



An
Bord
Pleanála

Inspector's Report ABP321012-24

Development

Change of use of first floor storage area to creche classroom.

Location

Unit 1, Alpine Kidz, Green Isle
Business Park, Boot Road, Dublin 22.

Planning Authority

South Dublin County Council.

Planning Authority Reg. Ref.

SD24A/0007.

Applicant

Elaine Hawkins.

Type of Application

Permission

Planning Authority Decision

Refusal of permission.

Type of Appeal

First Party

Appellants

Elaine Hawkins.

Observer(s)

None.

Date of Site Inspection

20th January 2025.

Inspector

Derek Daly.

1.0 **Site Location and Description**

- 1.1. The appeal site is located at the entrance to the Green Isle Business Park, just west of the N7 (Naas Road) and east of the Old Naas Road/Green Isle Road in the southwestern outer suburbs of Dublin.
- 1.2. The Green Isle Business Park comprises two 2 storey part brick part rendered light industrial buildings that have been subdivided into smaller units and which currently supports a range of uses including a number of delivery kitchens and car related uses (used car sales, car valeting services etc). Unit 1 which is the subject of this appeal is in use as a creche at ground floor level and has storage areas at first floor level. Unit 1 lies at the northern end of one of first block entering the business park, and just inside the site entrance to the business park. There is also a small outdoor play area immediately adjacent (south and southwest) to the unit.
- 1.3. There is also a parking area to the south of the unit with three parking bays delineated. The site has a stated area of 0.02 Hectares.

2.0 **Proposed Development**

- 2.1. The proposal as submitted to the planning authority on the 16th January 2024 provides for;
 - A change of use of first floor storage area to creche classroom with a stated floor area of 40m².
 - No amendments to the elevation of the building is proposed.
- 2.2. Further information was submitted on the 19th August 2024 which outlined the number of children and staff planned to use the facility. Revised drawings were also submitted in relation to location and provision of changing facilities, disabled and staff W.C.s, details relating to car parking use and pooling of spaces, a traffic statement in relation to the overall management of cars/vehicles attending the facility in relation to drop off and collection with reference to bus collection from the surrounding areas.

3.0 Planning Authority Decision

3.1. Decision

The decision of the planning authority was to refuse planning permission. One reason was stated.

Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028, and the responses provided by the relevant consultees, it is considered that by reason of over intensification of the permitted facility, and inadequate pedestrian and parking facilities/arrangements which serve the existing facility, the development as proposed would generate a traffic hazard and would endanger public safety. The proposal would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

The planning report dated the 11th March 2024 refers to planning history; the provisions of the County Development Plan (CDP) noting the proposed use is established and is a use open for consideration in the CDP and is a use that is actively promoted by national, regional, and local planning policy subject to being able to meet the necessary design standards. A number of concerns are raised in relation to the design and meeting suitable criteria in relation to childcare provision and further information in relation to these matters was recommended. Reference is made to the recent planning history and the need to clarify the number of children which will be on the site.

Issues are also raised in relation to parking as outlined in the roads department report dated 8th March 2024.

The roads department report of the 29th August 2024 having considered the further information received recommended refusal noting the significant intensification of use, poor pedestrian facilities and poor parking facilities in general. The report recommended conditions should permission be granted.

- 3.2.1. The planning report dated the 11th September 2024 having assessed the further information submitted and given the requirements under The Child Care Act 1991

(Early Years Services) Regulations 2016, Childcare Facilities Guidelines for Planning Authorities 2001 and the Universal Design Guidelines for Early learning and care settings SDCCC consider that planning permission is feasible with the current creche layout plans. In relation to the traffic issues the report having considered the traffic report and having regard to the provisions of the South Dublin County Council Development Plan 2022- 2028, by reason of over intensification of the permitted facility, inadequate pedestrian and parking facilities and arrangements, the development as proposed would generate a traffic hazard and would endanger public safety and recommended refusal of permission.

4.0 Planning History

Relevant history in relation to the appeal site.

SD19A/0157 permission granted for retention for use of commercial unit as preschool and after school Childcare Centre; alterations to front elevation; signage on front elevation; 1.2 metre high fence around new outdoor play area; all ancillary works.

SD20A/0021 Change from preschool and after school sessional childcare centre to full day preschool and after school childcare centre with opening times from 7:30am to 6:30pm accommodating 32 children; change of use of the indoor play area to classroom and all ancillary works. Permission was granted and condition no.2 is noted which indicates “The childcare facility shall operate as a full day pre-school and after-school childcare centre with opening times from 7.30am to 6.30pm Monday to Friday to accommodate a maximum of 31 children at any one time”.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. The relevant statutory development plan is the South Dublin County Development Plan 2022-2028.
- 5.1.2. The site is located within Zoning Objective EE. ‘To provide for enterprise and employment related use’. Childcare facilities are identified as ‘Open to Consideration’ within the EE Zoning.

- 5.1.3. Chapter 8 Community Infrastructure and Open Space and section 8.4.3 to Universally Accessible Social / Community Facilities.

Policy COS2: In relation to Social / Community Infrastructure has in Objective 2 the following objective: to continue to work closely with the Health Service Executive, Department of Education and the relevant public bodies and state agencies to meet the necessary provision of primary care centres, childcare facilities, schools, community centres and public open space according to the standards set out in section 8.4.1 of this Plan.

- 5.1.4. Section 8.9 refers to Early Childhood Care and Education Facilities. Policies and objectives include;

Policy COS7: Childcare Facilities Support and facilitate the provision of good quality and accessible childcare facilities at suitable locations within the County in consultation with the County Childcare Committee.

COS7 Objective 1: To support and facilitate the provision of childcare facilities on well-located sites within or close to existing built-up areas, including adjacent to school sites, and within employment areas where the environment is appropriate, making provision to encourage sustainable transport, consistent with NPO 31 of the NPF.

5.2. National Guidance

- 5.2.1. Childcare Facilities Guidelines, Department of Environment, Heritage, and Local Government (2001) outlines requirements in relation to these facilities and the need for the provision of these facilities and also outlining standards for these facilities.
- 5.2.2. Childcare (Pre-School Services) (No. 2) Regulations 2006 (as amended), Department of Health & Children sets out requirements in relation to childcare premises and facilities.
- 5.2.3. Circular Letter PL 3, Department of Environment, Heritage, and Local Government (2016).

The letter refers to expediting, insofar as is possible, consideration of all planning applications or Section 5 declaration submissions in respect of childcare facilities in order to facilitate the expansion of required capacity as appropriate. The Childcare Facilities Guidelines for Planning Authorities 2001 outline general planning related

standards for childcare facilities. Planning Authorities are advised that the Child Care (Pre-School Services) Regulations 2006 set out a range of childcare related standards for childcare facilities as stipulated by the Department of Children and Youth Affairs. The Child and Family Agency, also known as Tusla, is responsible for inspecting pre-school services under, and enforcing compliance with, the aforementioned 2006 Regulations. In light of the foregoing, planning authorities are requested to exclude matters relating to childcare facility standards outlined in Appendix 1 of the Childcare Facilities Planning Guidelines 2001 – including the minimum floor area requirements per child - from their consideration of planning applications relating to childcare facilities and to solely focus on planning related considerations that fall within the remit of the Planning and Development Act 2000, as amended, in the determination of such planning applications.

5.3. Natural Heritage Designations

Not relevant

5.4. EIA Screening

- 5.5. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the appellant in summary refer to;

- Reference is made to the single reason for refusal on the grounds of traffic safety and the decision is disagreed with for the following reasons.
- It is contended that there are 14 units within the business park and currently a number of these are not in use. There are four car related uses which have significant need for parking and there is low levels of traffic movements recorded during the peak morning period.

- Although there will be an intensification of the numbers using the facility this will not be reflected in traffic generated. The creche uses an eight seater bus to collect staff and children and the extra 30 children will only generate 4 additional journeys assembled in 5 local schools located in the Clondalkin area and many children attend with siblings and walk to the facility.
- There is an efficient system of collection and drop off and the three spaces are rarely fully in use.
- Traffic surveys reflect the very low volume of traffic and impact on traffic flows are imperceptible and details of these surveys are submitted with the grounds of appeal.
- The proposed development is very much an integral part of the social infrastructure of the local area.
- Any issues and problems in the local area in relation to wider issues of traffic are not within the remit of the applicant to resolve.
- The proposal will have minimal impact on the area in relation to visual impact.
- There is a genuine and immediate need for this development in the area.

6.2. Planning Authority Response.

The planning authority in a response indicate that the issues raised in the grounds of appeal are addressed in the Chief Executives Order and confirms its decision to refuse permission.

7.0 Assessment

- 7.1. The main issues in this appeal are largely those raised in the grounds of appeal. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- Principle of the development.
- The stated reason for refusal.
- Change of use.

7.2. Principle of the development

- 7.2.1. The site is located within Zoning Objective EE. 'To provide for enterprise and employment related use'. Childcare facilities are identified as 'Open to Consideration' within the EE Zoning. The use is an established use on the site with recent grants of planning permission. It is noted that the reports of the planning authority do not question the principle of the use or its expansion as proposed. The development plan outlines policies and guidance to be considered and adhered to in relation to childcare facilities and the planning authority in their assessment is satisfied in relation to proposed scale of the development and meeting the criteria outlined in relation facilities proposed to be provided. The proposed development is therefore acceptable in principle.

7.3. Reason for refusal.

- 7.3.1. Central to this appeal is the grounds of appeal and the stated reason for refusal which states;

Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028, and the responses provided by the relevant consultees, it is considered that by reason of over intensification of the permitted facility, and inadequate pedestrian and parking facilities/arrangements which serve the existing facility, the development as proposed would generate a traffic hazard and would endanger public safety. The proposal would therefore be contrary to the proper planning and sustainable development of the area.

- 7.3.2. In relation to the reason as stated there are concerns raised in the roads department report of the 29th August 2024 regarding the proposal to intensify the situation by increasing student numbers by 50% at times; that it would encourage parents with cars to use the hard shoulder to park up rather than enter the site noting that the hard shoulder is not served by pedestrian infrastructure; that the use of the business park yard parking spaces would not be a reliable means for parents to acquire a parking space, and due to the lack of footpaths within the yard, the yard would not provide a safe place for children to walk through and therefore recommended refusal on the grounds of over intensification, poor pedestrian facilities, poor parking facilities, no proper provision for Mobility Impaired Drivers (MID) drivers, and concerns for pedestrians & vulnerable users in general. Conditions are suggested in

the event of a permission which are largely standard road conditions and requirements relating to development. It is noted that the report does not address matters raised in the further information response on the general issue of roads and traffic.

- 7.3.3. The grounds of appeal contends that there are 14 units within the business park and currently a number of these are not in use. There are four car related uses which have significant need for parking and there is low levels of traffic movements recorded during the peak morning period. In relation to intensification of the numbers using the facility this will not be reflected in traffic generated as the creche uses an eight seater bus to collect staff and children and the extra 30 children will only generate 4 additional journeys assembled in 5 local schools located in the Clondalkin area and many children attend with siblings and walk to the facility. There is also an efficient system of collection and drop off and the three spaces are rarely fully in use.

The appellant has also conducted traffic surveys which reflect the very low volume of traffic and impact on traffic flows will imperceptible. Details of these surveys are submitted with the grounds of appeal which are included in appendix 3 recording arrivals and departures at the facility over a full working day and the following early morning. Any issues and problems in the local area in relation to wider issues of traffic are not within the remit of the applicant to resolve.

- 7.3.4. I would note from an inspection of the site and immediate area that that there is an absence of satisfactory pedestrian facilities and footpaths and separation of pedestrians and vehicles internally within the site and on the public road in the vicinity of the access to the business park. This absence of pedestrian infrastructure would have been present from the previous grants of permission for the facility and there was no roads objection raised at that time in P.A Ref. No.SD20A/0021. Given the nature of the predominant use of the business park and the wider road infrastructure in the area this is unlikely to be upgraded.

I would also note that childcare facilities by their nature operate with children being dropped off and collected and cars and vehicles would park for relatively short periods of time. This reduces the need and requirement for a high number of dedicated parking provision. The facility has dedicated parking set down spaces which would facilitate set down at the facility for most of the working day including

peak periods and although I would note concerns in relation to cars on occasion parking on the public road any level of this form of parking would be low.

I would also note that general policy is the county development plan and national guidance is to reduce reliance on use of private cars and minimise provision of parking and that the facility applies a bus collection which reduces the number of private vehicles using the site.

Therefore, while noting the concerns raised in the roads and planning reports, I would not consider that the intensification and increase in numbers would give rise to a traffic hazard.

7.4. Change of use.

7.4.1. The proposal provides for a change of use of first floor storage area to creche classroom with a stated floor area of 40m². Other internal amendments are proposed to meet standards in relation to complying with standards for childcare facilities. No amendments to the elevation of the building is proposed.

7.4.2. I would have no objection to the details as submitted.

8.0 **Appropriate Assessment Screening**

8.1.1. I have considered the proposal which is for a change of use of the first floor of an existing building and no extension in floor area is proposed in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in an established developed area and the subject site is not located within nor within close proximity to a designated European site. The proposed development comprises a change of use as outlined in section 2 in the Inspectors report. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows; the small scale and nature of the development and the absence of a pathway to the European site

8.1.2. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects and likely significant effects are excluded

and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

9.1. I recommend that planning permission be granted.

10.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, the matters raised in the grounds of appeal it is considered that the proposed development accords with the proper planning and sustainable development of the area and would not give rise to a traffic hazard and would not adversely impact or detract from the visual amenities 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 received by the planning authority on the 16th day of January 2024 and as amended by Further Information received on 16th of August 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The childcare facility shall operate as a full day preschool and after school childcare centre with opening times from 7.30am – 6:30pm Monday to Friday to accommodate a maximum of 46 children at any one time.</p> <p>Reason: In the interest of proper planning and sustainable development and to ensure a minimum standard of childcare amenity.</p>

3.	<p>The number of vehicles attending the site shall be kept to a minimum utilising shared vehicles and buses as indicated in the further Information received on 16th of August 2024. A collection and drop-off service utilising at least 2 dedicated parking bays shall be available, as long as the childcare facility is in operation.</p> <p>Reason: To facilitate safe travel to and from the development.</p>
4.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 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 residential amenities of property in the vicinity.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Derek Daly
Planning Inspector

23rd January 2025

Appendix 1 - Form 1
EIA Pre-Screening
[EIAR not submitted]

An Bord Pleanála Case Reference	321012-24		
Proposed Development Summary	Change of use of first floor storage area to creche classroom		
Development Address	Unit 1, Alpine Kidz, Green Isle Business Park, Boot Road, Dublin 22.		
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	
		No x	No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes		State the Class here.	Proceed to Q3.
No	x		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			

Yes	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	Tick/or leave blank		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		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)

5. Has Schedule 7A information been submitted?		
No	X	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: Derek Daly Date: 23rd January 2025