



An  
Bord  
Pleanála

## Inspector's Report PL17.249393

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<b>Development</b>	Construction of a temporary two-storey pre-fabricated building comprising 4 No. classrooms.
<b>Location</b>	Balreask, Old Navan Road, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	NA/170623
<b>Applicant(s)</b>	The Board of Management Ard Rí Community National School & LMETB
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Amin Y Louli
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	9 <sup>th</sup> January 2018
<b>Inspector</b>	Niall Haverty

## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.083 ha, is located at Balreask Old, to the south of Navan Town Centre. The appeal site is located immediately to the east of the existing Ard Rí Community National School, which consists of temporary prefabricated structures. The appeal site is narrow and rectangular in shape, and is currently associated with Navan Tennis Club. It is located to the rear (west) of the clubhouse and to the north of the tennis courts. The eastern half of the appeal site is grassed, with a row of coniferous trees, while the western half of the site comprises a hard surfaced area. The site is currently enclosed by a perimeter fence, with a c. 1.5m high blockwork wall along part of its north western boundary.
- 1.2. An unsurfaced laneway runs along the northern side of the appeal site from the public road and Navan Rugby Football Club is located to the north of this. The existing school is accessed through the Rugby Club grounds by a roadway which includes a footpath and cycle path. The Rugby Club features a large clubhouse and associated car park.
- 1.3. To the south of the school and tennis club there is an established residential area known as Oakleigh.

## 2.0 Proposed Development

- 2.1. The proposed development, as described in the original statutory notices, consists of the construction of a temporary two-storey prefabricated building which will accommodate four classrooms and all ancillary works. The building has a stated gross floor space of 353.78 sq m.
- 2.2. The proposed development was subsequently amended in response to a request for further information. The revised proposal is for a single storey prefabricated building which will accommodate two classrooms, with ancillary toilets, store and entrance hall. The prefabricated building has dimensions of c. 28.5m x 6.7m x 3m in height.
- 2.3. It is proposed to remove the existing trees within the site, retain the existing perimeter fencing around the site and to provide a footpath and ramped/stepped access from the existing school grounds.

2.4. The planning application was accompanied by a letter of consent from Navan Tennis Club, the owners of the land.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

3.1.1. Meath County Council decided to grant planning permission, and the following Conditions are noted:

- C2: Permission shall be valid for five years.
- C12: No reduction in the overall number of car parking spaces required for the school, i.e. 30 spaces.

#### 3.2. **Planning Authority Reports**

3.2.1. The Planning Officer's reports can be summarised as follows:

- The site is not within a flood risk zone.
- Development contributions are not applicable to educational facilities.
- Stage 2 Appropriate Assessment is not required.
- The revised proposal for a single storey structure could be permitted on site on a temporary basis only.
- There is an existing temporary school on site and it is considered reasonable to permit an extension to same.
- The Planning Authority is confident that a new site will be secured in the near future. Having regard to this, availability of services and car parking it is considered that permission should be granted for 5 years.
- Proposed development is in accordance with Meath County Development Plan 2013-2019 and Navan Development Plan 2009-2015.

#### 3.3. **Other Technical Reports**

3.3.1. **Water Services:** No objection, subject to condition.

3.3.2. **Chief Fire Officer:** Fire Safety Certificate is required.

3.3.3. **Transportation Department:** Further information requested.

3.3.4. **Road Design Office:** No objection.

#### 3.4. **Prescribed Bodies**

3.4.1. **Irish Water:** No objection.

#### 3.5. **Third Party Observations**

3.5.1. Six third party observations were made. The issues raised were generally as per the appeal, as well as the following:

- The Trustees of Navan Rugby Football Club wish to point out that no formal agreement has been put in place for access to be granted from the Navan Tennis Club lands to Navan RFC lands. Navan RFC has no objection to the proposed development but wish a formal agreement to be put in place in relation to the terms of access.
- Existing school structure blocks an existing public laneway and blocks access to observer's lands. Proposed development is in close proximity to this laneway, and health and safety concerns arise from the use of heavy farm machinery on the lane.
- Site layout plan submitted with application is inaccurate, as it indicates the applicant's landholding extending to the northern side of the access road/lane, rather than the centreline.

## 4.0 **Planning History**

### 4.1. **Appeal Site**

4.1.1. **Reg. Ref. NA/160770:** Permission granted in 2016 for the retention and continued use of the existing temporary school with associated play area, parking and drop-off facilities on the grounds of Navan RFC as granted permission under Reg. Ref. NT/120022, along with an extension comprising a single-storey three classroom

temporary school structure and fencing. Permission was granted for a five year period.

- 4.1.2. **Reg. Ref. NT/120022:** Permission granted in 2012 for an eight classroom prefabricated primary school building to be developed as a three stage project. Permission was granted for a three-year period. The Board refused an application by Amin Louli for leave to appeal against the Planning Authority's decision (ABP Ref. 32.LV3165).
- 4.1.3. **Reg. Ref. NT/110053:** Permission granted in 2011 for temporary use of part of the Navan RFC clubhouse at ground and first floor as a primary school facility. Permission was granted for a five-year period.

#### 4.2. **Surrounding Area**

- 4.2.1. I am not aware of any recent relevant planning history in the surrounding area.

### 5.0 **Policy Context**

#### 5.1. **Meath County Development Plan 2013-2019**

- 5.1.1. Section 5.7 of the County Development Plan relates to education facilities and states that the changes in demographic trends that has occurred in the recent past, has far reaching effects for Meath. Due to the high percentage of those in the 0-14 age group, County Meath has a high dependent cohort. This has implications for social infrastructure provision in the county, particularly in relation to childcare facilities and primary school provision.
- 5.1.2. Section 5.7.1.1, which relates to additional primary and post primary educational requirements, goes on to note that, given the increase in population during the lifetime of the previous Development Plan, and given the increases in the national birth rate reported by the CSO, the provision of additional school accommodation continues to be a challenge. It states that the scale of the increased demand for additional education facilities and school accommodation is significant.
- 5.1.3. The Development Plan states that the current Local Area Plans and Town Development Plans have reserved adequate land for educational facilities

throughout each of the urban centres. It also states that Meath County Council will continue to liaise with the Department of Education and Skills and Meath VEC and all providers of education, both denominational and non-denominational to assist where possible in the development of adequate education centres.

5.1.4. The following Policies and Objective are noted:

- **SOC POL 16:** To facilitate the development of primary, post primary, third level, outreach, research, adult and further educational facilities to meet the needs of the county.
- **SOC POL 17:** To ensure the provision and implementation of primary and secondary education facilities in conjunction with the planning and development of residential areas in order to maximise the opportunities for use of walking, cycling and use of public transport.
- **SOC POL 18:** To ensure that adequate lands and services are zoned and reserved to cater for the establishment, improvement or expansion of primary and post-primary educational facilities in the County. The Council support the concept of multicampus educational facilities.
- **SOC OBJ 2:** To facilitate the Department of Education & Skills, Meath VEC, other statutory and non-statutory agencies in the necessary provision of primary, post primary and third level educational facilities throughout the County by reserving lands for such uses in the respective Local Area Plans.

5.1.5. Chapter 11 of the Development Plan sets out development management standards and guidelines, and Section 11.4 relates to educational facilities. It states: "Sites required for schools shall comply with the requirements of 'The Provision of Schools and the Planning System A Code of Practice for Planning Authorities, the Department of Education and Science, and the Department of the Environment, Heritage and Local Government' (Department of Education and Science, and the Department of the Environment, Heritage and Local Government', 2008). Technical guidance document TGD-027 (or any such updated document) on the identification and suitability assessment of sites for post primary schools shall be complied with in respect of post primary schools while technical guidance document TGD-025 (or any such updated document) shall be complied with in respect of primary schools."

5.1.6. A car parking standard of 3 spaces per classroom is required.

## 5.2. Navan Development Plan 2009-2015

5.2.1. The land on which the existing school is located is zoned 'A1', existing residential, while the appeal site, tennis club and Navan RFC are zoned 'F1', open space. 'Education' is an open for consideration use under the A1 zoning objective, but is not listed as a permitted use or an open for consideration use under the F1 zoning objective. I note that 'community facility' is a permitted use under the 'F1' zoning objective.

5.2.2. The Development Plan states that "uses not listed under the permissible or open for consideration categories are deemed not to be permissible in principle and such uses will be considered on their individual merits. The expansion of established and approved uses not conforming to use zone objectives will be considered on their merits."

5.2.3. Ard Rí Community National School is listed as one of the 13 primary schools in Navan and the Plan notes that the school is in temporary accommodation having only been established in recent years.

5.2.4. Section 2.8.1 states that the Planning Authority will endeavour to facilitate the provision and enhancement of educational facilities in Navan, acting in accordance with 'The Provision of Schools and the Planning System' a Code of Practice for Planning Authorities.

5.2.5. Section 6.1.2 relates to additional primary educational requirements. It states that it is proposed to make adequate provision for educational needs, by reserving sites for schools throughout the town in the newly developing residential areas of Navan. "To the north of the town, a site has been identified at Clonmagadden for community facilities to include a National School whilst the Clonmagadden Strategic Development Zone Planning Scheme also makes provision for a 3 acre National School Site. To the east of the town, a 23 acre site has been identified to accommodate an integrated educational campus at St. Martha's College to include two National Schools.

Provision of a site for a Primary School is being made for the area of land south of the Swan River off the Trim Road. Two further sites for primary schools are also

reserved, one is located in the south west of the town centre, the area located between the Trim Road and the Commons Road as part of Framework Plan 3 and the other site is located to the east of the town centre as part of Framework Plan 2 for lands at Athlumney, Bailis, Alexander Reid and Farganstown and Ballymacon. Having regard to the aforementioned and following consultation with the Department of Education, it is considered that adequate lands are identified and reserved in Navan to cater for existing and future educational needs over the lifetime of this plan.”

5.2.6. The following Policies and Objectives are noted:

- **ED POL 1:** To ensure the provision of primary and secondary educational facilities in concert with the planning and development of residential areas in order to maximise opportunities for walking, cycling and the use of public transport.
- **ED POL 5:** To ensure that adequate land and services are reserved to cater for the establishment, improvement or expansion (where possible) of primary and post primary educational facilities.
- **ED OBJ 1:** To zone sufficient lands at appropriate locations to cater for the needs of primary and post primary schools and educational facilities in Navan.
- **SOC POL 22:** To resist the loss of existing public open spaces, unless alternative recreational facilities are provided in a suitable location.
- **SOC POL 34:** The loss of existing public or private recreational open space will normally be resisted by the Planning Authorities unless alternative recreational facilities are provided in a suitable location, or it can be demonstrated that there is no longer sufficient demand to sustain the facility.

## 6.0 The Appeal

### 6.1 Grounds of Appeal

6.1.1. A third party appeal was made on behalf of Amin Y Louli, and the grounds of appeal can be summarised as follows:



- Appeal site is zoned as open space. Proposed development would reduce the existing limited open space in Navan and will contravene Policy SOC POL 22.
- Development Plan identifies six areas where there is a need for a school. The appeal site is not one of these areas and the granting of permission will result in the school becoming further embedded in an area where a need for a primary school is not identified.
- Proposed development will contravene Education Policy 1.
- Removal of mature trees will result in loss of a visual break within the built-up environment.
- Visual impact of prefabricated building.
- Non-compliance with the general design guidelines for schools. The Development Plan requires compliance with these guidelines.
- Inadequate car parking, play areas, pick-up/drop-off areas. Cars park in rugby club and in tennis club. Cars also park in the designated cycle lane.
- No specific traffic management document has been submitted.
- Location of proposed development is remote and not directly accessible from a public road. It is contrary to Neighbourhood Centre Policy 1.
- Appellant has calculated the noise level to be more than 75 decibels during break periods.
- Appellant is a consultant obstetrician gynaecologist who is frequently on night duty and he lives adjacent to the school. Noise impacts cause stress that impacts on appellant's work and health.
- Planning Authority has allowed a building to be erected on a public right of way. The only access is to trespass on adjoining property. The fact that no objection has been lodged does not justify breaking the law.
- No land has been purchased and no planning application submitted for a permanent school. Appellant had previously been advised that temporary school would be in place for a maximum of five years and looks with suspicion at the present situation.

## 6.2. Applicant Response

6.2.1. The applicant's response was received outside of the appropriate period.

## 6.3. Planning Authority Response

6.3.1. The Planning Authority's response can be summarised as follows:

- It is considered that a single storey structure could be permitted here on a temporary basis only.
- There is an existing school on the site, and it is reasonable to permit an extension to same.
- Having regard to existing school, confidence that new site will be secured in the near future, and availability of services and car parking at the adjacent site, planning permission should be granted for a five year period.
- Proposed development is in accordance with the Meath County Development Plan 2013-2019 and the Navan Development Plan 2009-2015 and would not negatively impact on the visual or residential amenities of the area.

## 6.4. Observations

6.4.1. None.

## 6.5. Further Responses

6.5.1. None.

## 7.0 Assessment

7.1. I consider that the key issues in determining this appeal are as follows:

- Principle of proposed development.
- Residential and visual amenity.
- Access and traffic.
- Other issues.

- Appropriate assessment.

## 7.2. Principle of Proposed Development

- 7.2.1. While the existing school is located on residential 'A1' zoned lands, under which 'education' is an open for consideration use, the appeal site is located on open space 'F1' zoned lands, under which 'education' is not a permitted or open for consideration use.
- 7.2.2. The Development Plan states that uses not listed under the permissible or open for consideration categories are deemed not to be permissible in principle and such uses will be considered on their individual merits. It also states that the expansion of established and approved uses not conforming to use zone objectives will be considered on their merits.
- 7.2.3. In this instance, the school is an established and approved use, albeit for a temporary period, and the proposed development relates to the expansion of this use. Having regard to the provisions of the Development Plan, I therefore consider that the proposed development can be considered on its individual merits notwithstanding the 'F1' zoning of the appeal site.
- 7.2.4. The appeal site, while zoned as open space, comprises a narrow strip of fenced off land to the rear (west) of the Navan Tennis Club clubhouse. Approximately half of the site has an asphalt surface and a number of fencing panels and some netting were being stored in this area on the date of my site inspection. It does not appear to me that the appeal site is intensively utilised as part of the tennis club or that it serves any particular function as part of the recreational open space, other than storage.
- 7.2.5. With regard to the duration of the proposed temporary use, I note the letter submitted by the Louth and Meath Education and Training Board in response to the request for further information, which states that they are in advanced discussions with the developer of lands at Academy Street with the intention of purchasing lands for a permanent school, and that they expect to have the site purchased by the end of 2017. There is no further documentation on the file to confirm whether this purchase was concluded, but the Planning Authority has expressed their confidence that a permanent site for the school will be secured in the near future.

- 7.2.6. Having regard to the marginal, backland nature of the appeal site, and the temporary nature of the proposed development, I do not consider that there will be any loss of actively utilised recreational open space, or that there will be any permanent loss of open space zoned lands. Therefore, having regard to the individual merits of the appeal site and proposed development, and noting the provisions of the Development Plan, I consider that the proposed temporary classrooms are acceptable in principle and I do not consider that the development as proposed represents a material contravention of the zoning objective pertaining to the appeal site. I also consider that the proposed development would be consistent with the education-related policies and objectives set out in both the Meath County Development Plan and the Navan Development Plan, which generally seek to facilitate the development of educational facilities.
- 7.2.7. Finally, I note that the Planning Authority granted permission in August 2016 for the continued use of the temporary school for a period of five years. Since both the applicant and the Planning Authority have expressed confidence that a permanent site will be secured imminently, I recommend that planning permission be granted for a period of four years, rather than five, in order to more closely align with the permitted timeframe for the main school building. Following this period, the temporary prefabricated structure should be removed and the site reinstated, unless a further grant of permission is obtained.

### **7.3. Residential and Visual Amenity**

- 7.3.1. The appeal site is located c. 40m north west of the closest residential properties, including the appellant's house, and is therefore at a significantly greater remove than the existing school building and outdoor play area. With regard to the potential for overlooking, overshadowing or overbearing impacts, I do not consider that the proposed single storey structure would impact on any residential properties in the vicinity in this regard.
- 7.3.2. With regard to potential noise impacts arising from the proposed development, I consider that the main time periods of increased noise at the existing school are likely to be during break periods when school children are utilising the yard area, and at the start and end of each school day. Having regard to the minimum 40m separation distance of the proposed development from residential receptors, and

noting the scale of the proposed development relative to the overall school, I do not consider that any significant noise impacts above those which already exist are likely to arise.

- 7.3.3. With regard to the impact on visual amenity, the proposed development is a utilitarian prefabricated structure and would entail the felling of a number of mature coniferous trees. However, having regard to its single storey nature and its location to the rear (west) of the Tennis Club clubhouse, it will not be readily visible from the public road. The houses to the south of the school site are generally orientated on an east-west basis, and therefore only oblique views of the proposed development at a distance in excess of 40m are likely to be obtainable from the first floor of some of these houses. Having regard to these factors and the temporary nature of the proposed development, I am therefore satisfied that the proposed development would be acceptable in terms of visual amenity.

#### **7.4. Access and Traffic**

- 7.4.1. The existing temporary school is located to the south west of Navan Rugby Football Club, and is accessed through the rugby club's car park. This is a sizable hard surfaced car park with a designated set down area and a c. 85m long access road at the southern end of the car park runs along the southern end of the rugby pitches to the school. This access road has road markings stating 'staff only', and includes a cycle lane on its southern side and a c. 2.1m wide footpath on its northern side with a pedestrian crossing at the school entrance.
- 7.4.2. In addition to the car parking provision within the Navan RFC car park, there are five spaces within the school site, including two designated spaces for persons of reduced mobility.
- 7.4.3. A letter of consent from Navan RFC was submitted as unsolicited further information, which states that the Club has no objection to the parking by parents and staff of the school within the Club's car park.
- 7.4.4. On the date of my site inspection there were only a small number of cars parked within the Club's car park, while the cycle path along the full extent of the access road to the school was occupied by parked cars. My site inspection was undertaken outside of drop-off/pick-up times, and noting the 'staff only' road markings, it would

appear that the cars in question may belong to school staff. None of the five parking spaces within the school site were occupied.

- 7.4.5. Having regard to the availability of the large Navan RFC car park including set-down area, the short access road with footpath and cycle path linking the car park to the school and the temporary nature of both the existing school and the proposed development, I am satisfied that the proposed development would generally be acceptable from an access and traffic perspective. However, noting the blocking of the cycle lane with staff car parking which the appellant has referred to and which I observed on my site inspection, I recommend that if the Board is minded to grant permission that a condition be included requiring the preparation of a School Travel Plan/Mobility Management Plan.

#### **7.5. Other Issues**

- 7.5.1. With regard to the issue of whether the existing temporary school has been built over a public right of way, or otherwise infringes on third party lands, I consider that this is a civil matter and would refer the parties to Section 34(13) of the Planning and Development Act 2000 as amended. The proposed prefabricated structure and associated development is located within the fenced Navan Tennis Club lands and does not appear to infringe on the laneway to the north west. I note that the Tennis Club has provided a letter of consent to the applicant for the making of the planning application.

#### **7.6. Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposed development, which comprises the addition of a temporary prefabricated structure at an existing school on a serviced site which is not within or in close proximity to any European sites, I am satisfied that 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. I recommend that planning permission should be granted, subject to conditions as set out below.

## 9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Meath County Development Plan 2013-2019 and the Navan Development Plan 2009-2015, and the temporary nature of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity, would be acceptable in terms of traffic impact and would 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 as amended by the further plans and particulars submitted on the 10<sup>th</sup> day of August 2017, the 25<sup>th</sup> day of August 2017 and the 14<sup>th</sup> day of September 2017, 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. This permission shall apply for a period of four 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:** In the interest of orderly development.

3. Car parking arrangements shall be as per the undertaking given in the documentation submitted to the Planning Authority on the 10<sup>th</sup> day of August 2017. There shall be no reduction in the overall number of car parking spaces provided for the school, i.e. 30 spaces.

**Reason:** In the interest of orderly development and traffic safety.

4. The external finishes of the pre-fabricated building shall be the same as those of the existing school in respect of colour and texture.

**Reason:** In the interest of visual amenity

5. 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 public health.

6. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

**Reason:** To safeguard the amenities of the area.

7. Prior to the occupation of the development, a School Travel Plan (Mobility Management Plan) shall be submitted to and agreed in writing with the planning authority. This plan shall seek to minimise the use of individual private cars and to encourage the use of public transport, cycling, walking and car pooling by students and staff. It shall be implemented within three months of the opening of the extension to the school and continued and updated annually during the operation of the school.

**Reason:** In the interest of the proper planning and sustainable development of the area.

8. Site development and building works shall be carried out only between the hours of 0800 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.

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Niall Haverty  
Planning Inspector

19<sup>th</sup> January 2018