



An
Bord
Pleanála

Inspector's Report

ABP-321182-24

Development	Change of use of crèche to dwelling house and all associated site works.
Location	20 Aylmer Drive, Cornerpark, Newcastle, Co. Dublin, D22 AY27
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD24A/0088
Applicant(s)	Patrick Farrell
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Patrick Farrell
Observer(s)	None
Date of Site Inspection	17 th January 2025
Inspector	Aoife McCarthy

Contents

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.0312 Ha is located at 20 Aylmer Drive, Cornerpark, Newcastle, Co. Dublin.
- 1.2. The wider area is characterised with residential, commercial and rural land uses. Newcastle has undergone significant growth over the past twenty years.
- 1.3. The site forms part of Aylmer Heath (residential estate) and is located within 700m to the north of the centre of Newcastle town. The site is accessed off Aylmer Drive with set-down parking to the front, and open space for the crèche to the rear. The northern and eastern site boundaries are adjacent to lands in agricultural use within Cornerpark.
- 1.4. The site consists of an end of terrace two storey structure. The structure has been designed and in use as a crèche (childcare) facility.

2.0 Proposed Development

- 2.1. The proposed development consists of a change of use of existing crèche facility (112m²) to a 3-bed dwelling, internal alterations and all associated works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority issued a decision to refuse permission on 8th October 2024 for one no. reason, summarised as follows;

The applicant has not demonstrated to the satisfaction of the Planning Authority that there is an oversupply of childcare provision within the area and that this purpose built childcare facility is no longer required. The proposed development would also materially contravene the original planning permission for this site (P.A.

SD04A/0936) which was granted on the basis that an on-site childcare facility was provided. Supporting the change of use of this facility would set an undesirable precedent in the county at a time in which there is a shortage of childcare provision.

3.2. Planning Authority Reports

3.2.1. Planning Report (14th October 2024)

- The site is subject to zoning objective 'RES' – "To protect and/or improve residential amenity."
- The Report includes a detailed relevant planning history relating to the site and environs.
- Permission was granted for the subject crèche under SD04A/0936, the purpose of which was to provide a dedicated childcare facility, on a site, that was considered to be well located and within close proximity to the built up area of Newcastle. The need to provide adequate levels of childcare such locations remain unchanged, with a greater emphasis within the current Plan.
- The Council had refused a similar application, on the grounds that it "*would result in a deficient level of provision of childcare facilities*" and would therefore reduce the residential amenities of prospective residents of dwellings within the area (P.A. Reg. Ref.: SD07A/0776 refers).
- The subject application is not supported by any evidence to demonstrate that there is sufficient childcare provision within the area to compensate for the loss of the subject facility.
- A request for Further Information (FI) was made on the 12 September 2024 relating to the submission of (i) evidence to confirm that there is adequate existing childcare facilities with sufficient capacity within the Newcastle area, demonstrating that the subject facility is no longer required (ii) evidence that the property has been marketed as a crèche or other means demonstrating there is a lack of demand for this use; and (iii) a demonstrable rationale for the proposed change of use.
- In assessing the FI response, the PA note that the applicant has provided a list of childcare facilities but has not sufficiently demonstrated whether the childcare facilities are at full capacity or what the current demand levels are. In addition, the applicant has included an auctioneer's letter, dated May 2024, with instructions to let the premises as a crèche. There is no evidence provided by the applicant of an advertisement relating to the letting of this

property as crèche. A total of 8 no. letters of support are included with the response (as discussed below).

- Notwithstanding, the report notes that the parent permission for 112 no. residential units was granted on the basis that it included a supporting childcare facility. Therefore, the change of use from childcare facility to residential unit in an area where there is already a shortfall would set an undesirable precedent.
- The report recommends refusal on this basis.

3.2.2. Other Technical Reports

- None.

3.3. Prescribed Bodies

3.3.1. None received.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1. Subject Site

- 4.1.1. **P.A. Reg. Ref.: SD07A/0776:** Permission refused in November 2007 for alterations to previously approved permission to include a change of use of No. 20 Aylmer Drive from permitted crèche (Reg. Ref.: SD04A/036) to a dwelling.
- 4.1.2. The application was refused on the grounds that the change of use from crèche to dwelling would materially contravene the parent permission relating to the provision of residential development comprising 112 no. units; resulting in a deficit level of childcare facilities; and therefore, reduce the residential amenities of future residents in the area.
- 4.1.3. The proposed residential use of an approved crèche building would also be contrary to the policies within the 2004-2010 South Dublin County Development Plan with respect to the provision of childcare facilities (sections 4.4.1. ii, 11.10. ii and 12.2.6.ii refer) and the Newcastle - Lyons Local Area Plan 2003 (section 6.5.6). It would also be contrary to the Childcare Facilities Guidelines of Planning Authorities, 2001.
- 4.1.4. The planning authority also considered that the proposed development would impact negatively upon the residential and recreational amenities of the future residents of the approved residential development and set an undesirable precedent for other similar developments, which would in themselves and cumulatively be harmful to the residential amenities of the area and be contrary to the proper planning and sustainable development of the area.
- 4.1.5. **P.A. Reg. Ref.: SD07A/0049:** Permission granted in April 2007 for alterations to approved layout, (Reg. Ref. SD04A/0936) to include a change of house type B2 (3 no. in total) from a 3-bed to a 4-bed detached dwelling and associated on and off-site development work.
- 4.1.6. **P.A. Reg. Ref.: SD04A/0936:** Permission granted in August 2005 for a residential application including 112 no. residential units, consisting of 4 no. 1 bed duplex apartments; 24 no. 2 bed apartments; 4 no. 2 bed duplex apartments; 4 no. 2 bed terrace houses, 45 no. 3 bed terrace houses; 18 no. 3 bed semi-detached houses, 3 no. 3 bed detached houses, 10 no. 4 bed semi-detached houses, a crèche and all ancillary works.

4.1.7. Condition 1 (a) sets out that,

“the development shall be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 03/06/05, save as may be required by the other conditions attached hereto.

Reason: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.”

4.2. **Environs of Site**

- 4.2.1. Further to a review of relevant applications relating to the provision of childcare/creche facilities within the environs of the site, the following planning history is noted;
- 4.2.2. **P.A. Reg. Ref.: SD22A/0459; ABP Ref.: PL06S.316066:** Graydon, Newcastle, Co. Dublin: Permission granted in February 2023 by SDCC and in April 2024 by An Bord Pleanála for a two storey creche / childcare facility (778m²), with access from the constructed entrance onto Newcastle Boulevard, cycle, car parking as permitted (under TA06S.305343 & ABP305343-19). This application replaces and supersedes the permitted crèche of c. 518m² (under ABP References TA06S.305343 & ABP305343-19).
- 4.2.3. **P.A. Reg. Ref.: LRD23A/0011; ABP Ref.: LHS.319500 (LRD Application):** Within townland of Newcastle South, Athgoe Road, and Hazelhatch Road, Newcastle: Permission granted by SDCC in March 2024 and An Bord Pleanála in July 2024 the construction of 124 no. dwellings, ESB substations; vehicular access from Athgoe Road from new signalised junction; upgrades to footpath and pedestrian crossing, provision of vehicular/pedestrian/cycle link to 'Graydon' (ABP Ref.: TA06S.305343), 'Newcastle Boulevard' to the east, car, bicycle and motorcycle spaces, internal roads, cycleways, green routes and paths; connection to water supply, provision of foul drainage infrastructure, an underground local pumping station, and all ancillary site development / construction / landscaping works (Phase 2A).
- 4.2.4. **PA Reg Ref. SD23A/0136:** Within townland of Newcastle South, Athgoe Road, and Hazelhatch Road, Newcastle: Permission granted in February 2024 for a residential development consisting of 48 no. dwellings in the form of apartments/ duplexes,

open space, c.1.74 hectares of second phase of Taobh Chnoic public park and all associated site works. The vehicular access from permitted Graydon development (TA06S.305343) 'Newcastle Boulevard' to the east (Phase 2B).

- 4.2.5. **PA Ref. SD23A/0043:** Junction of Burgage Street & Main Street, Newcastle, Co. Dublin: Permission granted in August 2023 for a residential development consisting of 39 no. dwellings in the form of 15 no. 2 storey houses, 24 no. apartments/ duplexes in 2 no. 3 storey buildings, open space, ESB substations, revisions to permitted open space under (TA06S.305343), 3 no. vehicular access points from Burgage Street, provision of surface car parking, cycle spaces, 6 motorcycle spaces; attenuation measures and all ancillary site development / construction / landscaping works (Phase 3).
- 4.2.6. **P.A. Reg. Ref. SD20A/0178:** 'Graydon' development, Newcastle South, Athgoe Road, and Hazelhatch Road, Newcastle, Permission granted in November 2020 for amendments to development permitted under Reg. ABP TA06S.305343 as required under Condition 6(d) of ABP decision, consisting of: (a) re-alignment of Graydon Drive; (b) provision of 9 no. 3 bed two storey houses as previously proposed and omitted by Condition 6(d); (c) extension of Graydon Row by 4m and the provision of 1 no. additional 3 bed two storey terraced house; (d) minor revisions to the positioning of 6 no. houses, necessitated by re-alignment of the road and (e) all associated and ancillary works associated with the development. Proposed amendment will result in the provision of 16 houses where there were 15 previously proposed.
- 4.2.7. **ABP Ref. TA06S 305343 (SHD Application):** 'Graydon' development, Newcastle South, Athgoe Road, and Hazelhatch Road, Newcastle. Permission was granted in December 2019 for SHD including 406 no. housing units (281 no. houses and 125 no. apartments).
- 4.2.8. **ABP Ref. TA06S 313814 (SHD Application):** 'Newcastle South, Newcastle, Co. Dublin and within 'Graydon'. An application was made to An Bord Pleanála in June 2022 for 280 no. residential units, creche and associated works. A decision is pending on this application.

5.0 Policy and Context

5.1. Project Ireland 2040 National Planning Framework (NPF), 2018

The NPF includes the following relevant guidance.

National Policy Objective 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

National Policy Objective 3c: Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.

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

5.2. Eastern and Midland Regional Spatial & Economic Strategy (RSES), 2019-2031

- 5.2.1. The RSES supports the implementation of a programme for change as set out in the National Planning Framework and National Development Plan. The following key policies are noted:

Regional Policy Objective 9.20: Support investment in the sustainable development of the Region's childcare services as an integral part of regional infrastructure to include quality and supply of sufficient childcare places.

5.3. Sustainable Residential and Compact Settlement Guidelines for Planning Authorities, 2024

- 5.3.1. These Guidelines set out national planning policy and guidance in relation to the creation of settlements that are compact, attractive, liveable and well designed.
- 5.3.2. Development standards for housing are set out in Chapter 5, including SPPR 1 in relation to separation distances (16m between opposing windows serving habitable rooms above ground floor level), SPPR 2 in relation to private open space (3-bed 40 m²), SPPR 3 in relation to car parking (1.5 spaces per dwelling in accessible locations).

5.4. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2022

- 5.4.1. With respect to the provision of communal facilities within apartment developments, the Guidelines note that, notwithstanding the Planning Guidelines for Childcare Facilities (2001);

the threshold for provision of any such facilities in apartment schemes should be established having regard to the scale and unit mix of the proposed development and the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms.

5.5. Delivering Homes, Sustaining Communities and accompanying best Practice Guidelines – Quality Housing for Sustainable Communities, 2007

- 5.5.1. The purpose of these Guidelines is to assist in achieving the objectives for delivering homes, sustaining communities contained in the Government statement on housing policy which focuses on creating sustainable communities that are socially inclusive.
- 5.5.2. Development standards for housing are set out in Table 5.1 and include target overall gross floor area (92m²); min. space requirements for main living room (13m²), aggregate living area (34m²), aggregate bedroom area (32m²), internal storage (5m²) for a 3 bed/5 person 2 storey dwelling.

5.1. Childcare Facilities Guidelines for Planning Authorities (2001)

- 5.1.1. The Guidelines include the following relevant provisions with respect to the provision of childcare facilities in new residential areas.
- 5.1.2. Detached houses/sites or substantial semi-detached properties with space for off-street parking and/or suitable drop-off and collection points for customers and also space for an outdoor play area. In relation to new housing areas, a standard of one childcare facility providing for a minimum 20 childcare places per approximately 75 dwellings may be appropriate. This is a guideline standard and will depend on the particular circumstances of each individual site. Consideration of childcare facilities provision should be raised as early as possible in pre-planning discussions for larger housing developments.
- 5.1.3. Section 3.4.1 of the Guidelines also note the following;

In certain circumstances, it may be appropriate to attach a condition that would require some residential content be maintained in the premises. This would apply to planning permissions for change of use to childcare facilities in existing residential areas. It is not necessary that the owner-occupier be the resident. The reason for this condition is that the presence of totally commercial premises would detract from the amenity of the residential community. This condition would not be appropriate in certain, heavily trafficked through roads.

5.2. **South Dublin County Development Plan 2022-2028**

5.3. **Land Use Zoning**

- 5.3.1. The site is subject to land use zoning RES –, with the objective “to protect and/or improve residential amenity”.

5.1. **Development Plan – Core Strategy**

- 5.1.1. Newcastle is designated as a Self-Sustaining Growth Town in the Core Strategy, which are defined as:

“Settlements with strong service and employment functions may have the capacity to support a level of commensurate population and employment growth to become more self-sustaining, in line with their capacity of public transport, services and infrastructure, to be determined by local authorities.”

- 5.1.2. The CDP includes the following relevant policies and objectives:

Policy CS9: Newcastle: Support the sustainable long-term growth of Newcastle by focusing development growth within the current settlement boundary and based on the ability of local services to cater for sustainable growth levels.

CS9 Objective 3: To proactively support and promote the highest appropriate levels of services, social infrastructure, facilities, retail, open space amenity and economic activity to meet the needs of current and future growth in line with the scale and function of Newcastle within the settlement hierarchy.

5.2. **Development Plan – Housing**

- 5.2.1. The CDP includes the following relevant policies and objectives:

Policy H7: Residential Design and Layout Promote high quality design and layout in new residential developments to ensure a high-quality living environment for

residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.

Policy H9: Private and Semi-Private Open Space Ensure that all dwellings have access to high quality private open space and semi-private open space (where appropriate) and that such space is carefully integrated into the design of new residential developments.

Policy H10: Internal Residential Accommodation Ensure that all new housing provides a high standard of accommodation that is flexible and adaptable, to meet the long-term needs of a variety of household types and sizes.

- 5.2.2. Section 12.6.7 sets out that all new housing must comply with or exceed the minimum floor area standards contained in the Quality Housing for Sustainable Communities Guidelines, DEHLG (2007), or as may be superseded, by housing standards as set in this section of the Development Plan.
- 5.2.3. The Plan includes a target of 92m² GFA and 60m² of private open space for 3 bed houses. The Plan also specifies a target of 1.5 car parking spaces for 3 bed houses.

5.3. **Development Plan - Early Childhood Care and Education Facilities (S.8.9)**

- 5.3.1. The CDP includes the following relevant policies and objectives:

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.

COS7 Objective 2: To require provision of appropriate childcare facilities as an essential part of new residential developments in accordance with the provisions of the Childcare Facilities Guidelines for Planning Authorities (2001) or any superseding guidelines, or as required by the Planning Authority. The Guidelines recommend one childcare facility with a minimum of 20 places for each 75 units for new residential developments, with any variation to this standard being justified

having regard to factors such as type of residential units, emerging demographic profile and availability of existing childcare services in the vicinity.

COS7 Objective 4: To support investment in the sustainable development of the County's childcare services as an integral part of social infrastructure provision, including support of the Affordable Childcare Scheme; ensuring quality and supply of sufficient childcare places; and support of initiatives under a cross-Government Early Years Strategy, consistent with RPO 9.20 of the RSES.

COS7 Objective 5: To support the provision of small-scale childcare facilities in residential areas subject to appropriate safeguards to protect the amenities of the area, having regard to noise pollution and traffic and parking management.

5.4. Natural Heritage Designations

- 5.4.1. The closest European site is the Rye Water Valley SAC (Site Code: 001398) located c.6.85km to the northwest.
- 5.4.2. The closest site with a natural heritage designation is the Grand Canal pNHA (Site Code: 002104) located c.2.6km to the northwest of the subject site.

5.5. EIA Screening

- 5.5.1. 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, or EIA determination, therefore, is not required. (Forms 1 and 2, Appendix 1 refer).

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal has been lodged by and on behalf of the Applicant dated 11th November 2024, the ground of which reflects the response of the applicant to the FI request, and can be summarised as follows:

- The response includes a breakdown of childcare facilities with distances to the client's property and capacity of each facility (as discussed below).
- A letter from Hibernian Auctioneers, confirms that the applicant has been unable to secure a suitable tenant, further to original instruction (dated April 2024.) The report refers to feedback from potential clients that the facility is excessively small in size, has inadequate drop off car parking facilities and the layout is not compatible with contemporary childcare facility needs.
- Letters of support from 8 no. neighbours note the following planning matters:
 - Cars speeding at entrance to cul de sac.
 - Parking has become excessively difficult for residents of the cul de sac.
 - No access for emergency services if required due to cars blocking off the street.
 - The facilities are not fit for purpose with insufficient external play space.
 - Unacceptable noise pollution from traffic, children.
 - No access to bin storage.
 - Safety concerns for children living in the area with speeding cars etc.
 - Unsuitable location for a crèche.
 - Building maintenance outside of normal hours.
 - A crèche was not in the original plans.
 - Damage to residents' cars.
 - Blocked access to residences.
 - Insufficient car parking spaces for staff, and visitors.

6.2. Applicant Response

6.2.1. Not applicable.

6.3. Planning Authority Response

6.3.1. The Planning Authority sets out that the issues raised in the first party appeal have been addressed in the Chief Executive Order, refusing permission for the proposed development.

6.4. Observations

6.4.1. None received.

6.5. Further Responses

6.5.1. Not applicable.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the report of the local authority, having inspected the site and having regard to the relevant local and national policies and guidance, I consider the main issues in this appeal are as follows:

- Principle of Development
- Loss of Crèche Facility
- Other Matters

7.2 Principle of Development

- 7.1.1. The subject site is located on lands subject to 'RES' zoning objective, with a stated objective "*to protect and/or improve residential amenity*". In this context, the proposed change of use from crèche facility to a residential dwelling is permitted in principle, under this zoning objective.
- 7.1.2. The subject application relates to a change of use from a crèche (childcare facility) to a residential dwelling, as permitted under parent permission (SD04A/0936 refers). I note that the proposed dwelling accords with the relevant design standards with respect to total Gross Floor Area (GFA), private open space provision, separation distances, minimum and aggregate room sizes areas, storage and car parking provision. The application does not include any elevational changes to the unit. I am therefore satisfied that the proposed residential dwelling, would be acceptable in principle with the relevant design standards.
- 7.1.3. In conclusion, I consider that the proposed development would be acceptable in principle, subject to compliance with all other relevant planning matters.

7.2. Loss of Crèche Facility

- 7.2.1. As detailed above, the subject application relates to an amendment to permitted and constructed development, consisting of 112 no. residential unit, served by the subject childcare facility (SD04A/0936 refers). The proposed development would result in an increase to 113 no. units within this development.
- 7.2.2. The application is accompanied an assessment of childcare facilities within an 8km catchment of the subject site. The assessment identifies 9 no. childcare institutions

within the catchment of the site, with 2 no. facilities within Citywest (c.8km from the subject site) and 1 no. within Rathcoole (c.5km from the site).

- 7.2.3. As noted by the planning authority, the assessment includes the total capacity for each institution; however, no information has been provided with respect to the availability within each institution, which makes it difficult to assess this proposal. There is also no reference to or assessment of demographic trends relevant to the proposed development.
- 7.2.4. I also query the reliance on childcare spaces located within Rathcoole and certainly Citywest, having regard to the significant distance to these facilities from residents of the permitted residential development (SD04A/0936); and potential take up from the local population within both centres. This is based on, *inter alia*, the location of Citywest within the Dublin City and Suburbs Area and Rathcoole as a Self-Sustaining Growth Town within the Core Strategy of the Development Plan.
- 7.2.5. Notwithstanding, in the absence of more detailed information, I am unable to assess and confirm the acceptability of the proposed reallocation of childcare places within the catchment of the subject site.
- 7.2.6. As detailed within Section 4.2 of this report, by way of reference, I note that permission has been granted within Newcastle for four phases of residential development (TA06S 305343, (as amended by SD20A/0178), SD23A/0043, SD23A0136, LRD23A/0011; ABP Ref.: LHS.319500, SD22A/0459; ABP Ref.: PL06S.316066 refer). The permissions ultimately include a single upgraded creche facility (781m²) to provide for the specific childcare needs for these prospective residential communities.
- 7.2.7. In addition, I refer the Board to Policy COS7 of the Development Plan, which seeks to 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. I note that COS7 Objective 1 seeks to support and facilitate the provision of childcare facilities on well located site within or close to the existing built up areas.
- 7.2.8. Policy Obj. 2 requires *“the provision of appropriate childcare facilities as an essential part of new residential developments in accordance with the provisions of the Childcare Facilities Guidelines for Planning Authorities (2001) or any superseding*

guidelines, or as required by the Planning Authority. The Guidelines recommend one childcare facility with a minimum of 20 places for each 75 units for new residential developments, with any variation to this standard being justified having regard to factors such as type of residential units, emerging demographic profile, and availability of existing childcare services in the vicinity”.

7.2.9. In this context, the removal of this childcare facility, without sufficient justification, located within this established residential estate close proximity to Newcastle village, would be contrary to the aforementioned Development Plan objectives and national policy. Moreover, the proposed development would negatively affect the residential amenities of current and future residential communities within the subject and adjoining residential developments.

7.2.10. As such, I recommend that permission is refused for the proposed change of use on this basis.

7.3. Other matters

7.3.1. In the event that the Board decide to grant permission, it is recommended that a financial contribution in accordance with South Dublin County Council’s Section 48 Development Contribution Scheme is applied by condition.

8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 (as amended).
- 8.2. The proposed development comprises Permission for the change of use of existing crèche to residential use, with no works proposed to the external elevations of the structure.
- 8.3. The closest European site to the subject site is the Rye Water Valley/Carton SAC, located c.6.92km to the northeast.
- 8.4. 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 relates to:
- The limited extent of works forming part of this project, relating to a change of use with limited external works, within an established residential development.
 - The distance of the project to the closest European Site.
- 8.5. 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.
- 8.6. 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 permission should be refused for the following reasons and considerations.

10.0 Reasons and Considerations

Having regard to the planning history of the site, to the location of the site within the urban area of Newcastle, which is a Self-Sustaining Growth Town, it is considered that insufficient information has been provided to demonstrate that there is sufficient capacity within childcare facilities in the environs of the site to serve the proposed development.

The Appellant has therefore failed to demonstrate that the proposed development would not contravene Policy COS7: Childcare Facilities specifically COS7 Objective 2 of the South Dublin County Development Plan, and the Childcare Facilities - Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in 2001 which requires one childcare facility accommodating 20 children for approximately 75 dwellings.

The proposed development would be contrary to the proper planning and sustainable development of the area.

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.

Aoife McCarthy
Planning Inspector

13th February 2025

Form 1: EIA Pre-Screening

An Bord Pleanála	ABP-321182-24		
Case Reference			
Proposed Development Summary	Change of use of crèche to dwelling house and all associated site works.		
Development Address	20 Aylmer Drive, Cornerpark, Newcastle, Co. Dublin.		
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
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	X	10(b)(i) construction of more than 500 dwelling units (Change of use from creche to a house)	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X		
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	10(b)(i) construction of more than 500 dwelling units (Change of use from creche to a house)	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)	
Yes		Screening Determination required	

Inspector: _____ **Date:** _____

Form 2 EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321182-24	
Proposed Development Summary	Change of use of crèche to dwelling house and all associated site works.	
Development Address	20 Aylmer Park, Cornerpark, Newcastle, Dublin 20.	
The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.		
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Proposed change of use of creche facility to dwelling of 112m ² , on a site of 312m ² .	
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	Site is in an established residential area, that is zoned and serviced, and located 6.9km site, and within 1km of Newcastle village.	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	No impacts likely as a change of use application.	
Conclusion		
Likelihood of Significant Effects There is no real likelihood of significant effects on the environment.	Conclusion in respect of EIA EIA is not required.	

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)