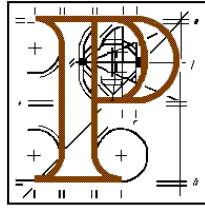


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## An Bord Pleanála



## Inspector's Report

**Development:** Extension to school, Lackaduff, Macroom, Co. Cork

### Planning Application

Planning Authority : Cork County Council

Planning Authority Register Reference : 15/4891

Type of Planning Application : Permission

Applicant : Bishop McEgan College

Planning Authority Decision : Grant subject to conditions

### Planning Appeal

Appellants : Macroom Castle Demense Trustees

Type of Appeal : 3<sup>rd</sup> Party v. Grant

Observers : Macroom District Environmental Group

Inspector : Pauline Fitzpatrick

**Date of Site Inspection** : 13/01/16

**Appendices** – Photographs

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## 1. SITE LOCATION AND DESCRIPTION

The site, which has a stated area of 0.879 hectares, is located in Macroom town centre and is accessed via the original gateway to Macroom Castle off West Square. The archway can facilitate single line vehicular traffic, only, with a pedestrian pathway provided for. In addition to the school the road provides access to a sports centre, GAA club, the Macroom golf club and amenity walks alongside the river to the south-west. There are speed ramps along the access road.

The school complex straddles the said access road. It comprises the original two storey building with a side extension to the west with the demesne wall to the rear (north). The all weather playing pitches are to the south of the road with access to the GAA club and parking area available inbetween. The two buildings to the south-east of the main school building which form part of the overall complex include classrooms/offices and sports hall with provision made for the fire station. Car parking associated with the school is provided along the east elevation, on one side of the access road and between the all weather pitches. Despite double yellow lines along the school frontage parking was noted on day of inspection.

## 2. PROPOSED DEVELOPMENT

The application was lodged with the Planning Authority on the **06/05/15** with further plans and details submitted **25/09/15** following a further information (FI) request dated 29/06/15.

As amended the proposal entails the construction of a 121.45 sq.m. single storey flat roofed extension to the eastern elevation of the school to provide for an additional class room with toilet provision and quiet room. The external walls are to be finished in smooth plaster. The classroom is to be self-contained.

The proposed development will not result in an increase in staff or students. Currently the unit is accommodated in a room which does not meet the needs for such a facility.

The proposal will result in the loss of 5 parking spaces. The applicant has reached an agreement with Macroom GAA to hire 5 parking spaces.

An Archaeological Impact Assessment notes that the sub-surface archaeology of the site cannot be accurately predicted, but given the lack of archaeological features or deposits found in nearby archaeological testing the archaeological potential of this site must be regarded as low. There has also been previous disturbance of the area. There will be no impact including visual impact on any standing remains.

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However as the possibility of archaeological remains cannot be ruled out. Monitoring of ground works is recommended.

**Note:** Objections to the proposal received by the PA has been forwarded to the Board for its information. The issues raised are comparable to those set out in the 3<sup>rd</sup> party appeal summarised in section 5 below. In addition issues relating to loss of light and privacy to an adjoining property were also raised.

### **3. TECHNICAL REPORTS**

The **Area Engineer** in a report dated **05/06/15** recommends that the applicant address the loss of parking.

The **Engineering** report dated **01/10/15** following FI considers that given the limitations of the site that the proposal to rent spaces from the GAA is probably the only option available for the school. A grant of permission subject to a condition is recommended.

**Irish Water** in a report dated **09/06/15** has no objection subject to conditions.

The **1<sup>st</sup> Archaeologist's** report dated **30/06/15** recommends an Archaeological Impact Assessment be prepared. The **2<sup>nd</sup> report** dated **15/10/15** following FI recommends a grant of permission subject to a condition.

The **Conservation Officer** in a report dated **19/10/15** following FI has no objection to the proposal.

The **1<sup>st</sup> Planner's** report dated **26/06/15** recommends a request for FI on parking provision, details on additional staff and separation between the proposed footpath south of the proposed development and the existing road. The **2<sup>nd</sup> report** dated **19/10/15** following FI recommends a grant of permission subject to conditions.

The **1<sup>st</sup> Senior Executive Planner's** report dated **29/06/15** considers that the current proposal is an improved version of an earlier larger proposal in the centre of the site. The Conservation Officer recommends a simpler roof line than indicated. The Council archaeologist also recommends an Archaeological Impact Assessment given the significance of the site within the castle. FI is recommended. The **2<sup>nd</sup> report** dated **20/10/15** ratifies the recommendation of the 2<sup>nd</sup> Planner's report as summarised above.

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#### **4. PLANNING AUTHORITY'S DECISION**

The PA decided to grant permission for the above described development subject to 3 conditions. Condition 2 requires the agreement to provide the off-site parking spaces to be renewed and maintained in perpetuity. The 3<sup>rd</sup> condition requires archaeological monitoring.

#### **5. GROUNDS OF APPEAL**

The submission by Lynch and Associates on behalf of the 3<sup>rd</sup> party appellant can be summarised as follows:

- The site boundary as delineated on the site layout plan is incorrect. The entrance road to the Demense is not in the applicant's ownership and should have been marked accordingly.
- The school has changed from being a small building which fitted correctly in the landscape to a major development which has been extended ad hoc in numerous directions without any overlying theme. The proposed extension should blend with that existing.
- A green area currently shields views of the poor architecture. The trees which have social significance are to be removed as part of the new development.
- The entrance and the Demense are very scenic with public amenities but the entrance to the Castle Demense has been destroyed by it being turned into a car park for the school with little indication of what lies beyond.
- A lot more than 5 extra parking spaces are required to enable the existing Demense entrance road to be once again recognised as an entrance road and not as a carpark as it is at present.
- Traffic generated by the school and proposed development is a danger to pedestrians due to the lack of a footpath.
- Previous development by the applicant entailed the removal of boundary fencing without the Trustees agreement.
- A disabled parking space and new road opening onto the entrance road to the Demense is proposed without any agreement from the Trustees.
- It is clear as to how surface water is to be disposed of. The drawings indicate discharge to a manhole on Demense property without any negotiated wayleave.
- The Board is requested to refuse permission until such time as a proper Traffic Management Plan is put into operation which may include one way travel with footpaths and traffic calming and an overall architectural concept for the school. Any future development should include a proposal for proper car parking with the parking along the Demense road removed.

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## **6. APPLICANT'S RESPONSE TO APPEAL SUBMISSION**

Response received outside the appropriate period.

## **7. PLANNING AUTHORITY'S RESPONSE TO APPEAL SUBMISSION**

No response received.

## **8. OBSERVATIONS**

The observation from Macroom District Environmental Group, which is accompanied by its initial submission to the PA, can be summarised as follows:

- Macroom Castle Demense is an amenity which would be diminished by further building which would visually choke the entrance avenue.
- The setting of medieval structures within the semi-natural parkland of the Castle Demense has already been compromised by inappropriately designed buildings and any further deterioration of the aesthetic of the Demense should not be entertained.
- The proposal will require the removal of trees (President's Grove) which have social significance and will have a serious injurious impact on amenity.
- The current County Development Plan predicts a population increase in the town therefore it can be assumed that a rise in student numbers is to be expected in the near future.
- The school and Cork Educational Training Board as a service provider must plan for future expansion. The shoehorning of another couple of classrooms into a spatially inappropriate area will not provide a long term solution.
- The proposal will result in an increase in traffic through one access via the gateway.
- School parking is limited.
- Macroom GAA is, itself, a tenant of the Macroom Castle Demense and it cannot guarantee perpetuity or any degree of continuity to the agreement regarding car parking provision. The applicant cannot satisfy the condition set by the planners.
- The appropriateness of siting of a Special Needs Unit so close to the Demense road and streets of Macroom is queried in terms of health and safety.

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## 9. SECTION 131 NOTICES

As the Board is of the opinion that the proposal might impact upon the curtilage of a protected structure certain prescribed bodies were invited to make a submission on the appeal by way of a Section 131 notice.

A submission was received from the Department of Arts, Heritage and the Gaeltacht. It recommends that condition 3 attached to the PA's notification of decision pertaining to archaeological monitoring be retained.

## 1. RELEVANT PLANNING HISTORY

As per the planner's report on file:

**1054006** – permission granted for classroom extension with toilets and quiet room to north/eastern side of existing school for use for special needs, re-location of existing ballcourt and provision of 13 no. additional car park spaces.

## 11. DEVELOPMENT PLAN PROVISIONS

### ***Macroom Development Plan 2009***

The site is within an area zoned for community facilities in which school use is permitted.

BH1 – it is an objective to continue to facilitate greater public access to Macroom Castle Demense.

In terms of Community Objectives C6 states that an audit of facilities at the Town Park and Castle Demense is required. A planned approach to the consolidation and expansion of amenities at these locations is required with the support of a multi-stakeholder committee.

### Parking Standards

College, vocational; schools – 0.50 space per student seats.

Schools – 1 space per class room,

### Protected Structures

RPS 10 – Gates to Macroom Castle Demense

RPS 12 – Ruins of Macroom Castle

The site is within a Zone of Archaeological Potential.

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## **12. ISSUES AND ASSESSMENT**

I consider that the issues arising in the case can be assessed under the following headings:

1. Principle of development
2. Impact on setting of Access to Macroom Castle Demense
3. Access and Parking
4. Procedural Issues
5. AA- Screening

### **12.1 Principle of Development**

The site is within an area zoned for community facilities in the Macroom Town Development Plan within which such a school extension would be acceptable in principle.

I note the concerns as expressed by both the appellant and observer as to the need to take a more strategic view in terms of the potential expansion needs of the school rather than an ad-hoc approach with piecemeal development resulting. Whilst I would support such a view the school as developed to date including associated parking provision is not before the Board for assessment. The development before the Board is for a small, single storey extension providing for 1 classroom to serve Special Needs. As per the further information response the extension will not result in an increase in either pupil or staff numbers and its purpose is so as to provide a more appropriately sized room to replace the unsuitable provision in the existing building.

### **12.2 Impact on setting of Access to Macroom Castle Demense**

In this regard I consider that the proposed extension must be assessed in the context of the existing pattern of development in the immediate vicinity. In addition to the McEgan School Macroom Castle Demense has been developed for a number of recreational purposes and accommodates GAA playing grounds, a golf club and amenity walks by the river. The entrance to the Demense is marked by the original gateway from South Square through which single line traffic, only, can be accommodated. The said gate is a protected structure. In entering the demense side views of the existing two storey school building are available with a number of trees and a small green space around five parking spaces to the foreground of same. The said views are also framed by the buildings to the other side of the access including the sports hall and the all weather playing pitches. The parking facilitated along the access road is also evident in the views available. I submit that

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the setting of the access to the Demense is already impacted upon by the existing development and parking and that the single storey flat roofed extension proposed would not have a material impact on same.

The appellant considers that the existing development in such proximity to the entrance belies the level of public amenities within the demense and indeed that may be the case however I do not consider that the proposed extension would exacerbate this view to any meaningful extent.

I would concur with the contention that the extension has an appearance comparable to that of a prefab but, in the context of the mix of design evident in the area, and the small scale of the building I do not consider that it would detract from the visual amenities of the area.

The existing school building to which the extension is proposed is not a protected structure and has already been extended to the west. The ruins of Macroom Castle which is a protected structure is at the western end of the school buildings and its setting is already impacted upon by the existing two storey extension. I do not consider that the proposed extension would have a material impact on same.

Whilst I accept that the trees to be removed to facilitate the extension have a social significance they are not afforded any specific protection designation with no development plan policy/objective requiring their retention. In that context there is no objection to their removal.

### **12.3 Access and Parking**

Parking for the existing school is provided along the access road and between the all weather playing pitches. Whilst the appellant considers that this detracts from the setting of the demense access this is not a matter for resolution in the Board's adjudication of the current proposal. The proposed extension will result in the loss of the five spaces to the side of the school with an agreement secured with the GAA to rent the equivalent number of spaces during term time (carpark to south of existing all weather pitches). This is an acceptable compromise and will result in no loss of current provision. As noted above the proposal is to replace existing substandard provision with no additional staff or pupils. Notwithstanding as per the current own development plan 1 additional parking space is required. A revised proposal providing for 6 spaces should be required by way of condition.

As the proposal is to facilitate the relocation of an existing provision to more suitable accommodation with no increase in staff or pupils additional traffic is not envisaged.



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## **12.4 Procedural Issues**

I note the appellant's contentions regarding the inappropriateness of the inclusion of the access road within the site boundary which is not with the applicant's ownership but I do not consider that this oversight would invalidate the application. I also note the appellant's assertion that the applicant would be required to secure the consent of the trustees for the new entrance to serve the extension. In this regard I note that the appeal site is already served by an access to the 5 no. parking spaces. In terms of surface water disposal connection to the existing system within the site is proposed. In the interests of clarity I recommend that should permission be granted the applicant be advised of section 34 (13) of the Planning and Development Act 2000, as amended, that a person shall not be entitled solely by reason of a permission to carry out any development.

## **12.5 AA –Screening**

Having regard to the nature and scale of the development proposed on a fully serviced site in Macroom town centre no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **11. RECOMMENDATION**

Having regard to the documentation on file the grounds of appeal a site inspection and my assessment above I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

### **REASONS AND CONSIDERATIONS**

Having regard to the established use of the site as a school within an area zoned for community facilities in the current Macroom Town Development Plan and to the design and scale of the proposed structure, it is considered that subject to compliance with the conditions set out below, the proposed development would not adversely affect the setting of protected structures in the vicinity or the setting of the access to Macroom Demense, would not endanger public safety by reason of traffic hazard or obstruction of road users and would not tend to create serious traffic congestion. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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## 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 25<sup>th</sup> day of September, 2015, except as may otherwise 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. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of development.

3. All service cables associated with the proposed development (such as electrical, telephone and lighting cables) shall be run underground within the site.

**Reason:** In the interest of the visual amenities of the area.

4. Details of the materials, colours and textures of all the external finishes to the extension building shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

5. 6 no. car parking spaces shall be provided; 5 no. to replace those to be removed to facilitate the proposed development and 1 no. to serve the additional classroom within the proposed development. Details of the said provision including necessary agreements to secure such provision shall be submitted to the planning authority for written agreement prior to commencement of development:

**Reason:** In the interest of ensuring a proper standard of development and traffic safety.

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6. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

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**Pauline Fitzpatrick**  
**Inspectorate**

**February, 2016**