



An
Bord
Pleanála

**Board Direction
PL29S.247288**

The submissions on this file and the Inspector's report were considered at a Board meeting held on February 1st 2017.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the planning history of the site, the nature and the design and layout of the proposed development, it is considered that the principle of the development of a Primary School is acceptable on this site which allows for educational land uses, within the Z15 land use zoning, of the Dublin City Development Plan 2016-2022. If carried out in accordance with the conditions set out below, the proposal would not unduly affect the setting of the Protected Structure or the adjacent Architectural Conservation Area, would be acceptable in terms of traffic safety and convenience, would not affect the residential amenity of surrounding areas and would be in accordance with the proper planning and 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 8th day of August 2016, 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. The development shall be amended as follows:-

a) The proposed entrance to Mount Eden Road to serve the Convent and UCD Muckross Park Halls shall be omitted. Only two entrances (i.e. in/out) to serve the proposed Primary School shall be permitted from the Mount Eden Road frontage.

b) The proposed pedestrian and cycle access onto the existing laneway between nos. 44 and 46 Marlborough Road shall be omitted from the development as there are concerns regarding its narrow width giving rise to the potential for pedestrian/vehicular conflict.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual and residential amenity

3. Prior to the commencement of development details showing plans for permeability for pedestrians and cyclists to the school site from the Marlborough Road as amended by Condition No 2 (b) of this Order shall be submitted and agreed in writing with the planning authority.

Reason: In the interests of permeability and sustainable development.

4. Prior to commencement of construction, details in relation to the implementation and on-going monitoring of the operation of the Mobility Management Plan and School Travel Plan shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of traffic safety and convenience.

5. The vehicular entrances, parking and bus set down area, circulation system, associated signage, footpaths and kerbs shall be in accordance with the detailed requirements of the planning authority for such works.

Reason: In the interest of amenities and public safety.

6. a) Details of the materials, colours and textures of all the external finishes to the proposed development, including boundary railings, gates and all other boundary treatment, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

b) The first floor windows in the eastern elevation shall be permanently comprised of obscure glazing as shown on the plans submitted with the further information on the 8th of August 2016.

Reason: In the interests of visual amenity and to protect the amenity of adjoining residents

7. Covered and secure bicycle and scooter parking spaces shall be provided within the site. Prior to commencement of development, the layout and demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority.

Reason: To ensure an adequate bicycle and scooter parking provision is available to serve the development.

8. Lighting shall be provided in accordance with a scheme, which shall be designed to minimise glare and light pollution and shall include lighting of pedestrian/vehicular/cycle routes through the site and car parking areas, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Such lighting shall be provided prior to the occupation of the school. There shall be no lighting outside operational hours.

Reason: In the interest of residential amenity and public safety.

9. No further structures, plant or antennae shall be erected on the roof of the proposed building without a prior grant of planning permission.

Reason: In the interests of visual amenity

10. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

11. a) Water supply and drainage arrangements, including the disposal of surface water shall comply with the requirements of the planning authority for such works and services.

b) A Flood Risk impact assessment for the proposed development in accordance with the DEHLG/OPW Guidelines on the Planning Process and Flood Risk Management published in November 2009, and to include mitigation measures in accordance with the requirements of the planning authority shall be submitted. Details in this regard shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of public health and to ensure a proper standard of development.

12. a) The landscaping scheme shown on drawing number 100 Masterplan, Mitchell & Associates as submitted to the planning authority on the 8th day of August, 2016 shall be implemented within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.
- b) Tree protection measures in accordance with current standards shall ensure that existing trees to be retained on site are protected and retained during construction works.
- c) Details of additional screen planting to be implemented along the eastern site boundary with the rear of properties in Mount Eden Road shall be submitted for written agreement of the planning authority prior to the commencement of development.

Reason: In the interests of residential and visual amenity.

13. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (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,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

14. A plan containing details for the management of waste and recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and recyclable materials, in the interest of protecting the environment.

15. 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, noise management measures and off-site disposal of construction/demolition waste and a Traffic Management Plan for construction phase.

Reason: In the interest of public safety and residential amenity.

16. Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at 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.

Reason: In order to safeguard the amenities of property in the vicinity.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

Board Member

Date: 01.02.17

Paul Hyde