



An
Bord
Pleanála

Inspector's Report ABP 304333-19

Development	Car park, new vehicular entrance and associated site works.
Location	Cloyne National School, Spital, Townparks, Cloyne, Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	18/6217
Applicant	The Chairperson of the Board of Management of Cloyne
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellants	1. Pat Doherty 2. Colette Ring
Observer	Hazel Long
Date of Site Inspection	25/06/19
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

The site, which has a stated area of 0.6568 hectares, is within the village of Cloyne and is accessed via the Meadow Farm housing estate off the R631. The estate road terminates at the entrance to the Cloyne waste water treatment plant located immediately to the north.

The site is irregular in shape and relatively level. It is bounded by dormer dwellings in the south-western corner with their rear boundaries onto the site delineated by a block wall. Two single storey dwellings (Spittal Cottages) back onto the site to the south. The sites are shallow in depth. The rear wall of No. 4 Spittal Cottages, which has a window serving a habitable room, is built right up to the boundary. No.3 has also been extended to the rear with its rear site boundary delineated by a stone wall c. 0.75 metres in height. Cloyne national school grounds bounds the site to the east/north east with a palisade fence backed with planting along the shared boundary. There is a palisade fence along the northern boundary to the waste water treatment plant which is backed by trees.

2.0 Proposed Development

The application was lodged with the planning authority on the 22/08/18 with further plans and details received 14/03/19 following a request for further information dated 12/10/18.

The proposal entails the development of a car park providing for 27 no. spaces and bus set down area with a controlled vehicular access from the Meadow Farm estate road.

The car park is intended for staff use during school hours. The bus set down area is solely for school trips etc. and will be used infrequently.

A palisade fence is to be erected along the western boundary. The existing fence to the school grounds is to be removed, in part, to facilitate access between the sites.

A 1.8 metre high palisade fence backed with a semi-mature hedge 1.4 metres in height is proposed to the boundary with the dwellings to the south.

Lighting is also proposed to the car park with a light impact assessment submitted.

3.0 Planning Authority Decision

3.1. Decision

Grant permission for the above described development subject to 13 conditions including:

Condition 2: Car parking to be used for staff car parking and associated demands.

Condition 4: 50 metre sight distance to be provided at site entrance.

Condition 13: Special contribution of €12,000 towards provision of entry treatment to Meadow Farm Estate at its junction with the R631.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The 1st Assistant Planner's report dated 12/10/18 notes that the proposed boundary wall would block the window in the rear of No.4 Spittal Cottages which is on the boundary. The applicant needs to address this wall. The boundary wall would be approx. 5 metres from the rear wall and windows of No.3. This separation is considered acceptable. No impact assessment of the proposed site lighting has been undertaken. Details as to the operation and management of the car park are required. Area Engineer comments (summarised below) reiterated. The Council's ecologist is satisfied that there are sufficient similar habitats in the immediate area to ensure that there will not be a detrimental impact on wildlife in the area. A request for further information recommended. The Senior Executive Planner endorses the recommendation.

The 2nd Planner's report notes the further information response. Ultimately there is a severe traffic/parking problem currently impacting on the school limiting its potential to expand. The proposal will assist in alleviating part of this problem. There is a wider imperative to improve modal shift and create more accessible cycling/pedestrian connections to this school however this is something that would need to be carried out in tandem with the County Council. In the interim the

additional parking is welcomed. The potential for impact on the residents of the neighbouring estate is noted and appreciated. The car park is to be used by staff only. It is incumbent on the school to manage the operation of the car park in the manner set out in the further information response. The impact on neighbouring residents can be appropriately mitigated. A grant of permission subject to conditions recommended. The recommendation is endorsed by the Senior Executive Planner.

3.2.2. Other Technical Reports

Area Engineer in a report dated 09/10/18 welcomes the proposal as the national school has no off street car parking for staff. Currently parking is causing serious road safety concerns as cars are parking up on the footpaths in the village for a long distance from the school throughout the working day. The national school has a concurrent planning application for an extension. The said application is deferred until the provision of car parking is addressed. As the car parking is proposed to be for staff only a max. of 54 movements is envisaged which is acceptable via Meadow Farm. The junction of Meadow Farm estate and the regional road would require improvements to cater for the increase in traffic movements exiting. This could be done by installing an entry treatment to include build outs and an improvement to sight distance. These measures shall ensure reduced speeds and discourage parking or unnecessary use of the Meadow Farm access road. A special contribution should be levied towards same. There is currently no daily bus serving the school. It is assumed that the applicant referenced a coach space in regard to school trips etc. These movements would be infrequent and would not lead to any significant increase in traffic movements. A school warden has been approved. It is proposed to provide a crossing point on the R631 where the school warden will be stationed. This, with the removal of staff parking on the road, will greatly improve conditions and allow much more parking near the school for parents at drop off and pick up times. No objection to the proposal subject to conditions.

Engineer's Report dated 20/09/18 has no objection subject to conditions

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

Objections to the proposal received by the planning authority are on file for the Board's information. The issues raised are comparable to those set out in the 3rd party appeals and observations summarised in section 6 below.

4.0 Planning History

Reference is made in the Planner's report to permission being sought for an extension to the school under ref. 18/05812. The application was deferred seeking information on car parking provision, a mobility management plan and landscaping.

5.0 Policy Context

5.1. Development Plan

East Cork Municipal District Local Area Plan refers.

Cloyne is identified as a key village. The site is within the development boundary of the settlement.

The site is not within area identified as being at risk of flooding.

5.2. Natural Heritage Designations

The nearest designated site is Cork Harbour SPA c. 2.5 km to the east of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Pat Doherty

The submission by Harrington O'Flynn Consulting Engineers on his behalf can be summarised as follows:

- The site layout does not accurately reflect Mr. Doherty's dwelling which has an extension to the rear.

- The replacement of his 0.75 metre stone wall with the 1.8 metre high palisade fence and 1.4 metre high hedgerow will be in close proximity to windows serving habitable rooms which would have a negative impact on his residential amenities. It will reduce levels of natural light and give rise to loss of privacy as persons using the car park will be able to look directly into his property.
- A 1.8 metre block wall stone, faced on the appellant's side and set back a further 2 metres from the existing stone faced ditch, is requested. Consideration should also be given to strategically placing gaps at the base of the wall to facilitate natural fauna. The car park most likely will affect the existing faunas' habitat.
- The proposed lighting arrangements would give rise to unwanted spill into his property.
- An alternative car parking arrangement should be designed.
- The provision of security cameras would, to some extent, act as a deterrent to anti-social behaviour.
- There are concerns regarding flooding. The existing field somewhat serves as a natural stormwater attenuation system. The extent of the proposed hard/impermeable surface could lead to the flooding of his property.

6.1.2. Colette Ring

The submission by Harrington O'Flynn Consulting Engineers on her behalf can be summarised as follows:

- The erection of the fence and hedge will block light to habitable rooms and prohibit maintenance of her exterior wall.
- It is requested that the south-east boundary block wall be set back 2 metres from its proposed location. This would provide sufficient space for her to maintain her rear extension.
- It is recommended that a 2 metre high capped concrete wall be constructed along the full length of the southeast boundary. This would provide for greater security and would be more acceptable in appearance.

- A 4 metre right of way should be provided so that the heating oil delivery truck and other general maintenance vehicles can still access the rear of her property. In conjunction with this right of way a 2 metre high gate should be erected on the north-west corner of her property. She was advised that no problem was envisaged as to the provision of the right of way.
- The site has flooded in periods of heavy rain. Provision should be made for adequate drainage along the concrete block wall. There are soakaways located on the site that cater for rainfall. The removal of such soakaways will necessitate an alternative, suitably designed stormwater sewer system.
- During construction no spoil/tip mounds should be located near her boundary.
- CCTV security cameras should be installed.
- No lighting spill should arise.

6.2. Applicant Response

The submission by Mulcahy Ralphs Architects on behalf of the applicant can be summarised as follows:

- The proposed ceding of a significant portion of land to a 3rd party is not acceptable and would set an undesirable precedent.
- Ms. Ring installed a window in very close proximity to the boundary with the school site. The proposed boundary treatment of railing and hedge is not considered to impact significantly on the existing residential amenity.
- The request for a 2 metre high boundary wall would appear to be predicated on the relocation of the boundary which is unacceptable. The applicant has no objection to constructing a block wall in lieu of the palisade fence and hedge.
- The claim to a right of way is unsubstantiated. It is not considered reasonable that the applicant should provide for deliveries to a 3rd party via their site. Given the use of the site this would also have potential for child safety.
- There is no history of flooding on the site.
- There is no objection to any requirements during the construction phase.

- There is no objection should the Board direct the installation of CCTV. As the site will be secured outside of operating hours the occurrence of anti-social behaviour is considered unlikely.
- Light spillage will not be an issue. A light study was submitted by way of further information.

6.3. Planning Authority Response

None received.

6.4. Further Responses

The 1st Party response to the grounds of appeal was circulated for comment.

Submissions were received from each appellant (via Harrington O'Flynn Consulting Engineers). In addition to reiterating a number of points made in the original appeal submissions the following are noted:

Ms. Colette Ring

- She is not requesting that a 2 metre strip of land be ceded but that sufficient space be afforded to her so that she can maintain her rear extension and that natural light can still enter her living room.
- The right of way would only be used about 4 times a year. As this is a staff only car park the reference made to child safety is queried.
- A right of way may provide an appropriate means to allow her maintain both her extension and level of natural light.
- Photograph attached showing flooding on the site.

Mr. Pat Doherty

- He is not requesting that a 2 metre strip of land be ceded but that sufficient space be afforded to him so that natural light can still enter his rear extension.
- The school has not provided any correspondence/assurances as to how his existing stone faced ditch boundary will be dealt with in conjunction with the proposed car park works.

- The existing wall along Mr. Doherty's northeast boundary with the school should also be extended to the rear of his boundary to ensure mutual privacy.
- Photograph attached showing flooding on the site.

6.5. Observations

6.5.1. The observation received can be summarised as follows:

- The increased traffic at the entrance to and through Meadow Farm will increase the safety risk to children on their way to school.
- Details of measures to mitigate disruption to residents at opening and closing times are not sufficiently addressed.
- Student access via the car park has not been adequately addressed.
- There is no firm detail on a traffic management plan for Meadow Farm.
- There are no details on restricting access from existing school grounds to the car park to reduce the risk of anti-social behaviour.
- As the proposed School Warden will cause some traffic delays coming from the Meadow Farm side of the school this will push parents to drop off and pick up points further from the school. It is inevitable that Meadow Farm will become a drop off/pick up area.
- The height of the entrance gate needs to match the height of the palisade fence.
- An annual licence review should be added by way of condition to the grant of permission.
- There is no forward planning for the development of the school.

6.5.2. Further Responses

The observation was circulated to parties to the appeal for comment. A response from Mulcahy Ralphs Architects on behalf of the applicant can be summarised as follows:

- The junction of the estate and the R361 is outside the control of the applicant.

- A special financial contribution has been attached to the decision which is to be used for entry treatment works at the entrance to the estate from the R631.
- In order to prevent unauthorised access to the car park via the existing school site the applicant has no objection to retaining the section of the existing fence as well as installing a lockable pedestrian gate that will be fitted with access control (drawing attached).
- The entrance gate will be 1.8 metres in height.
- A traffic management plan has not been requested. Given the low volume of traffic associated with the proposal it is not considered necessary.
- An annual licence would be highly unusual and would lead to funding issues for the proposal. Planning enforcement is considered an adequate and appropriate means of ensuring all aspects of the permitted development are adhered to.
- The impact of the provision of a school warden on traffic in areas adjacent to the site is beyond the scope of the application.
- The application for the school extension is dependent on and pending a decision on this application.

Note: This response was further circulated to the parties to the appeal for comment. No responses received.

7.0 **Assessment**

I consider that the issues arising in the case can be assessed under the following headings:

- Principle of Development
- Amenities of Adjoining Property
- Access and Traffic
- Other Issues

7.1. Principle of Development

The existing primary school accessed from the R631 does not have the benefit of car parking and, as evidenced on day of inspection on-street parking was prevalent in the vicinity. The proposal is to provide for a car park to serve the school staff for use during school hours, only, which would result in the removal of this source of on-street parking. As can be extrapolated from the details on file the proposed school expansion is predicated on the provision of off-street parking and that an application for its extension has been deferred until the matter is addressed.

The site is immediately to the north-west of the school site and within the development boundary of the village. As the lands are not subject of any specific zoning provisions it is reasonable to consider that the proposal which, in providing an ancillary facility to serve the school, is acceptable in principle in the context of the overarching LAP objective which seeks to allow such a key village to develop in an orderly manner. However, the acceptability of the development is also predicated on other planning and environmental considerations being met including the protection of the amenities of adjoining property and access and traffic.

7.2. Amenities of Adjoining Property

Of particular concern in this regard is the interface of the proposed development with Nos. 3 and 4 Spittal Cottages which bound the site to the south and which are occupied by the appellants.

As noted by Mr. Doherty, the occupant of No.3, the site layout plan is not accurate in that the rear extension to his property is not delineated. Notwithstanding, I do not consider that this shortcoming would preclude a proper assessment of the proposal. The extension is set back approx. 4-5 metres from a low stone wall which delineates the rear boundary of his site. The extension has windows both in its northern elevation facing onto the site and in its eastern elevation.

No. 4 in which Ms. Ring resides has also been extended with the rear wall of same constructed right up to the shared boundary. There is a window serving a habitable room in the said rear wall. The said space is also served by a window opening in the western elevation. The remainder of the rear boundary is delineated by a hedge.

A palisade fence backed with a semi-mature hedge is proposed along this boundary. The appellants request that the boundary be setback 2 metres to allow for access to

light to the affected windows and, in the case of Ms. Ring, to allow access for maintenance. The applicant is unwilling to consider such a compromise.

Whilst I acknowledge the shallow depth of the appellants' sites I submit that both have effectively availed of and benefitted from the undeveloped nature of the appeal site in the expansion of their properties. This cannot now be used to preclude the appropriate development of the lands which are within the development boundary of the village. It is my opinion that to seek the 2 metre setback as requested would create an undesirable strip of land with no development potential and which would be hard to access by the applicant for maintenance etc. It would, for all intents and purposes, be akin to ceding the land to the appellants. Such a disorderly pattern of development is not considered appropriate. The extensions to both properties have the benefit of windows in other elevations over and above those in their northern elevations facing onto the site. On this basis the impact on light and aspect is considered acceptable. The issue of maintenance is a matter for resolution by the appellants themselves.

I would have no objection to the replacement of the palisade fence backed with planting as proposed with a 1.8 metre high wall to be suitably capped and finished. Such an arrangement would provide for a greater level of privacy for the dwellings. I note the applicant has no objection to such provision. The erection of this wall does not permit the applicant to impact on the low stone wall or hedge to the rear of the properties. In the interests of clarity, the applicant should be advised of Section 34(12) of the Planning and Development Act, 2000, as amended, which states that a person shall not be entitled solely by reason of a permission to carry out any development.

Ms. Ring requests that a gated 4 metre right of way should be provided so that the heating oil delivery truck and other general maintenance vehicles can still access the rear of her property. It would appear that Ms. Ring has historically gained access via the site for such purposes due to the constraints of the existing access to her dwelling from the R631 however no evidence has been provided to support a claim as to a right of way. In my opinion it is not incumbent on the applicant to provide for such a right of way so as to address perceived access shortcomings on 3rd party lands.

A light impact assessment report was submitted by way of further information which demonstrates that light spill would not arise. Taking into consideration the fact that the operating hours of the car park would coincide with school hours only which, in the main, are during daylight hours nuisance arising from such lighting is not considered to be a material concern.

The proposed perimeter treatment of the site preventing access outside operating hours would assist in precluding the potential for anti-social behaviour.

7.3. Access and Traffic

Access to the car park is proposed via an entrance off the Meadow Farm estate road c. 100 metres from its junction with the R631. Concern is expressed that the absence of proper control in terms of use of the car park will generate both greater vehicular and pedestrian movements in terms of pupils and parents accessing the school.

By way of further information, the agent for the applicant set out the proposed management of the car park. A control barrier with restricted access to applicable persons is proposed and, in response to the observation received, the pedestrian access between the car park and the school would also be via a gate fitted with access control. A drawing to this effect was submitted in support. I consider that these measures are acceptable and would limit the use of the car park to those to whom it is proposed to serve, namely staff at the school. It is not anticipated that the bus parking space would be regularly used and is intended for occasions such as school trips etc. In the interests of clarity I recommend that a condition be attached restricting the use of the car park to purposes ancillary to the school only.

As noted on day of inspection vehicles are currently using the estate road for pick ups/drop offs. This can be discouraged by the appropriate on-street parking restrictions which is within the control of the local authority.

The 27 parking spaces would generate an additional 27 vehicular movements at the school opening and closing times. I consider that the estate road can accommodate these additional movements. I note that the Area Engineer did not express any concerns in this regard but advised that the junction of Meadow Farm estate and the regional road would require improvements to cater for the increase in traffic movements exiting. This could be done by installing an entry treatment to include

build outs and an improvement to sight distances. Such measures would ensure reduced speeds and discourage parking or unnecessary use of the Meadow Farm access road. I consider that a special financial contribution towards such works which is recommended by the Area Engineer to be reasonable. The applicant has not expressed any objection to this proposal.

On this basis I consider that the proposed access arrangements and additional vehicular movements would not give rise to concerns in terms of traffic or pedestrian safety.

7.4. Other Issues

As per the current 2017 local area plan the site is not within an area identified as being at risk of flooding. A condition requiring the installation of appropriate drainage arrangements which do not impact on adjoining properties is recommended to address concerns in this regard.

Concerns regarding the future development of the national school and the impact of the school warden on traffic patterns along the R631 are not matters for comment or adjudication in this appeal.

Appropriate Assessment

Having regard to the nature and extent of the development within the development boundary of Cloyne and the distance to the nearest designated 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.

8.0 Recommendation

Having regard to the documentation on file, the grounds of appeal and observations received, the responses thereto, a site inspection and the assessment above I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to the nature and extent of the proposed development to provide for staff parking, only, for the adjoining national school, on a site within the development boundary of the village of Cloyne in the East Cork Municipal District Local Area Plan, 2017 and to the pattern of development in the vicinity, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 14th day of March 2019 and by the further plans and particulars received by An Bord Pleanála on the 27th day of June, 2019, 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 proposed car park shall be used by staff of the Cloyne National School, only, and shall not be used for the dropping off or collection of pupils or for events or functions independent of the school without a prior grant of planning permission.

Reason: To protect the amenities of property in the vicinity.

3. A 1.8 metre high boundary wall suitably capped and finished shall be erected along the southern boundary of the site (boundary with properties at Spittal Cottages). Details of the wall and proposed finishes shall be

submitted for the written agreement of the planning authority prior to commencement of development.

Reason: In the interest of clarity and residential amenity

4. Drainage arrangements including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Surface water from the site shall not be permitted to drain onto the adjoining property.

Reason: In the interest of public health

5. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of entry treatment works at the junction of Meadow Farm and R631. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Pauline Fitzpatrick
Senior Planning Inspector

August, 2019