



An
Coimisiún
Pleanála

Inspector's Report ACP-323131-25

Development	Play area and low fence in the 3 existing car parking spaces to the front, and also an increase in childcare places from 40 to 72.
Location	Little Harvard Creche and Montessori, Unit 13, 42 Rosemount Park Drive, Rosemount Business Park, Ballycoolin, Dublin 11, D11 PH48.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW25A/0194
Applicant	James Hargrave
Type of Application	Planning Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party v Decision
Appellant	James Hargrave
Observer(s)	None.
Date of Site Inspection	9 th September 2025
Inspector	Dan Aspell

1.0 Site Location and Description

- 1.1.1. The development address is Little Harvard Creche and Montessori, Unit 13, 42 Rosemount Park Drive, Rosemount Business Park. The application red line area includes all of No. 42 Rosemount Park Drive. No. 42 consists of two 2-storey industrial office buildings (comprising Units 1 to 15) and related parking and circulation areas.
- 1.1.2. The larger of the two buildings houses Units No. 6 to 15. Units 6 and 7 adjoin each other and are at the southern end of the building, with Unit 13 located toward the northern end of the building. Little Harvard operates from these three units and occupies both floors in each. It advertises on-site as offering creche, Montessori, pre-school, and afterschool/afterschool club services.
- 1.1.3. Pedestrian circulation and car parking spaces generally surround the subject building. Beyond this runs vehicular circulation. Vehicular access to No. 42 Rosemount Park Drive is off the estate access road to the north.

2.0 Proposed Development

- 2.1.1. The proposed development generally comprises the following:
 - A new play area (38.6sqm) and fence within 3 no. existing car parking spaces to the front of Unit 13 of the existing creche;
 - Increase in childcare places from 40 to 72 no. at Unit 13, with minor internal alterations set out;
 - New bike parking for 10 no. bikes to the side of Unit 6 to be located within an existing car parking space outside Unit 6.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Fingal County Council issued a notification to refuse permission for 2 no. reasons:
 - Reason 1: *The proposed intensification of the childcare facility and proposed new play area of c.38.6sqm, is considered inadequate and in its current form*

would materially contravene Objective DMSO79 of the Fingal Development Plan 2023-29 and would be contrary to the proper planning and sustainable development of the area;

- Reason 2: *The proposed arrangement increases the risk to pedestrian safety directly in front of the entrance to the crèche by reducing intervisibility between pedestrian and vehicles at the entrance due to the high boundary of the play area and increases the risk of conflict between pedestrian and vehicles thereby endangering public safety by reason of traffic hazard.*

3.2. Planning Authority Reports

3.2.1. Planning report: The report recommended refusal. I note the following points:

- Principle: Childcare facilities are not within the permitted or not-permitted uses in GE zone. Non-confirming uses are assessed for contribution toward zoning objective and consistency with Development Plan. Childcare facilities are allowed in employment areas under Objective CIO27 and Childcare Guidelines 2001. Given the principle of childcare facility at this location is established through permission Reg. Ref. FW17A/0046 the proposed development is considered acceptable in principle subject to compliance with Development Plan policies and objectives;
- Location: Site is in a light industrial unit in Rosemount Business Park. The application relates to Unit 13 of No. 42 Rosemount Park Drive, however the childcare facility also operates from Units 6 and 7;
- Play area: Applicant proposes a play area to overcome a previous refusal reason (FW24A/0428). It will be bounded by 1.8m high timber fencing on all sides. A single opening is proposed directly opposite the entrance to Unit 13;
- Capacity increase: Proposal increases capacity/maximum number of children that can be accommodated from 40 to 72 no. Applicant clarifies that actual occupancy levels could be less. Applicant refers to demand for childcare places in the area. Facility will cater for early year and school going ages. Modifications are proposed on floor plans. Proposed arrangement comprises 3 no. classrooms in Unit 13. Planning Report notes the number of children a

facility can accommodate is a matter for TUSLA and that minimum floor area per child is governed by Circular PL3/2016;

- Development Plan: Objective DMSO79 requires childcare facility applications have regard to availability of adequate indoor and outdoor play space. Proposal will reduce the risk of existing arrangement in taking children from Unit 13 in small groups to the permitted play area at Unit 7. Facility is an important asset to workers in the estate and has been running successfully for several years, however the quality of the facility/services cannot be compromised; the proposed play area is too small for children aged 2 to 6 years and above. Report recommends permission be refused;
- Transportation: Planner Report reiterated points made by Transportation Department report. Report states the development would be a traffic hazard;
- Conclusion: Proposed intensification of the childcare facility and new play area is inadequate and in its current form would materially contravene Objective DMSO79. It increases risk to pedestrian safety at the creche entrance by reducing intervisibility between pedestrian & vehicles due to the high boundary of the play area and increases risk of conflict between pedestrian and vehicles thereby endangering public safety by reason of traffic hazard. Refusal is recommended.

Other Technical Reports

3.2.2. Transportation Department: Report stated that it did not support the proposed development it considered to be a traffic hazard. Report made the following points:

- Parking: Site is in Zone 2. The Zone 2 norm for creches is 0.5 spaces per classroom. Under the 2017 permission the number of car parking spaces available to the applicant was 20 spaces for the 3 units. Report states the existing car parking is 18 spaces which is in line with Transportation Planning Sections recommendations from 2017, and that parking will be reduced to 15 spaces for Units 6, 7 and 13. Unit 13 has 3 classrooms and there is no increase in the number of classrooms. The impact of the overall reduction in parking on staff parking and also on drop off has not been addressed;

- Layout / Set-down: Parking occurs in the drop off area which should be discouraged by the operators. The entrance should be clearly identifiable and easily reached from the parking & set-down area by an accessible footpath. Set-down should avoid the necessity for reversing. The 2017 application stated there was space to drop-off/collect by parallel parking on the road outside the development entrance; this area would now be obsolete as the play area is to be located there. The creches have been operating without a set down. The existing development should for safety reasons implement a reverse parking policy to be encouraged through the use of signage in parking areas; reverse parking means that when children are entering or leaving the back seat of a car they will be at a greater distance from the road;
- Traffic: Creche operates a minibus drop-off & collection to & from nearby schools. Application is for an increase of 80% for Unit 13. The intensification is significant, and it is not clear what impact this would have on drop off/collections and what additional measures could be taken by the operator;
- Play area: Proposed play area to the front of Unit 13 is not appropriate. The play area abuts the road edge, and the high boundary creates two points where there is no intervisibility between pedestrians & vehicles, vehicles & vehicles, and car parking spaces either side of the proposed development;
- Conclusion: Transportation Planning Section do not support the proposed development as it increases risk to pedestrian safety in front of the crèche entrance by creating points of conflict between pedestrians and vehicles by reducing intervisibility between pedestrian and vehicles at the entrance due to the high boundary of the play area. The entrance is no longer clearly identifiable and easily reached from the parking and set-down solution indicated in previous reports. The proposed development is a traffic hazard.

3.2.3. Water Services: No objection.

3.3. **Prescribed Bodies**

3.3.1. Uisce Eireann: No objection subject to conditions.

3.4. **Third Party Observations**

3.4.1. None.

4.0 **Planning History**

4.1. **Subject site**

Unit 13:

- 4.1.1. Reg. Ref. FW24A/0428: Planning permission refused by Planning Authority in 2025 for increase in childcare places from 40 to 72 at Unit 13, No. 42. Permission was refused for one reason, that the proposed development would materially contravene Objective DMSO79 and would create a conflict between pedestrian and vehicles thereby endangering public safety by reason of traffic hazard.
- 4.1.2. Reg. Ref. FW17A/0046: Permission granted by Planning Authority in 2018, subject to conditions, for change of use of ground- and first-floor from light industrial to use as a crèche facility at Unit 13, No. 42 Rosemount Park Drive. Condition No. 6 required the applicant to agree with the Transportation Section an appropriate car parking layout prior to the commencement of development.

Units 6 and 7:

- 4.1.3. Reg. Ref. FW11A/0056 (ABP Ref. PL06F.239372): Permission granted by the Board in 2011 at Unit 6, No. 42 Rosemount Park Drive for change of use of ground- and first-floor from light industrial to use as a crèche facility.
- 4.1.4. Reg. Ref. F01A/1449: Permission granted by Planning Authority in 2002 for change of use from warehouse to creche facilities at Unit 7, No. 42 Rosemount Park Drive. Condition 4 related to the external play area and provision of car parking.
- 4.1.5. Reg. Ref. F99A/1528: Permission granted by Planning Authority in 2000 for an Industrial and Technology Enterprise Centre comprising 13 no. units in 2 no. blocks with associated car parking and service areas at Rosemount Business Park.

4.2. **Nearby sites:**

4.2.1. None.

5.0 Policy Context

5.1. National guidelines and strategies

Design Manual for Urban Roads & Streets (DMURS) 2019.

Circular Letter: PL 3/2016 – ‘Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme’. The Circular states: “... *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.*

Childcare Facilities Guidelines for Planning Authorities (2001). Section 3.2

‘Development Control’ sets out criteria that should be applied. Section 3.3.2

‘Industrial Estates / Employment Areas’ sets out provisions in relation to childcare facilities and industrial estates / employment areas. It requires the following:

- where feasible, the premises should be located on a site which is convenient to the entrance to the industrial estate to facilitate easy access;
- the location will obviate the necessity to walk/drive through active industrial areas and facilitate easier access to public transport nodes;
- the premises should be served by off-street parking;
- the premises should be provided with outdoor play space or have safe and easy access to a safe outdoor play area;
- unsuitable sites/premises in relation to this category are locations in general industrial estates/mining areas where the process carried on or the machinery/equipment in use or emissions could be injurious to the health and safety of the children.

- 5.1.1. Appendix 1 of the Guidelines sets out standards relating to floorspace per child, and the location for the care of babies. In relation to play facilities, it states that adequate and suitable facilities for a pre-school child to play indoors and outdoors during the

day should be provided, having regard to the number of preschool children attending the service, their age and the amount of time they spend in the premises.

5.2. Development Plan

- 5.2.1. The site is zoned 'GE General Employment' in the Fingal County Development Plan 2023-2029. The objective is '*Provide opportunities for general enterprise and employment*'. Section 13.5 'Zoning Objectives, Vision and Use Classes' states that "*Uses which are neither 'Permitted in Principle' nor 'Not Permitted' will be assessed in terms of their contribution towards the achievement of the Zoning Objective and Vision and their compliance and consistency with the policies and objectives of the Development Plan*". Accordingly, Within this zone the Development Plan.
- 5.2.2. Core Strategy, incl. Section 4.5.1.7 'Childcare and Early Learning'; Policy CIOSP10 'Childcare Facilities; and Objective CIOSO27 'Optimum Childcare Locations'. Development Plan Section 4.5.1.7, Policy CIOSP10 and Objective CIOSO27 support provision of childcare facilities in appropriate locations and encourage the provision of such facilities within employment zones.
- 5.2.3. Employment and Economic Development, incl. Objective EEO14 'Permeability in General Employment Lands', and Policy EEP2 'General Employment Lands' which states: "*Maximise the potential of GE lands, ensuring that they are developed for intensive employment purposes, where appropriate, and which are highly accessible, well designed, permeable and legible*".
- 5.2.4. Development Management Standards, incl. Objective DMSO77 'Community Facilities' and Section 14.14.2 'Childcare Facilities'. Objective DMSO77 requires any application for childcare facilities to have regard to the overall need in terms of necessity, deficiency, and opportunity to enhance or develop local facilities; practicalities of site in terms of site location relating to uses, impact on local amenities and desirability; conformity with the requirements of appropriate legislative guidelines; and conformity with land use zoning objectives. Section 14.14.2 recognises that childcare must be of a suitably high quality.
- 5.2.5. Objective DMSO79 states:
- "Any application for childcare facilities shall have regard to the following:*

- *Suitability of the site for the type and size of facility proposed.*
- *Adequate sleeping/rest facilities.*
- *Adequate availability of indoor and outdoor play space.*
- *Convenience to public transport nodes.*
- *Safe access and convenient off-street car parking and/or suitable drop-off and collection points for customers and staff.*
- *Local traffic conditions.*
- *Intended hours of operation”.*

5.2.6. Car Parking, incl. Section 14.17.7 Car Parking, Table 14.18 Car Parking Zones and Table 14.19 Car Parking Standards.

5.3. **Natural Heritage Designations**

5.3.1. Rye Water Valley / Carton SAC is approximately 9.88km to the west.

6.0 **Environmental Impact Assessment screening**

6.1.1. The proposed development has been subject to preliminary examination for environment impact assessment (See Form 1, Appendix 1 of this report). Having regard to the characteristics and location of the development and the types and characteristics of potential impacts, I consider that there is no real likelihood of significant effects on the environment. The development, therefore, does not trigger requirement for EIA screening and an EIAR is not required.

7.0 **The Appeal**

7.1. **Grounds of First-Party Appeal**

7.1.1. A first-party appeal was received, prepared by the applicant's architect, the main points of which are summarised as follows:

- Proposal: With minor alterations to internal building layout the premises would be capable of accommodating additional places in line with TUSLA standards;

- Childcare places: The facility is important locally for workers employed in the estate. There is an extreme shortfall of childcare places locally. The facility has operated successfully since 2017 and has long waiting lists. Proposal is a significant planning gain and will help reduce supply pressure;
- Demand for places: The permitted occupancy does not meet demand. Appeal sets out issues relating to childminding for different ages and changing child profile. Appeal sets out details of the required occupancy in terms of numbers of children, floor areas, space per child and staff for the 3 no. classrooms;
- Occupancy: Appeal states the proposed occupancy is the maximum number of children that could attend at any one time, but that occupancy levels would be less. The permission is required to establish the maximum amount for compliance with TUSLA standards and for insurance purposes;
- Traffic: Appeal sets out details of mini-bus collection & drop-off service, and parent drop-off & collection. Appeal describes parents dropping children to the facility; the creche mini-bus bringing children to & from school; and parents collecting children at various times from the facility. Additional details of times, movements and children numbers are set out;
- Play area: The existing and permitted play area is at Unit 7. Application proposes an additional smaller play area outside Unit 13 in 3 of the 4 car parking spaces. This will reduce the distance travelled by children. Sufficient spaces for the overall creche incl. Units 6 and 7 will remain (15 no. spaces);
- Classrooms: Appeal indicates there are 3 rooms in Unit 6 and 4 in Unit 7, and that 3 rooms are proposed in Unit 13. It indicates that 10 car parking spaces are required and that 15 no. are available. Appeal states Unit 13 is to be for sessional use in the morning and afternoons but not as full day care;
- Parking: Appeal states there is no designated staff parking. All spaces are for parent drop-off & collection. Staff use public transport or walk to ensure space availability for parents and avoid nuisance. Many parents walk with their child to the facility from their place of work. Staff & parents cycle parking is proposed;
- Previous refusal reason: Ref. FW24A/0428 was refused. The subject application is almost identical but with a play area;

- Childcare facilities: Under the Childcare Regulations no play area is required for the proposed use (sessional in the morning & school/childminding in the afternoon). The current childminding facility at Unit 13 has permission (FW17A/0046) but has no outdoor play area; it was accepted in that application that sharing the play area at Unit 7 was acceptable. The subject refusal is contrary to that. Matters relating to childcare legislation are no concern of the Planning Authority. Under Ministerial Direction Local Authorities are directed to leave childcare regulatory matters to TUSLA, and consider the suitability of the premises for the use generally and leave enforcement to other Authorities. Appellant is satisfied to have the play area omitted or revised in design by condition. The principle of an increase in occupancy should be the focus.

7.1.2. The appeal includes drawings of the proposed development.

7.2. **Planning Authority Response**

7.2.1. The Planning Authority response states the Authority has no further comment to make and requests the Commission to uphold the decision. In the event the appeal is successful the Authority requests financial contribution conditions are attached.

7.3. **Observations**

7.3.1. None.

8.0 **Assessment**

8.1.1. Having regard to the foregoing; having examined the application, appeal, Planning Authority reports, and all other documentation on file, including all of the submissions received in relation to the appeal; and having inspected the area within and around the site; and having regard to relevant local, regional and national policies, objectives and guidance; I consider the main issues in this appeal are as follows:

- Reason 1, incl. the proposed play area and increase in childcare places;
- Reason 2, incl. traffic hazard;
- Related matters raised in the course of the appeal.

8.2. Principle of Development

- 8.2.1. The proposed development comprises a new play area, an increase in childcare places, and cycle parking. Childcare facilities were permitted within the red line area at Units 7, 6, & 13 under Reg. Refs. F01A/1449, FW11A/0056 & FW17A/0046.
- 8.2.2. The site is zoned 'GE General Employment'. 'Childcare facility', 'creche' or 'community facility' are not specified as being 'permitted in principle' or 'not permitted' in this zone. Development Plan Section 13.5 indicates that in this zone childcare facilities are to be assessed in terms of their contribution towards the achievement of the Zoning Objective and Vision and their compliance and consistency with the policies and objectives of the Development Plan.
- 8.2.3. Policy CLOSP10 supports the provision of appropriate childcare facilities. Objective CLOSP027 encourages the provision of childcare facilities in appropriate locations including employment areas. Policy EEP2 seeks to maximise the potential of 'GE' lands, ensuring they are developed for intensive employment which is highly accessible, well designed, permeable and legible. The land use zoning objective for the area is to *"Provide opportunities for general enterprise and employment"*. The Vision for this land use zone is to *"Facilitate opportunities for compatible industry and general employment uses including appropriate sustainable employment and enterprise uses, logistics and warehousing activity in a good quality physical environment. General Employment areas should be highly accessible, well designed, permeable and legible"*.
- 8.2.4. Having regard to the above policy context, I consider there is a question as to the contribution of the proposed development towards the achievement of the Zoning Objective and Vision and its compliance with the policies and objectives of the Development Plan. In this regard, I would characterise the proposed use as a supporting use to the primary employment use of the area. I also note the incremental nature of childcare facilities development at the site, and the proposed further expansion and intensification of childcare facilities at the site in the subject application. Conversely however I acknowledge the referenced demand for the facility; its stated support for the employment uses in the area; the openness of the Development Plan to the use in principle; the very considerable employment uses in Rosemount Business Park (which I estimate to be some 60ha); and the much

greater landbank of 'GE General Employment' zoned lands along the M50. On balance, and given the proposal is primarily an intensification of the existing use within the premises, overall I consider the proposal is in principle acceptable.

- 8.2.5. Below I set out concerns regarding the layout and extent of the proposed development and their impact on the estate.

8.3. Reason 1

Proposed development

- 8.3.1. Regarding childcare places, the application proposes an increase in childcare places at Unit 13 from 40 to 72 no. The applicant clarifies this is the maximum that can be accommodated at one time, but that actual occupancy levels could be less. Internal layouts and facilities for Unit 13 are indicated. Details of ages, occupancy levels, floor area per child, and staffing are set out. No increase in internal floorspace or building extension are proposed, however a new outdoor play area is proposed.
- 8.3.2. Regarding the proposed outdoor play area adjacent Unit 13, this is to be located generally within 3 no. car existing parking spaces outside the building. It is stated as measuring 38.6sqm and is to be surrounded by a concrete post/base and timber panel fence approximately 1.81m in height. Access to the play area is to be by a doorway which would face toward the building. An existing footpath would connect the play space door to Unit 13 over a relatively short and defended distance.

Assessment

- 8.3.3. Regarding the proposed play space, Circular PL3/2016 excludes from consideration Childcare Guideline standards for adequate and suitable facilities to play outdoors having regard to the number of preschool children attending the service, their age and the amount of time they spend in the premises. Development Plan Section 14.14.2 however states childcare facilities are to have adequate availability of outdoor play space.
- 8.3.4. No quantifiable requirements for play space provision are set out in the Development Plan. I note the size of the space and that Unit 13 is stated as catering for early years children (aged 2 years 8 months to 6 years). Children are currently brought to the play space adjacent Unit 7, to the south. Minimal details of existing or proposed

arrangements for bringing children to the play area are set out, for example the number, size, and frequency of groups. The applicant indicates Unit 13 provides sessional care in the morning and afterschool/childminding services in the afternoon. Given the maximum numbers proposed, the age range indicated, and the mix of services provided, I consider it likely that smaller groups would use the play area throughout the day. The space itself is reasonably well protected on all sides, visible from Unit 13, served by a footpath, and not significantly overlooked by other Units. Whilst I have concerns regarding the location in the estate carpark, given the foregoing, I am satisfied the quantum and quality of space is acceptable and that refusal for this reason is not well grounded.

- 8.3.5. I note the appellant point that they would be willing for the proposed play space to be omitted, and for the children in Unit 13, including the proposed additional childcare spaces, to continue to utilise the existing play space at Unit 7. Given the existing and proposed layout; the proposed increase in childcare places; the route to the existing play space to the south; the undefended nature of that route; and the proximity of parking spaces to it, including for large vans, I am not satisfied that such an arrangement would be appropriate for the significant increase in places proposed.
- 8.3.6. Regarding the proposed increase in childcare places itself, having regard to the provisions of the Development Plan, Childcare Guidelines, and Circular PL3/2016 as drafted, I am satisfied the increase from 40 to 72 no. places is, in principle, acceptable. I am satisfied the need for additional places has been set out and the overall location of No. 42 is acceptable. I am also satisfied in relation to the practicalities of the site in terms of existing uses and impact on local amenities; adequate sleeping/rest facilities; and intended hours of operation. I consider that refusal in this regard is similarly not well grounded. I consider that a condition confirming the number of places should be attached to any grant of permission.
- 8.3.7. Notwithstanding, I have significant concerns regarding the development as proposed overall, specifically in terms of the safe movement of children and vehicles. In this regard I consider the above matters, that is, the proposed play space and increase in child places, are contributing factors. I consider these matters in more detail below.

Overlap between Reasons 1 and 2

8.3.8. I note the two refusal reasons. Reason 1 states the intensification and new play area would materially contravene Development Plan Objective DMSO79. Reason 2 related to pedestrian safety and traffic hazard, but did not reference Objective DMSO79. As above, I do not consider the matters raised in reason 1 in themselves constitute grounds for refusal, however, I have concerns in relation to other requirements of Objective DMSO79, namely accessibility; safe access; suitable drop-off & collection; convenience to public transport; and local traffic conditions. Accordingly, I consider the primary concerns in this case relate to traffic safety as set out in reason 2 rather than the matters raised in reason 1, and that the contravention of Objective DMSO79 arises in relation to traffic hazard rather than the intensification of the childcare facility and proposed play area. I consider these matters under the heading of refusal reason 2.

8.4. Reason 2

- 8.4.1. I note the reason for refusal in this regard; the assessments in the Planner report and Transportation Section report; and the points made by the appellant.
- 8.4.2. The appeal sets out details of the minibus and drop-off/collection, drop-off/collection times and numbers; and makes the point that the additional play space will reduce the distance children move from the internal to outdoor areas. However, having reviewed the information on file, I am not satisfied sufficient information in relation to the traffic safety aspects of the proposed development have been set out. In particular, I do not consider that sufficient information on the movement of vehicles and pedestrians that would arise in the vicinity of Unit 13; the numbers of vehicles, cyclist and pedestrians visiting the development; drop-off and collection times; and drop-off, bus parking and car parking arrangements has been provided.
- 8.4.3. In this regard, I also consider that questions remain as to the proposed nature and management of operations between Units 6, 7 and 13. This has implications for assessment of the proposed development, in particular the safe movement of children, staff, parents and vehicles within the application area.
- 8.4.4. Whilst the existing / previously permitted development at Units 6, 7 and 13 is not the subject of this application, and I do not wish to reassess issues arising in those cases, the proposed development includes further reductions in parking adjacent

Units 6 and 13, increased external play space at Unit 13, and cycle parking at Unit 6. I also note that whilst the application proposes that the maximum number of children that would use Unit 13 would be 72, this means the maximum number of places being served in the red line area would increase to 178. I do not consider that sufficient clarity has been provided as to how the proposed development would operate or relate to the existing permitted childcare operations and other uses in the red line area, or that appropriate traffic safety arrangements and management measures have been clearly demonstrated.

- 8.4.5. In this context, I am not satisfied the proposed development meets the requirements of Objective DMSO79, specifically in relation to accessibility; suitability of the site for the type and size of facility proposed; convenient off-street car parking; convenience to public transport nodes; safe access; suitable drop-off and collection points for customers and staff; and local traffic conditions. I address these matters below.

Drop-off & Collection

- 8.4.6. Regarding suitable drop-off & collection points and local traffic conditions referenced by Objective DMSO79, information is provided in terms of numbers and times of drop-off/collections, however there is very limited detail in terms of arrangements for same within the carpark. As set out above, the Transportation Section report stated that drop-off arrangements have not been addressed and that the proposal to provide the play area to the front of Unit 13 is not appropriate. The Transportation Section did not support the proposed development and stated that it would increase risk to pedestrian safety directly in front of the crèche entrance. It concluded that the proposed development would be a traffic hazard.
- 8.4.7. Having visited the site, and having reviewed the submitted information, I am satisfied the play area as proposed in terms of its location within the car park, and its height, nature and layout would have the effect of significantly reducing visibility and manoeuvrability between pedestrians and vehicles; and that this, and the proposed increase in childcare places; the proximity of numbers of children and frequent movements in the immediate vicinity throughout the day and evening; and the absence of a clearly identifiable set-down area and which is safely reachable from the parking together increase risks to pedestrian safety directly in front of the crèche entrance would present a significant traffic hazard to children, parents and staff.

Safe access, accessibility and traffic conditions

- 8.4.8. I acknowledge the play space in terms of its construction would be reasonably robust and would leave the play space defended; that the play space would reduce the distance children would need to walk in the car park to external play space; that a comparable arrangement exists and was permitted at Unit 7; that the space would be immediately adjacent the subject Unit; and that children would cross only a short distance of footpath and would have limited interaction with traffic and other users.
- 8.4.9. Having regard to the proposed arrangement and lack of information submitted, I consider the application has not demonstrated that the expansion and intensification as proposed would provide for safe access and safe traffic conditions within the site, in particular at Unit 13. Noting that the existing layout, including the play areas within the car park which are permitted and longstanding, I have concern with the expansion and intensification of the operation as proposed and increased risks in terms of traffic hazard within and around the carpark, particularly in relation to the increased movement of children and vehicles within the application area. I consider the proposal would also significantly decrease space, manoeuvrability and visibility at the entrance to Unit 13, and with the accompanying increased number of children and staff outside the premises, and lack of clear and safe drop off/collection facilities, would not provide for a safe environment considering the nature of the use. Overall I do not consider the applicant has demonstrated that safe access, accessibility, and local traffic conditions as required by Objective DMSO79 have been duly considered.

Parking

- 8.4.10. Regarding parking, the appellant states that sufficient parking for the childcare facility would remain despite the proposed loss in parking. The Planning Authority Transportation Report stated the impact of the overall parking reduction on staff parking and on drop-off had not been addressed.
- 8.4.11. Regarding numbers of spaces, the site is in Development Plan parking Zone 2 (Table 14.19). The Zone 2 'norm' for creches is 0.5 spaces per classroom. The Plan states that 'norm' refers to the number of spaces that will generally be permitted unless specific changes are considered necessary to ensure the proper planning and sustainable development of a proposed development. Three no. classrooms are proposed for Unit 13 which equates to a requirement of 1.5 spaces.

- 8.4.12. The submitted plans indicate there are currently 20 no. available parking spaces adjacent Units 6, 7 and 13 associated with Little Harvard (which includes 4 no. parallel spaces across from Unit 7). Outside Unit 13 there are 5 no. parking spaces, 4 no. of which would be lost as a result of the proposed development. Adjacent Units 6 and 7 there are currently 15 no. available spaces; one space would also be lost from outside Unit 6 as a result of the proposed development. In total the submitted plans indicate 15 no. spaces would remain after the proposed development.
- 8.4.13. The submitted information indicates there are 7 no. classrooms between Units 6 and 7. Including the proposed development in Unit 13, the submitted information indicates there would be 10 no. classrooms across the three Units. This equates to a requirement of 5 no. parking spaces to serve all of the existing and proposed classrooms. Accordingly, I consider that sufficient car parking overall would remain.
- 8.4.14. However, the application does not make it clear if spaces are allocated to specific Units or shared across the Little Harvard operation. For example, if one assumes the parking spaces outside Unit 13 were intended to meet its needs, then insufficient parking to meet Development Plan norms would be provided for that Unit. However, if spaces are not allocated per unit, then I consider that concerns arise for the safe movement of pedestrians within the site as a result of the proposed development.
- 8.4.15. I note that during my site visit the Little Harvard minibus was parked in the parallel car parking area opposite Unit 7. I observed no dedicated mini-bus parking area. I consider that this may reduce the available number of car parking spaces.
- 8.4.16. I also note the appellant statement that all staff walk, cycle or use public transport and that no staff drive. No evidence is submitted in this regard, including in relation to the potential for staff to be dropped to the site. The Development Plan requires childcare development to be convenient to public transport nodes, however I note the nearest eastbound and westbound bus stops are 1.6km away (approx. 22-23 mins walk) which I consider inhibits the likelihood of their use by staff and users.
- 8.4.17. Whilst it would appear that sufficient parking would remain to serve Units 13, 6 and Little Harvard overall, as set out above I have concerns regarding the proposed parking layout, and related safety matters. Given the applicant operates three Units in the red line area, I have concern as to the lack of detail in terms of car parking demand, usage, and management that would arise as a result of the proposed

development, both between the Little Harvard units. I also have concern regarding the parking layout, and for the safe movement of pedestrians between the premises and parking areas, and the absence of clearly defined set-down facilities or safe pedestrian routes. Accordingly, as set out above, I am not satisfied the proposed development meets the requirements of Objective DMSO79 in relation to convenient off-street car parking; convenience to public transport nodes; safe access; and suitable drop-off and collection points for customers and staff.

- 8.4.18. I note Condition 6 of Reg. Ref. FW17A/0046 required submission for agreement of a parking plan for the area. I see no record of this condition having been complied with. Should the Commission be inclined to grant permission, I am not satisfied that arrangements for set-down and safe pedestrian movement in the carpark can be resolved appropriately by condition.

Conclusions

- 8.4.19. Whilst I acknowledge the stated demand for childcare places in the wider employment area, and the provisions of the Development Plan and Childcare Guidelines in this regard, and noting the lack of details submitted, I am not satisfied the proposed arrangement would provide for a sufficiently safe environment for users of the facility in traffic safety terms. Whilst I note the nature and layout of development permitted to date, I am not satisfied the proposed layout of development, particularly in relation to drop-off & collection would provide for a safe environment for children and other users. On balance I consider the development as propose would be contrary to the provisions of the Development Plan and the proper planning and sustainable development of the area.

8.5. Related matters raised in the course of the appeal

Material contravention

- 8.5.1. **Section 37(2)(a)** of the Planning & Development Act 2000 (as amended) provides for the Commission in determining an appeal to grant permission even if the proposed development contravenes materially the Development Plan. Section 37(2)(b) states that where a Planning Authority has decided to refuse permission on grounds that a proposed development materially contravenes the Development Plan, the Commission may only grant permission in accordance with paragraph 37(2)(a) in

specific circumstances. I have considered the proposed development against the criteria of subsection (b) of Section 37(2). I do not consider that any of the stated criteria ((i)-(iv)) apply in this case. Accordingly, I am satisfied that having regard to the provisions of the Planning & Development Act Section 37(2), that the Commission should not grant permission for the proposed development.

9.0 Appropriate Assessment screening

- 9.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Sites including the Rye Water Valley / Carton SAC in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based on the nature of the proposed works and the location and distance from nearest European site and lack of connections

10.0 Water Framework Directive

- 10.1.1. The subject site is located approx. 735m from the river Tolka. The proposed development comprises a new childcare play area, increase in childcare places and new cycle parking. No water deterioration concerns were raised in the planning appeal. I have assessed the childcare project and have considered the objectives as set out in Article 4 of the Water Framework Directive. Having considered the nature, scale and location of the project, I am satisfied it can be eliminated from further assessment because there is no conceivable risk to any water bodies either qualitatively or quantitatively or otherwise jeopardise any water body in reaching its WFD objectives. The reason for this conclusion is the small scale and nature of the development and the location-distance from nearest Water bodies and/or lack of hydrological connections. I conclude that on the basis of objective information, the proposed development will not result in a risk of deterioration on any water body either qualitatively or quantitatively or on a temporary or permanent basis or

otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1.1. I recommend permission be **Refused**, for the reasons and consideration below.

12.0 Reasons and Considerations

Having regard to the provisions of the Fingal County Development Plan 2023-2029, including the 'GE General Employment' land use zoning objective for the area; and having regard to the nature of the proposed childcare development and the nature and layout of development in the area, it is considered that the development as proposed would be prejudicial to traffic safety, and would conflict materially with Objective DMSO79 of the Development Plan in relation to safe access and suitable drop-off and collection points for customers and staff, and would, therefore, not be in accordance with 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.-

Dan Aspell
Inspector
20th October 2025

APPENDIX 1

Form 1: EIA Pre-Screening

Case Reference	ABP-323131-25
Proposed Development Summary	Play area and low fence in the 3 existing car parking spaces to the front, and also an increase in childcare places from 40 to 72
Development Address	Little Harvard Creche and Montessori, Unit 13, 42 Rosemount Park Drive, Rosemount Business Park, Ballycoolin, Dublin 11, D11 PH48
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	
☐ Yes, it is a 'Project'. Proceed to Q2. ☒ No, No further action required.	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required.	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10(b)(iv) Urban development.
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: __ 8th October 2025 __