



An
Bord
Pleanála

Inspector's Report ABP-302160-18.

Development	Removal of two prefabricated buildings and construction of two storey classroom extension.
Location	Glebe National School, Church Hill, Wicklow Town.
Planning Authority	Wicklow County Council.
Planning Authority Reg. Ref.	18334.
Applicant	Glebe National School.
Type of Application	Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party
Appellants	Thomas & Philomena Kinnane.
Observer(s)	None.
Date of Site Inspection	13 th September 2018.
Inspector	Philip Davis.

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1.0 Introduction

This appeal is by nearby residents against the decision of the planning authority to grant permission for the replacement of prefab classrooms with a permanent 2-storey classroom extension to the front of a small primary school close to the centre of Wicklow Town. The grounds of appeal mostly relate to amenity and visual impacts.

The Board will note that there is a concurrent appeal for a residential care home approximately 100 metres to the south-east of this site – ABP-302154-18, with some overlapping issues raised by the parties to that appeal.

2.0 Site Location and Description

The appeal site is located on Church Hill, a narrow street cresting a prominent hill overlooking the centre of Wicklow Town. Church Hill extends north-west from Church Street and Main Street, running up to a high point overlooking the town and the Leitrim River. At the high point is an 18th Century Church of Ireland graveyard and church (on the site of an apparently much older church), opposite a primary school. Running up and on either side of the church are a mix of terraces and other dwellings, mostly apparently of 19th Century origin. A number of these buildings are in commercial use, including a medical clinic. There are the remains of a fortification just north-west of the church. North of the street the levels drop steeply from the rear of the properties down to the banks of the Leitrim River estuary and Wicklow Harbour. To the south-west the levels drop down towards the Main Street. The Main Street is approximately 500 metres walk from the appeal site.

The appeal site is the Glebe National School, on a site of 0.2922 hectares on the south side of Church Hill near its high point. This site is occupied by three structures – one large single storey structure for the main school, located on the south (back) end of the site, with the school yard between it and the road. There are two smaller prefabricated structures on either side of the school yard and entrance area, next to Church Hill. The main structure appears to date from around the 1960's and 1970's and is at a significantly lower level than the road, with its roofline roughly level with the road. It has a row of parking spaces on the road frontage, each space at right angles to the road.

To the east and west of the site are residential sites. To the east is a small terrace of houses known as Milton Villas – these are at a right angle to the road, with their rear yards adjoining the site boundary. To the west is a larger site with two substantial houses. To the south, at lower levels, is a sports ground and other dwellings. North of the site, on higher ground and across the road, is a small cul de sac estate of detached dwellings. The church and churchyard are on the high point of the hill, immediately north-east of the site and across the road.

3.0 Proposed Development

The proposed development is described on the site notice as the following:

Removal of two existing prefabricated temporary classroom buildings at front of school, relocation of front vehicle and pedestrian entrance gates and front boundary walls, removal of tree and walled planter and alterations to on-street parking, construction of 2-storey classroom extension at front of school, changes to front playground and associated works.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant permission subject to seven largely standard conditions. Condition 4 is for archaeological monitoring. Condition 6 states that the existing entrance shall be permanently closed off prior to the use of the new entrance.

4.2. Planning Authority Reports

4.2.1. Planning Reports

- Notes a permission for a similar development granted in 2012.
- Concerns raised previously raised in pre-app meetings about traffic issues.
- Notes three objections.
- Concerns raised about possible overlooking of adjoining residential properties – additional information sought on this.

- Notes that the District Engineer has stated that there are existing traffic congestion problems at the school.
- Requests additional information regarding overlooking.
- Following the submission of revised drawings following an FI request, it is considered that the concerns on overlooking/privacy had been addressed. Permission is recommended.

4.2.2. Other Technical Reports

Water services – notes no new connection required.

4.3. Prescribed Bodies

The **Department of Culture, Heritage and the Gaeltacht** wrote stating that as the proposed development site is located within the confines of Recorded Monuments WU025-012, WU025-012003; and WU025-012004, an archaeological monitoring and testing condition is recommended.

4.4. Third Party Observations

Three local residents objected to the application for a variety of reasons, primarily relating to amenity, impact on historic buildings nearby, and traffic congestion.

5.0 Planning History

None on file, but the planning authority outlines a series of permission for temporary classrooms and other alterations to the school dating back to 1992, with the most recent for a similar development to the current appeal (**12/623471**). All were granted.

6.0 Policy Context

6.1. Development Plan

The site is zoned 'CE, 'Community/Educational/Institutional 'to provide or and improve community, educational and institutional facilities' in the Wicklow Town-

Rathnew Development Plan 2013-2019. The lands are within a zone of archaeological potential.

6.2. **Natural Heritage Designations**

The site is not on or adjoining any designated EU habitats. The closest designated site is 'The Murrough' SPA site code 004127, which covers the Leitrim River and estuary which is several hundred metres to the north and east of the site. 'The Murrough Wetlands' SAC (002249) is about 800 metres to the north.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

- It is argued that Church Hill is one of the most significant historic parts of the Town and the proposed development is not in keeping with the immediate area.
- It is submitted that the proposed development will exacerbate a serious traffic congestion issue in the mornings and afternoons around the school. It is argued that the local road cannot take the traffic, and that there is a serious issue with illegal parking on Church Hill associated with the school (photos attached).
- It is argued that the revised plans do not adequately address their concerns submitted to the Council about privacy reductions. It is argued that the proposed tree planting will take many years to have any mitigating impact. Photos are attached to support their arguments.
- It is argued that the proposed development will significantly decrease the value of their property by way of traffic and loss of privacy – supporting documentation attached from a local Auctioneer.
- It is argued that the construction and traffic generation will result in health issues for the residents.
- It is noted that there are a number of errors in the submitted plans.

7.2. Applicant Response

- It is noted that a similar application was previously granted in 2012 (it is stated that this was not built due to a boundary dispute with a neighbour).
- It is noted that the proposed development is to improve the quality of classrooms. It is stated that while the classrooms will be larger there will be no increase in pupils or staff numbers.
- It is argued that the major planning issues were addressed in detail during the pre-planning and further information process.
- It is argued that the appellants property 'The Chestnuts' is located across the road (Church Hill) and does not immediately adjoin the school (photos and plans attached indicating the relationship between the properties). The overlooking is of only the front of this property. It is noted that the front of the appellants property is visible from the public road.
- It is argued, with regard to the planning history of the school and the zoning designation, in addition to overall policy objectives in the Development Plan (Section 2.1 and Section 8.3-8.3.1, 8.4.10 and objectives ED2 and ED4 and ED6 referenced) that the proposed works are in accord with the policy objectives of the Council.
- It is noted that the buildings on site are not protected structures, it is argued that the new structure will have no impact on nearby protected structures, most notably the church opposite.
- The traffic congestion issues are acknowledged, but it is submitted that there would be no additional traffic generated by the proposed development. It is submitted that the alterations to staff parking next to the site will improve matters.
- It is argued that no Traffic Impact Study is necessary as there is no proposal to increase staff or student numbers.
- It is noted that the Municipal Engineer had no objections.
- It is submitted that the school is not responsible for illegal parking in the area.

- It is submitted that a Construction Management Plan will address any potential amenity or traffic impacts from that element of the proposed development.
- It is submitted that the argument that the proposed development will reduce the value of the appellants property is not based on any recognised methodology – it is argued that the proposed development would have no impact.
- It is argued that the errors in the submission documents were ‘*de minimus*’ and are not relevant to the appeal.

7.3. Planning Authority Response

The planning authority did not respond to the grounds of appeal.

7.4. Further Responses

- The appellants submit that it is ‘misinformation’ by the applicants to state that they removed hedges and other screening from the front of their property – it is argued that this was part of a planning application.
- It is submitted that the points made regarding the Auctioneers report are inappropriate – the report was based on Mr. Dooleys personal experience of the area. Additional information is submitted with regard to local valuations.
- It is argued in some detail that the applicant’s response does not adequately address their key concerns about overlooking and amenity and the overall visual impact.
- With regard to the claim that there will be no increase in pupils, it is submitted that the development plan is projecting a significant increase in the number of primary aged pupils. It is stated that there is no capacity for expanding the school.
- With regard to illegal parking, it is argued that it is within the remit of the school to inform the parents of the issue.

8.0 Assessment

Having inspected the site and reviewed the file documents, I consider that the proposed development can be addressed under the following general headings:

- Nature of the proposed development.
- Principle of development
- Amenity issues/property values.
- Historic environment
- Traffic
- Construction impacts
- Flooding
- EIAR
- Appropriate Assessment
- Other issues

8.1. Nature of the proposed development

The appellants have raised a number of issues with regard to the scale of the proposed development and errors in the application documents. With regard to the latter, I would consider these errors to be minor and not relevant with regard to assessing the planning issues raised.

The appellant has argued that the replacement classrooms will facilitate an increase in the number of pupils and staff, with consequent impacts on amenity and traffic. I would note from comments on the file and within the Development Plan that the Council considers the local road to be too narrow to take any significant intensification of the school or other uses in the vicinity. It is quite clear that the immediate area around Church Hill is served by very narrow streets, so it is reasonable to assume it is quite chaotic during the key school hours.

Notwithstanding this, the school is long established on the site - although the existing buildings appear to be mid-20th Century, a school on the site is indicated on the 1837 OS map.

I would have concerns if the proposed development would substantially increase the scale and use of the school. However, I am satisfied from the information submitted by the applicant and the information elsewhere on file that while the overall floorspace will increase, there will be no significant increase in scale in the use of the school, beyond normal fluctuations due to demographic changes in the area. I do not consider that it will result in greater staff numbers, or a significant increase in pupil numbers.

8.2. Principle of development

As I have noted above, the school is very long established on the site. The land is zoned for Community/Institutional/Educational (CE) use in the current Development Plan. There is a previous planning permission (now out of time) for a similar scaled development. I consider it reasonable for such a school to seek to upgrade existing buildings over time, as some of the structures (not least the two pre-fabs) are obviously substandard. I therefore conclude that the proposed development is consistent with the zoning designation and relevant policy guidance and objectives.

The main policy constraint on any development on the site is its location within a zone of archaeological potential and its proximity to a number of recorded ancient monuments and a protected structure (the church and churchyard). I will address these issues further below.

8.3. Amenity issues/property values.

The proposed development replaces two separate single storey pre-fabs with a 2 storey structure on the north-east corner of the site – currently occupied by one of the pre-fabs. This is the highest part of the site and closest to the church. The proposed structure is just over 10 metres from the small terrace east of the site and just over 23 metres from the nearest dwelling – the appellants home – across the road. The latter house is at a somewhat higher elevation than the footprint of the proposed development. There is a substantial wall between the building footprint and the dwellings to the east.

The classrooms would primarily face north and south – there is minor glazing on the upper floor of the block facing east, but due to the orientation and design I do not consider that this would impact on the privacy of the terrace on this side. Due to the

overall orientation and the scale I do not consider that there would be overshadowing or loss of light to those properties or others to the east.

The appellant's dwelling faces the site, with two front windows between 23 and 28 metres from the proposed opposing windows. I would note that a separation distance of 22 metres between first floor bedrooms is normally considered appropriate to preserve privacy within residential urban developments. The road separates the two properties. I note of course that in the normal course of events a school would not be occupied in the evenings or overnight. Even prior to the establishment of a landscape barrier, there is no basis for considering that such a layout would have a significant impact on privacy or other amenities within such a long established urban area. Although the proposed development is due south of the property, its lower level will ensure that there is no significant shadow cast to the front garden or rooms of the appellants property above and beyond what would be normal within an urban context.

Due to its relatively low height and distance, I do not consider that there are any other residential properties that would be subject to amenity impacts by way of overlooking or overshadowing.

The appellant submitted information arguing that the proposed development would reduce property values for adjoining properties. While I would not question the validity of the Auctioneers judgement, there is no recognised methodology for such a calculation and I would consider that the removal of a prefab with its replacement with a higher quality building would, if anything, possibly increase overall values in the area. I would therefore not consider this to be grounds for refusal.

8.4. Historic environment

The nearby church and churchyard appear to have medieval roots, although the building appears to be 18th Century. It is a protected structure and recorded ancient monument. As the hill is prominent next to the town and harbour it is reasonable to consider that this is an historically important part of Wicklow Town and possibly the site of a medieval settlement. In general, the general area has developed reasonably sympathetically and matured well and has an attractive ambience.

The school use is very long established, although none of the existing structures are distinguished and add nothing to the overall context. The prefabs are certainly inappropriate so close to the church. The proposed new classrooms are relatively

low key. The submitted plans indicate that the elevations are to be a mix of painted cement render to the ground floor, rainscreen cladding (no colour selected) for the upper floor, with powder coated aluminium roof. It does not represent a design or finish of the highest quality, but I would consider that (subject to the selection of appropriate finishes) that it would not be out of character with the protected structure and other remains and is certainly superior to the existing structures.

The site has been covered with asphalt and may well have been disturbed in the past, but given its close proximity to the church and the nearby castle, it is possible there could be archaeological remains. I would recommend that the Board attach a similar archaeological monitoring condition to that set by the planning authority and recommended by the Department of Culture, Heritage and the Gaeltacht in their submission to the planning authority.

8.5. Traffic

The proposed development involves a number of relatively minor alterations to the parking layout to the front and internally to the site. I am satisfied from the submitted information that the application will not result in an overall increase in traffic. I note the complaints from the appellant, but I would consider that, on balance, the proposed alterations would not have a significant impact on the existing situation – if anything, it might slightly improve matters by creating a marginally improved circulation system.

The management of parking and the seemingly inevitable problems caused by the morning and afternoon school run is a matter for the school and local authority and I do not consider it appropriate to attach conditions on this matter having regard to the modest scale of the proposed development.

8.6. Construction impacts

Access to the site is quite limited due to the narrow nearby road. Notwithstanding this, heavy vehicles can access the area and the overall works are relatively minor in nature. I would consider that a standard condition relating to the management of construction activities is appropriate to ensure it is controlled in a reasonable manner.

8.7. **Flooding**

There are no indications on file that the site was historically subject to flooding, and as the lands are already paved over the proposed works would not significantly impact run-off.

8.8. **EIAR**

Having regard to nature of the development comprising a relatively minor replacement of structures, and the urban location of the site there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.9. **Appropriate Assessment**

The proposed development does not involve any physical alterations that could lead to pollution or other direct or indirect impacts on nearby watercourses or ecological features or site. The planning authority concluded there would not be a significant effect on the nearest European Site, of which there are two, the Murrough SPA site code 004127, which includes the estuary area several hundred metres to the to the east and the Murrough Wetlands SAC (002249), which is several hundred metres to the north. I would concur with the planning authority's conclusion that the nature of the proposed development would not result in any off-site impacts and there are no identifiable pathways for pollution.

I therefore consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 0040127, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.10. **Other issues**

The planning authority did not consider that the proposed development is subject to a development contribution under the adopted Scheme. I do not consider that there are other planning issues raised in this appeal.

9.0 Recommendation

I recommend that the proposed development be granted planning permission for the reasons and considerations set out in the schedule below, subject to the conditions set out further below.

10.0 Reasons and Considerations

The appeal site is within an area zoned 'CE' for community and educational uses. Having regard to the long standing establishment of a school on the site, the recent planning history of the site, the location close to the main amenities of Wicklow Town Centre, and the design and layout of the proposed development, it is considered that the proposed development, which is considered not to represent an intensification of use of the site, would be in accordance with the zoning objectives for the area and would otherwise not seriously injure local amenities or result in a traffic hazard. The proposed development would, therefore, be in accordance with the planning and sustainable development of the area.

11.0 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 3rd 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 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. Details of the materials, colours and textures of all the external finishes to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
 - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
 - (ii) the impact of the proposed development on such archaeological material.
- A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

4. 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.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

6. Before the new entrance is brought into use, the existing entrance shall be permanently close off by the erection of a boundary matching the existing boundary in height, design, construction and finish.

Reason: In the interest of visual amenity and safety.

Philip Davis
Planning Inspector

16th November 2018