



An  
Bord  
Pleanála

## Inspector's Report ABP-314168-22

### Development

Material Change of Use on application No. F19A/0564 Condition No. 4 and application No. F11A/0148 Condition No. 4 (copy permission enclosed) under Article 22(4)(b) of the Planning and Development Regulations 2001 to 2020. The proposed development seeks to provide for an additional 7 No. children as per Tusla/ECCE scheme (copy Core requirements of Regulatory Compliance 126. Roles and Responsibilities enclosed). Condition No. 4. (The playschool shall accommodate a maximum of  $10+11 = 21$  children, aged between three and six. Reason: In the interest of the proper planning & development of the area). The playschool shall accommodate a maximum of (28) twenty eight children aged between two years and eight months old and five years and five months old.

### Location

2 Coleman Crescent, Lusk Village,  
Lusk, Co. Dublin.

<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F22A/0148
<b>Applicant(s)</b>	Claudia Fitzpatrick
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party v. Decision
<b>Appellant(s)</b>	Claudia Fitzpatrick
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	27 <sup>th</sup> March, 2023
<b>Inspector</b>	Robert Speer

## 1.0 Site Location and Description

1.1. The proposed development site is located at No. 2 Coleman Crescent, Lusk, Co. Dublin, approximately 85m south of the R127 Rathmore Road (which serves as a bypass to the east of the town) and 430m north of the village core, in a well-established residential area predominantly characterised by conventional two-storey terraced housing with no defined front gardens and largely shared car parking. It has a stated site area of 0.0181 hectares, is broadly rectangular in shape, and is occupied by a two-storey end-of-terrace property that includes both residential accommodation and a crèche facility. On-site car parking is available within a gated undercroft car port. The site is bounded by neighbouring housing on all sides, save for its frontage onto the public road.

## 2.0 Proposed Development

2.1. The proposed development seeks to amend the terms and conditions of the grants of permission previously issued under PA Ref. Nos. F11A/0148 & F19A/0564 as regards the existing crèche usage so as to provide for an additional 7 No. children thereby increasing the maximum number of children accommodated to 28 No. (up from 21 No.) aged between two years and eight months old & five years and five months old.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Following the receipt of a response to a request for further information, on 29<sup>th</sup> June, 2022 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following single reason:

- The proposed development would endanger public safety by reason of serious traffic hazard because of the additional traffic congestion that would occur as a result of the intensity of use of the crèche in the morning time, on a narrow residential street with the narrow footpaths and significant traffic issues already occurring. It is therefore considered that the proposed

development would not be consistent with the proper planning and sustainable development of the area.

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

#### *3.2.1. Planning Reports:*

An initial report details the site location, planning history, and the applicable policy considerations before stating that the principle of the proposed development is acceptable by reference to the land use zoning objective and as it accords with Objective DMS95 of the Fingal Development Plan, 2017-2023 (since superseded by the Fingal Development Plan, 2023-2029). It proceeds to consider the permitted use of the crèche and states that in order to assess the proposed intensification of use and its potential impact on the residential amenity of the area / adjoining properties, further details will be required as regards the existing and proposed staffing levels, the mode of travel to work for each staff member, and the number of children dropped to the facility by private car or on foot. Reference is also made to the concerns expressed in the report of the Transportation Planning Section, although it is stated that the pertinent issues in determining the acceptability of the proposal are the increase in staff and children and their modes of transport to the childcare facility. The report thus concludes by recommending a request for further information.

Following the receipt of a response to a request for further information, a final report was prepared which noted that the existing operation of the childcare facility by providing for 21 No. children in two rooms in a single session (with only morning sessions having been in place for the last four years) did not accord with the terms and conditions of the previous grants of permission. It then states that the rationale for two sessions morning and afternoon was to put less strain on the available parking with less disruption to the community at large. The report proceeds to accept that the additional traffic generation consequent on the proposed development would exacerbate the existing difficulties experienced in the surrounds of the site and would constitute a traffic hazard. It concludes by recommending a refusal of permission for the reason stated.

#### *3.2.2. Other Technical Reports:*

*Water Services:* No objection.

*Transportation Planning:* An initial report details the constraints associated with the site location as regards the operation of the crèche / playschool, including the lack of car parking, the absence of dedicated set-down / pick-up areas, the substandard footpath widths in the area, and the ongoing difficulties in terms of traffic safety / congestion and the negative impacts on residential amenity attributable to the haphazard parking & manoeuvring practices of staff and visitors to the facility. It proceeds to state that the addition of 7 No. childcare places and the associated traffic volumes would serve to exacerbate the existing traffic flow problems in the area at peak times to the inconvenience of local residents. The report concludes by stating that the Transportation Planning Section would not support the development as proposed and that if a grant of permission were being considered then additional information should be sought as regards staff numbers, their means of travel to work, the number of children left to the facility by car or on foot, and the availability (or not) of in-curtilage car parking.

Following the receipt of a response to a request for further information, a final report was prepared which reiterated that the Transportation Planning Section would not support the development as proposed. It was further stated that the additional traffic congestion that would occur as a result of the intensification of use of the crèche (along a residential street with narrow footpaths where significant traffic issues already arise) would constitute a traffic hazard.

### **3.3. Prescribed Bodies**

*Irish Water:* No objection.

### **3.4. Third Party Observations**

None.

## **4.0 Planning History**

### **4.1. On Site:**

- 4.1.1. PA Ref. No. F19A/0564. Was granted on 4<sup>th</sup> June, 2020 permitting Claudia Fitzpatrick permission for the change of use of ground floor living room to crèche, and change of use of first floor bedroom to living room.

- *Condition No. 4:*

The maximum number of children catered for at the childcare facility shall not at any time exceed 11 No. children per session.

Reason: To ensure that the development shall be in accordance with the permission, that effective control be maintained and to protect the residential amenity of the area.

4.1.2. PA Ref. No. F18B/0176. Was granted on 24<sup>th</sup> September, 2018 permitting Claudia Fitzpatrick permission for a first floor extension to the rear comprising 1 No. additional bedroom.

4.1.3. PA Ref. No. F11A/0148. Was granted on 19<sup>th</sup> July, 2011 permitting Claudia Fitzpatrick permission for the continued use as a crèche to facilitate existing Sessional Services, (Monday-Friday 08.30-13.00 & 13.00-17.30). Planning permission was previously 'Granted' by F.C.C. for a period of 2 years per condition no. 8 Reg. Ref: F08A/1076.

- *Condition No. 4:*

The maximum number of children catered for at the facility shall not at any time exceed 10 no. children, and the number of children catered for shall be determined by and comply with the minimum floor space required for children of different age groups as outlined in Appendix 1 of the 'Childcare Facilities: Guidelines for Planning Authorities', 2001, Department of the Environment, Heritage and Local Government.

Reason: To comply with the requirements of the Ministerial Guidelines.

4.1.4. PA Ref. No. F08A/1076. Was granted on 8<sup>th</sup> June, 2009 permitting Mrs. C. Fitzpatrick permission to build a new single storey extension to the rear with new usage as crèche. Crèche to cater for Sessional Services, (Monday-Friday 8:30-1:00 & 1:00-5.30) for children age 3-5 years.

- *Condition No. 7:*

The maximum number of children catered for at the facility shall not at any time exceed 10 no. children, and the number of children catered for shall be determined by and comply with the minimum floor space required for children of different age groups as outlined in Appendix 1 of the 'Childcare Facilities:

Guidelines for Planning Authorities', 2001, Department of the Environment, Heritage and Local Government.

Reason: To comply with the requirements of the Ministerial Guidelines.

## 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 development control considerations of proposals for same.
- 5.1.2. *Circular PL3/2016* issued by the Department of the Environment, Community and Local Government on 31<sup>st</sup> March, 2016 refers to an expected increase in demand for childcare spaces in the coming years attributable to increases in the State subsidisation of childcare coupled with forecast economic and population growth (noting the extension of the Early Childhood Care and Education scheme to a wider cohort of children with effect from September, 2016). In line with the Government's policy of increasing access to childcare, planning authorities are requested to:
- Expedite all pre-planning consultations from childcare facility providers in relation to proposals to extend opening hours, to increase capacity, or to provide new facilities.
  - Expedite, insofar as is possible, the consideration of all planning applications or Section 5 declaration submissions in respect of childcare facilities in order to facilitate the expansion of required capacity as appropriate.

## 5.2. Development Plan

### 5.2.1. Fingal County Development Plan, 2023-2029:

#### *Land Use Zoning:*

The proposed development site is located in an area zoned as 'RS – Residential' with the stated land use objective to 'Provide for residential development and protect and improve residential amenity'. Within this land use zoning 'Childcare Facilities' are permitted in principle.

#### *Other Relevant Sections / Policies:*

#### *Chapter 4: Community Infrastructure and Open Space:*

#### *Section 4.5.1.7: Childcare and Early Learning:*

The provision of high-quality accessible childcare and early learning facilities in existing and new communities is an important factor for economic and social wellbeing. Fingal County Childcare Committee (FCCC) currently has 320 no. registered childcare services in the Fingal area. The Council will seek to facilitate the provision of childcare facilities in appropriate locations throughout the County. In line with the DEHLG Childcare Facilities – Guidelines for Planning Authorities 2001, the Council will encourage the provision of such facilities in new and existing residential developments, within employment zones, town and neighbourhood centres, within educational buildings and close to public transport nodes. The Council will also continue to engage with FCCC regarding proposals for new facilities. The detailed standards required for such facilities are contained in the Chapter 14 Development Management Standards of the Plan.

#### *Policy CIOSP10: Childcare Facilities:*

- Support the provision of appropriate childcare facilities.

#### *Objective CIOSO27: Optimum Childcare Locations:*

- 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. Encourage the co-location of childcare facilities and community facilities where appropriate, such as community



centres and schools, with an emphasis on community and not for profit childcare facilities where appropriate.

*Chapter 14: Development Management Standards:*

*Section 14.14: Community Infrastructure:*

*Objective DMS077: Community Facilities:*

- Any application for community facilities such as leisure facilities, sports grounds, playing fields, play areas, community halls, organisational meeting facilities, medical facilities, childcare facilities, new school provision and other community orientated developments, shall have regard to the following:
  - Overall need in terms of necessity, deficiency, and opportunity to enhance or develop local or County facilities.
  - Practicalities of site in terms of site location relating to uses, impact on local amenities, desirability, and accessibility.
  - Conformity with the requirements of appropriate legislative guidelines.
  - Conformity with land use zoning objectives

*Section 14.14.2: Childcare Facilities:*

It is recognised that childcare must be of suitably high quality. The Council will seek to facilitate the provision of childcare facilities in appropriate locations throughout the County and may require their provision in large residential, public community, commercial and retail developments in accordance with the provisions of the DoEHLG Childcare Facilities: Guidelines for Planning Authorities 2001 and any superseding guidelines or as required by the Planning Authority.

*Objective DMS079: Applications for Childcare Facilities:*

- Any application for childcare facilities shall have regard to the following:
  - Suitability of the site for the type and size of facility proposed.
  - Adequate sleeping/rest facilities.
  - Adequate availability of indoor and outdoor play space.
  - Convenience to public transport nodes.

- Safe access and convenient off-street car parking and/or suitable drop-off and collection points for customers and staff.
- Local traffic conditions.
- Intended hours of operation.

*Objective DMSO80: Childcare Provision within a Residential Property:*

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

Applications for childcare facilities in existing residential areas will be treated on their own merits, having regard to the likely effect on the amenities of adjoining properties, and compliance with the above criteria. Detached houses or substantial semi-detached properties are most suitable for the provision of full day care facilities. For new residential developments, the most suitable facility for the provision of full day care should be a purpose built, ground floor, stand-alone property.

In assessing applications for new childcare facilities, the Planning Authority will consult with the Fingal County Childcare Committee to assess the need for the type of facility proposed at the intended location.

### **5.3. Natural Heritage Designations**

5.3.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Rogerstown Estuary Proposed Natural Heritage Area (Site Code: 000208), approximately 2.5km southeast of the site.
- The Rogerstown Estuary Special Protection Area (Site Code: 004015), approximately 2.5km southeast of the site.
- The Rogerstown Special Area of Conservation (Site Code: 000208), approximately 2.5km southeast of the site.

## **5.4. EIA Screening**

- 5.4.1. Having regard to the minor nature and scale of the proposed development, the site location within an existing built-up area outside of any protected site, 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 existing childcare facility has the necessary indoor and outdoor space to cater for the numbers proposed and complies with the requirements of Tulsa and the Fingal County Development Plan.
- The Montessori school has the benefit of planning permission and was established in 2008. It is operated to the highest standards and includes a small section specifically designed to cater for the needs of clients with autism.
- With minor alterations to the management of the facility, including the existing and future catchments of children attending, the proposed development will meet all of the standards of the Planning Authority and Ministerial Directives.
- The site is located in an expanding residential area which has been designed through the inclusion of narrow streets and footpaths to moderate traffic speeds and to minimise car numbers thereby allowing safe areas for pedestrians and children alike.
- The existing premises is one of only two childcare facilities in the immediate area and provides an important local service to a neighbourhood which is characterised by a burgeoning number of young households with young children.

- The rationale and planning framework for this small extension to the existing childcare facility has been informed by government policy and the site location within a rapidly expanding residential area.
- The proposal is for a small increase in the numbers attending a long-established facility as opposed to the development of a new crèche service which would not comply with national guidelines or the development.
- The proposed development complies with the applicable land use zoning and is located close to Lusk village centre.
- Neither public nor residential amenity will be significantly affected by the increase in numbers as the facility has sufficient indoor and outdoor space to cater for the proposed development.
- The proposal complies in full with the relevant policy provisions of the Fingal County Development Plan as well as the design & siting criteria set out in the '*Childcare Facilities, Guidelines for Planning Authorities*'.
- In support of the proposed development and in order to reduce any perceived traffic congestion in the area, it is proposed to reorganise the drop-off & collection times for 2022 / 2023 as follows:
  - Parents will be asked to drop children into the Montessori Class at 08:45 and to collect them at 11:45.
  - Parents will be asked to drop children into the autism class at 09:15 and to collect them at 13:15.

It is felt that these new staggered drop-off / collection arrangements will overcome any perceived traffic congestion and the applicant is amenable to a planning condition setting out these times into the future.

- To reduce any build-up of traffic or car parking in the area, from September, 2022 a staff member will be outside on the road every morning to help with the dropping off and collection of children. Cars will not be allowed to park on Coleman Crescent and will be redirected past the school to large public parking areas which are only 50m from the school.

Furthermore, from the beginning of the academic year 2022/2023 all parents will be informed that for drop-offs & the collection of children they are allowed to park and drive only to the public parking that exists in close proximity to the school. Parking for school drop-offs on the main road will be prohibited.

- In its decision to refuse permission, the Planning Authority has incorrectly drawn a correlation between the additional child places proposed and the potential for the generation of further car traffic. In all likelihood, the 7 No. additional children will walk to the premises and thus the proposal will not give rise to further car-borne traffic.
- There will be no change in the number of staff employed or in the operating hours.
- It is accepted that the site is restricted given its location within a new residential precinct where density increases have been married to narrow streets and minimal car parking. However, traffic speeds are minimal and the available car parking is adequate to cater for the childcare facility and residential development in the area. The site is also within a built-up area close to public transport and all community and commercial services.
- A grant of permission would support Government guidance as regards meeting the urgent demand for childcare facilities in new residential areas.
- The proposed development will involve a small increase in the number of children attending the facility, and while drop-offs / pick-ups are always an issue with childcare facilities, it is proposed to put measures in place to help to relieve the potential for congestion i.e. the extension of the staggered drop-off & collection arrangements and the use of staff to collect children directly from arriving cars.
- A direction by the facility's operators for parents to use public car parking spaces close to the school when collecting children will mitigate against any potential for congestion.
- Given that most of the traffic to the facility is generated by existing users, new children from the area will be travelling on foot and therefore will not contribute to any increase in car-borne traffic.

- The traffic management proposals submitted and the guidance to be issued in relation to the routing and parking of cars during off-peak drop-off and collection times will ensure the minimal disruption of existing residents.
- It is of note that the majority of parents looking for places for their children live within walking distance of the facility.
- Having regard to the existing approved uses on site; the zoning objectives; the limited scale of the development; and the amount of open space and car parking spaces available, it is submitted that the proposed development, subject to appropriate conditions, would be acceptable in terms of traffic safety and convenience and would constitute a sustainable form of development.
- The proposed development will assist in achieving the desired number of childcare places for the area as sought by the Fingal County Childcare Committee.

## 6.2. Planning Authority Response

- No further comments.

## 6.3. Observations

None.

## 6.4. Further Responses

None.

## 7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Impact on residential amenity
- Traffic implications

- Appropriate assessment

These are assessed as follows:

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

- 7.2.1. Having regard to the site location on lands zoned as '*RS – Residential*' in the Fingal County Development Plan, 2023-2029 with the stated land use objective to '*Provide for residential development and protect and improve residential amenity*', the wider policy provisions within the Plan in support of the sustainable development of childcare facilities, the '*Childcare Facilities, Guidelines for Planning Authorities, 2001*', and the planning history & established use of the site as a childcare facility, in my opinion, the proposed development can be considered to represent a complementary extension of the existing site use and is acceptable in principle.

## **7.3. Impact on Residential Amenity:**

- 7.3.1. Concerns with regard to the potential impact of the proposed development on the residential amenity of surrounding housing primarily relate to the increased traffic volumes / movements through the area. In this regard, I would refer the Board to my assessment of the wider traffic impact of the proposed development as set out elsewhere in this report and my concerns in relation to the likely increased concentration of traffic associated with the proposal at particular times of the day, with specific reference to the peak morning drop-off & collection periods. On balance, it is my opinion that the increased traffic volumes consequent on the proposed development through a settled housing area, in addition to the increased noise and general disturbance associated with same, would be likely to have an adverse impact on the residential amenity of the estate.

## **7.4. Traffic Implications:**

- 7.4.1. The primary concern with respect to the proposed development is the potential for the additional child numbers to give rise to a corresponding increase in traffic volumes thereby exacerbating the localised congestion and haphazard parking practices experienced in the immediate area during the morning drop-off and collection periods associated with the operation of the existing childcare facility. In this regard, it is of relevance to review the planning history of the site with a view to establishing a context for its current operation and traffic generation.

- 7.4.2. By way of background, I would advise the Board that the development of a sessional crèche facility on site was originally approved for a temporary period of two years under PA Ref. No. F08A/1076 with Condition No. 6 of that grant of permission specifying that it operate between the hours of 08:30-13:00 and 13:00-17:30 (Monday – Friday only) with a maximum 10 No. children per session. This latter restriction was reiterated in Condition No. 7 which stated that the maximum number of children to be catered for at the facility was not to exceed 10 No. children at any time. The continued use of the approved crèche in a permanent capacity was subsequently authorised under PA Ref. No. F11A/0148 with Condition Nos. 3 & 4 of that grant of permission similarly specifying operational hours of 08:30-13:00 and 13:00-17:30 (Monday – Friday only) and a maximum of 10 No. children to be catered for on site at any one time i.e. 10 No. children per session. Most recently, permission was granted under PA Ref. No. F19A/0564 for the change of use of a ground floor living room to use as part of the permitted crèche facility. Notably, Condition No. 4 of that approval required full adherence to the terms and conditions of the grant of permission issued for PA Ref. No. F11A/0148 (save for the changes to the plans permitted or as required by the other conditions) while Condition No. 5 stated that the maximum number of children to be catered for at the childcare facility was not at any time to exceed 11 No. children per session.
- 7.4.3. In light of foregoing, I would concur with the Planning Authority that the permitted operation of the existing childcare facility only allows for a maximum of 11 No. children to be catered for at any given time on site. In contrast, the applicant has confirmed in the grounds of appeal that the existing operation accommodates a Montessori class with 16 No. children between 08:45-11:45 hours as well as a simultaneous Autism Class of 5 No. children between 09:00-1300 hours. Therefore, it would appear from the details available that the existing childcare facility is not operating within the terms of its permissions by reference to its having up to 21 No. children on site during its morning session (albeit in two classes).
- 7.4.4. It is my understanding that the primary rationale for the morning and afternoon sessions as permitted and the overall limitation on child numbers was to ensure the protection of the residential amenity of surrounding properties. On the basis of this reasoning, in my opinion, it can be extrapolated that the division of the operation into two sessions with limited numbers per session was to stagger the likely number of



arrivals and collections by car given the confines of the surrounding road network, the absence of any dedicated set-down area for the facility, and the limited communal / public parking available in the immediate vicinity.

7.4.5. At this point, I would refer the Board to the comprehensive analysis of the proposal and the site context undertaken by the Transportation Planning Section of the Local Authority. Particular concerns have been raised as regards the lack of on-site car parking, the absence of an acceptable set-down area, and the narrow width of the carriageway and footpaths along Coleman Crescent. In turn, and due to the aforementioned constraints, the operation of the existing facility has been observed to give rise to a number of undesirable practices, including cars mounting the footpath in order to drop-off / collect children, unsafe reversing and turning manoeuvres at the junction of Coleman Crescent with Scholar's Walk (with the alternative being for traffic to navigate a circulatory route of c. 260m along Coleman Crescent to the annoyance and detriment of local residents), haphazard parking impeding visibility for vehicles exiting Coleman Crescent, general traffic congestion, and interference with the free-flow of traffic along Scholar's Walk. These concerns have informed the assessment by the case planner and the ultimate decision of the Planning Authority to refuse permission for the proposed development. Reference has been made to the lack of morning and afternoon sessions limited to a maximum of 11 No. children as per PA Ref. No. F19A/0564 and the current practice of 21 No. children being dropped to the site between 08:45 and 09:15 hours with no discernible gaps in arrivals so as to free up parking space along the public road for the later class start. It has been further submitted that the available parking on the public road is at capacity during the peak drop-off times.

7.4.6. While I would acknowledge that the applicant has sought to alleviate the traffic impact of both the existing and proposed developments by asking parents to avail of a new staggered drop-off / collection arrangement and to only use public parking in close proximity to the school (cars will not be allowed to park on Coleman Crescent and will be redirected to public parking areas c. 50m from the site), while a staff member will also be outside on the road every morning to help with the dropping off and collection of children, I am unconvinced of the practicality or enforceability of these arrangements, particularly as it will involve traffic management beyond the confines of the site itself.

- 7.4.7. The existing crèche facility would appear to be operating outside of the terms and conditions of its approval with the result that it has already given rise to localised traffic congestion etc. to the detriment of the residential amenity of nearby properties. In my opinion, the proposal to permit an increase in the number of children beyond that already permitted would most likely serve to exacerbate the existing traffic congestion attributable to the operation. I am not satisfied that the mitigatory measures proposed by the applicant would work in practice while the suggestion that new attendees to the facility will arrive by foot as opposed to the private car is both unsubstantiated and unlikely to be practically enforceable (I would also suggest that no overt reliance should be placed on the stated modes of travel of staff and attendees given that the circumstances of individuals will inevitably be subject to change).
- 7.4.8. Given the constraints of the surrounding road network (including the narrow width of the carriageway and footpaths along Coleman Crescent), the lack of on-site car parking, the limited availability of public parking in the area (which is intended to serve existing residents), the absence of an acceptable set-down area, and the existing traffic congestion etc. already attributable to the operation of the childcare facility, it is my opinion that the intensification of use proposed would serve to exacerbate this congestion and the likelihood of haphazard parking practices to the detriment of traffic safety and the residential amenity of surrounding properties.

## 7.5. **Appropriate Assessment:**

- 7.5.1. Having regard to the minor nature and scale of the development under consideration, the site location in an existing built-up area outside of any protected site, the nature of the receiving environment, 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 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 refused for the proposed development for the reasons and considerations set out below:

## 9.0 Reasons and Considerations

1. Having regard to the location of the proposed development off an existing access road serving a housing estate, it is considered that the intensification of traffic use which would be involved in the additional child numbers attending the childcare facility, together with the hours of operation of the facility, would exacerbate existing traffic congestion and the incidences of haphazard parking practices in the area, would lead to unacceptable levels of traffic through a residential area, would endanger public safety by reason of traffic hazard, and would seriously injure the residential amenity of nearby residents. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Robert Speer  
Planning Inspector

7<sup>th</sup> April, 2023