



An
Bord
Pleanála

Inspector's Report

ABP-307820-20

Development	Demolition of 2 no. single storey store rooms, refurbishment of former St. Mary's National School, construction of a single storey extension to former school to provide new Parish Education Centre Building
Location	Frederick Street, Ashbourne, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	AA200422
Applicant	Ashbourne/ Donaghmore Parish
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Cllr Alan Tobin
Date of Site Inspection	13 th October 2020
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. The site is located in the grounds of the parish church at Frederick St, Ashbourne, where it is within a parish complex which includes: car parks, a graveyard, a parish hall, storage buildings, and the parochial house as well as the church itself. The church and parish hall are protected structures.
- 1.1.2. The site is given as 1.071ha.

2.0 Proposed Development

- 2.1.1. The proposed development comprises:
 - the demolition of 2 no. single storey store rooms,
 - refurbishment of former St. Mary's National School,
 - construction of a single storey extension to the former school to provide new Parish Education Centre,
 - change the use of the garage to the priest's house into a parish souvenir shop,
 - revisions to the car park layout, and
 - associated site and landscape works above and below ground.

- 2.1.2. The application is accompanied by various documents including:

A letter from the architect describing the functions of the buildings, and a design rationale; the 105 parking spaces available at present will be replaced by 90 of which 6 are assisted parking.

Roads Statement parking - existing 105 parking spaces, as proposed 73, required not to exceed a maximum of 151. Shared usage will continue. A secondary church car park (9 spaces) is located in the south-eastern part of the church grounds. This provides additional car parking capacity for the church and its associated buildings and cemetery. There is a requirement for 2% of spaces to be suitable for persons with disabilities, 1 is required and 3 are to be provided; 5 cycle spaces are proposed. The existing vehicular access/egress is on Frederick St. The proposed development will bring about an improvement in the management of vehicular traffic within the site, through clearer circulation markings and parking spaces. Two-way movement is

permitted in all parts of the reconfigured car park. Pedestrian and cyclist access will be accommodated as at present, from Frederick St, via vehicular and pedestrian accesses. Bus stops on Frederick St are 2 mins from the site.

Engineering Services Report – the existing surface water regime for this site, which is already entirely hard surfaced, is described, and the proposed SudS system, including a petrol interceptor, outlined. Flood Risk Assessment – no history of flood events. Pluvial flooding – not considered at significant risk; the proposed rainwater collection measures and permeable paving (SuDS) will improve its resistance to pluvial flooding. Fluvial flooding – the OPW CFRAM maps are currently under review and cannot be consulted. The Strategic Flood Risk Assessment in the development plan indicates that this is in flood risk C, 0% to 0,1%: therefore negligible risk.

An outline Construction Management Plan, a Waste Management Plan and a Landscape report are also provided.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Decision to grant permission subject to 13 no. conditions, includes:

No 2 a) retain the two existing chimney stacks

2b) revised elevations, plans and sections to comply with 2 a) to be submitted for prior written agreement.

2 c) no commencement without prior written agreement of the plans.

3) materials and finishes for prior agreement.

4) cycle parking.

5) surface water attenuation.

10) Construction Environmental Monitoring Plan (CEMP).

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The Planning Report recommending permission includes:

- It is proposed to demolish the 2 stores adjacent to the parish office building and refurbish the existing parish office and link/erect a new parish education centre building.
- The size, scale and massing would be contemporary with a flat roof wrap-around single storey extension with parapet wall and internal communal garden space, height 3.7m. Chimneys are proposed to be removed. The conservation officer has requested that these features be retained.
- The site is within a town setting and it is not considered that the proposed development would cause any harmful impact on the visual amenity of the surrounding area.
- The site is within the curtilage of protected structures: parochial hall (MH045-101) and parish church (MH045-100). The size, scale and massing is considered acceptable.
- Stage 2 AA is not required.
- No development contribution.
- Third party comments re. linkages: this was addressed in the report on AA/180865 which is quoted:
 - Pedestrian walkway would disrupt church services and undermine the ecclesiastical importance of the church grounds.
 - It is a place of residence.
 - It would impact on people calling to see a priest.
 - It would increase traffic and endanger child safety.
 - It would increase antisocial behaviour and noise, and necessitate additional maintenance work.
 - It would increase insurance liability.
 - There is no evidence that it would improve footfall on the two streets.
 - There are already two existing pedestrian access routes via Declan Street and Broadmeadow Street.

- The indicative maps provided are not as adopted. The planner's report includes an extract from the correct map. The pedestrian link indicated is not undermined / blocked. The adopted route would be via a section of ground along the north-western site boundary of the Church Grounds.

3.2.3. Other Technical Reports:

3.2.4. Transportation – condition additional cycle parking at a rate of 1/3 of the quantity of car parking spaces.

3.2.5. Environmental Health:

Treatment for rodents during construction.

Building regulations – conservation of fuel and energy.

Sustainable use of water.

Consult EHO re. food hygiene legislation.

3.2.6. Architectural Conservation Officer:

We have worked with the applicant over time to develop a scheme that retains the existing old primary school building. The officer is delighted to see that the old building has been kept and forms a central part of the refurbishment and extension. Recommending a condition re. retention of chimneys.

3.2.7. Water Services:

Conditions:

Increase attenuation to allow 20% climate change.

Trial hole.

Class 1 petrol/oil interceptor.

CCTV survey of existing surface water network.

Comply with Greater Dublin Strategic Drainage Study (GDSDS) Regional Drainage Policies Volume 2 for New Developments.

3.3. **Prescribed Bodies**

IW – conditions.

3.4. Third Party Observations

3.4.1. Third party submissions on the file have been read and noted.

4.0 Planning History

AA180865 – planning permission refused for:

- demolition of single storey parish building and 2 no. single storey store rooms,
- construction of a new single storey Parish Education Centre, which will provide 3 classrooms, 2 meeting rooms, social space café and ancillary support spaces,
- change the use of the garage to the priest's house into a parish souvenir shop,
- revisions to the car park layout, and
- associated site and landscape works

Reasons: 1) proposed demolition of former St Mary's National School building, within the curtilage and part of the listing of a protected structure would contravene objectives CH POL 7 & CH POL 13.

2) By virtue of its strategic location the development would materially contravene RET DEV OBJ 3 of the Ashbourne LAP 2009.

AA180058 extn of duration of DA/120989.

DA/120989 permission granted for:

- demolition of and 2 no. single storey store rooms adjacent to the parish offices, a redundant telephone exchange and a shed adjacent to the parochial hall;
- restoration of the hall, a protected structure, including removal of non-original later additions to rear and sides, and construction of single storey extension to the south west providing community meeting rooms;
- construction of a two storey community building;
- landscaping works and car parking;

- modifications to front boundary on Frederick St including creation of a pedestrian entrance and new vehicular entrance.

Expiry date 18/2/2023

DA/70603 planning permission refused for:

- demolition of existing parish offices, associated outbuildings, parish house and garage;
- restoration of the parochial hall a protected structure, including removal of non-original later additions to rear and sides, and construction of single storey extension providing community meeting rooms; demolish nearby shed: a redundant telephone exchange shed;
- construction of a two storey building along the southern boundary, retail on ground floor, office above;
- construction of a part two storey part, three storey over basement parish centre containing community group rooms and meeting rooms and parish offices.
- construction of a three storey block containing three x 2 bed apartments, connected to the parish centre by a glazed link;
- landscaping works and car parking;
- modifications to front boundary on Frederick St, including creation of two new pedestrian entrances and new vehicular entrance.

97/703 planning permission refused for construction of a grotto.

94/1195 planning permission granted for extension to presbytery.

Pre planning consultation was carried out.

5.0 **Policy Context**

5.1. **Development Plan**

The Meath County Development Plan 2013-2019 (extended) is the operative plan and includes Ashbourne Plan 2009-2015.

Zoned B1- to protect provide for and / or improve town and village centre facilities and uses.

SS OBJ 4 To encourage and promote integration and consolidation of the old and new sections of Ashbourne town centre.

SS OBJ 5 To promote the public realm and amenities of Ashbourne so that the quality of life for residents can be improved.

RET DEV OBJ 6 To use innovative measures and regeneration of the vacant retail street within the High Street Scheme and promote improved synergy between this development and the traditional town centre.

HER POL 1 To seek the protection of all structures (or where indicated parts of structures) which are included in the Record of Protected Structures.

SOC POL 1 To ensure the provision of community, educational, cultural, recreational, and amenity facilities in tandem with residential, commercial and other development.

SOC POL 2 To co-operate with the Department of Education and School Management Boards in the provision of school places.

SOC POL 3 To implement the Code of Practice for 'The Provision of Schools and the Planning System' prepared by the Department of the Environment, Heritage and Local Government and the Department of Education and science in order to facilitate the timely and cost effective roll-out of school facilities by the Department of Education and Science and in line with the principles of proper planning and sustainable development.

SOC POL 10 To support and encourage local sports and community groups in the provision, expansion and development of outdoor and indoor community facilities and where appropriate encourage the input of a third party.

SOC POL 11 To encourage and support the work of community groups in Ashbourne.

SOC POL 12 To ensure that provision is made for such community facilities as is deemed appropriate in consultation with local interested parties and to assist in the provision of community and resource centres by identification and reservation of suitable sites including land banks within Local Authority ownership.

5.2. Natural Heritage Designations

- 5.2.1. The Rogerstown Estuary SAC, site code 000208, and Rogerstown Estuary SPA, site code 004015, are the nearest Natura Sites, located a distance of in excess of 10km from the subject site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity 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.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The third party appeal against the Planning Authority's decision to grant permission submitted by Cllr Alan Tobin, includes:
- A pedestrian walkway and cycle lanes must be allowed so as to access from Fredrick St. through the Church grounds past the civic building/public office/library to Killegland St. This must include the removal of an almost 3m high boundary wall between the Church and the retail/civic building/residential area.
 - More meeting rooms are not required. Empty retail units can be used for extracurricular activities; some may require change of use.
 - There are many new schools in the area and the school's campus can also be used as an alternative to the classroom, many of which remain empty after 3pm and on weekends.
 - The coffee shop will be in direct competition with the already over saturated coffee outlet market in Ashbourne and in the town centre.

- In the Brady/Shipman/Martin (BSM) report public walkways and linkages are vital for the present and future viability of the town centre, one major stakeholder cannot be responsible for holding back or not doing their part to help the towns future viability.
- If the building goes ahead, the two streets will never be linked as envisaged.
- Ashbourne has grown from 500 to 15,000 in 20 years. Since the inception of Ashbourne Municipal district, local representatives have been given a mandate to rectify bad planning decisions of the past.
- Killegland retail area runs almost the entire length of the Church property and has little interaction with the older part of the town (Frederick St).
- During the construction of the new retail area a deal was struck between 'Naus Development', a company no longer in business, and St Finian's Trust, in which a public walkway or pedestrian zone was planned to link Frederick St and Killegland St. It would give access to retail, the library, council's services, and add vitality to the area.
- The Council supported and paid for a public realm plan (BSM), in a process in which the Church did not engage.
- The retail area has not been a success; over 50 businesses have closed over 15 years.
- The development contravenes:
 - SS OBJ 4 – to promote integration and consolidation
 - SS OBJ54 – to promote public realm and quality of life.
 - Facilitate public access to proposed amenity areas.
 - ECON DEV OBJ 4 – consolidate town centre
 - ECON DEV OBJ 5 – encourage environmental improvements.
 - ECON DEV OBJ 6 – consolidate the centre.
 - RET DEV OBJ 2 – facilitate integration of the old and new.
 - RET DEV OBJ 3 – investigate pedestrianisation.

- RET DEV OBJ 4 – pedestrian crossings.
- RET DEV OBJ 5 – promote improvement in the public realm.
- RET DEV OBJ 6 – regeneration.
- Policies
 - RET DEV POL 1 – promote Ashbourne Town Centre
 - RET DEV POL 2 – encourage development in neighbourhood centres
 - RET DEV POL 3 - support retail and mixed use in the town centre.
 - INF OBJ 11 – to ensure the development and link up of cycling and walking facilities throughout the town.
 - ED POL 35 - promote retail and commercial development.
 - Zoning B1 – to protect and enhance the special physical and social character of existing town and village centres and provide for new and improved town centre facilities.
 - SOC POL 18 – facilitate the library service.
- Original objections from the Church to planning application 00952 show blocking of overall town plan for reasons that no longer exist.
- Appellant seeks rejection of the development; that the proposers are instructed to engage with the planning and transport departments and put in place a plan that is advantageous to all parties and the people, including the removal of the wall; local authority to take in charge or CPO, for a walkway between the school and The Stags Head.

6.2. Applicant Response

6.2.1. Thornton O'Connor Town Planning have submitted a response to the grounds of appeal on behalf of the applicants, it includes:

- The appeal as issued to the applicant for comment does not include an address for the appellant and is therefore invalid.
- Responding to the grounds that:

A pedestrian walkway and cycle lanes must be allowed so as to access from Fredrick St, through the Church grounds past the civic building/public office/library to Killelland St, to include the removal of an almost 3m high boundary wall between the Church and the retail/civic building/residential area.

There is no obligation on the applicant to provide a pedestrian walkway and cycle lane as this has not been included in the adopted maps of the Ashbourne Public Realm Strategy. The current draft development plan, currently on display does not annotate a link through the church grounds. The Ashbourne Public Realm Strategy 2018 maps have annotated the pedestrian link to connect from Killelland St. to Declan St. adjacent to the NW corner of the subject site, outside the control of the applicant.

A pedestrian connection has been indicated also to the south of the AIB bank between Killelland St. and Frederick St.

- Responding to the grounds that:

More meeting rooms are not required, empty retail units can be used for extracurricular activities, some may require change of use:

They consider it unreasonable to suggest that the applicant's lands should not be developed until any vacant units are in active use. These units are outside the applicant's control. The preference would be that dilution of retail would not occur in the town centre.

- Responding to the grounds that:

The retail area has not been a success, the proposed development may contribute towards revitalisation of the empty units:

It would not be appropriate to provide the proposed classrooms and meeting rooms in fragmented units.

The reasons why the education centre is needed are outlined. Growing population of c 1,900 students c500 attending non-Catholic schools and requiring religious instruction. These classes take place outside of church services. Currently 177 children attend per week, this will grow. Classrooms

sizes are too small, do not comply with standards, the facilities are outdated, there is poor insulation, poor task lighting, non-existent toilet facilities etc.

The proposed building will provide active surveillance of the proposed pedestrian link.

- Responding to the grounds that:

There are many new schools in the area and the school's campus can also be used as an alternative to the classroom, many of which remain empty after 3pm and on weekends:

These are outside the control of the applicant. They should not prohibit the applicant's vision.

During the current pandemic the majority of school sites are closed to afterschool activities.

- Responding to the grounds that:

The coffee shop will be in direct competition with the already over saturated coffee outlet market in Ashbourne and in the town centre:

It will be predominantly used by Church users, etc. having regard to the size it cannot be considered that it will negatively impact the existing coffee shops.

- Responding to the grounds that:

In the Brady/Shipman/Martin (BSM) report public walkways and linkages are vital for the present and future viability of the town centre, one major stakeholder cannot be responsible for holding back or not doing their part to help the towns future viability.

The planning authority ultimately considered that the pedestrian link should be provided to the south of the AIB bank. Re. the objection to the planning application in 2000, the Church are entitled to make a submission on a planning application, as is anyone else. This has no relevance to the subject application. They raised concerns with certain aspects of the plan, related to the possible loss of amenity to the Church. The pedestrian link is not in the adopted plans and the applicant cannot be required to provide this connection through the Church grounds.

- Responding to the grounds that:

If the building goes ahead, the two streets will never be linked as envisaged:

The link which is part of the adopted strategy is not affected.

6.3. Planning Authority Response

- 6.3.1. The planning authority has responded to the grounds of appeal stating that all the matters raised have been addressed in the planner's report on the file.

7.0 Assessment

- 7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, and the suitability of the layout and use in this urban centre context and the following assessment is dealt with under those headings.

7.2. Appropriate Assessment

- 7.2.1. Having regard to the nature and scale of the proposed development, I am satisfied that 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.

7.3. Suitability of the Layout and Use in this Urban Centre Context

- 7.3.1. The grounds of appeal states that a pedestrian walkway and cycle lanes must be allowed for from Fredrick St. to Killegland St through the Church grounds, and past the civic building/public office/library and that if the building goes ahead, the two streets will never be linked.
- 7.3.2. The planner's report on the application deals with this issue which was part of a submission on the application. The report states that the indicative maps provided by the observer are not as adopted and includes an extract from the correct map. The report states and demonstrates that the pedestrian link indicated as adopted is not undermined or blocked. The adopted route would be via a section of ground along and outside the north-western site boundary of the Church Grounds.

- 7.3.3. The applicant response to the grounds of appeal deals in an itemised way with the issues raised.
- 7.3.4. I am satisfied that the layout of the proposed development does not conflict with objectives of the County Development Plan 2013-2019 or the Ashbourne Plan 2009-2015, and that the layout as proposed is appropriate.
- 7.3.5. The proposed use is as a new Parish Education Centre, a parish souvenir shop, and a coffee shop. The grounds of appeal states that more meeting rooms are not required, empty retail units can be used for extracurricular activities; there are many new schools in the area and the school's campus can also be used as an alternative to the classroom, many of which remain empty after 3pm and on weekends; the coffee shop will be in direct competition with the already over saturated coffee outlet market in Ashbourne and in the town centre.
- 7.3.6. The applicant response to the grounds of appeal deals in an itemised way with the issues raised.
- 7.3.7. The proposed uses are intended to serve the needs of the parish community. It is reasonable that outdated facilities should be replaced and that the facilities are updated to better serve the Ashbourne/Donaghmore RC parish community. The proposed coffee shop is ancillary to the other facilities on the site and the use accords with the B1 zoning.

8.0 Recommendation

- 8.1.1. In accordance with the foregoing I recommend that permission should be granted, for the following reasons and considerations and in accordance with the following conditions.

9.0 Reasons and Considerations

The proposed development, which will provide accommodation for a range of community facilities in replacement of the existing outdated accommodation and is of value in meeting social, educational and other needs of the Ashbourne/Donaghmore parish community, will improve the vitality of this town centre site, and is in

accordance with zoning and other objectives of the development plan and is therefore in accordance with the proper planning and development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of development, details of materials and finishes shall be submitted for the prior written agreement of the planning authority.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>In any redeveloped parking areas, facilities for recharging of electric vehicles shall be provided in at least 10% of spaces.</p> <p>Reason: To facilitate more sustainable transport.</p>
4.	<p>Prior to the commencement of development, details showing proposals for the provision of at least 25 cycle parking spaces shall be submitted for the prior written agreement of the planning authority.</p>

	<p>Reason: To facilitate more sustainable transport.</p>
5.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
6.	<p>0 Construction Environmental Monitoring Plan (CEMP).</p> <p>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:</p> <ul style="list-style-type: none"> (a) Location of the site and materials compound(s) including areas identified for the storage of construction refuse; (b) Location of areas for construction site offices and staff facilities; (c) Details of site security fencing and hoardings; (d) Details of on-site car parking facilities for site workers during the course of construction; (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; (f) Measures to obviate queuing of construction traffic on the adjoining road network; (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; (h)

<p>(j) Details of appropriate mitigation measures for noise, dust and</p> <p>(l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>(m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of amenities, public health and safety.</p>

Planning Inspector

5th November 2020

Appendix 1 Photographs

Appendix 2 Meath County Development Plan 2013-2019 (extended), extract.

Appendix 3 Ashbourne Public Realm Strategy), extract.