

Comhairle Chontae Atha Cliath Theas

PR/0807/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: ED22/0015 **Application Date:** 31-May-2022
Application Type: Declaration of **Registration Date:** 31-May-2022
Exemption Section 5

Correspondence Name and Address: Ms Bernadette Fitzgerald (Principal) St. Joseph's College, Presentation Convent, Lucan, Co. Dublin.

Proposed Development: Temporary timber structure in the school garden to facilitate outdoor classroom studies.

Location: St. Joseph's College, Presentation Convent, Lucan, Co. Dublin.

Applicant Name: The Board of Management, St. Josephs College, Lucan

(SW)

Site Description

The subject site is St. Joseph's College, Presentation Convent, Lucan and is located to the corner of Lucan Heights and Lucan Road. Residential development lies to the south, east and west of the school.

The site contains an existing school, with areas of hard standing, including parking and play areas. The proposal would be situated in the eastern corner of the site, on a grassed area, close to hardstanding / courts and residential properties.

Proposal

This is an application requesting a Section 5 Declaration on whether:

- Temporary timber structure in the school garden to facilitate outdoor classroom studies.

is or is not development and is or is it not exempted development.

From an assessment of the drawings the structure will measure 11.714m long and 5.368m wide. The structure will stand 2.25m to eaves height and will have an overall height of 3.5m.

The description states that the structure will be constructed from timber. Details of different materials have not been set out for the roof. The structure would be partially enclosed to provide a storage room (this would measure 3.014m x 5.368m externally). The classroom area would occupy the majority of the structure and would be open with the exception of a roof and surrounding balustrade.

This Section 5 Declaration application includes:

- Application form
- Site location plan
- Plans – consisting of elevations and plans and 3D visuals.

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NOTE: No Site Layout Plan has been provided.

Planning History

Based on redline

SD16A/0072/EP (1) Demolition of existing single and two storey post primary school buildings (1050sq.m) to the east of the main school buildings. (2) Construction of a part two, part three storey post primary school extension (3346sq.m in total) configured as follows: (a) three storey extension (1817sq.m) north of main school building along the Lucan Road forming a new post primary school pedestrian entrance off the Lucan Road, (b) two storey extension (1340sq.m) to the east of main school buildings, (c) two storey extension (escape stairs 55sq.m) to the south of main school buildings on the west side of the two storey classroom block, (d) single storey extension (133sq.m) at first floor north of the existing PE hall. (3) Reconfiguration of the existing vehicular and pedestrian access off Lucan Heights to form the main post primary school vehicular entrance and secondary pedestrian entrance. (4) The reconfiguration of the existing primary school pedestrian entrance in its current location off the Lucan Road and the re-designation of the existing post primary school vehicular entrance as the primary school vehicular entrance. (5) All associated site works. **Extension of Duration Granted.**

SD16A/0072 (1) Demolition of existing single and two storey post primary school buildings (1050sq.m) to the east of the main school buildings. (2) Construction of a part two, part three storey post primary school extension (3346sq.m in total) configured as follows: (a) three storey extension (1817sq.m) north of main school building along the Lucan Road forming a new post primary school pedestrian entrance off the Lucan Road, (b) two storey extension (1340sq.m) to the east of main school buildings, (c) two storey extension (escape stairs 55sq.m) to the south of main school buildings on the west side of the two storey classroom block, (d) single storey extension (133sq.m) at first floor north of the existing PE hall. (3) Reconfiguration of the existing vehicular and pedestrian access off Lucan Heights to form the main post primary school vehicular entrance and secondary pedestrian entrance. (4) The reconfiguration of the existing primary school pedestrian entrance in its current location off the Lucan Road and the re-designation of the existing post primary school vehicular entrance as the primary school vehicular entrance. (5) All associated site works. **Permission Granted**

SD14A/0166 Replacement of existing sports hall multi-pitch, roof, with a flat roof incorporating change from triangular clearstory windows to a continuous clearstory window along east, west and north elevation to match south elevation. **Permission Granted**

Assessment

Consideration as to whether a temporary timber structure in the school garden to facilitate outdoor classroom studies constitutes development or constitutes exempted development or not is governed by Sections 3, 4 and 5 of the Planning and Development Act 2000 (as amended) and Articles 5, 6, 9, 10, 11 of the Planning and Development Regulations 2001 (as amended)

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Is the proposal development?

Section 3(1) defines 'development' as 'the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land'. The term 'works' is defined in Section 2(1) of the 2000 Act as 'any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal'.

Having regard to the above, and to the drawings showing the timber structure, it is considered that the proposed structure and installation of a canopy is deemed to be construction and is therefore development.

Is the proposal exempted development?

ASSESSMENT OF A TEMPORARY STRUCTURE

The Planning and Development Regulations set out the following Classes in relation to temporary structures at schools.

CLASS 20B The erection on land on which development consisting of the construction of a school is to be carried out pursuant to a permission or outline permission under the Act of temporary on-site school structures – **Not relevant as the school has been constructed**

CLASS 20D Development consisting of – The erection on land on which a school is situated of a structure to facilitate the continued delivery of education. **The applicant states that the structure would be used to deliver outdoor classroom studies.**

1. No such structure shall be erected for a period exceeding 5 years. **The applicant has not stated when the structure would be removed. Given 5 years is a condition of Class 20D, the structure would need to be removed 5 years after it was erected. However, in the interests of clarity, the applicant is requested to provide details of when the structure would be erected and when it would be removed via additional information.**

2. The gross floor area of such structure shall not exceed 30% of the gross floor area of the existing school. **The gross floor would be less than 30% of the existing school.**

3. No such structure shall exceed two storeys. **The structure is single storey**

4. Distance to party boundary –

(a) any single storey structure shall be a distance of not less than 2 metres from any party boundary. **The redline plan submitted indicates that the redline would be at least 2m from the boundary. The applicant is requested to provide a site layout plan as additional information this should provide details of distances from boundaries.**

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(b) any two-storey extension facing an existing dwelling shall be a distance no less than 22 metres from the main part of the dwelling, or **N/A structure is single storey.**

(c) any two-storey extension closer than 12.5m to a party boundary or facing and closer than 22 metres to the dwelling shall – **N/A structure is single storey.**

(i) have no windows overlooking, or

(ii) have obscure glass.

5. Such structure shall comply with the Department of Education Primary and Post Primary Technical Guidance Documents for the time being in force. **No details of compliance have been provided. The applicant is requested to provide details of compliance via additional information.**

It is considered therefore that the proposed installation of:

- Temporary timber structure in the school garden to facilitate outdoor classroom studies.

may be exempt development, however, additional information is required.

ASSESSMENT UNDER ARTICLE 9 RESTRICTIONS

Article 9 restrictions

The proposed development is not restricted by any of the restrictions in Article 9 of the Planning and Development Regulations 2001 (as amended).

Conclusion

Having regard to the provisions of Section 4 of the Planning and Development Act 2000 (as amended), and Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended), it is considered that the following works:

- Temporary timber structure in the school garden to facilitate outdoor classroom studies.

to be carried out at St. Joseph's College, Presentation Convent, Lucan, Co. Dublin as detailed in the documentation submitted.

(A) is development

and

(B) **It is not clear whether it is exempt development.**

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Recommendation

The applicant shall be written to and informed that the proposed development comprising canopy over children's play area so that students can do PE and play outdoors regardless of the weather

- (i) is Development and
- (ii) Additional information is required to determine whether or not it is exempt development.

I recommend that **Additional Information Requested** be requested from the applicant with regard to the following:

1. The applicant has not stated when the structure would be removed. It is a condition of Class 20D that no structure shall be erected for longer than 5 years. In the interests of clarity, the applicant is requested to provide details of when the structure would be erected and when it would be removed.
2. The applicant is requested to provide a site layout plan (at a scale of no greater than 1:500). This should provide details of existing features on site, proposed buildings and the distance of the proposal from boundaries.
3. The applicant is requested to provide details of how the proposal complies with current Department of Education Primary and Post Primary Technical Guidance Documents.


Colm Harte
Senior Executive Planner

ORDER: That **ADDITIONAL INFORMATION** be requested from the applicant as set out above and that notice thereof be served on the Agent/Applicant.

Dated: 27/6/22


Eoin Burke, Senior Planner