



An
Bord
Pleanála

Inspector's Report ABP-304013-19

Development

Change of use for a temporary period of 5 years of an existing two-storey office building to a primary school and minor revisions to rear and side of building to include the erection of 2m high welded mesh fencing and required access gates.

Location

Forge House, Forge Hill, Ballycurreen, Co. Cork.

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

18/7397

Applicant(s)

Minister for Education and Skills

Type of Application

Permission

Planning Authority Decision

Refusal

Type of Appeal

First Party -v- Decision

Appellant(s)

Minister for Education and Skills

Observer(s)

None

Date of Site Inspection

30th May 2019

Inspector

Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located 0.9 km to the west of Junction 6 of the N40 between the South Ring Road and the Kinsale Road (N27). This site lies on the north eastern side of Forge Hill (L2458), a local road which links the slip road from the aforementioned Junction via Pouladuff Road to the north west with the Kinsale Road to the south east. It is accessed from this local road at a point to the south of a bridge over a former railway line.
- 1.2. The site forms part of an area of retail, e.g. car sales, commercial, and industrial uses. To the north between the South Ring Road and the aforementioned former railway line is Togher Industrial Estate and at some remove to the west is a new housing area at Manor Farm.
- 1.3. The site itself is roughly square in shape and it extends over an area of c. 750 sqm. This site presently accommodates a vacant two-storey office building (c. 416.8 sqm), which is sited over its western half. The eastern half is laid out to provide car parking spaces and it also has a storage container sited within it. The northern, eastern, and southern boundaries abut, variously, a builder's yard and the City Link (Business) Park and they are denoted by fencing and vegetation.
- 1.4. The site is continuous with lands to the west, which lie between it and Forge Hill. These lands accommodate a two-storey building and a single storey prefabricated building, both of which are sited across its northern half and both of which are in use as a Down Syndrome Childcare Facility. A car park and accompanying site entrance are laid out across the southern half.

2.0 Proposed Development

- 2.1. The proposal would entail the following items:
 - The change of use of the existing two-storey building for a temporary period of 5 years from offices to a primary school. This school is due to open in September 2019 and this start-up accommodation is required to enable it to commence operation. Internal alterations would be made to facilitate this use, along with the closure of one first floor external door in the northern elevation

and one ground floor external door in the eastern elevation and the reconfiguration of the top half of the opening as a window.

- The storage container would be removed from its site to the rear of the building and a 2m high welded mesh fence would be erected around the northern, eastern, and southern site boundaries, along with gates to the external passageway beside the southern elevation of the building.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reasons:

- 1. Having regard to the location of the site in an area characterised by commercial and industrial development and which is isolated from existing residential areas, and due to the poor connectivity with the existing urban area and lack of adequate pedestrian, cycle and public transport linkages to same, it is considered that the proposed development would be inaccessible, would be out of character with the immediate area, would be heavily car/vehicle dependant and would represent a highly unsustainable form of development. The proposed development would be contrary to policy objective TM 3-3 which seeks to support sustainable modes/practices of transport, would be contrary to policy objective SC 4-2 which seeks to provide new educational facilities in accordance with the guidance set out in Guidelines on Sustainable Residential Development in Urban Areas, and would therefore be contrary to the proper planning and sustainable development of the area.*
- 2. The proposed development would endanger public safety by reason of traffic hazard because the site is located adjoining a heavily trafficked road where the cross-traffic movements likely to be generated by the proposed development would interfere with the safety and free flow of traffic on the road and because the on road parking and traffic movements likely to be generated by the proposed development would interfere with the free flow of traffic and obstruct road users. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*
- 3. Having regard to the inadequate off road set down facilities to serve the development, the lack of footpaths and public lighting and cycle paths to facilitate*

the pedestrian and cycling traffic which the proposed development would generate, and because the proposed development has not demonstrated that adequate parking, set down or a safe entrance/exit can be provided on site, it is considered that the proposed development would endanger public safety by reason of a serious traffic hazard and would therefore be contrary to the proper planning and sustainable development of the area.

4. The proposed development would endanger public safety by reason of traffic hazard because of the serious pedestrian and vehicular conflict which it would generate on the adjoining road. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

See decision.

3.2.2. Other Technical Reports

- Irish Water: No objection, standard observations made.
- Area Engineer: Objects on the following grounds:
 - The lack of safe sustainable transport options,
 - The poor alignment and condition of the public road,
 - The large quantity of HGVs on the road,
 - The existing large queues on the road,
 - The lack of a drop-off space on site, and
 - The hazard caused by increased traffic manoeuvres.

4.0 Planning History

The site

- 77/1808: Offices and a workshop (c. 445 sqm): Permitted.

These offices are presently vacant.

The site and the adjoining site

- 97/0346: Renovations and extension to offices: Permitted. Nineteen car parking spaces were permitted for the overall site, although 31 have been laid out “on the ground”.

The current use of these offices as a Down Syndrome Centre would appear to be unauthorised.

5.0 Policy and Context

5.1. Development Plan

Under the Ballincollig Carrigaline Municipal District Local Area Plan 2017 (LAP), the site is shown as lying within an existing built up area. Objective ZU 3-1 of the Cork County Development Plan 2014 – 2020 (CDP) relates to this designation. It states the following:

Normally encourage through the Local Area Plan’s development that supports in general the primary land use in the surrounding existing built up area. Development that does not support, or threatens the vitality or integrity of, the primary use of these existing built up areas will be resisted.

At some remove to the north there is a walkway objective for the route of a former railway line.

5.2. Natural Heritage Designations

- Cork Harbour SPA (site code 004030)
- Douglas River Estuary pNHA (site code 001046)

5.3. EIA Screening

The proposal is essentially for a change of use of an existing building, which for the purposes of EIA would not constitute a project and so the question of either a mandatory or sub-threshold EIA for this proposal does not arise.

6.0 The Appeal

6.1. Grounds of Appeal

- By way of response to the first reason for refusal, attention is drawn to the fact that the school would cater for the first three primary school years, i.e. junior infants, senior infants, and first class. Children in these years would, typically, be driven to and from school, regardless of its location. The submitted traffic report takes full account of this and it demonstrates that the impact of additional traffic generated by the school would be negligible on flows along Forge Hill and the capacity of this public road.
- By way of response to the second reason for refusal, the submitted traffic report shows that traffic generated by the school would be c. 5% of flows on the public road and, as this road is operating well below capacity, the additional flows would not be significant.
- By way of response to the third reason for refusal, the proposal would comply with the CDP's car and cycle parking standards and so the critique of provision in these respects is mis-placed. The adjoining site, which affords access to the subject site from the public road, would be available for setting down and picking up passengers.
- By way of response to the fourth reason for refusal, given the low incidence of traffic flows resulting from the proposal, conflict with existing road users would be highly unlikely.

The applicant's above cited grounds are accompanied by the said traffic report and documents prepared by the applicant, which demonstrate why the proposed school is needed in the locality. In this respect the development of Manor Farm to the west of the site for housing is identified as a major driver.

6.2. Planning Authority Response

None

6.3. Observations

None

6.4. Further Responses

None

7.0 Assessment

7.1. I have reviewed the proposal in the light of the CDP, the LAP, relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use and transportation,
- (ii) Traffic, access, and parking,
- (iii) Water, and
- (iv) AA.

(i) Land use and transportation

7.2. The applicant has indicated that the impetus for the proposal arises from the need to provide schooling for children residing in new housing at Manor Farm to the west of the site. This proposal is for a 5-year period, during which it is envisaged that schooling would be provided for children during the first three of their school-going years, i.e. junior infants, senior infants, and first class.

7.3. At the appeal stage, the applicant has submitted an information note, within which it sets out that in the Glasheen_Cork City School Planning Area, a total of 15 additional classrooms would be required, i.e. 5 classrooms by 2019 with a reduction to 3 by 2021 to provide for demographic changes in the resident population and 10 classrooms to provide for new residential development at Carrigrohane Road and Victoria Cross Road (255 residential units – 3 classrooms) and Manor Farm (537 residential units – 7 classrooms). As 5 classrooms could be provided within an existing new school, an 8-classroom school is needed for the Pouladuff/Wilton area. Presumably, the current proposal is an interim measure until this permanent school can be provided.

- 7.4. The site is continuous with lands upon which there is a functioning Down Syndrome Childcare Facility. The site itself accommodates a vacant two-storey office building and it is envisaged that the proposed school would share the existing site entrance and car park with the said Childcare Facility. The Planning Authority has not confirmed that the Childcare Facility is authorised for planning purposes and so I am not, therefore, in a position to regard it as a precedent for childcare/school uses on the subject site.
- 7.5. Under the LAP, the site is shown as lying within an existing built up area. Under Objective ZU 3-1 of the CDP, development on this site should generally support the primary land use in the surrounding area. Where such support would be absent or where development would threaten the vitality or integrity of the primary land use, it should be resisted. The site and the adjoining lands were variously last used or authorised for use as offices, a commercial use that is compatible with the mixture of industrial, commercial, and retail uses that predominate in the surrounding area.
- 7.6. During my site visit, I observed that the surrounding business uses generate traffic, which comprises the full range of vehicle types and sizes, including an appreciable incidence of HGVs. Such traffic will be discussed more fully under the second heading of my assessment. Suffice to say here that its environmental impact, along with that of the adjoining builder's yard to the north, has a bearing on the amenity that the subject site affords. Conversely, the introduction of a school to this site and the traffic that it would generate would have a bearing on the safety and efficiency of Forge Hill for road users, including those going and coming to neighbouring businesses.
- 7.7. Prospective staff and parents/guardians of the proposed school would be limited to effectively private vehicles for transportation to and from the subject site. The applicant has not referred to any plans for a school bus service. Bus Eireann operates two services along Kinsale Road, which use bus stops adjacent to this Road's junction with Forge Hill. As these services operate on a north south axis between Kent station and Cork Airport/Kinsale, they would not connect Manor Farm to the west with the subject site to the east.
- 7.8. Walking and cycling options between Manor Farm and the subject site are at present unrealistic, as the greater portion of Forge Hill is not served by public footpaths and

the carriageway is narrow in places and subject to adverse horizontal and vertical alignments, critically to the north of the site. Routes between Manor Farm would entail use of Pouladuff Road and Forge Road from its northern end southwards to the site and so the opportunity to avoid the particularly hazardous portion of Forge Road associated with the bridge over the former railway line would not arise. This portion is the subject of hazard warning signage on approach to it from the south.

- 7.9. The LAP identifies the route of a former railway line to the north of the site as a future walkway. If this walkway were to be provided, then it would make a contribution towards facilitating walking and possibly cycling between Manor Farm and the site. However, in the absence of proper pedestrian and cycling provision on Forge Hill between this former railway line and the site, such contribution would fall short of being of any utility and, insofar as on its own it would encourage pedestrians and possibly cyclists on to the most hazardous portion of Forge Hill, its presence could add to the hazard attendant upon accessing/egressing the proposed school.
- 7.10. The applicant accepts that, in the circumstances outlined above, parents/guardians of pupils would use private vehicles for school runs. It draws attention to the young age of the pupils and the likelihood that they would be so transported even if walking and cycling options were realistic. The possibility that such transport may not be available to some pupils is not addressed.
- 7.11. National and local planning policies and objectives seek to promote sustainable development, integral to which is sustainable modes of transportation, such as walking and cycling. Likewise, wider national and local policies and objectives seek to promote lifestyles that reduce the risk of childhood obesity. In the specific circumstances of the current application and the need to provide schooling for a new residential area, the applicant is effectively asking that the urgency of such provision should overrule these normal considerations for any new school.
- 7.12. I conclude that the proposal would not be supportive of the primary business uses in the surrounding area and that conversely such uses would limit the amenity that the subject site can afford. I also conclude that the proposal on this site would not be capable of being accessed by sustainable modes of transportation with attendant implications for the environment and public health.

(ii) Traffic, access, and parking

- 7.13. If the two-storey building on the subject site were to be reused as offices, then such usage would generate traffic movements to and from the site and turning movements within this site. Likewise, under the current proposal for its reuse as a school such movements would be generated.
- 7.14. The pattern of traffic movements between office and school uses would be similar insofar as both would occur during the morning peak and they would be dissimilar insofar as the former use would coincide with the evening peak and the latter use would coincide with the afternoon peak.
- 7.15. The applicant has prepared a Traffic and Mobility Report for the proposal. This Report assesses the capacity of Forge Hill to accommodate traffic that would be generated by the school and it concludes that such traffic could be accommodated as its impact would in absolute and relative terms be very low.
- 7.16. The applicant's assessment is based on the categorisation of Forge Hill as a "good-standard single-carriageway road with frontage access and more than two side roads per km" and on the categorisation of the proposed school as one in a suburban setting. Both these categorisations are open to question insofar as Forge Hill is the subject of adverse horizontal and vertical alignments, particularly to the north of the entrance to the subject site, and the school would not be a typical suburban one, insofar as walking, cycling and public transport options would be unrealistic, thus necessitating a dependence upon private vehicular transportation.
- 7.17. In the light of the aforementioned questions, the capacity of Forge Hill is not as great as the applicant's assessment would suggest and the traffic generated by this particular school would be greater than the suburban norm. Consequently, the applicant has not demonstrated that there would be no capacity issues, particularly at the site entrance during the morning peak. In this respect, I note that the character of traffic movements would differ between office and school uses, insofar as the typical office generated traffic movement during the morning peak would be inbound only while the typical school generated traffic movement would be inbound and outbound as pupils are dropped off, thus increasing the likelihood of conflict between vehicles seeking to enter and exit at the same time.

- 7.18. The proposal would entail the use of the existing site entrance. The accompanying south easterly sightline would, subject to the trimming of overgrown vegetation, would be good. The accompanying north westerly sightline is restricted by an embankment beside the roadway, which the applicant undertakes to lower to improve visibility for exiting drivers. The site entrance is situated at the top of an appreciable gradient to Forge Hill, which rises from the bridge over the former railway line to the north. Forward visibility for driver's entering the site is thus reasonable.
- 7.19. The applicant refers to the opportunity for pupils to be dropped off along Forge Hill. On the submitted road context plan (drawing no. C1010) an existing gravel kerb in an offset position on the opposite side of Forge Hill from the site is shown. During my site visit, I observed that this space was being used for the display of cars for sale. I also observed that a similar space continues further to the south east, but again on the opposite side of Forge Hill from the site and further away from the same. Thus, there is no convenient pull-in space for the site and, given the narrowness of the carriageway, on-street parking would cause obstruction and congestion.
- 7.20. In the light of the foregoing paragraph, I anticipate that the dropping off and collection of pupils would tend to occur within the forecourt to the subject and adjacent buildings. This forecourt is not encompassed within the formal application site, although it is under the same ownership as this site. It is laid out to provide car parking spaces at present.
- 7.21. The applicant has not addressed how the forecourt would be shared with the existing childcare facility that occupies the adjacent building to the subject building. During my site visit, I observed that the existing car parking spaces in the forecourt were subject to some use, i.e. 9 no. of the 19 no. spaces were in use. I also observed that the site is not laid out to facilitate dropping off and collecting of pupils and critically no formal turning area features. It is unclear how the dual use of the forecourt would work, especially during the morning peak when traffic generated by both users may coincide.
- 7.22. The applicant has shown the provision of 5 no. car parking spaces and 9 no. cycle stands in the rear yard to the subject building. While this level of provision would accord with relevant CDP standards, it would also encroach upon the one outdoor

area on the site that could be used as a playground. Thus, while the subject building would be capable of being satisfactorily converted to provide a three-classroom school, the utility of the playground would be limited by parked cars and bicycles.

7.23. I conclude that the applicant has not demonstrated that the site entrance from Forge Hill would be able to accommodate satisfactorily traffic movements generated by the existing childcare facility and the proposed school during the morning peak. I conclude, too, that, in the absence of convenient and safe pull-in spaces on Forge Hill, the applicant has failed to demonstrate that the forecourt to the existing childcare facility and the proposed school would be capable of being laid out to facilitate the dropping off and collection of children and pupils satisfactorily.

(iii) Water

7.24. The proposal is essentially for a change of use of an existing building, which is connected to the public water mains and the public foul water sewerage system. Under this proposal, these connections would continue to be used. The applicant has demonstrated that the existing foul water connection would be capable of handling projected flows. Irish Water has raised no objection. Likewise, existing on-site surface water drainage arrangements would continue to be used.

7.25. The applicant has addressed the possible issue of flood risk. By way of reference to the OPW's flood information maps, it has established that the site is not the subject of any known flood risk.

7.26. I conclude that the proposal raises no issues pertaining to water.

(iv) AA

7.27. The site is a serviced urban one, which is physically removed and separate from any Natura 2000 sites, e.g. the nearest is Cork Harbour SPA, which lies 3.42 km to the east. The proposal is essentially for a change of use of an existing building. While a possible attendant intensification of use may arise, this would not have any adverse implications for existing servicing arrangements.

7.28. Having regard to the nature and scale of the proposal and the nature of the receiving environment, no Appropriate Assessment issues arise, and it is not considered that the proposal 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. That permission be refused.

9.0 Reasons and Considerations

1. Having regard to the location of the site, which is shown in the Ballingcollig Carrigaline Municipal District Local Area Plan 2017 as being within an existing built up area, and having regard to Objective ZU 3-1 of the Cork County Development Plan 2014 – 2020 with respect to such areas, the proposed change of use of an office building to a school within an area of primarily industrial, commercial, and retail uses would fail to support these uses insofar as it would introduce new and different patterns of traffic movements that would have an adverse impact upon the operating efficiency and safety of Forge Hill, the public road which serves this area, particularly during the morning peak. The proposal would thus contravene Objective ZU 3-1 of the Development Plan and so it would be contrary to the proper planning and sustainable development of the area.
2. The proposed school would not be capable of being accessed safely from its intended catchment area either by means of walking or cycling. Likewise, no convenient bus service would be available. Consequently, the proposal would be reliant upon private vehicular transportation rather than sustainable modes of transportation, with adverse implications for the environment and public health. The proposal would thus be contrary to the proper planning and sustainable development of the area.
3. Having regard to the horizontal and vertical alignment of Forge Hill, the proposal's dependency upon private vehicular transportation, the absence of off-site pull-in spaces that are convenient and safe, and the dual use of the forecourt by the existing childcare facility and the proposed school, the applicant has failed to demonstrate that the existing site entrance from Forge Hill would be capable of operating satisfactorily, especially during the morning peak, and it has failed to demonstrate that the said forecourt could be laid out satisfactorily to accommodate the dropping off and collection of children and pupils, again, especially during the morning peak. To accede to the proposal

would thus be premature and it would risk obstruction and congestion on Forge Hill and on the forecourt and the resultant conflict between road users and its attendant risk to public safety. The proposal would thus be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

13th June 2019