



An
Bord
Pleanála

Inspector's Report ABP301858-18

Development	Construction of a community playground, Safety Surfacing, fencing and associated site works.
Location	Knocknaskeagh, Meelick, Co. Clare.
Planning Authority	Clare County Council.
Planning Authority Reg. Ref.	17/684.
Applicant	Meelick Community Hall Committee.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party -v- Grant.
Appellant	George A. Troy.
Observers	None.
Date of Site Inspection	18 th September, 2018.
Inspector	Paul Caprani.

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1.0 Introduction

ABP301858-18 relates to a third party appeal against the decision of Clare County Council to issue notification to grant planning permission for the construction of a community playground and ancillary works at the community centre in Meelick, County Clare. It is argued in the grounds of appeal that the site is too small to facilitate an appropriate playground. It is situated in an inappropriate location and lacks full inclusion for children of all abilities. It is also argued that Clare County Council have facilitated very poorly specified and vague proposals with regard to the information provided.

2.0 Site Location and Description

- 2.1. The small settlement of Meelick is located within the administrative boundary of County Clare but is located on the outskirts of Limerick City c.5 kilometres from Limerick City Centre. Meelick is located in the north-western environs of Limerick City less than 2 kilometres from the suburban area of Ballygrennan. Notwithstanding its close proximity to Limerick City, the subject site is located in a rural area and is served by narrow country roads with no footpaths. The subject site is located to the north-east of the main settlement of Meelick in the townland of Knocknaskeagh or Stonepark. The townland on which the site is situated is characterised by largescale ribbon development particularly on the southern side of the main access road in the vicinity of the site.
- 2.2. The site forms part of Meelick Community Hall a rectangular single-storey red brick building which is setback from the public road and is located on the northern side of the road. The community hall is located to the immediate south of a local national school. There is a slight fall in ground levels between the road and the forecourt area to the front of the community hall. This forecourt area has an area of approximately 600 square metres which is currently used for informal parking, much of which is associated with school drop-off and collection. There are no car parking spaces laid out within the forecourt area. The area to the rear of the community hall is undergrass. Mature and semi-mature trees are located around the perimeter of the

forecourt area. Meelick National School to the immediate north accommodates no off-street car parking.

- 2.3. While there is a recessed area off the metalled roadway to the front of the house directly opposite Meelick National School, this recessed area is not available for parking as stones have been erected around the perimeter to prohibit parking along this area.
- 2.4. There is a pedestrian access between the forecourt to the front of the community centre and the adjoining national school to the north which obviates the need for pupils to walk along the roadway to gain access to the school. While there is public lighting along this section of roadway there is no footpath along the access road. This stretch of the local road is located within the 60 kilometre speed limit.

3.0 Proposed Development

- 3.1. Planning permission is sought for the construction of a community playground together with new safety surfacing and fencing within the forecourt area of the community hall. The proposed playground area is to occupy an area of 271 square metres in the northern half of the forecourt area on the left hand side of the access gate when entering the community hall. It is also proposed to provide 11 designated car parking spaces along the southern boundary of the forecourt area.
- 3.2. Indicative drawings of the playground area are submitted with the application. It suggests that the playground area is to comprise of swings, seesaws, sliding area, roundabouts and climbing frames. Some seating and informal landscaping are also proposed. The playground area is to be incorporated within a metal twin wire mesh fencing which is to be just less than 1.2 metres in height and is to be green in colour. Details of the fence have been submitted with the planning application. It appears that the existing pedestrian access between the forecourt area of the community centre and the school is to be retained as part of the application.

4.0 Planning Authority's Decision

Clare County Council in its decision dated 25th May, 2018 granted planning permission subject to three conditions.

5.0 Documentation Submitted with the Planning Application

The planning application was submitted on 7th September, 2017. It was accompanied by a planning application form, public notices and drawings.

5.1. Observations

- 5.1.1. A number of observations were submitted including an observation from the Board and Management of Scoil Mhuire National School objecting to the proposed development. The concerns raised included the proposed playground will result in a reduction in car parking which will cause traffic congestion and road safety issues when delivering and collecting pupils from the school. Other concerns raised include the playground attracting anti-social activity and lack of detail with regard to playground equipment.
- 5.1.2. The planner's report sets out details of the proposal and also sets out planning history as it relates to the site (see Section below). The report also notes that a pre-planning meeting took place which assessed four potential sites in the Meelick area. It is stated that there was no objection in principle to the playground within the grounds of the community centre.
- 5.1.3. Details of the objections to the proposed development are also set out. The planner's report while there is no objection to the principle of the provision of a playground at this location. However, a number of traffic issues need to be adequately addressed and it is therefore recommended that further information be required in respect of the application.

5.2. Further Information Request

- 5.2.1. The planner's report recommended that the following further information be submitted to the Planning Authority.
 - 1. It is noted that the site of the proposed development is located on an area of ground which is currently used as a car parking area for the existing community hall and also as a collection drop-off facility for the adjoining national school. Furthermore, it is noted that there is a lack of dedicated pedestrian and parking facilities in the vicinity of the site to serve the adjoining

school and other users. In this regard it is noted that the proposal would have the amount of spaces available for parking and may lead to haphazard parking on the public road resulting in traffic congestion. In light of these issues the planning authority has concerns that the proposal may result in an overdevelopment of the site and lead to traffic congestion in the area. The applicant is therefore invited to submit proposals to address these issues. These should include a strategy to accommodate parking which will be displaced as a result of the playground use and an examination as to whether this can be provided elsewhere on site (to the rear of the community hall). The current practice of drop-off and collection, including buses should also be examined and proposals submitted as to how the same will be accommodated if the development is permitted. Any new proposals should be clearly indicated on a revised site layout plan and should include for autotrack analysis for buses.

2. With regard to the design and layout of the development the applicant is requested to submit the following.
 - Proposals for public lighting, boundary treatment and landscaping (hard and soft).
 - Details of the existing and proposed levels on site and on the public road in front of the site.
 - Proposals for surface water disposal.
 - Details of opening hours and management of the playground

6.0 Further Information Response

- 6.1. A response to further information was submitted to the Planning Authority on 30th April, 2018. It states the following:

It is proposed to formalise parking arrangements within the site with the provision of 11 spaces (including 1 disabled space). This will eliminate the current haphazard parking arrangements on site. Additional parking will also be available to the front of the church building to the south which will accommodate a further 15 or 20 cars.

It is not possible to provide car parking to the rear of the community centre. Also enclosed is a letter from a local councillor outlining current efforts to undertake traffic calming scheme in the vicinity of the school.

It is also stated that the development as proposed will not impact on bus access arrangements. A letter has also been obtained from the school bus operator outlining their support for the proposed development stating that the playground will not affect the current collection and drop-off arrangements.

- 6.2. In relation to the second issue of the additional information request it is stated that two public lights are to be installed as per the site layout plan submitted with the additional information (not contained on file). Details of site level are also set out in the drawing. Surface water will be disposed of via the installation of a new 150 millimetre storm drain discharging to a new soakpit to be located to the rear of the community centre building. The playground will be managed and operated by the current community hall committee and opening hours will be 8 a.m. to 8 p.m.

6.3. Further Assessment from the Planning Authority

- 6.3.1. A report from the Senior Executive Engineer notes that funding has been provided to design and construct a traffic calming scheme at this location in the current year. Provision of pedestrian facilities in proximity to the school may form part of the traffic calming scheme. The scheme may also include for additional lighting along the public road. However, parking remains a major concern and the playground will undoubtedly impact negatively on the current car parking availability. There are obvious traffic and safety and pedestrian issues with regard to a bus reversing into a live car parking especially at peak times.
- 6.3.2. A further planner's report was prepared on foot of the additional information submitted. It notes the additional information submitted which on the whole is deemed to be satisfactory. The proposed playground would be a complimentary use and in close proximity to other community uses such as the school and church. The use of the car parking in association with the school in my view is a management issue between the parties concerned and it is therefore recommended that planning permission be granted.

7.0 Planning History

No planning history files are attached. The planner's report makes reference to two planning applications both of which relate to Meelick National School on the contiguous site to the north.

8.0 Grounds of Appeal

8.1. The decision of Clare County Council to issue notification to grant planning permission was appealed by George A. Troy. The grounds of appeal are outlined below.

The grounds of appeal argue that the issue of child safeguarding has not been adequately addressed in dealing with the application.

The grounds of appeal highlight a number of procedural issues including:

- Photographing the appellant's home.
- Providing coaching to the applicant as to how a positive outcome might be arrived at through requesting additional information.

It is suggested that interested third parties were conveniently blocked from contributing to any additional information to the Planning Authority.

The planner decided on the outcome of the application before the processes had been fully allowed to conclude (the decision date on the website was recorded as May 27th whereas the decision was made on May 25th).

Condition No. 2 does not come close to the meeting the risk assessments and post installation assessment required for the provision of playgrounds.

Clare County Council in this instance have sublet the whole process of providing a playground to an ad hoc committee who are entrusted to spend state funding on this project. It is not appropriate that a volunteer body would be entrusted to ensure long-term commitments to maintenance of the playground etc. It is also stated that the plot being planned for is already part of a leased agreement with the school for car parking.

It is argued that the child population density in the area is overwhelmingly centred on an area 2 kilometres from the subject site. It is not appropriate that the child

population would be required to travel to the proposed playground location. The roadway serving the playground is inappropriate and lacks footpaths/verges etc.

8.2. The grounds of appeal include a number of submissions including:

Original submission to the Planning Authority from the appellant.

Details in relation to the National Play Policy.

Details of playground policy for South County Dublin and details of various correspondence between the appellant with the Ombudsman for Children, Clare County Council Planning Department, the playground committee and details of correspondence between the applicant and "Play Ireland".

9.0 **Appeal Responses**

9.1. **Planning Authority's Response to the Grounds of Appeal**

9.1.1. Clare County Council issued the following response to the grounds of appeal.

The submission states that the issues raised in the observations submitted to the Planning Authority were material considerations in the assessment of the proposal. Having reviewed all available information and having regard to the location of the proposed playground within the grounds of the existing community hall, the policies in the current development plan and the pattern of development in the area Clare County Council considered that the proposed development subject to conditions would be appropriate. The Planning Authority is also satisfied that the processing and assessment of the proposed development was carried out in accordance with all statutory requirements. The further information submitted to the Planning Authority was not deemed to be significant and therefore under Article 35 there was no subsequent period of public consultation. The three conditions attached are in accordance with the requirements of the Development Management Guidelines and statutory planning legislation. The conditions were deemed to be adequate to ensure the orderly development of the area. Traffic and access issues were assessed during the application process and the assessment was set out in the planner's report. Therefore, the Board is respectfully requested to uphold the decision of the Planning Authority and grant planning permission for the proposal.

9.2. **Applicant's Response to the Grounds of Appeal**

- 9.2.1. A response was received on behalf of Meelick Community Hall Committee by HRA Planning Consultants. The response is set out below.

The response sets out details of the location of the site and the development permitted by Clare County Council. It is stated that the area of the front of Meelick Community Hall serves no formal function and is of relatively little amenity or aesthetic value. It is stated that there is relatively little safe amenity space for children to play within this established residential cluster. It would result in a positive contribution to existing community infrastructure. Furthermore, the proposed development is not of a scale or size which is likely to generate destination traffic other than that associated with the immediate community. The response goes on to set out land use planning policy and objectives as it relates to the site.

With regard to car parking it is stated that staff parking was done by way of facilitation by the local community hall for the benefit of the school. Car parking within this area was not undertaken on the grounds of any formal use associated with the school. It is further noted that the school had not taken an appeal against the decision of Clare County Council in respect of this playground facility. It is stated that the proposed development will not result in the displacement of more than two or three vehicles and that community car parking is available adjacent to the church. The Board should also note that a traffic calming scheme is to be implemented in the area as funding for the implementation of work have been made available.

- 9.2.2. It is stated that there is sufficient technical evidence to confirm that the proposed development is suitable in terms of scale, form and function for the subject location. This is much needed community infrastructure to serve the needs of the residents. The local community have limited land assets upon which to consider the provision of a community play equipment to serve the residents. It is suggested that the playground would complement and contribute to an amenity focal point in the area and create a sense of place.
- 9.2.3. The grounds of appeal included a copy of “Ready Steady Play” and “National Plan Policy”. However, it is contended that there is nothing in this document which suggests that the subject site is not suitable to provide a children’s playground.
- 9.2.4. Reference to the suggestion in the grounds of appeal that the play area would be better suited for an area with a higher population density fails to highlight the fact that

there are open spaces and recreational areas already within the residential estate referred to in the grounds of appeal. The proposed playground facility is intended to serve the existing residential cluster around the school.

- 9.2.5. In relation to the suitability of planning conditions it is stated that the planning conditions are standard and any concerns in relation to the conditions attached are groundless.
- 9.2.6. The response suggests that the appellant's house is located directly opposite the community hall and it is suggested that the proposed play area will in no way impact on the amenities of the appellant's dwelling or depreciate the value of his property.

10.0 Development Plan Provision

- 10.1. The site is governed by the policies and provisions contained in the Clare County Development Plan 2017-2023.
- 10.2. The subject site is not governed by any residential zoning objective.
- 10.3. Section 5.4.2.4 of the development plan specifically relates to play areas. It states that play areas for children and teenagers in both urban and suburban areas greatly enhance the quality of life and sense of community. Facilities can range in size and scale from tot-lots in town centre areas to encourage family activity in urban settings to larger community playgrounds and play areas.
- 10.4. Clare County Council recognises the importance of these facilities and in recent years, through the implementation of highly successful "community ownership" approach significant investment has been made in children's play and recreational facilities across the county.
- 10.5. CDP5-15 states that it is the objective of the development plan to support local communities in the provisions of a range of play facilities, including tot-lots, playgrounds, skate parks and other play areas in appropriate locations across the county including town centres.

11.0 Planning Assessment

I have read the entire contents of the file, visited the site in question and have had particular regard to the issues raised in the grounds of appeal. I consider the

following to be critical in determining the current application and appeal before the Board.

- Principle of Development
- Road Safety and Traffic Considerations
- Other Issues

11.1. Principle of Development

11.1.1. It is apparent from the policy statements contained in the development plan that the provision of a playground is fully in accordance with the provisions set out in the development plan. It is clear from Policy CDP5-15 that it is an objective of the development plan to support local communities in the provision of such play facilities. Furthermore, the location of the playground adjacent to the school and community centre is entirely appropriate in my opinion. It provides a clustering of community type services being located adjacent to the community hall and the school and provides an appropriate nodal or focal point where community services are provided side by side in easy access of the residential cluster of dwellinghouses which it is proposed to serve.

11.1.2. The area also appears to be sufficient in terms of size to accommodate a play area of the size and scale proposed. I would agree with the applicant in his response to the grounds of appeal that the modest size of the playground is appropriate to serve the small residential cluster in the vicinity and will not result in attracting largescale traffic outside the immediate area.

11.1.3. It is proposed to provide fixed standard equipment which will be required to comply with ISEN 1176 Parts 1 to 7 which sets out current Irish standards in relation to playground equipment. For this reason, I do not consider it necessary for the Board to provide more detailed drawings in respect of the equipment or surfaces proposed. The proposed development subject to other qualitative safeguards which are assessed below is in my view acceptable at the proposed location.

11.2. Road Safety and Traffic Considerations

11.2.1. Concerns are expressed with the Planning Authority that the incorporation of the proposed playground would result in the displacement of off-street car parking

spaces which currently serve the school. Concerns are expressed that the proposed playground will result in the displacement of cars onto the road which will result in a traffic hazard, traffic congestion and road safety issues.

- 11.2.2. The Board will note that there are no designated car parking spaces in the forecourt area to the front of the community hall at present. This it is anticipated would result in rather haphazard and informal drop-off arrangements currently at the school. Under the current proposal it is proposed to remove part of the parking area in order to create a playground area and to create 11 designated car parking spaces in the remainder of the forecourt area. The applicant in its response to the grounds of appeal suggest that this will for all intents and purposes result in the loss of approximately two spaces only as the informal car parking arrangements currently operating on site does not utilise car park arrangements in the most efficient manner.
- 11.2.3. A key consideration in relation to the car parking arrangements is whether or not the school in question has any legal rights other than an informal agreement to use the off-street car parking facility in the forecourt of the community centre. It would appear inappropriate in my opinion that the community would be deprived of a formal playground on the grounds that the lands in question are used for informal car parking associated with the adjoining school. If there are no legal covenants or agreements in place which confers legal rights for the school in question to use the car park to the front of the community centre then I do not consider it appropriate that the playground in question would be refused for this reason alone.
- 11.2.4. Notwithstanding this the Board must be satisfied that the proposed development will not give rise to road safety and traffic issues if it deems it appropriate to grant planning permission for the playground. Scoil Mhuire is an 8 teacher school with approximately 140 pupils. Not all of the pupils are delivered by car as the school bus also provides transport to the school. Of critical importance in my opinion is the fact that a pedestrian gate will remain between the community centre and the school thereby all pupils dropped off to the school by either bus or car will have a designated pedestrian access to the school from the parking area as opposed to having to walk along the 30 metre stretch of road between the community centre and the access to the school. As already mentioned the Board will note that there is no footpath along this section of the roadway. I consider that there is still sufficient space to permit a school bus to reverse in to the community centre in order to enable

children to alight and provide access to the school. Furthermore, 11 car parking spaces in my opinion is sufficient to allow drop-off and collections to take place at the subject site. There is a very quick turnover of car parking use in delivering and collecting children from school.

11.2.5. It also appears from the information contained on file that funding has been secured to incorporate traffic calming measures which could include the provision of footpaths and additional lighting along this section of roadway. This in turn would enable segregated pedestrian and vehicle areas along the section of roadway serving the school and the community area. Indeed, it is possible that the traffic calming measures may also include provision of footpath between the church and the school a distance of less than 100 metres. Having inspected the site and its surrounding I note that there are approximately 20 off-street car parking spaces provided to the front of the church which could be utilised by parents living and collecting children from school where appropriate footpath infrastructure was in place.

11.2.6. In conclusion, therefore I am satisfied that with the incorporation of the playground the proposal will not significantly hinder traffic and transport arrangements to the extent where it could result in material road safety issues in terms of dropping and collecting children to school. It also appears from the information contained on file and in particular the applicant's response to the grounds of appeal that currently an informal arrangement is in place for the school to use the forecourt area to the front of the community centre for the dropping and collecting of children. It is not appropriate in my opinion to refuse planning permission for an important community service such as a playground on the grounds that it could impinge on existing informal arrangements. Finally, I consider that traffic calming arrangements for which it appears funding has been secured would further _____ any concerns in respect of traffic safety.

11.3. **Other Issues**

11.3.1. The grounds of appeal also raised a number of mainly procedural issues which are briefly commented on below.

Any use of a photograph of the appellant's private residence in information submitted with the application is a legal/civil matter between the parties concerned and is not a matter for An Bord Pleanála.

The application information request by the Planning Authority merely sought more information from the applicant with regard to potential concerns in respect of the proposed development. I do not consider that it provided "coaching" to the applicant as to how to achieve a positive outcome with regard to planning permission. I am also satisfied that the additional information submitted address the issues raised in the Planning Authority's request for additional information.

- 11.3.2. Any provision of playground equipment as already stated above must comply with Irish standards in respect of playground equipment provision which is set out in standard ISEN 1176.
- 11.3.3. While the decision date on the website may have indicated May 27th and the decision was dated May 25th Article 30 of the Planning and Development Regulations requires that a Planning Authority shall not determine an application for permission until after a period of five weeks beginning on the date of the receipt of the application. The application was determined after a period of 5 weeks and therefore was in accordance with statutory requirements. It is a matter for the Planning Authority whether or not it seeks to request revised public notices on foot of an additional information submission.
- 11.3.4. With regard to the conditions attached to the grant of planning permission I consider Condition No. 2 to be appropriate as it permits detailed agreements to be arrived at between the applicant and the Planning Authority with regard to the play equipment to be provided. As already stated any such play equipment must meet national standards and details in relation to the exact nature and location of the playground equipment within the confines of the playground are in my view a matter between the applicant and the Planning Authority and do not in any material way prejudice third party rights.

12.0 **Appropriate Assessment**

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the 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.

13.0 EIAR Screening Determination

The development does not constitute a class of development for which EIA is required.

14.0 Conclusions and Recommendation

Arising from my assessment above I recommend that the Board uphold the decision of the planning authority and grant planning permission for the proposed development based on the reasons and consideration set out below.

15.0 Reasons and Considerations

It is considered that the proposed playground would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health and would generally 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.

16.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the applicant, as amended by the further plans and particulars received by the planning authority on the 30th day of April, 2018, 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 the 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. 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.

3. Prior to the installation of the playground and surrounding area full details of all playground equipment and proposed surface areas and any landscaping and seating arrangements shall be submitted to the planning authority for approval prior to the commencement of development.

Reason: In the interest of the amenities of the area.

Paul Caprani,
Senior Planning Inspector.

XX October, 2018.