



An
Bord
Pleanála

Inspector's Report PL28.248699.

Development	Temporary permission for further four years for existing Gaelscoil including retention of use of car park as a children's yard.
Location	Gaelscoil An Ghoirt Alainn, Brian Dillon's GAA Club, Murmont.
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	16/37167
Applicant(s)	An Bord Bainistíochta Gaelscoil An Ghoirt Alainn
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Montenotte Park Residents' Association.
Observer(s)	None
Date of Site Inspection	07/09/2017
Inspector	A. Considine

1.0 Site Location and Description

- 1.1. The subject appeal site is located in the Montenotte area of Cork City on lands associated with Brian Dillon's GAA club. The triangular shaped site houses the existing gaelscoil primary school while the car park area associated with the existing GAA Clubhouse is used as the yard for the children. The site has a stated area of 0.3 ha and is located to the south of the playing fields, known locally as the Tank Field, and to the north of the residential areas of Springfort and Springfort Crescent. The houses in Springfort are located at a lower level to the subject site. Further residential development, on St. Christopher's Road lie to the west of the playing fields with further residential development to the north of Murmont Road.
- 1.2. Access to the school and GAA club is over by a long and narrow tarmac drive from Murmont Road to the north of the site and the playing field. The site is very restricted with limited circulation space around the outside of the school structures.
- 1.3. The school is constructed entirely of pre-fabricated buildings and is primarily single storey, with the eastern section of the structure comprising a first floor element. The school has a stated floor area of 1094 m² and includes 13 classrooms and 3 resource rooms. The site boundaries generally comprise a 1.8m high stone wall on the southern boundary with Springfort Crescent with palisade fencing on other boundaries.

2.0 Proposed Development

- 2.1. Temporary permission is sought for further four years for the existing Gaelscoil, previously permitted under T.P.12/35141, including retention of the use of the adjacent car park as a children's yard.
- 2.2. The planning authority sought further information seeking confirmation from the Department of Education on the planned commencement date of the proposed permanent school on the adjoining site, and the likely period of construction works. In addition, clarification from the Department was sought on plans for the Scoil Eoin Aspal building due to be vacated in July 2017 and whether it would be suitable for accommodating the Gaelscoil on a temporary or long term basis.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to two conditions. Condition 2 states that the retention permission will cease within four years of the date of permission or within three months of the completion and opening of the permanent school, whichever is earlier.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The response to the further information request confirmed that contracts have been executed between Cork City Council and the Department of Education regarding the disposal of the subject site to enable the development of the permitted permanent Gaelscoil an Ghoirt Alainn. Once the transfer is complete, tenders for the construction of the school will be sought. In addition, it was confirmed that the Scoil Eoin Aspal building is not in the ownership of the Department.

The Planning report concludes that, given the update from the Property Section of Cork City Council regarding the advanced nature of the contract negotiations and the expectation that the Department of Education will immediately seek to tender for the construction of the school following the formal transfer of lands, permission should be granted for a further period of four years, subject to compliance with conditions.

3.2.2. Other Technical Reports

- Roads: No objection
- Transport & Mobility: No objection
- Drainage: No objection
- Environment: No objection

3.3. Prescribed Bodies

- Irish Water: No objection subject to compliance with conditions.

3.4. Third Party Observations

Ten third party observations were submitted to the planning authority. The issues raised as summarised as follows:

- Alternative sites for the school are available in the vicinity, including Scoil Eoin Aspal which is due to become vacant. This school has 16 classrooms and housed 700 students at peak capacity.
- The previous grant of permission 07/31615 appeal ref PL28.224758, is no longer in accordance with the proper planning and sustainable development. Nor is it of strategic importance.
- The population of the area is falling and numbers of children attending primary schools in the area has fallen. There are adequate school buildings in the area.
- Tank Field should be retained for recreational purposes and is an important recreational amenity for recreation and sport in the area. The presence of the school is a hindrance to its proper development as a multi-purpose community amenity.
- The building is no longer considered temporary in nature as it has been in situ since 1998 and is not of strategic importance and is not in accordance with the proper planning and sustainable development of the area.
- An Bord Pleanála Inspector recommended that no further temporary permissions should be granted and if a permanent school is not provided within the next four years, an alternative site should be found for the school.
- Issues raised in relation to the public notice.
- The building seriously detracts from the amenities of the area.
- The multi-functional use of the car park is problematic and there is a traffic safety issue. Emergency traffic access is problematic.
- The use of the GAA lands is inappropriate and as the lands are leased from Cork City Council, the GAA club has fenced off lands not in their ownership.
- The existing permission will expire on 28th January, 2017.

4.0 Planning History

4.1. Appeal Site – Temporary School

PA ref 98/22528: Temporary permission for an 8 classroom school for 4 years granted subject to conditions.

PA ref 02/ 26090: Temporary permission for further 4 years and erection of 2 additional classrooms granted subject to conditions.

PA ref 05/29596: Temporary permission for 4 year for 2 additional classrooms and resource room.

ABP ref PL28.226545 (PA ref 07/32269): Temporary permission for a further 4 years for Gaelscoil previously permitted under 02/26090 and 05/29596 granted subject to conditions.

ABP ref PL28.236804 (PA ref 10/34310): Temporary permission to install first floor pre-fabricated extension to school to include 2 classrooms and resource room granted subject to conditions. The duration of the temporary permission is tied to 07/32269 or the completion of the permanent school.

ABP ref PL28.240767 (PA ref 12/35141): Temporary permission granted for a further period of four years for Gaelscoil previously permitted under 07/32269 and 10/34310 subject to conditions.

4.2. Site to north:

ABP ref PL28. 224758 (PA ref 07/31615): Permission granted for the construction of a new two-storey primary school comprising 16 classrooms granted subject to conditions.

PA ref PL28.239373 (PA ref 11/34819): Permission granted for modifications and alterations to primary school granted under PL28.224758 (PA ref 07/31615) comprising a reduction of the western site boundary by 1m and a reduction of the eastern boundary by 24m; the re-orientation of play areas; the repositioning of the car park and access path; the repositioning of the school building by 6m westwards; elevational changes and a reduction in the vehicular set down area on Murmont Avenue.

An extension of the appropriate period for this permission was granted on the 13th September, 2016. This permission expires on the 12th September, 2021.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Cork City Development Plan, 2015-2021 is the relevant policy document applicable to the subject site. The site is located in the north eastern sector of the City, ref. Map 5, on lands zoned Z0 13: Sports Grounds with the access road zoned Z0 14: Public Open Space.
- 5.1.2. It is the stated Z0 13 Sports Grounds zoning objective to 'Protect, retain and enhance the range and quality of sports facilities and grounds.' The Z0 14 Public Open Space zoning objective is 'To protect, retain and provide for recreational uses, open space and amenity facilities, with a presumption against developing land zoned public open space areas for alternative purposes, including public open space within housing estates.'
- 5.1.3. Objective 11.9 deals with the protection of Sports Grounds and Facilities and states:
- To protect, retain and enhance the range and quality of sports facilities and grounds in the city and to ensure that lands zoned 'sports ground' is not developed for other purposes.
- There will be a general presumption against the loss of land zoned as sports grounds for development for other purposes.
- Limited ancillary* development may be considered if the proposed development:
- a. Is ancillary to the principal use of the site as sports grounds and does not affect the quantity or quality of the pitches and provision of adequate training areas and facilities or adversely impact upon their use; and
 - b. Only affects land incapable of forming part of the playing surfaces and does not result in the loss of any playing surface or pitch.

*Ancillary uses include other sport and leisure facilities such as a clubhouse, changing rooms, meeting rooms, gym, sports training halls, catering facilities, caretakers accommodation and appropriate car parking facilities.

Crèches and community uses are open for consideration provided that they are linked to the sports use.

5.1.4. Chapter 7 of the Plan deals with Inclusive Neighbourhoods and section 7.12 is relevant in that it deals with schools.

5.2. **Natural Heritage Designations**

The subject site is not located within any designated site and the closest Natura 2000 site is located approximately 4km to the south, being Cork Harbour SPA, Site Code 004030.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

This third party appeal has been submitted by the Montenotte Park Residents Association. The grounds of appeal reflect the objections raised during the planning authority's assessment of the proposed development and are summarised as follows:

- The Scoil Eoin Aspal school building is vacant and available, is owned by the Cork Catholic Diocese, and has been leased by the Department of Education and Skills for a prolonged period.
- Information submitted in response to the further information request was selective and incomplete.
- As the City Council did not afford objectors a chance to respond to the further information response, the decision should be overturned.
- The development is contrary to the proper planning and sustainable development of the area.

- The building the subject of this retention application is inappropriate to its location, is ugly, unsightly, overlooks adjoining property, causes undue hazard to the users and residents of the area and does not conform to fire safety requirements.
- The applicants have sought temporary permission since 1998. It is considered an undue abuse of the planning system.
- The Boards inspector recommended that no further temporary permissions be granted.

It is requested that the Board refused permission.

6.2. Applicant Response

The first party has responded to the third party appeal as follows:

- The Board of Management of Gaelscoil an Ghoirt Alainn strongly refutes any allegations or insinuation of the supply of wrong or misleading information.
- The issues raised in the further information request were dealt with by the Department of Education and Skills.
- The school is a multi-denominational Gaelscoil under the patronage of An Foras Patrúnachta. The school to be vacated is under the patronage of the Catholic Church and is not available as far as the BoM is aware.
- The BoM has not been involved in, or been made aware of, any discussions on the idea of the Gaelscoil being relocated to the vacated school building.
- The school is an asset to the community and in making the decision to grant permission to build a new school in 2011, the Board concluded that the development would not seriously injure the amenities of the area or property in the vicinity.
- Gaelscoil an Ghoirt Alainn is at a very advanced stage in the 2 decade fight for a new school building. The pre-fabricated structures while unsightly are a necessary measure until the new school is constructed.

The response states that it is frustrating that objectors persist against a Court ruling, resulting in the need to seek extensions to the planning permission. It is requested that permission be granted.

6.3. **Planning Authority Response**

The planning authority has not responded to this appeal.

6.4. **Observations**

There are no observers noted in relation to this appeal.

7.0 **Assessment**

I have considered the issues raised in the third party appeal. I consider that the matters in relation to the availability or otherwise of another / existing building to house the school are not necessarily relevant to the proposed development before the Board, in this instance. In this regard, I proposed to consider the development the subject of this appeal under the following headings:

- Compliance with the City Development Plan
- Planning History
- Appropriate Assessment

7.1. **Zoning:**

- 7.1.1. The third party appellant considers that the proposed development is contrary to the proper planning and sustainable development of the area. The zoning afforded to the site has not altered in the period since the first grant of temporary permission and the Z0 14 Public Open Space zoning objective is 'To protect, retain and provide for recreational uses, open space and amenity facilities, with a presumption against developing land zoned public open space areas for alternative purposes, including public open space within housing estates.'
- 7.1.2. Objective 11.9 deals with the protection of Sports Grounds and Facilities and seeks to ensure that lands zoned 'sports ground' are not developed for other purposes. In

terms of the proposed temporary permission for the school sought here, I would advise that the Board, in previous appeals relating to the site, did not consider the proposed temporary permission as constituting a material contravention of this zoning objective. Given the temporary nature of the proposal, the fact that permission for a permanent school has been granted on similarly zoned land, and that there is no loss of playing fields, I am satisfied that the current application does not materially contravene the zoning objective for the site.

7.2. Planning History:

- 7.2.1. Temporary planning permission for the Gaelscoil on the site was first granted in 1998, PA ref TP98/22528 refers. To date, there have been four grants of temporary planning permission for four year periods. In this timescale, a number of extensions have been permitted as part of the four grants of temporary permission. In 2010, PL 28.236804 (PA ref 10/34310) granted temporary planning permission to install first floor pre-fabricated extension to the school to include 2 classrooms. The Board made the decision to grant permission on the basis of a temporary permission and on the understanding that no further development would be permitted on this site.
- 7.2.2. In January 2013, the Board granted temporary permission for a further four year period, including the retention of the use of the adjacent car park as a children's yard, PL28.240767 refers, subject to two conditions including:
1. The retention of the use of the car park as a children's yard, and the use of the school buildings hereby permitted shall cease, all buildings and structures shall be removed from the site and the land shall be reinstated to the satisfaction of the planning authority -
 - (a) within four years of the date of grant of permission, or
 - (b) within three months of the completion and opening of a new permanent school building,whichever is the earlier, unless a further grant of planning permission shall have been granted by the planning authority or by An Bord Pleanála on appeal.

Reason: In the interest of clarity and because permission has been granted in this instance as a temporary measure only pending the relocation of the school to a permanent site.

- 7.2.3. Since the original application for the Gaelscoil in 1998, planning permission has been granted for a permanent school building on the adjoining land to the north of the current subject site. In 2008, on appeal, the first grant of permission issued, PL28. 224758 (PA ref 07/31615) and an amended proposal, was permitted in 2011 PL28.239373 (PA ref 11/34819) refer. Although the school was included in the Department of Education and Skills 'Projects to Construction, 2013', announced in December, 2012, there has been no implementation of the permission to date. The Board will note that the planning permission for the permanent school was extended on the 13th of September, 2016 and the permission will now expire on the 12th September, 2021.
- 7.2.4. The Department of Education and Skills has advised that it is acquiring the site for the permanent school from Cork City Council. It is further advised that the school building referred to by the appellants is not in the ownership of the Department and there are no plans to relocate Gaelscoil an Ghoirt Alainn, either on a temporary or permanent basis, to the building vacated by Scoil Eoin.
- 7.2.5. The recommendation of the Inspector in relation to the last temporary permission, PL28.240767, was that 'a final temporary permission be granted with the understanding that if this matter cannot be brought to a satisfactory conclusion so as to provide the permanent school within the next 4 years, an alternative site should be found for the school.' The Board will note the report of the Director of Services where it is confirmed that contracts have been executed between Cork City Council and the Department of Education and Skills relating to the disposal of the required site to enable the development of the permanent school. It is expected that the contracts will close in Q2 of 2017. Once the lands are transferred, it is expected that the Department will immediately seek to tender for the construction of the school with an expected completion date in 18 months upon awarding of the tender.
- 7.2.6. On the date of my inspection, I met the Headmaster of the school who advised that the tender documents for the new school construction, had issued two days previously.

7.2.7. Notwithstanding the comments of the third party appellants, it would appear that the progress of the permanent school is ongoing with the acquisition of the lands imminent. The planning history of the temporary pre-fabricated school buildings is not ideal, and I would agree, that the buildings are not visually appealing in this area. I also accept the frustrations of the third party appellants with regard to the length of time it has taken to achieve progress on the provision of a permanent school. It is also clear that the facilities at the school are not ideal for the children who attend there and overall, the situation is undesirable for all parties.

7.2.8. Should the Board be so minded, and given that the planning permission for the permanent school will expire on the 12th September, 2021, I would consider it reasonable that a final temporary permission, which will itself expire in or around the September date in 2021, should be granted subject a condition which omits the facility to seek a further temporary permission as has been previously provided for in a condition of permission.

7.3. **Appropriate Assessment:**

Having regard to the nature and scale of the proposed development, the 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.

8.0 **Recommendation**

8.1. It is recommended that permission be granted subject to the following stated conditions.

9.0 **Reasons and Considerations**

Having regard to the existing educational use of the site and the planning permission for a permanent school facility on adjoining land granted under planning register reference number T.P.07/31615, appeal reference number PL 28.224758 on the 12th day of March 2008 (as amended), it is considered that, subject to compliance with the conditions set out below, the proposed temporary permission for the school

buildings and the retention of the use of the car park as a children's yard, would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience, pending construction and opening of the new school. The development would not, therefore, be contrary to the proper planning and sustainable development of the area.

10.0 Conditions

1. The retention of the use of the school buildings hereby permitted shall cease, all buildings and structures shall be removed from the site and the land shall be re-instated to the satisfaction of the planning authority -
 - (a) within four years of the date of grant of permission, or
 - (b) within three months of the completion and opening of the school permitted under planning register reference number 12/35141 (appeal file number PL 28.240767),

whichever is the earlier.

Reason: In the interest of clarity and because permission has been granted in this instance as a temporary measure only pending the relocation of the school to a permanent site.

A. Considine
Planning Inspector
07th September, 2017