

An
Bord
Pleanála

Inspector's Report

ABP-321467-24

Development	Change of use from crèche to dwelling house under plan ref 15/1307 and ABP Ref PL27.248401 as extended by plan ref 22/540 and all associated site development works
Location	Bellevue Hill, Delgany, County Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	24386
Applicant(s)	Napier Ventures Limited
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Napier Ventures Limited
Observer(s)	None
Date of Site Inspection	13/03/2025.

Inspector

Killian Harrington

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The subject site is approximately 0.03ha in area and forms part of a larger housing development (Bellevue – 87 units) within the southwestern limits of Greystones/Delgany. The Bellevue development is now built out and mostly occupied. There are other housing developments surrounding the site to note. There is the construction of c. 56 houses currently taking place on lands to the south (Drumnakilla lands - planning permission Reg. Ref. 21960) and 99 homes and a creche (495 sqm with space for c. 41 children) on the former Carmelite Monastery lands on Convent Road to the east (Reg. Ref. 21959). This development has recently been commenced. Between the three pedestrian-linked developments, a total of 243 units and 2 no. crèche facilities have been permitted for these lands.
- 1.2. The Bellevue development is accessed from Bellevue Hill road to the west and is bounded by existing houses and former Carmelite monastery lands to the east. The subject site is in the northwestern corner within the Bellevue development and is currently inaccessible but it contains a built structure intended for use as a crèche to service the surrounding housing development as per planning permission for that development.

2.0 Proposed Development

- 2.1. The proposal consists of a change of use from crèche to dwelling house under plan ref 15/1307 and ABP Ref PL27.248401 as extended by plan ref 22/540 and all associated site development works
- 2.2. The additional dwelling would increase the number of units in the permitted development from 87 to 88, comprising both the initial permission (Reg. Ref. 15/307) and additional units granted under Reg. Ref. 23/130 / ABP-316998-23). Although it is noted that the developer also has permission for an additional 10 units on Bellevue lands (PL27.309081).

- 2.3. The site is occupied by a structure intended for use as a crèche under the original planning permission and subsequent permissions granting the increase in the number houses.
- 2.4. The ground floor of the crèche (144 sqm) has space for 22 children subdivided into rooms for 1-2 year olds (5 children), 2-3 year olds (6 children), 3-5 year olds (11 children) along with toilet facilities and stores. The first floor (52 sqm) provides ancillary space consisting of a kitchenette, sleeping room, office and more toilets.
- 2.5. The proposal would consist of internal alterations and omission of external boiler area to change the building to a 2 storey 4 bedroom dwelling and 2 no. car spaces and associated works. The ground floor would consist of kitchen, living space, bathroom and one bedroom while the first floor would contain 3 bedrooms and 2 bathrooms. External finishes consist of concrete roof tiles, rendered walls and wood framed windows and doors. The proposed rear garden (east side of house) measures 125 sqm in area and the driveway and 2 no. car spaces at the front have access onto the Bellevue estate avenue/driveway.

3.0 Planning Authority Decision

3.1. Decision

Refuse planning permission for the following reason:

'Having regard to the documentation submitted with the planning application in relation to the existing distribution and capacity of childcare facilities locally, it is considered that the proposed development for change of use of the permitted crèche would be contrary to objectives CPO 7.28 and CPO 7.29 of the Wicklow County Development Plan 2022-2028 and would therefore be contrary to the proper planning and sustainable development of the area.'

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planning report states that the principle of a dwelling and the proposed design, density and 125 sqm of private open space would be in compliance

with the Development Plan but refers to the planning history of this site and the unacceptable loss of a crèche. The planner's report concludes that the submitted Childcare Demand Analysis does not demonstrate that childcare needs are currently catered for in Delgany or within 1.5 km of the site. There are 3 no. creches within 1.5km of the site and between the 3 facilities there are only 3 no. sessional places. Having regard to the documentation submitted in relation to existing distribution and capacity for childcare, the proposed change of use would be contrary to the Development Plan.

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

No response

3.4. Third Party Observations

Three objections were received and they raised the following points:

- The submitted demand analysis does not demonstrate that current childcare needs are being met. Information from 6 out of 23 creches was obtained
- Most of the existing childcare facilities in the study area are outside 1.5k radius and no walking distance analysis was conducted
- A large crèche mentioned as having potential to meet this demand is 7km away in Newtownmountkennedy
- Viability should have been addressed earlier in the planning process
- Development must operate according to its planning permission, which stated that crèche places were to be in place
- Current residents purchased on the understanding that there would be a crèche

4.0 Planning History

Reg. Ref. 23/130 & ABP 316998-23 – Planning permission granted for the demolition of Richview House (275 sqm), the construction of 4 no. dwellings, including 3 no. 4 bed semi-detached units and 1 no. 5 bed semi-detached unit, internal road layout and associated open space, required site services and utilities, access will be from Bellevue Hill via estate road currently under construction as permitted under PA Reg. Ref. 15/1307 and ABP ref PL27.248401 as extended by PA Ref. Ref. 22/540.

Reg. Ref. 22/957 – Refused permission for the demolition of Richview House (275 sqm). The construction of 4 no. dwellings, including 3 no. 4 bed semi-detached units and 1 no. 5 bed semi-detached unit. Internal road layout and associated open space. Required services and utilities.

Reg. Ref. 22/540 – Planning permission granted for extension of appropriate period of 15/1307.

Reg. Ref. 22/170 – Planning permission granted for alterations to the boundary treatments previously granted under planning permission Wicklow County Council Ref. No. 151307 / An Bord Pleanala Ref. PL. 27.248401. The alterations consist of the following: Alterations to boundary treatments along the perimeter of the site. Alterations to boundary treatments between proposed dwellings. Alterations to boundary treatments between proposed dwellings and internal public roads and open space areas. All together with other associated works necessary to complete this development.

Reg. Ref. 15/1307 – Planning permission granted for 89 two storey dwellings including 25 no. 4 bed detached dwellings, 28 no. 4 bed semi-detached dwellings, 18 no. 3 bed semi-detached dwellings, 6 no. 3 bed terraced dwellings and 12 no. 2 bed terraced dwellings; for the removal of existing stables, out-buildings and the partial removal and change of use of the existing dwelling (Richview House) to a creche (275sqm) including 8 no. surface car parking space, bin storage, cycle parking and external play area; for the construction of an ESB substation and switchroom (25sqm); for all boundary walls and fences, proposed vehicular and pedestrian entrances to the development off Bellevue Hill and associated signage, internal estate road, visitor surface car parking, footpaths, hard and soft landscaping and all site services above and below ground including connection to existing services.

5.0 Policy Context

5.1. National Planning Framework

National Policy Objective 31

NPO31 aims to 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 populations;

5.2. Childcare Facilities Guidelines for Planning Authorities (2001)

In Section 2.4 *New communities/Larger new housing developments*, the guidelines state that planning authorities should require the provision of at least one childcare facility for new housing areas unless there are significant reasons to the contrary for example, development consisting of single bed apartments or where there are adequate childcare facilities in adjoining developments. For new housing areas, an average of one childcare facility for each 75 dwellings would be appropriate.

5.3. Circular PL3/2016

This government circular issued in 2016 by the Department of Environment Community and Local Government requested planning authorities to 'expedite 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'

5.4. Wicklow County Development Plan 2022-2028

Chapter 4 Settlement Strategy

The subject site is located within an existing Level 3 'Large Growth Town in the Metropolitan area' settlement (Greystones/Delgany)

Chapter 6 Housing

- CPO 6.3 - New housing development shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unrecognisable degree the level of amenity enjoyed by existing residents in the area
- CPO 6.4 - All new housing developments (including single and rural houses) shall achieve the highest quality of layout and design, in accordance with the standards set out in the Development and Design Standards (Appendix 1) and the Wicklow Single Rural House Design Guide (Appendix 2).

Chapter 7 Community Development

- CPO 7.28 - To facilitate the provision of a network of childcare facilities that reflects the distribution of the residential population in the County, in order to minimise travel distance and maximise opportunities for disadvantaged communities.
- CPO 7.29 - Where considered necessary by the Planning Authority, to require the provision of childcare facilities in all residential developments comprising 75 houses or more (including local authority and social housing schemes). In accordance with Department of Environment, Heritage & Local Government guidelines, childcare places shall be provided at a ratio of 20 places per 75 residential units, having regard to cumulative effects of permitted development, (unless it can be demonstrated that having regard to the existing geographic distribution of childcare facilities and the emerging demographic profile of the area that this level of childcare facilities is not required). Without substantial cause, it is the policy of the Planning Authority not to allow a change of use of these premises within five years.

Appendix 1 – Development and Design Standards

Section 3.0 refers to mixed-use and housing development.

Section 7.2 refers to childcare and states: *‘Where a large development (or a development in conjunction with other developments in an Action Plan area)*

comprises more than 75 units, a single large childcare facility capable of serving all proposed units (and future units) may be permissible, subject to a ceiling of 100 places (full and part time)'

5.5. Natural Heritage Designations

Glen of the Downs SAC is c. 1km west of the site

5.6. EIA Screening

The proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings nor is the proposed development 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 report.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the appeal can be summarised as follows:

- The demographics for the area do not demonstrate a need for a childcare facility
- Provision of a 144 sqm childcare facility designed to accommodate 22 children poses viability challenges. Instead the childcare need could be consolidated with facilities arising from the Carmelite lands development (495 sqm with space for c. 41 children).
- There is sufficient existing capacity for a childcare facility at this location (The appellant provides supporting information from the Childcare Demand Analysis Report submitted as part of the planning application)
- One single crèche centrally located on the Carmelite lands development to the east (that when completed would have pedestrian links to Bellevue

development) would be preferable to serve surrounding the combined development of 56, 99 and 88 residential units.

- There is a housing need in the area

6.2. Planning Authority Response

- None

6.3. Observations

- None

6.4. Further Responses

- None

7.0 Assessment

- 7.1. The main issues of the appeal are those covered in the grounds of appeal and I am satisfied that no other issues arise. The main issues are that (1) the demographics for the area do not support the need for a childcare facility and (2) there is exiting capacity in the area and there would be viability challenges in operating a crèche at Bellevue.
- 7.2. Firstly, the principle of a two-storey 4 bedroom dwelling on these residential zoned lands within an existing housing development would comply with the residential zoning and settlement policies contained in the Development Plan and would meet the housing demand in the area. The proposed design would also be in keeping with surrounding houses and acceptable. However, in this case the change of use relates to the loss of a crèche facility that formed the basis of several grants of permission.
- 7.3. Therefore, secondly, this assessment will now examine the need for the crèche facility at this location.

Demographics and demand

- 7.4. The applicant carried out a Childcare Demand Analysis as part of the planning application and this examined population trends based on the latest Census figures and a survey of the local childcare industry and stakeholders. This analysis was conducted having regard to Table 1.0 of the Community Development Standards in the Development Plan and the childcare guidelines, which requires examination of the current provision of facilities in the area, the nature of emerging new communities and current demographic trends. Analysis requires an evaluation of the number of new preschool children likely to be generated, identification of existing childcare and pre-school facilities in the area and their distance from the application site and details of existing facilities capacity for new intake.
- 7.5. In their appeal, the applicant outlines their 2.5km study area comprising electoral divisions of Delgany, Greystones and Kilcoole and refers to a population increase of 17% overall between 2016 and 2022. Notably, Delgany itself saw the highest increase at 28% with a current population of 7,707 – now almost the same population as Greystones. The appeal makes very general assumptions about an ageing population in the study area. The appeal points to the aggregate decline in the 0-4 years age category in the study area between 2016 and 2022. However a decrease in this age group only occurred in Kilcoole. The 0-4 age group increased in Delgany from 434 to 562 (29%) and Greystones from 409 to 418 (2%). Furthermore the age group 20-29, signifying the presence of couples and young families, increased in Delgany from 1318 to 1547. Kilcoole is the only area that has only seen a decline on these figures, bringing the average of the study area down. Furthermore, the Census data from 2022 pre-dates the construction and occupation of a substantial amount of houses in Delgany and so there is an upward trajectory in this demographic trend.
- 7.6. Policy Objective CPO 7.29 sets out the guidelines requirement of a childcare facility for a development of 75 houses and states that this measure will have regard to *'cumulative effects of permitted development, (unless it can be demonstrated that having regard to the existing geographic distribution of childcare facilities and the emerging demographic profile of the area that this level of childcare facilities is not required). Without substantial cause, it is the policy of the Planning Authority not to allow a change of use of these premises within five years.'*

- 7.7. The demographic trend therefore points to an ever-increasing demand for childcare facilities in Delgany. This would especially be the case between Bellevue Hill and Convent Road where a combined c. 243 homes will ultimately be built between three developments and where the subject crèche is only one of two permitted for this quantum of housing. The permitted crèche on the former Carmelite Monastery lands (Reg. Ref. 21959 – 41 child spaces for 99 units) would not have capacity for the Bellevue development, which from the evidence garnered in that permission required a crèche on-site. The provision of a crèche on-site was also a factor in the planning approval for an increase of four houses at Bellevue under permission Reg. Ref. 23130 (ABP-316998-23).
- 7.8. The appeal therefore does not demonstrate an emerging demographic profile where this level of childcare spaces is not required and so the change of use does not comply with CPO 7.29.

Viability and capacity

- 7.9. Policy Objective CPO 7.28 aims to facilitate the provision of a network of childcare facilities *‘that reflects the distribution of the residential population in the County, in order to minimise travel distance’*. Policy Objective CPO 7.29 states that the childcare requirement will have regard to *‘cumulative effects of permitted development, (unless it can be demonstrated that having regard to the existing geographic distribution of childcare facilities and the emerging demographic profile of the area that this level of childcare facilities is not required)’*. An applicant must therefore demonstrate substantial cause as why they cannot provide a crèche facility in a development exceeding 75 houses.
- 7.10. The appeal indicates that a 22 space crèche may not be viable and points to this issue arising in research carried out by the Housing Agency (*Childcare Provision in New Housing*) and Dublin City Council (*Reviewing Dublin City Council’s role in supporting childcare provision in Dublin City*). There is no doubt that the 2001 childcare guidelines can be a blunt instrument and it is possible that facilities could be located where there is little demand or where they are simply unattractive to a provider for a variety of reasons. However the guidelines and the Wicklow County Development Plan policies make clear that the burden is on the applicant to

demonstrate that there is no need for a facility and that childcare demand can be met nearby.

- 7.11. The planning application proposed to consolidate the childcare demand from Bellevue, Drumnakilla and Carmelite Monastery lands into the permitted crèche on the Carmelites Monastery lands. The appeal outlines how the 41 space capacity of this crèche would be sufficient and the layout is adaptable to allow further spaces in the future subject to the provider determining this. It has not been made clear, however, how this crèche can comfortably accommodate all three developments.
- 7.12. Reviewing the spatial distribution of the local childcare audit, a distance of 2.5km is used, which exceeds the reasonable distance of 1.5km or a 15 minute walk for a social infrastructure audit. The audit found that 7 no. creches out of 23 had some level of spare capacity. However from the addresses provided, only one facility was less than 1.5km away (Killincarrig) and could provide 3 sessional spaces. An existing crèche operates at Caireen, Delgany 1.5km away and at the time of audit it had enrolled 58 children out of a capacity of 120. I note that there is a waiting list for this facility. The audit further examines permitted and constructed facilities but none are operational or in the process of being built within a 2km radius.
- 7.13. The appeal refers to support from the Wicklow Childcare Committee for an in principle consolidation of crèche spaces in the area. However, the Committee's view that there is an urgent need for facilities in Greystones/Delgany remains unchanged and there are no creches currently operating nearby that can meet the demand arising from the Bellevue development. Consideration must be given to the demographic evidence of ongoing childcare demand and the Childcare Committee's overarching support for the provision of more crèche places in the area.
- 7.14. The issue of viability, although a reasonable assertion, is not made clear and has insufficient childcare provider data to support this. It does not dissuade from the argument that there is a shortfall of crèche spaces within walking distance of the site and a change of use to a family-sized dwelling would worsen this shortfall. The appellant has not provided evidence of current facilities that are both operating and accessible to residents of Bellevue that could fill this demand nor has the appellant sought to provide additional spaces in the permitted crèche by way of planning

application to Wicklow County Council. I note that the appeal states that there would be challenges in this regard but this is not expanded upon.

- 7.15. In summary, the first party appellant has not demonstrated substantial cause for a change of use in accordance with Policy Objective CPO 7.29. In the absence of contrary evidence, it is clear that the growing demand for full, part-time and sessional childcare as a result of housing development is not being met in the vicinity of the Bellevue development and adjacent developments to be completed. Thus there is a need to comply with CPO 7.28 and the need for social infrastructure to follow the prevailing distribution of population, given the large amount of new houses in Delgany and the additional need to ensure accessibility to minimise travel distance. The Bellevue development was granted permission with an on-site crèche facility and new pedestrian linkages to Delgany, Greystones town centre and DART station and there would be a reasonable expectation that new residents can access a crèche facility without the need to travel by car.

8.0 AA Screening

- 8.1. I have considered the proposed change of use in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in a well-serviced residential settlement c. 1.9 km from Glen of the Downs SAC. The proposed development comprises a change of use from crèche to dwelling house and all associated site development works as per Section 2.0 of this report. No nature conservation concerns were raised in the planning appeal.
- 8.2. Having considered the nature, scale and location of the project, 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:
- Nature of works
 - Lack of connections to nearest European sites
- 8.3. I conclude, 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. Likely significant effects are excluded and

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

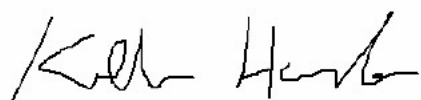
9.0 Recommendation

9.1. I recommend that planning permission be **refused**

10.0 Reasons and Considerations

Having regard to the Childcare Facilities Guidelines (2001), the Wicklow County Development Plan 2022-2028, the Greystones Delgany Kilcoole Local Area Plan 2013-2019 and the Childcare Demand Analysis submitted with the planning application, it is considered that the proposed development for change of use of the permitted crèche would result in the unacceptable loss of social infrastructure for a new residential area and would be contrary to objectives CPO 7.28 and CPO 7.29 of the Wicklow County Development Plan 2022-2028 and would therefore 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.



Killian Harrington
Planning Inspector

19 March 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-321467-24		
Proposed Development Summary	Change of use from crèche to dwelling house under plan ref 15/1307 and ABP Ref PL27.248401 as extended by plan ref 22/540 and all associated site development works		
Development Address	Bellevue Hill, Delgany, Co. Wicklow		
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		State the Class here.	Proceed to Q3.
No	X		Change of use is not a project & Internal works are not a class
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	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)

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

Inspector:  Date: 19/03/2025