



An  
Bord  
Pleanála

## Inspector's Report ABP-320033-24

<b>Development</b>	Change of use of ground floor from medical centre to pre/after school and creche and all ancillary works.
<b>Location</b>	2 Elmfield Way, Clarehall, Dublin 13
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	3302/24
<b>Applicant(s)</b>	Little Footprints Childcare Ltd.
<b>Type of Application</b>	Planning permission
<b>Planning Authority Decision</b>	Grant s.t. conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Darren Kelly
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	8 <sup>th</sup> April 2025
<b>Inspector</b>	Mary Kennelly

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## **1.0 Site Location and Description**

- 1.1. The site is located within a large housing estate in Donaghmede/Clarehall which is bounded to the north by Grange Road (R139), to the west by Malahide Road (R107) and to the east by Grange Road/Hole-in-the-Wall Road (R809). The estate is accessed from the R139 to the north at a roundabout and the entrance road leads directly to an area of public open space and a parade of shops. The site is located to the south-east of the shops and public open space. The P.A. reports note that the site is located c.700m from the permitted Bus-Connects Corridor at Malahide Road and c.1.4km from Clongriffin Railway Station.
- 1.2. The site comprises a 2-storey semi-detached house at the northern entrance to the cul-de-sac serving the site and is immediately adjacent to the parade of shops. The building is currently vacant, but I note from the file that the house was formerly used as a medical centre on the ground floor and residential accommodation on the first floor. There is a front garden area which has been laid with tarmac and a vehicular access and a pedestrian access to the rear garden. The site immediately abuts the rear of the retail units to the north and is bounded by 2-storey residential dwellings to the south and west. There is a similar row of 2-storey semi-detached houses opposite to the east.
- 1.3. Part of the site also includes a delivery/external storage yard associated with the adjacent retail units. This area is bounded by a brick plinth wall and railings and has a separate vehicular entrance. However, there is no formal boundary screening between this area and the residential property, apart from some large potted plants and bins which have been placed along the boundary. The area is overlain with tarmac and contains commercial storage items and large bins. At the time of my site inspection, there was a large Eurospar delivery truck delivering goods to the supermarket. The remaining units include a pharmacy, a restaurant, a takeaway and a betting office.

## 2.0 Proposed Development

- 2.1. It is proposed to change the use of the ground floor from a medical centre to a childcare facility comprising pre-school and after-school services and a creche. The floor area of the proposed childcare facility is given as 80sq.m and the floor area of the existing residential accommodation (to be retained) is stated as 44sq.m. It is proposed to modify the ground floor layout to provide a large room (42sq.m) with a kitchen area (partitioned) and toilets at the rear. There would be a second smaller room (14sq.m) behind the toilet facilities, which would have two doors accessing the rear garden (c.34sq.m). Access to the first-floor 1-bed apartment would be from the external side passageway.
- 2.2. The hard-standing area to the front of the building, together with the delivery yard to the side of the retail units, is shown as being one continuous enclosed space containing 6 parking spaces, (3 at the southern end and 3 at the northern end). The two existing vehicular entrances would remain, but the northerly one would, be increased to 5 metres in width.
- 2.3. A document accompanied the planning application outlining the scheduling and staffing of each service to be provided as part of the childcare facility. The application was also accompanied by a letter from the landowner giving consent for the planning application. The scheduling information may be summarised as follows:

<b>Activity/service</b>	<b>Schedule time</b>	<b>No. children</b>	<b>Drop-off time Start time</b>	<b>Pick-up time Depart time</b>
Breakfast club	07.30-8.45	10	07.30	8.30
Daycare part-time	09.00-1400	20	09.00	14.00
ECCE	09.00-12.00	10	09.00	12.00
Afterschool	13.30-18.00	30	13.30 (10 children) 14.30 (20 children)	16.00- 18.00

- 2.4. It should be noted that the childcare providers would drop the children from the Breakfast club to school at 08.30 and would collect the afterschool children from the local schools at 13.30 and 14.30, respectively. Thus, the proposed drop-off times are 07.30 and 09.00 and the collection times are 12.00, 14.00 and between 16.00 and 18.00. The facility would provide transport to/from schools using a 7-seater and by walking. It is proposed to employ 6 members of staff.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. The planning authority decided to grant permission subject to 11 no. conditions. These were generally of a standard type and the following conditions are of note:

Cond. 2 Development Contribution of €1,423.20

Cond. 3 Operational hours restricted to 0700-1830 hours, Mon-Fri. and no activity at weekends or public holidays.

Cond. 4 Maximum of 2 parking spaces on site, with one for each of the residential and commercial uses. Relocate buggy storage area from northern boundary to area delineated by flowerpots, with access to buggy storage area from southern side and flowerpots relocated to northern side of buggy storage area. All bicycle, buggy storage and scooter storage to be provided in a sheltered, secure and visible place. Revised plans required.

Cond. 7 Noise control – Construction and demolition noise – comply with best practice standards. Operational noise to be controlled as follows:

Cond. 8 Air emissions – construction and demolition – dust and fume control measures. Operational phase – design/installation of a kitchen extraction system.

Cond. 9 Noise Minimisation Plan to be agreed in writing with P.A. prior to commencement of use in respect of early morning deliveries to prevent noise nuisance. No deliveries prior to 7am.

Cond. 10 Site and building works restricted to Mon-Fri. 07.00-18.00 hours, Sat. 0800-1400 and no works on Sundays/public holidays.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

- The **initial Planning Report (22/04/24)** noted previous planning history including permission for a medical centre on the ground floor (1321/06). It was noted that 15 observers had made submissions which were from residents of Elmfield Way and one from Councillor Tom Brabazon. The submissions were in the form of objections to the proposed development.
- The proposed use was noted as a permissible use in the Z1 zone. CDP Policies on Childcare facilities were noted including QHSN55 and Sections 15.8.4 and 15.8.4.1 which included a requirement for safe and secure access. QHSN55 was noted as requiring applications for childcare facilities to be accompanied by information justifying the demand.
- The change of use from medical centre to childcare facility was considered to be acceptable in principle as the tendency in recent times is for medical facilities to be provided in larger, purpose-built community centres. In addition, the site has an existing non-residential use, and it is located immediately adjacent to a parade of shops.
- The applicant had not justified the need for the facility, however, nor the schools or the age cohorts to be served. The use of the rear garden was highlighted as being a potential source of nuisance to neighbours and the lack of information regarding the use and duration of use of this facility was identified, as unlimited use of the outdoor facility throughout the day was considered inappropriate.
- The issues raised by the Transport section were noted (summarised below). These related primarily to access and parking issues whereby the car parking provision was considered to be excessive, the cycle parking provision inadequate and the access arrangements unsafe.
- **Further information** was requested (**23/04/24**) regarding the transport issues including revisions to the access and parking arrangements, a reduction in parking provision, an increase in cycle parking provision, an operational Travel Plan, clarification of the relationship with the storage yard adjoining the

parade of shops with the proposed development. In addition, FI was requested in terms of the schools in the local area to be served and the use of the rear garden. It was pointed out given that the space is very limited (c.34.42sq.m), and directly adjoins residential properties, that use of the space should be limited in terms of child numbers at any one time and that use should not be prolonged throughout the day. It was suggested that the no. of afterschool children attending the facility could be reduced.

- **Further information** was received (**7/05/24**). This comprised a covering report and a revised site layout plan. The main elements are as follows:

Priority would be given to local schools and people in the community, which means that most families would be within walking distance.

Measures proposed to minimise congestion include staggering drop-off and pick-up times, bike to work scheme etc. A 5% discount will be offered to families who walk or use public transport.

Garden use would be scheduled around five half-hour sessions between 10.30 and 15.15.

The number of places for afterschool has been reduced to 25.

Parking provision has been reduced from 6 to 2 spaces, one for each use.

Vehicular entrance (northerly) no longer to be widened to 5m.

Two areas for buggy storage and kids scooters are proposed in the external front yard, one in front of the creche and one at the northern end.

A bicycle parking area (8 spaces) has been introduced adjoining the roadside boundary, located between the two vehicular entrances.

A row of flowerpots is to be placed centrally to create a degree of separation between the uses. It is indicated (on the drawing) that the external storage space will continue to be used for storage/deliveries for the retail units and that the delivery truck always parks on the road when unloading goods.

- The Area Planner was generally satisfied with the further information and proposed amendments. It was considered that the demographic profile



supported the proposed facility as Census figures show that the 0-14 year-old population for the Grange A Electoral Division increased from 2442 in 2016 to 2828 in 2022. In light of this and the 'apparent lack of other afterschool facilities in the vicinity', the P.A. was satisfied that there is a local demand. It was noted that while there would be movements throughout the day, there would be no 'rush' in the mornings. It was considered that the commercial nature of the adjoining use and the presence of parking at the neighbourhood centre would also result in lower impacts than a site deeper within the estate.

- The traffic, access and parking impacts were considered to have been addressed by the FI apart from the location of the cycle parking and buggy storage. It was considered that the buggy store should be relocated to a central position adjacent to the flowerpots and bicycles.
- A Grant of Planning Permission was recommended subject to conditions.
- AA Screening was carried out and it was concluded that the proposed development would not be likely to have a significant effect, individually or in combination with other plans or projects, on the Natura 2000 network and appropriate assessment was therefore not required.
- EIA pre-screening was carried out and it was considered that having regard to the nature and scale of the development, there is no likelihood of significant effects on the environment arising from the proposed development. It was concluded that the need for Environmental Impact Assessment could, therefore, be excluded at preliminary examination stage and that a screening determination was not required.

### 3.2.2. Other Technical Reports

- **Transport Planning Division** – The main issues raised in the initial report (09/04/24) were the over-provision of car parking spaces, the lack of any bicycle spaces, the excessive width of the proposed vehicular entrance (5m). It was noted that the parking area is also used as a service area for the retail units and that the displacement of any services should be clarified. FI was sought on these and related issues. The FI submission was generally considered satisfactory. It was noted that the parking had been reduced, but there remained some confusion over the use and location of the buggy

storage space. It was reiterated that a maximum of one space for each of the (residential and commercial) uses should be provided, and it was requested that the two buggy storage areas be relocated to a central position in order to clearly differentiate between the creche use of the yard and that of the retail unit for deliveries/storage. All bicycle and buggy storage to be sheltered.

- **Drainage division** – no objection subject to conditions.
- **Environmental Health** – No objection subject to conditions

Construction phase – implement standard noise control measures for construction sites.

Operational phase – no noise levels to give reasonable cause for annoyance (B.S. 4142). Mechanical Plant noise levels specified.

Air pollution – Construction – dust suppression measures to be implemented.

Air pollution – operational – Kitchen extraction – design of extraction system and scheme for the control of fumes and odours to be agreed with P.A. before commencement of use.

Deliveries – to be carried out using best practice to prevent noise nuisance.

Noise minimisation Plan to be agreed with P.A. prior to commencement of use. All early morning deliveries to take place after 7.00hours.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

15 submissions received from neighbouring residents of Elmfield Way and a local Councillor. The main issues raised may be summarised as follows:

- Land Ownership dispute - No consent from landowner as part of site is owned by Clarehall Management Company Ltd. (copy of Folio enclosed) and No. 2 is owned by Corrs Pharmacy and that the letter of consent from John Corr is therefore of little relevance.

- Storage/ Delivery yard – the northern part of the yard is in use as a bin storage area which is the subject of a current enforcement complaint. The owner claims that the use has been ongoing for 7 years, but the local residents dispute this.
- Access and parking - The proposed use is likely to give rise to up to 30 vehicle movements in the morning, notwithstanding the proposed staggered drop-off times. This small residential cul-de-sac already suffers from overspill parking from the neighbourhood centre and the loading and delivery of goods from vehicles ranging from small vans to large trucks results in serious parking and traffic issues. There are no suitable drop-off or collection areas, and no consideration is given to access for disabled and elderly people in the neighbourhood. Emergency access has already proven difficult in the past.
- Layout of creche – the layout would be quite cramped as the 80 sq.m would have to accommodate toilet and kitchen facilities for up to 30 children and 6 staff at a time.

## 4.0 Planning History

P.A. Ref. 1321/06 – Planning permission granted for a change of use of ground floor of dwelling to doctor's surgery including erection of a single-storey rear extension, with amalgamation of front areas of existing pharmacy and dwelling to create 6 no. parking spaces, with dividing wall removed. First floor was to be retained as living accommodation.

P.A. Ref. 1291/05 – Planning permission refused for a change of use from dwelling house to professional healthcare use including a single-storey extension at the rear.

## 5.0 Policy Context

### 5.1. Dublin City Development Plan 2022-2028

5.1.1. The site is located in Residential Zone 1 and the adjoining Neighbourhood Centre is zoned Z3.

5.1.2. **Chapter 5 Quality Housing and Sustainable Neighbourhoods**

**Section 5.5.8 Social and Community Infrastructure** – the provision of good quality and fit-for-purpose neighbourhood based, and local childcare services are central to providing for suitable communities.

**QHSN55 – Childcare Facilities** – to facilitate the provision of appropriately designed and sized fit-for-purpose affordable childcare facilities as an integral part of proposals for new residential and mixed-use developments, subject to an analysis of demographic and geographic need undertaken by the applicant, in consultation with the Dublin City Council Childcare Committee, in order to ensure that their provision and location is in keeping with areas of population and employment growth.

### 5.1.3. **Chapter 15 Development Standards**

**Section 15.8.4 Childcare** - childcare facilities should be located in existing residential areas, business/ technology parks, industrial estates, areas of employment and within office blocks, with such provision being established having regard to the Dublin City Childcare Committee Audit and Needs Analysis.

**Section 15.8.4.1 Design Criteria** - all childcare facilities are required to provide private outdoor play space or demonstrate appropriately located to be protected from air pollution see objective QHSNO19. The internal design, layout and size of the childcare facility should be in accordance with the standards set out in the Childcare Facilities Guidelines for Planning Authorities 2001. Safe and secure access should be provided in terms of pedestrian and cycle movements in association with public transport services in the area. Associated vehicular drop off will also be required in certain locations. This should be accompanied by a traffic and transport assessment which sets out the need to accommodate vehicular movements.

## 5.2. **Childcare Facilities Guidelines for Planning Authorities (2001)**

- 5.2.1. These Guidelines are intended to ensure a consistency of approach to the treatment of planning applications for childcare facilities. It includes advice of appropriate locations for such facilities, such as new housing estates, industrial estates/business parks, in the vicinity of schools, neighbourhood/district/town centres and adjacent to public transport corridors.

### 5.2.2. Locational guidance

- **New housing developments** - it is recommended that childcare facilities be provided on the basis of one per 75 dwellings. It is stated that the threshold for provision should have regard to the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. Larger facilities, catering for 30-40 children could be located in areas of major residential development whereby it could provide for a variety of services.
- **Employment locations** – Site location and layout should optimise the opportunities for safe and efficient journeys to/from the workplace of parents/guardians. Regard should be had to the traffic conditions in the vicinity and facilities should be located as far away as possible from premises where the process carried on or the machinery/equipment in use or emissions involved could be injurious to the health and safety of the children.
- **In vicinity of schools** – this would facilitate parents making one trip in dropping off children and could facilitate the provision of afterschool childcare services.
- **Neighbourhood/district/town centres** – the CDP should safeguard the retention of existing commercial units for small-scale mixed-use development, in particular childcare facilities.

### 5.2.3. Criteria to be considered

- Childcare Regulations 1996
- Suitability of the site for the type and size of facility proposed
- Availability of outdoor play area and details of management of same.
- Convenient to public transport nodes.
- Safe Access and convenient parking for customers and staff.
- Local traffic conditions.
- Number of facilities in the area.
- Intended hours of operation.

### 5.2.4. Suitable sites/locations

- **Full Daycare Facilities** - suitable sites include a Detached house or a substantial semi-detached house with space for off-street parking and/or suitable drop-off and collection points and space for an outdoor play area. In addition, these services could be provided in neighbourhood centres so long as it can provide for/have access to adequate open space/outdoor play area and avail of ancillary parking or be close to a public transport node or on a primary traffic route. All other areas to be treated on their merits having regard to traffic, parking and layout and to the effects on the amenities of adjoining properties.
- **Sessional Childcare facilities** – suitable sites include any residential as ancillary use to the main residential use subject to the criteria outlined above.
- **All sites** - capable of/safe and easy access to outdoor play areas/parks and located within easy reach of public transport nodes and have car parking facilities/turning areas which will accommodate staff and customers.

### 5.3. **Government Circular on Childcare Facilities (PL 3/2016)**

- 5.3.1. This relates to the expansion to additional age cohorts of the Early Childhood Care and Education scheme (ECCE) for free pre-school services, in line with the Government's policy of increasing access to childcare. Having regard to the anticipated increased demand for such services and pending the revision of the Childcare Facility Planning Guidelines (2001), planning authorities were requested to expedite the consideration of proposals for such facilities.
- 5.3.2. In addition, having regard to the role of TUSLA in inspecting pre-school services and enforcing compliance with the Childcare Regulations (2006), planning authorities are requested to exclude matters relating to childcare facility standards outlined in Appendix 1 of the Childcare Facility Planning Guidelines from their consideration of planning applications and to focus solely on planning considerations.

### 5.4. **Natural Heritage Designations**

- 5.4.1. European sites in the vicinity include: -  
Baldoyle Bay SAC

Baldoyle Bay SPA

North Dublin Bay SAC

North Bull Island SPA

Northwest Irish Sea SPA

## 5.5. EIA Screening

- 5.5.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of my report.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

This is a third-party appeal against the decision to grant planning permission. The appellants wishes to re-state his original objections and to rebut certain points in the Area Planner's report. The main points may be summarised as follows: -

- **Overdevelopment of the site** – the site and available floor area is very small with a small back garden. The proposal to accommodate up to 30 children plus 6 staff, would result in over-intensive use of the site. The fact that the site has been vacant for many years just adds to the adverse impact on residential amenity.
- **No safe access available** – Government policy requires that safe access and convenient parking is provided. Having regard to the nature of the traffic movements in the vicinity of the site, with heavy goods vehicles, articulated trucks, vans and cars collecting and delivering goods to the shops makes this location hazardous for children. There are serious parking issues arising from the lack of parking and loading facilities serving the shop units. Records of complaints submitted to Dublin City Council can be provided to demonstrate the long-term and enduring problem with illegal parking and congestion

around the shops. There are no turning areas for cars to safely turn around. No provision is made for emergency access, for the disabled or elderly as required by government policy.

- **Inadequate drop-off and collecting facilities** – potentially up to 30 cars coming into this small cul-de-sac dropping/collecting children throughout the day. The car parking provision is inadequate and there is no safe drop off or collection area. Staggered drop-off and collection times are simply unenforceable. Parents will drop children to the facility and continue on their car journey to work and return the same way in the evening.
- **Walkable neighbourhood disputed** – although the shops serve the Clarehall estate, most people drive to the shops and do not walk, resulting in double parking, parking across driveways, blocking the road and the same will apply to the users of the proposed childcare facility. The proposal that staff will walk children to/from St. Francis of Assissi school and Belmayne Educate Together is unrealistic and it involves crossing Clarehall Road which would be dangerous, particularly in the winter/dark mornings/evenings.
- **Incentives unrealistic** – the proposal to provide discounts to promote walking and public transport is not a basis for granting planning permission and would be unenforceable. The bike-to-work scheme is widely available and not exclusive to this development and should be discounted.
- **Use of Delivery Yard** - The delivery yard is currently used for the storage of bins. A recent enforcement file indicates that the owner claims that this use has been established for 7 years, which is disputed.
- **Land ownership disputed** - It is claimed that the delivery yard is currently registered to Clare Hall Management Company Ltd. (folio attached) and that there is a lease from Manor Park Home Builders to John Corr dated 22/12/97. Ownership of No. 2 Elmfield Way is also disputed as the Folio (attached) is in the name of Corrs Pharmacy, not John Corr. It is queried whether the consent for the planning application should have been given by the current registered owner, rather than the leaseholder. also. The P.A. has accepted the bona fides of the consenting party whereby it has been clearly demonstrated that parts of the subject land are not within the ownership of the consenter. This



contravenes the principle that one has to either own the lands or have the consent of the owner in order to apply for planning permission.

#### 6.2. **Applicant Response**

The first party has not responded to the grounds of appeal.

#### 6.3. **Planning Authority Response**

The planning authority has not responded to the grounds of appeal.

#### 6.4. **Observations**

No observations have been submitted.

### 7.0 **Assessment**

7.1. The main issues arising from the appeal may be considered under the following headings:

- Compliance with policy
- Need for development
- Appropriateness of location
- Site suitability
- Residential amenity
- Land ownership

#### 7.2. **Compliance with policy**

7.2.1. The **Childcare Facility Guidelines for Planning Authorities (2001)** seek to ensure that adequate provision is made in residential or employment areas for childcare facilities of an appropriate nature, scale and size, in suitable locations, and having regard to the geographical distribution of childcare facilities in the vicinity of the site, the demographics of the area and the safety and convenience of access.

7.2.2. The **Dublin City Development Plan (2022)** Policies and Development Standards (as summarised above) similarly seek to ensure that childcare facilities are of good quality, are neighbourhood based and are appropriately sized and designed. In terms of ensuring that there is a demographic and geographical need, the onus is on the applicant in consultation with the DCC Childcare Committee and must have regard to the Dublin City Childcare Committee Audit and Needs Analysis. The Design Criteria (15.8.4.1 of CDP) include the need for appropriately designed internal space, adequate outdoor play area, safe and secure access with associated vehicle drop-off in certain locations and a Traffic and Transport Assessment setting out the need to accommodate vehicular movements.

7.2.3. It is considered that the main criteria contained in the national and CDP guidelines relevant to this case may be summarised as follows:

- **Need for development** - The siting of a childcare facility should be based on an identified need having regard to the availability of such facilities in the area and the demographics of the local population.
- **Suitable location** - A suitable location is one which has safe access and convenient parking, having regard to the local traffic conditions, and/or is convenient to public transport with safe and convenient walking routes.
- **Appropriate site/property** - Ensure that the site is suitable for the type/size of facility including the provision of appropriate outdoor playspace, which should be managed to avoid adverse impacts on residential amenity. It is recommended that the type of property in a residential area should be a detached house or a large semi-detached property with off street parking and an outdoor play area.
- **Residential amenity** - Ensure that the hours of operation are appropriate to the nature of the surrounding environment to avoid adverse impacts on amenity and that any noise and disturbance is kept to a minimum.

7.2.4. These matters will be discussed in the following sections.

### **7.3. Need for the development**

- 7.3.1. The Development Plan (Policy QHSN55) requires the applicant to provide an analysis of the demographic and geographic need for the development, which should be undertaken in consultation with the Dublin Childcare Committee, in order to ensure that the provision and location is in keeping with areas of population and employment growth. The planning application did not include this information and as a result, the P.A. had sought FI on this matter.
- 7.3.2. The FI (7/05/24) did not address this matter directly. It was stated that there had been a large increase in the number of apartments in the area of Clarehall and that emphasis would be placed on offering places to families living within walking distance, and that the main schools targeted would be Belmayne Educate Together and St. Francis of Assissi (both in Belmayne). However, the P.A. planning report considered that the demographic profile of the area supported the proposed facility as the census figures show that the age cohort 0-14 years for the 'Grange A Electoral Division' increased from 2442 in 2016 to 2828 in 2022. It was concluded that, on this basis, together with the 'apparent lack of other afterschool facilities in the vicinity', the proposal would be acceptable.
- 7.3.3. From my observations on site and an overall review of development in the area, it seems that the Grange A Electoral Division comprises of 2-3 distinct areas. Firstly, the Clarehall area, which consists primarily of the large Elmfield Estate, is located to the south of Clarehall Avenue (R139) and extends as far west as Clarehall Shopping Centre on the Malahide Road. This area is largely an older, more established suburban area consisting of mainly low density, 2-storey semi-detached housing dating from the 1990s. Secondly, the Belmayne Area, which is located to the north of and separated from Clarehall by the significant traffic route of Clarehall Avenue, comprises mainly of more recently constructed higher density residential development comprising of apartment blocks, neighbourhood centres, community facilities etc. Thirdly, Parkside which is located to the east of Belmayne, is also a more densely developed and newer residential area. These latter two areas have been developed in the last decade or so and parts of them are still undeveloped or under construction. The two schools referred to in the FI are located here.

- 7.3.4. Given the significant development during the past decade, it is not surprising that the 0-14 year cohort has increased in Grange A Electoral District. However, this growth has most likely occurred in the northern part of the electoral district, with planning permission having been granted between 2003 and more recent times for large-scale mixed-use developments incorporating several thousand new homes. These developments are physically separated from the Elmfield estate by a major traffic artery (R139) which runs east-west connecting Clongriffin/Baldoyle with Darndale/Clonsaugh and the M50 interchange.
- 7.3.5. In the absence of any documented evidence of a demand for childcare services in the more established area to the south of Clarehall Avenue, it is difficult to accept, therefore, that a need for the development at this location has been adequately demonstrated, as required by Policy QHSN55.

#### **7.4. Appropriateness of location**

- 7.4.1. The site of the proposed development is located at the northern end of the estate and immediately adjoins the small neighbourhood centre. The overall area is also well served by public transport. In this respect, the site location could be suitable for a community use such as a childcare facility. However, the site incorporates the existing delivery yard and storage area for the adjoining retail units which forms a continuous tarmac covered space with the former front garden of No. 2 Elmfield Way. This appears to be a busy space which generates activity throughout the day with regular deliveries to the supermarket and other units as well as accommodating the commercial bins with associated deposit and collection of waste. In addition, the parade of shops has a small parking area opposite which was full, with some overspill parking, at the time of my inspection. Thus, there is considerable traffic congestion in bouts throughout the day including delivery trucks, vans and cars parking illegally associated with the shops.
- 7.4.2. No off-street parking or drop-off/collection facilities are provided for the proposed childcare service, apart from one-space for a 7-seater to be operated by the facility. It is acknowledged that the number of parking spaces was reduced as part of the FI revisions, in order to comply with transportation and active travel policies in the Development Plan. The applicants state that emphasis will be placed on

accommodating children from the local area and within walking distance, which would mean that such facilities would not be necessary. However, the age of the estate and associated demographics would indicate that the catchment area is likely to be much wider than the estate and more likely to be concentrated in Belmayne and Parkside. Thus, it is considered that the likelihood of all children arriving and departing on foot is not very high, particularly if parents are dropping and collecting children on their way to/from work or other schools, which are largely located on the Belmayne/Parkside side of Clarehall Avenue.

- 7.4.3. The walkability of the overall neighbourhood (extending as far as Belmayne and Parkside) is not ideal as the presence of the busy traffic artery and large roundabout would be likely to impede or discourage pedestrians from walking with children from crossing this road network. Furthermore, the existing traffic congestion associated with the shops and the commercial loading/unloading activities immediately adjoining the proposed childcare facility are likely to create a significant traffic hazard for the patrons of the childcare facility. For these reasons, it is considered that the location of the site is not suitable for the proposed use.

## **7.5. Site suitability**

- 7.5.1. The site comprises a semi-detached 2-storey former dwelling which has been extended to the rear and contains a first-floor apartment (44sq.m), which is independently accessed from the side passage, together with the delivery yard adjoining the retail shops. The childcare facility would occupy the ground floor (including extension, with a total floor area of 80sq.m), would have exclusive use of the rear garden (34sq.m) and would have use of the tarmac area to the front and shared use of the delivery yard adjoining the retail units.
- 7.5.2. The proposed childcare facility would accommodate up to 30 children and 6 staff at a time. The front room (42m<sup>2</sup>) would accommodate 18 children, and the rear room (14m<sup>2</sup>) would accommodate 8 children. Notwithstanding the applicant's submission that it would comply with the floorspace standards in the guidelines, it is considered that this would result in a very cramped and poor-quality form of accommodation for the children and staff. The outdoor play space would be managed by allowing a certain number of children into the garden for specific and limited time periods.

However, the space is very small and enclosed by high walls and would have up to 18 children using it at a time. This does not seem to be realistic and would result in a poor-quality outdoor play space which would be inadequate for the children attending the facility.

- 7.5.3. The tarmac area (as revised by FI) would provide for one parking space (for creche and one for the apartment) and buggy/scooter storage areas but would not have any off-street drop-off or collection points. It would also provide for bicycle storage in the front open area. Notwithstanding the intention to attract local families and the proposed incentives to use public transport and to walk or cycle, as well as proposed collections from schools for the afterschool children, it is inevitable that some parents will decide to drive and drop-off and/or collect their children to/from the facility which will give rise to spillover parking and additional turning movements on the residential cul-de-sac. This would be hazardous to the children, parents and other road users and would potentially cause a serious nuisance to local residents. It would also result in potential conflict with the deliveries to the retail units. The parking facilities serving the shop units is also quite constrained resulting in overspill parking at present.
- 7.5.4. The availability of the delivery and storage yard to the childcare facility is noted, as is the P.A.'s condition requiring a revised layout of said yard, such that there is adequate storage for the buggies and scooters on the site. However, the potential conflict between users of the commercial delivery/storage yard and the proposed childcare facility is likely to render the shared use of this space unworkable and hazardous. At the time of my inspection, there was a large articulated truck delivering goods to the supermarket and the delivery yard seemed to form an integral part of the delivery system. The truck was parked on the road outside the appeal site, blocking access to the site and the cul-de-sac and large containers were being wheeled into and out of the yard. The yard is also used for the storage of commercial bins associated with the retail units and are in use throughout the day. These activities are considered to be incompatible with the use of the site as a childcare facility and would interfere with safe and secure access to the facility.
- 7.5.5. In conclusion, it is considered that the site is not a suitable one for a childcare facility as proposed, as it would result in a poor quality of accommodation and outdoor play space, the lack of adequate drop-off and collections facilities would give rise to a traffic hazard and obstruction of other road users and the siting and current use of

the adjoining commercial delivery/storage yard would be likely to conflict with the proposed use as a childcare facility. The proposal would not therefore be in accordance with the National and Development Plan guidance on the provision of childcare facilities and would be contrary to the proper planning and sustainable development of the area.

## **7.6. Residential amenity**

- 7.6.1. Noise and disturbance is likely to arise due to the large number of children to be accommodated, given the small size and layout of the property and the siting of the facility in an established residential estate.
- 7.6.2. The P.A. considered that its former use as a medical centre and its proximity to the neighbourhood centre would mitigate these issues to some extent. It is noted that the planning authority has sought to further mitigate these impacts by restricting the hours of operation and requiring the submission of a Noise Minimisation Plan. The hours were to be restricted to 0700 to 18.30 Monday to Friday only and the Noise Minimisation Plan was intended to prevent noise nuisance early in the morning and to prohibit deliveries before 7am.
- 7.6.3. It is considered, however, notwithstanding these conditions, that the lack of appropriate drop-off and collection facilities together with the limited size of the facility and the small and enclosed nature of the rear garden, which directly abuts neighbouring residential gardens, would be likely to result in noise and disturbance to local residents during the operation of the facility. It is likely that parents/guardians would arrive at or before 07.00, dropping children off on the cul-de-sac road, and that this would give rise to noise and disturbance to neighbours. There would be a high level of activity throughout the day with children coming and going to avail of the sessional services.
- 7.6.4. In addition, the very limited amount of space (both internally and externally) would lead to a very intensive use of the property, and in particular, the small rear garden, which could lead to significant increase in the noise and disturbance levels emanating from the property.
- 7.6.5. In conclusion, it is considered that the proposed development, by reason of the nature and scale of the use and the restricted size of the site and its siting within an

established residential neighbourhood, would be likely to give rise to noise and disturbance which would have an adverse impact on the residential amenities of the neighbouring properties.

## **7.7. Land ownership**

- 7.7.1. The appellant has raised issues regarding the apparent inconsistencies between the names entered on the Folio numbers and the letters of consent submitted with the application. It is noted, however, that Section 34(13) of the Planning and Development Act 2000 (as amended) states: -

A person shall not be entitled solely by reason of a permission under this section to carry out any development.

- 7.7.2. The onus is therefore on the applicant/developer to ensure that they have sufficient legal interest in the property to carry out the development. It is considered, therefore, that this matter is not one for the Board to determine at this time.

## **8.0 AA Screening**

- 8.1. I have considered the proposed childcare facility in light of the requirements of S177U of the Planning and Development Act 2000 (as amended). The subject site is located c. 3km from the nearest European sites, i.e. North Dublin Bay SAC, North Bull Island SPA, Baldoyle Bay SAC, Baldoyle Bay SPA and c.4km from Northwest Irish Sea SPA. The proposed development comprises a change of use of part of a house, most recently used as a medical centre, to a childcare facility. No nature conservation concerns were raised in the planning appeal.
- 8.2. Having considered the nature, scale and location of the development, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European site. The reason for this conclusion is as follows:
- The small scale and nature of the development.
  - The distance from the nearest European site and lack of connections.
- 8.3. I conclude on the basis of objective information, that the proposed development would not have any likely significant effect on any European site either alone or in combination with other plans or projects.



- 8.4. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## 9.0 Recommendation

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

## 10.0 Reasons and Considerations

1. Having regard to the nature and scale of the proposed childcare facility, to the limited size of the site and rear garden, to the inadequate dropping-off or collecting facilities and to the dual function of the shared delivery and storage yard at the north-eastern part of the site through which access is gained to both the commercial units and the childcare facility, the proposed development would result in an unsatisfactory standard of development which would be unsuitable for a childcare facility and would detract from the residential amenities of the area. The proposed development would not therefore comply with the national policy on Childcare provision as set out in the Guidelines for Planning Authorities (2001) or with policy QHSN55 of the Dublin City Development Plan 2022-2028 and would seriously injure the residential amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the site at the entrance to a residential cul-de-sac, immediately adjoining a busy neighbourhood centre which has limited existing parking and loading facilities and experiences local traffic congestion, and to the inadequate provision for access and dropping off/collecting facilities within the site, the proposed development would fail to provide for safe and secure access to the childcare facility and would endanger public safety by reason of a traffic hazard by reason of the additional turning movements and on-street parking generated by the proposed development in the vicinity of the site.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has

influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Mary Kennelly  
Senior Planning Inspector

12<sup>th</sup> May 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP.320033-24		
<b>Proposed Development</b> <b>Summary</b>	Change of use of ground floor from medical centre to pre/after school and creche		
<b>Development Address</b>	2 Elmfield Way, Clarehall, Dublin 13		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	√
		<b>No</b>	Tick if relevant. No further action required
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	Tick/or leave blank	State the Class here.	Proceed to Q3.
<b>No</b>	Tick or leave blank	Change of use with minor works involving installation of bicycle rack, alterations to external space and minor internal alterations.	√
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required

<b>No</b>	Tick/or leave blank		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	Tick/or leave blank	<b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b>
<b>Yes</b>	Tick/or leave blank	<b>Screening Determination required</b>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_