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Bord  
Pleanála

## Inspector's Report

### ABP-308414-20

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<b>Development</b>	Retention Permission of four prefabricated classrooms and all associated site works.
<b>Location</b>	Kolbe Special School, Block Road, Summerhill, Portlaoise, Co Laois.
<b>Planning Authority</b>	Laois County Council
<b>Planning Authority Reg. Ref.</b>	20/387
<b>Applicant(s)</b>	Board of Management, Kolbe School
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Dr. Gerald & Ms. Fiona White
<b>Date of Site Inspection</b>	08/01/2021
<b>Inspector</b>	Fergal O'Bric

## **1.0 Site Location and Description**

1.1. The appeal site has a stated area of 0.6 hectares and comprises the Kolbe Special School and its attendant grounds, on the southern edge of the built-up area of Portlaoise. The school is accessed off the Block Road, the L6311, within the 60 kilometre per hour speed control zone north of the N80, a National Secondary Route linking Portlaoise with Stradbally. To the west of the site is a two-storey residential property. The school is a single storey building with six prefabricated buildings within its grounds, four of which are subject of the current appeal. The prefabricated classrooms, the subject of the appeal, are located north-east, north-west and south-west of the main school buildings, are all single storey and comprise a floor area of approximately 400 square metres. There are car parking and set-down spaces to the east of the site, with a double gated vehicular access onto a local service road, north east of the site.

## **2.0 Proposed Development**

2.1. The development comprises the retention of four prefabricated structures which have been developed around the perimeter of the main school building. Two of the structures (no is 3 and 4) have direct internal linkages to the main school building. The structures provide for four-classrooms of approximately 100-sq.m. each and ancillary storage, sanitary and office space. No changes or modifications to existing utility services or access arrangements have occurred as part of the development.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority decided to grant permission for the proposed development subject to 5 conditions. The pertinent conditions can be summarised as follows:

Condition number 1: The development shall be retained in accordance with the plans and particulars received by the Planning Authority.

Condition number 3: The permission shall be for a period of five years only.

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

Planning Report: The lands are zoned for Community, Educational and Institutional uses. The educational development is acceptable under the zoning objective. No impacts on adjoining visual or residential amenities arise.

Fire Safety: No objections, subject to adherence to fire safety regulations.

### **3.3. Prescribed Bodies**

Transport Infrastructure Ireland: No observations.

HSE: No comment in relation to development.

### **3.4. Third Party Submission(s)**

One third party submission was received. The submission raises similar issues to those set out within the third-party appeal submission.

## **4.0 Planning History**

The following is considered to be the relevant planning history pertaining to the site:

Planning reference number 00/815, In 2000, planning permission was granted for the erection of a prefabricated unit to provide for therapeutic services to the rear of the Kolbe centre.

Planning reference numbers 08/1159, 09/414 and 09/538, In 2008/09, planning permission was granted for the erection of prefabricated classroom units within the grounds of the Kolbe centre. These permissions all included a condition requiring the removal of the prefabricated structures within five years of the final grant of planning permission.

Planning reference number 18/320, In 2018, planning permission was granted for an additional classroom unit within the grounds of the Kolbe centre.

## 5.0 Policy Context

### 5.1. Portlaoise Local Area Plan 2018-2024

The appeal site is zoned for Community Educational and Institutional uses where the objective is: To protect and provide for local neighbourhood, community, ecclesiastical, recreational & educational facilities. The purpose of this zoning is: To protect and improve existing community, educational and institutional facilities and to safeguard their future provision. The land use will provide for local civic, religious, community, educational and other facilities ancillary to neighbourhood uses and services.

There are a number of specific objectives and policies relevant to the current appeal set out within Section 14 of the LAP as follows:

CSC O3: Facilitate the improvement and provision of educational, childcare and healthcare facilities in appropriate and accessible locations, in particular at the Midland Regional Hospital, Dublin Road, Portlaoise.

CSC P3: Facilitate the development of primary, second-level, third-level outreach, vocational and lifelong learning facilities and digital capacity for distance learning including fourth level education, lifelong learning and up-skilling generally.

### 5.2. Development Plan – Laois County Development Plan 2017-2023

#### Section 4.2.1-Education

The following policies are relevant to the current appeal:

SOC1 Ensure that existing school sites are protected for educational use and lands adjacent to existing schools are protected for future educational use to allow for expansion of these schools, if required, subject to site suitability and agreement of school management and ensure that any plan or project associated with the expansion of existing developments is subject to Appropriate Assessment Screening in compliance with the Habitats Directive, and subsequent assessment as required;

SOC2 Facilitate the development of primary, second-level, third-level outreach, vocational and lifelong learning facilities and digital capacity for distance learning including fourth level education, lifelong learning and Up-skilling generally to meet the needs of the County including mature adults i.e. back to school in existing educational infrastructure;

SOC3 Ensure the provision and implementation of primary and secondary education facilities in concert with the planning and sustainable development of residential areas in order to maximise the opportunities for use of walking, cycling and use of public transport;

SOC17 Encourage, promote and facilitate the provision of education infrastructure and related facilities in accordance with Section 28 national guidelines entitled The Provision of Schools and the Planning System: A Code of Practice [DoEHLG, 2008].

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

None Relevant.

## **6.0 The Appeal**

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

The third-party appellants, who reside in the residential property, immediately west of the appeal site, raised the following issues:

- The appellants are not objecting to the granting of planning permission for the retention of the four classrooms.
- They are appealing the decision as no planning condition was included within the Planning Authority's decision, providing for the erection of a two-metre walled boundary between the school site and their residential property.
- The Planning Authority failed to have regard to the circumstances of the appellants.
- The appellants are prepared to make a financial contribution towards the erection of the wall along the boundary.

## 6.2. Applicant Response

None received.

## 6.3. Planning Authority Response

None received.

## 7.0 Assessment

7.1. The development comprises four existing prefabricated classrooms located on the grounds of the existing established Kolbe Special school. The lands are zoned for educational and community uses and there are a number of specific policies set out with Section 4.2.1 of the Development Plan, namely SOC 1, which allows for expansion of schools, and SOC 17 where the policy is to promote and facilitate the provision of education infrastructure. These are also supported by ;policies and objectives set out within the Portlaoise LAP, namely CSC03 for the provision and improvement of educational facilities and CSCP3 for the development of primary educational facilities. I, therefore, consider the development as being acceptable in principle.

7.2. The appellants have raised issues with regard to boundary treatment and the removal of some trees along the western boundary of the appeal site. I note that the appellants have a row of mature leylandii tress, approximately four metres in height along their eastern (side) boundary, next to the appeal site. This boundary treatment ensures that there is little or no intervisibility between the appeal site and the appellants property. With the existing leylandii in place, I am satisfied that they afford the appellants adequate protection in terms of their residential and visual amenity from the appeal site.

7.3. The school has provided sufficient levels of open space / amenity areas within its bounds and the development does not result in a significant reduction in open space or otherwise impact negatively on the school population.

## **8.0 Appropriate Assessment Screening**

Having regard to the nature and scale of the development, its location within the existing built-up area and separation from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on any European site.

## **9.0 Recommendation**

I recommend that retention planning permission be granted.

## **10.0 Reasons and Considerations**

Having regard to the nature and scale of the development, its location of within the grounds of an established educational site, the suitable educational and community zoning pertaining to the site and the policies and objectives of the Laois County Council Development Plan 2017 – 2023 and the Portlaoise Local Area Plan 2018-2024, it is considered that subject to the compliance with the conditions set out below, the development is not injurious to the amenities of the area, nor does it adversely impact upon neighbouring residential amenities and therefore, would be in accordance with the proper planning and sustainable development of the area

### **10.1. Conditions**

- 1 The development shall be retained 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.

Reason: In the interest of clarity.

- 2 Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

- 3 The permission for the four prefabricated classrooms, the subject of this appeal, shall cease on or before the expiration of a period of five years from the date of this order. At the end of that period the structures shall be removed unless a subsequent permission is granted in the interim.

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

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Fergal O'Bric

Planning Inspectorate

18/1/2021