

SUBMISSION TO DRAFT CLARE COUNTY DEVELOPMENT PLAN 2023-2029

**Change of Use of Existing Vacant Creche to Residential use at Acha
Bhile, Loughville, Lahinch Road, Ennis**

Acha Bhile Construction Ltd.

Issue: A

Customer Project Number: 6739

Customer Document Number:

Document Sign Off

SUBMISSION TO DRAFT CLARE COUNTY DEVELOPMENT PLAN 2023-2029

Change of Use of Existing Vacant Creche to Residential use at Acha Bhile, Loughville, Lahinch Road, Ennis

Acha Bhile Construction Ltd.
Issue A

File No: 6739

CURRENT ISSUE					
Issue No: A	Date: 25.03.22	Reason for issue: Submission to Draft Clare County Development Plan 2023-2029			
Sign Off	Originator	Checker	Reviewer	Approver	Customer Approval (if required)
Print Name	Mandy Coleman	Paddy Coleman		Mandy Coleman	
Signature	Authorised Electronically				
Date	25.03.22	25.03.22		25.03.22	

PREVIOUS ISSUES							
Issue No	Date	Originator	Checker	Reviewer	Approver	Customer	Reason for issue



1.0 INTRODUCTION

P. Coleman & Associates, Architects, Engineers and Planners, have been appointed by Acha Bhile Construction Ltd. to prepare a submission to the Draft Clare County Development Plan 2023-2029 (Draft Plan) with specific reference to a change of use from an existing vacant creche facility to residential use.

Our Client is seeking the Draft Plan to provide for the reuse/change of use of existing creche facilities, which were provided as part of permitted housing developments where for every 75 dwelling units provided one childcare facility (equivalent to a minimum of 20 child spaces) was required under *Childcare Facilities Guidelines for Planning Authorities 2001*, to residential use where these creche facilities have been lying idle for a substantial period of time. This submission will be required to demonstrate the rationale of the proposed change of use including an assessment of existing childcare provision in the general area.

While this submission relates to a general submission on the proposed change of use the need for this submission has arisen for our Client who is seeking to have an existing vacant Creche property located within the Acha Bhile Housing Estate reused for Residential Use. Details of our Clients case will be provided as part of this submission.

Section 2: Subject Site

This section provides a description of the subject site, its context, and the relevant planning history.

Section 3: Planning Policy Framework

This section outlines the proposed national and regional planning policies guiding the Draft Plan and current zoning for the subject site.

Section 4: Zoning Objective of the Draft Plan

This section outlines the proposed land use zoning for the subject site as defined in the Draft Plan.



Section 5: Requested Amendments

This section sets out the case for the approval of a change of use from an existing vacant creche facility to residential use subject to certain criteria being satisfied.

Section 6: Conclusion

This section summarises the case outlined in this submission.

2. SUBJECT SITE

2.1 The Site

The creche facility which forms part of this submission is located within the existing Acha Bhile housing estate in Loughville, Lahinch Road, Ennis which is approximately 2km to the north west of Ennis Town Centre – See Figures 1 and 2 below.

The creche unit is located on the ground floor of a mixed-use block containing four apartment units at first floor level. The building is surrounded by open space and car-parking and is located to the front of the housing estate and is separate from other housing units blocks. The estate distributor road runs to the side and rear of the building. See Figures 2 and 3 below

The creche unit has never been fitted out or occupied. The unit remains a shell.



Figure 1 – Site Location Map – Subject Site outlined in Red

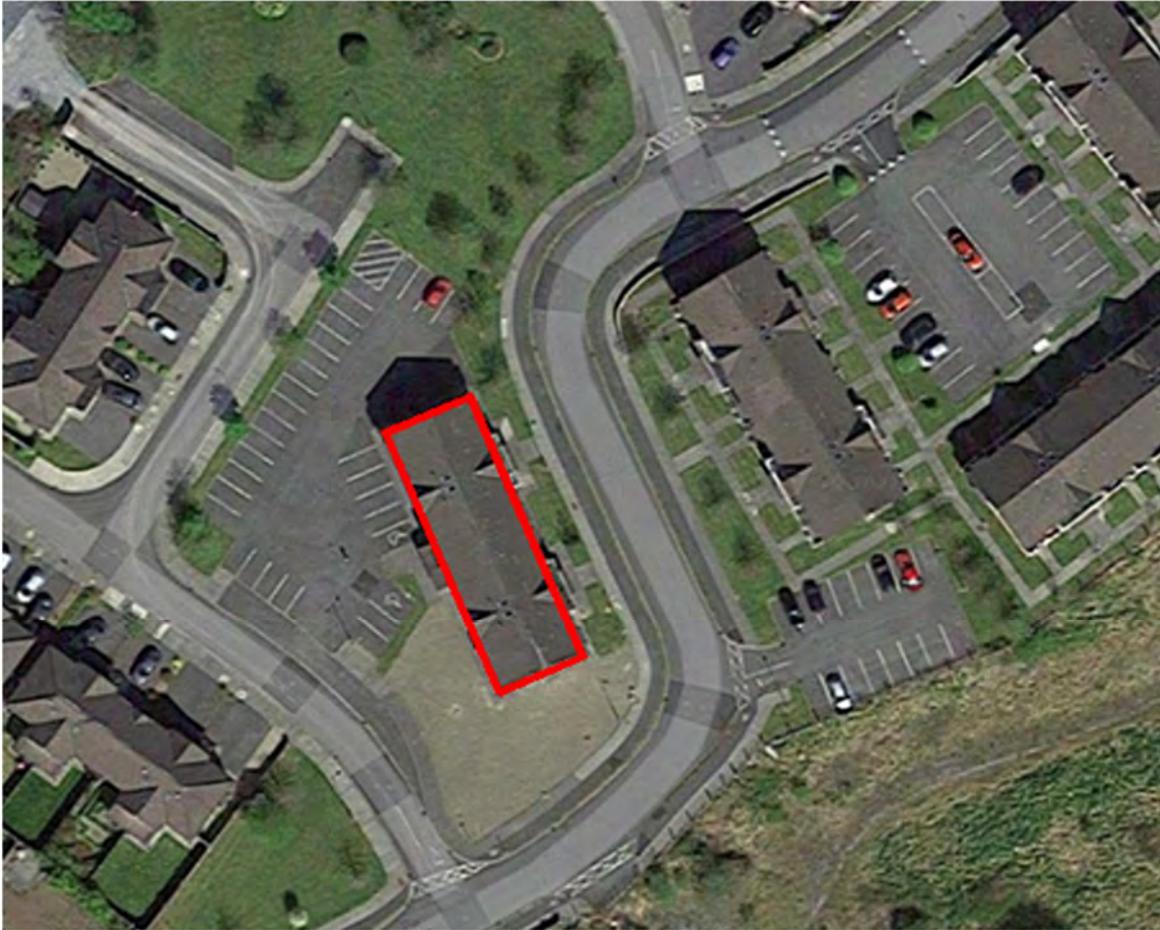


Figure 2 – Aerial view of Building containing Vacant Creche unit at Ground Floor and 4 Apartment units at First floor



Figure 3 – Street View image of Building containing Vacant Creche unit at Ground Floor and 4 Apartment units at First floor.



2.2 Site Context

The subject property benefits from good access to amenities within easy walking distance. The subject property is connected to the town of Ennis by footpath. Figure 4 below shows at 1km and 2km. radius centres from the centre of the subject site, that parks, shop, proposed neighbourhood centre, primary school, secondary school are all located within 1 and 2km. of the subject site.

A large block of land at Clareen is currently designated as a neighbourhood centre. This centre will be within 2.36km walking distance of the subject site.

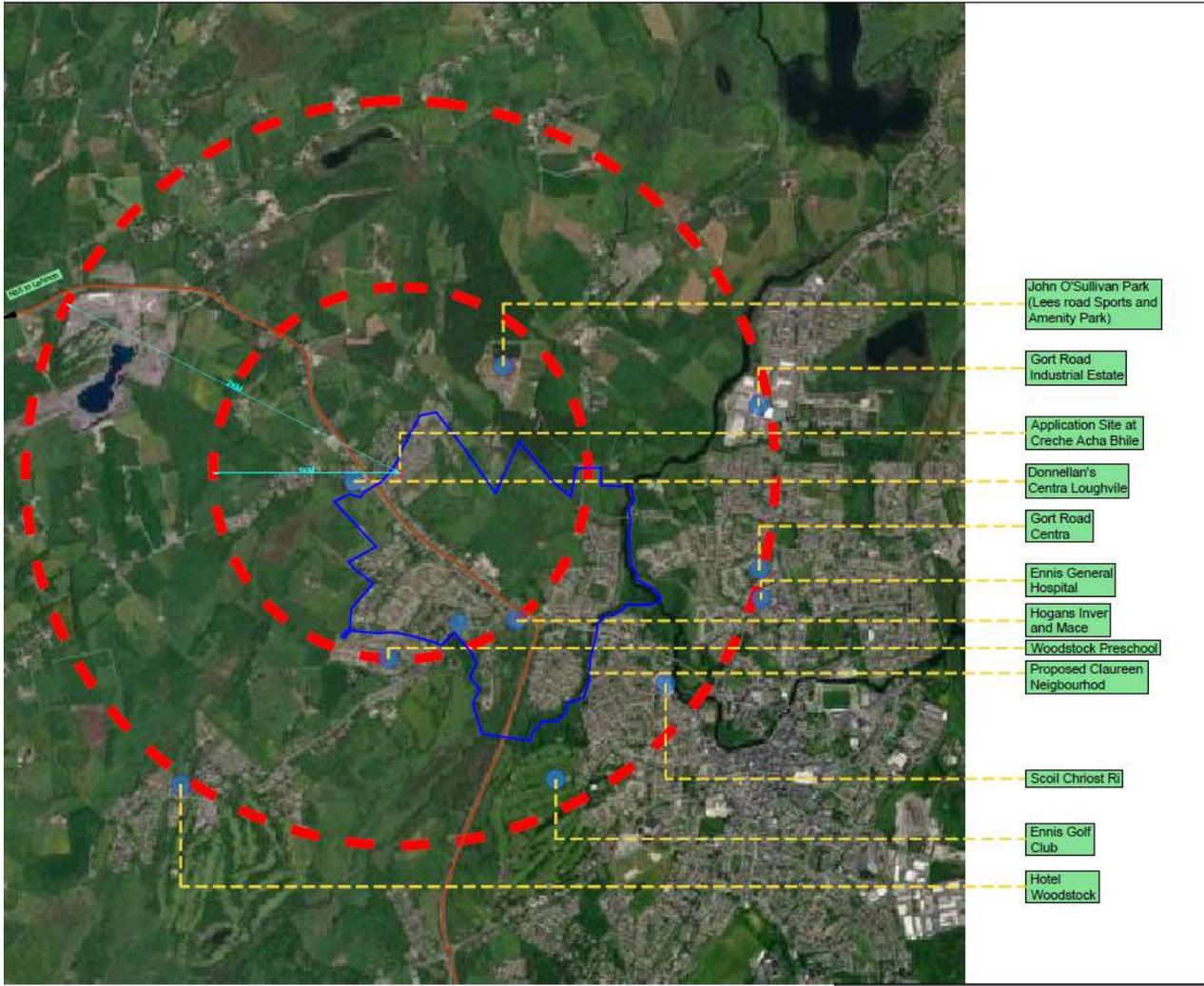


Figure 4 – Amenities Map 1km and 2km radius from Creche.

2.3 Planning History

The creche unit was constructed as part of the Planning Permission for the Acha Bhile housing estate. See full details in Figure 5 below.

Planning Ref	Applicant	Description	Decision
0521104	Cronan Nagle Construction Ltd.	to construct new residential scheme with dedicated creche facility as follows: (A) 20 no. 2 storey units consisting of 4 no. 3 bed houses per unit; (B) 31 no. 3 bed houses 2 storey terraced houses; (C) 4 No. detached 4 bed 2 storey houses; (D) 9 no. 2 storey apartment blocks consisting of 8 no. 2 bed apartment per block; (E) 1 no. 2 storey block with 4 no. 2 bed apartments to first floor and dedicated creche facility to ground floor; (F) All associated site development works including on site parking, refuse storage facilities, new site entrance and associated main road realignment works at Loughville, Lahinch Road, Ennis	Granted 24/02/2006 subject to 57 conditions
1121018	Allied Bank Irish	Extension of Duration of Planning Permission Reference 05/104 for PERMISSION to construct new residential scheme with dedicated creche facility as follows: (A) 20 no. 2 storey units consisting of 4 no. 3 bed houses per unit; (B) 31 no. 3 bed houses 2 storey terraced houses; (C) 4 No. detached 4 bed 2 storey houses; (D) 9 no. 2 storey apartment blocks consisting of 8 no. 2 bed apartment per block; (E) 1 no. 2 storey block with 4 no. 2 bed apartments to first floor and dedicated creche facility to ground floor; (F) All associated site development works including on site parking, refuse storage facilities, new site entrance and associated main road realignment works	Extended until 22/02/2016

Figure 5 – Planning History

3.0 PLANNING CONTEXT

3.1 National Planning Context

3.1.1 National Planning Framework

The National Planning Framework (NPF) entitled 'Ireland 2040' is a framework to guide public and private development and investment in Ireland, providing a long-term and place-based aspect to public policy and investment, and aiming to coordinate sectoral areas such as housing, jobs, transport, education, health, environment, energy and communications, into an overall coherent strategy.

A key focus of the NPF is the need for compact growth. Under the concept of 'Compact Growth', which underpins much of the Strategy, the NPF is:

'Targeting a greater proportion (40%) of future housing development to happen within and close to existing built-up areas. Making better use of under-utilised land, including 'infill' and 'brownfield' and publicly owned sites together with higher housing and jobs densities, better serviced by existing facilities and public transport.'

More balanced growth also means more concentrated growth. There are five cities in Ireland today in terms of population size (>50,000 people): Dublin, Cork, Limerick, Galway and Waterford. The NPF targets these five cities for 50% of overall national growth between them, with Ireland's large and smaller towns, villages and rural areas accommodating the other 50% of growth.

The NPF also supports making better use of under-utilised land and buildings, including 'infill', 'brownfield' and publicly owned sites and **vacant and under-occupied buildings**, with higher housing and jobs densities, better serviced by existing facilities and public transport. This 'compact growth' strategy is designed to counter the prevailing situation whereby the fastest growing areas are at the edges of and outside the cities and towns. This results in:

- A constant process of infrastructure and services catch-up in building new roads, new schools, services and amenities and a struggle to bring jobs and homes together, meaning that there are remarkably high levels of car dependence and that it is difficult to provide good public transport;
- A gradual process of run-down of city and town centre and established suburban areas as jobs, retail and housing move out, leaving behind declining school enrolments, empty buildings and a lack of sufficient people to create strong and vibrant places, both day and night;
- Most development takes the form of greenfield sprawl that extends the physical footprint of urban areas, and when it is the principal form of development, this works against the creation of attractive, liveable, high quality urban places in which people are increasingly wishing to live, work and invest.

The various polices in the NPF are structured under National Policy Objectives (NPOs). The key NPO's of relevance to this submission are as follows:-

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

National Policy Objective 3c is to deliver at least 30% of all new homes that are targeted in settlements other than the five cities and their suburbs, within their existing built-up footprints;

National Policy Objective 6 relating to increased residential population and employment in urban areas;

National Policy Objective 11 which favours development that can encourage more people to live and work in existing settlements;



National Policy Objective 27 which prioritises walking and cycling accessibility to existing and proposed development;

National Policy Objective 33 relating to provision of new homes at locations that can support sustainable development;

National Policy Objective 35 relating to increased residential density in settlements.

3.1.2 Section 28 Ministerial Guidelines

There are various Ministerial Guidelines in respect of creche facilities and residential development with the most relevant to this submission outlined below:-

- Childcare Facilities Guidelines for Planning Authorities 2001
- Sustainable Urban Housing: Design Standards for New Apartments, 2018

3.1.2.1 Childcare Facilities Guidelines for Planning Authorities 2001

These Guidelines provide general advice and principles for childcare facilities.

Section 2.4 of these Guidelines states as follows:-

New communities/Larger new housing developments. Planning authorities should require the provision of at least one childcare facility for new housing areas unless there are significant reasons to the contrary for example, development consisting of single bed apartments or where there are adequate childcare facilities in adjoining developments. For new housing areas, an average of one childcare facility for each 75 dwellings would be appropriate. (See also paragraph 3.3.1 and Appendix 2 below). The threshold for provision should be established having regard to the existing geographical distribution of childcare facilities and the emerging demographic profile of areas.



Appendix 2 of the Guidelines state:

the threshold for provision should be established having had regard to the existing geographical distribution of childcare facilities and the emerging demographic profile of areas. Any modification to the indicative standard of one childcare facility per 75 dwellings should have regard to:

- 1. The make-up of the proposed residential area, i.e. an estimate of the mix of community the housing area seeks to accommodate. (If an assumption is made that 50% approximately of the housing area will require childcare then in a new housing area of 75 dwellings, approximately 35 will need childcare. One facility providing a minimum of 20 childcare places is therefore considered to be a reasonable starting point on this assumption. Other assumptions may lead to an increase or decrease in this requirement).*
- 2. The results of any childcare needs analysis carried out as part of a county childcare strategy or carried out as part of a local or action area plan or as part of the development plan in consultation with county childcare committees, which will have identified areas already well-served or alternatively, gap areas where there is underprovision, will also contribute to refining the base figure.*

3.1.2.2 Sustainable Urban Housing: Design standards for New Apartments 2018

Section 4.7 of the these Guidelines states:

Notwithstanding the Planning Guidelines for Childcare Facilities (2001), in respect of which a review is to be progressed, and which recommend the provision of one childcare facility (equivalent to a minimum of 20 child places) for every 75 dwelling units, the threshold for provision of any such facilities in apartment schemes should be established having regard to the scale and unit mix of the proposed development and the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. Onebedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms.

3.2 Regional Planning Context

The Southern Regional Assembly published the *'Regional Spatial and Economic Strategy for the Southern Region'* (RSES) on 31st. January, 2020. It is a 12-year, strategy development framework providing for the future physical, economic, and social development of the Southern Region. It includes Metropolitan Area Strategic Plans (MASPs) to guide the future development of the Regions three main cities and metropolitan areas, Cork, Limerick-Shannon and Waterford and strategies for Key Towns including Ennis Town. It seeks to achieve balanced regional development and full implementation of Project Ireland 2040 – NPF.

Fourteen *'Key Town's*, including Ennis, are identified in the RSES. They each play a critical roll in underpinning the RSES and ensuring a consolidated spread of growth beyond the cities of the sub-regional level.

Six of the Key Towns have a very significant population scale, Kilkenny City, Ennis, Carlow, Tralee, Wexford and Clonmel. The RESE states:-

'These Key Towns are self-sustaining regional drivers and have a comparable structure to the five regional growth centres identified in the NPF. Given their considerable scope for growth, it is envisaged that local authorities should plan for population growth of more than 30% by 2040'

Accordingly, Regional Policy Objective 10 refers Compact Growth in Metropolitan Areas and states:-

'Identify strategic initiatives in Local Authority Core Strategies for the MASP areas, which will achieve the compact growth targets on brownfield and infill sites at a minimum and achieve the growth targets identified in each MASP. Such strategic initiatives shall comply with MASP Goals to evolve innovative approaches for all MASPs. Initiatives may include:



- *Initiatives that facilitate the regeneration of derelict buildings and vacant sites for the provision of high-quality, environmentally friendly Nearly Zero Energy Building (NZE) affordable housing;*

Section 3.11 states in relation to Development Plans:-

*These plans will need to seek targeted initiatives and actions that assist achieving compact growth targets at a local level for **the refurbishment and upgrading of suitable vacant and underused building stock in our settlements (cities, towns and villages) for housing and other active uses** (Emphasis Added).*

Regional Policy Objective 38 states

Retrofitting Initiative Priorities

- *Local Authorities, through County Development Plan and Local Area Plan objectives, will identify retrofitting initiative priorities within settlements that grew rapidly without corresponding investment in infrastructure and amenities which demonstrate achievement of National Strategic Outcome: Compact Growth;*
- *Support initiatives that seek retrofitting infrastructure to existing buildings including smart technologies, energy efficient and micro renewable systems and seek targeted initiatives and actions at a local level for the **refurbishment and upgrading of suitable vacant and underused building stock;** (Emphasis Added).*

3.3 Local Planning Context

The subject site is located within the functional area of Clare County Council and the relevant policy document is the Clare County Development Plan 2017-2023 (CCDP).

The subject site is zoned as *'Existing Residential'* in the Ennis Municipal District Plan - Volume 3a of the CCDP. The *'Existing Residential'* objective states as follows-

'The objective for land zoned 'existing residential' is to conserve and enhance the quality and character of the areas, to protect residential amenities and to allow for small scale infill development which is appropriate to the character and pattern of development in the immediate area and for uses that enhance existing residential communities. Existing residential zoned land may also provide for small-scale home-based employment uses where the primary residential use will be maintained'

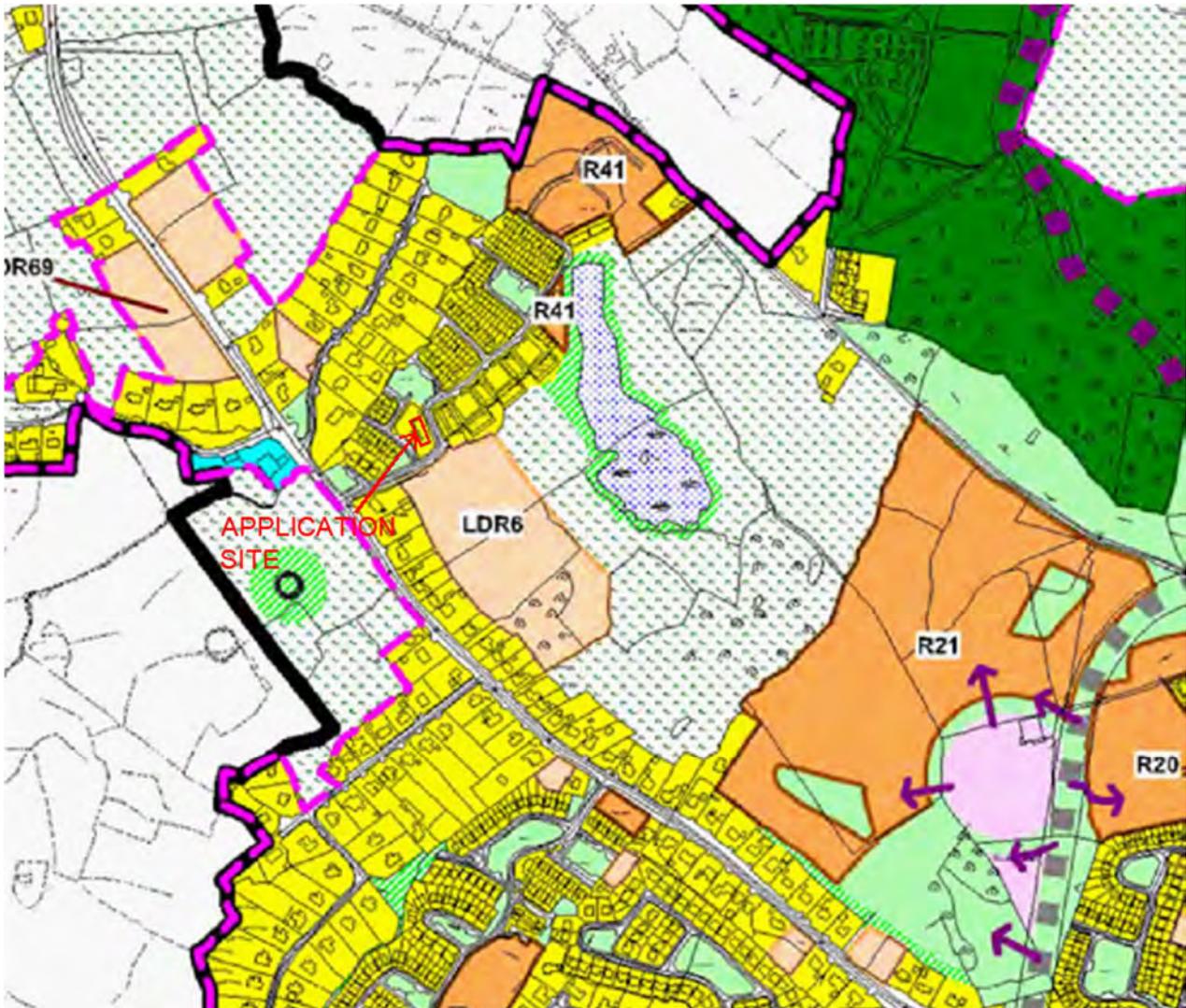


Figure 6 – Land Use Zoning Map - Clare County Development Plan 2017-2023

4.0 DRAFT CLARE COUNTY DEVELOPMENT PLAN 2023-2029

There is no change proposed to the zoning objective for the subject site in the Draft Plan – See Figure 7 below.

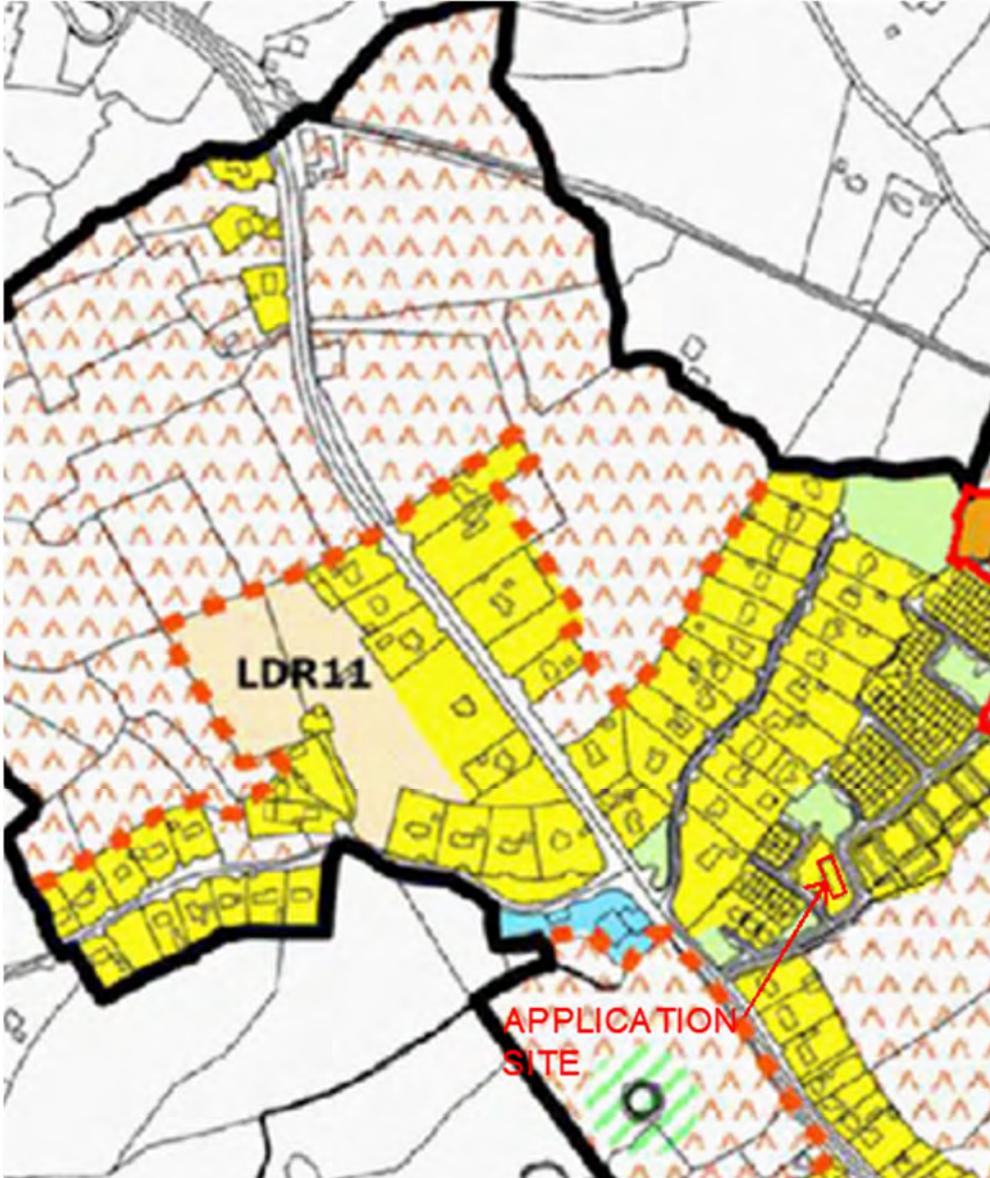


Figure 7 – Proposed zoning map Draft Clare County Development Plan 2023-2029

According to the Land Use Zoning Matrix, multiple residential units are ‘*Open for Consideration*’ on ‘*Existing Residential*’ zoned lands.

The subject property is identified as being located within the boundary of the Clareen Neighbourhood which is identified as a neighbourhood for significant growth.



Policy CDP10.15 of the Draft Plan states the following in relation to Childcare Facilities:-

It is an objective of Clare County Council:

- a) To encourage the provision of affordable and accessible childcare and pre-school facilities on well-located sites that are close to the populations they intend to serve throughout County Clare and in line with population and employment growth;*
- b) To facilitate the development of additional childcare services for vulnerable or disadvantaged groups in the community; and*
- c) To have regard to Childcare Facilities – Guidelines for Planning Authorities (2001) or any updated version in the assessment of applications for childcare facilities*

The Draft Plan also notes the following in Section A1.4.3 Childcare Facilities in Residential Areas:-

‘In established residential areas detached houses/sites or substantial semi-detached properties with space for off-street car parking and/or suitable drop-off and collection points for customers and also space for an outdoor play area are likely to be more acceptable for the provision of child care facilities. This is especially the case if this involves use of only part of the house and the residential use remains.

The use of terraced properties or semi-detached properties on small plots is less likely to be acceptable for full day care facilities and will be assessed on their merits with regard to the objectives and development management guidelines outlined in this Plan. Sessional or afterschool care which is ancillary to the main residential use, may be more appropriate in this regard. New housing schemes will be expected to plan for and include provision for childcare facilities. The level of provision will depend on the particular circumstances but as a guide one childcare facility for a minimum of 20 childcare places per approximately 75 dwellings may be appropriate’.



5.0 REQUESTED AMENDMENT

Our Client is seeking the Draft Plan to provide the provision of the reuse/change of use of existing creche spaces which were provided as part of a housing development permission required under *Childcare Facilities Guidelines for Planning Authorities 2001*, to residential use where these spaces have been lying idle for a substantial period of time. We submit that the Guidelines explicitly acknowledge that there maybe a requirement to increase or decrease the requirement to provide for an average of one childcare facility for each 75 dwellings. Appendix 2 of the Guidelines also clearly states:-

the threshold for provision should be established having regard to the existing geographical distribution of childcare facilities and the emerging demographic profile of areas.

Accordingly, we submit that provision needs to be provided in the Draft Plan to allow for a change of use of permitted creche units which were approved as part of housing developments for 75 units or more, subject to every specific evidence being provided demonstrating that (i) there is no requirement or sufficient existing/likely future demand for the creche facility having regard to the existing geographic distribution of childcare facilities and (ii) the emerging demographic profile of the area.

Note that the circumstances cannot be replicated on other sites as there will be significantly different planning and demographic contexts so no case should be entitled to rely on the precedent of another unrelated planning decision. It will be incumbent on each Applicant to ensure that proposals seeking permission to change use of permitted childcare facilities provide the requisite evidence and analysis to categorically support their case. Each case will then be considered on its own merits.

In relation to our Client's property – this creche unit is not in active childcare use and there would be no loss of actual existing childcare provision arising for a change of use (the unit has been vacant for c.12 years since being constructed with no interest from childcare providers). The change of use would not materially contraven the Childcare Facilities Guidelines for Planning Authorities (DEHGL) 2001, as the childcare facility has never been occupied.

The creche was provided as part of the original development permitted in 2006 on the basis that a residential development in excess of 75no. units was being proposed. Thus the provisions of the 2001 Guidelines were met at that time.

The Guidelines do not include any provisions that recommend or require that permitted childcare facilities built on foot of previous permissions that have remained vacant over a significant period of time must remain in permitted childcare use indefinitely, irregardless of other planning considerations for the adverse long term planning impact of this vacancy. The consideration of future use of such units is clearly a planning assessment exercise to be determined on its individual merits.

Maintaining the continued long term vacancy of a childcare unit for which there is there is insufficient existing or likely future local demand will result in ongoing negative planning consequences for the existing residential amenity of the wider residential scheme. It will also preclude the provision of 4 high quality apartment units being delivered on the site on residential zoned land during an acute national housing shortage (See figure 8 below for draft Floor Plan layout for proposed 4 apartment units).

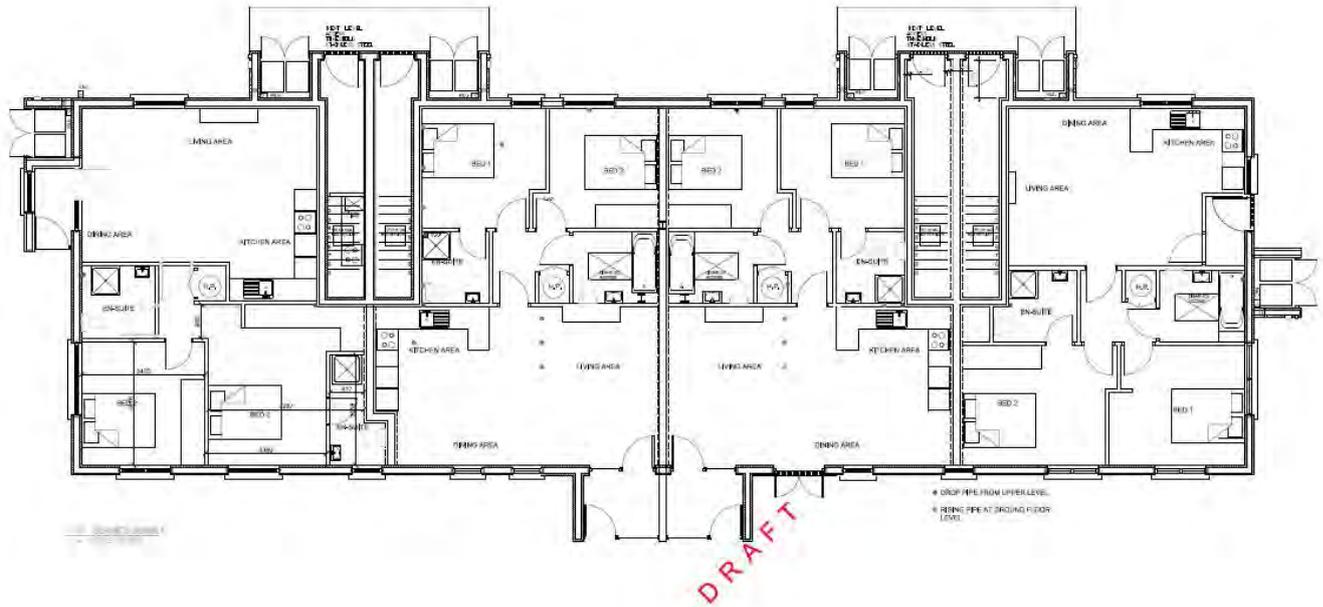


Figure 8 Draft Floor Plan Layout for 4 Apartments Units in lieu of vacant creche at Acha Bhile, Loughville, Ennis.

Where a significant time period has passed by which time one would expect demand for a creche to have materialised on the site, particularly where the unit was built and could be occupied by an operator with relative ease, the fact that no such demand has materialised during this period provides strong evidence that demand of childcare provision has not existed on the site, nor has it emerged during that time frame.

Not permitting a change of use on the basis that is it contrary to the Guidelines is not in our opinion appropriate in every instance particularly where the unit has been vacant for some time.

We submit that a policy be provided in the Draft Plan to allow for cases such as the above.



6.0 CONCLUSION

On behalf of our Client, we request that a policy be provided in the Draft Plan to allow for a change of use of an existing vacant creche facility, which was provided as part of a housing development permission and required under *Childcare Facilities Guidelines for Planning Authorities 2001*, to residential use where these facilities have been lying idle for a substantial period of time subject to the proposal demonstrating (i) there is no requirement or sufficient existing/likely future demand for the creche facility having regard to the existing geographic distribution of childcare facilities and (ii) the emerging demographic profile of the area which supports that the demand for primary childcare services for the age 0-4 age group has decreased in the catchment area over a specific period of time.

In relation to our Client's property, there is no childcare use in existence on the site, nor has this ever been established, the unit in question is a vacant shell. While there is no loss of a childcare facility, the unit will remain vacant indefinitely which will not be in the interest of the proper planning and sustainable development of the area unless provision is made for its reuse as for residential use given this is the most appropriate reuse for the site in terms of the existing pattern of development in the area and the significant demand for housing both nationally and locally.

Providing provision for this change of use in the Draft Plan would allow for the principle of the change of use of the creche at Acha Bhile to Residential use. A proposal to change the use of a long standing vacant creche facility to 4 high quality residential units is wholly compliant with the land use zoning of the site and would be in accordance with the proper planning and sustainable development of the area.

We respectfully request that the Planning Authority consider and adopt the request outlined in this submission in the preparation of the Clare County Development Plan 2023-2029.