1 notes the intensification on the site and does not consider it acceptable having regard to the increased noise levels and the location in a predominantly residential area. The report of the area planner does not elaborate on this internal consultation.
- 7.19. As sated above, it is my opinion that the increase in capacity of a purpose-built crèche is acceptable subject to the normal planning considerations. Aside from the extension of opening hours in the morning, it is my opinion it would be reasonable to assume that the noise generated from a purpose-built childcare facility would not substantially change from the increased numbers proposed. I note the report of the Environmental Health Section does not refer to any exceedance of acceptable noise levels rather than a general comment on the intensification of use.

Conclusion

- 7.20. Having regard to the current use of the site as a fairly modest built-purpose childcare facility which can already accommodate 53 no children, it is my opinion that the increase in childcare numbers would not have a significant negative impact on the residential amenity of those residents in the vicinity. The issues of traffic are dealt with separately below.

Impact on Visual Amenity

- 7.21. The proposal includes 2 no high-level windows on the first-floor mezzanine. The windows are located above the entrance into the building and face south. The location of the windows is not obvious, and it is my opinion that there is no visual impact on the overall building. Aside from the internal works and alterations to the carparking, further discussed below, there are no additional works proposed. Therefore, it is my opinion that the proposed development would not have a significant negative impact on the visual amenity of the building or the residents of the properties in the vicinity of the site.

Traffic and Transport

- 7.22. The proposed development includes alterations to the existing layout permitted under Reg Ref F17A/0248. This permission included a condition (condition no. 3)

requiring the provision of a maximum of 2 staff car parking spaces, set down for 4 no cars and pedestrian priority maintained. The proposed development includes the retention of 4 no set down spaces along the front of the creche and the reconfiguration of the existing car parking area and adjoining open space for 4 no parking spaces (additional 2 no staff spaces). The reconfiguration includes the removal of a footpath around the parking spaces.

- 7.23. The report of the Transport Section considers the increase in staff parking by 1 space is acceptable although the parking layout is haphazard. In addition, it is noted that the increase in childcare spaces may require the set down space to be doubled in size. Overall, having regard to the configuration of the parking spaces and removal of footpath the Transport Section considered the proposal would represent a traffic hazard. The report of the area planner supported the Transport Section recommendation and referenced Objective DMS94 of the development plan.
- 7.24. The grounds of appeal refer to the Mobility Management Plan (MMP) submitted with the application which notes the parking requirements for a 6 no classroom as a maximum and should the Transport Section consider no increase in parking is necessary then the existing layout could be retained. I have addressed the issue of set down and parking separately below.

Set Down Area

- 7.25. Objective DMS94 of the Fingal County Development Plan 2017-2023 requires 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.

- 7.26. In relation to the suitable drop-off collection points a set down area is required. The original permission Reg Ref F17A/0248 required 4 no set down spaces to the front of the crèche. As stated above, the report of the Transport Section considered that this may be required to double having regard to the increase in childcare spaces. I note the Transport Section does not refer to the size of the set down area in the conclusion or specifically mention that the size would cause any traffic hazard.
- 7.27. I note that there is no specific quantum and/or size of drop-off area detailed in the development plan or the national childcare guidance (Childcare Facilities: Guidelines for Planning Authorities, 2001). Whilst I acknowledge that the increase in childcare spaces would generate the movement of additional traffic to and from the site, in the most part this would be associated with short term drop offs and collections.
- 7.28. Objective DMS94 requires a suitable drop off and collection points. Whilst I note the increase in childcare numbers from 53 to 94 would generate additional traffic movement, I have no evidence before me to suggest that the set down area is deficient to support this increase. Therefore, I consider the set down area would not cause a traffic hazard.

Car parking and changes to layout

- 7.29. The proposed configuration includes an additional 2 parking spaces for staff. I note the proposed reconfiguration of spaces includes the removal of the existing footpath which provides access to both the crèche and the wider residential estate. Having regard to the removal of the footpath I do not consider the car parking layout as proposed is acceptable and would have a negative impact on the flow of pedestrians, therefore causing a traffic hazard. As stated above, the applicant's MMP considers the 4 spaces is a maximum and should the PA require these spaces a reconfiguration is proposed.
- 7.30. The report of the area planner considers that the provision of one space is sufficient. I note Section 12.8 of the development plan includes car parking standards. These standards are a guide to the number of off-street parking spaces. The requirement a creche is 0.5 spaces per classroom. A maximum of 3 car parking spaces would be required for a crèche with 6 no. classrooms.
- 7.31. Objective DM113 of the development plan requires the number of parking spaces to be limited to places of works so as to minimise car-borne commuting. Having regard

to both national and local policy in relation to the reduction of car-based travel, I consider there is scope for a reduction in staff parking. I note the grounds of appeal submit that the current reconfiguration could remain, should the PA consider this acceptable.

- 7.32. I consider the reduction of one staff parking space would not have a significant negative impact on the overall area. I consider the application could put mitigation measures in place such as car share etc to ensure there is no staff parking on the private parking areas in the vicinity. I consider a condition on any grant of permission reasonable.
- 7.33. In this regard, I consider the current parking layout should remain. This would ensure the footpath is retained and pedestrian flow is prioritised.

Conclusion

- 7.34. Overall, having regard to the requirement for limited car parking on the site and the size of the existing set down area along the front of the creche, it is considered the creche and the increase in occupancy of childcare numbers from 53 to 94 would not cause a traffic hazard or impact the safe movement of pedestrians along the front of the site.

Appropriate Assessment

- 7.35. The subject site is located within a serviced urban area and is not directly adjoining or adjacent to a designated site. The nearest European sites are the Malahide Estuary SPA (site code 004025) and Malahide Estuary SAC (site code 000205), at c. 2.2km to the northeast. However, there are no relevant habitats within the site or no direct hydrological connection to this site.
- 7.36. Having regard to the nature and scale of the proposed development within a serviced area and separation distance to 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 the conservation objectives of any European site.

8.0 Recommendation

- 8.1. I recommend that planning permission be granted.

9.0 Reasons and Considerations

Having regard to the nature and scale of the current purpose built creche, the location within a residential area and the design and layout of the proposed development, it is considered that the nature and scale of the proposed development, including the intensification of use, would be acceptable within the overall context of the site. The orientation of the dwellings around the site is such that the proposed development does not result in a negative impact on the existing character of the area. In addition, it is considered that having regard to the retention of the existing parking layout and set down area, the proposed development would not cause any traffic hazard or negative impact on the pedestrian movement past the site. The proposed development would be in accordance with the policies and objectives of the Fingal Development Plan 2017-2023, in particular Objective DMS94, and the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The car park layout and footpath shall remain as the existing layout (Drwg no 02 A).</p> <p>(b) The proposed hours of operation shall be between the hours of 07.30am and 07.00pm, Monday to Friday excluding Bank Holidays.</p>

	<p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of and residential amenity and to prevent any traffic hazard.</p>
3.	<p>Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car pooling by staff employed in the development and to reduce and regulate the extent of staff parking to that permitted on site. The mobility strategy shall be prepared and implemented by the operator of the creche. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.</p> <p>Reason: In the interest of encouraging the use of sustainable modes of transport.</p>
4.	<p>Prior to the commencement of development, the developer shall enter into a water connection agreement with Irish Water.</p> <p>Reason: In the interest of public health.</p>
5.	<p>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</p>

	<p>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.</p> <p>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.</p>
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Karen Hamilton
Senior Planning Inspector

02nd of May 2022