



An
Bord
Pleanála

Inspector's Report PL05E. 247359

Development	Replace primary school
Location	Scoil Íosagáin, St. Patrick's Road, Buncrana, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	16/50168
Applicant	Rev. John Walsh on behalf of the Board of Management
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeals	Third Parties
Appellants	Mairéad McDaid Dennis and Jacqueline Deery Patricia McCallum Neil Deery Patrick McMyler and Sandra McMyler
Observer	None
Date of Site Inspection	20 th January 2017
Inspector	Stephen J. O'Sullivan

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1.0 Site Location and Description

1.1. The site is near the town centre of Buncrana. It has a stated area of 1.5ha. It consists of two parts occupied by separate school buildings, divided by St. Patrick's Road just north of the point where it is closed to vehicles. The eastern part is occupied by the St. Columba building. It has frontage onto St. Mary's Road and lies to the south of the church at St. Mary's Oratory and its associated car park. There is a pedestrian access from St. Mary's Road to St. Columba's, with vehicular access from St. Patrick's Road to a limited number of parking spaces to the west of the school building. Detached houses and council offices stand to the south of that part of the site. The western part of the site is occupied by the single storey school building of the Sacred Heart, which dates from the 1920s. The south-western corner of this part of the site adjoins the curtilage of another school. The rest of the site's boundaries adjoin residential areas, including a private lane that serves a terrace of four Victorian houses at Grianan Park. The levels of the site slope generally down from east to west. The church stands on a height with the school building at St. Columba's set well below at a level just above that on St. Patrick's Road. The building at Sacred Heart is at a similar level with that road, and set somewhat above the lower land to the west.

2.0 Proposed Development

2.1. The proposed development would involve the demolition of the existing buildings on the site and the removal of the prefabs. A new two-storey school building would be erected on the western part of the site. It would have a floor area of 6,322m² and would contain 25 general classrooms and 9 special needs classrooms and various other facilities. The building would have a roof ridge height of 11m over its finished floor level, which itself would be 1.7m over the ground level of the western boundary of the site. Access to the site would be revised with a new one-way entrance from St. Mary's road on the eastern boundary of the site with vehicles leaving along St. Patrick's Road.. A bus stop, drop off area for cars, 56 standard car parking spaces, 3 accessible spaces and bicycle parking would be provided. 3 ball courts and various landscaped spaces would also be provided.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to 15 conditions.

Condition no. 3 required a stone wall to be built along the eastern boundary of the site on St. Mary's Road

Condition no. 4 required revised grading and boundary and surface treatments for the proposed ball courts.

Condition 5(a) required the stone walls on the site boundary to be retained with any new wall or fences to be erected inside them. Condition 5b) required details of other site boundary treatments to be agreed with translucent screening on the western boundary.

Condition 6 required the submission of a Road Safety Audit and details of the proposed entrance and drop off area to be submitted and agreed with the planning authority.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The principle of development is acceptable because of the zoning of the site. The date for decision was extended to allow discussion of the impact of the development of the frontage along St. Mary's Road, the setting of the church and the possibility of a landscaped space at the end of the access road. The applicant did not revise its proposals but suggested erecting a stone wall along the frontage on St. Mary's Road. The proposal is a rationalization of accommodation into a purpose built structure with obvious operational, safety and management benefits. The proposed building achieves separation distances from the western site boundary that are adequate in this urban context. Overlooking from a school would be less than from other development because it would only be occupied for a limited period of the day and year. There is already some difference in level between the site and the land to the west. A 2.1m high wall would be unsightly. A fence would not provide requisite screening. A translucent screen should be erected. Overshadowing would only

occur for limited periods in the morning. The building would not have an undue impact on the houses to the south or the north. The proposed development would not injure residential amenity. The planning authority accepts that the Sacred Heart School is not of sufficient historic or architectural interest to refuse permission for a new school. The setting of the church is a more significant consideration, and fencing and lighting should not be installed at the adjoining ball courts that would affect this. A better boundary treatment along St. Mary's Road is also required. This can be required by condition. Subject to this, the impact of the development would be acceptable. The proposed access arrangements, with separate entrance and exit and a drop-off facility, are entirely satisfactory and represent a significant improvement on the current situation. Details can be agreed under a condition and no safety issues arise. Submissions are summarised as responded to. The development would improve the amenities available to the schoolchildren on the site including outdoor play areas. Any construction will have some impact, but these will be temporary and subject to control by condition. There is no requirement for the school to vacate the site for a greenfield one under policy or otherwise. The proposed height of 7-11m is in no way excessive for an urban context. Children at play around a school would not constitute a nuisance. There will be no lighting of the ball courts. Lighting at the car park is required on safety grounds and will be directed and cowled to avoid spillage onto neighbouring property. The existing stone wall on the western boundary will be retained. There is no evidence that a public right of way would be obstructed. The development will require a fire safety certificate. A grant of permission was recommended.

3.2.2. Other Technical Reports

Area Engineer, Road – A handwritten report refers to various matters of detail

Fire Officer – No objection

Irish Water – Detailed drainage drawings are required.

3.3. **Third Party Observations**

Several persons objected to the proposed development on grounds similar to those raised in the subsequent appeals.

4.0 Planning History

No previous planning applications were cited by the parties.

5.0 Policy Context

5.1. National Guidelines

A Code of Practice was published by the minister and the minister for education entitled, ' The Provision of Schools & the Planning System' in July 2008. It constitutes a set of guidelines under section 28 of the planning act. Its core objectives are that schools provision should be an integral part of the evolution of compact sustainable urban development and the development of sustainable communities. The provision of new schools should emerge from an integrated approach between the planning functions of the Department of Education and planning authorities, and that the latter will support and assist the department in the timely provisions of school sites. With regard to the location of schools, planning authorities will seek to situate them within existing catchments in a manner that aids ease of access from surrounding areas and encourages sustainable mobility by walking, cycling and public transport. Planning authorities are also required to progress planning applications for schools as efficiently as possible.

5.2. Development Plan

The Buncrana and Environs Development Plan 2014-2020 applies. The site is zoned Community/Service. The lands to the north, south and west are zoned as established development. The land on the other side of St. Mary's road to the east is zoned as town centre. Objective CS-O-4 is to encourage the sustainable growth of the town in a sequential manner outwards from the core so as to make best use of existing and planned infrastructure and to consolidate and strengthen urban form. Policy BH-P-4 is to ensure the repair, sustainable reuse and appropriate refurbishment of vernacular/historic buildings/structures, which make a positive contribution to the built heritage of the area including those as referred to on any National Inventory of Architectural Heritage. The Sacred Heart Building is recorded on the NIAH as being of social importance to the local community. Policy BH-P-9 is

to protect the character and integrity of the 'Area of Special Townscape Character', including the promotion of a higher quality built environment and to carefully consider all elements. Policy CEH-P-2 is to meet the educational needs of the town by facilitating appropriate extensions to existing educational institutions and/or the appropriate development of new educational buildings, subject to consideration of all material planning matters, other relevant policies of this plan, relevant National/Regional Guidance and subject to environmental considerations and conservation designations. Policy CEH-P3 is to accord with the technical guidance documents TGD20-25 issued by the Department of Education, as well as the code of practice for schools and the planning system. Table 25 sets a car parking standard of 1.5 spaces per classroom for primary schools.

Buncrana is identified as a tier 2 strategic support town in the Donegal County Development Plan 2012-2018.

5.3. **Natural Heritage Designations**

None

6.0 **The Appeals**

6.1. **Grounds of appeals**

6.1.1. The grounds of the appeals submitted by **Mairéad McDaid** and **Patricia McCallum B.L. and Ciarán Elders B.L.** are similar and can be summarised as follows -

- The proposed development would contravene the provisions of the development plan and the guidance documents TGD 25 and 26 issued by the Department of Education.
- The drop-off area of pupils is too far from the school building and will result in children as young as 5 having to walk up to 100 yards. TGD 25 recommends sites have safe circulation and access. An adequate turning area would not be provided for emergency vehicles and the development would be a fire hazard.

- The site slopes steeply with a drop of more than 6m across it. TGD 25 recommends sites without steep slopes. The submitted plans and elevations did not properly illustrate the difference in levels across the site and onto neighbouring land. The proposed development would interfere with the natural topography of the site which should be considered as part of the setting of the town as a whole. The large and elevated building would overbear and overshadow the appellants' houses to the west at Grianán Park and Mellifont House. The submitted plans are inconsistent as to whether the land at the back of the site would be sloped or levelled to provide a playing area. If the land is levelled then the existing historic boundary may not be able to withstand the pressure of filling behind it. The conditions of the planning authority's decision would also require a second wall to be built along that wall, which is an integral part of the aesthetic of the Victorian houses at Grianán Park. The area at the back of the school building would be a trap for rubbish and would interfere with the privacy of the adjacent houses. The school would be 3.2m over the level of Mellifont House and the building would peak '50 feet' above that home, rendering its ground floor and rear garden as a basement with serious overlooking from the ground and first floor of the proposed school. That property, including its dual aspect kitchen, would have no privacy whatsoever and would be overlooked by a conservative minimum of 290 people from the building as well as from the play area. The sheer volume and mass and height of the building would undoubtedly impinge upon on access to light
- The amenity area for SEN would be occupied by an LPG tank.
- The proposed development would represent over-development. The large building on an elevated site would be visually incongruous. The school would have no room for expansion, contrary to the advice in TGD 25. It would have no green open space and only three ball courts for 750 students. It would not allow for separate play areas for older and younger children, as required by the department's technical guidance. The guidance also requires sites with more than 24 classrooms to accommodate more than one school, unlike the current proposal. The population of the town is growing and the school will be oversubscribed as soon as it opens. The proposed dense development would

contravene the objective to development the town in a rational manner from the centre out that is part of the core strategy of the development plan. It would not be appropriate for it to be located in the town centre. It would be more suited to a high density urban centre, or alternatively there are greenfield sites identified in the development plan which would be more suitable.

- The proposed development would damage the architectural heritage of the town and the Victorian character of this area. The Sacred Heart school building is recorded on the NIAH. The development plan states that the refurbishment of such buildings is preferable to their replacement. The architectural heritage assessment submitted by the applicant was incorrect and concludes that the value of that building was reduced by its extension in 1997. There is a dispute about the opinion of the staff of the NIAH. Boundary walls associated with St. Mary's Church which, along with the proposed access roads, would damage the its setting. The proposed development would be contrary to the provisions of the development plan regarding townscape policy areas by demolishing a building of historic interest and replacing it with one with cheap finishes and an industrial appearance.
- The school would affect rights of way from St. Patricks Road to St. Oran's Road and the pedestrian right of way from St. Patricks Road to St. Mary's Road, contrary to the objective in the Economic Development section of the development plan to protect routes to the seafront.
- The proposed access arrangements would funnel traffic onto St. Mary's Road and cause major traffic issues on an artery for the town. The 59 car parking that are proposed would be inadequate for a school with 70 staff. The standards in TGD 25 would require 86 spaces for the proposed school.

6.1.2. The grounds of the appeal submitted by **Dennis and Jaqueline Deery** can be summarised as follows-

- A greenfield site would be more suitable for the school rather than the one in front of the appellants' house. No consideration has been given for the future expansion of the school. The infrastructure is simply not there for a development of this size.

- The proposal does not include facilities for grass based sports or activities. The size of the playing areas does not conform to guidance from the Department of Education.
- The new road from St. Mary's Road to St. Patrick's Road would increase traffic flow and worsen congestion in the area. The daily traffic on this road that includes schools, the church and residential areas is horrendous and the appellants have difficulty leaving their property.
- The proposed 1.8m perimeter wall and railings would leave the appellants feeling almost prison-like in their own living area.
- Construction would cause massive disruption in a residential area. The noise pollution and disturbance will immensely affect the appellants' quality of life.
- The proximity of the proposed buildings to the appellants' house means a massive invasion of privacy is inevitable.
- The layout of the development is not consistently shown on the plans.
- There is no rear or side access for emergency vehicles.

6.1.3. The appeal submitted by Neil Deery can be summarised as follows-

- Mr Deery lives on St. Patrick's Road near the site. His objection to the planning authority was not properly considered. There was inadequate consultation with local residents who only learned of the scale of the proposal after they saw the notice of the application which was not published in a local newspaper. The decision to grant permission without seeking further information failed to have regard to the advice given by Irish Water and the council's roads department. The planning authority failed to seek the observations of the Heritage Council and An Taisce, as would be required under article 28 of the planning regulations due to the impact of the proposed development on architectural heritage. The opinion of the Road Design Office should also have been sought. The site boundary line is not consistently shown on the submitted drawings, with significant discrepancies between the site location map and site plan no. 2 on drawing no. 3732-0003-P of several metres. The application should be declared invalid. Contextual elevations and sections showing the site in relation to adjoining property

should also have been submitted as per article 23.1 of the planning regulations. The applicant failed to address the concerns regarding streetscape raised informally by the planning authority, according to the planning officer's report. Details of the LPG tank and attenuation tank under the sensory garden were not provided with the application. Neither was a road safety audit, traffic management plan, details of piped services, flood risk assessment or of the differences in levels across the site and between it and other sites.

- The development would contravene policy BH-P-4 of the development plan to ensure the repair and refurbishment of buildings that contribute to the architectural character of the town that are recorded on the NIAH. It would therefore be an inappropriate extension of an educational institution and would contravene policy CEH-P-2. The development would not facilitate an increase in the capacity of the school on the site. The existing buildings are in good condition. The proposed development would not accommodate future development demand but is a demolition and redevelopment project.
- The proposal would be overdevelopment of a site in an area that appears distinctly suburban. The large site, particularly its western portion, would be over-crammed and overdeveloped as is illustrated by the 3-D visualisations. The floor area on the site would nearly double. The site coverage on the western part of the site would increase from 16.73% to 42.42.71%. The proposed height of 11m, or possibly more depending on the interpretation of site levels, is not appropriate for this suburban type context and particular setting.
- The proposed development would result in a height increase of more than 4m to 5m depending on the site levels. It will therefore overshadow the properties behind it. Shadow projections are shown on drawings submitted with the appeal, with the worst effects occurring in the morning to houses to the west of the site at Grianan Park. Overshadowing will also occur to a lesser extent to the houses on St. Patrick's Road. Overshadowing is a major concern of proper planning and would adversely impact on residential amenity and devalue the properties affected.

- The houses at Grianan Park and Mellifont House would be directly overlooked by facing windows from 10 classrooms. The height of the proposed building means that the indicated separation ranges of 10.49m to 11.049m would not be adequate to protect the privacy of those houses. Ground levels are not clearly shown on the submitted plans, but there could be a 1.7m difference in levels which means that the proposed building would be overbearing in views from those properties as well. Classrooms have large windows and intervening boundary treatment would not protect the privacy of adjoining property. It is unclear if the 2.1m height of the boundary wall is to be measured from the school ground level or that of the adjoining property. The existing historic stone wall there is unstable and would be damaged by construction work. Plans to stabilise this wall and integrate it with the proposed boundary treatment have not been submitted, which is a serious health and safety concern to local residents
- There is no traffic management plan or road safety audit in the application. It is not clear who would be operated the new gated entrance along St. Mary's Road. A permit may be needed to close 46m of St. Patrick's Road. The school has 70 full time staff and 56 car parking spaces would not be enough. There is no provide for future parking.
- The proposal does not allow for the building's expansion as required by the Department of Education's technical guidance documents.
- The proposal will result in the loss of street frontage along St. Mary's Road.
- If the board decides to grant permission it should include relevant planning conditions ,including those relating to financial contributions.

6.1.4. The grounds of the appeal from Pat McMyler and Sandra McMyler can be summarised as follows –

- The appellants are the owners and occupiers of a house at Grianan Park, one of a terrace of four Victorian houses beside the site. They have never considered the existing national school to be an inconvenience, either from the noise in the playground, children peering over the back wall or the occasional arrival of a football. The current proposal is for an industrial

monstrosity with a floor level above the boundary wall that would overshadow their house and garden. The right of way between the boundary of the site and the appellants' garden is private and access to it will not be allowed to facilitate the development or the operation of the proposed school either for emergency services or anyone else.

- It is proposed to erect a building 11m high within 20m of the back of the appellants' house on raised ground, allowing an unfettered view into the rooms of private houses from the school including views from the ground floor of the school and those directly into private bedrooms. It would result in a gross invasion of privacy. People are entitled to go about their activities without the prying eyes of curious children upon them. "The Department of Education or the Catholic Church will have no control over who occupies the houses and if this project goes ahead people living in the house will be required to live their lives behind blinds and thick curtains so as not to expose the delicate children and workers in this school to anything that might offend their sensibilities."
- The development will overshadow the adjacent properties including the appellants' and will deprive them of their right to light which is well established in law. The existing buildings are quite dark as things stand and this development would further deprive them of light and create a cold, dark atmosphere with dampness. It would devalue them enormously.
- The imposition of this building on the local community for the convenience of the Catholic Church is unacceptable.
- The appellants have a private right of way through the site which the proposers have ignored. The Supreme Court has recently affirmed that the board has a duty to vindicate all public rights of way. The development would also eliminate a public right of way along part of St. Patrick's Road.
- The proposed development would do away with the playing space available to the children. It would not provide adequate space for physical activity by the pupils of the school. The transportation of children through a car park to

access the ball courts would be ridiculous. The development would attract anti-social behaviour.

- The site does not meet the selection criteria set out by the Department of Education. The storage of LPG on site is hazardous.
- The fact that the proposal is for a school does not override the need for good planning and development.
- The traffic control measures are ridiculous. The current school cannot cope with the traffic it generates. A green field site is the obvious solution. The new entrance on St. Mary's Road and exit to St. Patrick's Road will industrialize the whole area, impose one-way systems where none exist and will inconvenience the general public.
- The proposed development is part of a wider series of problems regarding schooling and planning in the town.
- The development would flood adjoining property.
- The area between the school and the western site boundary would be too steep to function as recreational space.
- The proposed development would be a fire hazard. There is no way a safety or emergency plan could be put in place. How would children escape from the school? We are never more than 10-15 years behind America. To offend your neighbours by building a fence to contain children so as to facilitate an outrageous development and to put an offensive block wall in your neighbours face is unacceptable.

6.2. **Planning Authority Response**

The planning authority submitted responses to each of the appeal. The responses provided all referred to the council planner's report on the application. The planning authority's responses were circulated to the other parties from comment.

6.3. **Applicant Response**

The applicant's response can be summarised as follows-

- The site is zoned 'community/service' so the principle of the proposed replacement school is established. The development would not alter the number of pupils or staff on the site or the volume of traffic that would be generated. At present it accommodates 741 pupils and 78 staff (48 teachers and 30 special needs assistants). 92 pupils have a diagnosis of special educational needs or care needs. 46 of these pupils are in designated classes which serve all of Inishowen. The Sacred Heart building was completed in 1924, and St. Columba's in the 1960s. Both were extended in the 1990s. 13 classrooms are in portacabins. The buildings and portacabins are in a poor state of repair. The school is at the heart of the community both physically and socially and is close to a range of services and facilities in the town.
- The development would also be in keeping with other objectives of the development plan that support education, as well as with the 2008 guidelines from the minister on schools and the planning system which seeks to situate schools where they are accessible by sustainable modes of transport and close to other community facilities. The central location of the site increases its accessibility and so the development would accord with the core strategy of the development plan, in particular policy CS-P-1. It would also improve the vibrancy of the town. It is entirely appropriate that the proposed school be on the site of the old. .
- The site is not subject to any specific designation for amenity, heritage or otherwise that would restrict its development. The area to the north, east and south of the site is designated as an Area of Special Townscape Character. Given the setback and modest scale of the building, it would not impact negatively on this area. The Sacred Heart building is not a protected structure and is not within a statutory architectural conservation area. Its demolition would not be contrary to planning policy. The St. Columba's building is of poor quality. Its replacement with open recreational spaces would improve the setting of the church. Photomontages are submitted to demonstrate this. The proposed school would not have a significant effect of the Victorian houses on Grianan Park.

- The design and layout of the proposed school was assessed by the Board of Management, the Department of Education and the planning authority, who considered that the matters raised by Irish Water and the area engineer could be addressed by condition.
- With regard to design and layout, the mass of the proposed school has been punctuated with varied building forms and materials. It would not be visually incongruous or dominant. Nor would it constitute over-development of the site. The plot ratio would be 0.42 while the site coverage would be 21%. The plot ratio on the western part of the site along would be 0.89. The development would represent efficient use of serviced land in the urban core. The development is subject to a requirement for a fire safety certificate. There are no plans to further expand the school
- The residential amenities of surrounding properties are protected and would not be harmed by loss of privacy, overlooking, overshadowing, over-bearence or otherwise. The shadow study submitted by Neil Deery was not representative of normal daytime periods and a more thorough set of shadow drawings is submitted in response. It demonstrates that there would be little or no overshadowing of neighbouring dwellings in spring summer or autumn. The rear gardens at Grianan Park would receive little or no afternoon sun regardless of the development. The part of the school closest to the northern boundary of the site would be a hall without windows that would interfere with the privacy of the neighbouring properties. There is no private amenity space beside that boundary. The school would maintain a separation distance of 10.9m from the western boundary of the site and 21m from the closest part of a house in that direction, and c26.8m to the back wall of the main part of the terrace at Grianan Park. This is an adequate separation distance in an urban context and the development would not injure the privacy of neighbouring houses. Condition no. 5(a) of the planning authority's decision included a requirement for translucent screens along that boundary. It might be more appropriate to require a translucent manifestation of to a height of 1.45m along the windows. The western elevation of the school would be 7.7m high to the eaves with a shallow pitched roof. It would be well articulated with varied buildings forms. It would not be overbearing. Local residents were

consulted before the making of the application. There are no grounds on which to conclude that the value of their property would be devalued.

- The TGD documents issued by the Department of Education that are cited in the appeals provide principles to aid designers and their clients. They do not set out rigid requirements.
- The proposed access and circulations arrangements are significantly safer and more organised than the current ones with a facility to allow children to be dropped off on the footpath for a distance of 82m within school grounds. The pedestrian route from the drop off area to the school crosses St. Patrick's Road near its pedestrianised zone. This would vastly improve the existing situation where dropping off occurs outside the school grounds. The proposed car parking exceeds the standards set at Table 25 of the development plan
- The difference in level from one end of the site to the other is 7m over 210m. The average gradient of 1:30 is not excessive. Most sites in this town slope. The site plans on drawings nos. 3732-0002-P and 3732-0003-P show ground levels in and outside the site on all boundaries. The area between the school building and the west of the site would be gently sloped with a pathway and landscaped features and seating areas. The original stone boundary wall will be retained with a new treatment erected inside it in accordance with the condition 5(b) of the planning authority's decision or as otherwise determined by the board.
- The new school would have 1,725m² for ball courts, would retain a walled garden of 667m², would have a SEN play area of 221m² and hard play facilities of 967m² including a supervised inner courtyard. 3,222m² of the site would be planted. This provision of recreational space is sufficient given the proximity of the site to the public park and playground along Lough Swilly and the GAA club. The neighbouring Scoil Mhuire allows pupils from Scoil Íosagáin to walk through its grounds to provide easy access to the park requiring the road to be crossed only once. It would also be greater than that provided at the existing school. A ball court fence would be provided only on the southern boundary and it would not have a negative effect on

neighbouring properties. The species used for landscaping can be determined under a condition requiring agreement.

6.4. Further Responses

- 6.4.1. The response from **Dennis Deery and Jacqueline Deery** stated that the planning authority had not properly considered the grounds of their objections relating to daylight, traffic and parking, a private driveway and the scale of development in a residential area.
- 6.4.2. The response from **Neil Deery** states that the grounds of his appeal had full regard to the report of the council planner. The planning authority's submission is vague and has not had adequate regard to the appellant's objections. There was no sound evidential basis to support to overcome the concerns submitted by the Civil Engineer/Roads or to refuse to seek the information required by Irish Water. The planning authority had determined this application with inadequate information. Prescribed bodies and the Road Design office were not properly consulted. The planner's report does not address the concerns regarding the streetscape and contextual elevations should have been sought. The planner's report does not justify demolition of the building. The public need is met by the existing school. The development would contravene the development plan, therefore. The scale of the proposed building in not appropriate to thi' urban context due to the difference is site levels. The planning authority have failed to acknowledge the red line discrepancy which would invalidate the application. The waste water connection is outside the red line. A calculation of surface water runoff has not been carried out. Details of the attenuation tank have not been submitted. Fire safety and disability access certificates are required so the emergency access arrangements should have been finalised in advance of granting permission. The objections raised in the appeal are reiterated.
- 6.4.3. The response from **Patricia McCallum B.L. and Ciarán Elders B.L.** states that the planning authority decided to ignore its own policy by allowing the demolition of a building on the NIAH. There was no independent assessment of this proposal and it was not referred to the appropriate bodies, with the planning authority placing full reliance on the assessment paid for and submitted by the applicant. That assessment is misleading because it describes a telephone conservation with the

NIAH differently from the way it was described to the appellants. The applicant did not properly respond to the concerns of the planning authority relayed to it in meetings described in the council planner's report regarding the impact on the streetscape of St. Mary's Road and the setting of the church. The planning authority has admitted that the site cannot cater for the expansion of the school. The appellants are wholly baffled by this lack of foresight which will inevitably cripple the education of future generations of school children. With regard to residential amenity the planning authority have incorrectly identified the site boundaries which makes it extremely difficult to comment upon the planner's report. What the planning authority identify as the western site boundary is presumably the southern site boundary that adjoins the appellants' home. While the existing site levels differ by 1.5m the proposed plan involves raising the level of the school by 2.1m with the height of the building rising to 13m. The proposed boundary treatment would be 3.6 metres above the ground level of the appellants' property, a fact which the planning authority seems to have totally ignored. The planning authority would have been aware of the implications of such a change in levels had they requested a cross sectional drawing. The cost of reducing the site levels should not be a consideration for the planning authority. There is absolutely no evidence for the planning authority's strident conclusion that that the proposed new traffic system would have obvious benefits. No traffic management plan was submitted, so this conclusion cannot be justified. The planning authority have clearly not considered the impact of the one way system on children as young as four who would have to walk along a busy road. The planning authority's comments on over-development are not reasonable. The appellants have never objected to the modernization of the school but have vehemently opposed the squeezing of this massive school on a woefully undersized site that is clearly inappropriate for the long term needs of the community.

7.0 Assessment

The issues arising from the proposed development can be addressed under the following headings –

- The principle of development
- Impact on the character and heritage of the area
- Impact on the amenities of property in the vicinity
- Traffic and access
- Other issues

7.1. The principle of development

The use of the site for the school is established. The proposed development does not involve increasing the enrolment of the school or the intensity of the use. It would provide new accommodation for the established use. In these circumstances the principle of development is accepted.

The appeals submitted several arguments as to why the site was inherently unsuitable for a school of this size. As the proposed development does not involve materially changing or intensifying the use of the site, it is not considered that these matters are pertinent to the current case. However, if the board does wish to address the question of site suitability, I would advise it that the site is generally suitable for the school and that the appellants' arguments to the contrary are not well founded. Use as a school is in keeping with the zoning of the site under the applicable development plan. The site is centrally located within the town of Buncrana. It is close to a range of other community, educational and commercial facilities, including parks and playing fields. It is near to but outside the town's retail core. The town itself is an important service centre for the surrounding area, as is recognised by its designation as a tier 2 strategic support town in the county development plan. The location of the school on this site therefore meets the core objective in the ministerial guidelines that school provision should be an integral part

of the evolution of compact sustainable urban development. The location also meets objective CS-O-4 of the town development plan that Buncrana should develop outwards from the core to make the best use of existing infrastructure and to consolidate and strengthen the urban core. The relocation of the school to a greenfield site, as suggested by several of the appellants, would not fulfil these objectives to the same degree as the provision of renewed accommodation for the school on this site that is now proposed. While the church stands on an elevated piece of land on St. Mary's Road, the slope across the greater part of the site where the school buildings now stand on either side of St. Patrick's Road is not remarkably steep, even for an urban setting. The slope does not constitute a serious impediment to the development of the site. It might have been useful for illustrative purposes if the application had been accompanied by contextual elevations or sectional drawings that also showed the buildings on the adjoining sites or along St. Patrick's and St. Mary's Road. However the proposed school building would not be contiguous with any other building and its levels are shown on the site layout plan relative to those of the neighbouring lands, albeit in figures. The submitted drawings therefore comply with the requirements set out in section 23 of the planning regulations. With 750 pupils, Scoil Íosagáin is as large as one might reasonably expect a primary school to be, having regard to the technical guidance issued by the Department of Education. Any land provided for the expansion of a school would eventually be used for that purpose, so a completed school site would not have a remainder of unused land. The absence of land on the site into which the school could expand would not provide a reasonable justification to refuse permission or substantially alter the proposed development. The proposed development would provide better open space for the pupils of the school than currently exists. There would be a mix of landscaped areas suitable for passive recreation and more formal ball courts. The latter courts are located in reasonable proximity to the school building. Therefore the site is generally suitable for the school. As such the proposed development would be in keeping with policies CEH-P-2 and CEH-P-3 of the town's development plan.

7.2. Impact on the character and heritage of the area

The church at St. Mary's Oratory stands in a prominent and isolated position on St. Mary's Road. It does not appear as part of a streetscape but as a stand-alone building. The existing school building at St. Columba's is set well below the level of the church and it does not impinge on the setting of the church in a significant way, either positively or negatively. The current proposal to use the area beside the church along St. Mary's Road for open playing areas would not interfere with the setting of the church, provided adequate control was exercised over ancillary features such as fencing, lighting and boundary treatments in the manner set out in the conditions of the planning authority's decision. The proposed access road would be set back from the grotto at the church and at a lower level, so it would not unduly interfere with the setting of the grotto either.

The prescribed bodies concerned with the protection of heritage, including the Department of Heritage, have been consulted on this application, either by the planning authority or by the board after receipt of the appeal. They have been given the requisite time to make their submissions. The NIAH is not a discrete body. The reports of its purported comments in the architectural heritage assessment submitted by the applicant and in the appeals are not relevant to the consideration of this application and appeal. The actual published reports of the NIAH are of course relevant and they are attached for the board's consideration.

The proposed school building would have a contemporary form and design. It would not resemble the older religious and residential buildings in the area. However it would look like a modern school building whose scale and form was properly related to the site on which it stands and the public road that it faces. Its detailed design achieves an acceptable standard. It could not reasonably be described as an 'industrial monstrosity'. Rather it would be an appropriate school building for land zoned for community uses near the centre of a town which would enhance the character and appearance of the area. The proposed wire mesh fence around the school would be unsightly, as stated in the appeals. No reason has been submitted in response that as to why the existing stone walls around the site could not continue to provide an adequate boundary treatment. The proposed fence should be omitted. There are some inconsistencies between the landscape plans and other site layout

plans submitted with the application, including the failure to show the location of the LPG tank and the detailed layout of the proposed car park. However these inconsistencies are minor and the landscaping proposals are generally acceptable. The use of some non-indigenous species for planting can be appropriate in an urban area.

7.3. Impact on the amenities of property in the vicinity

The western elevation of the proposed school building would have an eaves height of 7.65m over ground floor level, with a shallow pitch roof reaching a ridge height of 11m. The ground floor level would be up to 1.7m higher than the ground level on the other side of the western site boundary. The proposed school would maintain a separation distance of 10.4m from the western site boundary and 21m from the neighbouring houses there. These separation distances are adequate to protect the adjoining residential properties from undue overlooking, overshadowing or overbearing. The relative levels and separation would result in the adjoining properties to the west, including those occupied by appellants, retaining a degree of privacy and daylight and an outlook that would generally be considered to be acceptable and in keeping with the proper planning and sustainable development of urban areas. The nature or intensity of the occupation of the proposed primary school would not require unusually high standards on these matters to be applied in this case. The area inside the western site boundary would be an elongated landscaped strip that would be likely to be used less intensively than the playground that currently occupies that land. The proposed playground in the south-western corner of the site would abut the curtilage of another school rather than those of the houses at Grianan Park. The site would be no more likely to facilitate anti-social behaviour after the development than it is now. The plastic screen along the western boundary stipulated by condition 5b) of the planning authority's decision is not required to provide an appropriate level of privacy in these circumstances. It would be an unsightly structure in itself and could interfere with the retention of the existing stone wall that is required by condition 5a). The same problems would arise with the proposed wire mesh fence on the boundaries to the north and south of the proposed school and it should also be omitted. The proposed school would maintain a separation distance of 11m from the northern boundary of the site opposite the front of the

houses built to the rear of the building line along St. Patrick's Road. The eastern part of the northern elevation would be single storey with high windows, because it is formed by the school hall, and it would face the side of the neighbouring house on St. Patrick's Road. The southern boundary would be along the side of the other neighbouring house on St. Patrick's Road or along the rear boundary of detached buildings with large curtilages. In these circumstances the proposed school would not unduly overlook, overshadow or overbear other properties. Therefore, despite the repeated assertions to the contrary in the appeals, the proposed development would not seriously injure the residential amenities of property in the vicinity of the site.

7.4. Traffic and access

The proposed development would not increase the number of people using the site and so would not generate additional traffic on the surrounding road network. At the time of inspection it was noted that congestion due to use of the school occurred on the surrounding road network for a relatively concentrated period of the day, as is the case for most schools, without giving rise to extraordinary difficulties. The proposed development includes significantly improved facilities to cater for such traffic, including a one-way circulation system that would minimise the potential for conflicting traffic movements, a bus stop beside the school and drop off facilities away from the public road. The separation between the drop off zone and the school is by no means excessive. The applicable parking standard for this planning application is that set out in the development plan. It requires 1.5 spaces per classroom, which in this case would be 51 spaces. 59 spaces are to be provided. The parking is therefore sufficient. Adequate cycle parking would also be provided. It would be preferable if the cycle parking were located beside the school to allow for greater supervision and access, and to allow cyclists to use the access from St. Patrick's Road to the south without having to move against cars using the one-way system. This can be achieved by condition. The proposed layout would allow proper access for emergency vehicles. The assertions in the appeals that the proposed development would represent a threat to public safety or would cause traffic congestion are not well founded.

The matters referred to in the report from area roads engineer related to details. They would not require consideration of a grant of permission to be deferred. The proposed development is within a built up area where the 50kph speed limit applies. The application does not need to be referred to bodies who are responsible for the national road network.

7.5. Other issues

A tank on the site to store heating fuel would be a common feature at schools. It would not threaten public safety.

The appeal site is not in or immediately adjacent to any Natura 2000 site. It is within the built up area and would drain to the town's existing sewerage system. The proposed would not give rise to any emissions to air or water that do not already arise at the site. Therefore the proposed development would not be likely to have any significant effect on any Natura 2000 site, either individually or in combination with any other plan or project.

The proposed school would be development that was highly vulnerable to flooding, according the *Guidelines for Planning Authorities on the Planning System and Flood Risk Management* issued by the minister in November 2009. However the site is not part of the land that has been identified as at risk of flooding in the development plan and is zoned for the proposed use. The proposed development would therefore comply with the advice given in those guidelines. The site is already built up and served by the town sewer. The proposed development would not exacerbate the risk of flooding on adjoining land. The matters referred to in the report from Irish Water related to details. They would not require consideration of a grant of permission to be deferred.

The proposed development would not obstruct public or private rights of way.

After consideration of the location maps and site layout plans and inspection of the site, I would advise the board that there is no material inconsistency in the manner in which site boundary is depicted.

The planning authority did not impose conditions requiring financial contributions. No grounds have been advanced by any of the parties in the course of the appeal

that would indicate that it would be fair or reasonable for the board to impose such conditions.

8.0 Recommendation

8.1. I recommend that permission be granted subject to the conditions below.

9.0 Reasons and Considerations

Having regard to the established use of the site by a primary school, to its zoning for community and services uses in the Buncrana and Environs Town Development Plan 2014-2020 and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in keeping with the provisions of the development plan, would achieve an acceptable standard of urban design, would not seriously injure the character and heritage of the area or the amenities of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

10.0 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 A stone wall shall be constructed along the eastern boundary of the site facing St. Mary's Road. Its set back, building line, height and extent shall be agreed with the planning authority in writing. The wall shall be of locally

sourced natural stone and shall contain openings and breaks, school signage and insignia, and lighting in accordance with details agreed in writing with the planning authority.

Reason: To protect the character and amenities of the area

- 3 The existing stone walls on the boundaries of the site shall be retained. All measures necessary to protect those walls shall be implemented while the development is being carried out. Apart from the ball stop authorised under condition no. 4 below, no other walls, fences, railings or other such structures shall be erected in the vicinity of the walls whether or not they would otherwise constitute exempted development. The wire mesh fencing proposed on the boundaries of the site shall be omitted from the authorised development..

Reason: To protect the character of the area and the residential amenities of neighbouring properties

- 4 The proposed fencing and ball stops associated with the proposed ball courts shall be omitted except along the southern boundary of the site. The proposed lighting of the ball courts shall also be omitted. The surface treatment and levels of the ball courts shall be agreed in writing with the planning authority.

Reason: To protect the character of the area and the residential amenities of property in the vicinity

- 5 All external finishes, colours and materials shall be in accordance with the details submitted with the application or as otherwise agreed with the planning authority prior to the commencement of development. Electrical and telecom cables shall be underground and any fuel storage tank shall be screened from public view by timber picketing.

Reason: In the interests of visual amenity

- 6 . The landscaping scheme shown on the drawings submitted to the planning authority on the 11th day of February 2016 shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from

damage until established. Any plants which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity

- 7 Secure and sheltered cycle parking facilities in accordance with the applicable development plan standards shall be located in the area shown on the site layout plan on drawing nos. 3732-0002-P & 3732-0003-P as occupied by car parking spaces nos. 51 to 56. 6 additional car parking spaces shall be provided in the area shown for cycle parking on that plan. A revised site layout plan showing compliance with this condition shall be submitted and agreed in writing with the planning authority prior to the commencement of development.

Reason: To provide a supervised and convenient location for the required cycle parking that would cause less potential for conflicting movements between cyclists and vehicular traffic

- 8 . Prior to the commencement of development the developer shall submit for the writing agreement of the planning authority details of the proposed pedestrian crossing points, road markings and signage on the site which shall be prepared following a road safety audit of the proposed development. The details shall include a cobbled or similar threshold at the authorised entrance from St. Mary's Road, the opening hours for that entrance and the means to enforce them, as well as details of the kerbing at the proposed drop-off area and the parking spaces.

Reason: In the interests of traffic safety

- 9 All external lights in the authorised development shall be cowled and aligned so as to prevent the spillage of light or glare onto the public road onto other properties.

Reason: In the interests of road safety and residential amenity

- 10 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

- 11 The construction of the development shall be managed in accordance with a Construction Management Plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

- 12 . Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

- 13 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.

. Stephen J. O'Sullivan
Planning Inspector

26th January 2017