



An
Bord
Pleanála

Inspector's Report PL19.247680.

Development	Permission to retain 2 temporary prefabricated classrooms. Permission for change of use of these rooms from primary school classrooms to preschool rooms.
Planning Authority	Offaly County Council
Planning Authority Reg. Ref.	16/152.
Applicant(s)	Board of Management of St Mary's Primary School.
Type of Application	Permission
Planning Authority Decision	Grant permission with conditions
Appellant(s)	Fiona Hall.
Observer(s)	Dermot Hall.
Date of Site Inspection	8 th February 2017.
Inspector	Bríd Maxwell.

Site Location and Description

- 1.1. The appeal site has a stated area of 1.3806 hectares comprises the grounds of St Mary's National School located on School Lane and St Mary's Street to the southwest of Edenderry town centre in Co Offaly. St Mary's Convent National School is a protected structure (17-40 NIAH Ref Rating 1480841 Regional). It is described and appraised as follows:

“Detached five bay two-storey national school, built in 1911, with central gabled breakfront, with two storey return to rear, extensions to north-east and south-west, built in 1929 and 1954. Set back from street. Pitched slate roof with terracotta ridge tiles, cast-iron rainwater goods, lead vents and timber bargeboards, Central gable with limestone coping and cut stone bellcote with wrought-iron rainwater goods, lead vents and timber bargeboards, Central gable with limestone coping and cut stone bellcote with wrought iron cross. Roughcast rendered walls with rock-faced limestone quoins and plinth, uPVC windows with tooled limestone sills, venetian window to central breakfront surmounted hood moulding and oculus with cut limestone surround, round-headed door opening with roll moulding to reveals, rendered surround surmounted by limestone cornice and date plaque. Replacement glazed timber door and fanlight approached by concrete steps and wheelchair ramp. Random coursed limestone wall bounds site with wrought iron gates.

Appraisal: Saint Mary's convent has, over time, been added to in order to fulfil the obvious demands of the growing town of Edenderry. The main and oldest part of the school retains many fine features including decorative stonework which compliment the structure and suggest a stylistic connection to the nearby convent.”

- 1.2. The area of the site subject to the application is to the rear of the school building adjacent to the School Lane entrance and to the northwest of the school hall and is occupied by prefabricated classroom structure. The building is a single storey timber steel stud structure with ramped entrances. The building comprises two classrooms entrance lobby and toilets.
- 1.3. St Mary's is located within an area of Edenderry where there is a concentration of educational and community buildings.

2.0 Proposed Development

- 2.1. The application as set out involves permission for retention of two no existing temporary prefabricated classrooms 86m² (previously granted under PL 01/243) and permission for change of use of these rooms from primary school classrooms to pre-school classrooms.
- 2.2. In response to the request for additional information, it was clarified that in terms of the proposed use, it is proposed to accommodate up to twenty-two students (age 3-5 years old) within the proposed accommodation with two teachers. The school will be opened between 9.15am and 12.15pm. A fenced play area is to be provided adjacent and a parking and set down area providing for 9 spaces and 2 disabled spaces.

3.0 Planning Authority Decision

3.1 Decision

- 3.1.1 The Planning Authority decided to grant permission subject to 6 conditions which included condition 2 limiting the permission to a period of 5 years. Condition 5 requires car parking to be provided within 6 months. Condition 6 requires the payment of a development contribution of €1,204.

3.2 Planning Authority Reports

- 3.2.1 The initial report of the area planner sought additional information in respect of parking, traffic management, details of children to be accommodated and proposals for outdoor play area. Final report recommends permission subject to conditions.
- 3.2.2 Report of Water Services Section indicates no objection subject to conditions.
- 3.2.3 Chief Fire Officer indicates no objection subject to conditions.
- 3.2.4 Area Engineer initially sought additional information regarding use, details of parking and traffic management. Following receipt of further information report indicates no objection subject to conditions.

3.3 Other Technical Reports

3.3.1 Environmental Health Officer HSE indicates no objection subject to conditions.

3.4. **Third Party Observations**

3.4.1 Submission by Happy Kidz Daycare / Preschool objects to the development noting six preschools within a half mile radius and evidence of surplus capacity in Edenderry. Other concerns relate to traffic and parking congestion on school lane.

3.4.2 Submission by MaGuire and Associates on behalf of the appellant Fiona Hal, questions the need. Objection to the proposal based on traffic hazard, absence of car parking, visual impact on a protected structure. It is asserted that the prefab structure is unfit for use as a preschool,

4.0 **Planning History**

PL2/01/243 Permission granted 31/10/2001 for a 5-year period for temporary classrooms. Expired 12th December 2006.

5.0 **Policy Context**

5.1 Childcare Facilities Guidelines for Planning Authorities 2001

5.2 Circular Letter PL3/2016 issued by the Department of Environment Community and Local Government. Advises that in line with the Government's policy of increasing access to childcare and in light of the extension of the ECCE scheme and associated increase in demands for childcare facilities, planning authorities are requested to expedite planning application consultation requests and expedite consideration of applications. It is noted that the Child Care (Pre-school Services Regulations 2006) set out child care related standards for childcare facilities and the Child and Family Agency Tusla is responsible for inspecting pre-school services in accordance with the Child Care (Pre-school Services) Regulations 2006. Planning Authorities are therefore requested to exclude matters relating to childcare facility standards outlined in Appendix 1 of the Childcare Facilities Guidelines 2001 in consideration of

planning applications and to solely focus on planning related considerations that fall within the remit of the Planning and Development Act 2000 as amended.

5.3 Development Plan

5.3.1 Offaly County Development Plan 2014-2020 and Edenderry Local Area Plan 2011-2017. Within the LAP the site is zoned public / community / educational.

At 6.4.2 Childcare. *“The Council recognises that the provision of properly run and conveniently located childcare facilities in Edenderry is a fundamental element of social infrastructure required to enable people to engage in accessing education, employment and social networks”*

Objective 006-03 “To encourage the provision of childcare facilities as an essential part of residential schemes and places of employment such as industrial / business parks within the development boundary of Edenderry.

6.0 Natural Heritage Designations

Blackcastle Bog NHA

Carbury Bog NHA

The Long Derries, Edenderry SAC

7.0 The Appeal

7.1. Grounds of Appeal

The appeal is submitted by Fiona Hall, Manager of Sycamores Crèche and Montessori. Grounds of appeal can be summarised as follows:

- Duplication and displacement of existing childcare services in Edenderry
- St Mary’s primary school is running an unauthorised pre-school within the school since 2016
- Existing traffic and parking situation is catastrophic
- Negative impact on the protected structure

- Pre-fab structure is not suitable for use as a pre school
- Non-compliance with childcare facilities guidelines for planning authorities.
- Impact on viability / sustainability of established providers.
- Correspondence from Offaly County Council Child Care committee confirms that there are adequate preschool childcare facilities in Edenderry.
- Facility has already impacted on the appellant's purpose built facility.

7.2. Planning Authority Response

7.2.1 The response of the Planning Authority requests the Board to uphold the decision to grant permission.

7.3. First Party Response

7.3.1 The response which includes a number of enclosures is summarised as follows:

- Proposal will not be a new service. It will be managed within the site of St Mary's Primary School by Rainbow Childcare as an expansion of their childcare capacity.
- Increased need for pre-school places will be generated by the new single affordable childcare scheme due to start in September 2017.
- Expansion of Edenderry as a commuter town gives rise to further demand.
- Refute allegations of unauthorised development. Use of disused classrooms in main school building for pre-school service is exempted development.
- Issues of car parking traffic management agreed with Offaly County Council. As majority of the children have older siblings there will be no significant traffic increase.
- 9 standard and 2 disabled parking spaces provided.
- No significant visual impact.

- Prefab is not a permanent building. It is in good condition and will be refurbished and fitted out to meet the needs of the childcare services.
- Appeal is commercially driven.

7.4. **Observations**

Observations are submitted by Dermot Hall, Spencer Court, Rathangan, Co Kildare. As landowner / proprietor of a purpose built facility at 12 The Sycamores concerns arise regarding impact on the established premises. Concentration of schools in this area gives rise to traffic hazard. Negative impact on protected structure and suitability of the structure or the proposed use is questioned.

8.0 **Assessment**

8.1 I consider the key issues in determining this appeal relate to the principle of development, traffic and parking, appropriateness of the proposed use and impact on the protected structure and the amenities of the area. I note that the first party has questioned the anti-competitive motive of the appeal. I note that the restriction of competition is clearly not the purpose of planning regulation and I consider that the salient issues relating to the planning merits of the proposed development are appropriately the focus for assessment.

8.2 The site is located within the grounds of an existing school on lands zoned public /community / educational. Clearly this location would facilitate shared trips and in this regard represents a sustainable approach in terms of transportation. As regards the land use zoning objective pertaining the proposed use is acceptable in principle. As regards the adequacy and appropriateness of the existing prefab structure for use as pre-school facility, whilst clearly a custom designed and built structure would be desirable, I note that the structure is in good condition and on a temporary basis I consider it to be capable of providing adequate accommodation for use as a pre-school classroom. I note the proposed dedicated adjacent play area and consider that the co-location on a school site provides for a potential sharing of facilities. I note as set out in PL3/2016 issued by the Department of the Environment

Community and Local Government, specific childcare related standards for childcare facilities are stipulated by the Department of Children and Youth Affairs (TUSLA) in accordance with the Child Care (Pre-school Services) Regulations 2006, therefore the specific detail in terms of achieving relevant standards are beyond the remit of the planning related considerations in terms of the assessment of the appeal.

8.3 As regards the impact on the character of the protected structure, the application is accompanied by a conservation impact assessment compiled by Kenny Lyons Associates Architects. The assessment concludes that the building does not affect the protected structure visually given its location, and separation distance and as there are no originally designed vistas that could be affected by it. Having visited the site, I would concur with this conclusion and note on the basis of the temporary nature of the proposal the impact is short term and reversible.

8.4 As regards traffic and parking impact, schools by their nature give rise to traffic and parking issues and inconvenience particularly during peak periods. The first party notes that many of the children attending the pre-school have older siblings in the school on site therefore the development any net increase in traffic arising is not significant. I note the provision as set out within the further information response for dedicated parking arrangements and I consider that the proposals are appropriate and adequate. I am satisfied that the proposed development will not give rise to traffic hazard.

8.5 As regards Appropriate Assessment, having regard to the scale and temporary nature of the proposed development and nature of the receiving environment and proximity to the nearest European Site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 **Recommendation**

9.1. I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the Offaly County Development Plan 2014-2020 and Edenderry LAP 2011-2017 and to the established educational use of the site and the scale and temporary nature of the proposed development, it is considered that, subject to compliance with the conditions set out herein, the proposed development would not seriously injure the amenities of the area or the character of the protected structure St Mary's Convent National School, would not endanger public safety by reason of traffic hazard and would be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The proposed development shall be carried out in accordance with the plans and particulars lodged with the application as amended by further plans and particulars submitted to the Local Authority on 18th October 2016 except as may otherwise be required in order to comply with the following conditions. Where such conditions require points 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. This permission shall apply for a period of five years from the date of this order. The structure and related ancillary structures shall then be removed unless, prior to the end of the period planning permission shall have been granted for their retention for a further period.

Reason: To enable the impact of the development to be re-assessed, having regard to the conditions then pertaining.

3. The facility shall comply with the 'General Standards' set out in Appendix 1 of the "Childcare Facilities Guidelines for Planning Authorities" issued in June 2001.

Reason: In the interest of clarity and orderly development.

4. Water supply and drainage arrangements, including the 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. Parking for the development shall be provided in accordance with a detailed parking layout which shall be submitted to and agreed in writing with, the planning authority prior to the operation of the pre-school.

Reason: In the interest of traffic safety.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid within two months of the date of this order, or in such phased payments as the planning authority may facilitate, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Brid Maxwell
Planning Inspector
27th February 2017