



An  
Bord  
Pleanála

## Inspector's Report

### ABP-304781-19

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<b>Development</b>	Demolition of existing outbuilding and greenhouse and construction of a linked single storey split level extension, temporary vehicular entrance and associated site works.
<b>Location</b>	St. Brogans College, Kilbrogan, Bandon, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	19/4104
<b>Applicant(s)</b>	Cork Education and Training Board
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party V. Grant
<b>Appellant(s)</b>	Sylvester Cotter
<b>Observer(s)</b>	None

**Date of Site Inspection**

23<sup>rd</sup> September 2019

**Inspector**

Elaine Power

## **1.0 Site Location and Description**

- 1.1. The subject site forms part of St. Brogans College and is located approx. 500m north of Bandon town centre.
- 1.2. The site has a stated area of 2.93ha and currently accommodates a school and associated buildings and playing fields. The subject site is bound to the north by a residential property and grounds, to the south by the Macroom Road, to the east by Bandon AFC club and grounds and to the west by 'Thornfields' residential estate and a creche.
- 1.3. The site is open and locally elevated. The school building is set back approx. 85m from the public road with a playing pitch provided between the road and the school building.
- 1.4. Access to the site is from the R589 with surface car parking provided to the west of the school building.

## **2.0 Proposed Development**

- 2.1. It is proposed to demolish an existing outbuilding with a gross floor area of 62sqm and greenhouse with a gross floor area of 88sqm and to construct an extension to the existing school building. The extension has a gross floor area of 433sqm. The proposed single storey extension is located to the north east (rear) of the existing school building and is provided on a split level.
- 2.2. The extension would accommodate 4 no. classrooms and a replacement Design, Communication and Graphics Room. The works include internal alterations to the existing school layout to accommodate the extension. The extension has a pitched roof with a maximum height of 8m.
- 2.3. It is also proposed to provide a temporary vehicular entrance during the construction phase. The proposed access is located to the south east of the subject site. The area would be reinstated on completion of the development.

#### 2.4. ***Unsolicited Further Information lodged 6<sup>th</sup> March 2019***

The applicant submitted a response to concerns raised in the third-party submissions.

#### 2.5. ***Further Information lodged 28th May 2019***

The design of the extension was altered to provide a more contemporary elevational treatment with a shallow mono pitch roof profile, which reduced the overall height of the development by 2m.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

Permission was granted subject to 10 no. standard conditions.

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

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

The initial reports from the Area Planner and Senior Executive Planner raised some concerns regarding the design of the extension and its impact on the existing residential amenities and recommended that further information be sought. The final reports considered that the concerns raised had been fully addressed in the response to further information and recommended that permission be granted subject to conditions.

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

***Engineering*** final report: No objection

#### 3.3. **Prescribed Bodies**

***Irish Water***: No objection

### 3.4. **Third Party Observations**

3 no. third-party objections were received from residents of the adjacent 'Thornfields' residential estate. The concerns raised in the submissions are similar to those raised in the third-party appeal.

## 4.0 **Planning History**

**Reg. Ref. 18/5495:** Permission was granted in 2018 for the provision of 4 no. temporary classrooms in 2 no. temporary cabin blocks.

**Reg. Ref. 15/4237:** Permission was granted in 2015 for a single storey split level ASD unit containing 2 no. classrooms with associated spaces and the provision of additional car parking.

## 5.0 **Policy Context**

### 5.1. **Bandon Kinsale Municipal District Local Area Plan 2017**

The subject site is located within the 'existing build up area' of Bandon which is identified as a Main Town in the Local Area Plan.

### 5.2. **Cork County Development Plan, 2014**

Section 5.4 – Education of the Plan notes that schools play a significant role in the development of sustainable and balanced communities and are often the focal point of community life. Relevant policy objectives of the Plan are set out below: -

**Objective 4-1:** Educational Facilities.

**Objective TM 2-1:** Walking

**Objective TM 2-2:** Cycling

**Objective TM 3-3:** Road Safety and Traffic Management

**Objective TM 4-1:** Car and Cycle Parking

Appendix D -Parking and Cycling standards is also considered relevant

### 5.3. **Natural Heritage Designations**

There are no designated areas within the vicinity of the appeal site.

### 5.4. **EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

A third-party appeal was received from Sylvester Cotter whose property is located in the 'Thornfields' residential estate to the north east of the development site. The issues raised are summarised below: -

- Due to the proximity of the development to the existing houses in Thornfields residential estate the extension would result in undue overshadowing. If permission is being contemplated the development should be lowered to reduce the impact on the existing residential amenities.
- The development would result in a loss of privacy for the adjoining houses.
- The proposed mono-pitch roof and design of the building is out of character with the area and would negatively impact on the existing visual amenities.
- As there is sufficient space within the site to accommodate the proposed development, it should be relocated away from the existing houses in Thornfields estate.

### 6.2. **Applicant Response**

The applicant's response is summarised below:

- The applicant actively engaged with the residents of Thornfield. The extension has been designed to ensure it does not unduly overshadow the adjoining properties. Section drawings showing a sun shadow analysis have been submitted with the appeal which indicate that the development would not impact on the existing access to light.
- The proposed levels of the extension are designed to link with the existing floor level of the school and to respect the topography of the site in order to avoid excessive excavation on site.
- The internal layout of the extension ensures that the classroom windows are orientated towards the existing school and do not directly overlook the adjoining houses. The external doors on the north-eastern elevation would be permanently obscured to prevent any loss of privacy. There are existing first floor windows which face northeast, towards the adjoining houses, the proposed extension would provide screening from these windows.
- It is proposed to provide a gate between the extension and the boundary wall with the adjoining residential properties to ensure there are no additional students in the area. Proposals to screen the area were excluded due to concerns of overshadowing from local residents.
- The proposed design is contemporary and would result in a positive visual impact on the existing school building. Due to the siting of the extension and the distance from the public road, it would not be visually obtrusive. The design of the roof would also allow for the installation of solar panels.
- The design of the extension is fully compliant with current guidelines.
- The location of the extension would allow it to be constructed with a minimal impact on the existing school operations. The grant approved funding requires that the new extension must be linked to the existing school. This is the only location where an extension could be provided at entry level.
- The extension is required to replace temporary accommodation on site.

### 6.3. Planning Authority Response

None

## 7.0 Assessment

7.1. As indicated the appeal refers to the proposed development lodged with the Planning Authority on the 28<sup>th</sup> May 2019, by way of further information. The following assessment, therefore, focuses on that proposal with reference to the original scheme, where appropriate.

7.2. The main issues in this appeal relate to the impact the development would have on existing residential and visual amenities. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Principle of Development
- Residential and Visual Amenity
- Appropriate Assessment

### 7.3. *Principle of Development*

7.3.1. The subject site is located within the built-up area of Bandon. There is an existing school on the site. Permission was granted in 2018 for the provision of 4 no. temporary classrooms in 2 no. temporary cabins.

7.3.2. Having regard to the existing school use on the site, the existing pattern of development in the area and the limited size of the development it is considered that the provision of a school extension would be appropriate at this location and would be compatible with policy objectives.

### 7.4. *Residential and Visual Amenity*

7.4.1. The proposed extension is located to the north east of the existing school building. It is approx. 40m in length and varies in width from 20m, where it joins the existing school to 10m. The proposed extension projects approx. 5m beyond the existing front building line of the school. The extension follows the topography of the site. It has a mono-pitched roof which varies in height from 3.5m to 6.3m, where it adjoins the existing school building. The north eastern boundary treatment of the site



comprises an existing 1.8m high timber fence. An additional wire mesh fence with concrete posts is provided within the school grounds.

- 7.4.2. In response to the request for further information the design approach was altered to provide a more contemporary extension with a mono-pitched roof. Concerns have been raised in the appeal that the proposed extension is out of character with the area and would have a negative impact on the existing visual amenities. While it is noted that the existing school and surrounding residential developments are traditional in design it is considered that the contemporary design of the extension provides for a distinctive feature, which in my view, would not negatively impact on the suburban character of the area.
- 7.4.3. Concerns were also raised in the appeal that the proposed development would have a negative impact on the existing residential amenities of the adjoining residential properties in terms of overshadowing and overlooking.
- 7.4.4. The existing structures to be demolished have a maximum height of approx. 4m and are located between 5m and 7m from the north eastern boundary of the site. The proposed extension is located between approx. 3m and 8m from north eastern boundary. The proposed extension is located approx. 20m from the rear building line of the houses.
- 7.4.5. Having regard to the limited height of the proposed extension and the separation distances it is my view, that the proposed development would not unduly overshadow the existing properties.
- 7.4.6. Concerns were also raised over the potential for overlooking. The extension has been designed to ensure that there are no classroom windows located on the north eastern elevation and that the external doors proposed on the north east elevation are finished with an opaque glazing. Having regard to the limited height of the extension, the proposed boundary treatments and the provision of opaque glazing along the north eastern elevation it is considered that the proposed development would not result in any overlooking.
- 7.4.7. There is an existing access to the school from the north eastern boundary and during a site visit on the 23<sup>rd</sup> September 2019 a number of pupils were noted using this

access and that the adjoining green space was used for recreational purposes. Therefore, in my view the provision of the extension would not negatively impact the existing residential amenities in terms of noise or nuisance.

7.4.8. In conclusion, having regard the suburban character of the area, the pattern of development, and the high-quality contemporary design of the extension, it is considered that the proposed development would not be out of character with the surrounding area or negatively impact on existing residential amenities in terms of overlooking or overshadowing.

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

Having regard to the nature and small scale of the proposed development within a serviced urban area and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

### 8.0 **Recommendation**

I recommend that permission be granted subject to conditions.

### 9.0 **Reasons and Considerations**

Having regard to the existing school use on the site, the pattern of development in the area, and the small scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the area. The proposed development would, therefore be 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 28<sup>th</sup> day of May 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. All windows and doors provided on the north eastern elevation of the extension shall be permanently obscured with opaque glazing.

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

3. Prior to commencement of development the applicant shall submit and agree in writing with the Planning Authority landscaping proposals for the north eastern boundary of the site.

**Reason:** In the interest of residential amenity.

4. Prior to commencement of development the applicant shall submit and agree in writing with the Planning Authority details of the temporary construction access.

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

5. The applicant shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

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

6. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

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

7. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation

from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

8. 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 noise management measures and off-site disposal of construction/demolition waste.

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

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme 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 to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Elaine Power  
Planning Inspector

30<sup>th</sup> September 2019