



An
Coimisiún
Pleanála

Inspector's Report PL-501545-LS-26

Development	Permission for an intensification of usage of creche including car park and all associated site works.
Location	Harpur's Lane, Portlaoise, Co. Laois (part of former Minch Norton Maltings).
Planning Authority	Laois County Council
Planning Authority Reg. Ref.	2560770
Applicant(s)	The Maltings and Granary Ltd
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	The Maltings and Granary Ltd
Observer(s)	None
Date of Site Inspection	27 th August 2026
Inspector	Terence McLellan

1.0 Site Location and Description

- 1.1. The subject site refers to the permitted but not operational creche unit located on the ground floor of a new five storey residential block within the new residential development, known as The Maltings, on Harpur's Lane, Portlaoise. The site is close to Portlaoise town centre, sitting to the north of the railway line. The estate within which the site is located also accommodates a nursing home and an assisted living block, in addition to further apartment blocks.

2.0 Proposed Development

- 2.1. Planning permission is sought to intensify the usage of the permitted creche by raising the number of children accommodated from 22 to 58, with associated increases in the number of parking spaces for staff and the external play area for children.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Laois County Council refused permission by order dated 18th May 2026 for the following reasons:

1. Minimum floor space per child

The proposed development would result in a significant intensification of the permitted childcare facility from 22 children to 58 children without providing adequate internal floor space within the individual childcare rooms to satisfactorily accommodate the number of children proposed. The applicant has sought to demonstrate compliance by reference to the Child Care Act 1991 (Early Years Services) Regulations 2016, together with assumptions regarding sessional use, staggered attendance patterns and reduced occupancy for parts of the year. However, the Childcare Facilities: Guidelines for Planning Authorities (2001), issued under Section 28 of the Planning and Development Act 2000, set out clear guidance in relation to minimum internal floor space per child as a land-use planning consideration, including a benchmark of 2.32sqm clear floor area per (full time) child aged 2–6 years and 2sqm per (sessional)

child, exclusive of ancillary areas. When assessed against these Guidelines, it has not been satisfactorily demonstrated that the proposed classrooms can accommodate the stated number of children, nor should the classrooms be in excess of 22 children as advised in the 2016 Regulations. The proposal relies on operational and management-based arrangements to achieve compliance, rather than on the inherent suitability and adequacy of the physical accommodation provided. In this regard, it is noted that planning permission must be assessed having regard to the maximum reasonable level of use that may occur over the lifetime of the development and must attach to the development rather than to a particular operator or management model. Reliance on evolving operational practices does not adequately address the identified shortfall in floor space. In the absence of sufficient internal floor space to accommodate the proposed number of children, the development would result in an over-intensive and substandard form of childcare accommodation, contrary to the Childcare Facilities: Guidelines for Planning Authorities (2001) and the proper planning and sustainable development of the area.

2. Outdoor Play Provision

The applicant has submitted revised plans indicating an increase in the total area of outdoor play space; however, the overall provision remains deficient having regard to the provisions of the Childcare Facilities: Guidelines for Planning Authorities (2001) and Child Care Act 1991 (Early Years Services) Regulations 2016. These guidelines make it clear that having enough suitable outdoor play space is a key factor when assessing childcare facilities from a planning perspective. While it is acknowledged that, in certain circumstances, a modest shortfall below the guideline standard of 9sqm per child as advised in the 2016 Regulations may be considered acceptable having regard to site context and the quality of provision, the extent of the deficit in this instance is excessive and cannot be reasonably justified. The proposal relies heavily on operational and management-based measures, including staggered and split use, sessional attendance, and staff supervision, in order to justify the reduced level of provision. However, these are management arrangements rather than permanent physical features of the site. They cannot be easily enforced through planning and may change over time. In this regard, it is recalled that planning

permission must be assessed on the basis of the maximum reasonable level of use which may occur over the lifetime of the development and must attach to the development rather than to a particular operator. The long-term adequacy of outdoor play provision has therefore not been satisfactorily demonstrated. In the absence of adequate and suitably proportioned outdoor play space, the proposed development would result in an over-intensive and substandard form of childcare provision, which would adversely affect the amenity and welfare of child users, and would be contrary to the Childcare Facilities: Guidelines for Planning Authorities (2001), Section 5.3.2 of the Laois County Development Plan 2021–2027, and the proper planning and sustainable development of the area.

3. Car Parking spaces

The proposed development would result in a significant intensification of childcare use within a wider mixed-use scheme without providing an adequate or policy-compliant quantum of car parking to serve the development. The applicant has not satisfactorily demonstrated that this level of parking (26no. spaces) provision can be achieved on site in a clear, consistent and permanent manner. The submitted proposals rely on a combination of shared and dual-use parking arrangements and reallocation of spaces across multiple uses and phases of development, including uses permitted or proposed under other planning applications. Such an approach introduces uncertainty as to the actual availability of parking and lacks clarity and enforceability from a planning perspective. The Planning Authority is therefore not satisfied that the proposed car parking provision complies with the requirements of Table 10.3 of the Laois County Development Plan 2021–2027, nor that the justifications put forward for the identified shortfall are acceptable. The proposal would be likely to give rise to parking congestion, conflict between users, and traffic management difficulties to the detriment of residential amenity, road safety and the orderly functioning of the development. The proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise.

3.2. Planning Authority Reports

3.2.1. The initial Planner's Report concluded in a request for Further Information to address the following concerns:

- The creche is undersized for the number of children proposed having regard to the standards on minimum floorspace per child set out in the Childcare Guidelines and Childcare Regulations.
- Outdoor play space has been substantially reduced and is well below the 9sqm per child recommendation.
- Safe access to the outdoor play space is through other rooms which is a cause for concern.
- Confirmation that car parking requirements can be met without a reduction to the outdoor play area.

3.2.2. Further Information was received on the 11th February 2026 to address the above concerns. This was considered in the second Planner's Report which raised the following points requiring Clarification of Further Information:

- Classrooms 1 and 3 are acceptable in terms of floorspace but Classroom 2 is still undersized for the proposed number of children.
- Noted increase in the quantum of play space however it is still significantly short on what is recommended. Public open areas of the estate cannot be taken into account when reviewing the play space for the creche.
- There appears to be overlap of parking allocations between the proposal and previous permissions as well as the proposed aparthotel. All visitor parking has been removed which is a cause for concern. The development has not demonstrated adequate, reliable, and policy-compliant car parking provision.

3.2.3. Clarification of Further Information was received on 21st April 2026 and considered in the third Planner's Report which contained the following points of note:

- Total outdoor play space remains deficient, equating to 3.05sqm per child against a recommendation of 9sqm per child.

- The usage of the outdoor space is dependent on operational controls that are difficult to regulate or enforce through the planning system and may change over time, undermining the long-term adequacy of the facility.
- Play space remains well below the recommended standard and does not represent an acceptable level of amenity.
- Acknowledge the location within a town centre context with reasonable accessibility to public transport but this does not negate the requirement to demonstrate clear, reliable and policy-compliant parking provision.
- Concern remains regarding the absence of certainty as to which parking spaces are definitively and permanently available to serve the crèche.
- It is noted that the entire development has a shortfall of 68 car parking spaces as per Table 10.3 Laois County Development Plan 2021 – 2027.
- The approach to car parking fundamentally problematic and permissions must be assessed on the basis of fixed, identifiable, and enforceable physical provision, rather than reliance on management systems or assumptions.

3.2.4. The third Planner's report concluded in a recommendation to refuse permission, for the reasons set out in Section 3.1.1 above.

3.3. Other Technical Reports

3.3.1. Chief Fire Officer (02.12.2025): To be noted that Laois Fire Authority did not assess the application, and it is recommended that the applicant/s be informed that they are required to comply with all relevant Building Regulations and all relevant Building Control Regulations.

3.3.2. Municipal District Engineer (16.12.2025): No objections.

3.3.3. Roads Design (08.05.2026): No objections, subject to conditions.

3.4. Prescribed Bodies

3.4.1. The application was referred to the HSE and Uisce Éireann, no response was received.

3.5. Third Party Observations

3.5.1. None.

4.0 Planning History

4.1. There is an extensive planning history for the site, which is set out in the Planner's Report, which is on file for the Commission's information. The parent permission is PA ref. 24/60056 which modified the permission for Block 6 & 7 (previously granted ref. no. 22/271), removing Block 7 from the development, altering the accommodation in Block 6, and minor changes to internal layout, elevations, landscaping, and the bin/cycle store.

4.2. Other planning history of immediate relevance includes:

- PA ref. 22/271 – Permission for two apartment blocks (Blocks 6 & 7), ranging in height from two to four storeys and totalling 28 apartments and a 22-child space creche. Works including the modification of the permitted vehicular entrance off Harpur's Lane permitted under Reg. Ref. 17/449.
- PA ref. 25/60894 (Block 7) – Permission granted in May 2026 for a five storey, 25-bedroom aparthotel.

5.0 Policy Context

5.1. Laois Development Plan 2021-2027

5.1.1. The site is zoned Mixed Use Zoning, the stated objective is *'To provide for a mixture of residential and compatible commercial uses. To facilitate the use of land for a mix of uses, making provisions, where appropriate for "primary" uses i.e. residential and combined with other compatible uses e.g. offices as "secondary". These secondary uses will be considered by the Local Authority, having regard to the particular character of the area. A diversity of uses for both day and evening is encouraged. These areas require high levels of accessibility, including pedestrian, cyclists and public transport (where feasible). Compatible uses within this zone include: residential, community buildings, civic buildings, entertainment, hotels, leisure and recreation, offices, professional/ specialist services, restaurants etc.'*

Section 5.3.2 – Childcare Facilities

- 5.1.2. 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 the County's infrastructure. Laois County Childcare Committee supports early childcare services, throughout the County catering for full day care, after school and preschool care. The 0-4-year preschool population within the County in 2016 represents XX% [sic] of the population of Laois. Whilst the Council is not directly involved in the provision of childcare services, the Plan will seek to ensure sufficient facilities are provided in the areas required.
- 5.1.3. CCPO 1 - Encourage, promote and facilitate the provision of childcare facilities in accordance with national policy and the Department of the Environment, Heritage and Local Government Planning Guidelines on Childcare Facilities: Guidelines for Planning Authorities (DoEHLG, 2001) and any other relevant statutory guidelines which may issue during the period of this Plan.
- 5.1.4. CCPO 2 - Ensure the provision of quality affordable childcare throughout the County in consultation with the Laois County Childcare Committee, and the Department of Children and Youth Affairs, Tusla Child and Family Agency
- 5.1.5. CCPO 3 - Promote and encourage the provision of a network of childcare facilities that reflect the distribution of the residential population in the County and to minimise travel distance and maximise opportunities for disadvantaged communities;
- 5.1.6. DM CC 1 - Require the provision of childcare facilities of an appropriate type and scale in suitable locations throughout the County and comply with the Section 28 Guidelines on Childcare Facilities, 2001 (and any subsequent update). In particular, the development of childcare facilities at the following locations will normally be required;
- areas of concentrated employment and business parks;
 - neighbourhood centres;
 - integrated into large retail developments and retail warehouse parks;
 - in, or in the vicinity of, schools or major educational facilities;
 - adjacent to public transport nodes;

- in, or adjacent to, community centres and
- within new and existing residential development.

5.2. National Guidance

5.2.1. Childcare Facilities, Guidelines for Planning Authorities (2001)

5.3. Natural Heritage Designations

5.3.1. None of relevance.

6.0 EIA Screening

6.1. 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 Act).

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. A First Party appeal has been received from MacCabe Durney Barnes (planning consultants), for and on behalf of the Applicant, The Maltings and Granary Limited, against the decision of Laois County Council to refuse planning permission for the proposed development. The grounds of appeal can be summarised as follows:

- The Childcare Guidelines are outdated (2001), Government and industry recognise the need for updates.
- Viability should be central to planning decisions and small creches are often not financially viable. The development is only viable at the proposed occupancy.
- Expanding existing services is a practical way to increase childcare capacity than relying on rigid and outdated standards.

- Disproportionate weight has been attached to accommodation standards/minimum floorspace, noting that Circular PL3/2016 confirms that these are specifically the remit of the childcare regulatory system and TUSLA.
- The Planning Authority have afforded insufficient weight to Circular PL3/2016 as design standards and outdoor space should not form a determining factor in the planning assessment of childcare facilities.
- The development largely complies with floorspace standards. The outstanding floorspace concern relates to a single classroom and the Planning Authority have not taken account of the operational arrangements regarding sessional and full-time services set out in the Childcare Regulations.
- The operational arrangements have not been proposed solely to address the current application, they are established operational practices within the childcare sector.
- Issues regarding open space are based on a rigid interpretation of non-statutory recommendation of 9sqm per child. Outdoor play has been updated to 177.1sqm, ensuring that the 9qm would be met when considering split classes and staggered use.
- The 9sqm figure is a recommendation rather than a statutory requirement, it is not contained within the 2001 Guidelines or the 2006 Regulations.
- Best practice guidelines note that the shape and size of play areas will be dependent on what is available. The proposed outdoor space is a reasonable and appropriate response.
- Suitable outdoor play space would be provided when considering the number of children using the space at any one-time, operational arrangements, and the physical constraints of the site.
- The site is in an accessible town centre location where policy supports a flexible approach to car parking provision. On such sites car parking ratios should be minimised/eliminated.

- Dual use parking arrangements are supported by Policy TRANS 29 of the CDP. The allocation and operation of spaces have been suitably demonstrated through the Parking Reconciliation Report and Parking Masterplan.
- 11 car parking spaces are dedicated to the creche for staff and as a set down area for parents. A further 12 spaces are proposed as dual use that are available for short stay visitors to the apartments or the proposed aparthotel.
- There is no evidence that the development would result in parking congestion, traffic hazards, road safety concerns, or adverse impacts on the operation of the surrounding road network.

7.2. Planning Authority Response

7.2.1. No response on file.

7.3. Observations

7.3.1. None received.

8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal relate to the reasons for refusal and are listed as follows:

- Floorspace and Standard of Accommodation
- Play Space
- Car Parking

8.2. Floorspace and Standard of Accommodation

8.2.1. The Planning Authority's first reason for refusal relates to non-compliance with the minimum floorspace requirements for childcare facilities set out in the Childcare Guidelines 2001. It is further stated that classrooms should not be in excess of 22 children as advised in the 2016 Childcare Regulations.

- 8.2.2. The Applicant argues that the Guidelines are outdated, that the development largely complies with floorspace standards and that disproportionate weight has been attached to accommodation standards/minimum floorspace, noting that Circular PL3/2016 confirms that these are specifically the remit of the childcare regulatory system and TUSLA. The Applicant considers that the Planning Authority have not taken account of the operational arrangements regarding sessional and full-time services set out in the Childcare Regulations and that classrooms in excess of 22 can be accommodated where sessional and full-time services are provided contemporaneously.
- 8.2.3. At the outset I would note that Circular PL3/2016 relates specifically to ECCE facilities although I accept that licensing and compliance with minimum standards for childcare facilities is a matter for Tusla. Having regard to the figures presented by the Applicant, I am satisfied the proposed accommodation in Classrooms 1 and 3 would comply with Tusla guidelines (Childcare Regulations 2016) having regard to the nature of the service provision and sessional play. There would be a shortfall on minimum space for Classroom 2 of around 7sqm. As noted previously, whilst this is ultimately a matter for Tusla, I am satisfied that the scheme could be brought into compliance with the minimum standards by way of a condition limiting capacity to 54 children at any one time. I recommend that the Commission incorporate such a condition in the event that permission is granted.

8.3. Play Space

- 8.3.1. The Planning Authority's second reason for refusal relates to the shortfall in outdoor play space which is considered to be deficient and non-compliant with the Regulations and Guidelines. The Planning Authority considered that the proposal relied heavily on operational and management-based measures, including staggered and split use, sessional attendance, and staff supervision, in order to justify the reduced level of provision and did not consider this to be an acceptable approach.
- 8.3.2. The Applicant argues that the 9sqm figure is a recommendation only, that it has been applied too rigidly by the Planning Authority, and that that the 9qm would be met when considering split classes and staggered use. The Applicant considers that suitable outdoor play space would be provided when considering the number of children using

the space at any one-time, operational arrangements, and the physical constraints of the site.

8.3.3. Neither the Childcare Regulations nor the Childcare Guidelines mandate a specific per child sqm level of outdoor play space. The 9sqm referred to by the Planning Authority comes from the National Children's Nurseries Association (NCNA) document 'We like this place – Guidelines for Best Practice in the Design of Childcare Facilities' (NCNA 2002) and is included within the Universal Design Guidelines for Early Learning and Care (2019). It states that at present there is no guideline in Ireland in relation to outdoor space and that a minimum of 9sqm per child is recommended based on the specific number of children for which space is intended to be used at any one time, excluding car parking and the 'set back building line'.

8.3.4. Three outdoor play spaces would be provided, the largest measuring c. 98sqm and the other spaces, located to the front of the building, measuring 49.5sqm and 27.7sqm respectively. The layout of the proposed crèche is such that users of the spaces would effectively have to travel through other classrooms to access the spaces. Whilst this is an operational matter for the creche, overall, I share the Planning Authority's concern that it is less than ideal and I also note that the spaces to the front of the property are technically within the 'setback building line', however they were previously approved as play spaces for the creche. All matters considered, I am of the view that subject to appropriate management and operational controls the cumulative outdoor space would be acceptable to service the development.

8.4. Car Parking

8.4.1. The third reason for refusal relates to car parking and the Planning Authority's view that the development would result in a significant intensification of childcare use within a wider mixed-use scheme without providing an adequate or policy-compliant quantum of car parking to serve the development. Further concerns were noted regarding the reallocation and redesignation of car parking spaces throughout the development.

8.4.2. The Applicant argues that parking ratios should be reduced given the town centre location and the dual use of spaces would be acceptable and is encouraged by policy. It is the Applicant's position that sufficient parking is provided for the crèche (11 dedicated spaces and 12 dual use spaces) and that there is no evidence that the

development would result in parking congestion, traffic hazards, road safety concerns, or adverse impacts on the operation of the surrounding road network.

- 8.4.3. On the face of it I agree with the Applicant that car parking can be reduced in town centre locations with good accessibility to public transport. However, I do not agree that it has been demonstrated that the redesignation of parking spaces would not have an adverse impact on the operation of the estate. Ideally a parking reconciliation plan should have been submitted detailing the parking as approved and any relevant allocations. This could then have been compared to a proposed parking plan. Ultimately that was not provided, and the proposed parking regime changed several times during the course of the application with little clarity provided. The 11 dedicated spaces for the creche include the four set down spaces that effectively cannot be used as parking as they are needed for quick turnaround of vehicles.
- 8.4.4. Reliance is then placed on the 'dual use' spaces which are parked as permit spaces on the plans, with the intention that they are dedicated to the crèche during business hours and then become permit bays at other times. My overriding concern in this respect is that the parking regime proposed by the Applicant effectively removes all visitor parking spaces serving the nursing home and the assisted living facility, two facilities that arguably have a higher than normal reliance on visitor parking given the nature of their use. This has not been addressed by the Applicant, and I am not satisfied that sufficient evidence has been provided that this would not result in a disamenity to these blocks over what was actually approved. I have considered if this matter could be addressed by condition however I am not satisfied that that would be an appropriate resolution in this respect. I recommend that permission be refused on this matter.

9.0 AA Screening

- 9.1. I have considered the [title of project] in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in Portlaoise and well separated from the nearest European Sites. The development seeks to intensify the use of an approved creche. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. I therefore

conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

- 10.1. 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. 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.
- 10.2. 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. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

- 11.1. I recommend that the Commission refuse permission for the reason stated.

12.0 Reasons and Considerations

1. The proposed parking arrangements involve the removal of all visitor parking serving Block 1, an assisted living facility, and Block 3, a nursing home, both of which are likely to have a higher dependency for visitor parking than standard residential units. The proposed development would therefore result in an unacceptable loss of visitor car parking provision for these blocks and would likely result in parking congestion, conflict between users, and traffic management difficulties, to the detriment of amenity, road safety, and the orderly functioning of

the development. The proposed development would therefore endanger public safety by reason of traffic hazard or obstruction of road users and would be contrary to the proper planning and sustainable development of the area.

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

Terence McLellan
Senior Planning Inspector

25th September 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501545-LS-26
Proposed Development Summary	Permission for an intensification of usage of creche including car park and all associated site works.
Development Address	Harpur's Lane, Portlaoise, Co. Laois (part of former Minch Norton Maltings).
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
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.	State the Class here

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.	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 Act).
☐ 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)	

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 ☐	
No ☐	

Inspector: _____ Date: _____