



An  
Bord  
Pleanála

## Inspector's Report ABP 301888-18.

<b>Development</b>	Retention and change of use of a prefabricated structure to Montessori School and,  Retention of structure in use as "Men's Shed".
<b>Location</b>	Knockdoemore, Lackagh, County Galway
<b>Planning Authority</b>	Galway County Council
<b>P. A. Reg. Ref.</b>	18/204
<b>Applicant</b>	Turlough Development Committee.
<b>Type of Application</b>	Permission for Retention and Permission
<b>Decision</b>	Refuse Permission for Retention and Permission for Change of use.
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Grainne McDonagh
<b>Date of Site Inspection</b>	29 <sup>th</sup> August, 2018
<b>Inspector</b>	Jane Dennehy.

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## **1.0 Site Location and Description**

- 1.1. The application site has a stated area of 6,223 square metres and is located at the centre of Lackagh Village on the south side of the R354, (formerly N63) north east of Galway City and west of Turloughmore and the M17. The structures subject of the application are located at the rear of the overall site at which there is an entrance, unmarked curtilage carparking and turning space. The stated floor area of existing buildings is 446.8 square metres and that of the area to be retained is 83.8 square metres. At the west side of the site there is an agricultural/farm/hardware store and a local heritage museum. The parish church, parochial house and associated carparking are located to the east side.

## **2.0 Proposed Development**

- 2.1. The application lodged with the planning authority on 22<sup>nd</sup> February, 2018 indicates proposals for permission for retention of the existing prefabricated structure on the site and permission for the use of the structure to be changed to Montessori school use.
- 2.2. The second element of the proposed development is for permission for retention of a separate structure which is in use a Men's Shed.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

By order dated, 25<sup>th</sup> May, 2018 the planning authority decided to grant permission for retention and permission and attached seven conditions.

Under Condition No 3 the duration of the grant of permission is confined to a five period from the date of the final grant of permission. The reasoning is to allow for further planning review at a future date.

Under Condition No 4 the maximum number of children on the premises is required to be in accordance with the *Childcare (Pre-School Services)*

*Regulations, 1996 and Childcare (Pre-School Services) Amendment Regulations, 1997 unless otherwise agreed in writing.*

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

#### **3.2.1. Planning Reports**

Further to issue of a receipt of a further information submission comprising a revised site layout and additional details of amenity space and a traffic management plan for the site indicating parking circulation and drop off arrangements, and details of staff, children and staff numbers. the planning officer concluded that the proposed development is acceptable.

#### **3.2.2. Other Technical Reports**

The report of the Road and Transportation Department indicated a request for traffic management plan details and is site layout plan with the amenity space indicated.

### **3.3. Third Party Observations**

The appellant party submitted an observation in which she refers to the number of existing pre-schools in the area and welfare and traffic safety considerations which are also raised in the appeal.

## **4.0 Planning History**

According to the planning officer report

## **5.0 Policy Context**

### **5.1. Development Plan**

The operative development plan is the Galway County Development Plan, 2017-2023 according to which the site is subject

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. An Appeal was received from Grainne McDonagh who states she operates a business “Teddybear’s Lodge” at 61 Woodlands Lackagh providing for crèche, preschool Montessori and after school facilities. It is requested that permission be refused.

6.1.2. According to the appeal:

- There are three preschools in the area and the needs of the community are well served. Not all pre-school places are taken up. The proposed development affects the appellant’s business with risk of closure and loss of employment.
- The site is inadequate with a dangerous road access because there are no markings or stop signs at the junction with the R354. Additional traffic generation would be negligent. The entrance serves a commercial complex where there are large articulated vehicles and poor road alignment. The entrance road is a Carpark with no pedestrian facilities. There is no turning space with allocated drop off space for the Montessori school and no parking for staff.
- The existing structures are inadequate. The agricultural stores which has an asbestos roof is inappropriate as the adjoining development. It could overspill onto the structure and so the school would not be safe.
- The school is too close to the treatment system.
- Fire separation is not in accordance with TGD-B and there is insufficient fire resistance in the structures.
- There is insufficient access for disabled having regard to TGD-M The doors and ramps are not suitable.
- There are no separate staff and child facilities.

- It is not appropriate to co -locate a Men's shed with a Montessori school and there is lack of information about use of the Men's Shed. There is a safety conflict.
- The play area is too small being sandwiched between two buildings.
- The entrance gateway is not a pedestrian access as shown on the drawings. Cars are coming to the door of the building with a turning area being available.
- The proposed development is backland development and piecemeal and haphazard. It is not suitable to have it accessed through a carpark with no clear routing.

## 6.2. Applicant Response

A submission was received from Paul Feeney on behalf of the applicant on 17<sup>th</sup> July 2018.

- The structure is an authorised temporary structure, used as a training centre from which a change of use to Montessori school is proposed.
- There is a need for the proposed facilities although it is acknowledged that there are three preschools operating in the area. One of the three schools is to relocate to the premises. There is no increase in the number of pre-schools in operation in the area. There is no issue as to loss of business to the appellant as the Montessori use follows that of the school term and excludes summer months.
- The carpark serves the parochial centre and the congregation at the church. Has capacity for two hundred spaces which is good capacity. Traffic is drop off movement for the school and lunchtime collections. The claim as to intensification of the junction traffic is not accepted. There is ample and safe access inside the speed limits and good visibility in both directions.
- The entrance via the carpark which is well established and there is sufficient space for the hardware store, the pre-school and to the school is in walking

distance. Traffic movements would be reduced as trips to the school and Montessori may be for one car and two children.

- Two full time carparking spaces are required for the Montessori school and nine or ten movements are anticipated for morning and for evenings. Pedestrians are served in the village due to the ideal village centre location
- Ample space at the front is available for turning although not marked and aligned the spaces are well established.
- The downpipe at the hardware store which has an asbestos roof is to be relocated and there is no danger of runoff on the asbestos posing a threat.
- There is sufficient distance from the treatment plant which has a polishing filter, both located on the other side of the boundary where there is no access from the school or impingement on the operation of the plant.
- A Fire safety certificate has been issued by the local authority and a new one is not required. (A copy is attached. It accords with Tulsa Requirements
- It is agreed that disability access is inadequate, but access ramps are to be constructed and are exempt development. The structure was constructed prior to the implementation of TGD M in 2010, It is a matter for building control to see to improvements if they do not exist.
- Staff do not require a break as they work from 8.45-012.30 pm only and do not require breaks. There is a kitchen for staff and toilets and a total of three staff on site.
- It accords with the Legislative requirements for preschools. Children will bring lunch within them.
- The Men's Shed is co-located with the Montessori as a fence will be erected between the two. It is mainly an evening resource. Both premises are in the heart of the community surrounded by community facilities. The outdoor space for the Montessori will be secure and safe.
- The play area is not too small and complies with TUSLA requirements.
- The entrance gateway is a pedestrian access as shown on the drawings. Vehicles can access the pre-fabricated area, but it is to be altered but

emergency vehicular access and service access is to be retained. Cars will be encouraged to park at the front.

- It is submitted that appeal issues are without foundation.
- Attached is a Certificate indicating compliance with the Building Control Act 1990 for the structure, dated, December 2008.

### **6.3. Planning Authority Response**

There is no submission from the planning authority on file.

## **7.0 Assessment**

7.1.1. Some of the issues raised relate to compliance with Building Control and standards for day to day operation of a Montessori School and are not direct central to the determination of the decision are identified and considered below under the following sub-headings:

- Need for proposed Montessori school,
- Nature of the proposed development – change of use and retention play area.
- Vehicular and Pedestrian Safety and Convenience.
- Appropriate Assessment.

### **7.2. Need for proposed Montessori School.**

7.2.1. The appellant who operates a similar business to that subject of the proposal indicates concern about increased pre-school capacity and possible over-supply of school places that could result in business failures. That statement made on behalf of the applicant that the proposed change of use is to facilitate an existing business which would relocate to the premises if permission is granted would suggest that there is provision for additional preschool facilities in the current application.

### **7.3. Nature of Use.**

7.3.1. The proposed change of use is from training centre to a pre-school / Montessori school. Co-location with services and community facilities is to be encouraged. In this regard the proximity to the primary school is of note and the existing training

centre use and the proposed pre-school use both contribute to the consolidation of facilities and services at the village centre. Such use is considered appropriate to location within a central communal area at a village core where community, retail and services facilities are clustered.

- 7.3.2. There is no question of incompatibility with the use of the adjoining Men's' Shed and there is no objection to the Men's' Shed structure the retention of which is proposed. It is of note in this regard that the pre-school and Men's' Shed will generally be in use at different times, that staff are always present when the morning time pre-school is in operation and, that there is likely to be significant passive surveillance generally in the area, should there be concern about children's safety outside the pre-school premises.
- 7.3.3. There is no objection to the proximity to the agricultural stores or risk to safety because asbestos may be contained within the stores' buildings. It is also considered that the proposed change of use does not give rise to any concerns as to incompatibility with the treatment plant serving the development which is in the adjoining field and separated from the proposed pre-school internal and external space.
- 7.3.4. For the purposes of clarity, a condition similar to Condition No 4, attached to the planning authority decision which has the requirement for compliance with the recommendations and minimum standards set out in the section 28 statutory guidelines: "*Childcare (Pre-School Services) Regulations, 1996* and *Childcare (Pre-School Services) Amendment Regulations, 1997*" (DOEHLG 1997) should be included if permission is granted.

#### **7.4. Vehicular and Pedestrian Safety and Convenience.**

- 7.4.1. There are existing established carparking facilities serving both the parish church in and for the community facilities and retail units to the west side of the church and it is understood that there is capacity for circa two hundred cars. The proposed pre-school development is anticipated to generate up to a total ten trips daily. As such congestion and vehicular movements and obstruction of road users within the communal carpark, at the site of the proposed development and at the entrance onto the R354 are unlikely to be attributable to insufficient capacity or substandard on-site and off-site conditions.

7.4.2. Given the very low enrolment proposed for the pre-school, it is considered that the demand for parking and drop offs and pickup trips is minimal and, that potential for adverse risk of hazard to pedestrian and vehicular safety, relative with the existing scenario, associated with the use of the proposed pre-school or, the Men's Shed structure proposed to be retained is insignificant. To this end, lack of marked out circulation, turning circles, dedicated drop off and pick up space is regarded as inessential and unwarranted. There is excellent vision in each direction along the R354 at the entrances off the road frontage. Furthermore, it is arguable that the proposed new use would generate less vehicular movements than the authorised training centre use.

#### **7.5. Appropriate Assessment.**

7.5.1. Having regard to the scale and nature of the proposed development and to the serviced location, no Appropriate Assessment issues arise. The proposed development would not 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. In view of the foregoing, it is recommended that the decision of the planning authority to grant permission and permission for retention for the five-year period be upheld. Draft Reasons and Considerations and Conditions follow:

### **9.0 Reasons and Considerations**

Having regard to the village centre location where local community facilities and services are clustered together, the range and extent of parking facilities and space for vehicular and pedestrian circulation, visibility in both directions along the R 354 at the road frontage and, the low rate of trip generation attributable to 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, would constitute orderly development, would not lead to endangerment of public safety by reason of traffic hazard due to conflicting traffic movements of obstruction of other road users, and would be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be in accordance with the plans and particulars, lodged with the application and by the further plans and particulars lodged with the planning authority on 22<sup>nd</sup> February 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 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. The grant of permission shall cease on or before five years from the date of this order unless a prior grant of permission. The use shall cease, and the structures shall be removed unless a prior grant of permission for retention of the structures and continuation has been obtained.

**Reason:** In the interest of clarity.

3. The number of children cared for on the premises concurrently and the facilities provided shall accord with the recommendations and standards in: "*Childcare Facilities: Guidelines for Planning Authorities*" issued by the Department of the Environment and Local Government in June 2001.

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

4. A secure outdoor play area shall be provided for the use of children attending the childcare facility, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

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

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to that specified in the application unless otherwise authorised by a prior grant of planning permission.

**Reason:** In the interest of clarity.

6. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected the curtilage of the site unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity and orderly development.

7. Drainage and water supply arrangements, including the disposal of surface water shall be in accordance with the requirements of the planning authority.

**Reason:** In the interest of public health.

**Jane Dennehy**  
Senior Planning Inspector  
6<sup>th</sup> September, 2018.