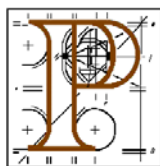


An Bord Pleanála



Inspector's Report

Appeal Reference No: PL 09.246439

Development: Two-storey standalone structure to rear of existing school, comprising 4 no. classrooms, WC, lift, stairs, ancillary accommodation and associated site works. New Road, Glebe, Straffan, Co. Kildare.

Planning Application

Planning Authority: Kildare County Council

Planning Authority Reg. Ref.: 15/1089

Applicant: The Board of Management of Straffan National School

Planning Authority Decision: Grant Permission

Planning Appeal

Appellant(s): John D. Creaney

Type of Appeal: Third v Grant

Observers: None on file

Date of Site Inspection: 3rd July 2016

Inspector: Sarah Moran

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The site is within an existing primary school complex located on the western side of Straffan, Co. Kildare, less than 0.5km west of the village centre and within the built up area of the village. The site is situated on New Road, a local road that runs west of the centre of Straffan and connects with the R403 Celbridge – Clane route. The site is within the 60 kph zone. The K Club hotel and golf resort is nearby to the south. There are recent residential developments nearby to the east and west of the site, also along New Road. The site includes the entire existing primary school complex, stated total area 0.27 ha. The complex comprises a mix of structures of various ages, typical of national schools around the country. Most of the complex is single storey but there is a recently constructed 2 storey extension on the western side of the site. The stated total existing floor area is 1,420 sq.m. There is some open space at the rear (northern) and eastern sides of the complex, with a small shed adjoining the western site boundary. The proposed building is located in this part of the site, adjacent to the western site boundary. The immediate surroundings of the site comprise individual residential properties to the east and west, the public road to the south and agricultural lands to the north.

2.0 PROPOSED DEVELOPMENT

- 2.1 The proposed development is a 2 storey structure situated at the rear (northern) end of the school complex and connected to the main school building via a lobby at ground floor level. The building contains 4 no. classrooms, circulation areas, a lift and toilet facilities and has a stated total floor area of 412 sq.m. The development also involves the demolition of the existing steel shed structure at this part of the site. The applicant submitted further information to the PA on 24th February 2016, comprising a rationale for the scale and location of the development, revised drawings detailing the overall height of the structure, revised car parking details and an assessment of potential impacts on the residential amenities of the property to the west.

3.0 PLANNING HISTORY

3.1 08/1351

- 3.1.1 Permission granted for a temporary prefabricated classroom.

3.2 10/1137 PL09.238771

- 3.2.1 Permission granted for a new part single, part two storey extension containing 4 no. classrooms, toilets, staff room, computer room, servery, storage and associated circulatory spaces; single storey extension to existing classroom, by demolishing existing toilets, storage and ancillary spaces; removal of 2 no. temporary structures; and alterations and refurbishment to the existing school and all ancillary site works. The applicant submitted a first party appeal of a

financial contribution condition, but this was subsequently withdrawn. The permitted 2 storey structure adjoins the western side of the school building and is now complete.

3.2 12/388

3.2.1 Permission granted for retention of a new 2 storey extension to the south east, comprising of 4 no. classroom units and associated circulation spaces; additional single storey extension in the courtyard, comprising of 1 no. computer / resource room, 1 no. staff room and associated circulation spaces; alterations and refurbishment to the interior of the existing school and all ancillary site works. This relates to minor amendments to the development permitted under 10/1137 PL09.238771.

3.3 13/28

3.3.1 Permission granted for construction of a single storey extension to the east side of the existing school building, comprising of 1 no. classroom and covered link areas, stated total area 80 sq.m.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and Technical Reports

4.1.1 Kildare County Council Environmental Health Officer 4th January 2016. No objection subject to requirements.

4.1.2 Kildare County Council Water Services 6th January 2016. No objection subject to conditions. Irish Water submission to Kildare County Council 13th January 2016, no objection.

4.1.3 Kildare County Council Maynooth Area Office 15th January 2016, no objection.

4.1.4 Kildare County Council Environment Section 18th January 2016. No objection subject to conditions.

4.1.5 Kildare County Council Fire Service 20th January 2016. No objection subject to one condition.

4.1.6 Kildare County Council Transportation Department 21st January 2016, requires additional information in relation to car parking. Report on further information submission 7th February 2016 requires clarification of further information. Third report dated 21st March 2016 states no objection to permission.

4.1.6 Kildare County Council planning report 4th February 2016 recommends a request for further information. Attached Appropriate Assessment screening report, AA not required. Second planning report 21st March 2016 comments on the further information submission and recommends permission subject to conditions.

4.2 Third Party Submissions

4.2.1 The above named appellant John Creaney made a submission to the PA, which objected to the development for similar reasons to those stated in the grounds of appeal.

4.3 Planning Authority Decision

4.3.1 The PA requested further information on 4th February 2016 in relation to (1) revised design to address concerns about the bulk, height and massing of the structure and impacts on the residential amenity of the adjoining property to the west; (2) concerns about height of structure, overly dominant and excessive visual impact; (3) rationale for the provision of 4 new classrooms given the recent extension to the school, provision of numbers of new staff and students; (4) car parking schedule, clarification of staff car parking; (5) applicant to comment on third party submission.

4.3.2 The PA issued a notification of a decision to grant permission on 22nd March 2016 subject to 10 no. conditions. Condition no. 2 specifies that there shall be no further incremental additions / extensions to the school until such time as a comprehensive masterplan for its overall redevelopment has been completed. Condition no. 3 requires the provision of obscure glazing to windows in the permitted structure. Condition no. 4 limits the use of the structure to normal school hours only. Condition no. 5 requires the applicant to submit details of the use of permitted additional car parking spaces as compliance.

5.0 GROUNDS OF THIRD PARTY APPEAL

5.1 The appellant has an address at Beech Tree Cottage, New Road, Straffan, Co. Kildare, i.e. the adjoining residential property to the immediate west of the development site. The main points made in the grounds of appeal may be summarised as follows:

- Straffan N.S. was established in 1962 and has undergone significant additional development in the last decade, which has occurred in an ad-hoc, piecemeal fashion. The development is to facilitate a 2 stream cycle of pupils for each academic year, as granted by the Department of Education and Skills (DoES) in 2006. The applicant has missed an opportunity to develop the overall school site in a comprehensive manner and has failed to acquire additional lands to facilitate same. Significant lands to the north of the site have been zoned by Kildare County Council

for such purpose since 2002. The expansion of the school and associated increase in accommodation should only be carried out in the context of the suitability and sustainability of the school site.

- The development would result in a high ratio of children to available space. It may not comply with DoES guidance documents, health and safety regulations and development plan requirements. The appeal refers to DoES technical guidance document, ref. TGD-025, which indicates that single / multi-storey primary schools comprising between 8-16 classrooms should be situated on sites of between 1.04 ha and 1.14 ha. The development would only be between 52% or 57% of the DoES recommended area for primary schools. The Kildare County Council planning report notes that at some stage the overall school site will become exhausted and that the site may be reaching that point.
- The appellant has obtained documents under FOI from the DoES regarding the expansion of Straffan N.S. since 2006, copies of same are submitted as appendices to the appeal. The applicant has expended significant effort since 2006 to increase the level of accommodation from an 8 room school to a 16 room school without having made any progress in securing additional lands to support the increase including playgrounds, etc. School management applied to DoES on 11th March 2015 for additional accommodation indicating that enrolment figures to be accommodated at the site will increase from 287 on 30th September 2014 to 340+ by September 2016. The school has notified parents of additional enrolment for the 2016/2017 cycle in advance of permission for this development. While the applicant may have tried to acquire additional lands, these efforts have been inadequate and they have failed to secure any additional space in the 14 years since the rezoning of land to the north of the existing site or in the 10 years since the DoES expansion from 8 to 16 rooms. The appeal queries whether a comparable commercial development would be permitted in the same circumstances.
- The further information request asked the applicant to consider acquiring additional zoned lands to the immediate north of the site to accommodate an appropriately designed school extension, associated play area and car parking facilities. The applicant simply states that they are not in a position to purchase the lands and does not provide any additional justification. They provide a rationale based on indicative site coverage ratios provided in the County Development Plan but not specific to a primary school. The planning reports on file comment that the development is unacceptable at this location due to concerns over bulk, height and massing but ultimately recommend condition due to constraints on the existing site layout.
- The development will impact greatly on the amenity of Beech Tree House, on both the use of the rear grounds and on the value of the property. The private open space to the rear of Beech Tree House is currently shielded from the existing school property by a single storey extension on the adjoining boundary. The development will overshadow this area and greatly impact on its privacy.

- The scale of the development would be similar to an 8 unit apartment block or mid-size commercial / industrial unit. The overall bulk, height and massing of the structure is over dominant in the context of the existing school buildings and represents an unacceptable level of visual impact to the single storey Beech Tree House. The planning report on file states that the development would present a significant visual impact when viewed from the adjoining residence and from the public road. The second planning report on file acknowledges the piecemeal incremental development of this restricted site and states that the further information response does not address the concerns raised by the PA. The development was not significantly revised by the further information submission and conditions nos. 2 and 4 cannot be enforced.
- Kildare County Council should review planning decisions already taken in the Straffan area, rather than accept generic information provided by the applicant. A desktop review of planning applications granted by the Council in the last 5 years in the Straffan area indicates only one application for a building of this height and scale. Straffan GAA Club was granted permission for a sports hall with an overall height of 9.072m, ref. 11/1230, with distances between the approved building and the nearest residences of 39 -53m. The Council also granted permission for 36 houses to the northwest of the subject site, including house types with ridge heights of 8.2m, 8.4m and 7.8m, after a significant period of consultation between the developer and the PA to reach an agreed scheme to reflect the location / height / scale of the properties in the immediate vicinity, ref. 0650. There is no indication that the PA referred to existing permissions in the vicinity in its consideration of the subject proposal.
- The development would result in an unacceptable level of intrusion of the privacy of Beech Tree Cottage. The windows of room 3 would be approx. 20m from the rear garden / patio of the property. The shared boundary is a 4 foot high fence. The applicant proposes obscure glazing for these windows, also a 100mm gap at cill level. The appellant is not satisfied with these measures.
- Condition no. 2 of the subject permission relates to the use of the permitted structure. There are serious concerns about the implementation and enforcement of such a condition. Under 12/388, permission was granted for retention of 4 classrooms built at variance from the initial permission granted under 10/1137. The applicant appealed 10/1337, including condition no. 19 which required a contribution of €7,800 for the construction of footpaths in the environs of the school. The applicant withdrew the appeal on 5th July 2011, however records made available by Kildare County Council indicate that subsequently a payment of €250 made on 8th January 2014 was accepted as full settlement in respect of the original €7,800 request. Also enforcement of condition no. 14 of 13/028, requiring the provision of 5 no. car parking spaces within the boundary of the school site to comply with County Development Plan car parking standards. The appellant submits photographs taken on 9th

December 2015 and 10th and 29th February 2016, demonstrating that staff of the school failed to use these spaces. This demonstrates intransigence of the Board of Management to comply with conditions of planning permission for the safety of road users, pupils, etc. The appellant made a submission to Kildare County Council on this issue on 22nd December 2015 but is unaware of any action taken since then to remedy the situation. There are no records in the planning department of the Council to indicate any action taken on foot of the submission to ensure compliance with conditions of 13/028. Again concerns about the enforcement / implementation of conditions of the subject permission.

- Concerns about parking and traffic management. The PA refused permission for a housing development at New Road under 13/0693, on grounds related to traffic congestion. The roads report on file 12/388 recommended approval but stated that Straffan N.S. would be required to complete and submit a survey of travel modes annually to the PA. This request was not included in the final permission of 12/388. There are no records of traffic surveys undertaken by Kildare County Council or by a third party at the request of the Council and none have been submitted with this application. The majority of increased enrolment will be derived from new families moving into the area, which will create an increased level of new traffic movements on to the road that was already experiencing traffic congestion. There is a serious level of parking throughout the day as a result of various extra-curricular activities. Concern about the event of an emergency service being required during traffic congestion as the parking situation results in restricted access to adjoining property.
- Possible issue relating to stability of lands at the development site. There is a sharp drop / depression in the grounds to the north of the school boundary. The soil has a sandy composition and there is a water source at the bottom of the depression. This issue may have arisen during the construction of 4 no. classrooms permitted under 10/1137. Neither the current application nor any other application made in the last decade refers to site surveys being carried out at the site. Concerns about flood plain / drainage in the area arose during the course of 13/093. The applicant declined the request by the Council to relocate the structure to an alternative location at the site. The DoES would have to meet additional costs if ground works are required during construction.
- Even in recognising the wish of Kildare County Council to be as supportive as possible to developments relating to education, the proposal exceeds and goes far beyond what can be considered reasonable. It is difficult to reconcile the concerns raised by the PA in the course of the application with their decision to grant permission, given their original request to the applicant to relocate the development on site and / or to acquire additional lands for that purpose.

6.0 RESPONSE OF PA TO APPEAL

6.1 The PA response states no further comment.

7.0 RESPONSE OF APPLICANT TO APPEAL

7.1 The main points made may be summarised as follows:

- The school is currently at capacity (310 pupils) with a very urgent need to cater for the growing number of primary school children in the area. It is moving to a 2 stream cycle due to the demand for school places and the principal has confirmed that there will be an intake of 61 additional children for the 2016/2017 year. The closest primary school is c. 10 km away. There has been significant population growth in Straffan in recent times. The 2011 Census recorded a population of 635, a 7.72% increase since 2006. The village had a population of 341 in 1991. There is significant potential for further growth with 9.4 ha of lands zoned for new residential development.
- The Kildare County Development Plan 2011-2017 includes stated objective CE1, to facilitate the expansion of Straffan N.S. The school site is zoned for community and educational use, including lands to the rear of the school, which are in third party ownership. The applicant has made a genuine effort to deal with the adjoining landowner to obtain the lands but has not been able to reach any such arrangement. The likelihood is that these lands would only become available to the school in the event of the adjoining residential zoned lands being developed. Therefore, for the purposes of this application, they are not available and the applicant has no legal interest in same. The applicant must attempt to cater for the growing demand for school places within the existing grounds. The inability of the applicant to secure the adjoining lands cannot be held against them.
- The DoES technical guidance referred to by the appellant relates to the procurement and construction of new schools only. The DoES has full authority to override any such guidance as they see fit, depending on the specific site. The guidance is not a planning document and does not reflect DoEHLG guidelines or Council policy or objectives or standards.
- The school complex includes an existing 2 storey structure. The development is in character with this. In addition, the single storey structure to the rear of the school, close to the proposed extension, has a high pitched roof with a ridge height of 6.24m. This structure would largely obscure the proposed extension when viewed from the public road and the appellant's property. Beech Tree Cottage is c. 20m from the proposed development. It is screened from the school by dense hedging, approx. 8 feet high. There are no windows in the rear elevation of the dwelling. Photographs are submitted. It is difficult to see how its residential amenity would be materially compromised.

- Image no. 5 of the 3D model submitted as further information, which indicates the view from the rear gable of Beech Tree Cottage, was based on the assumption that there was a window at this location. As there is actually no such window, the Board is requested to dismiss this image in the assessment. 3D image no. 6 shows that only one classroom window can be seen from one particular area in the rear garden of Beech Tree Cottage. Most of the garden would be shielded by the existing single storey extension, this point is admitted by the appellant. The proposed obscure glass and restricted window opening would ensure no oblique overlooking of this limited area. Condition no. 3 requiring obscure glazing can be enforced by the PA. Condition no. 4 limits the use of the structure to school hours only, therefore no potential for overlooking arises after this period.
- There is a tall hedge along the boundary between the school and Beech Tree Cottage. The CGI gives an approximate image of the boundary, the appellant has not submitted photographs. The development would not be readily visible from the existing windows to the side of Beech Tree Cottage. It would be at an obtuse angle and obscured by the intervening tall hedge. Given that the development would largely be screened / obscured, it is not considered that there would be a material adverse impact arising from it being over dominant or over bearing.
- The proposed extension is to the north east of Beech Tree Cottage, therefore overshadowing would almost never occur. The shadow analysis submitted as further information indicates that some overshadowing would occur in the very early hours of the summer months (when sun rises in the north east). At other times only in the early morning hours, the existing single storey extension casts shadow over Beech Tree Cottage. The shadow of the proposed extension generally falls to lands directly to the east, north and west of its location, not in the direction of Beech Tree Cottage to the south west.
- The reference to reg. ref. 12/388 being a retention application and payment of associated levies being less than conditioned is irrelevant to the current application. Issues relating to the enforcement of planning conditions by Kildare County Council are beyond the remit of An Bord Pleanála and should be taken up directly with the Council.
- The applicant's traffic concerns are overstated. The nature of the primary school land use is such that there is a period of traffic congestion when the school opens and closes. However, when taken in the context of the entire day, the limited congestion does not mean that the public road itself is congested. New Road is very quiet for the majority of the day in terms of traffic volumes outside school drop off and collection. This is a common feature of primary schools around the country. The school is accessible by pedestrian footpath and is close to surrounding residential areas. Bus transport is provided at the school. The Straffan zoning map shows an objective to provide a footpath and cycle path along the public road to the front of the site, this will reduce the amount of car based trips to the

school. Kildare County Council roads department has no objection to the development.

- The refusal of 13/639 relates to a combination of concerns over traffic congestion from 36 no. dwellings and sightlines not being guaranteed during school hours. It is submitted that the Council have clearly given preference to the existing school and the traffic generated by same as the primary land use in the area and any new development has to ensure that it will not have an adverse impact on the established traffic. It is also highly probable that Council engineers would have taken future growth of the school and related traffic into consideration when refusing permission for the housing application.
- The appellant's concerns about site stability are based on hearsay. He has not submitted any supporting evidence of unsuitable ground conditions at the development site. The applicant is not aware of any such depression / drop on the adjoining lands. It is the applicant's responsibility to ensure that any planning permission can be carried out from a structural perspective and this is not a reason for refusal.
- The proposed extension was the result of a carefully considered effort to identify the optimum location at the site for additional classrooms without compromising the established outdoor amenity spaces or have a material adverse impact on the adjoining neighbour. The development would reduce existing noise levels relative to the neighbour by (a) replacing existing play space and (b) acting as a noise barrier. The location of the extension at any other location within the school grounds would only serve to divide the children's play area. The applicant is happy to provide a masterplan in advance of any new planning applications, as required by condition no. 2, and to accept the other conditions of permission.

8.0 POLICY CONTEXT

8.1 Kildare County Development Plan 2011-2017

8.1.1 Straffan is located in north eastern Co. Kildare, in the 'Metropolitan' area of the county, which is experiencing development pressure associated with its accessibility from Dublin. Straffan is designated as a village in the settlement hierarchy set out in Development Plan Chapter 3. The role of villages both within the Metropolitan and Hinterland areas of the county is to continue to develop as local centres for services with growth levels to cater for local need at an appropriate scale. Settlement hierarchy Table 3.3 indicates a population target of 9,929 for all villages in 2017 and a target of 1,024 additional housing units for each village for the period 2006-2017.

8.1.2 Development Plan section 11.14.7 sets out the following policy on school facilities:

ED 1: To co-operate with the Department of Education and Skills, the Vocational Educational Committee for County Kildare and School Management Boards in the identification of appropriate sites for school facilities.

There is also the following objective:

SCO 1: To facilitate the provision of new education and other community facilities, and appropriate extensions to such facilities, within existing towns and villages through the reservation / zoning of land for such uses.

8.1.3 Chapter 17 sets out village development plans. Table 17.3 indicates that there is 9.4 ha of lands zoned for new residential development in Straffan. The subject site and adjoining lands to the north have the zoning objective 'E: Community and Educational' as per map no. 17.13. The purpose of this zoning is to facilitate the extension of existing and the provision of new community and educational facilities. Schools are permitted in principle under this zoning objective. Objective CE1 states:

To facilitate the expansion of Straffan National School should additional school places be required.

There is also an objective to extend footpaths and public lighting along New Road, ref. objective T5.

8.1.4 Chapter 19 sets out development management standards. Table 19.1 indicates a plot ratio standard of 0.25 – 0.35 for outer suburban areas remote from public transport. Guidance on overlooking and overshadowing is provided in sections 19.2.3 and 19.2.4 respectively. Section 19.6.6 sets out car parking standards. Table 19.9 indicates a parking requirement of 2 car spaces per classroom for primary schools. The Council requires the submission of a Mobility Management Plan with planning applications where developments include substantial parking requirements.

9.0 ASSESSMENT

9.1 The following are the issues considered relevant in this case:

- Principle of development;
- Impacts on visual and residential amenities;
- Traffic and parking issues;
- Other Issues;
- Conclusion.

Each of these issues may be considered separately as follows:

9.2 Principle of Development

9.2.1 The site is located within an existing school complex on lands zoned for educational and community facilities. There is a specific objective in the County Development Plan to facilitate the expansion of Straffan National School, ref. objective CE1. The appellant submits that the Department of Education and Skills (DoES) has sanctioned additional pupil numbers at this school since 2006 and that the school management developed the overall complex in a haphazard and piecemeal fashion, despite the availability of suitable zoned land to the immediate north of the site. The applicant states that attempts have been made to obtain land from the adjoining landowner but they have been unable to reach agreement. I note the County Development Plan objectives regarding the provision of additional residentially zoned land in Straffan and the need to provide community facilities such as schools in tandem with additional residential development. According to the applicant, there is an urgent demand for additional school places in the area. While the proposed development would take place on a restricted overall site, I accept the submission of the applicant that reasonable attempts have been made to secure the adjoining site to no avail. The compliance of the development with standards set out by the DoES for school accommodation is outside the planning code. The applicant is happy to accept a condition precluding further development at the overall school site until the completion of a comprehensive masterplan for the overall redevelopment of the school, as per condition no. 2 of the PA decision. The proposed development is considered acceptable in principle on this basis.

9.3 Impacts on Visual and Residential Amenities

9.3.1 There are adjoining individual residential properties to the immediate east and west of the overall school site. The adjoining resident to the east has not made any comment in relation to the proposed development. I have no concerns regarding potential impacts on the residential amenities of this property or on other residential properties in the general area. The subject appeal has been submitted by the resident of Beech Tree Cottage, to the immediate west of the site. Potential impacts on the residential amenities of that property relate to visual amenities, overlooking, overshadowing and noise. There is also the issue of visual impacts on views from the public road.

9.3.2 The proposed 2 storey structure has a ridge height of 9.725m. It would be located to the north east of the rear elevation and rear garden of Beech Tree Cottage. Beech Tree Cottage is a single storey 'L' shaped structure, with the long side of the 'L' facing east and situated very close to the boundary shared with the school complex site (c. 2-3m). There are windows along the eastern side of the house but none to the rear elevation. There is a high hedge along the shared boundary between the cottage and the school complex, also to the rear of the cottage. The rear boundary of the overall Beech Tree Cottage site is c. 15m from the front of the proposed 2 storey extension. There is an existing single storey extension with a pitched roof to the rear of the school, ridge height of c. 6.5m, located north west of Beech Tree Cottage. That

building would be situated between the rear boundary of Beech Tree Cottage and the proposed development. The applicant submitted 3D modelling of the proposed structure to the PA as further information. The images submitted indicate various aspects of the proposed structure in the context of Beech Tree Cottage and the overall school site and the surrounding area. With regard to these images and having inspected the site, I consider that the development would not be overly dominant in views from the rear of Beech Tree Cottage with regard to the following:

- The intervening distance of 15m and the oblique angle at which the proposed structure is located relative to the rear of Beech Tree Cottage;
- The tall hedge and other vegetation along the side and rear boundaries of Beech Tree Cottage;
- The location of the main private open space to the rear of Beech Tree Cottage on the western side of that property, away from the proposed development and further shielded from it by the cottage itself and
- The presence of a single storey structure with a ridge height of c. 6.5m between the rear of Beech Tree Cottage and the proposed structure.

I also consider that the visual impact of the development on views from the public road is generally acceptable in the context of the overall school complex. The complex is already an amalgamation of several buildings of varying ages and architectural styles, typical of primary schools around the country. Only the roof of the structure would be visible from the road, ref. main elevation, drawing no. 15-26/PL005. I note that the ridge height of the proposed structure is c. 0.5m higher than the existing 2 storey element at the eastern side of the school complex. A reduction in height to match that of the existing extension would achieve a more visually harmonious complex and reduce the visibility of the proposed structure in views from Beech Tree Cottage. This could be achieved by way of condition if the Board are minded to grant permission.

9.3.3 Potential for overlooking arises from windows at first floor level in the southern elevation of the proposed structure, facing the rear of Beech Tree Cottage at an oblique angle. Again, given the intervening distance, the oblique angle and the design and layout of the rear of Beech Tree Cottage, I do not consider that significant overlooking issues would arise. The applicant has proposed to use obscure glazing in the first floor windows closest to Beech Tree Cottage and condition no. 3 of the PA permission required same. This is a satisfactory compromise to prevent potential overlooking and could also be required by condition if the Board is minded to grant permission.

9.3.4 The documentation on file does not include a detailed shadow analysis of the proposed structure. However, given that it is some distance to the north west and having regard to the presence of an intervening 6.5m high structure, I accept that significant additional overshadowing of the rear of Beech Tree Cottage would not occur. The applicant submits that the proposed structure would reduce noise impacts from the school complex to the rear of Beech

Tree Cottage, as the area would no longer be used for open space / play purposes. I accept this point. In addition, the applicant is happy to accept a condition restricting the use of the structure to normal school hours only, which would further reduce any potential noise impacts.

- 9.3.5 To conclude, I consider that the development would not have a significant adverse impact on the visual amenities of Beech Tree Cottage or on views from the public road and that any potential visual impact could be ameliorated by reducing the ridge height of the structure by 0.5m. I am also satisfied that the development would not have a significant adverse impact on residential amenities by way of overlooking, overshadowing or noise issues.

9.4 Traffic and Parking Issues

- 9.4.1 The site is located within the 60 kph speed zone. The existing overall site layout indicates a total of 20 no. existing car parking spaces. The front boundary of the school complex is set back from New Road, providing 15 no. car parking spaces perpendicular to the road and a 'drop off area' at the eastern end of the road frontage. There are a further 5 no. spaces within the front boundary, running parallel to the road. The revised site layout submitted as further information indicates an additional 8 no. new spaces to cater for the proposed development, located within the school complex along the eastern site boundary, resulting in a total provision of 28 no. spaces. County Development Plan car parking standards require 2 car parking spaces per classroom for primary schools. The school would have a total of 15 no. classrooms including the proposed development, i.e. a requirement for 30 no. spaces. Therefore the development would result in a shortfall of 2 no. spaces. No mobility management plan has been submitted. The site is located at the edge of a rural settlement with limited availability of public transport. While I accept that some pupils may walk from nearby residential areas, the likelihood is that most would travel by car to and from school.

- 9.4.2 Notwithstanding these issues, however, I note that Kildare County Council Roads and Transportation Department stated no objection to the development in their final comment on file dated 3rd March 2016. While the development would result in a deficiency of 2 spaces relative to County Development Plan car parking standards, the overall design and layout is acceptable apart from this issue. I accept the point of the applicant that traffic congestion associated with the school complex is limited to specific times of the day and is a characteristic feature of primary schools. Traffic associated with the development is likely to be very limited outside these peak periods. On balance, it is considered that the development is acceptable with regard to traffic and parking issues. I note that condition no. 5 of the PA decision requires the applicant to submit details of the use of permitted additional car parking spaces as compliance. I do not consider that such a condition is necessary or enforceable.

9.5 Other Issues

9.5.1 The appellant questions the stability of lands at the subject site, commenting that there is a depression / drop on adjoining lands. I did not observe any evidence of unsuitable ground conditions at site inspection. I note that Kildare County Council Environment Section has no objection to the development in their comment on file dated 15th January 2016. This issue is not considered material to the determination of this appeal.

9.5.2 Having regard to the nature and scale of the development within a fully serviced location, no AA 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.

9.5.3 Kildare County Council has not imposed a condition requiring a development contribution in accordance with the section 48 Kildare County Development Contribution Scheme 2015-2022. Section 12 of the Scheme relates to exemptions and reduced contributions. Section 12(a) states:

a) When a planning application consists of or comprises development, which in the opinion of the planning authority, is development proposed to be carried out by or on behalf of a voluntary organisation, and which in the opinion of the Planning Authority –

- i) is designed or intended to be used for social, recreational, educational or religious purposes by the inhabitants of a locality, or by people of a particular group or religious denomination, and is not to be used mainly for profit or gain,*
- ii) is designed or intended to be used as a workshop, training facility, hostel or other accommodation for persons with disabilities and is not to be used mainly for profit or gain*

Or

- iii) is ancillary to development referred to in paragraph (1) or (2).*
- iii) education facilities, to include schools built under a PPP process will be exempt from development contribution charges. However, special contributions may be applied to any such planning permission in accordance with Section 48(2)(c).*

In this case, the applicant is the Board of Management of Straffan N.S. and the development is an extension to an existing primary school. It is considered that the development comes within the scope of the above exemption in the relevant section 48 Development Contribution Scheme and that a condition

requiring a section 48 development contribution should not apply. Section 48(2)(c) provides:

(c) A planning authority may, in addition to the terms of a scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by a scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development.

It is not considered that these circumstances apply in the subject case.

9.6 Conclusion

9.6.1 The proposed development is acceptable in principle at this location with regard to the provisions of the Kildare County Development Plan 2011-2017. The development would not have any significant adverse impact on visual or residential amenities and is acceptable with regard to car parking provision and traffic issues.

10.0 RECOMMENDATION

10.1 Having regard to the foregoing, I recommend that permission be granted for this development for the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

Having regard to the zoning for the site, to the quantum of development proposed, to the pattern of development in the area, and to the planning history of the site, the Board considered that, subject to compliance with the conditions set out below, the proposal would be acceptable in terms of traffic safety and convenience, would not have a significant adverse impact on residential amenities, would not seriously injure the visual amenity of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to Kildare County Council on the 24th day of February, 2016, 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. There shall be no further incremental additions / extensions to the school until such time as a comprehensive masterplan for its overall redevelopment has been completed by the school authorities and same shall be submitted with any future planning application.

Reason: In the interest of orderly development, residential amenity and to ensure that the school site is developed in a manner consistent with the future needs of the school population and in the interests if the proper planning and sustainable development of the area.

3. The ridge height of the development hereby permitted shall be reduced such that it matches the existing 2 storey extension on the eastern side of the site. Revised drawings in accordance with this requirement shall be submitted to the planning authority for agreement in writing prior to the commencement of development.

Reason: In the interests of visual and residential amenities.

4. 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.

5. Traffic, access, lighting and parking arrangements shall comply with the requirements of the planning authority for such works and services.

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

6. The use of the extension shall be restricted to normal school hours only. There shall be no use of the structure for evening meetings, functions, extra-curricular activities, evening classes or any other such use outside of normal primary school teaching hours.

Reason: To protect the amenities of the adjoining properties.

7. Prior to commencement of development, details of the materials, colours and textures of all external finishes to the proposed development inclusive of obscure glazing to windows as per drawing no. 15-26/PL003 submitted to Kildare County Council on 24th February 2016, shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of visual and residential amenities.

**Sarah Moran,
Senior Planning Inspector
4th July 2016**