



An
Bord
Pleanála

Inspector's Report

ABP-314633-22

Development

Planning permission is sought for the change of use, renovation as well as internal reordering of Glandore House to provide a creche and all associated and ancillary site development works.

Location

Site of c. 0.18 hectares at 'Glandore House' (a Protected Structure), Glandore Park, Dun Laoghaire, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County Council.

Planning Authority Reg. Ref.

D22A/0468.

Applicant(s)

The Links Childcare Ltd.

Type of Application

Planning Permission.

Planning Authority Decision

Refusal.

Type of Appeal

First Party.

Appellant

The Links Childcare Ltd.

Observers

1. Irish Georgian Society.

2. A joint Third-Party observation made by:

- Ronan Flood & Sarah Robson.
- Frank & Michele Giblin.
- Maurice & Mary Dee.
- Kieran & Niamh O'Connor.
- Kevin & Kathy O'Connor.
- Damien & Fiona Hunt.
- John Rolfe & Michelle Cullen.
- Frank & Nuala Tighe.
- Trina Beakey & Wade Wise.
- Lee Toms & Niamh Murtagh.
- Ronan Quigley.
- Sabrina & Pdraig O'Connor.
- Gabrielle Cronin.
- Eamon Keogh.
- Ellen & Emmet Kelly.
- Ivar & Susan Blanker.
- Noel & Paula Clinch.
- Margaret Kelly.
- Adrian & Miriam Timmons.
- Adam & Grainne Grennan.
- Derek Bonner.
- Gillian Conroy.
- Peter & Joan Bruck.

- John & Geraldine Knight.
- Carol & Bruce Ashmore.

Date of Site Inspection

19th day of July & 1st day of August,
2023.

Inspector

Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. The irregular shaped appeal site has a given site area of 0.181ha. and it is located c38m to the west of Glandore Park junction with the Mounttown Lower Road (R829) and St. Johns Close, in the south city suburb of Glenageary, c11km south of Dublin's city centre.
- 1.2. The appeal site relates to the curtilage of 'Glandore House', which is a designated Protected Structure (RPS Ref. No. 1168) designed by Irish architects Thomas Newenham Deane and Benjamin Woodward in the Gothic Venetian style single domestic residence and dates to the mid 1850's. These renowned architects embodied the Gothic Revival architectural aesthetic that was espoused by John Ruskin. Their works include many notable buildings including the Kildare Street Club; the Museum Building at Trinity College, Dublin; the Oxford University Museum of Natural History and Queen's College, Cork, now University College Cork.
- 1.3. At the time of inspection 'Glandore House' and its associated structures as well as spaces was vacant with no evidence of recent active functional use. The grounds on which it sits though in the process of being cleared were unkempt with these grounds having been much reduced since circa the 1970s during which time the cul-de-sac residential scheme known as Glandore Park was constructed. Prior to the construction of Glandore House the site and its setting formed part of the formally landscaped grounds and open countryside of Monkstown Castle Estate. There is little of its formal landscape natural or built features surviving outside of the evidence of the terrace form adjoining the western elevation, a cut stone granite step, and the mature Monterey Pine.
- 1.4. The key facades of Glandore House contain granite cut and carved stones as its main external material. This has a light grey hue which contrasts with the cream hues of the ornately carved Caen Stone detailing key elevational features such as its windows and balconettes. There is also ornately detailed granite detailing present within the façade with the granite carried through in its several tall chimney stacks that project from its slate finished detailed in form steeply pitched roof structure over. Many of the elevational details are Gothic Venetian in their architectural styling with this adding to the uniqueness of this one-of-a-kind example of the works of Thomas Newenham Deane and Benjamin Woodward. Though the Caen stone detailing has suffered from

erosion over time Glandore House which includes an attached cut stone detailed single storey annex as well as courtyard is highly intact and legible as viewed from the public domain.

- 1.5. The most recent use of Glandore House by its previous owners was as a nursing home and guest house whilst also accommodating their residential use.
- 1.6. The ungated entrance serving Glandore House opens onto the cul-de-sac estate road that serves the Glandore Park residential development. This entrance is located towards the eastern most end of the site's roadside boundary. This entrance and the roadside wall to the west of it appear to date to c1970s whereas before this time Glandore House was served by an entrance opening onto Mounttown Road Lower to the east with as said the original curtilage extending beyond the now reduced site in which it sits.
- 1.7. The existing entrance also serves one of the single storey stone annex buildings that at some recent point of time was subdivided and its use changed to accommodate its use as a detached dwelling unit. The entrance also sits alongside the entrance serving No. 3 Glandore Park. Within proximity on the northern side of the Glandore Park access road entrances serving No.s 1 and 2 Glandore Park. To the immediate east of these neighbouring properties is the junction with Mounttown Road Lower. On the opposite side of the roadside boundary and the estate access road are the entrances serving the detached dwellings of No.s 5 to 14 Glandore Park.
- 1.8. The roadside boundary has a curving alignment which appears to correspond with the changing ground levels that fall from the eastern most end of the site to its western end. It is comprised of a pebble dash and concrete capped wall with a boarded-up section at the north westernmost point. The northern boundary of the site is characterised by overgrown planting. There is also a stretch of concrete block wall. This boundary runs alongside the curtilage of No. 1 St. John's Park. With Monkstown Lawn Tennis Club grounds located in proximity to the north westernmost corner of the site.
- 1.9. The Glandore Park cul-de-sac access road's junction with Mounttown Lower Road and St. John's Close includes a yellow box at the entrance to Glandore Park which allows for vehicles to enter and exit. There is a change of speed limit between Mounttown Lower Road and the cul-de-sac road serving Glandore Park, i.e., 50km/hr down to

30km/hr. The cul-de-sac road is finished with concrete hard surfacing with *ad hoc* on-street car parking present along its southern side and to the east of the site entrance.

- 1.10. The surrounding area has a mature predominantly residential character. I did observe that directly opposite the site is Little Puddles Childcare. It operates from No. 13 Glandore Park. To the southeast of the site, i.e., circa over 200m on foot, is Bus Stop 2031 which accommodates bus routes 46A, 63, 63A and 111. There are other Bus Stops within short walking distance of this appeal site.

2.0 Proposed Development

- 2.1. Planning permission is sought for:

- Change of use, renovation, and internal re-ordering of Glandore House to provide a creche use (790m² in total). (Note: the existing gross floor area of existing buildings is given as 681m²).
- Repair and refurbishment of the existing fabric including:
 - Removals of modern internal additions allowing reinstatement of the original layout of the house.
 - Repair and renewal of facade stonework including replacement of decayed stone elements with new stone/reconstituted stone.
 - Repair of slating and partial renewal with new stone slates.
 - Repair/renewal of dormers and rooflights.
 - Local repairs to internal and external joinery.
 - Local repair of internal plasterwork.
- Alterations to the existing fabric include:
 - Removal of an existing chimney breast and stack at ground and first floor level with the existing roof to be made good in this area.
 - Removal of an existing chimney breast at ground floor level.
 - Removal of 2 no. ground floor windows and wall section below to accommodate new link to the proposed extension.

- Removal of the existing (non-original) courtyard entrance and section of roof and its replacement with a proposed new lobby.
- Construction of a single storey side extension to the northwest elevation (108m²) and extension to the existing entrance lobby (4m²).
- Alterations to widen the existing vehicular entrance from Glandore Park including the removal of part of the existing (non-original) wall and construction of replacement wall to match existing.
- Creation of a new vehicular exit onto Glandore Park.
- Provision of bicycle parking (28 no. which includes 2 no. cargo bicycle spaces), car parking and set down spaces (11no.).
- All associated and ancillary site development works, including internal access road, including drainage, services and hard & soft landscaping, boundary treatments, landscaping, provision of an outdoor open space & play area and bin storage.

2.1.1. This document is accompanied by the following documents:

- Planning Statement.
- Childcare Demand Assessment.
- Architectural Design Statement.
- Outline Method Statement.
- Architectural Heritage Impact Assessment.
- Landscaping Design Statement.
- Arboricultural Report.
- Ecological Impact Assessment.
- Engineering Report (which includes Flood Risk Assessment).
- Transportation Assessment Report (which includes a Preliminary Mobility Management Plan).
- Site Utility Map.
- Lighting Impact Assessment.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By order dated the 22nd day of August, 2022, the Planning Authority issued a notification to **refuse** planning permission for the following single stated reason:

“It is considered that the proposed development would result in the endangerment of public safety, due to the proposed scale and resultant intensification of use of the proposed development at Glandore House by reason of traffic hazard or obstruction of road users or otherwise. The proposed development would, therefore, contravene Section 12.4.5.2 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. The development proposed would, therefore, be contrary to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer’s report is the basis of the Planning Authority’s decision. It includes the following comments:

- Interventions to address further deterioration of this building in the absence of a viable use is welcomed.
- The proposed extension to this Protected Structure is deemed to be acceptable.
- The proposed works to the boundary wall and the creation of a new vehicle entrance would not result in any negative impact.
- The use of permeable paving solutions for the new access road on site and the frontage is deemed to be acceptable.
- Glandore House is vacant, located within an established residential area and it is in walking distance of Monkstown Park Junior School, the Christian Brothers College Monkstown, and St. Josephs School.
- The residential component does not show any operator or staff member occupying the childcare facility.

- During the inspection of the site cars were parked on either side of the street.
- Transportation Division recommendations are noted.
- Potential to give rise to adverse residential amenity impact.
- Clarity is required on the quantum of open space.
- The Conservation Divisions report raises no concerns.
- Irish Water are seeking further information.
- The objective to protect trees on the site is noted.
- Should permission be granted further details on EV charging would be required.
- No AA or EIA concerns arise.
- Concludes with a recommendation of refusal.

3.2.2. Other Technical Reports

Transportation Planning report included the following comments:

- The TRICs traffic generation estimates are unrealistic, and it is considered that the peak hour arrivals/departures will likely be much higher than that submitted in the applicants Transportation Assessment Report. It is also noted that these estimates exclude staff generated traffic.
- The allocation of set-down and staff visitor car parking has not been clearly demonstrated.
- The proposed car parking is more than the maximum provision of 1 parking space per 60 attendees and Section 12.4.5.2 sets out that provision of above maximum standards will only be permissible in exceptional circumstances. No evidence to demonstrate this has been provided.
- The proposed internal layout and parking set down arrangements are likely to generate significant conflicts as well as obstructions both within the site and on Glandore Park.
- Concludes with a recommendation of refusal which reads:

“Endangerment of Public Safety due to obstruction of road users on Glandore Park as a result of the proposed scale and resultant intensification of use of the proposed

development and resultant likely number of peak-time vehicle based trips generated – i.e. The proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise, as per Clause 4 of the Fourth Schedule (Reasons for the Refusal of Permission which exclude Compensation) of the Planning and Development Act, 2000.”

Drainage Planning report concludes no objection subject to: 1) demonstrating that surface water runoff shall not be discharged to the public sewer through to demonstration of compliance with Section 10.2.2.6 Policy Objective E16: Sustainable Drainage Systems of the County Development Plan, 2022-2028; and, 2) any changes to the hardstand and parking areas to be constructed in accordance with the recommendations of the Greater Dublin Strategic Drainage Study and Section 12.4.8.3 of the County Development Plan, 2022-2028, through to no runoff from the site onto the public realm.

Conservation Division report includes the following comments:

- Reference is had to Policy HER 8 and Section 12.11.2.1 of the County Development Plan.
- The building is currently redundant, and it is in its best interest to have an active use, particularly a use that is compatible with its character and significance.
- The internal modifications proposed would allow the building to evolve and adapt in a manner that would not erode or injure its architectural interest.
- The internal floor plan has been subject to some previous modifications.
- The Architectural Heritage Impact Assessment report findings are accepted.
- While there is some loss of original fabric, most significantly a chimneystack set between the ground floor rooms 1.21 and 1.16 as well as first floor between rooms 2.21 and 2.19 overall the repair and refurbishment of the building particularly the stonework and roof are welcomed interventions at this juncture as the Protected Structure is at risk of further deterioration without a viable use.
- The extension is appropriate in scale and materiality.
- No concerns raised in relation to the roadside modifications sought.

- The use of proposed hardscape finishes such as permeable paving to the surface between the new road and the frontage of the building may not be wholly appropriate.
- No objection is raised to the principle of the proposed development subject to safeguards.

3.3. **Prescribed Bodies**

- 3.3.1. **Irish Water:** Further information is sought on the feasibility of connection to public mains water and foul drainage. In addition, a Pre-Connection Enquiry with them is sought with the results of this enquiry submitted to the Planning Authority as part of a further information response.

3.4. **Third Party Observations**

- 3.4.1. 13 No. Third Party Observations were received by the Planning Authority during their determination of this planning application. These are attached to file, and I have noted their contents. I consider that the issues raised in these submissions correlate with those raised by the Third-Party Observers submissions received by the Board which I have summarised under Section 6 of this report below. To this I note that the submissions from residents of Glandore Park contend that the access road serving them effectively operates as a one-way system due to on-street parking. They also contend that the issues raised by the applicants in relation to anti-social behaviour on the site is misleading; the car parking standards of the County Development Plan are inadequate to cater for the type of development sought on-site and would result to unreasonable overspill onto the public road network around the site, through to the main reasons for disrepair arise from the current owners lack of maintenance of this historic property.

4.0 **Planning History**

4.1. **Site**

- 4.1.1. No recent and/or relevant planning history.
- 4.1.2. I note to the Board that the Planning Authority's Planning Officer's report sets out the historic planning history of the site.

5.0 Policy Context

5.1. Local

- 5.1.1. Dún Laoghaire-Rathdown County Development Plan, 2022-2028, is the operative plan.
- 5.1.2. The site is subject to land use zoning 'A' under the County Development Plan which has the objective: "*to provide residential development and improve residential amenity while protecting the existing residential amenities.*" Residential land uses are permitted in principle under this zoning objective. The site also lies within car parking area 'Zone 2' and the boundary of a larger parcel of urban land for which a local area plan will be prepared during the lifetime of the County Development Plan.
- 5.1.3. The existing property on the site is a Protected Structure (RPS No. 1168/Description: House and Mews).
- 5.1.4. Policy Objective HER8 of the Development Plan deals with the matter of works to Protected Structures. It sets out that it is a Policy Objective:
- (i) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
 - (ii) Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the 'Architectural Heritage Protection Guidelines for Planning Authorities'.
 - (iii) Ensure that all works are carried out under supervision of a qualified professional with specialised conservation expertise.
 - (iv) Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout, and materials.
 - (v) Ensure that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any complex of adjoining buildings, designed landscape features, or views and vistas from within the grounds of the structure are respected.

(vi) Respect the special interest of the interior, including its plan form, hierarchy of spaces, architectural detail, fixtures and fittings and materials.

(vii) Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.

(viii) Protect the curtilage of protected structures and to refuse planning permission for inappropriate development within the curtilage and attendant grounds that would adversely impact on the special character of the Protected Structure.

(ix) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.

(x) Ensure historic landscapes and gardens associated with Protected Structures are protected from inappropriate development (consistent with NPO 17 of the NPF and RPO 9.30 of the RSES)

5.1.5. Detailed development management guidance concerning works to a Protected Structure is set out in Section 12.11.2.1 of the Development Plan. In summary, interventions should be kept to a minimum and all new work should relate sensitively to the fabric, scale, proportions, and design of the structure. Original features and plan forms should be retained, and new work should be readily identifiable. Works should be carried out to the highest possible standard, under the supervision of a conservation specialist. In addition, planning applications must include an Architectural Heritage Impact Assessment in accordance with the requirements of the 'Architectural Heritage Protection Guidelines for Planning Authorities.'

5.1.6. Section 4.2.1.5 Policy Objective PHP6: Childcare Facilities states that it is a Policy Objective to: "*encourage the provision of appropriate childcare facilities as an integral part of proposals for new residential developments and to improve/expand existing childcare facilities across the County. In general, at least one childcare facility should be provided for all new residential developments subject to demographic and geographic needs. Encourage the provision of childcare facilities in a sustainable manner to encourage local economic development and to assist in addressing disadvantage*".

5.1.7. Section 12.3.2.4 of the County Development Plan deals with the matter of Childcare Facilities. It states: "*with the growing demand for childcare, there is equal recognition*

that childcare must be of suitably high quality. Childcare provision has also been recognised as one measure to address poverty and social exclusion. The Planning Authority 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 DEHLG ‘Childcare Facilities Guidelines for Planning Authorities’ (2001) and the Child Care (Pre-School Services) (No. 2) Regulations (2006) and Child Care (Pre-School Services) (No 2) (Amendment) Regulations (2006) (Department of Health and Children)”. It also sets out that in assessing individual planning applications for childcare facilities, the Planning Authority will 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.*
- *Number of such facilities in the area. In this regard, the applicant shall submit a map showing locations of childcare facilities within the vicinity of the subject site and demonstrate the need for an additional facility at that location.*
- *Intended hours of operation.*
- *Applications for childcare facilities in existing residential areas will be treated on their 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. Properties with childcare should include a residential component within the dwelling, and preferably should be occupied by the operator or a staff member of the childcare facility.*
- *For new residential developments, the most suitable facility for the provision of full day care should be a purpose built, ground floor, standalone property.*

- *In considering applications for new Childcare Facilities the Planning Authority will refer to Section 4.7 of the Design Standards for New Apartments Guidelines for Planning Authorities, (2020), specifically the provision of one childcare facility (equivalent to a minimum of 20 child places) for every 75 dwelling units.*

5.1.8. In addition, it indicates that in assessing applications for new childcare facilities, the Planning Authority will consult with the DLR County Childcare Committee to assess the need for the type of facility proposed at the intended location.

5.1.9. Table 12.5 of the County Development Plan sets out Car Parking Zones and Standards. In this regard it requires a standard provision of 1 car parking space per 60 children.

5.1.10. Section 12.4.10 of the County Development Plan deals with the matter of Childcare Facilities – Parking/ Access. In this regard it states: *“all pedestrian routes leading to a childcare facility from any parking area, play area, or nearby road and footpath shall be suitably designed to meet specified accessibility requirements in accordance with Part M of the Building Regulations. Car parking standards for childcare facilities are set out in the table 12.5 above. Cycle parking standards are set out in the ‘Council Cycle Standards’ (2018). For new childcare facilities, the availability of existing on-street car parking spaces and any parttime hours of operation will be considered as part of the Development Management process”.*

5.1.11. Section 9.3.1.3 Policy Objective OSR7: Trees, Woodland and Forestry of the County Development Plan states that it is a Policy Objective: *“to implement the objectives and policies of the Tree Policy and the forthcoming Tree Strategy for the County, to ensure that the tree cover in the County is managed, and developed to optimise the environmental, climatic and educational benefits, which derive from an ‘urban forest’, and include a holistic ‘urban forestry’ approach”.*

5.2. Local – Other

5.2.1. **Standards for Cycle Parking and Associated Cycling Facilities for New Developments, 2018.**

Table 4.2 sets out a requirement of 1 short stay (visitor) parking space per 10 children and 1 long stay parking space per 5 staff in a childcare services development.

5.2.2. **Dún Laoghaire-Rathdown County Council Development Contribution Scheme, 2023-2028.**

Section 7 of the Scheme sets out several exemptions and reductions for the payment of S48 development contributions. Of note in relation to Protected Structures it states: *“renovations to restore/refurbish structures included in the record of “Protected Structures” in the County Development Plan for the time being in force, but only where the Council is satisfied that the works as adopted 9th October 2023 substantially contribute to the conservation or restoration of the structure. This exemption shall not apply to any additional floor area that is to be added to a protected structure (including where physically separate from the principal building but within the curtilage thereof) and any such development will be levied at the appropriate rate determined in accordance with the Scheme”.*

5.3. **Regional**

5.3.1. **Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019.**

Of note RPO 6.27 states the following: *“support community and adult education providers who are already providing formal and non-formal education to targeted disadvantage groups and who have already identified the barriers to participation in lifelong learning such as **childcare**, transport and rural isolation to increase participation rates and support progression into further education and employment”.*

Section 9.6 deals with the matter of ‘Access to Childcare, Education and Health Services’ and states that: *“successful places also support a wide range of services and facilities that meet local and strategic needs and contribute towards a good quality of life. These include facilities in relation to health, education, libraries, **childcare**, community centres, play, youth, recreation, sports, cultural facilities, policing, places of worship, burial grounds, and emergency facilities”* and that it is: *“expected that the number of children will continue to increase until the mid-2020s and decline only slowly thereafter. This means that the continued provision and enhancement of facilities and amenities for children and young people, such as childcare, schools, playgrounds, parks and sportsgrounds, is a priority and will continue to be for the foreseeable future”.*

It also sets out that it aims to address the misalignment in the Region across a range of factors including child-friendly amenities and that the: *“provision of quality affordable childcare places is critical, both developmentally for children and also as an effective labour market intervention”*.

In tandem with this RPO 9.20 reads:

“Support investment in the sustainable development of the Region’s childcare services as an integral part of regional infrastructure to include:

- *Support the Affordable Childcare Scheme.*
- *Quality and supply of sufficient childcare places.*
- *Support initiatives under a cross Government Early Years Strategy...*”

5.4. **National**

- **Project Ireland 2040 - National Planning Framework**

Project Ireland 2040 links planning and investment in Ireland through the National Planning Framework (NPF) and sets out a ten-year National Development Plan (NDP). This document encapsulates the Government’s high-level strategic plan for shaping the future growth and development of Ireland to the year 2040.

Section 6.5 deals with Childcare and sets out that: *“access to affordable and high quality childcare is an essential requirement for an equitable society, a thriving economy and sustainable communities and is a critical part of our nation’s infrastructure. Childcare provision in Ireland is reaching capacity and new planning approaches and sustained investment will be required”* and that: *“investment in high quality, affordable childcare (including school-age childcare) and in Early Childhood Care and Education (ECCE) is critical both as an educational support for children, and as a prerequisite of job creation and labour market participation”*.

Of note NPO 31 states that it is an objective to: *“prioritise the alignment of targeted and planned population and employment growth with investment in: A childcare/ECCE planning function, for monitoring, analysis and forecasting of investment needs, including identification of regional priorities; The provision of childcare facilities and new and refurbished schools on well-located sites within or close to existing built-up areas, that meet the diverse needs of local populations”*.

- **Childcare Facilities Guidelines for Planning Authorities, 2001.**

This document provides a framework to guide local authorities and childcare providers in assessing and formulating development proposals respectively. The Guidelines identify any residential areas as an appropriate location for sessional/after-school childcare facilities and set out criteria to be applied in the assessment of the suitability of childcare facilities (Note: Section 3.2), including suitability of the site for the type and size of facility proposed, availability of outdoor play area, convenience to public transport nodes, safe access and convenient parking for customers and staff, local traffic conditions, number of facilities in the area and interned hours of operation.

It also sets out applications for full day-care facilities in premises other than those listed under Section 3.3.1 (e.g., terraced houses or houses located on a cul-de-sac), should be treated on their merits having regard to the principles outlined above in relation to parking/drop-off points, layout and design of the housing area and the effect on the amenities of adjoining properties.

In section 3.4.1 it indicates that applications for a change of use to childcare facilities in an existing residential area, should require some residential content to be maintained in the premises on the grounds that totally commercial premises would detract from the amenity of residential community.

- **Circular PL3/2016**

This circular requires that the childcare facility standards set out in Appendix 1 of the above guidelines, including the minimum floor area requirement per child, are excluded from consideration, given the role of Tusla in ensuring compliance with the Child Care (Pre-School Services) Regulations, 2006, (Note: published subsequent to the Departments Guidelines, above).

- **Architectural Heritage Protection Guidelines for Planning Authorities (2011)**

Section 1.1 of the Guidelines state: *“our architectural heritage is a unique resource, an irreplaceable expression of the richness and diversity of our past. Structures and places can, over time, acquire character and special interest through their intrinsic quality, continued existence and familiarity. The built heritage consists not only of great artistic achievements, but also of the everyday works of craftsmen. In a changing world, these structures have a cultural significance which we may recognise for the*

first time only when individual structures are lost or threatened. As we enjoy this inheritance, we should ensure it is conserved in order to pass it on to our successors” and “sympathetic maintenance, adaptation and re-use can allow the architectural heritage to yield aesthetic, environmental and economic benefits even where the original use may no longer be viable. The creative challenge is to find appropriate ways to satisfy the requirements of a structure to be safe, durable and useful on the one hand, and to retain its character and special interest on the other.”

Under Chapter 2 it defines Protected Structures as: “any structure or specified part of a structure, which is included in the RPS” ... “a structure is defined by the Act as ‘any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure’. In relation to a protected structure or proposed protected structure, the meaning of the term ‘structure’ is expanded to include: a) the interior of the structure; b) the land lying within the curtilage of the structure; c) any other structures lying within that curtilage and their interiors, and d) all fixtures and features which form part of the interior or exterior of the above structures”.

Section 6.8.8 of the Guidelines state: “on the whole, the best way to prolong the life of a protected structure is to keep it in active use, ideally in its original use. Where this is not possible, there is a need for flexibility within development plan policies to be responsive to appropriate, alternative uses for a structure”.

5.5. Natural Heritage Designations

- 5.5.1. The site does not form part of or adjoin a Natura 2000 site. The nearest such sites are the Special Protection Area of South Dublin Bay and River Tolka Estuary (Site Code: 004024) which is located c0.9km to the north and the Special Protection Area of Dalkey Islands SPA (Site Code: 004172) which is located c3.6km to the southeast.

5.6. EIA Screening

- 5.6.1. See completed Appendix 1 Form 1 attached to this report.
- 5.6.2. Having regard to the nature, size, and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood significant effects on the environment arising from the proposed development.

5.6.3. Conclusion: EIA is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of this First Party Appeal can be summarised as follows:

- Concern is raised that despite engaging with the Planning Authority from the early stages of the design process no returned contact was had with their Transportation Department.
- The only concern raised by the Planning Authority in their refusal of permission relates to transport.
- The Planning Authority have failed to provide a reasoned justification for refusal, and they have given no consideration to the Preliminary Mobility Management Plan.
- The proposed development would give rise to a substantial number of benefits including the repair, refurbishment as well as on-going preservation of this long standing vacant Protected Structure. In addition, needed childcare spaces through to economic benefits in the form of job creation. It would not give rise to any adverse impacts on its setting.
- The Planning Authority has misunderstood the TRICs database.
- To provide assurance for the Board an examination of a similar large creche at Stradbrook Road Blackrock also a Links creche containing 230 children was undertaken as part of this appeal submission. On the busiest day of this survey 60 to 65 car movements each way was generated weekday AM and PM. The survey results were applied to the subject site for which 191 child creche facility is proposed and whilst this generated a small increase in the calculated traffic generated the 105 to 108 car movements 2-way during peak hour, i.e., less than one car per minute, remains a low traffic generating facility by any measure. It is therefore unclear as to how such a low-level traffic generated could result in any possible traffic capacity, congestion, or safety issue.

- The provision of car parking spaces over the requirement of the County Development Plan reflects the situation in Glandore Park. The reduction of car parking spaces if deemed excessive could be reduced by the Board.
- An independent specialist road safety, cycling, pedestrian and quality audit concluded that the proposed development represents an appropriate use of this building and would not result in any unacceptable or significant levels of traffic generated nor would it result in any traffic safety issues.
- The Board is sought to overturn the decision of the Planning Authority.

6.2. Planning Authority Response

- 6.2.1. No issues arise in the appeal submission that would justify a change in attitude towards the proposed development.

6.3. Observations

- 6.3.1. On the 7th day of October, 2022, the Board received a submission for the Irish Georgian Society, which includes the following comments:

- The proposed works would be detrimental to the character and setting of this Protected Structure.
- Glandore House was designed by Thomas Newenham Deane and Benjamin Woodward whose practice was responsible for Trinity College, the University Museum Oxford both carried out under the strong influence of John Ruskin which makes their works both of national and international importance.
- The setting of Glandore House though originally not extensive has been severely diminished and compromised over time with this representing a challenge for any landscape proposals. Against this context the landscape scheme submitted ignores the important architecture and disposition of views from the principal rooms to give the car parking of cars and the circulation of vehicles on site priority.
- Of concern car parking spaces approach within nearly one meter of the entrance façade of the house including its original porch. In addition, the southerly façade has the access road within 50cm with no provision for pedestrian movement around the house. This not sympathetic to this Protected Structure, its curtilage or setting.

- What was once the front garden of the house looked out onto a terrace which currently survives. This terrace is to be drastically reduced so the two main rooms look out onto the further car parking area with a meagre space left alongside the garden door. This proposal effectively seeks that the three main facades of the house address hard landscape and the remaining level of landscaping that would be inadequate.
- Alternative strategies should be conceived that would better complement and respect this significant building, as well as create an enhanced environment for its use.

6.3.2. On the 12th day of October, 2022, the Board received a joint Third-Party Observation made by 25 No. Third Party's with given addresses of Glandore Park and Glandore Court. This submission can be summarised as follows:

- Concerns are raised that there are notable gaps in the information provided with this application as well as the Planning Authority's assessment of this application.
- There is a lack of certainty on the numbers of children to be catered for in the proposed creche.
- There is no certainty that the car parking provision and access arrangements for the proposed development are adequate.
- The proposed development would give rise to traffic, car parking and other associated issues onto the adjoining road network.
- The applicant has not demonstrated a demand for the proposed development at this location.
- The protected trees on site are threatened by this proposal.
- The substantial number of objections to this proposed development.
- The Planning Authority's refusal of the proposed development is supported.
- The previous developments permitted were more appropriate and would have resulted in less amenity as well as adverse traffic impacts on its setting than this current proposal.
- Reference is made to Board decisions in the area. With this including the Board refusing permission for a development under ABP-310289-21 which related to a two-storey dwelling house on the grounds of St. Johns Church, a Protected Structure,

immediately to the northeast on the basis it would result in overdevelopment of the site as well as adversely affect the character and setting of this church. These concerns correlate with those arising from the proposed development at this site.

- The TRICs analysis provided by the First Party does not reflect the traffic that the proposed development would generate, if permitted. The details submitted by the Board also indicate that 58 cars would be expected between the hours of 07:30 and 08:30. They also put forward a contingency measure of reducing the number of children it would cater for by 36 as well as the potential to add more car parking spaces should the Board require it to do so. These measures are inadequate to address the implications arising from the traffic generated from the proposed development on its setting.
- The cul-de-sac road serving the site opens onto the heavily trafficked Mounttown Road Lower which is a very busy route accommodating bus routes 46A, 75, 63 and 111.
- Glandore Park is already served by its own childcare service (Note: Little Puddles Childcare).
- The scale of the childcare facility proposed would draw clients from outside the cul-de-sac and would result in traffic disruption on this restricted residential cul-de-sac.
- The 1970s subdivision resulted in inadequate grounds remaining for this historic building. The now limited setting would be used to facilitate parking and a playground with these having adequate regard to the protection of the surviving Monterey Pine. There is no assurance that this tree has been given adequate protection and that it would survive the construction process. There is no input from the Planning Authority's Parks department on this matter.
- The local residents require assurance that there would be no fire hazard from having so many children occupying a three-storey building not designed to accommodate such use. Nor adequate assessment of what impact the necessary fire measures would have on the built fabric of this Protected Structure.
- There is no assessment provided of nuisances arising from the proposed development, including noise, and the impact on residential amenities.

- The proposed works would further obscure and degrade surviving architectural features of this building and its setting.
- The quantum of traffic that the occupancy of 191 children and 38 staff would give rise to congestion in its setting, overspill of parking through to conflict with local resident's movements, including pedestrians.
- It is likely that most parents would arrive between the hours of 07:30 and 08:30 which would give rise to over two cars per minute. It is likely that drop offs and collection of children would take c5minutes with this further giving rise to tailbacks on the cul-de-sac road. Further intensification of traffic would also arise from the after-school's club, other pre-school, and associated activities.
- There is an already an issue with cars parked on the cul-de-sac road which inhibit free traffic flow. It is contended that this is generated from multiple with the on-street car parking adversely impacting residents' movements as well as causing issues for domestic waste collections and give rise to a concern for emergency service access. The traffic congestion that would arise would be a material contravention of land use zoning of the site.
- This proposal would give rise to loss of surviving built features of Glandore House including the demolition of a chimney the loss of external stone garden steps.
- The extension along the north side would comprise of a dull slab block that is unsympathetic to this historic building. It would also degrade and obscure this Protected Structure. It is also likely that fire escapes would need to be externally mounted to accommodate this use.
- The Board is requested to refuse permission on grounds relating to public safety and traffic hazard; adverse impact on the character and setting of the Protected Structure; lack of protection to ensure the preservation of trees and woodlands on the site; and adverse impact on residential amenities.

6.4. Further Responses

6.4.1. None.

7.0 Assessment

7.1. Preliminary Comment

7.1.1. Having carried out an inspection of the site, examined the application details and all other documentation on file including submissions of all parties, through to having had regard to relevant local through to national planning policy provisions and guidance, I am satisfied that the substantive issue that arises in this appeal case is the Planning Authority's given reason for refusal together with the visual, residential and built heritage amenity concerns raised by Third Parties. I therefore proposed to address these issues under the following broad headings in turn in my assessment below.

- Principle of the Proposed Development
- Traffic Hazard and Road Safety Concerns
- Impact on Built Heritage
- Impact on the Surviving Monterey Pine
- Impact on Residential Amenities
- Appropriate Assessment

7.1.2. I am satisfied that all other issues were fully addressed by the Planning Authority and that no other substantive issues arise. I am also satisfied that there is adequate information for the Board to make an informed decision on this appeal case despite the concerns raised in relation to the same by Third Party Observers.

7.2. Principle of the Proposed Development

7.2.1. The proposed development which I have set out in detail in Section 2.1 of this report above in summary consists of the alterations, refurbishment, and a new addition to Glandore House together with all associated works and services as part of changing its use to a creche facility with the capacity of facilitating 190 children and 38 staff.

7.2.2. In terms of the principle of the proposed development it is firstly incumbent to have regard to the fact that Glandore House is a Protected Structure under the County Development Plan's Record of Protected Structures. It is therefore afforded protection under the said Plan's policy provisions which I note correlate with the guidance set out

under the Section 28 Architectural Heritage Protection Guidelines for Planning Authorities, (2011).

- 7.2.3. I note to the Board is Policy HER8 of the said Plan seeks to protect such structures of built heritage merit and their curtilage from development proposals that would negatively impact their special character and appearance. It also seeks to ensure that protection is given to retain important elements of the built heritage including historic gardens and other associated features.
- 7.2.4. This approach is further advocated in Section 12.11.2.1 of the Development Plan which sets out guidance for works to a Protected Structure. With these also seeking that original features of architectural interest and historic interest shall be retained, works to the interior shall be sensitive to the original fabric through to appropriately scaled extensions should compliment and be subsidiary to the main structure positioned generally to the rear elevation or a lesser elevation.
- 7.2.5. In addition, aforementioned Section 28 guidelines under Section 7.3.1 recognises that the best method of conserving a historic building is by keeping it in active use. It states: *“where a structure is of great rarity or quality, every effort should be made to find a solution which will allow it to be adapted to a new use without unacceptable damage to its character and special interest. Usually, the original use for which a structure was built will be the most appropriate, and to maintain that use will involve the least disruption to its character. While a degree of compromise will be required in adapting a protected structure to meet the requirements of modern living, it is important that the special interest of the structure is not unnecessarily affected. Where a change of use is approved, every effort should be made to minimise change to, and loss of, significant fabric and the special interest of the structure should not be compromised”*.
- 7.2.6. At the time of inspection, it was vacant with the little sign of any upkeep to it and the grounds in which it is sited. As such this imposing three storey with single storey side annex building whose Gothic Venetian architectural design is attributed to the renowned Irish architects Thomas Newenham Deane and Benjamin Woodward. It is one of a kind and despite its much-reduced curtilage and its diminished state which appears to have been added to by the lack of any active use its intrinsic character positively contributes to this locality’s sense of place and the visual amenities of the area.

- 7.2.7. Against this context with its original use as a single residence long abandoned together with its former live in nursing home through to guest house uses also long ceased, I consider that the finding of a viable suitable functional use for this historic building is a key component in reversing its current state of deterioration through to safeguard its future conservation going forward for future generations, with this being subject to safeguards and appropriate custodianship. This is objective is one that is supported by local through to national planning policy provisions and guidance on such matters.
- 7.2.8. In terms of works to a Protected Structure, including as proposed under this application to its interior and to its exterior with this including the provision on an extension on its northern elevation I note Section 12.11.2 of the Development Plan sets out that the *“inclusion of a structure in the Record of Protected Structures does not prevent a change of use of the structure, and/or development of, and/or extension to, provided that the impact of any proposed development does not negatively affect the character of the Protected Structure and its setting”*.
- 7.2.9. Further, it states: *“the refurbishment, re-use and, where appropriate, redevelopment of Protected Structures, and their setting, shall not adversely affect the character and special interest of the building”* and requires all applications for such works to be accompanied by a Heritage Impact Assessment that accords with the guidance for the same as provided for under Appendix B of the Section 28 ‘Architectural Heritage Protection Guidelines for Planning Authorities’, in order to assist in the assessment of proposals.
- 7.2.10. Whilst I acknowledge that this application is accompanied by such an assessment; notwithstanding, the principle of the scope of works sought to Glandore House, including its curtilage, is subject to detailed specific considerations such as those set out under Section 12.11.2.1 of the Development.
- 7.2.11. Therefore, the principle of the proposed development relative to the Protected Structure itself requires separate detailed consideration which is carried out in my assessment below.
- 7.2.12. Of further relevance in the consideration of principle of the proposed development is the land use zoning of the site.
- 7.2.13. In this regard I note that the subject site is zoned ‘A’ under the County Development Plan and it forms part of a larger parcel of suburban land that extends to the north,

south, east and west that is generally similarly zoned with the exception of a pocket of Objective 'F' zoned land located to the north west (Note: the land use objective is: "*to preserve and provide for open space with ancillary active recreational amenities*") and to the north east the buildings and spaces that form part of the Saint John the Evangelist Church are also afforded protection as Protected Structures. Notwithstanding, the proximity of the site to a plot of open space zoned land as well as to historic buildings and space the objective for lands zoned 'A' is: "*to provide residential development and improve residential amenity while protecting the existing residential amenities*" and permissible uses listed in the County Development Plan include 'childcare service' (Note: Table 13.1.2). With childcare services also subject to the *proviso* of demonstrating that they would not have adverse effects on the 'A' zoning objective which seeks to balance the provision of residential development, improve residential amenity whilst protecting residential amenities.

7.2.14. Moreover, the principle of development should also in my view have regard to the fact that this appeal site is subject to an objective to protect and preserve trees as well as woodlands. The proposed development seeks to maintain existing trees of merit on site, i.e., the Monterey Pine tree situated on the north western corner of the site, and to provide mitigation measures to safeguard them during the construction phase. There are no woodlands on site and the trees for which removal are sought do not form part of the landscaping scheme of Glandore House and are of limited merit, including in terms of biodiversity.

7.2.15. Conclusion

7.2.16. Having regards to the above, I consider that the general principle of the change of use of this Protected Structure is acceptable, subject to safeguards, the other components of the proposed development require more careful consideration by the Board.

7.3. **Traffic Hazard and Road Safety Concerns**

7.3.1. I consider that traffic hazard and road safety issues raised by all parties in this appeal case is one of the key issues that requires examination in this appeal case.

7.3.2. In this regard the Planning Authority in their single reason for refusal considered that the proposed development would result in the endangerment of public safety due to the scale and resulting intensification of use proposed for Glandore House by reason of traffic hazard through to obstruction of road users. They also considered that the

proposed development would contravene Section 12.4.5.2 of the County Development Plan. I note to the Board that this section of the said Plan relates to the application of standards and in the context of this reason for refusal car parking standards. Section 12.4.5.2 of the said Plan states in relation to: *“maximum standards, any proposals exceeding these standards will be permissible only in exceptional circumstances; such as where the Planning Authority consider that there is a specific requirement for a higher number of spaces. An example of this would be in instances where there are demonstrable benefits for the wider area through regeneration or similar urban and civic improvement initiatives. In certain instances, within all zones, applicants may be required to provide the maximum number of spaces”*. On foot of these concerns the Planning Authority concluded their given reason for refusal as follows: *“the proposed development would be contrary to the proper planning and sustainable development of the area”*.

- 7.3.3. From examination of the documentation on file, the traffic and road safety concerns were a primary concern of the Planning Authority’s Planning Officer who observed on-street car parking on the cul-de-sac road serving the site. They also concurred with the considerations and recommendations in the Planning Authority’s Transportation Planning Report. The latter report which I have summarised in my report above concluded with a recommendation of refusal for the proposed development. With this based on considerations including that the estimated 0.237 arrivals per child for 190 no. children in the AM, resulting in an additional 37 no. AM PCU arrivals during the operation of the proposed development to be an unrealistic assumption for the applicants to make. Concerns were also expressed that the AM and PM arrivals as well as departures are likely to be much higher than that set outlined in the TRICS traffic generated model findings provided by the applicant. It was also further considered that the likely traffic trips generated by the proposed development would result in the obstruction of the vehicle access within the site as well as the obstruction of road users of Glandore Park. Additional concerns were raised in terms of the allocation of set-down and staff/visitor parking which they considered had not been clearly demonstrated in the documentation provided. Through to the applicant had not demonstrated satisfactorily the specific requirement for a higher number of spaces to serve the proposed development having regard to the parking standards set out in Table 12.5 of the Development Plan.

- 7.3.4. The Third-Party Observers in this appeal case raise similar concerns. They contend that the cul-de-sac access road that serves their residential scheme and Glandore House effectively operates as a one-way traffic system due to the consistent issues of on-street car parking along both of its carriageway sides. They contend that the overspill of parking along this access road not only arises from the residential units along it. But that it arises from several other sources including but not limited to the existing childcare facility that operates from No. 13 Glandore Park (Note: Little Puddles Childcare). With this facility operating from a residential dwelling on the opposite side of the road from the western boundary of the site. The other sources indicated as generating on-street car parking on this access road is given as Saint John the Evangelist Church, Sports Facilities at No. 70 Mounttown Road Lower, the HSE facility at York Road, and The CBC School at Mounttown Road Upper.
- 7.3.5. The documentation provided by the First Party includes a Transportation Assessment Report indicates that a high number of dedicated demarcated set-down spaces would be required with the level provided on site seeking to minimise any potential nuisance effect of set down parking occurring on Glandore Park. I note that as part of this report that traffic counts were taken at points along the access road of Glandore Park and its junction with Mounttown Road Lower on the 27th day of January, 2022.
- 7.3.6. The TRICS database has also been used to estimate the number of trips potentially generated by a proposed development against the combined development of Glandore Park. With this also used to examine the potential impact of the traffic generated at the junction with Mounttown Road Lower.
- 7.3.7. Based on their examination of the site context they conclude a total 2-way vehicle traffic generated of 82 vehicles during the peak hours of 08:00 to 09:00 hours and 75 vehicles during the peak hours of between 17:00 and 18:00 hours. They also calculated expected traffic for future years based on data obtained in the TII PE-PAG-02017 Project Appraisal Guidelines for National Roads Unit 5.3.
- 7.3.8. Of concern, firstly the Transport Infrastructure Ireland, National Roads Network Indicators, 2017, identifies the peak period for vehicular movements as 06.30 – 09.30 (AM peak) and 15.30 – 18.30 (PM peak). The traffic count was carried out between 07.00 – 09:45 AM and 16:00 – 18:45 PM on that single given date. In my opinion the count is not reflective of the peak hours traffic. Also, I raise it as a concern that at the

time these results were gathered for these reports that Ireland still had some level of Covid 19 pandemic restrictions in place. With during this time many people still working from home. As such the results collected on this date in my view reflect of the changed times since that date.

- 7.3.9. Based on their overall findings that in all cases the worst-case traffic increase would be below the Transport Infrastructure Ireland 5% threshold. They contend that the development would have a small impact upon Glandore Park itself but any effect or impact due to the very low traffic flows experienced currently is not related to a significant or unacceptable volume of generated traffic. Moreover, they contend the capacity of the junction serving Glandore House and Glandore Park would also not be negatively impacted. With the latter conclusion also informed by the carrying out of 'Junctions 9 PICADY' assessment.
- 7.3.10. Accompanying the First Party's appeal submission are comments from their roads, traffic, and transportation expert who contend that the Planning Authority were incorrect in their assumption that the examinations they provided with the planning application did not include staff at the proposed facility.
- 7.3.11. They argue that the staff numbers and associated trips were included within the actual traffic surveys contained in the TRICs database. As part of demonstrating their findings a similar facility operated by the applicant was surveyed, Links Childcare facility at Stradbroke Road, Blackrock, with 230 children capacity.
- 7.3.12. I note that this survey was carried out on the 6th day of September, 2022.
- 7.3.13. In relation to this survey, they found that this comparison childcare facility generated 60 to 65 car movements both ways during weekday AM and PM peak hours. The findings of this survey were then applied to the proposed childcare facility which it indicates would cater for 191 children. Based on this examination it was considered that the proposed development would generate 105 to 108 car movements two way during peak hour, with this being less than one car per minute, which they contend is a low traffic generating facility by any measure. As such it was not accepted that the proposed development could result in any possible traffic capacity, congestion, or other safety issue.
- 7.3.14. In terms of these findings, whilst I accept that this survey is a more comprehensive in terms of duration in which the survey was carried with the times given as 07:00 to

18:45 hours with available information on this childcare facility indicating that it opens at 07:30 and closes at 18:30 weekdays. In my view this comparison childcare facility operates within a different site context. For example, this includes but is not limited to it being accessible to the public road network via an entrance onto qualitative in design layout standard regional road where traffic controls are in place with good sightlines in both directions.

- 7.3.15. Additionally, the access arrangements include a priority junction serving the entrance to this example childcare facility, there are double yellow lines for significant stretches of the roadside carriageways in both directions through to there are other land uses dependent on the same entrance including a gym and Blackrock College AFC building with this site also served by a pedestrian access on its southern side which provides linkage to a larger area of car parking area.
- 7.3.16. I also note that within the wider setting there is a significant lateral separation distance between this comparison childcare facility and the nearest childcare facility to it. For example, the nearest childcare facility is situated 400m by road (Note: WeeCare Day Nurseries, at Monkstown Road) despite the suburban setting appearing to be denser in terms of its existing residential land use. Further the comparison childcare facility used for this survey is located c1.7km to the northwest. Moreover, within 1km of the subject site for example there are more childcare facilities operating in comparison to the First Party's Stradbroke childcare facility.
- 7.3.17. Whilst there may be a demand for additional childcare places in the wider locality, I am not satisfied that the documentation provided with the planning application and on appeal allays the concerns arising from the proposed development in terms of traffic generation and traffic impacts on the access road serving the site for its users.
- 7.3.18. These concerns are further added to by other components of the proposed development. Including the revisions proposed for the existing entrance onto the cul-de-sac road serving Glandore Park and the more recent multi-unit Glandore Court towards its westernmost end.
- 7.3.19. On the day of inspection, I observed that there is an issue of on-street car parking on the cul-de-sac road for which the subject site is dependent upon access and egress to the public road network. I also observed that despite the low 30km/hr speed limit of this road, the number of properties it serves, its curving horizontal as well as vertical

alignment with its road surfaces in several places showing degradation of its concrete finish together with its restricted width averaging at circa 6m along its length. In this context despite the low speed of the road the issue of on-street car parking does create an obstruction as well as safety issue for its road users. I also observed that where cars are parked on this access road in vicinity of an entrance, they give rise to additional manoeuvres onto both sides of the access road carriage. This in turn creates additional potential for conflict with other road users of this curving in alignment road. With the prevalence of such car parking commencing in close proximity to this cul-de-sac's junction with the heavily trafficked Mounttown Lower Road. The proposed development has the potential to exacerbate this issue.

- 7.3.20. At the time of inspection, the sightlines from the entrance serving the site, an entrance that also serves a recently created subdivision for an independent dwelling house that arose from the refurbishment of one of the single storey annex buildings on the eastern side of Glandore House curtilage, is obstructed in an easterly direction, i.e., towards the cul-de-sac's junction with Mounttown Lower Road.
- 7.3.21. This obstruction arises from a physical boundary that appears to be outside of the legal interest of the applicant. There is no improvement proposed to this substandard sightline as part of this proposal despite the increase in traffic the proposed development would generate using this access.
- 7.3.22. There is also a limited separation distance between this entrance serving the site and this junction with three independent entrances situated in between on the northern side of this cul-de-sac road. These entrances serve the detached dwellings of No.s 1 to 3 Glandore Park. The multiple entrances in close proximity to one another together with the overspill of car parking on the northern side of the access road between the entrance serving the site and the junction with Mounttown Road Lower gives rise to additional potentials in my view for conflicts to arise.
- 7.3.23. Whilst there is a double yellow line running along the roadside boundary of Glandore House site to the west of the existing entrance on the opposite side of the road there was *ad hoc* on-street car parking present. With this including in the vicinity of where a new entrance is proposed which would be positioned almost opposite the existing childcare facility at No. 13 Glandore Park. I observed on-street car parking along the

road frontage of this property and I further note that it is located opposite the new entrance proposed on the western boundary of the site.

- 7.3.24. I also note to the Board that I observed that this issue with *ad hoc* on-street car parking was the same at other times when I was in the vicinity of the site carrying out inspections on other sites. It was also a situation observed by the Planning Authority's Planning Officer during their inspection of the site through to an examination of publicly available street views of the access road going back over the years shows this is a persistent issue.
- 7.3.25. I therefore accept that there is an existing situation of whereby the cul-de-sac road efficiency and safety for its road users is compromised by the obstruction that arises from on-street car parking. I also accept that it is likely that the on-street parking arises not just from an overspill of car parking from occupants and visitors to Glandore Park, including the childcare facility operating from No. 13 Glandore Park. It is also likely that it is generated from other sources within easy walking distance given the limited availability of publicly car park within this setting.
- 7.3.26. I observed that the on-street car parking along the access road serving Glandore Park, the site and the more recent higher density residential of Glandore Court towards its westernmost end not only compromises the safe and efficient functionality of it for road users. But it also results in obstruction for pedestrians because vehicles are parked mounted onto the footpath. The proposed development could potentially add to the level of on-street parking giving the nature and scale of the development sought but also by way of the constrained nature of the site where parking including drop off and collections for example are proposed.
- 7.3.27. I also note that in relation to Mounttown Lower Road there is also an issue of *ad hoc* on-street car parking to the south of the junction serving Glandore Park. This road has a posted speed limit of 50km/hr and accommodates Bus Stops to the south of this junction and a number of Dublin Bus Routes with a high frequency, particularly during peak hours. This pattern of on-street car parking like that of Glandore Park is an apparent common occurrence on this regional road on its northern side and in terms of traffic movements along this regional route that connects to the heavily trafficked junction of Tivoli Road, York Road (R829) and Mounttown Road Upper near the north results in obstruction to the free flow of traffic along it. Particularly for larger vehicles

like Dublin Buses that provide an important mode of sustainable public transport connectivity for users of Bus Routes No.s 46A, 63, 63A and 111 from Mounttown Road Lower.

- 7.3.28. The existing site context is one where Glandore House is vacant with no evidence of any recent active use. On the day of inspection there was *ad hoc* landscaping on-going on the site which largely involved the cutting back and removal of overgrown plants, hedging and the like. These works resulted in some on-street car parking and obstruction of the site entrance. This however is not a regular occurrence given the abandoned and evident overgrown nature of Glandore House and its remaining curtilage. As such its present situation is one where any traffic generated by the site is low and *ad hoc*.
- 7.3.29. The proposed development sought is for a change of use of the existing structure of Glandore House and its extension to facilitate the operation of a childcare facility for 190 children and 38 no. staff at this location. It would in my view represent a significant and material intensification of the use of the site in traffic generation and in turn parking. With the proposal including alterations of the existing vehicular entrance onto Glandore Park; the creation of a new vehicular entrance onto Glandore Park on the western roadside boundary; the provision of 11 no. car parking and set down spaces; through to the provision of 28 no. bicycle space.
- 7.3.30. In terms of these components of the proposed development and the potential for overflowing onto the adjoining road network serving the site I firstly note that Section 3.2 of the Childcare Guidelines sets out that such developments should demonstrate safe access and convenient parking for customers and staff.
- 7.3.31. In addition, Section 3.3.3. of the said Guidelines sets out that childcare premises within the context of the city should be so located that it is within easy reach of public transport nodes and has car parking facilities/turning area which will accommodate staff and customers respectively.
- 7.3.32. The County Development Plan under Section 12.3.2.4 sets out that in assessing individual planning applications for childcare facilities, the Planning Authority will have regard to several criteria including but not limited to: “*safe access and convenient off-street car parking and/or suitable drop-off and collection points for customers and staff*”; “*local traffic conditions*”; and “*convenience to public transport node*”.

- 7.3.33. In addition, Section 12.5 of the said Plan sets out a requirement of 1 car parking space per 60 near public transport as standard for childcare developments for land forming part of 'Car Parking Zone 2'.
- 7.3.34. I note that this requirement provides no differentiation between the number of childcare spaces and the number of staff.
- 7.3.35. Further, Section 12.4.5.2 of the County Development Plan sets out that exceeding these standards will be permissible only in exceptional circumstances and states: "*such as where the Planning Authority consider that there is a specific requirement for a higher number of spaces*".
- 7.3.36. Against this context I consider that the car parking requirement for the proposed development under the local planning provisions if the children and staff numbers are aggregated would equate to a requirement of 3.8 car parking spaces. If this calculation is limited to the number of children only that would be catered for by the proposed facility this would equate to a requirement of 3.1 car parking spaces. These figures are based on the details provided with this application that indicates the proposed childcare facility would according to the various documentation provided cater for between 190 to 191 children and have 38 staff. With the facility itself describing itself as a 'creche' operated by the applicants established company 'Links Childcare'.
- 7.3.37. I also note that according to the available information the applicants childcare company specialises in a comprehensive range of serves from nursery through to early childhood care and education programme as well as afterschool care through to children's camps. The age of childcare that appears to be offered potentially may generate more use of private cars for those living at further distances and not served directly by the bus routes that run in the immediate surrounding area of Mounttown Road Lower.
- 7.3.38. I note that the Planning Authority raised concerns that the applicant had failed to demonstrate exceeding the standard car parking provision by circa 7 car parking spaces to serve the proposed development outside of setting out that the car parking provision proposed reflects its locational context.
- 7.3.39. I note that the site is within easy walking distance of the nearest Bus Stop's on Mounttown Road Lower. The nearest being Bus Stop No. 2031 which is located on the western side of Mounttown Road Lower with the traffic flow on the adjoining

carriage having a northerly direction (Note: circa 215m from the site). On the eastern side of Mounttown Road slightly further south from the site is Bus Stop No. 2046. The traffic flow for the adjoining carriage has a southerly direction. Both stops serve Dublin Bus Route No.s 46A, 63, 63A and 111. With for example: Bus Route No. 46A providing connectivity between Dun Laoghaire and Pheonix Park; Bus Route No. 63/63A providing connectivity between Dun Laoghaire and Kilternan Village; and Bus Route No. 111 providing connectivity between Brides Glen Luas and Dalkey Village. In further walking distance there is bus stop serving Bus Route No. L25 on Mounttown Road Upper which provides connectivity between Dundrum Luas Station Towards Dún Laoghaire Station (Note: c400m).

- 7.3.40. At a further distance from the site at circa 1.5km is the Dún Laoghaire Dart Train Station. With this accessible from Mounttown Road Lower via Bus Route No.s 46A, 63 and 11 every 10 minutes during peak hour.
- 7.3.41. In relation to connectivity by bicycle, I note that there are no dedicated cycle lanes connecting to these bus stops, however, the pedestrian footpath along Mounttown Road Lower is of better quality than that serving Glandore Park and in turn Glandore House. With the access road serving Glandore Park and Glandore House not designed to cater for dedicated cycle track, having a restricted overall width that is impeded by on-street car parking, has a curving horizontal and vertical alignment through to its concrete surfacing is in parts degraded and in need of repair.
- 7.3.42. When taken together with the fact that there is an existing childcare facility located at No. 13 Glandore Park. In easy walking distance of the site there is also Manorbrook Montessori on Mounttown Road Upper, located off Mounttown Road Lower there is child day care facility at Mountwood Development Community Project (Note: at No. 71 Fitzgerald Park); a kindergarten childcare facility at No.s 50 to 51 Patrick Street (Note: Safari Childcare) through to WeeCare Day Nurseries at Monkstown Avenue in my there is a likelihood for this childcare facility to draw customers from its wider urban setting and with this generate over and above the standard car parking provision set out in the Development Plan.
- 7.3.43. Having regard to the above, I consider that the provision of 11 car parking spaces on this site is not unreasonable as part of ensuring that no undue overspilling of car parking arises from a childcare facility of this size and type. Notwithstanding, the

provision of this quantum of car parking spaces together with the extensive areas of hardstand proposed has the potential to adversely impact on the setting of Glandore House. I consider that this is a substantive concern given that the Protected Structure designation of this building.

- 7.3.44. I therefore raise concerns that most of the remaining space within what is an already restricted in size and shape curtilage of Glandore House would under this proposal be lost to hard surfacing mainly associated with vehicle access and vehicle parking/drop off/collection. Thus, materially eroding what was once historically mainly formally designed open space by placing Glandore House in a car orientated setting.
- 7.3.45. The few remaining features of Glandore House's landscaped past would also be lost or relocated under the design and layout to accommodate vehicle access, parking, through to drop and collections. Of particular concern is the loss of the terrace adjoining the western elevation. Its associated granite steps and supporting walls would be moved to provide access to the open space under the canopy of the Monterey Pine tree. Alongside the relationship between this terrace and principal rooms at ground floor level that address and open onto this terrace would be compromised as well as views from these rooms further eroded by the overall design and layout of the spaces around Glandore House.
- 7.3.46. The proposed design and layout treatment for the curtilage of Glandore House is one that I consider is not supported by the provisions of the County Development Plan or Section 28 guidance on matters relating to built heritage, including managing change in the context of a Protected Structure and a Protected Structure's curtilage.
- 7.3.47. For example, I note that the County Development Plan defines Protected Structures as including: "*the interior of the structure, the land lying within the curtilage of the structure, any other structures lying within that curtilage and their interior and all fixtures and features which form part of the interior or exterior of that structure*". This definition is consistent with planning legislation and the Section 28 'Architectural Heritage Protection Guidelines for Planning Authorities' document.
- 7.3.48. In relation to local planning provisions, I note that Section 11.4.1.2 - Policy Objective HER8 of the County Development Plan seeks to protect Protected Structures from any works that would negatively impact their special character and appearance through to

requires any development proposal to a Protected Structure, their curtilage and setting to have regard to the Architectural Heritage Protection Guidelines.

- 7.3.49. It further sets out that any development affecting a Protected Structure and/or its setting is sensitively sited and designed as well as is appropriate in terms of the proposed scale and layout. Through to that the relationship between the Protected Structure and any complex of designed landscape features alongside views and vistas from within the grounds of the structure are respected.
- 7.3.50. Moreover, it seeks protection and retention of important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features is also had.
- 7.3.51. I also note that Section 11.4.1.2 of the County Development Plan also recognises that *“historic landscapes and gardens are also an important amenity and contribute to the setting and character of Protected Structures. These can include both built and natural features such as walled gardens, views/vistas, tree-lined avenues, decorative tree-clumps, woodlands, or plant collections”*.
- 7.3.52. In terms of the Architectural Heritage Protection Guidelines Section 13.7.7 on the matter of car parking states that: *“the loss of garden may seriously affect the setting and character of a protected structure”*; and that: *“careful consideration should be given to the location of the car park to avoid damage to the character of the structure or its attendant grounds”*. Additionally, under Section 13.7.8 of the said Guidelines it states: *“where it is necessary to provide car parking, efforts should be made to minimise its impact by careful design and use of materials”*.
- 7.3.53. In relation to the other traffic related components of the proposed development I note that the submitted drawings show that the existing of no historic merit roadside boundary wall to the west of the existing entrance would be modified to accommodate the revised entrance. As part of this modification the replacement boundary wall to the immediate west of the revised entrance would be setback and splayed to accommodate improved sightlines in this direction.
- 7.3.54. Of further concern, the submitted documentation does not fully clarify how in this highly restricted site would traffic movements be managed in relation to the proposed entrances, drop-off spaces, circulation spaces, general car parking provision, accessible car parking spaces during expected peak hours and what measures would

be implemented to mitigate potential on-site conflict or conflict in the vicinity of either entrance that would serve the proposed development. I consider that the potential for conflict to arise is further added to by the dimensions of the car parking spaces provided to meet the car parking needs of the proposed development. For example, Section 12.4.5.7 of the County Development Plan which deals with the matter of Parking and Loading Bays requires suitable parking bay widths for parent and child parking. It provides a minimum of 3.3 metres wide or 5.7 metres if paired. With 0.9 metres hatching between the parking spaces. The car parking bays proposed fall short of meeting these requirements.

- 7.3.55. Of further concern the parking bays for those with disabilities are not demonstrated to be in proximity to main access points nor are any of the car parking spaces indicated as having been designed to accommodate EV Charging of cars. Whilst this is a side note Section 12.4.11 of the County Development Plan sets out that a minimum of one such space should be provided where more than ten car parking spaces are proposed. This adds to the concerns over the quality and future proofing of the design and layout of the proposed development. Should the Board be minded to grant permission it could condition the provision of an EV charging space and EV charging infrastructure.
- 7.3.56. Moreover, there is no provision for larger vehicles for loading and unloading with it not being unusual for childcare facilities like this to have larger vehicles dropping off multiple children for care particularly after children's school time hours from educational facilities in the hinterland of the site.
- 7.3.57. In relation to the western proposed new access onto the cul-de-sac road serving Glandore Park and Glandore Court a reduced width entrance of 4.8m is proposed. With the revisions to the roadside boundary including the provision of a slight setback of the roadside boundary wall to the immediate south of it to provide improved sightlines. Access to this entrance is via an internal access road that would run from the revised entrance. The width of this access road is circa 2.9m to 3.1m along its length. Thus, its width is not suitable for two-way traffic. The alignment of its route follows the curving alignment of Glandore House's reduced curtilage which more steadily changes and in proximity to the south western corner of the building in a north westerly direction. At this point the south-western corner of the building has a limited lateral separation distance of c4.5m from the roadside boundary. Accessed from the access road are five car parking spaces that are provided at an angle. These spaces

terminate alongside where this access road terminates and opens onto the access road that serves Glandore Park and Glandore Court. Thus, access to these spaces would be dependent upon movements that would overspill onto the on-site access road and in the vicinity of the proposed new entrance. As such this layout in my view has the potential to give rise to potential conflict of movements on site and in the vicinity of the proposed entrance. With access to one of the third cycle parking provisions being only accessible at grade from the southwestern corner of the building along a gated and restricted in width gate that appears would be attached to the western façade of Glandore House, i.e., one of its principal elevations of interest.

7.3.58. It should also be noted that the proposed new vehicle entrance would open out onto the access road that serves the residential development of Glandore Park and Glandore Court immediately opposite to the entrance to an existing childcare facility operating at No. 13 Glandore Park. This facility would generate a higher number of traffic than that of an ordinary suburban detached dwelling of this size. As discussed, there is evidence of consistent on-street car parking within the vicinity of this existing facility as there is evidence of consistent on-street car parking on the opposite side of the access road serving Glandore House. Further, the access road changes direction near the proposed new entrance. In this regard its direction changes to a south westerly direction. These are factors that in my view also would impact traffic flow in the vicinity of this entrance on site and in the vicinity of it in the public domain as well as add to the concerns for potential conflicts to arise for road users, including vulnerable road users.

7.3.59. Additionally, two-way flow for vehicles parked in the spaces to the immediate east of Glandore House's main elevation is to be expected from the design and layout provided. It is at this location that the design proposes to accommodate the main car parking space provision, i.e., 6 no. spaces consisting of drop off spaces and accessible parking spaces. In addition, along the eastern boundary of the site an area of bicycle space parking is also proposed.

7.3.60. The area to the front of the main façade of Glandore House would be served by a restricted in width driveway of circa 5.7m to where it widens towards its northern end in the vicinity of the single storey annex to circa 8m. In addition, the depth of this area which I note has an angled north south orientation is circa 17m and there is only a

setback of c3.5m at its deepest point from the proposed widened existing entrance. This setback from the entrance to where the car parking provision is positioned.

- 7.3.61. Given this highly constrained arrangement there is in my view further potential for conflict to arise from traffic movements entering and exiting the site. With this in turn giving rise to potential for conflicts and congestion to arise between road users in the vicinity of the entrance.
- 7.3.62. I do not consider that the additional report titled an 'Independent Stage 1: Road Safety/Quality Audit' which found no problems with the proposed layout has sufficient detail in it when taken together with the other documentation provided by the applicant to allay the concerns highlighted above.
- 7.3.63. While I acknowledge that the quantum of bicycle spaces proposed to serve the proposed development is consistent with the Planning Authority's document titled 'Standards for Cycle Parking and Associated Cycling Facilities for New Developments', dated 2018. With this conclusion based on Table 4.2 of the said document which sets out bicycle space requirement for a proposed childcare facility at one space per 10 children and 1 per 5 staff members. Given these requirements and the quantum of children and staff this facility would require a total of 26.6 bicycle spaces. The standards are set out to be a minimum provision. The proposed number of spaces marginally exceeds this provision at 28. As such the number of spaces meets the requirements of 12.4.6 of the County Development Plan which requires the quantum of bicycle spaces standards of the aforementioned document to be demonstrated.
- 7.3.64. Despite this positive I raise several concerns in relation to the acceptability of the design and layout of the cycle parking space provision proposed as part of the development sought under this application on site. The main concerns are:
- 1) The site itself is remote from cycle lanes and the access road serving Glandore Park has not been designed to cater for cycle lanes with there being an evident issue with the public domain being encroached by *ad hoc* on-street car parking which impacts on the safety of road users including vulnerable road users including cyclist the proposed design and layout of the space around the building in which the childcare facility would operate from is very restricted with no cycle track provided from the entrance to where the cycle spaces are provided.

This is a concern given that the proposed spaces are accessed from a restricted in width and depth space to the front of Glandore House's main elevation that predominantly functions as a car parking and drop off space with no dedicated continuous pathway from the bicycle spaces to either the front door and the pedestrian gate that provides access to the enclosed courtyard where a second more modest provision of bicycle spaces are proposed.

In this regard I note that the aforementioned Planning Authority document on cycle parking and associated cycling facilities for new developments for example sets out that access routes to cycle parking should be of a high standard and not sited where personal safety will be perceived as being compromised. It also sets out widths for such access routes including a more minimal standard over short distance, i.e., less than 10m of 1.2m.

However, it sets out that 2m is preferable.

Additionally, it sets out that cycle tracks should be appropriately signed.

The proposed development as designed provides no qualitative safe access within the confines of the site for access to the proposed cycle parking space provisions for children or staff.

- 2) The aforementioned Planning Authority document on cycle parking and associated cycling facilities for new developments sets out that cycle space parking should be designed for ease of use by the general public and visitors to a development. With the short stay designed to be for ease of use by the general public and visitors to a development.

Whilst the main cycle parking space is within 25m of the main entry point serving the proposed childcare facility, 19 of the spaces are to meet the minimum requirements of children.

It is therefore a concern that 6 racks of parking are proposed opposite drop off car parking spaces (Note: 6m separation distance between the two).

In addition, located immediate to the south of it is an area of hard stand that is indicated in submitted drawings as providing for car parking.

In such a confined space with the area in between also serving access to the entrance of the courtyard where an additional smaller bicycle parking space is

proposed I raise concerns in terms of the safety of children using this cycle parking provision.

As such I am not satisfied based on the information provided that the applicant has demonstrated that the largest of the three parking provisions proposed is either adequate in terms of quantity of cycle spaces it caters for or safe for its users.

- 3) In terms of the provision of the provision of long stay spaces, it is likely that this would be served from the smallest cycle parking space provision which is proposed within the modest courtyard which is also proposed to provide a secure play area for children and also a larger covered provision located to the west of the building accessible from a pedestrian sized gate that appears to be attached to the western façade of the Protected Structure.

Whilst the courtyard space is a secure location and adequate in number to meet the cycle parking requirements of staff as per local planning requirements, it is likely that the overspill of the 19 children's spaces would need to be facilitated at this or another location on site. On this point I note that there is also a proposed staff cycle parking located in proximity to the western façade of the main building.

In terms of the design and layout the staff provision to the west would require some time before landscaping and other boundary treatments would make this a secure provision. Albeit such treatments have the potential to add to the cumulative adverse impact on the special character and setting Glandore House as appreciated from its curtilage and the public domain.

Notwithstanding this concern the cycle spaces provided in the courtyard significantly reduces the only secure play area proposed to 30m².

Given the relationship of this space relative to built forms this courtyard would be heavily overshadowed throughout the year. As such the cycle provision at this location adds to the concerns over the quality of this space for its use as a secure outdoor play area for a facility that would cater for 190 children.

- 4) Section 12.4.6.1 of the County Development Plan sets out that it is a requirement that, non-residential type developments of 400m² or over, submit a Cycle Audit as part of the planning application. Given that the proposed development sought under this application would give rise to a non-residential development of 790m².

this application should be accompanied by a Cycle Audit. This application is not accompanied by such an audit.

- 5) I raise it as a concern the proximity of a covered cycle stand to the western façade of this Protected Structure. This façade is in my view after the eastern elevation the second most important elevation of this historic building and it is an elevation that is highly visible from the public domain. With its visibility added to by the fact that it sits on higher ground levels when compared to the public domain to the west and southwest of it. At its nearest point the covered stand would be c2.5m from the western façade.

In my view this would visually diminish the appreciation and legibility of this historic building in the round, including as said as viewed from the public domain.

When taken together with the provision of a gate/boundary feature that appears to be attached to this western elevation near a key ground floor elevation gable window and directly under a first-floor level balcony. Potentially giving rise to damage or loss of external built features. This adds to the concerns in relation to the potential impact the proposed development would have on this surviving highly intact Protected Structure which is highly appreciable in the round from the public domain.

- 6) I raise a concern that there are existing fixtures, i.e., satellite dishes, overhanging the cycle parking provision located alongside the eastern boundary of the site. It is unclear from the documentation provided whether there is agreement in place for these fixtures to remain in situ and if so, would they impact the number and functionality of the cycle parking proposed at this location.

7.3.65. Conclusion

Based on the above considerations, I concur with the Planning Authority's first reason for refusal that the proposed development would give rise to an undue traffic hazard and road safety issues for road users within the site and on the adjoining substandard public road that serves Glandore Park and Glandore Court residential schemes. Despite the proposed additional car parking spaces above local planning standards the constraints of the site, the design and layout for vehicle movements as well as parking, is such that the proposed development could potentially give rise to further overspill of car parking on the adjoining public road network. This in turn would give

rise to further traffic hazard, road safety and inconveniences for existing road users. Of substantive concern is the negative impact that would arise from the design, layout, nature and scale of development on the setting of Glandore House which is afforded protection by way of its designation as a Protected Structure. The proposed development would result in overdevelopment and intensification of use of this built heritage sensitive to change site by way of the visual diminishment and erosion of its setting. There is no exceptional circumstance that would justify this adverse impact. Nor would the reduction in number of children to be catered for in the proposed childcare facility as proposed by the applicant as an option for the Board to consider overcome this adverse impact. I note to the Board that the proposed change consists of changing two of the ground floor classrooms into an 'activity street' which they describe as an additional communal area for children to partake in activities outside of the classroom. With this in turn reducing the number of children by 36. I further note that this reduction in intensity in terms of car parking standards for example would only give rise to a reduction of circa half a space and in terms of cycle spaces circa 3.5 spaces under the Development Plan provisions. There are no corresponding changes to the design and layout of the car parking spaces, circulation spaces and the like. As such no qualitative built heritage outcome for the subject Protected Structure.

I consider that the proposed development should be refused on the basis of the concerns raised above in the interest of proper planning and sustainable development of the area.

7.4. Built Heritage Impact

- 7.4.1. I acknowledge that the proposed development would, if permitted and implemented, reverse the vacant state of Glandore House, a Protected Structure, and that there are a number of works proposed that would result in its refurbishment, repair through to remedial works that would contribute positively towards its future conservation in a manner that would be consistent with local through to national planning policy provisions as well as guidance.
- 7.4.2. I also acknowledge that the Planning Authority's Conservation Officer raised no substantive concerns in relation to the scope of works which includes the loss of some original built fabric to the interior and exterior of this building.

- 7.4.3. The Third-Party Observers in this appeal case raise concerns that it is only in recent years that this historic building has fallen into disrepair.
- 7.4.4. In the previous section of this assessment, I raised several concerns which in my view are of substantive merit to support a reason for refusal of the proposed development based on adverse impact that would arise to this Protected Structure and its setting from the proposed development were it to be permitted. In relation to these previously set out concerns I note that Section 12.11.2.3 of the Development Plan which deals with the matter of development within the grounds of a Protected Structure states that: *“any proposed development within the curtilage, attendant grounds, or in close proximity to a Protected Structure, has the potential to adversely affect its setting and amenity. The overall guiding principle will be an insistence on high quality in both materials, and design, which both respects and complement the Protected Structure, and its setting”*. It further sets out that: *“any development should be sensitive of the relationship between the principal residence and its adjoining lands and should not sever this”*. For the reasons already discussed above I consider that the impact of the proposed development on the grounds of this Protected Structure do not accord with the Development Plan provisions. With these being consistent with those set out under the Architectural Heritage Guidelines.
- 7.4.5. In relation to the building envelope of Glandore House itself I raise concerns that whilst chimney stack on the northern annex, for which removal is proposed, is not as visually ornate or as apparent when appreciated in the round, it is nonetheless a surviving original architectural exterior feature that provides a level of subservience and harmony to the northern annex of this historic building. A building that is in part characterised by its several tall granite chimneys of various sizes and of various intricacies. They also add interest to this Gothic Venetian style architectural style.
- 7.4.6. Together these chimneystacks also break up the steeply sloping roof structure of this building including the single storey annex that reduces in height from the main three storey height of this building. They also add balance and symmetry with the other careful balance of features that are present in this roof structure, for example the dormer window insertions.
- 7.4.7. Whilst I acknowledge that the removal of the proposed chimney stack from the annex roof structure would facilitate additional floor area below the removal of this chimney

stack it would require the patching up of a highly intact surviving slate roof structure which has the patination of age. The repair would require the introduction of new materials and even if matching materials from the same quarry that the roof slates originate from, the patch would take time to develop a similar patination.

7.4.8. Further, in terms of the roof slope it would be removed from whilst it is a subservient roof and with views of it localised, views of chimney stack are visible when appreciating this building in the round. Including as observed from the public domain.

7.4.9. The removal of this chimney stack would leave no chimney structures present in this subservient east facing roof. This would be at odds and out of balance with the overall aesthetics of this buildings original design. In my view there are other steps that could be taken to preserve this chimney *in situ* whilst still securing the same or similar additional floor area below it.

7.4.10. I therefore consider that the loss of this chimney would diminish the character of the exterior of Glandore House which has survived to the present day largely intact and legible. This is the context where the roof structure of Glandore House is one of its distinctive architectural features that significantly contributes to this buildings special interest and character.

7.4.11. I note to the Board that Section 9.2.5 and 9.2.7 of the Architectural Heritage Guidelines advise that: “*roofs of structural interest should generally not be altered*” and “*that they should retain their original form and profile and not be radically altered*”.

7.4.12. Similarly, I raise concern in relation to the removal of a key fireplace and associated original built fabric from one of the surviving reception rooms of this historic building.

7.4.13. I consider that whilst this would facilitate larger and more flexible circulation space it would be a loss of a key internal feature from this Protected Structure.

7.4.14. In this regard I note that Section 11.4.8 of the Architectural Heritage Guidelines state that: “*the removal of fireplaces that are important to the character and special interest of the interior of a protected structure should not be permitted, even when the chimney has become redundant*”.

7.4.15. I also note that Section 12.11.2.1 of the Development Plan sets out that: “*original features of architectural and historic interest will be retained*” and that: “*alterations and interventions to Protected Structures shall be executed to the highest conservation*”.

standards and shall not detract from their significance or value. Interventions should be kept to a minimum”.

- 7.4.16. I raise no substantive concerns in relation to the other internal and external interventions to Glandore House subject to standard safeguards in the event of a grant of permission.
- 7.4.17. Additionally, as already noted in my assessment above I also question the appropriateness of the boundary treatments proposed. In particular those internally within the site and that are either attached or near the main elevation of Glandore House obscuring the appreciation of this property and potentially giving rise to the loss of surviving built fabric and/or damage to surviving built fabric. Further on this matter I consider that the design as put forward in this application has failed to have regard to minimising the visual impact of external fittings as advocated under Section 12.11.2.1 of the Development Plan. Nor has the applicant demonstrated that any external fittings to the Protected Structure are unavoidable.
- 7.4.18. My final comment relates to the proposed single storey additions, I consider that in the context of Glandore House, the main new building layer would be positioned in the least visible location and at a point where it has capacity to be subservient to the main building. There is a separation between it and the main building, albeit limited in distance, with connectivity provided by a modest in height, width and depth mainly glazed link. The loss of original built fabric would be minimised in this regard and the use of a building design reflective of its time means that this single storey addition would be legible as a new building layer. Further the single storey design with the modest angular height at circa 3.6m; its coherent long rectangular built form through to its circa 108m² footprint would where visible against the historic building itself be a highly subservient built form.
- 7.4.19. In relation to the contemporary porch addition opening onto the courtyard area I consider that this would be a light weight of its time addition that would only be visible from the courtyard. As such views of this addition would be localised and like the addition to the northern side of Glandore House it would give rise to limited loss of original built fabric.
- 7.4.20. The overall approach to the new additions I consider are consistent with Section 12.11.2.1 of the Development Plan which states that: *“new work should be readily*

identifiable as such, and must respect, and have minimal impact on the architectural character and interest of the Protected Structure”; that they should: “complement, and be subsidiary to, the main structure be positioned generally to the rear elevation or less prominent elevation”; that they should: “be readily identifiable as such, and must respect, and have minimal impact on the architectural character and interest of the Protected Structure” as well as that: “new additions/extensions should respect the significance of the building/structure, through consideration of its siting, bulk, form, scale, character, colour, textures and material. Imitation/replications should generally be avoided”. I consider that the provisions set out under Section 12.11.2.1 of the Development are consistent with those set out in the Architectural Heritage Guidelines for assessing interventions to Protected Structures.

7.4.21. Conclusion

Based on the concerns I consider that the proposed development would negatively impact the special character, appearance and setting of Glandore House in a manner that would diminish its appreciation as well as the legibility of its surviving original design intent from the public domain. The proposed development would give rise to a loss of key surviving internal and external built features that cannot be reversed or justified. When taken together the loss of an appropriate visual setting I consider that the proposed development would be contrary to the protection of this Protected Structure as provided for under the County Development Plan under Policy Objective HER8, the provisions of Section 12.11.2.1 for assessing works to a Protected Structure and the guidance set out under the Architectural Conservation Heritage Guidelines. For these reasons I consider that the proposed development would be contrary to the proper planning and sustainable development of the area.

7.5. **The Surviving Monterey Pine**

- 7.5.1. The surviving Monterey Pine tree on site requires protection and I consider that whilst the proposed development puts forward a limited in quality and functionality open space an open space is proposed under the canopy of this tree. This should limit interference with the root zone of this tree; however, there are also boundary features as well as hardstand that is potentially in the location of the root zone associated with a tree of this type and maturity.

7.5.2. Conclusion: Should the Board be minded to grant permission for the proposed development I recommend that it include an appropriately worded condition to ensure that this tree is safeguarded during construction works. Such a condition would accord with Section - 9.3.1.3 Policy Objective OSR7: Trees, Woodland, and Forestry of the Development Plan.

7.6. Residential Amenity Impact

7.6.1. Third Party observers with addresses of Glandore Park and Glandore Court raise concern that the proposed development would significantly compromise their established residential amenity. I consider that the main nuisance would arise from the traffic and noise generated from the operation of the childcare facility. Further nuisances would arise during the construction phase, and it would be standard to provide appropriate conditions that address the likely impacts that would arise during this phase albeit these nuisances would be temporary in nature.

7.6.2. During operation the proposed development, if permitted, as discussed there would be an inevitable increase in traffic hazard due to the additional movements generated by the proposed development. There would also be the additional noise arising from this traffic as well as the noises arising from the general day to day operation of the childcare facility itself.

7.6.3. I accept that there would be a change in the existing noise environment for the adjoining and neighbouring parties, including the detached dwelling that occupies what was originally one of the single storey stone annex buildings. The rear amenity space of this property whose private amenity space includes an area that would immediately adjoin the courtyard where the outdoor secure play area is proposed.

7.6.4. In addition, for this property the proximity of the entrance serving it and the modified entrance serving the proposed creche would in my view give rise to a potential for additional conflicts between its more modest volume of vehicle movements with the vehicle movements generated during the operational hours of a creche of the nature, scale and type proposed.

7.6.5. Additionally, I consider that the private amenity space to the rear of No. 1 St. John's Park would also be near the secure play area, but it would benefit from noise attenuation from the arrangement of the courtyard and the single storey annex that is situated between them.

- 7.6.6. I consider that the noises arising from childcare facilities are not to be unexpected in an urban location like this where such uses support sustainable urban communities and their residential population.
- 7.6.7. Notwithstanding, should the Board be minded to grant permission I recommend that it consider the inclusion of conditions that would provide protection for the established amenities of properties in the vicinity of the site. In this regard conditions for the construction phase would be appropriate to manage the various nuisances arising during this phase through to conditions applicable to the operation of the childcare facility including hours of operation, the number of childcare places, the provision of appropriate noise related restrictions including prohibiting outdoor music through to restricting any overspill of outdoor lighting.
- 7.6.8. Conclusion: Subject to these conditions the nuisances arising during construction and operational phases should not give rise to any undue diminishment of residential amenities in the neighbouring properties. Though such conditions are unlikely to overcome the significant change in context in terms of residential amenity impact for residential properties adjoining the site. In this regard, I raise it as concern that the design, the nature and scale of the development sought, has the potential to diminish the amenity of these properties by way of noise nuisance and for the adjoining property to the north potential to restrict safe access onto and from the public network. Notwithstanding, the Board may consider that a revised site layout and repositioning of the secure outdoor play area, which is as discussed is not a qualitative provision of secure outdoor play area for a childcare facility of this size, to a less sensitive location on site may be appropriate in this situation. This in turn would require the design and layout of the curtilage of Glandore House to be reconsidered.

7.7. Other Matters Arising

- 7.7.1. **Disabled Parking:** I note to the Board that Section 12.4.5.3 of the County Development Plan requires a provision of 4% of the car parking spaces of such a development to be suitable for use by disabled persons and that these spaces should be clearly marked and suitable for such use. The proposed car parking provision does not demonstrate this provision. Should the Board be minded to grant permission a condition requiring this provision should be imposed with the details subject to the prior

agreement with the Planning Authority prior to the commencement of any development on site.

- 7.7.2. **Section 48 Contributions:** I note to the Board that Section 48 financial contribution is applicable for the floor area associated with the proposed addition.
- 7.7.3. **Signage:** Should the Board be minded to grant permission I recommend that any signage be subject to written agreement with the Planning Authority given that signage erected on the building itself could damage this building's exterior façade and the curtilage of this sensitive to change Protected Structure. In addition, the erection of inappropriate signage, including multiple different signs including any associated lighting, could also not only give rise to unnecessary visual clutter within the visual setting of this Protected Structure but also has the potential to be visually and residentially diminishing to the amenities of its streetscape scene.
- 7.7.4. **Specialist/Expert Oversight:** Should the Board be minded to grant permission I recommend that appropriate conditions be included that requires all works to the Protected Structure to be overseen by an accredited suitably qualified accredited architect with the details of the same to be agreed in writing with the Planning Authority prior to the commencement of any works on site. In addition, a condition requiring the mitigation measures recommended in the Arboricultural Report document be adhered to and a bond placed on the Monterey Pine tree as an additional safeguard to ensure that this tree is protected during construction works be included.
- 7.7.5. **Landscaping:** Should the Board be minded to grant permission for the proposed development a revised more robust and qualitative landscaping scheme in the context of the significant scope of change that is proposed for this Protected Structures remaining, the very constrained site curtilage and the use of most of this curtilage for hardstand as well as other built insertions that would benefit from softening by way of landscape screening and buffering.
- 7.7.6. **Roadside and Entrance Treatments:** The existing roadside boundary and entrance are poor quality and appear to date to c1970s. The amendments to the roadside boundary including the existing entrance through to the proposed new entrance appear to seek to replicate and respond to these poor-quality later additions as opposed to providing more appropriate roadside and entrance treatments that would harmonise as well as respect the visual character, materials, and attributes of

Glandore House including ancillary built structures. Accordingly, should the Board be minded to grant permission I consider it appropriate that revised roadside entrance boundary treatments be sought.

7.7.7. **New Boundary Treatments within the Site and Bounding the Site:** Various additional boundary treatments are proposed under this application. With these including poor quality materials that together with their heights and positioning relative to Glandore House would negatively impact on its special character, appearance, and legibility from the public domain. Therefore, should the Board be minded to grant permission a condition requiring qualitative boundary treatments should be sought in the interest of safeguarding this Protected Structure from inappropriate works.

7.7.8. **Fixtures and Fittings:** Having regard to the documentation submitted with this application it would appear that a number of fixtures and fittings are likely to be attached to the exterior of Glandore House. The provision of such fixtures and fittings in my view require clarification and whether they are necessary given that they have the potential to damage the envelope of this building which includes cut stone granite stone work. This building outside of its subservient single storey stone annex and courtyard enclosure was designed to sit with space between it and other built structures and as such it survives to the current day as a building that can be appreciated for the most part in the round from the public domain. This is particularly the case with its main elevations, i.e., east, south, and west. The necessity and justification to attach ancillary fixtures and fittings in my view not only has the potential to diminish the surviving exterior built envelope which is highly intact but also compromise and diminish the appreciation of this Protected Structure in its setting.

7.7.9. **Lighting:**

Should the Board be minded to grant permission a condition requiring a final lighting scheme to be agreed in writing with the Planning Authority should be included based on protecting the special character and appearance of the Protected Structure but also the visual and residential amenities of its setting.

7.7.10. **Fire:** Matters relating to Fire Safety, are subject to other regulatory controls and legislative provisions and therefore are not pertinent to the consideration of the subject appeal. I note that Section 12.11.2.1 states that: *“the special interest of the structure is not compromised when meeting the requirements of Building Regulations. Those*

that are particularly relevant to works in relation to historic buildings are Part B 'Fire Safety' and Part M 'Access and Use'. Applications for works to meet the requirements of the Building Regulations shall be guided by the principles of minimum intervention to the historic fabric". There is a potential that works associated with compliance with other codes could give rise to interventions and/or structures to this Protected Structure that are of a nature that necessitate examination by way of a separate planning application. In the absence of the level of intervention this is not a matter that I assess in the context of this appeal case.

- 7.7.11. **Precedence:** I do not share the view of the Observers that there is a similar precedent for the proposed development sought under this application and I consider it is appropriate that the proposed development is assessed on its individual merits against current local through to relevant national planning policy provisions and guidance.

8.0 **Appropriate Assessment**

- 8.1. Having regard to the nature and scale of the proposed development in a fully serviced built-up urban area, no appropriate assessment issues arise, and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

9.0 **Recommendation**

- 9.1. I recommend that permission be **refused** for the reasons and considerations set out below.

10.0 **Reasons and Considerations**

1. It is considered that the proposed development would result in the endangerment of public safety, due to the proposed scale and resultant intensification of use of the proposed development at Glandore House, a Protected Structure (Note: RPS No. 1168), by reason of traffic hazard or obstruction of road users or otherwise. The proposed development would also

give rise to a level of car parking that exceeds the parking standards permissible for this type of development with no exceptional circumstances for doing so. For this reason it is considered that the proposed development would contravene Section 12.4.5.2 of the Dún Laoghaire-Rathdown County Development Plan, 2022-2028. The development proposed would, therefore, be contrary to the provisions of the Development Plan and to the proper planning and sustainable development of the area.

2. Having regard to the Protected Structure status of Glandore House (Note: RPS No. 1168), it is considered that the proposed works would, by virtue of their extent, nature, level of cumulative intervention to the interior, exterior and setting of Glandore House would result in a detrimental and irreversible impact on the essential qualities of this structure, thereby materially affecting its character.

Of particular concern in this regard is the design and layout of the vehicular access, car parking areas through to extensive hardstand proposed around the key facades of this building and significantly reducing the already constrained site in which this Protected Structure sits.

In addition, the proposed development by reason of works to the exterior and interior of this structure, would result in the loss of original fixtures and features, including a chimney stack, fireplace and terrace together with the overall cumulative impact of the works proposed to this surviving historic building and its remaining curtilage would have a serious and detrimental impact on its character, the legibility of the original design intent and its surviving authenticity in a manner that would be contrary to best conservation philosophy and practice as provided for under Policy Objective HER8 of the Dún Laoghaire-Rathdown County Development Plan, 2022-2028, and the 'Architectural Heritage Protection Guidelines for Planning Authorities', 2011.

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.

Patricia-Marie Young
Planning Inspector

14th day of December, 2023

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-314633-22		
Proposed Development Summary	Proposed development will comprise a change of use, renovation, and internal reordering of Glandore House (a Protected Structure) to provide a creche and all associated and ancillary site		
Development Address	Site of c. 0.18 hectares at Glandore House, a Protected Structure, Glandore Park, Dun Laoghaire, Co. Dublin.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>	Yes	√	
	No	No further action required.	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	√		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
	Threshold	Comment (if relevant)	Conclusion
No		Is not a development of a class specified in Part 2, Schedule 5, of PDR, 2001, as amended for which EIA is required.	No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	√	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____