



An
Bord
Pleanála

Inspector's Report

ABP-316170-23

Development	Increase the numbers from 18 to 25 at an existing pre-school and the removal of condition number 2 of planning permission T.P 04/28002 and all associated site works.
Location	4 Marrick, Halcon Drive, Silversprings, Cork City.
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2241577
Applicant(s)	Rosaleen Cotter
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First / Third Party
Appellant(s)	Silvercourt Residents
Observer(s)	None
Date of Site Inspection	12/12/2023
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1.1. The subject site is located in the north Cork City suburb of Silversprings. The subject site is located at the junction of Silversprings Court and Halcon Drive, to the east of the North Ring Road.
- 1.1.2. Currently on the stand-alone site is a detached dwelling that has been extended at ground level to the rear. The building currently operates as a creche / pre-school facility, with a residential component on the first floor. A laneway to the east of the site provides access to no.s 1,2 and 3 Halcon Drive. To the west of the site is a large green / open space. The surrounding area is detached and semi-detached dwellings.

2.0 Proposed Development

- 2.1.1. On the 22nd November 2022, planning permission was sought for an increase in numbers attending an existing creche / pre-school from 18 no. to 25 no. and the removal of condition no. 2 of the previous planning permission 04/28002 which required the applicant to live on the premises at all times.
- 2.1.2. A letter submitted with the application states that the applicant wishes to increase the number of children to 26, although the public notices refer to 25.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 8th March 2023, the Planning Authority issued a notification of their intention to GRANT permission subject to 6 no. conditions. Conditions of note includes:
 - 2: Terms and conditions of two previous permissions apply save where amended
 - 3: Upper floor to continue in residential use
 - 4: No. of children shall not exceed 24.
 - 5: Parking systems to remain as stated by applicant.

3.2. Planning Authority Reports

- 3.2.1. **Environment Report:** No objection subject to 4 no. standard conditions.
- 3.2.2. **Traffic: Regulation & Safety Report:** Further Information required on increase in traffic, parking provision, drop-off and collection details.

3.2.3. **Planning Report:** Existing use is in accordance with zoning objective. Regarding request to amend condition no. 4(a), section 11.167 of development plan requires a residential component in the building, preferably a member of staff. Not clear if upper floor is to remain in residential use. Access to upper floor is through front courtyard, safety of children must be addressed. Increase in childcare numbers welcomed. Notes Traffic Department. Further Information request and agrees.

3.3. **Prescribed Bodies**

3.3.1. Uisce Eireann: No objection

3.4. **Third Party Observations**

3.4.1. Objections to the proposed development raised the issue of traffic hazard, the lack of information on the occupant in the flat and boundary issues.

4.0 **Further Information**

4.1.1. On the 25th Jan 2023, the applicant was requested to address the intended use of the upper floor and details of the means to address increase in parking.

4.1.2. On the 9th February 2023, the applicant responded to the Planning Authority, stating the following:

- Upper floor use will remain as residential with existing access points,
- Many of the children attending the pre-school live in the area and walk to the facility. Regarding parking, systems are in place to ensure only one collection / drop off occurs at a time and that these times are minimised.
- the increase in numbers is required to comply with HSE requirements and to keep the business commercially viable.

4.2. **Reports on File following submission of Further Information**

4.2.1. **Traffic:** No objection subject to conditions.

4.2.2. **Planning Report:** Responses to Further Information request are acceptable. Recommendation to grant permission.

5.0 Planning History

5.1.1. **PL28.120530**: Planning Authority reg. ref. 00/24289: Permission granted for a change of use to a pre-school. Conditions:

1. The use of the dwelling for pre-school activities shall cease on the expiration of a period of five years from the date of this order unless, prior to the end of that period, permission shall have been granted for a further period.

Reason: To enable the effect of the use on the amenities of the area to be reviewed having regard to the conditions then pertaining.

2. The pre-school facility shall operate within the premises between 0800 hours and 1800 hours, Monday to Friday inclusive only, and the number of children shall be limited to not more than 12.

Reason: In the interest of residential amenity and to clarify the extent of the permission.

3. The applicant shall reside in the house at all times and if this is not the case, the use shall cease and the dwelling shall revert to complete residential use.

Reason: In the interest of residential amenity and to clarify the extent of the permission

5.1.2. Planning Authority reg. ref, **04/28002**: Permission granted for (a)Single storey side and rear extension to existing creche, including conversion of garage to creche (b) Provision of side entrance to overhead first floor accommodation (c) raise existing first floor landing window (d) increase height of side and rear boundary wall to 2.0m. Condition no. 2 requires that the applicant reside on the premises at all times and where this use ceases, the use of the premises as a childcare facility shall cease.

Condition no. 4(a) limits the number of children to 18 no.

6.0 Policy Context

6.1. Cork City Development Plan 2022-2028

6.1.1. The subject site is zoned ZO 1 Sustainable Residential Neighbourhoods, with the stated objective to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.

6.1.2. Creche use is listed as a primary use.

- 6.1.3. **Objective 3.21:** To support the provision and expansion of high-quality childcare facilities throughout the city. The Council will: a. Require purpose built childcare facilities as part of proposals for new residential developments of more than 75 dwelling units. However, where it can be clearly established that existing facilities are sufficient, alternative arrangements will be considered; b. Consult with the Cork City Childcare Company and the HSE on planning applications where childcare facilities are proposed; c. Require employers with more than 500 members of staff to provide childcare facilities as part of planning applications for significant new and extended development.
- 6.1.4. **Section 11.167** Within existing residential areas, detached or substantial semi-detached properties are the 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. Applications for childcare facilities in existing residential areas will be treated on their merits, having regard to impacts on amenities of adjoining properties and the surrounding area.

6.2. **Natural Heritage Designations**

- 6.2.1. The subject site is 1.9km west of the Cork Harbour SPA (004030).

6.3. **EIA**

- 6.3.1. Having regard to nature and scale of the development and the location of the site, in a serviced built-up urban area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

- 7.1.1. The residents of Silvercourt have appealed the decision of the Planning Authority to grant permission. The grounds of the appeal can be summarised as follows:
- Deeply aggrieved by the decision of the Planning Authority

- Business has no parking facilities for staff or customers. Parking is at a busy junction on a public road with major traffic hazard for residents and road users.
- The business has customers from the wider catchment area, and a high percentage of car users.
- The appellant asks if a site inspection was undertaken and was a report made on the traffic hazard arising from the increased on-street parking and obstruction to road users.
- Cork City Council are requested to verify original boundary lines.

7.1.2. Issues raised in the initial objection which the Board are requested to consider can be summarised as follows:

- The existing business causes daily kerbside parking, leading to congestion at an extremely busy junction,
- Dangerous obstruction to egress and parking,
- Entrance to the park is being used as a roundabout for drop-off
- Residents drives are being used as 'turning-bays',
- The site being fully commercial was not the intended purpose,
- Unclear if applicant has already vacated the premises,
- Boundary lines should be verified.

7.2. Applicant Response

7.2.1. An agent for the applicant responded to the third-party appeal. The submission provides detail on the subject site, the nature of the proposed development, the Planning Authority assessment and decision, the planning history of the site, planning policy, and the grounds of the third-party appeal. The response to those grounds can be summarised as follows:

- The applicant welcomes the decision of the Planning Authority to grant permission.

- The long-established creche provides an important local service to the surrounding residential area. Cork City Childcare Committee (2023) encourages an increase in capacity to ensure sustainability of services.
- The proposed development accords with national, regional and local planning policy. The increase in capacity will ensure the viability of the service. The use of the upper floor for residential use, outside of creche staff will provide housing in a highly sustainable location.
- There is an urgent need for childcare spaces in Cork City. A letter from Cork City Childcare and a Childcare Needs Assessment in support of the application is submitted with the response. The CNA finds that of the 28 no. childcare services in north Cork City, only 6 no. cater for full-day care services, with availability.
- Contrary to the appellants assertion the proposed development will not give rise to increased traffic hazard. The proposed increase of 7 no. spaces is insignificant.
- The current drop-off and pick-up system ensures there is no congregation of vehicles near the creche. This system will remain in place. This was acknowledged by the Traffic Department of the City Council and was included as condition no. 1 of the Planning Authority decision.
- The increase in spaces may be filled by those who walk, cycle or use public transport to the creche. Active travel measures being made by the City Council will also benefit existing clients.
- A site visit was carried out by the City Council on the 23rd January 2023. The potential for traffic hazard was fully assessed.
- The application was accepted as valid by the City Council and is in accordance with section 5.13 of the Development Management Guidelines.
- The Board is requested to grant permission.

7.3. Planning Authority Response

None on file.

8.0 Assessment

8.1.1. I have examined the file and the planning history, considered all policies and guidance, the submissions of all parties and inspected the site.

8.1.2. I have examined the file, considered all policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Occupancy of Upper Floor
- Increase in Numbers
- Appropriate Assessment

8.2. Occupancy of Upper Floor

8.2.1. Condition no. 2 of Planning Authority reg, ref. 04/28002 states:

“The applicant shall reside on the premises at all times. In the event of the applicant ceasing to reside on the premises, the use of the premises as a childcare facility shall cease and shall revert to use as part of the original dwelling”. The reason for attaching the condition is given as “In the interests of proper planning and development of the area.”

8.2.2. The applicant seeks to remove the restriction on the occupier of the upper floor, stating that the apartment no longer meets her accommodation needs. I note section 11.167 of the 2022 Cork City development plan which states that “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”. The upper floor of the creche has been occupied by the operator of the facility for many years. The release of the upper floor into the rental market to provide housing for someone other than a staff member of the existing facility, is acceptable and in keeping with section 11.167 of the development plan.

8.3. Increase in Numbers

8.3.1. The applicant has sought permission to increase the number of children attending the facility from 18 no. as permitted by condition no. 4(a) of the 2004 planning permission, to 25 no.

- 8.3.2. The appellant has appealed the decision of the Planning Authority to increase the number of childcare spaces to 24 no. -condition no. 4 of the Managers Order. It is not clear why the Planning Authority condition refers to 24 no., rather than the applied for 25 no. spaces applied for. It is not germane, however.
- 8.3.3. The appellants state that the development should be refused permission on the grounds of the impact such an increase would cause to the existing traffic situation.
- 8.3.4. I note the system in place for staggered and nominated-time collection and drop-offs and that the system will remain in place for the increased number. I note that the Traffic Department raise no objection to the system and consider that it will not cause a traffic hazard. I agree. I consider an increase of 7 no. spaces to be acceptable and one that will not generate a level of traffic such that a traffic hazard will arise. As noted by the applicant, it is not a given that all new childcare spaces will be filled by those who arrive by private car.
- 8.3.5. I am satisfied that the proposed increase in childcare spaces from 18 no. to 25 no. is acceptable, is in accordance with the zoning objective for the area and is in accordance with the childcare policies and objectives of the Cork City Development Plan 2022-2028.

8.4. Appropriate Assessment

- 8.4.1. Having regard to the nature and scale of the proposed development to be retained 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

- 9.1.1. I recommend permission be GRANTED for the following reasons and considerations and subject to the following conditions:

10.0 Reasons and Considerations

- 10.1.1. Having regard to the zoning for the site of the proposed development, the planning history of the site and existing development, the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of

property in the vicinity, would be acceptable in terms of traffic and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 09th day of February 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity</p>
2.	<p>The number of children to be accommodated within the premises shall not exceed 25 no. at any time on any day.</p> <p>Reason: To limit the development in the interest of residential amenity.</p>

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.

Gillian Kane
Senior Planning Inspector

18 January 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference			
Proposed Development Summary	Increase in numbers of pre-school		
Development Address	Marrick, Halcon Drive, Silversprings, Cork		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		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		n/a	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		N/A	No EIAR or Preliminary Examination required
Yes		n/a	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	n/a	Preliminary Examination required
Yes	n/a	Screening Determination required

Inspector: _____

Date: 18 January 2024