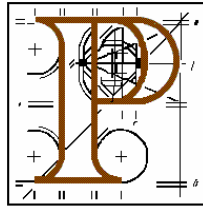


**An Bord Pleanála**



Development: Demolish existing school and extensions at Belfort House. Erect new part single, part three-storey school. Construct temporary pre-fabricated school building, Newpark School, Newtownpark Avenue, Blackrock, Co. Dublin.

Planning Application

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref: D10A/0234

Applicant: Department of Education and Science

Type of Application: Permission

Planning Authority Decision: Grant

Planning Appeal

Appellant(s): Linda Russell

Type of Appeal: 3rd-v-Grant

Site Inspection: 25<sup>th</sup> February 2011

Inspector Colin McBride

## 1. SITE LOCATION AND DESCRIPTION

- 1.1 The subject site, which has a stated area of 0.3.24hectares, is located to the south east of Blackrock village and to the west of Monkstown on Newtownpark Avenue. The site is occupied by an existing school which consists of a large single-storey structure in the middle of the site, a sports hall building adjacent the south western boundary of the site. There are two existing structures located adjacent the north eastern boundary of the site (Belford and Melfield ( Melfield is a protected structure)). To the south east of the site is an existing hockey pitch and basketball courts. Adjoining uses include existing two-storey dwellings to the north east including those on Rockville Road and Rockville Park, existing two-storey dwellings in Rowanbryn located to the south east. The Monkstown Ring Road runs along the south western boundary.

## 2. PROPOSED DEVELOPMENT

- 2.1 Permission is sought for the demolition of an existing single-storey school building (3,400sqm) and ancillary extensions to Belford House (2,255sqm) and to construct a new, part single-storey, part three-storey school building (6,580sqm), to refurbish the west side of Belford House and construct a new three-storey extension (total 733sqm) and construction of a temporary single-storey prefabricated school building (2,140sqm) to the eastern boundary for the duration of the construction works of the new school. It is also proposed to construct a substation (21sqm) at the north east corner of the site, refurbish the two gate lodges at the entrance and exit and modifications to the existing boundary walls and ancillary works including new landscaping.

## 3. PLANNING HISTORY

- 3.1 **D08A/0604:** Permission granted for change of use of existing ball courts as overflow parking for 85 vehicles.
- 3.2 **D04A/0727:** Permission granted to erect a single-storey prefabricated building to the north of the existing college.
- 3.3 **D03A/1099:** Permission granted to replace 2 existing all weather playing pitches with one new synthetic playing pitch with revised floodlighting layout and to erect a three metre high perimeter fence.

## 4. DEVELOPMENT PLAN POLICY

- 4.1 The relevant development plan is the Dun Laoghaire Rathdown County Council Development Plan 2010-2016. The site is located in Zone A with a stated objective 'to protect and/or improve residential amenity'.

**5. LOCAL AUTHORITY AND EXTERNAL REPORTS**

5.1 a) Development Applications Unit (03/06/10): Condition regarding archaeological monitoring to be attached in the event of a grant of permission.

b) Water & Waste Services Department (04/06/10): Proposed watermain layout to be submitted for approval prior to the commencement of development.

c) Transportation Department (14/06/10): No objection subject to conditions.

d) Parks & Landscape Services (23/06/10): Further information required including a tree survey and landscaping proposals.

e) Conservation Officer (23/06/10): Further information required including revised parking layout in the context of Melfield House (protected structure) and a schedule of works for the gate lodges which are within the curtilage of Melfield House.

f) Planning report (25/06/210): Further information required. This includes the information sought by the Parks & Landscape Services, the Conservations Officer and the Drainage Department. In the applicant was requested to provide screening measures along the boundary adjacent the dwellings at Rowanbryn, clarification of how it is proposed to operate the overflow car park permitted under ref no. D08A/0604), justification for the additional parking provided in the context of total parking on site, submit clear details of proposed pedestrian access onto Newtownpark Avenue, alternative proposal for the sub-station so as to retain an existing pedestrian entrance, explore the possibility of pedestrian/cycle entrance off the Monkstown Road and proposals for cycle parking.

g) Conservation Officer (02/11/10): The proposal for a formal lawn in front of Melfield House is viewed positively. The applicant is requested to clarify reference to repair of the entrance portico in the Conservation Report. A condition is recommended that refurbishment of the gate lodge is carried out in tandem with the overall development and that the specified works be carried out in accordance with good conservation practice.

h) Parks & Landscape Services (05/11/10): Clarification of further information required including clarification of tree survey in relation trees for removal and revision of the landscaping scheme to include a number of mature semi native trees.

i) Planning report (09/11/10): The proposed timber screens adjacent the dwellings at Rowanbryn was considered acceptable and adequate to safeguard the privacy of these dwellings. The layout has been revised to include the previously approved overflow car park which was inadvertently omitted. The increase in total of 30 car parking spaces is considered acceptable. The retention of the existing pedestrian

entrance and relocation of the substation is considered acceptable as well as the provision of an additional pedestrian entrance off the Monkstown Road and additional cycle parking on site. The revised proposal to the front of Melfield House was considered acceptable as acknowledged by the Council's Conservation Officer. The schedule of works in relation to the refurbishment of the gate lodges was also considered to be acceptable. Conditions are to be applied in terms of landscaping and tree retention/removal. The applicant has addressed the issues raised by the Council's Drainage Department. The proposed development would not detract from the existing amenities of the area and would be in accordance with the proper planning and sustainable development of the area. A grant of permission was recommended subject to the conditions outlined below.

## **6. PLANNING AUTHORITY'S DECISION**

### **6.1 Permission granted subject to 18 conditions. Of note are the following conditions...**

Condition 5 and 6: Arboricultural consultant to be retained to carry out post construction survey of trees, provide clear details of trees to be removed/retained for written agreement with Planning Authority.

Condition 9: Timber screen along eastern boundary to be extended to include screening of no.s 113 & 114 Rowanbryn.

Condition 10: Timber screen along eastern boundary to be removed on completion and occupation of the new school building.

Condition 11: Temporary classrooms along eastern boundary to be removed on completion and occupation of the new school building.

Condition 14: Timeframe for the completion of the gate lodges to be agreed with the Planning Authority.

Condition 17: A Mobility Management Plan to be submitted and agreed with the Planning Authority.

## **7. GROUNDS OF APPEAL**

### **7.1 A third party appeal has been lodged by Mairead & Arthur Healy, no. 125 Rowanbryn Linda Russell, no. 121 Rowanbryn Mr. & Mrs. Purcell, no. 120 Rowanbryn Mr. & Mrs. Coyne no. 119 Rowanbryn Mr. & Mrs. Hegarty, No. 118 Rowanbryn Mr. & Mrs. Holfer, no. 116 Rowanbryn Mr. & Mrs. Landers, no. 115 Rowanbryn Barbara Talon, no. 114 Rowanbryn**

- The appellants are not against the principle of the proposed development but have concerns regarding the impact of the temporary school structure on the amenities of the local residents.

- There are concerns regarding the proximity of the temporary structure to the rear of the appellants dwelling, the fact that windows open out on the elevation facing the appellants property and that the nature of the current economic climate would result in them being place for a longer period than the five year life of the permission.
- Concern is expressed regarding the proximity of the temporary buildings to the appellant's property having regard to the level of activity, noise and disruption associated with the existing use on site and the poor level of noise containment offered by the prefabricated structures proposed. The use of buildings until 10pm would result in light spill over and noise.
- The appellants are not confident that the temporary structures will be removed in a timely fashion after the occupation of the new school.
- The reinstatement of use of the basketball courts will cause further noise problems due to their intensive use.
- A revised location should be found for the temporary structures or consider a phased approach to construction of the new school.
- The appellants have concerns regarding the proposed pedestrian entrance onto the Monkstown Road as it will cause traffic congestion due to children being dropped off at this location. Concerns are also expressed regarding the possibility of parking along the Monkstown Road by students and teachers. There are also concerns regarding the security of this entrance.

## **8. RESPONSES**

### **8.1 Response by Dun Laoghaire Rathdown County Council.**

- The PA is satisfied that the proposed screening is adequate to safeguard the amenities of the adjoining residents.
- The PA request that the Board support the proposal for a pedestrian entrance onto the Monkstown Road in order to improve pedestrian and cycle access to the school.

### **8.2 Response by the applicant, the Department of Education and Science.**

- The location for temporary accommodation is the only viable location and open space which does not affect the ongoing operation of the existing school.
- The location of the temporary accommodation is constrained by the position of the new school, the construction compound and the existing buildings to be retained on site.
- The temporary structure is designed to facilitate 800 pupils and 115 staff and cannot be reduced in size without being detrimental to the viability of the project. The layout has been stipulated by the Department of Education and Skills and cannot be broken up.
- The department has no alternative sites or funds available for alternative off-site accommodation.

- The temporary boundary screening was requested by the Planning Authority to address overlooking concerns and to reduce acoustic impact. Condition 9 requires its extension beyond the extent of the structure, no. 10 requires its removal on completion and occupation of the school and no. 11 requires the temporary structure to be removed on completion and occupation of the school. The structure is to be removed on completion with a timeframe of 18 months for construction.
- There is a condition stipulating no use after 10pm. Any activities carried out in the temporary structures are long established activities on the existing school.
- The screening proposed will prevent light over spill and reduce possible acoustic issues.
- The department will be bound by best practice and strict environmental legislation in relation to venting and fumes from the toilet and laboratory areas.
- The temporary boundary screening was requested by the Planning Authority to address overlooking concerns and to reduce acoustic impact. Condition 9 requires its extension beyond the extent of the structure, no. 10 requires its removal on completion and occupation of the school and no. 11 requires the temporary structure to be removed on completion and occupation of the school. The structure is to be removed on completion with a timeframe of 18 months for construction.
- The basketball courts are to be reinstated on removal of the temporary structure. These are existing and a long standing established use.
- The inclusion of a pedestrian entrance on the Monkstown Road was requested by the Planning Authority whose rationale is based on Government Guidance (Smarter Travel: A Sustainable Transport Future 2009-2020).

## 9. ASSESSMENT

9.1 Having inspected the site and examined the associated file documentation the following are the main issues in relation to this case.

Principle of the proposed development  
Design, scale, residential amenity  
Traffic/pedestrian access

### **9.2 Principle of the proposed development:**

9.2.1 Under the current County Development Plan the site is located on lands zoned A with a stated objective 'to protect and/or improve residential amenity'. Under this zoning the proposed use (education) is noted as being 'open for consideration'. Notwithstanding the zoning objective the proposal is for a revision of an existing and long established use with the proposal seeking to upgrade existing facilities. I consider that the principle of the proposed development is acceptable.

**9.3 Design, scale, residential amenity:**

9.3.1 The main proposal concerns the demolition of the existing single-storey school building and its replacement with a part single-storey, part three storey structure. In terms of visual impact the existing school building is dated in appearance with its replacement with a more contemporary structure enhancing the visual amenities of the area. In terms of scale the site is large enough to accommodate the new structure which is larger in size and is three-storeys at its highest point. The large size of the site and the location of the three-storey portion of the structure away from the boundaries mean the proposal would have no adverse impacts in terms of being overbearing in relation to adjacent uses. The overall design of the new school building is of an acceptable standard and would be unlikely to have any significant impact on the visual or residential amenities of the area.

9.3.2 The proposal also entails alterations to an existing three-storey building called Belfort House located adjacent the north eastern boundary of the site. Belfort House although not a protected structure is a structure of some age and of distinctive architectural character. Despite it not being protected I consider it to be of some architectural heritage value. It is proposed to demolish later additions to Belfort which constitute single-storey extensions and prefabricated structures housing classrooms. In demolishing the extensions to Belfort the original proportions of the structure will be reinstated with the addition of a smaller three-storey extension to the side. The extension is contemporary in nature but subordinate to that of the existing structure. The extension represents a huge improvement over the existing situation. The extension is in keeping with proportions of the existing building. The main alteration to internal layout is the addition of a lift. Melfield House is a two-storey Building located to the east of Belfort. Melfield is a protected structure under the County Development Plan. No alterations are proposed to Melfield however the proposed development does result in significant improvement of the setting of this structure. The new main school structure is further away from Melfield than the existing main school building. This change taken in conjunction with the demolition of the larger single-storey extensions to Belfort mean there is more open space/open areas around Melfield and Belfort enhancing their setting within the grounds of the existing school. The proposal provides for the refurbishment of the two existing gate houses which are currently vacant and in poor condition. These are noted as being protected structures due to their location within the curtilage of Melfield. The refurbishment and use of these structures is a positive aspect of the overall development.

9.3.3 The appellants do not appear to have any concerns regarding the overall design and scale of the new school proposals. Their main concerns relate to the temporary school structure to be constructed adjacent the south eastern boundary of the site and its potential impact on residential amenity. In terms of facilitating temporary accommodation I would note that the location of the proposed temporary school building on site is the only feasible location which could facilitate such structures given the existing layout of the site and the area needed for construction of the new school building.

9.3.4 In terms of overall scale the proposed temporary structure is modest in height relative to the existing boundary with the applicant proposing additional timber screening

to further reduce any potential impacts. It is notable that the temporary structure is 2.5 m to the rear boundary of the dwellings at its closest point increasing to 10m due to the alignment of the boundary. It is also notable that the ground floor level of the rear gardens in Rowanbryn increases relative to the school site in a south westerly direction towards the Monkstown Road. Subject to the proposal for screening I am satisfied that the height and scale of the structure relative to the adjoining dwellings would not be overbearing and that the added screening proposed which ensure that the temporary structures are not visible at all from the adjoining dwellings and their rear gardens.

9.3.5 The layout of the structure provides for classrooms on the elevation facing the adjoining dwellings with all science labs and woodworking classrooms facing into the site and way from the adjoining dwellings. The music department of the school is located in Melfield which is being retained. I do not envisage that the operation of the school having regard to the internal layout would give rise to any adverse impact in terms of noise or emissions. The appellants raised concerns regarding the congregation of pupils at this location and the potential for noise and disruption. In this regard I would note that the location of the temporary school building is on an area of open space which would already be subject to day to day use by pupils during lunch time periods so I not consider the proposal to be different in terms of the existing established use. In terms of timescale it is noted that the construction period for the new school is 18 months. I do not see any reason why the temporary structures should be in place after completion of the new school building and would recommend attaching conditions in this regard. I would also anticipate that the temporary structures would be unlikely to be put in place until a certain start date for construction of the new school is in place.

#### **9.4 Traffic/Pedestrian entrance:**

9.4.1 The permitted development provides for two vehicular entrance points off Newtownpark Avenue with one providing access and one exit only with a one way circulation route through the school grounds. Both of the vehicular access points are a revision of existing vehicular access on and off the site with no new vehicular entrances proposed. Sightlines at both appear to be of a satisfactory standard with the proposal providing for a more ordered circulation system within the school grounds.

9.4.2 In terms of the parking the existing school provides for 113 car parking spaces and 85 overflow spaces on the existing basketball courts located adjacent the south eastern boundary of the site. The revised proposal will provide for an increase in parking to 142 car parking spaces with overflow parking of 82 spaces to be provided on the basketball courts adjacent the south eastern boundary of the site. In terms of development plan standards there is a requirement of 1.5 spaces per classroom and 2 visitor spaces (Table 16.4). Based on my estimation of 71 classrooms in the proposed and existing structures this is a requirement of 108 car parking spaces. The proposal provides for well in excess of this amount not including the overflow car parking and in this regard is satisfactory and in compliance with development plan policy.

9.4.3 The proposal provides for a new pedestrian entrance off Newtonpark Avenue (there is an existing pedestrian entrance on this road frontage) and a new pedestrian entrance off



the Monkstown Road which was requested to be included by the Planning Authority. I consider that the provision of such to be positive in terms of providing accessibility to the school and existing sports centre within the grounds. I am satisfied that proposed entrance from the Monkstown Road would not result in a traffic hazard and would be beneficial for access to the site. This entrance was considered to be acceptable by the Council's Transportation department and should be retained in the event of grant of permission.

### **CONCLUSION**

The overall design and scale of the proposed development is considered to be acceptable and would result in an enhancement of the visual amenity of the area as well as having significant benefit to the wider community due to the improvement in school facilities in the area. The overall design and scale of the proposed development and the temporary school structure has due regard to the amenities of adjoining residential properties and would have no significant impact, adverse or otherwise on the residential amenities of these properties. The proposal also provides for a greatly improved traffic layout which provides for adequate vehicular and pedestrian access, provides sufficient car and cycle parking facilities and would be satisfactory in terms of traffic safety and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

### **RECOMMENDATION:**

I recommend a grant of permission subject to the following conditions:

### **REASONS AND CONSIDERATIONS**

Having regard to the established use of the site as a school, and to the provisions of the current development plan for the area, and having regard to the acceptable design and scale of the proposed structures, the proposed development would not seriously injure the residential amenities of properties in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **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 14th day of October, 2010, 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 and to ensure a proper standard of

development.

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 hours of working, noise management measures and off-site disposal of construction and demolition waste.

**Reason:** In the interests of public safety and residential amenity.

4. Prior to the commencement of works, the developer shall make a record of the existing protected structures (gate lodges). This record shall include:

(a) a full set of survey drawings to a scale of not less than 1:50 to include elevations, plans and sections of the structure, and

(b) a detailed, labelled photographic survey of all internal rooms (including all fixtures and fittings), the exterior and the curtilage of the building.

This record shall be submitted to the planning authority prior to the commencement of development and one copy of this record and a full set of drawings of the proposed works to the protected structure shall be submitted to the Irish Architectural Archive.

**Reason:** In order to establish a record of this protected structure.

5. All matters relating to the demolition, alteration, renewal or repair of existing historic fabric (gate lodges) should be referred to the planning authority for prior written agreement in terms of best conservation philosophy and practice to be applied. Such referral shall take the form of monthly written progress reports and onsite meetings as required. In this regard details including a meeting schedule shall be submitted to the planning authority for written agreement prior to the commencement of development.

**Reason:** In the interest of the proper conservation of the historic structures.

6. The developer shall employ an archaeologist to carry out monitoring of any sub-surface works carried out within the proposed development site, such as associated service trenches, reduction in ground levels etc. Should archaeological material be found during the course of archaeological monitoring the developer shall facilitate the archaeologist in halting ground works fully recording the material. The developer shall advise The Heritage and Planning Division of the Department of the Environment, Heritage and Local Government with regard to the appropriate course of action, should archaeological material be discovered. The archaeologist shall prepare and submit a report describing the results of Archaeological monitoring to the planning authority and to The Heritage and Planning Division within six weeks of the completion of any Archaeological monitoring.

**Reason:** In order to preserve the archaeological heritage of the area.

7. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

**Reason:** In the interest of orderly development and the visual amenities of the area.

8. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to the planning authority for agreement.

**Reason:** In the interest of orderly development and the visual amenities of the area.

9. The site shall be landscaped in accordance with a scheme of landscaping, details of which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The scheme shall include a timescale for its implementation.

**Reason:** In the interest of visual amenity.

10. The site shall be landscaped in accordance with the details received by the planning authority on the 14th day of October, 2010.

**Reason:** In the interest of visual amenity.

11. All trees, shrubs and groups of trees specified for retention shall be enclosed within stout fencing, details of which shall be agreed with the planning authority. The fencing shall enclose at least the area covered by the spread of the branches, shall be erected before any site works begin and shall be maintained during the construction period. No development works shall be carried out within the area enclosed by the protective fencing. In particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil or chemicals, or lighting of fires over the root spread of trees specified for retention on the site.

**Reason:** To protect trees proposed for retention, in the interest of visual amenity.

12. The timber screen, indicated along the eastern boundary with Rowanbryn residential area, shall be extended for the full length of the eastern site boundary to include screening measures to the rear of no.s 113 & 114 Rowanbryn. Details in this regard, shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.

**Reason:** In the interests of residential amenity.

13. The timber screen indicated along the eastern site boundary with Rowanbryn shall be removed on completion and occupation of the new school building.

**Reason:** In the interests of visual amenities.

14. Upon completion and occupation of the new school building, the temporary classroom structures, located adjacent the eastern site boundary shall be removed and the amenity/sports area, including basketball courts, shall be fully reinstated as the primary use at this location. This area shall only be operated as an overflow car park, strictly in accordance with the requirements of reg. ref D08A/0604, which stipulates that the overflow car park is for use outside of school hours and mainly for sports occasions, which can generate excessive traffic. The drop bollards, as indicated on the access route to the overflow car park, shall be used to prevent usage on a daily basis.

**Reason:** In the interests of proper planning and sustainable development.

15. The temporary classroom accommodation, located adjacent to the eastern site boundary, shall not be used later than 10pm on any evening.

**Reason:** In the interests of residential amenity.

Colin McBride  
28<sup>th</sup> February 2011