



An
Bord
Pleanála

Inspector's Report ABP 314984-22

Development	Extension to school and associated site works.
Location	Gaelscoil Mhichil Ciosog, Glenina, Gort Road, Ennis. Co Clare.
Planning Authority	Clare Co. Council.
Planning Authority Reg. Ref.	22/748.
Applicant(s)	Board of Management Gaelscoil Mhichil Ciosog.
Type of Application	Permission.
Planning Authority Decision	To Grant Permission.
Type of Appeal	Third Party.
Appellant(s)	Wendy Pyne.
Observer(s)	None.
Date of Site Inspection	April 17 th , 2023.
Inspector	Breda Gannon.

1.0 Site Location and Description

- 1.1. The site is located at Glenina off Gort Road, Ennis. Co. Clare. It accommodates the original single-storey school, a two-storey extension on its east side and prefabricated classrooms to the side and rear. There is a hard surfaced area to the front of the school and a green area of open space to the east. Staff car parking is provided within the school grounds to the west.
- 1.2. The school is located within a residential area with residential properties adjoining to the east, east and south. To the north the front (roadside) boundary is formed by a dwarf wall and the remaining boundaries of the site are formed by walls/fencing. Opposite the school there is a small park (Glenina pitch) and there is access to St Clare's School to the northeast, along its eastern boundary.

2.0 Proposed Development

- 2.1. The development proposes the construction of a two-storey extension to the existing school. It would include the following:
 - 6 no. classrooms
 - 2 no. SEN classrooms (ASD early Intervention Unit classrooms)
 - GP Hall
 - 2 No. Ball Courts
 - Additional staff parking.
- 2.2. The proposed extension will be positioned to the front of the existing school and the temporary classrooms located around the site will be removed.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission for the development subject to 7 no. conditions, which contains the following conditions of note:

Condition No 1(b): The proposed bus turning area along the side of Glenina Pitch is not permitted.

Condition No 2(a): The provision of car parking (along the side of Glenina pitch) shall be undertaken by the applicant and dedicated to Clare Co. Council on completion.

Condition No 3: Operational Stage Mobility and Traffic Management Plan.

Condition No 7: Archaeological requirements.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The proposed extension which is wholly located on school grounds is acceptable in principle.
- The proposed parking is proposed on land which is zoned open space. The proposed parking will not be restricted for school use only and can also be used by pitch users. It may be considered as an ancillary use to the pitch and does not therefore represent a material contravention of the plan.
- The need for an additional 25 parking space (within Glenina pitch) is not clear and this element of the development should not be permitted.
- The proposed bus turning area encroaches to an unacceptable extent onto the pitch. There is sufficient space in which to manoeuvre a bus within the existing road network.
- An annual updated Mobility Management Plan should be submitted.
- While the proposed development represents a departure from the design of the existing school, it is not considered to be detrimental to the visual amenities of the area.
- No increase in pupil's numbers is proposed and accordingly it is not anticipated that there will be any increase in noise or disturbance.
- Mitigation factors including the maintenance of the existing separation distance, retention of boundary wall, limited depth of two-storey extension and trees within adjoining rear gardens will mitigate potential impacts on the residential amenities of neighbouring dwellings.

- The subject site is located outside Flood Zone A and B and attenuation measures for runoff will be provided on site.
- The issues raised in relation to archaeology can be adequately addressed by condition.
- No significant effects on any European site are anticipated.

3.2.2. Other Technical Reports

3.2.3. Ennis Municipal District - recommends conditions regarding parking, revised layout along the school frontage and stormwater management.

3.2.4. Roads & Transportation Department - sets out public lighting requirements.

3.2.5. Road Design - sets out various requirements in respect of permeability, compliance with Traffic Signs Manual, drainage, footpaths, lighting and sight distance maintenance. It raised concerns regarding perpendicular parking on the L-4590 and compliance with the 'Safe Route to School Programme'.

4.0 Prescribed Bodies

4.1. Department of Housing Local Government and Heritage – further information required in respect to archaeology.

5.0 Planning History

17/355 – Permission granted for the provision of two prefabricated classrooms and associated works.

12/21022 – Permission granted for school extension and minor alterations to school layout.

08/21170 – Permission granted for extension to school with minor alterations to school layout.

6.0 Policy and Context

6.1. Development Plan

The operative development plan is the Clare County Development Plan 2023-2029 which came into effect on April 20th, 2023 and following the planning authority's decision.

The site is zoned 'Community' and includes development of educational uses.

The area of Glenina pitch is zoned 'Open Space'. Under the provisions of the Plan (Section 19.4 Nature of Zonings) open space areas are intended to be retained as undeveloped open space.

6.2. Natural Heritage Designations

There are a number of European sites within 5km of the subject site including the following:

- Lower Shannon SAC – 0.59km
- River Shannon and River Fergus SPA – 4.59km
- Ballyallia Lough SPA – 1.64km
- Ballyallia Lake SAC - 0.67km

6.3. EIA Screening

- 6.3.1. The proposed development fall within a class of development (Class 10(b)(iv)) set out in Part 2, Schedule 5 of the Planning and Development Regulations and is below threshold. 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 at preliminary examination and a screening determination is not required.

7.0 The Appeal

7.1. Grounds of Appeal

- Overlooking and loss of light.
- Noise from school and outdoor play area.
- Parking provision in Glenina pitch is contrary to the provisions of the development plan.
- Absence of traffic management plan.
- Antisocial behaviour.
- Lack of public engagement with local residents.

7.2. Applicant Response

A response was received on behalf of the applicant by Quinn Architects and is summarised as follows:

- An Operational Stage Mobility and Traffic Management Plan will be submitted for written approval by the planning authority as required by Condition No 3.
- The capacity of the school will not increase and the new classrooms will replace substandard and prefabricated classrooms on the site.
- Clare Co. Council have requested that the temporary car park would be made a permanent carpark and dedicated to the local authority on completion for the amenity of the pitch (Condition 2(a)).
- There were anti-social issues during the Covid lockdown period. It is proposed to install a fence to the current boundary wall and access control gates, which will secure the school grounds during unoccupied periods.
- The scale, massing and site location were carefully considered during the design stage in terms of visual aesthetic and also functionality of the school.
- The school is happy for the lower section of the first floor west facing windows to be covered in opaque film to prevent overlooking.

- The Sun Study (Appendix E) indicates that the proposed two-storey extension will not impact on daylighting of neighbouring properties.
- The school organised a meeting with the local community and their request that the school grounds be securely enclosed is addressed.

7.3. Planning Authority Response

- The planning authority consider that all issues raised in the submission were considered in the assessment of the application.
- Anti-social behaviour in and around the site is not an issue that can be reasonably considered in the assessment of a planning application. It is not considered that the proposed development would exacerbate anti-social behaviour.
- The pitch is owned and operated by Clare Co. Council and is available for use by the community.
- While a car park on 'open space' zoned lands is not normally permitted, the proposed parking will not be restricted solely to the school and can be used by the public. The planning authority considered that this element of the proposed development was consistent with the proper planning and sustainable development of the area and would not constitute a material contravention of the development plan.
- The existing separation distance to the party wall is being maintained which coupled with the limited depth of the two-storey extension and existing mature trees along the rear gardens will mitigate overlooking and ensure that the proposed development will not be detrimental to the residential amenities of neighbouring dwellings.
- An Operational Stage Mobility and Traffic Management Plan is a condition of the decision to grant permission and will include 'walking bus' type initiatives.
- Legislation does not provide for any direct form of consultation between the planning authority and local residents. A site notice was erected.

8.0 Assessment

8.1. Introduction

- 8.1.1. Having examined all the application and appeal documentation on file and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered.

The main issues, therefore, are as follows:

- Residential amenities
- Traffic
- Appropriate Assessment

8.2. Residential amenities

- 8.2.1. The appellant resides at No 32 Glenina to the west of the school site. The original observation to the planning authority was signed by a number of residents whose houses are located at various distances from the site, the majority of whom will not be impacted by the proposed development.
- 8.2.2. The issues raised relate to overlooking, overshadowing, noise and antisocial behaviour. Regarding overlooking and overshadowing, the only houses with the potential to be impacted include No's 30-32 Glenina. The gardens of these houses face towards the appeal site and share a common boundary with the school site.
- 8.2.3. The new extension will maintain the building line of the existing structure on the west side and the distance to adjoining properties will not be reduced. While there will be new windows/doors at ground and first floor level, no significant overlooking issues will arise. The new doors and window on the ground floor will be screened by the existing party wall and vegetation with no impacts on adjoining properties. The large first floor window will serve a stairwell, which will generate less overlooking potential and the applicant has agreed to provide an opaque film on the lower half of the S.E.D room to prevent overlooking from this small room.

- 8.2.4. I would therefore concur with the views expressed by the planning authority that no significant overlooking would arise from the proposed development which would impact on the privacy of these dwellings.
- 8.2.5. There will be a marginal increase in overshadowing in early morning arising from the construction of the two-storey extension. However, having regard to the limited depth of the proposed extension, the impact will not be significant such that adverse impacts on the amenity of adjacent properties will arise.
- 8.2.6. The applicant has confirmed that in the past there have been issues with noise and antisocial behaviour, which have occurred outside school hours and primarily during Covid restrictions. While I accept the planning authority's position that these are matters which are outside of its control, I note that the dwarf wall along the front boundary permits easy access to the school grounds. The applicant has stated that it is reluctant to place a fence around the perimeter, so as not to physically separate the school from the wider community. While I consider that this should be a measure of last resort in order to maintain connectivity, the Board, should it be minded to grant permission for the development, may consider it reasonable to include a condition requiring that an open style fence be erected along the perimeter of the site to prevent unrestricted access to the grounds.
- 8.2.7. The proposed extension is required to improve the facilities and overall functionality of the school and to replace the substandard prefabricated units on the site. No additional pupils or staff numbers are proposed that would generate potential additional noise impacts on adjoining residents during school hours. A general-purpose hall is also proposed, which will provide an alternative to the school yard for recreational activities and associated noise.

8.3. **Traffic**

- 8.3.1. The school is accessed from local road L-4590 and is laid out for drop off/pick up and car/bus circulation. There is a bus drop off/collection area within the school boundary. Staff carparking (22 spaces) is provided within the school grounds and public parking (35 spaces) is provided opposite the site. The road extends along the east side of Glenina pitch and provides vehicular access to St Clare's School to the northeast. Linear parking occurs along this section of the road and additional car parking and a bus turning area is proposed in this area. At the time of inspection,

which was during school hours, there was one car parked opposite the Ghaelscoil site and considerable parking on the route leading to St Clare's School.

- 8.3.2. The proposed carparking and bus turning area would encroach onto the area zoned 'open space' and which is in the ownership of Clare Co. Council. While parking is not a permitted use under the zoning objectives, the planning authority's have adopted the position that it could be considered under the 'Non-conforming Uses' provisions of the development plan (19.5.5). Its argument is that the car parking would also be available to users of the pitch and may therefore be considered an ancillary use to the pitch. It concludes that it would reduce haphazard parking, would not be injurious to the amenities of the area and did not constitute a material contravention of the zoning objectives of the development plan. The planning authority also concluded that the proposed bus turning would encroach excessively into the pitch and should be omitted from the development.
- 8.3.3. I note that the planning officer's report of 12/10/22 did question the need for additional staff carparking, noting that the proposed extension was not designed to accommodate additional pupils or staff on the site. I also note from the reports on the file, including that from the Ennis Municipal District, that St Clare's School has increased capacity, with a need for more staff and additional car parking. From the information provided, it would appear that the proposed car parking is required for purposes other than development at the Ghaelscoil.
- 8.3.4. Based on my inspection of the site and its surroundings there is no evidence that there is any increased demand for carparking associated with the Ghaelscoil and that the carparking along the side of the pitch is required to serve St Clare's School. On the basis that there is no increase in staff and pupil numbers, no evidence of any shortfall in car parking spaces associated with the Ghaelscoil and the location of carparking and the bus turning circle on lands zoned as 'Open Space', I consider that this element of the development should be omitted.
- 8.3.5. The application is supported by a proposed Mobility Management Plan which when implemented would promote alternatives to private car transport and reduce parking demand.

8.4. Appropriate Assessment

8.4.1. Having regard to the nature and scale of the proposed development and its location within a built-up area, connected to existing public services, 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.

9.0 Recommendation

9.1. On the basis of the above assessment, I recommend that permission be granted for the proposed development for the reasons and considerations set out below.

10.0 Reasons and Considerations

10.1.1. Having regard to the established use on the site, the location, size and scale of the proposed extension, I consider that subject to the following conditions, the proposed development will not impact on the residential or visual amenities of the area and is acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	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 completed in accordance with agreed particulars. Reason: In the interest of clarity.
2.	The proposed carparking and bus turning circle located on the east side of Glenina pitch shall be omitted from the development.

	<p>Reason: The demand for these facilities to serve the proposed extension to the school has not been demonstrated.</p>
3.	<p>Details of the external finishes of the proposed extension to include details of materials, texture and colour shall be submitted to and agreed in writing with the planning authority prior to commencement of the development.</p> <p>Reason: In the interests of visual amenity.</p>
4.	<p>The lower half of the first-floor window in the western elevation shall be permanently fitted and maintained with opaque glass.</p> <p>Reason: To prevent overlooking of adjoining property.</p>
5.	<p>All drainage arrangements including the attenuation and disposal of surface water shall be in accordance with details to be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interests of proper and efficient drainage.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not 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.</p> <p>Reason: To safeguard the amenities of property in the vicinity.</p>
7.	<p>The construction of the development shall be managed in accordance with a Construction and Demolition Management Plan, which shall be submitted to and agreed in writing with the planning authority prior to commencement of the development. The plan shall provide details of the intended construction practice for the development including measures for the management of construction traffic, noise management measures, surface water management and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
8.	<p>Prior to commencement of the development the developer shall submit for written agreement with the planning authority an Operational Stage Mobility and Traffic Management Plan in accordance with the requirements of the</p>

	<p>planning authority. The Plan shall be implemented in accordance with this agreement and shall be updated annually, in agreement with the planning authority.</p> <p>Reason: In the interests of traffic safety and to protect residential amenity.</p>
9.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall-</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and</p> <p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. who shall monitor all site investigations and other excavation works, and</p> <p>The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p> <p>(ii) the impact of the proposed development on such archaeological material.</p> <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanala for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>

.Breda Gannon
Inspector

May 8th, 2023