

An Bord Pleanála



Inspector's Report

Appeal Reference No:	PL27.246494
Development:	Construct 2.4m high mesh fence and retain pedestrian and vehicular access.
Location:	Scoil Aodan Naofa N.S. Carnew, Co. Wicklow.
Planning Application	
Planning Authority:	Wicklow County Council
Planning Authority	Reg. Ref.: 15/851
Applicant:	Scoil Aodan Naofa N.S. Board of Management
Planning Authority Decision:	Grant permission
Planning Appeal	
Appellant:	Maureen O'Flaherty
Type of Appeal:	Third party
Date of Site Inspection:	21/7/16
Inspector:	Siobhan Carroll

1.0 SITE LOCATION AND DESCRIPTION

- 1.0.1 Scoil Aodan Naofa National School is situated on the western side of the town of Carnew. The site has a stated area of 1.06 hectares and it fronts onto the R725 which defines the site's southern boundary. In front of the school the road width is wider facilitating drop off and collection of pupils. There is on-site car parking to the front of the school. The roadside boundary is defined by a wall and railings.
- 1.0.2 The site is bounded by a funeral home to the east. The western boundary adjoins the rear gardens of dwellings within Highfield a scheme of 10 no. dwellings. The northern and western site boundary is defined by a fence and mature Leylandii trees.
- 1.0.3 Valley Heights is situated to north of the site. It is a housing development containing 30 no. dwellings and served by a single vehicular access. At the end of the cul de sac within Valley Heights there is a pedestrian access and field gate into the grounds of Scoil Aodan Naofa N.S.

2.0 PROPOSED DEVELOPMENT

Permission is sought for the construction of a 2.4m high mesh fence and the retention of a pedestrian and vehicular access and ancillary works.

3.0 PLANNING HISTORY

Reg. Ref. 12/6532 – Permission was granted for extensions to the school and the realignment of a portion of the roadside boundary wall to provide bus set down area.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning Authority Decision

Following the submission of further information and clarification of further information the Planning Authority granted permission subject to 2 no. conditions.

4.2 Planning and technical reports

Internal Reports:

None

Submissions

The Planning Authority received thirteen submissions in relation to the planning application. The main issues raised are similar to those set out in the appeal.

5.0 GROUNDS OF APPEAL

A third party appeal was submitted by Frank Ó'Gallachóir & Associates on behalf of Maureen O'Flaherty on the 26th of April 2016. The content of the appeal submission can be summarised as follows;

- The proposed development would seriously injury the residential amenities of properties within Valley Heights. The proposed scheme involve the retention of the existing evergreen shared boundary which is circa 4m high along the boundary with the Valley Heights public open space.
- The existing Leylandii boundary would be enclosed by two fences the new 2.4m high steel fence inside the school property and the existing 1.4m high concrete post and timber fence along the shared boundary. Therefore the hedge would be inaccessible and difficult to maintain.
- The appellants suggest that a more suitable boundary treatment would be a concrete block wall, plastered and capped on both sides with a height of 1.8m.
- The proposed 2m wide footpath is considered unnecessary and that an astrotruf path could be provided across the grassed playing area.
- The stated requirement for the retention of the vehicular access through Valley Heights refers to the use of the entrance for emergency vehicles and maintenance and other such activities. It is considered that this justification is imprecise and implies no intensification of use.
- The appellants consider that there is no requirement for a gate at this location as the school has a 'ride-on mower' to cut the grass in place of a tractor and trailer and there is no car parking to the rear of the school.

- The appellants state that the subject gate was not used by construction traffic and they contact the local fire station and were advised that a fire incident at the school would be accessed from the Main Street where there are suitable fire hydrants.
- Therefore the appellants consider that the retention of the existing gateway has not been justified. They have concerns that it is the intention of the Board of Management to use the gateway for construction access, staff or visitor car parking and for routine maintenance and repairs. Such usage would generate substantial traffic movements and turning movements.
- The existing pedestrian access to the school adjoins the footpath within Valley Heights across which vehicles drive to access driveways. This is considered a traffic hazard due to the concentration of school children using the pedestrian entrance at particular times of the day.
- The cul de sac in Valley Heights becomes congested particularly when residents return from work. The generation of traffic into the estate by the school leads to more traffic congestion and constitutes a traffic hazard.
- The appellants consider that the wording of condition no. 2 is imprecise and that it does not set out what constitutes an emergency vehicle or maintenance vehicle.
- Should the Board decide to grant permission for the proposed development it is requested that a condition be attached that restricts the use of the access to emergency vehicles only and to prohibit its use for construction purposes and for car parking access.
- The Planning Authority did not examine alternative access options to the rear of the school.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 First party response

A response to the third party appeal was submitted by the applicants Scoil Aodan Naofa N.S. Board of Management on the 23rd of May 2016. The main issues raised are as follows;

- The purpose of the proposed development is to protect the school grounds and building and by extension the children and staff. The site as it exists is

unprotected and open. There is need to protect the site from trespass and vandalism.

- In relation to the matter of the use of the gated access there is no intention on the part of the Board of Management of the school to bring any increase in vehicular traffic through Valley Heights.
- Over the previous seventeen years the access has only been used on four occasions by vehicles engaged in development work at the school. The applicants state that they have no intention to contravene the restricted use of the access as conditioned by the Planning Authority.
- The provision of the path inside the perimeter fence is for the comfort of pupils and parents who currently use the pedestrian entrance to the school.
- The original proposal to remove the Leylandii trees has been revised and it is proposed to retain the tree boundary in order to appease concerns from some residents concern the visual and auditory impact of their removal.
- The suggestion that an alternative option for access is available from the Church lands is not the case. The Church and school are separate with separate management authorities. The school would need to buy the land for the purposes of providing an alternative access.
- It is requested that the Board uphold the decision of the Planning Authority to grant permission for the proposed development.

6.2 Planning Authority response

- None received

7.0 POLICY CONTEXT

7.1 Wicklow County Development Plan 2010 – 2016

- Chapter 15 – Social and Community Infrastructure including open space

7.2 Carnew Town Plan 2010 – 2016

Site is zoned Objective 'CE', to provide for and improve Community Educational and Institutional facilities.

8.0 ASSESSMENT

- 8.0.1 The proposed development involves the construction of a weld mesh fence inside the existing boundary which is formed by a chain link and timber fence with Leylandii trees. The subject new boundary is indicated on drawing no: B.A.2015.014.101 it runs for circa 336m around the northern section of the site. The proposed fence would be constructed up to the existing security fence and gate to the eastern side of the school building and would also join the south-western side of the school building and fully enclose the grassed playing area to the rear of the school building. The first party state that the proposed new boundary fence is necessary to secure the premises and prevent trespass and vandalism.
- 8.0.2 Originally the applicants proposed to remove the existing boundary comprising a chain link, timber fence and Leylandii trees. The Planning Authority in the further information and clarification of further information queried the justification for the removal of the existing boundary. In response to the matter the applicants revised the scheme and proposed to retain the chain link and timber fence and Leylandii trees along the northern section of the boundary with Valley Heights. The retention of the existing boundary would ensure that the new 2.4m high mesh fence is not visible from Valley Heights. A number of the submissions to the Planning Authority raised the visual impact of the new boundary. Therefore the revised proposals addressed this matter.
- 8.0.3 The appellants consider the proposed boundary treatment is not suitable as it would result in the Leylandii trees along the north boundary not being accessible for cutting and maintenance. This concern of the appellants is noted and I consider that it can be addressed by means of condition. Therefore in order to ensure that the boundary trees particularly along the northern boundary with Valley Heights remain accessible I consider that it would be appropriate to set the proposed mesh fence back 500mm from the existing boundary trees along the northern boundary and provide a gate within the mesh fence to allow access to the trees for landscaping and maintenance purposes.
- 8.0.4 The applicants also revised the proposed development to provide for the retention of the existing pedestrian and vehicular entrance to the school from Valley Heights to the north. The present situation is that there is a pedestrian gate allowing pedestrian access for pupils and parents. There is also a gate way which allows vehicular access onto the grassed playing area.
- 8.0.5 The first party in the appeal response have confirmed that the vehicular gate has been used approximately four times over the past seventeen years to provide access to the school for vehicles engaged in development work at the

school. They have also confirmed that there are no plans to use this access for any other purposes aside from emergency access and for maintenance purposes. Having regard to the very limited existing and proposed usage of the subject vehicular access I consider that it would not give rise to a traffic hazard and that it would be acceptable to retain access subject to the attachment of a condition specifying that the vehicular access shall be used solely to serve emergency vehicles and maintenance vehicles and for no other purpose.

- 8.0.6 In relation to the matter of appropriate assessment, I consider that having regard to the nature of the proposed development namely the consolidation of existing site boundaries and retention of a pedestrian entrance and vehicular entrance at a National School and the nature of the receiving environment, namely an urban and fully serviced location that no appropriate assessment issues arise.

9.0 CONCLUSIONS AND RECOMMENDATION

- 9.0.1 I have read the submissions on file and visited the site. Having due regard to the provisions of the Development Plan, together with all other issues arising, I recommended that permission be granted for the following reasons and considerations.

REASONS AND CONSIDERATIONS

Having regard to the nature of the proposed development namely the consolidation of existing site boundaries and retention of a pedestrian entrance and a vehicular entrance for restricted usage serving an established National School and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the residential or visual amenities of the area and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. The vehicular access shall be used solely to serve emergency vehicles and maintenance vehicles and for no other purpose.

Reason: In the interest of clarity and traffic safety.

3. The proposed development shall be amended as follows:

- (a) The proposed mesh fence shall be set back 500mm from the existing trees along the northern site boundary.
- (b) A gate shall be installed within the mesh fence along the northern site boundary to provide access to the boundary trees for landscaping and maintenance purposes.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity.

**Siobhan Carroll,
Inspectorate
15th of August 2016**