



An
Bord
Pleanála

Inspector's Report ABP317010-23

Development	Change of use of vacant crèche facility to a 5-bedroom 3-storey house
Location	20 Bracken Park Drive, Bracken Park, Carpenterstown Road, Castleknock, Dublin 15
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW23A/0027
Applicant(s)	Cosgrave Developments Unlimited Company
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party v Decision
Appellant(s)	Cosgrave Developments Unlimited
Observer(s)	None
Date of Site Inspection	30 th August 2023
Inspector	Brendan McGrath

1.0 Site Location and Description

The site is located in an outer suburb of west Dublin and is part of a new residential scheme built around the winding cul-de-sac of Bracken Park Drive. Blanchardstown has developed as a low density suburb with a relatively impermeable pattern of development. Even the Bracken Park scheme, which includes apartment blocks, has a higher net density than neighbouring areas has a density of only 31 units per hectare (148/47.6). The site consists of a brick-faced, 3-storey, semi-detached unit. The unit is the last in a line of 3- storey buildings, all of which are in residential use. The buildings face the Drive road, a linear green area and a 4-storey apartment block. A parking area reserved for the crèche is part of the site and located on the other side of the Drive.

2.0 Proposed Development

The proposal is to change the use of the vacant unit from crèche to a 5-bedroom house. The unit has a total area of about 218m² over 3 floors. The site is one half of the unit which had been reserved as a crèche facility.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for one reason with the following elements:-

- Permission had previously been granted for 148 residential units and one crèche in accordance with the 2001 guidance 'Childcare Facilities: Guidelines for Planning Authorities' requiring the provision of a crèche in any residential scheme with more than 75 units,
- The proposal would contravene the guidance, materially contravene an objective (C1OSO28) of the Fingal Development Plan 2023-2029 concerning childcare facilities in new developments, and
- The proposal would set an inappropriate precedent.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report is the basis of the council decision. The recommendation of the planning officer derives from the following principal considerations:- the childcare facilities guidelines, development management history, a childcare facility audit carried out by the applicant's agent and Fingal County Council policy and experience

- Guidelines The Section 28 guidelines sets an indicative standard of 1 childcare facility per 75 dwellings in new housing areas,
- Development Management history The proposal site is half of the crèche building originally granted permission. The other half is now a 5-bedroom house There is a history of proposals to reduce the level of provision
- Childcare facility audit carried out by the applicant's agent. The planner considers the audit of local childcare facilities is flawed.
- Council policy and experience The Fingal Childcare Committee is concerned about a lack of childcare facilities in the administrative area, especially childcare for infants.

With regard to EIA screening the planning officer concluded that the need for an EIAR could be excluded at preliminary examination

With regard to Appropriate Assessment the planning officer concluded that there was not a likelihood of significant effects on any European site

3.2.2. Transportation Planning Section

The section has no objection to the proposal

4.0 Planning History

F06A/1109 PL06F.221463 Permission granted for a residential development with crèche.

FW15A/0170 Permission refused for change of use of crèche unit to 2, 5-bedroom dwellings.

FW17A/0174 ABP-300607-18 Permission refused for change of use of crèche unit to 2, 5-bedroom dwellings.

FW18A/0190 ABP 304006-19. In 2019 permission refused for change of use of crèche unit to 2, 5-bedroom dwellings. The Board's reason for refusal concluded as follows:- *It is considered that the proposed development would result in an absence of a planned crèche facility to serve the new residential development and would result in a poorly integrated new residential community, which would not be supported by local or national policy. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.'*

FW21A/0095 Permission granted for change of use of half of the vacant crèche unit to a 5-bedroom dwelling.

5.0 Policy and Context

5.1. Development Plan

The relevant plan is the Fingal Development Plan 2023-2029. The site is zoned RS with the objective to *'provide for residential development and protect and improve residential amenity'*. The plan contains a number of policies and objectives in respect of childcare facilities, including Objective C10SO28 – Childcare Facilities and New Development which states:-

'Require the provision of appropriate childcare facilities as an essential part of new residential and mixed-use developments in accordance with the provisions of the Childcare Facilities Guidelines for Planning Authorities 2001.....'

5.2. National Policy

Childcare Facilities- Guidelines for Planning Authorities, June 2001

This provides the relevant national policy reference for development such as that proposed. The Guidelines advocate a more proactive role by Planning Authorities in the promotion of increased childcare provision, whilst protecting amenities. Section 2.4 provides that for new housing areas, an average of one childcare facility for each 75 dwellings would be appropriate.

Sustainable Residential Development in Urban Areas (Cities, towns and villages), 2009

Endorses the 2001 guidance but in section 4.5 states that levels of provision should have regard to local geography in consultation with city/county childcare committees and that *'the location of childcare facilities should be easily accessible by parents.....'*

In the case of Fingal, the planning officer's report makes reference to a recent meeting with the Fingal Childcare Committee, in which there was *'significant concern over the lack of childcare facilities within the administrative area of Fingal with a specific emphasis on childcare for infants.'*

5.3. Natural Heritage Designations

None relevant

5.4. EIA Screening

Having regard to the nature and modest scale of the proposed development, its location in a built-up urban area and the likely emissions therefrom it is possible to conclude that the proposed development is not likely to give rise to significant

environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal is lodged on behalf of the applicant. The main grounds of appeal are:-

- A childcare facility is not commercially viable,
- The layout does not meet the requirements of modern childcare operators,
- The proposal would bring a vacant building into use,
- The proposal would provide an additional house at a time of a serious shortage of housing supply,
- The proposal meets all the residential standards
- A childcare assessment (carried out on behalf of the applicant), which is part of the application finds that existing and proposed childcare facilities can meet the local demand,
- The area is already served by childcare facilities which are at capacity yet there is no demand for a facility at Bracken Park,
- The appeal includes a petition with 39 signatures of Bracken Park residents requesting the Board to overturn the refusal of permission.

6.2. Planning Authority Response

The council has no further comment, other than to request the Board to uphold its decision to refuse permission but to apply a financial contribution condition in the event of a grant.

6.3. Observations

There are no observations.

7.0 Assessment

- 7.1. Having visited the site and examined all the application and appeal documentation and having regard to relevant local and national policy and guidance, I consider that the issues that have to be addressed are the
- Appropriateness of the appeal, and
 - The principle of the proposed change of use from childcare facility.
- Appropriate Assessment also has to be addressed. No other substantive issues arise.

- 7.2. The appropriateness of the appeal

A childcare unit is an integral part of the development that was originally granted permission and of the subsequent grants of permission for revised layouts. These grants would not have been forthcoming without the inclusion of at least one childcare facility, described by the relevant objective of the Fingal Development Plan as an 'essential part of new residential and mixed use developments.' Comparable applications for change of use have been appealed to the Board and refused permission (ABP-300607-18 and ABP304006-19). It remains the case that a childcare facility is not a discretionary use in a large residential development scheme.

- 7.3. The principle of the proposed change of use from childcare facility

An indicative standard of one childcare facility per 75 dwellings is a broad rule of thumb which helps to achieve a reasonable level of physical accessibility to an essential service in new suburban areas. The appellant challenges the need for the standard to be applied at Bracken Park because, it is argued, there is already an adequate level of provision. The map in the appeal submission (fig 3) shows 27 TUSLA registered childcare facilities within 1.5km of the subject site. The text refers to a table listing the 27 facilities. This table is missing from the appeal submission but it is nevertheless possible to deduce the listed facilities from Google Maps. By my estimation, only one of those facilities (the Mulberry Montessori) is within a convenient walking distance (<500m) of the subject site and of the houses and apartments in Bracken Park. Of the three closest facilities

(as the crow flies) on the map, the facility in Park Drive, Castleknock (Park Drive Nursery, labelled 1 on the map), is more than a 3km walk/drive from Bracken Park with no public transport option. The existing provision of childcare facilities in the vicinity of Bracken Park therefore illustrates, at the present time, a sub-optimum pattern of residential development that is overly reliant on the private car for access to essential services and facilities.

7.4. Other matters raised by the appellant

In the relevant planning policy context I consider that several lines of appeal advanced have limited or negligible relevance, i.e. that the childcare facility is not commercially viable, that the building layout does not meet the requirements of modern childcare operators, the value of bringing a vacant building into use, the suitability of the building for a house and the benefit of an additional house at a time of serious housing shortage.

7.5. Appropriate Assessment Screening

Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom/to the absence of emissions therefrom, the nature of receiving environment as a built up urban area and the distance from any European site/the absence of a pathway between the application site and any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an EIA at an initial stage.

8.0 Recommendation

I recommend that permission is refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

Permission was previously granted on lands, containing the appeal site, for 148 number residential units and a crèche facility. The crèche facility was to be provided as part of the social infrastructure on the basis of the residential scheme including more than the 75-dwelling threshold, as set out under the

provisions of the Childcare Facilities, Guidelines for Planning Authorities, June, 2001. The development of the crèche facility is supported by Objective CIOS028 in the current Fingal Development Plan and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (May, 2009). It is considered that the proposed development would result in an absence of a planned crèche facility to serve the new residential development and would result in a poorly-integrated new residential community, which would not be supported by local or national policy. The proposed development would also set an undesirable precedent. The proposed development would, therefore, be contrary to the proper planning and sustainable development for the area

Brendan McGrath
Planning Inspector

28th September 2023