



An
Bord
Pleanála

Inspector's Report

ABP-305887-19

Development	Widen entrance gate, install three automated gates and install two pedestrian gates.
Location	Cloonbeg, Tralee, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	19/653
Applicant(s)	Presentation Secondary School
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party V. Grant
Appellant(s)	Save the Green Committee
Observer(s)	None
Date of Site Inspection	29th January 2020
Inspector	Fergal O'Bric

1.0 Site Location and Description

- 1.1. The appeal site forms part of the Presentation Secondary School and is located approx. 400 metres south-east of Tralee town centre.
- 1.2. The appeal site comprises a secondary school and associated buildings and amenity areas. The subject site is bound to the east by the Tralee town park, to the south by playing pitches, to the west by residential development and to the north by residential properties and another secondary school.
- 1.3. The school is set back approximately 100 metres from the Ballymullen Road and behind neighbouring residential and school properties. The site is open and locally elevated from the Dan Spring Road (N86) to the south but existing mature planting, fencing and the existence of playing pitches do not make the site particularly visually prominent.
- 1.4. Access to the site is from an access road off the Ballymullen Road. The access road is approximately 6 metres in width with a 1.5 metre wide footpath along its western edge at the end of which are three sets of access gates before one finally accesses the school site. Surface car parking is provided to the north-west of the school building.

2.0 Proposed Development

- 2.1. It is proposed to widen the outer vehicular access gate to a width of seven metres and install new electric gates within the three entrance points and provide for a new pedestrian gate way as part of the middle gates upgrade. Existing yellow road markings will be altered to reflect the new 7 metre carriageway width to the north of the school
- 2.2. A new pedestrian entrance gate to be provided to the south of the school site.
- 2.3. Unsolicited information was submitted by the applicants to the Planning Authority on the 6th August 2019 confirming that only the outer entrance gates are to be widened and to automate the gates at all three access points to improve health and safety at

the school. A rationale for the proposed southern pedestrian gate is also included and centre around student safety and welfare.

- 2.4. Further Information submitted to Kerry County Council on the 29th day of August 2019 included the following: The red line application site boundary was modified to include lands only within the ownership of the applicants and rights of way were denoted in a crosshatched yellow; Car and bus parking proposals.
- 2.5. Unsolicited further information was also submitted by the applicants to the Planning Authority on the 8th and 9th October 2019 informing the Planning Authority that a replacement site notice was erected at the southern boundary as the previous notice had been removed and that there is a need for an alternative access point from the school site in the event that the northern access became obstructed.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to three standard conditions. The relevant conditions are noted below: -

Condition 1: clarified that permission was granted for the scheme, including further information details.

Condition 2: Proposed pedestrian gate on southern boundary be inward opening only.

Condition 3: A catch-all condition pertaining to surface water management, public lighting, agreeing specific details regarding the accesses with the local engineers.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The final planning report considered that the issues raised within the further information request had been fully addressed in the response to further information and recommended that permission be granted subject to conditions as outlined above.

3.2.2. **Other Technical Reports**

Tralee Municipal District: No objection, subject to conditions.

Fire Department: No objections

County Archaeologist: No objections.

3.3. **Prescribed Bodies**

Not referred to prescribed bodies.

3.4. **Third Party Observations**

One third-party submission was received from the Save the Green Committee. The concerns raised within the submission relate to the following:

- The red line application site boundary should be amended to exclude areas of land that are outside the ownership of the applicants,
- Public notices not erected at proposed gates on the public right of way,
- The loss of parking spaces should be addressed by the applicants,
- Object to the widening of the carriageway as will result in increased vehicular speeds,
- All existing public pathways should be denoted on the planning drawings,
- There is no need for the erection of the pedestrian gate to the south of the site.

4.0 **Planning History**

Planning authority reference number P17/191: Permission was granted in 2017 for the erection of a polytunnel.

5.0 Policy Context

5.1. Tralee Local Area Plan 2009-2015 (as extended)

The appeal site is zoned; Educational, Community and Institutional. The land use zoning objective is: To protect existing facilities and to provide for educational, community and institutional facilities

Section 4.5 of the Plan pertains to Educational development. The following policy objective is relevant to the current proposals.

EFPO3 Facilitate the expansion of existing educational facilities where appropriate to meet modern requirements.

5.2. Kerry County Development Plan, 2015-2021

Section 9.5 – Education Section within 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.

Section 7.2 Sustainable Transport-

Relevant policy objectives of the Plan are set out below:-

Objective RD 8: Support sustainable travel

Objective RD 14: Promote the sustainable development of walking, cycling, public transport and other sustainable forms of transport

5.3. Natural Heritage Designations

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

5.4. Environmental Impact Assessment- Preliminary Examination

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 Save the Green Committee who are a voluntary group that assist in maintaining the town park. The issues raised are summarised below: -

- Following a review of the plans and particulars submitted to the planning authority, their only remaining concern pertains to the proposed pedestrian gate to the south of the site.
- They have been involved since 1969 in preserving the boundaries of the town park.

A subsequent appeal submission was made by the appellants on foot of the appeal submission made by the applicants. The concerns outlined within this submission are largely a reiteration of the original appeal submission where they state that they have no issues with the entrance proposals to the north of the school site and that their concern in relation to the southern boundary pedestrian entrance centres around a breach of the town park boundaries and the precedent it would create.

6.2. Applicants Response

The applicants response is summarised below:

- This application is being made on health and safety grounds to address concerns regarding traffic flows and the mixing of pedestrians with vehicular traffic at the existing access points to the school.
- The entrance roadway to the school is very narrow, it reduces to 5.8 metres at outer entrance point (Point B as per the Existing Layout Plan submitted to An Bord Pleanla on the 5th December 2019).

- There are two inner entrance points closer to the school building where the entrance widths are reduced further to 4.01 metres (Point C as per the Existing Layout Plan submitted to An Bord Pleanla on the 5th December 2019) and 3.72 metres (Point D as per the Existing Layout Plan submitted to An Bord Pleanla on the 5th December 2019). There is currently no provision for pedestrians at access Point C and therefore pedestrian and vehicular traffic share this access.
- The narrow widths of the entrances mean that only one car can pass through at any one time and this causes significant delays/congestion at peak morning and afternoon drop-off and pick-up times.
- Sightlines/visibility is further restricted by the 3.3 metre wall at access point B.
- The ownership of the external car park falls outside of the school management control which can create further traffic difficulties particularly if cars are parked in a haphazard manner.
- In the event of an emergency there is no alternative means of escape/access.
- The proposed pedestrian gate to the south of the school would allow for an alternative means of escape in the event of an emergency.
- A safety audit has recommended that the assembly points be moved to the south of the site in order to avoid potential conflict between students and traffic. The proposed southern pedestrian gate would allow for the orderly exit of students/staff from the site in such a situation.
- The use of proposed southern pedestrian gate would encourage alternative pick-up and drop-off areas and alleviate traffic congestion at the main entrance gate to the north of the school.
- The opening up of the southern pedestrian gate would enhance the school co-operation scheme between the Presentation School and the Christian Brothers school to the south-east whereby co-educational classes are provided and some educational facilities are shared; The proposed southern pedestrian gate would allow for the safe passage of students between the two schools.

- The opening of the southern pedestrian gate in a supervised capacity would assist in reducing incidents of anti-social behaviour occurring in parts of the town park adjacent to the appeal site.
- The proposed southern pedestrian gate will not affect the amenity of the town park or interfere with its integrity.
- The comments of the Planning Officer of Kerry County Council are supportive of the proposals.

Planning Authority Response

The Planning Authority made the following points in relation to the appeal:

- There is a need for the southern pedestrian gate on health and safety grounds as outlined by the applicants in Section 6.2 above.
- The control of the use of the southern pedestrian gate by the school is acceptable and reasonable.
- There are existing established pedestrian access gates to the town park from the Christian Brothers School and from the Tralee Harriers Athletic club and any further access points would be considered on their merits by the local authority.
- The proposals would improve safety at the Presentation school, would enhance pedestrian access to the school, would not have a detrimental impact upon the town park and would not establish an undesirable precedent.

7.0 Assessment

7.1. The main issues in this appeal relate to the impact the development would have on the adjacent town park. 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:

- Impact on amenity/character of town park
- Appropriate Assessment

7.2. **Impact upon amenity/character of town park**

- 7.2.1. The appellants have stated within their appeal submission that their sole concern relates to the proposed pedestrian gate on the southern boundary which accesses the town park. The concerns relate to the proposed breach of the town park boundary and that the proposals would establish an undesirable precedent.
- 7.2.2. In the response to the request for further information the applicants appear to have addressed the initial concerns outlined by the appellants. I note that the Planning Authority (Kerry County Council) who operate and maintain the town park have not raised any objections to the development proposals and in fact are supportive of the proposals. I am satisfied that the merits of the development including improved pedestrian connectivity, improved health and safety arrangements, reduced traffic congestion would likely arise as drop-off and pick-up points to the south of the school site could be accessed from the southern boundary pedestrian gate. I am also satisfied that these proposals would disperse the students entering/exiting the school site and likely reduce pressure at the northern entrance point to the school.
- 7.2.3. I note that the roads engineers have raised no objections to the proposed development subject to a number of conditions.
- 7.2.4. In conclusion, having regard the urban character of the area, the pattern of development, I am satisfied that the proposed development would improve traffic and pedestrian safety in the vicinity of the school and assist in the dispersal of students in a more coherent fashion at peak drop off and collection times and address health and safety concerns.

7.3. ***Appropriate Assessment***

Having regard to the nature and modest 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 modest 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 nor result in the creation of a traffic hazard. 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 29th day of August 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. 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.

3. 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.

4. Prior to commencement of development the applicant shall submit and agree in writing with the Planning Authority the following proposals
 - Precise and final surface water management details at the entrance points.
 - Road signage and markings at and in the vicinity of the entrance points;
 - Details of footpaths to be constructed in accordance with best practice standards;
 - Details of any works to be carried out on the adjacent public road;
 - Details of relocation of relocation of public lighting standards if required.

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

5. The proposed pedestrian gate along the southern site boundary shall be inward opening only.

Reason: In the interest of public safety.

Fergal O'Bric
Planning Inspector

14th February 2020