

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dublin City

Planning Register Reference Number: 2484/16

An Bord Pleanála Reference Number: PL 29S.247288

APPEAL by Alan O’Grady and Kathleen O’Grady care of Diarmuid Ó Gráda, Planning Consultant of 16 Louvain, Roebuck Road, Dublin and by Others against the decision made on the 2nd day of September, 2016 by Dublin City Council to grant subject to conditions a permission to The Minister for Education and Skills care of O’Mahony Pike Architects of The Chapel, Mount Saint Anne’s, Milltown, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Consisting of one number 16 classroom primary school building with general purpose hall, support teaching spaces and ancillary accommodation, with a total floor area of 2710 square metres, within the curtilage of Muckross Park House, a protected structure, accessed off Marlborough Road, Donnybrook, Dublin. The proposed school will be two-storey with a single-storey element. Existing vacant Montessori building to be converted to provide Resource Room. The works will include widening of existing entrance and two number new entrances onto Mount Eden Road. The site works to the school grounds will consist of the provision of 132 number cycle storage spaces, scooter storage, bin store, external store, ball courts, project gardens, play areas, landscaping and boundary treatment and all other associated site development works. The works to the remainder of the site consist of the provision of 16 number parking spaces, drop-off and pick up facilities, all on a site of circa 1.19 hectares located on the grounds of the Dominican Convent (Protected Structure), Muckross Park, Donnybrook, Dublin.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the planning history of the site and the nature, design and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, 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, 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 and would not affect the residential amenity of surrounding areas. 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 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 onto Mount Eden Road to serve the Convent and UCD Muckcross 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 numbers 44 and 46 Marlborough Road shall be omitted from the development to eliminate any traffic/pedestrian congestion and to have regard to the narrow width of the existing laneway.

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 commencement of development details showing plans for permeability for pedestrians and cyclists to the school site from the Marlborough Road as amended by Condition Number 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 day 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 “The Planning System and Flood Risk Management, Guidelines for Planning Authorities”, as published by the Department of the Environment Heritage and Local Government and Office of Public Works, November 2009 and to include mitigation measures in accordance with the requirements of the planning authority shall be submitted to and 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 revision c Masterplan, Mitchell and 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 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 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 hours Mondays to Fridays inclusive, between 0800 hours 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017.