



An
Bord
Pleanála

Inspector's Report

ABP-318337-23

Development	Construction of a creche/childcare facility over 2 floors, new signage, bin storage, play area to rear, parking area/drop off zone to front and associated site works.
Location	Callenders Mill, Celbridge, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	23347
Applicant(s)	Aidan Henry
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Daniel Kane
Observer(s)	None
Date of Site Inspection	6 th March 2023
Inspector	Emma Nevin

1.0 Site Location and Description

The appeal site, which has a stated area of 0.0352 hectares, is located within the residential area of Callender Mills approximately 1km to the south of Celbridge town centre. The appeal site is currently indistinguishable from an open space area serving the housing development and is located at the junction of distributor road serving dwellings with the main access road through the wider housing development at this location.

2.0 Proposed Development

- 2.1. The development comprises the construction of a two storey creche/childcare building, with a proposed floor area of 254 sq. m.

New signage is proposed to the external elevation of the building.

A children's play area is proposed to the rear of the building with parking area/drop off zone to the front.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority granted permission following significant further information request, and clarification of further information request on 8th June 2023, subject to 17 conditions, which included the following:

- Condition 2 relates to the use of the facility.
- Condition 3 relates to hours of operation.
- Condition 4 relates to the number of children attending the facility.
- Condition 7 requested a charge point for Electric Vehicle to be provided.
- Condition 9 related to water/wastewater.

3.2. Planning Authority Reports

3.2.1. Planning Reports dated 23rd May 2023, 21st August 2023, and 2nd October 2023 have been provided.

3.2.2. The original planning report considered it necessary to seek further information on the following items:

- The applicant was requested to submit revised proposals for a simplified design and external finished more in keeping with the surrounding area. If a contemporary design was proposed, high quality design was required.
- The applicant was requested to submit revised details to demonstrate full compliance with the requirements for childcare facilities as set out in the Kildare County Development Plan 2023 – 2029 and in Appendix 1 of the Childcare Facilities Guidelines for Planning Authorities, 2001.
- To clarify the drop off and collection times for children will be staggered to avoid poor parking resulting in an obstruction near the junction or interfere with sightlines.
- The applicant was requested to confirm a willingness to remove the vegetation at the junction between the side road and the main road at the front of the proposed building.
- To prepare a Mobility Management Plan.
- The applicant was requested to confirm a willingness to provide a charge point for an Electric Vehicle.
- To submit a revised site layout plan indicating staff cycling parking spaces and associated facilities in accordance with the Kildare County Development Plan.

3.2.3. Following receipt of further information, it was considered necessary to seek clarification of further information on the following:

- Item no. 2 was not adequately addressed, and the applicant was requested to submit details of the maximum number of children in each session, ages of the children to be catered for, to clarify the meaning of overnight pre-school service, no. of staff members and exact hours of operation.

3.2.4. The planners report concluded that the development was in accordance with the Kildare County Development Plan 2023-2029, subject to 17 no. conditions.

3.2.5. Other Technical Reports

Area Engineer: Report received stating no objection subject to conditions.

Transportation: Report received stating no objection subject to conditions.

Water Services: Report received stating no objection subject to conditions.

Environment Health Officer: Report received stating no objection subject to conditions.

CFO: No objection subject to Fire Certificate.

3.3. **Prescribed Bodies**

3.3.1. The Planning Authority indicated that the following prescribed bodies were consulted.

- Uisce Eireann: Report received stating no objection subject to conditions.

3.4. **Third Party Observations**

3.4.1. Thirteen third party submission was received, the issues raised can be summarised as follows:

- Invalid application.
- Inaccurate statement on site notice and in newspaper notice.
- Poor design.
- Negative impact on adjoining residential amenities due to limited separation distances from existing roadway and communal parking area.
- The application is not aligned with Chapter 15 of the Kildare County Development Plan 2023-2029, in particular Sections 15.5 and 15.5.2.
- Development does not comply with Section 15.7.2 in relation to cycle parking.
- Proposed development does not align with Childcare Facilities Guidelines for Planning Authorities.

- Concerns that the developer would change the use of the building if permission granted.
- An Bord Pleanála – the applicant was recently turned down for a change of use planning request. The Council’s decision to refuse the application to construct a commercial premises still stands.
- It is stated that the applicant bought the site in 2020 and there was permission for a single storey creche.
- Need for the development – there are already adequate creche services in the immediate area, but there is a need for housing.
- Concerns in relation to child safety.
- Concerns regarding the lack of car parking associated with the proposed development.

3.4.2. Following the submission of revised public notices and following a period of further consultation, four additional observations were received. New issues can be summarized as follows:

- Concern that the two-storey structure is out of character with the pattern of development in the area.
- The need for the proposed development has not been demonstrated, applicant previously argued that there was no need for childcare facility at this location.
- Age and no. of children has not been provided.
- It is unclear if the site is suitable in terms of services.
- No outdoor/indoor play areas shown.
- Concerns regarding local traffic conditions.
- Concerns regarding safe access.
- Concerns regarding the impact on the residential amenity of the area.
- Mobility Management Plan seems unrealistic.
- Lack of bicycle parking shown.

- A revised site notice has not been erected on site.

4.0 Planning History

ABP-311919-21/Ref. 21/828: Permission refused by the Kildare County Council on 10th August 2022 for revision of permission to create convenience store and associated site development works. The An Bord Pleanála decision to grant permission under ABP-311919-21 in this case was subject to Judicial Review. By Order of the High Court, Mr. Justice Meenan delivered Court Order on 14th March 2023 granting certiorari of the Board's decision of 10th August 2022. Accordingly, the Board's decision was quashed.

17/711: Permission granted by Kildare County Council on the 20th November 2017 for a single-storey crèche building and associated site works.

15/424: Permission refused by Kildare County Council on 15th July 2015 for a pair of semi-detached dwellings.

The reason for refusal related to design, layout and restricted nature of the site and therefore the proposed development would represent a substandard form of development in terms of open space and would negatively impact on the visual and residential amenities of both intended occupiers and adjoining properties.

14/1119: Permission refused by Kildare County Council on 25th February 2015 for a pair of semi-detached dwellings.

The reason for refusal related to design, layout, and restricted nature of the site and it was considered that the proposed development would represent a substandard form of development in terms of open space and would negatively impact on the visual and residential amenities of both intended occupiers and adjoining properties.

10/54: Permission granted by Kildare County Council on 1st October 2010, with decision to grant permission upheld by An Bord Pleanála (PL09.237849) on 31st January 2011 for a single-storey crèche building and associated site works.

04/1371: Permission granted by Kildare County Council on 4th November 2004 for a single storey retail building consisting of 2 units (total floor area c. 83.5 sq.m.) and service yard on site of c. 0.07 acre and a single storey creche (total floor area c. 139 sq. m.).

03/334: Permission granted by Kildare County Council on 28th July 2003, with decision to grant permission upheld by An Bord Pleanála (PL09.203970) on 18th December 2003 for construction of 115 dwellings and associated site works at Simmonstown, Ardclough Road, Celbridge. Condition No. 4 included for the provision a creche and local shop.

5.0 Policy Content

5.1. Celbridge Local Area Plan 2017 – 2023

- 5.1.1. The subject site is zoned B - Existing Residential/Infill under the Celbridge Local Area Plan, (which has expired), with a stated objective “To protect and enhance the amenity of established residential communities and promote sustainable intensification”.

Relevant Section and Objectives

- Section 6.3.2 Early Childcare and Education - *“Early childhood education services are primarily delivered by the private sector within Celbridge. There is a variety of private childcare facilities including full day care facilities and sessional services (e.g. pre-school, crèche, Montessori and after school facilities) with 13 no. private sessional services in operation with an additional 7 no. full day care services. The availability of good quality and accessible early childcare and education facilities is important to support the development of sustainable communities and to support economic development. Any childcare facilities, which may be required over the plan period, should be based on the capacity of existing facilities and/or the needs arising as a result of new development within the LAP area”.*
- COM1 “It is the policy of the Council to facilitate and secure the provision of social infrastructure to support existing and new communities, in a manner, which provides flexibility to respond to varied, and changing community needs”.
- COMO1.1 *“To support and facilitate improvements to existing educational, childcare and healthcare facilities within the Celbridge LAP area”.*

5.2. Kildare County Development Plan 2023 – 2029

5.2.1. Relevant Chapters and Policies

Chapter 2 Core Strategy and Settlement Strategy

- CS O7 “*Promote and facilitate the development of sustainable and socially integrated communities through, a plan-led approach that is informed by settlement capacity audits and social infrastructure audits by providing for land use zoning designations capable of accommodating employment, environmental education, community, leisure, education campuses, childcare, recreational and cultural facilities having regard to the quality of the receiving environment, and any landscape character, archaeological and architectural heritage sensitivities*”.
- CS O9 “*Review and prepare on an ongoing basis a portfolio of Local Area Plans (LAPs) for the mandatory LAP settlements (and environs, where appropriate) of Naas, Maynooth, Newbridge, Leixlip, Kildare, Athy, Celbridge, Kilcock, Monasterevin, Sallins, Clane and Kilcullen in accordance with the objectives of the County Development Plan and all relevant Section 28 Ministerial Guidelines*”.

Chapter 10 Community Infrastructure and Creative Places

- Section 10.13 Childcare Facilities – “*The provision of childcare facilities, in its various forms, is recognised as a key piece of social infrastructure required to enable people to participate more fully in society. Childcare services in Kildare are delivered primarily by the private and voluntary sectors and regulated under the Childcare Act 1991 and the Childcare Regulations 2016*”...

“*Given the extent of housing development throughout the county in recent years it is essential that the childcare infrastructure, services and supports required, are in place and easily accessible. Central to this is the provision of good quality and accessible childcare and early education facilities at community level*”.
- Policy Objective SC O7” *Support and encourage the clustering of community facilities such as community centres, with a priority towards community and youth facilities, sports and leisure facilities, schools, childcare facilities,*

facilities for older persons, and open spaces to create multi-purpose community hubs”.

- Policy Objective SC O77 *“Have regard to the criteria specified in the Childcare Facilities for Planning Authorities, DEHLG (2001), Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) and any updated policy guidance, regarding the provision of childcare and early years education facilities”.*
- Policy Objective SC O78 *“Require the provision of childcare facilities close to existing built-up areas including: - Business Parks and major employment centres - Neighbourhood and district retail centres - Large scale retail developments - The vicinity of schools and major educational facilities - Adjacent to community centres and facilities - Adjacent to public transport nodes - Convenient to new and existing residential developments”.*
- Policy Objective SC O79 *“Ensure childcare provision is delivered in new communities prior to or in tandem with phase 1 of any residential or commercial development and is fully operational prior to the occupation of any residential units within the subject site”.*
- Policy Objective SC O83 *“Ensure development proposals for childcare facilities incorporate Universal Design Guidelines for Early Learning and Care Settings”.*
- Policy Objective SC O84 *“Require childcare facilities to incorporate a flexible design approach whereby their use could be adapted for other community purposes as the profile of the area changes. Evening uses should also be considered (e.g., a youth facility or activities for older persons)”.*
- Policy Objective SC O85 *“Require proposals that include childcare facilities to liaise with key stakeholders including the Kildare County Childcare Committee and to submit written correspondence from such stakeholders with their comments regarding the development proposal”.*

Chapter 10 also includes various actions of the Council with respect to childcare services throughout the County.

Chapter 15 Development Management Standards

- Section 15.5 Social and Community Developments – *“Any application for community facilities such as childcare, schools, health, community, and leisure facilities, including open space, sports grounds, playing pitches, and other community orientated developments, shall have regard to the following:*
 - *Overall need in terms of necessity, deficiency, and opportunity to enhance or develop local or county facilities.*
 - *Practicalities of sites in terms of site location relative to uses, impact on local amenities, desirability, and accessibility.*
 - *Conformity with the requirements of appropriate legislative guidelines.*
 - *The potential multifunctional use of community facilities, including daytime and night-time usage”.*
- Section 15.5.2 Childcare Facilities – *“The Council will seek to facilitate the provision of high-quality childcare facilities in appropriate locations throughout the county and may require their provision in large residential, public community, commercial, and retail developments in accordance with the provisions of the DoEHLG ‘Childcare Facilities Guidelines for Planning Authorities’ (2001). The guidelines require 20 childcare spaces for every 75 dwelling units”.*
- *“Any application for childcare facilities shall have regard to the following: - - The need for the proposed development (consult with Kildare County - Childcare Committee).*
 - *The nature of the facility e.g., full day care, sessional care, after school care.*
 - *Number and ages of children to be catered for.*
 - *Number of staff.*
 - *Intended hours of operation,*
 - *Suitability of the site for the type and size proposed.*
 - *Adequate sleeping / rest facilities.*
 - *Adequate availability of indoor and outdoor play space.*

- *The internal layout and design, should allow, where possible, for the dual usage of the proposed facility e.g., night-time community uses.*
- *Proximity to public transport / areas of employment.*
- *Local traffic conditions.*
- *Safe access and convenient off-street parking and / or suitable drop-off and collection points for customers and staff.*
- *Signage should be minimized and designed into the scheme”.*

Section 15.7.2 Cycle Parking – Table 15.4 - creche “1 space per 5 staff + 1 space per 10 children”.

Section 15.7.8 Car Parking – Table 15.8 - creche “0.5 per staff member plus 1 per 4 children”.

5.3. National Planning Framework

5.3.1. The National Planning Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it considers would support the creation of high-quality urban places. Relevant Policy Objectives includes the following:

- National Policy Objective 31: Prioritise the alignment of targeted and planning employment growth with investment in: The provision of childcare facilities and new and refurbished schools on well-located sites within or close to built-up areas, that meet the diverse needs of local populations.

5.4. Section 28 Ministerial Guidelines

5.4.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Childcare Facilities Guidelines for Planning Authorities, 2001;

The Guidelines provide a framework to guide both local authorities in preparing development plans and assessing applications for planning permission, and developers and childcare providers in formulating development proposals. They state that Planning Authorities should encourage the development of a broad range of childcare facilities, i.e. part- time, full day-care, after-school care, etc., including those based in residential areas, in employment areas and in areas close to where users of such facilities live. The Guidelines provide detailed guidance with regard to appropriate locations for the siting of childcare facilities such as in the vicinity of schools in addition to detailing the development control considerations of proposals for same.

- Circular Letter PL 3/2016;
- Urban Design Manual, A Best Practice, 2009;
- Design Manual for Urban Roads and Streets, 2013 and,

6.0 Natural Heritage Designations

- 6.1.1. The subject site is not located within a designated European Site. The closest such site is the Rye Water Valley/Carton SAC (Site Code 001398), which is approx. 4.5km southwest of the site.

6.2. EIA Screening

- 6.2.1. I refer the Board to the completed Form 1 and Form 2 in Appendix 1. 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 of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. A third party appeal has been received. The grounds of appeal are summarised below:

- Inaccurate information in multiple planners' reports. The planner repeatedly refers to the wrong site Under Appendix 3 of the planners' report, the photographs are of a different site.
- In planner reports dated 25th May 2023, 21st August 2023 and 3rd October 2023, the site location and content and planning history are inaccurate and refer to a different site.
- No calculation is provided to show if the number of children and staff is in alignment with the application regulations, guidance, or Kildare County Development Plan 2023 – 2029.
- The proposed bicycle locker does not meet the Council's own guidelines for the proposed number of bike parking spaces as set out in Section 15.7.2 of the Kildare County Development Plan, 2023 – 2029.
- The required e-bike parking facilities are not provided.
- Provision has only been made for 4 parking spaces.
- In the further information request letter dated 25th May 2023, the planning authority was not satisfied with the response from the applicant and the applicant was afforded the opportunity to provide further clarification contrary to the statement for further information request.
- Inconsistencies between submitted further information (7th July 2023) and clarification of further information (7th September 2023) in relation to drop off and pick up times for children. This differs further in the Chief Executives Order where operating hours of 7:30am to 6pm were recommended and no regard was given to the impact to local amenity of this change in the permitted operating hours.

7.2. Applicant Response

7.2.1. None received.

7.3. Planning Authority Response

- 7.3.1. Report received stating that the local authority notes the content of the appeal and requests that An Bord Pleanála refers to the planning reports, internal reports, prescribed bodies in relation to the assessment of the planning application. An Bord Pleanála should note planning history.

8.0 Assessment

- 8.1. Having inspected the site and considered the contents of the appeal, I consider the main issues which arise in relation to this appeal are as follows:

- I. Principle of Development and Policy Compliance
- II. Compliance with Childcare Facilities Guidelines
- III. Overall design and layout
- IV. Traffic Implications
- V. Impact on residential amenity
- VI. Appropriate Assessment, and
- VII. Other Matters.

8.2. Principle of Development and Policy Compliance

- 8.2.1. The appeal site is located within the development boundary of Celbridge on lands zoned as 'B – Existing Residential' with the stated land use zoning objective "To provide and enhance the amenity of established residential communities and promote sustainable intensification" and that the development of a creche/childcare facilities on existing residentially zoned lands is generally considered to be appropriate as per Section 6.3.2 Early Childcare and Education and Table 13.4 of the Celbridge Local Area Plan, 2017-2023. Moreover, it is apparent that the subject site is located within a developing area that forms part of the wider 'Callendar Mill' housing development and in this regard, I would draw the Board's attention to Objective: 'COM1' and COMO1.1 of the Local Area Plan which states that the

provision of social infrastructure, including childcare facilities, is to be progressed within the Celbridge LAP area.

While this LAP is expired, I note that the last zoning objective on the site allowed for the provision of childcare facilities. I also refer to Policy Objective CS O9, of the Development Plan which states that it is an objective to review and prepare on an ongoing basis a portfolio of Local Area Plans (LAPs) for the mandatory LAP settlements including Celbridge, within the lifetime of the current Development Plan.

- 8.2.2. Further support is lent to the proposal by reference to Section 10.13 “Childcare Facilities” of the Kildare County Development Plan 2023-2029, wherein it recognises that the proposed of childcare facilities forms a key piece of social infrastructure which enables people to play a more active role in society. It also highlights the requirement of childcare infrastructure given the extent of development in the County, which are in easily accessible locations at community level.

Conclusion

- 8.2.3. Therefore, having considered the available information, with particular reference to the site location within an existing residential area, I am generally satisfied that the overall principle of the proposed development is acceptable, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties and the overall character of the wider area.

8.3. Compliance with Childcare Facilities Guidelines

- 8.3.1. The appeal raises concerns that the proposal is not in alignment with the applicable regulations in respect to numbers of children catered for, the proposed bicycle parking and car parking facilities and the proposed hours of operation.
- 8.3.2. The ‘Childcare Facilities, Guidelines for Planning Authorities, 2001’ promote the provision of childcare facilities within new and existing residential areas subject to certain criteria. Section 3.2 of the guidelines sets out a number of criteria for assessing applications for childcare facilities. It is noted that these criteria are reflected in Section 15.5.2 Childcare Facilities of the Development Plan and can be summarised as following: suitability of the site; sleeping / rest facilities; intended

hours of operation; play space; public transport; access and car parking; and local traffic conditions. In the interest of clarity these criteria are addressed below.

Suitability of the site

- 8.3.3. It is my view that the suitability of the site for the type and size of facility proposed should be considered overlaps with the intended hours of operation and appropriate sleep / rest facilities. I note that concerns are also raised in the appeal that insufficient assessment has been provided by the local authority regarding the number of children and intended operational hours.
- 8.3.4. The proposed 2-storey childcare facility has a stated area of c.257 sq. m. The internal layout provides 3 no. rooms, and office at ground floor level and 3 no. rooms, staff room, kitchen, shower, and WC at first floor level. As indicated on the submitted drawings the creche would have a maximum capacity of 66 no. children (ages from 0 – 12 years depending on service required) and between 11 - 25 no. staff (depending on service required). There will be no over-night/pre-school service provided. I am satisfied that there are sufficient rooms within the proposed facility to cater for the intended service.
- 8.3.5. In response to the request for further information and amended by the clarification of further information, the applicant proposed that the creche would operate between 7.00am – 6.00pm (Monday to Friday). The applicant highlighted the session times as part of the clarification of further information submission, stating that drop-offs will commence from 7.00am – 9.00am and collections will commence at 1.00pm – 6.00pm, depending on the service provided. Condition no. 3 of the grant of permission set the operational hours as 7.30am – 6.00 pm Monday – Friday, in order to protect the adjoining residential amenity.

Notwithstanding the above, having regard to the location of the development, in an established residential area, I consider that the proposed operations hours of 8.00am – 6.00pm to be reasonable, and the proposed commencement time of 8.00am will ensure that the adjoining residential amenities are protected whilst allowing the creche provide a service to the public.

- 8.3.6. Having regard to the residential nature of the surrounding area, and having carried out a site visit, I am satisfied that the type and size of the crèche/childcare facility is suitable at this location and is consistent with the planning history pertaining to this site. It is also my view that the provision of a childcare facility at this location would be in accordance with the provisions of the 'Childcare Facilities, Guidelines for Planning Authorities, 2001' and Development Plan Policy Objective SC O78 to support the provision of appropriate childcare facilities.

Outdoor Play Space

Section 3.2 of the guidelines recommends that the availability of outdoor play space and the management of same should be considered. The proposed childcare facility includes a 50 sq. m enclosed outdoor play area to the southeast of the proposed building. There is direct access to the outdoor play area from the ground floor level rooms. Although not stated in the submitted documentation I am satisfied that this area would be maintained by the operator of the facility, as is standard practice for any childcare facility. I am satisfied that there is sufficient outdoor play area for the proposed facility.

Demand for Childcare Facilities

- 8.3.7. Section 3.2 of the guidelines also recommends that the number of childcare facilities in the area should be considered. No details have been provided as part of the application in this regard, however, based on desktop research, there are 2 no. childcare facilities within a 1km radius of the appeal site, with an additional 2 no. childcare facilities within 2.5km of this appeal site. Nothing the planning history pertaining to this site, where a creche facility was permitted, and never constructed, and having regard to the number of existing facilities within 2.5km of the site, I am satisfied that there is not an over concentration of childcare facilities within the surrounding area, and that there is demand for an additional facility to serve the immediate residential area.

Transportation

- 8.3.8. Section 3.2 of the guidelines and Section 15.5.2 of the Development Plan states that facilities shall be sited at or near the entrance / exit to the proposed development for

ease of access, drop-off / pick-up points, safe access and convenient parking for customers and staff should be considered.

- 8.3.9. There are footpaths along the site boundary with Callendars Mill that provides connectivity to Newtown Road and into Celbridge. I am satisfied that there is sufficient pedestrian infrastructure connecting the subject site to the surrounding residential areas to provide safe access to the site.
- 8.3.10. Vehicular access to the site is proposed from the site's northern boundary with Callendars Mill Road from an existing vehicular access that currently serves the adjoining residential dwelling which was constructed under the parent permission. The existing internal road would provide access to 6 no. car parking spaces, one with EV charging point and a drop off / collection zone. A new footpath will run alongside the proposed parking spaces to connect to the existing footpath. An existing set down/parking/lay by area is located to the northeast of the site along Callendars Mill, which directly adjoins the site.
- 8.3.11. Concerns are also raised in the appeal that insufficient car parking is provided to serve the facility. Table 15.8 of the Development Plan sets out a car parking standard of 0.5 spaces per staff member and 1 space per 4 children. It is proposed to provide 11 – 25 maximum staff with 6 no. classrooms, with a maximum of 66 no. children. Therefore, a requirement of 21.5 parking spaces would be required, taking the maximum staffing numbers into account. Taking the minimum staffing numbers into account the required parking would be 19 spaces.

However, the Development Plan states that the maximum provision should not be viewed as a target and that lower rates of parking and should be considered in the first instance, particularly where such developments can avail of public transport. The applicant has stated that parking would not be a requirement for staff as it is foreseen that employees would walk/cycle to work. The site is also located on the main bus route, and as such, is sufficiently served by public transport.

- 8.3.12. It is proposed to provide 6 no. car parking spaces, with 1 no. of the spaces an EV charging space. It is noted that the number of spaces does not meet the requirements of the Development Plan standards. However, having regard to the nature and scale of the proposed creche, the location of the creche within an

established residential area, with set down/parking/lay be areas providing dual use of parking located a short distance to the creche, the proposed staggering of drop off and pick up times, the distance from public transport and Celbridge town centre, it is my opinion that the quantum of car parking proposed is appropriate in this instance. It is noted that the planning authority raised no concerns regarding the level of car parking proposed. However, I note that none of the spaces have been indicated as accessible, I recommend that a condition be included in this regard.

- 8.3.13. Concerns are raised in the appeal regarding the proposed bike locker, and number of spaces and does not provide the required e-bike facilities. Table 15.4 of the Development Plan sets out a cycling parking standard of 1 space per 5 staff member and 1 space per 10 children. It is proposed to provide 11 – 25 maximum staff with 6 no. classrooms, with a maximum of 66 no. children. Therefore, a requirement of 12 cycle parking spaces would be required, taking the maximum staffing numbers into account. Taking the minimum staffing numbers into account the required parking would be 9 cycle parking spaces. It is proposed to provide 10 cycle parking spaces with associated lockers. Having regard to the Development Plan, I consider that the location, design, and number of parking spaces proposed is acceptable to serve the proposed development. I recommend a condition be attached regarding the provision of e-bike facilities to be provided.

Conclusion

- 8.3.14. Overall, I am satisfied that the proposed creche is in accordance with Section 3.2 of the Childcare Facilities Guidelines and the objectives of the Development Plan and that the proposed development would not result endanger public safety by reason of a traffic hazard.

8.4. Overall Design and Layout

- 8.4.1. Concerns have been raised in the appeal in relation to the two storey nature of the proposed building. I note that the design of the proposed development was amended following the further information request, due to concerns raised from the planning authority with respect to the architectural design and scale of the proposed childcare facility. The planner alluded to the suggestion that a single storey building would be more appropriate.

- 8.4.2. The revised design, submitted as part of the further information response, maintains the two-storey form, however the height has been reduced with a new flat roof proposed. The elevations are relatively simple in form and the building has incorporated a brick and dashed finish. All elevations contain fenestration at both ground and first floor levels. The proposed parking will adjoin the building to the southern elevation, with the play area to the southeast.
- 8.4.3. In my opinion, the overall design and layout of the proposed facility is generally acceptable. It is broadly in keeping with the surrounding pattern of existing, residential development whilst its principle, entrance elevation has been orientated towards the southeast, adjacent to the external play area. While the creche will be visible from the surrounding road network, it is my view that the proposed creche would successfully integrate into the surrounding area and would not negatively impact on the visual amenities of existing residents.

8.5. Impact on adjoining residential amenity

- 8.5.1. The proposed scheme has a maximum height of c. 6.4m (2-storeys). The northwestern elevation of the proposed creche building is located a minimum of c. 19 metres from the front elevation of the adjoining residential semi-detached dwellings at Nos. 1 – 4 and is c. 19 metres from the adjoining dwellings Nos. 29 – 32 to the southwest. The structure will be constructed up to the footpath.
- 8.5.2. No daylight / sunlight assessment has been submitted however, I am satisfied that this does not have a material bearing on my assessment and that potential daylight / sunlight impacts upon existing residents can be determined as negligible and reasonable for the location of the site. Specifically, having regard to the separation distances to existing dwellings and the low rise height of the proposed development. Therefore, in my opinion the proposed development has been designed in consideration of potential daylight and sunlight impact upon existing residents and this is reflected in the scale and layout of the proposal.
- 8.5.3. It is also my view that due to the limited height and scale of the creche building and the separation distances provided that the proposed development would not result in an overbearing impact on existing dwellings.

- 8.5.4. While first floor windows are proposed, these overlook the associated internal road, and front parking areas associated with the adjoining dwellings and noting the use and operational hours of the proposed building, I do not consider that undue overlooking would occur.
- 8.5.5. Having regard to the location of the proposed creche building, in an area of open space to serve the residential scheme, I also consider that the scale and location of the proposed building would not detract from the usability of the open space area for adjoining residents.
- 8.5.6. Overall, I am satisfied that that the nature, scale and layout of the proposed development and the separation distances provided protects existing residents from undue overlooking, overshadowing and an overbearing impact.

8.6. Appropriate Assessment

- 8.6.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment and the distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.7. Other Matters

8.7.1. Water and Wastewater

The site is served by existing services. The Planning Authority Water Services Department and Environment Department have no objection subject to conditions.

8.7.2. Inaccuracies in Planner's Report

The appellant has referred to the planner's assessment and specific phrases and photographs contained within the planner's report. However, I note that the Board by way of third party appeal is tasked with assessment of this application on an entirely *de novo* basis.

9.0 Recommendation

- 9.1. I recommend that planning permission should be granted, subject to conditions, as set out below, for the following reasons and considerations.

10.0 Reasons and Considerations

- 10.1. Having regard to the pattern of residential development in the area, the zoning of the site and planning policy as regards the provision of childcare facilities as provided in the Kildare County Development Plan 2023 – 2029 and in the ‘Childcare Facilities’ Guidelines for Planning Authorities for Planning Authorities 2001, it is considered that, subject to compliance with the conditions set out below, the proposed development is in compliance with the aforementioned Guidelines and the objectives of the Development Plan, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety 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 and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted to the local authority on the 07th day of July 2023, the 26th day of July 2023 and 7th day of September 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>
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2.	<p>The childcare facility hereby permitted, shall not be converted to any other use without a prior grant of planning permission in the event of the childcare facility ceasing operations.</p> <p>Reason: To protect the amenities of residential properties in the vicinity.</p>
3.	<p>The number of children to be accommodated within the premises shall not exceed 66 at any time on any day.</p> <p>Reason: To limit the development in the interest of residential amenity.</p>
4.	<p>The proposed childcare facility shall not operate outside the period of 0800 to 1800 hours Monday to Friday inclusive except public holidays and shall not operate on Saturdays, Sundays, or public holidays.</p> <p>Reason: In the interest of residential amenity.</p>
5.	<p>Details of the materials, colours, and textures of all the external finishes to the proposed building, including details of the proposed signage, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>A secure outdoor play area shall be provided for the use of children attending the childcare facility, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of residential amenity and safety.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 to 1300 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of properties in the vicinity.</p>

8.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
9.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>
10.	<p>Prior to the commencement of development on site the details of the following shall be submitted to, and agreed in writing with, the planning authority:</p> <ul style="list-style-type: none"> (i) A minimum of 1 no. car parking space shall be provided for persons with a disability. This space shall be located as close as possible to the building entrance and the layout, dimensions and markings of this spaces shall be detailed. (ii) The provision of e-bike facilities shall be provided to serve the proposed development. <p>Reason: To ensure that adequate car parking and bicycle parking provision is available to serve the proposed development.</p>
11.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Uisce Eireann.</p> <p>Reason: In the interest of public health.</p>
12.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. The relocation of existing services shall be the responsibility of the applicant.</p> <p>Reason: In the interests of visual and residential amenity.</p>

13.	<p>The developer shall pay to the planning authority a financial contribution of in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission</p>
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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.



Emma Nevin
Planning Inspector

13th March 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	318337-23		
Proposed Development Summary	Construction of a creche/childcare facility over 2 floors, new signage, bin storage, play area to rear, parking area/drop off zone to front and associated site works.		
Development Address	Callendars Mill, Celbridge, Co. Kildare		
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)		Yes	X
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			
No	X		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	X	N/A	Development is not a project of type listed in Schedule 5, Part 2
Yes			No EIAR or Preliminary Examination required

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required