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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3858/17**

**Appeal** by Deneige Butler of Cappalaune, 7 Maple Road, Clonskeagh, Dublin and by Niall McDonagh care of MacCabe Durney Barnes Limited, 20 Fitzwilliam Place, Dublin against the decision made on the 28<sup>th</sup> day of February, 2018 by Dublin City Council to grant subject to conditions permission to the Department of Education and Skills care of tún architecture and design limited, 32 North Brunswick Street, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The demolition of all structures on site (1,550 square metres) and the construction of a four-storey over part basement, with part single and part two-storey new primary school (4,630 square metres) that will comprise 24 number classrooms and two special educational needs classrooms as well as all ancillary school accommodation, services and storage. The development will include small inset balconies to its west facing front elevation facing Harcourt Terrace at first, second and third floor level. The development will include five number play areas including a sensory garden in the courtyard of the special educational needs unit, a dedicated special needs play area above the single-storey special educational needs unit, a junior play area to the front and bounding Harcourt Terrace, a rooftop

play area above the four-storey element and a main play area to the rear. The main pedestrian access to the school is off Harcourt Terrace with a secondary access from Charlemont Place with provision of secure parking for 225 bicycle and scooters to the front and rear of the building. No car parking is proposed within the site with no dedicated set-down areas along Harcourt Terrace. The development will also include a new boundary wall, fencing and gates around the periphery of the site with new entrance along Harcourt Terrace as well as all associated site development and landscaping works, all on a site of 0.38 hectares at numbers 11A Harcourt Terrace (former Garda Station) that also fronts onto Charlemont Place (Harcourt Terrace Lane); and 12 to 16 Harcourt Terrace (former Film Censor's Office), 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 provisions of the Dublin City Development Plan 2016 - 2022, the planning history of the site, the pattern of development in the area, the design of the proposed development, the ten year phasing period for the school to reach the maximum number of pupils, and the proposed School Travel Plan, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the visual and residential amenities of the area, or the architectural integrity and established character of the protected structures and the streetscape of Harcourt Terrace, and would not constitute a traffic hazard or endanger public safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board did not agree that the proposed development constitutes overdevelopment of the site and considered that the existing transportation infrastructure and the specific initiatives proposed in the School Travel Plan would ensure that the proposed development would not constitute a traffic hazard or endanger public safety.

## **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 5<sup>th</sup> day of February 2018, 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 the 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 developer shall comply with the following roads and traffic requirements of the planning authority:
  - (a) The Board of Management of the proposed school shall undertake to implement the measures outlined in the School Travel Plan to ensure that all targets set out within the plan are being implemented, monitored and achieved. A Mobility Manager for the school shall be appointed to promote, monitor and review the achievement of targets set out within the School Travel Plan and provide on-going updates to the planning authority on achievement of targets at regular intervals to be determined by the planning authority. Within three months of occupation of the proposed school, the occupier shall liaise with the planning authority to agree a timeframe for provision of monitoring reports. In the instance that the modal split targets set out in the School Travel Plan are not being achieved, the applicant or Board of Management of the school shall propose alternatives which address how the mobility requirements of the school will be addressed.
  - (b) Prior to commencement of development the applicant or Board of Management of the School shall liaise with the Roads and Traffic Planning Division of the planning authority to agree measures to improve the pedestrian environment in the immediate vicinity of the application site. Such measures shall include widening and repair to the footpaths in the vicinity of, and along Harcourt Terrace, safety measures for pupils at all school entrances and provision of pedestrian crossings in the vicinity of the site. All works shall be carried out to the planning authority's requirements at the applicant's expense.

- (c) Prior to commencement of development the applicant or Board of Management of the School shall liaise with the planning authority to agree detailed design and timeline for delivery of a pedestrian crossing in the vicinity of 19 to 20 Anglesea Road. All works shall be carried out at the applicant's expense at no cost to Dublin City Council and to the detailed requirements of the Environment and Transport Department.
- (d) Cycle parking shall be secure, conveniently located, sheltered and well lit. Staff shower and changing facilities shall also be provided as part of the development. Cycle parking design shall allow both wheel and frame to be locked.
- (e) 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 traffic management measures and noise measures.
- (f) All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
- (g) The developer shall be obliged to comply with the requirements, as set out in the Code of Practice.

**Reason:** To ensure a satisfactory standard of development.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. A panel of the proposed finishes shall be placed on site to enable the planning authority adjudicate on the proposals. Any proposed render finish to be self-finish in a suitable colour and shall not require painting. Construction materials and detailing shall adhere to the principles of sustainability and energy efficiency and high maintenance detailing shall be avoided.

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

4. Any use of the play areas at roof level shall be restricted to normal school hours.

**Reason:** In the interest of the residential amenity of properties in the vicinity.

5. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

6. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management and to ensure a satisfactory standard of development.

7. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities within each house plot 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, in particular recyclable materials, in the interest of protecting the environment.

8. 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.

**Reason:** In the interest of public health.

9. Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 and 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.

10. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

**Reason:** To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

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

**Dated this                    day of                    2018.**



