



An  
Coimisiún  
Pleanála

## Inspector's Report PL-501285-KY-26

|                                     |                                                                                                                                                                        |
|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Development</b>                  | Change of use of part of dwelling to childcare facility. Extension of detached storage building and change of use to childcare facility and all associated site works. |
| <b>Location</b>                     | 27 GLENCAIRN, CAHERSLEE,<br>TRALEE CO. KERRY                                                                                                                           |
| <b>Planning Authority</b>           | Kerry County Council                                                                                                                                                   |
| <b>Planning Authority Reg. Ref.</b> | 2660157                                                                                                                                                                |
| <b>Applicant(s)</b>                 | Lorraine Smith                                                                                                                                                         |
| <b>Type of Application</b>          | Permission                                                                                                                                                             |
| <b>Planning Authority Decision</b>  | Refuse Permission                                                                                                                                                      |
| <b>Type of Appeal</b>               | First Party Normal Planning Appeal                                                                                                                                     |
| <b>Appellant(s)</b>                 | Lorraine Smith                                                                                                                                                         |
| <b>Observer(s)</b>                  | Colette Mitchell<br>Simon Mitchell                                                                                                                                     |
| <b>Date of Site Inspection</b>      | 17 <sup>th</sup> July 2026                                                                                                                                             |

**Inspector**

Matthew McRedmond

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## **1.0 Site Location and Description**

- 1.1.1. The subject site is located at 27 Glencairn, Caherslee, Tralee, Co. Kerry on a 0.047ha site, with a detached two-storey dwelling, within an established residential housing estate. The subject proposal is to the rear of No. 27 where there is an existing rear garden with a detached office/ancillary structure permitted under Kerry Co. Co. Ref. 231020 (ABP Ref. 318656-23).
- 1.1.2. There is an existing car port attached to the northeastern elevation/gable of the existing dwelling with a hardstanding surface parking area to the front of the dwelling. The dwelling is located on a cul de sac with a public turning area to the northwest, approximately 20 metres from the entrance to No. 27. The surrounding area is characterised by similar, two-storey detached residential dwellings with 4no. other dwellings along the cul de sac that serves the appeal site.

## **2.0 Proposed Development**

- 2.1.1. The proposed development is for a part-time childcare service at the subject site, conversion of part of the ground floor of the existing dwelling for use as a toilet block for the childcare service, ground floor extension to the rear of the dwelling and connection to the existing ancillary structure, all for use in the proposed childcare service.
- 2.1.2. Submitted documents indicate that 25no. childcare spaces will be provided, the service will be part-time which is Monday-Friday, 9am-2pm with 3no. parking spaces proposed and 1no. bike parking space provided. I note from the submitted documents that the car port that currently adjoins the dwelling will be converted to a covered, outdoor play area as part of the proposal.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. The Planning Authority (PA) refused permission on the 22<sup>nd</sup> April 2026 for the following reasons:

1. *It is considered the proposed development would be substandard as it endangers public safety by reason of traffic hazard due to the inadequate provision of parking to serve the proposed development in accordance with the requirements of Policy 1.20.7 of the Development Management Standards in Volume 6 of the Kerry County Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
2. *It is considered that the proposed development, within an existing residential development, would be injurious to the residential amenity of the area and set an undesirable precedent for similar such development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

### **3.2. Planning Authority Reports**

#### Planning Report

- 3.2.1. The PA report on the application had regard to the location and planning history of the site, the policy context for the proposal with regard to the Kerry County Development Plan (KCDP) and undertook an assessment of the proposal. The main points of the assessment may be summarised as follows:

- Noted there is no capacity to provide parking at the subject site to serve the subject proposal. No details have been submitted with regard to envisaged staff numbers and number of children to be cared for, it is considered that the additional parking and traffic movements generated by the proposal would pose a traffic hazard and would not comply with the Development Management Standards in the County Development Plan 2022-2028.
- Nature of proposed development and change of use would be injurious to residential amenity of the area.
- Visual amenity and infrastructure connections acceptable.
- Recommended refusal of permission as above.

- 3.2.2. Other Technical Reports

- **Chief Fire Officer** – Fire Safety and Disability Access Certificate required prior to opening of proposed development.
- **Flooding, Coastal and Marine Unit** – No flood risk identified at this location.

### 3.3. Prescribed Bodies

3.3.1. None.

### 3.4. Third Party Observations

- 3.4.1. There were a number of third-party submissions in relation to the proposed development. The main issues may be taken as summarised in the PA Planning Report, which mainly related to traffic impacts and impacts on residential amenity.
- 3.4.2. The applicant provided a response to the observations on file and submitted that the proposal is consistent with national policy in relation to childcare provision, local policy including the Kerry CDP in relation to building sustainable communities and would not cause traffic or other significant impacts on the locality. Local childcare need for surrounding residents is also put forward by the applicant as a reason to provide the proposal.

## 4.0 Planning History

- 4.1.1. **Kerry Co. Co. Ref. 22/1104:** Permission granted in January 2023 to widen existing access to dwelling and build a new carport at the side of existing dwelling.
- 4.1.2. **Kerry Co. Co. Ref. 23/1020 (ABP Ref. 318656-23):** Permission granted by the PA in November 2023 for retention permission for an office/storage building to the rear of the existing dwelling at 27 Glencairn. ABP upheld the decision to grant permission.

## 5.0 Policy Context

### 5.1 Kerry County Development Plan 2022-2028

- 5.1.1. The Kerry County Development Plan 2022-2028 is the pertinent statutory Plan. The Tralee Municipal District Settlements' Plan is incorporated into the County

Development Plan through Variation No. 1. The site is zoned 'R2 Existing Residential' which has an objective to 'Provide for residential development and protect and improve residential amenity'.

5.1.2. The description for existing residential includes the following:

*"For existing predominately residential areas allowing for the protection of existing residential amenity balanced with new infill development. May also include a range of other ancillary uses for residential, particularly those that have the potential to foster the development of residential communities. These are uses that benefit from a close relationship to the immediate community, such as crèches, some schools and nursing homes. A limited range of other uses that support the overall residential function of the area may also be considered."*

5.1.3. Creche is permitted in principle under the 'Existing Residential' Land use zoning.

5.1.4. Section 6.3.6 of the CDP is in relation to childcare and states the following:

*Access to affordable and high-quality childcare is an essential requirement for an equitable society, a thriving economy and sustainable communities and is a critical part of our nation's infrastructure. Childcare provision in Kerry is reaching capacity and new planning approaches and sustained investment are required, to ensure effective access to childcare provision is maintained.*

5.1.5. Objective KCDP 6-53 is to 'Facilitate 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.'

5.1.6. Volume 6 of the CDP includes standards for car parking. The subject site is located within Parking Area 3, where a dwelling requires 2.5 spaces including visitor parking and a childcare facility requires 1 space per 4 children, plus 1 space per staff member. Section 1.20.7 of Volume 6 of the Plan states the following in relation to parking standards:

*(It should be noted that a flexible approach to these standards may be applied where such a case is substantiated, there is no traffic safety issue, and it is clearly demonstrated to the Planning Authority in the interest of proper planning and development, that the standard should be adjusted to facilitate the site-specific context).*

## 5.2. National Policy

### **Childcare Facilities – Guidelines for Planning Authorities 2001**

- 5.2.1. National policy documents that form the strategic context for the proposed development include Guidelines for Planning Authorities on Childcare Facilities, 2001.
- 5.2.2. Section 3.3.1 of the Guidelines notes that suitable locations for full day facilities include 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 area.
- 5.2.3. The guidance goes on to state that applications for other types of premises including those located on a cul de sac should be treated on their merits having regard to the principles outlined in relation to parking, drop off points, layout and design of the housing area and the effect on the amenities of adjoining properties.
- 5.2.4. Section 3.2 of the guidelines sets out the different criteria that should be used for assessing planning applications for childcare facilities, including the following:
- Suitability of the site for the type and size of facility proposed.
  - Availability of outdoor play area and details of management of same.
  - Convenient to public transport nodes.
  - Safe access and convenient parking for customers and staff.
  - Local traffic conditions.
  - Number of such facilities in the area.
  - Intended hours of operation.

### **Circular Letter PL3/2016 – Department Environment, Community and Local Government 2016**

- 5.2.5. This circular notes that with forecasted economic and population growth in conjunction with the extension of the Early Childhood Care and Education (ECCE) Scheme, it is expected that there will be an increased demand for childcare spaces. In line with Government policy to increase access to childcare, it is envisaged that there may be a review of the Childcare Facilities Guidelines for Planning Authorities

2001. Planning authorities are requested to expedite, insofar as is possible, consideration of all planning applications in respect of childcare facilities in order to facilitate the expansion of required capacity as appropriate.

### **5.3 Natural Heritage Designations**

- 5.2.6. The subject site is not located within or immediately adjacent to a European site. The subject site is within approximately 1.3km of the designated Tralee Bay and Magharees Peninsula, West to Cloghane SAC (Site Code 002070) and Tralee Bay Complex SPA (Site Code 004188). The site is also located approximately 4.2km from the Ballyseedy Wood SAC (Site Code 002112).

## **6.0 EIA Screening**

- 6.1.1. I have had regard to the determination of the Planning Authority in relation to EIAR requirements. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). 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 this report.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

- 7.1.1. A First-Party appeal was submitted by the applicant. The following were the main points:

#### **Proposal**

- Appeal clarifies that the proposal is for 16 childcare spaces.
- Proposal replaces a previous 16-place childcare service at 18 Lioscarrig Drive, Caherslee (Ref. 02306376), with local childcare at capacity.
- Proposed use is ancillary to main residential use.

- Traffic impacts and endangerment of public safety is not supported by evidence.
- Proposal complies with national and local policy in relation to the provision of childcare.

### **Traffic**

- Proposal fully complies with Policy 1.20.7 (1 space per 4 children) – with 6 spaces available on site (4 childcare, 2 domestic).
- Bike parking and buggy storage provided – sustainable transport measures.
- Traffic generation low and managed with staggered drop off, numerous customers/children walking to premises from local catchment. Wide two-way road with turnaround area to front of house.
- Kerbside drop off and turning area available. Proposal is appropriate in a residential context.

### **Residential Amenity Impacts**

- No change to front of unit so no residential amenity changes or impacts.
- Examples of similar facilities provided in surrounding areas, which are full with waiting lists (Naoinara Aine, 6 Lioscarrig Drive and ‘Sunflowers’, 4 Pembroke Court).
- Limited scale, daytime operating hours and residential character retained. No evidence of excessive noise, loss of privacy or overdevelopment.

### **Precedent**

- ABP Ref. PL29N.248250 provides example of childcare in residential setting. ABP Ref. PL06D.301874 provides example of adequate parking not warranting a refusal of permission.

### **Conclusion**

- Proposal is modest in scale, complies with parking standards, is supported by precedent and addresses a demonstrated childcare need. Third party concerns in relation to traffic impact and residential amenity are not substantiated with evidence.

- Submit that PA decision is not supported by evidence, and request permission is granted.
- Appeal is supported by photographic evidence, lists of other childcare operators in the area approved by Tusla and mapped evidence of other facilities in residential areas, including applicant's former premises.

## **7.2. Planning Authority Response**

7.2.1. None on file.

## **7.3. Observations**

7.3.1. There were 2no. third party observations on the First-Party appeal from adjoining landowners to the east and west. One observation provided support for the proposal, noting it would provide a valuable amenity to the area and having regard to the scale, would not have an impact on the surrounding area. The second observation noted a number of points in opposition to the proposal, which may be summarised as follows:

### Traffic and Parking

- Proposal would have an undue impact on traffic, safety, parking and turning movements at the existing turning head.
- The proposal is fully reliant on land outside the subject site for successful operation and this cannot be sustained. Kerbside stopping and use of the turning area would impact pedestrian safety, vehicular traffic and service vehicles.
- Road effectively operates as single lane due to parking practices in the area.

### Scale

- References to 25no. childcare spaces, reduced to 16no. in appeal documentation raises concerns in relation to true operational nature of proposal.
- Use of kerbside parking, parking within subject site and use of turnaround area is more reflective of a larger scale childcare operation.

### Residential Amenity

- Introduction of regular, concentrated drop off and collection traffic would fundamentally alter character and functioning of this area.

### Replacement Facility

- Applicants claim that this is a replacement facility is unfounded as the referenced facility closed approximately 12 years ago. Acknowledged that the applicant operated a substantially larger facility within Caherslee area in the meantime. This is noted as providing a misleading narrative in relation to provision of replacement childcare spaces.

### Site constraints

- Precedent examples are not directly comparable to the proposed development and the constraints of the subject site in relation to position in cul-de-sac, reliance on shared turning head, single lane road operation and lack of independent parking within the site.

### Other Matters

- Surface Water impacts from existing development on site are noted, with pooling of water during heavy rainfall.
- Incremental intensification of use and development at the subject site through the car port permission and widening of driveway, retention of structure to rear and now the current application. Significant concern that proposal extends beyond the residential and ancillary use context. Also noted that works appear to have commenced on site, notwithstanding the refusal of permission by Kerry County Council.

### Conclusion

- Proposal would give rise to traffic hazard, would injure residential amenity, would set an undesirable precedent and the third party observation against the proposal requests a refusal of permission.

## 8.0 Assessment

8.1.1. Having reviewed the details and appeal documentation on the file, the submissions made, having visited the site, and having regard to relevant local and national policy and guidance, I consider the main issues to be the following:

- Traffic Safety and Parking
- Residential Amenity Impacts

### 8.2. Traffic Safety and Parking

8.2.1. The First-Party submits that the PA decision in relation to insufficient parking at the subject site is not evidence based and the proposal provides for 6no. car parking spaces in compliance with Development Plan standards for facilities with 16no. child spaces and also provides 1 bike parking space and buggy storage facilities.

8.2.2. The First-Party submits that additional car parking is available on the estate road/kerbside adjoining the dwelling, and at the end of the turning area at the end of the cul de sac. The site layout plan notes 3no. public car-parking spaces, unmarked, at the turning area on the public road and also submits that 3no. car parking spaces are provided in compliance with Development Plan Standards. It is not clear from the submitted documents which spaces are proposed to comply with the Development Plan.

8.2.3. Observers to the appeal note that the proposal relies on on-street parking and use of the turning area in order to provide sufficient parking. They submit that this would lead to traffic disruption in the area that would have a negative impact on residential amenity and traffic safety.

8.2.4. The First-Party refers to a number of precedent examples in the surrounding area as well as previous An Bord Pleanála decisions that permitted childcare facilities within residential settings. No detailed Planning History was provided for the 2no. facilities referenced in the surrounding area, the previous facility run by the applicant, or the 2no. Board cases, which I cannot find a corresponding case file for the reference numbers provided. I have had regard to the precedent examples in the surrounding area provided by the First-Party and acknowledge these childcare facilities, as well as the applicant's previously permitted facility at Caherslee. While I note these examples, as specified in the Guidelines for Childcare Facilities 2001 I have

assessed the subject proposal on its own merits, given the specific site constraints applicable to the application site, and I proceed with my assessment on this basis.

- 8.2.5. I have had regard to the submitted documentation and conclude that it is not clearly defined what car parking spaces are proposed for the development as put forward. 2no. spaces are delineated on the site layout plan within the curtilage of the site, which I noted as existing on my visit to the site. There is currently a car port attached to the side of the dwelling and space for 1no. additional parking space to the front of the car port, within the site, in the current scenario. This results in a total availability of 4no. parking spaces currently within the site, subject to management of parking to the front of the car port. The floor layout plans indicate the car port is to be converted to a covered play area associated with the proposed childcare facility, resulting in the loss of one space within the curtilage of the site as a result of the proposal.
- 8.2.6. The County Development Plan provides that a requirement of 2.5 spaces are required for residential dwellings, with 0.5 space per dwelling for visitors. Childcare proposals require 1 car space per 4 children, plus 1 car space per staff member. The original application documents indicated 16no. children arriving to the site by walking, 7no. by driving and 2no. by cycling to the facility, for a total indication of 25no. childcare spaces. The First-Party appeal submits that the proposal will be for 16no. childcare spaces, to replace their previous operation at a separate site, with no breakdown of expected travel mode provided for this number.
- 8.2.7. I am satisfied that the intention is for 16no. childcare spaces given the indicated floor area of 54sqm proposed, and minimum spaces per child of 2.32sqm as set out in the Childcare Facilities Guidelines, increasing to 3.7sqm per child depending on the ages of children in attendance. I am satisfied also that I could include a condition to limit childcare space numbers to 16no. if permission is granted, however, this still gives rise to a requirement for 4no. car parking spaces at 1 space per child, plus 2no. further spaces required for staff. This is a total requirement of 6no. car parking spaces in line with Development Plan requirements, and not 3no. spaces as provided on the applicant's Proposed Site Layout Plan.
- 8.2.8. The Childcare Facilities – Guidelines for Planning Authorities 2001 note that particular attention should be given to applications for childcare facilities located in cul de sacs with regard to parking, drop off points, layout and design of the housing

area and the effect on the amenities of adjoining properties. The existing cul de serves 5no. houses and the subject site is one of these houses located on the southern side of the road. There is an area of open space to the north side of the cul de sac, with a similar cul de sac located on the north side of the open space.

- 8.2.9. The subject site has an existing area of hardstanding to the front of the dwelling. I am satisfied that 2no. car parking spaces within the site may be considered as multi-purpose and would crossover with residential parking requirements, given the proposed owner/occupier arrangement as submitted by the First Party. 1no. additional car space can be provided on site within this hardstanding surfaced area, to the front of the car port, and 1no. space could be realistically set aside at the front kerb of No. 27 Glencairn, which is consistent with the general practice I observed on site for resident parking at the kerbside in front of the other 4no. dwellings along this cul de sac. These arrangements for the subject site would provide a total of 4no. spaces and leave a shortfall of 2no. car parking spaces to comply with Development Plan standards.
- 8.2.10. I have given consideration to the use of other modes to access the proposed development, which does have merit in terms of considering a reduced parking requirement. The subject site is located within a wide residential area that is suitable for walking due to reliable footpath infrastructure in the vicinity, and I am satisfied that at least some trips to and from the proposed childcare facility would be on foot and would not require a car parking space.
- 8.2.11. I have also given consideration to the permissibility of an additional 2no. spaces to be utilised within the cul de sac turning area adjacent to the site. I acknowledge that should all parking spaces be required at any one time, within the site and on the adjacent estate road, this could lead to haphazard parking practices, result in negative impacts on public safety and consequently, would reduce residential amenity in the area, which is a key requirement to be protected under the 'Existing Residential' zoning of the site. I noted, for example, that cars were parked at the turning head on the north side of the open space on my site visit, which supports the principle of informal parking arrangements within what I observed to be a low-traffic environment.

- 8.2.12. The First-Party has submitted that drop off times will be staggered, but no details are provided in relation to how that would be facilitated. Ultimately, I note that 16no. child spaces have the potential for peak period traffic generation and associated parking requirements. While I noted parking on the surrounding road and adjoining turning area on my site inspection, there was parking availability on the estate road and effective management of drop-offs to the premises would assist in mitigating impacts on the surrounding area. Should permission be granted, I recommend a management plan to be submitted by the applicant to the PA and agreed by way of condition, to provide details of the staggered drop-off and collection process and the modes of transport to and from the proposal. Promotion by the applicant of non-car based travel to and from the proposal for customers within a 1km radius would be beneficial and I recommend this is included in a condition attached to any grant of permission.
- 8.2.13. An observer to the appeal contends that off-site car parking spaces indicated on the drawings submitted in response to the FI request serves as a turning area for the cul de sac and would generate conflicting traffic movements within Glencairn. However, given the limited number of child spaces, the proposed operating hours to be limited to 9am-2pm and the temporary/short term and drop-off/pick-up nature of parking requirements associated with the proposed use, I conclude that as the turning area would be used only as a drop-off/pick-up area for a limited scale facility, and at limited times, the proposed development would not result in an unacceptable traffic hazard in this residential area. I propose to include a condition in relation to opening hours of 9am-2pm in any grant of permission, to limit the extent of traffic movements associated with the subject proposal throughout the day and be in line with the part-time nature of the proposal as set out by the applicant. I note the flexibility provided in relation to car parking requirements as provided in Section 1.20.7 of the Kerry County Development Plan and I find that such flexibility is appropriate in this instance given the national requirement for childcare provision and the potential for travel to the proposal by other modes.
- 8.2.14. I have given consideration to the car parking available within the site, at the kerbside in front of the dwelling, and the potential for walking/cycling to the proposal at the subject site that would reduce the demand for car parking spaces associated with the proposed development and I conclude that the additional 2no. pick-up/drop-off

spaces would only be required for short periods of time and with other spaces and travel modes available, may not always be required for the proposal. The site is located on a cul de sac of only 5 dwellings which adds to its accessibility and the low-traffic environment of the immediate locality. I have had regard to Government Circular Letter PL3/2016 and note the need for childcare facilities to align with projected population growth, and I am satisfied the subject site, and surrounding infrastructure, has the capacity to allow the proposed development to be integrated into the area. I refer The Commission to ABP Ref. PL10.248511 for a childcare facility within a residential estate that utilised turning areas as drop-off/pick-up car parking, without giving rise to traffic hazard, and carry forward the same principle to my consideration of the subject appeal.

- 8.2.15. I therefore find the proposal to be acceptable in relation to Traffic Safety and Parking and conclude that Reason for Refusal No. 1 can be dismissed based on my assessment above.

### **8.3. Residential Amenity Impacts**

- 8.3.1. The second reason for refusal found that the subject proposal would be injurious to residential amenity and would set an undesirable precedent. The observer to the appeal concurred that the proposal would lead to traffic hazard and therefore residential amenity impacts. Impacts in relation to surface water management and compliance with previous permissions were also raised by the observer.
- 8.3.2. The First-Party submits that as the proposal would be limited to the rear of the dwelling, with no alterations to the front elevation, there would be no impacts to residential amenity of the area.
- 8.3.3. In relation to precedent, the First-Party submits a number of examples in the surrounding area and previous Board decisions, to clarify the precedent for similar uses as already established within the residential area.
- 8.3.4. I have had regard to the precedent examples provided by the First-Party and note the childcare facilities in the surrounding residential area, as well as the applicant's previously permitted facility at Caherslee. While I note these examples, I have assessed the subject proposal on its own merits, given the specific site constraints applicable to the application site as recommended in the Childcare Facilities Guidelines 2001.

- 8.3.5. I note the details provided with the application and the proposed single storey extension to the rear of the property, use of the existing ancillary structure to the rear for additional childcare floor space and conversion of the car port to a covered children's play area with infill panels to separate this area from the front hardstanding area of the dwelling. Elements of the proposal as they relate to the front of the house are to provide car parking and access to the proposed development.
- 8.3.6. As I have noted above, I am satisfied that the required car parking can be accommodated within the existing setting, without causing traffic hazard and therefore I conclude there to be no significant residential amenity impacts in this regard, subject to compliance with recommended conditions.
- 8.3.7. I note the single storey extension to the rear that is proposed to connect the existing ancillary structure with the rear of the dwelling, also providing access to a new internal toilet block. I am mindful of the operating hours proposed for the subject development that are limited to Monday-Friday from 9am-2pm and the primarily internal nature of the proposed development, with the play area also being enclosed and covered. I consider that the small scale and limited operating hours of the proposal would not give rise to significant impacts in relation to noise, loss of privacy or nuisance. Childcare Facilities are permitted within the 'Existing Residential' land use zoning, and I am satisfied that the proposal would not cause unacceptable residential amenity impacts in this context.
- 8.3.8. Other issues raised by the observer to the appeal relate to surface water impacts and non-compliance with previous permissions. Incremental intensification of use at the site is also raised as a concern.
- 8.3.9. It is not a function of An Coimisiun Pleanála to adjudicate on enforcement matters, however I consider it prudent to include a condition on any grant of permission to ensure a satisfactory drainage arrangement is agreed with the Planning Authority for implementation on site, to avoid any impacts on surrounding properties.
- 8.3.10. In relation to the incremental intensification of uses on site, I am satisfied that the dwelling has operated as a residential unit and was so on my inspection of the site and that no construction works have commenced on site. I have assessed the subject proposal on its individual merits and find no unacceptable amenity impacts would arise. Any further intensification, change of use or alteration to existing

development on site would be subject to an independent review and assessment at that stage. I am therefore satisfied that the proposal would not cause any significant residential amenity impacts and find that reason for refusal No. 2 may be dismissed and permission for the proposed development may be granted, subject to conditions to ensure the proper planning and sustainable development of the area.

## **9.0 AA Screening**

- 9.1.1. Having reviewed the details on file and having regard to the nature and scale of the proposed development, the location of the site within an established urban setting, the absence of ecological and/ or hydrological connections, and the physical separation distances to European Sites, I consider the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.
- 9.1.2. Please refer to the attached appendices for detailed Stage 1 Appropriate Assessment.

## **10.0 Water Framework Directive**

- 10.1.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.
- 10.1.2. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.
- 10.1.3. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.
- 10.1.4. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

## 11.0 Recommendation

- 11.1. I recommend that permission be granted based on the following reasons and considerations and subject to the conditions set out below.

## 12.0 Reasons and Considerations

Having regard to the zoning for 'Existing Residential' in the Tralee Municipal District Settlements Plan as set out in the Kerry County Development Plan 2022-2028, and that childcare facilities are permissible within this zoning objective and the limited nature and extent of the proposed childcare use ancillary to the main dwelling house on the site, it is considered that the proposed extension and change of use to a part time childcare facility would be in accordance with the zoning for the site, would not seriously injure the amenities of property in the vicinity and would not result in a traffic safety hazard or obstruction of road users. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 26th day of February, 2026, except as may be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed childcare facility shall not operate outside the period of 09.00 to 14.00 hours Monday to Friday inclusive except public holidays.

**Reason:** In the interest of residential and visual amenity.

3. The number of children to be accommodated within the premises (No. 27 Glencairn) shall not exceed 16 at any time on any day.

**Reason:** To limit the development in the interest of residential amenity.

4. Prior to the opening/occupation of the development, a Mobility Management Plan (MMP) shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling and walking by customers of the childcare facility. The mobility strategy shall be prepared and implemented by the owner/occupier of the facility. The specific details of the mobility management plan shall include provisions for staggered drop-off and pick-up from the childcare facility and details of modes of transport to and from the childcare facility. The developer shall undertake an annual monitoring exercise to the satisfaction of the planning authority and shall submit the results to the planning authority for consideration and placement on the public file.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

5. Water supply and drainage arrangements, including attenuation and disposal of surface water shall comply with the requirements of and shall be submitted for written agreement with the planning authority for such works and services.

**Reason:** In the interest of public health.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such

agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

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Matthew McRedmond  
Senior Planning Inspector

6<sup>th</sup> August 2026

## Appendix 1: Form 1 EIA Pre-Screening

|                                                                                                                                                                                                                                                                       |                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| <b>Case Reference</b>                                                                                                                                                                                                                                                 | PL-501285-KY-26                                                                                         |
| <b>Proposed Development Summary</b>                                                                                                                                                                                                                                   | Change of use of dwelling to childcare facility, extension of the rear of dwelling and associate works. |
| <b>Development Address</b>                                                                                                                                                                                                                                            | 27 Glencairn, Caherslee, Tralee, Co. Kerry                                                              |
| <b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>                                                                                                                                                                                                                        |                                                                                                         |
| <b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>                                                                                                                                                            | <input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.                             |
|                                                                                                                                                                                                                                                                       | <input type="checkbox"/> No, No further action required.                                                |
| (For the purposes of the Directive, "Project" means:<br>- The execution of construction works or of other installations or schemes,<br>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) |                                                                                                         |

|                                                                                                                                                                                                                                                                               |                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| <b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>                                                                                                                               |                             |
| <input type="checkbox"/> Yes, it is a Class specified in Part 1.<br><b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>                                                                                                                   | <b>State the Class here</b> |
| <input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3                                                                                                                                                                                  |                             |
| <b>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?</b> |                             |
| <input checked="" type="checkbox"/> 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.<br><b>No Screening required.</b>                                  |                             |
| <input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.<br><b>EIA is Mandatory. No Screening Required</b>                                                                                                                       |                             |
| <input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.                                                                                                                                                                                    |                             |

|                                                                                                                                                                        |                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>          |                                                                                  |
| <p><b>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)?</b></p> |                                                                                  |
| <p><b>Yes <input type="checkbox"/></b></p>                                                                                                                             | <p><b>Screening Determination required (Complete Form 3)</b></p>                 |
| <p><b>No <input checked="" type="checkbox"/></b></p>                                                                                                                   | <p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p> |

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

## Appendix 2: Standard AA Screening Determination

### Test for likely significant effects

#### **Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)**

I have considered case PL-501285-KY-26 in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The proposed development is located within a residential area and comprises the change of use of part of a dwelling to childcare facility, extension to the rear and associated site works. The closest European Site, part of the Natura 2000 Network, is the Tralee Bay and Magharees Peninsula, West to Cloghane SAC, located 1.3km west of the proposed development.

Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Small scale and domestic nature of the development
- The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats,
- absence of ecological pathways to any European Site.

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