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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4412/17**

**Appeal** by Theresa O’Dea and others of 80 Grosvenor Lane, Rathmines, Dublin and by Olwyn Loughmore and Diarmuid O’Riordan of 10 Leinster Place, Rathmines, Dublin against the decision made on the 17<sup>th</sup> day of April, 2018 by Dublin City Council to grant subject to conditions a permission to The Minister for Education and Skills care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Provision of a temporary two-storey primary school (circa 1,480 square metres gross floor area) comprising 12 number classrooms and ancillary teacher and pupil facilities, located at the southern end of the overall former greyhound stadium site. The development will include the provision of an internal vehicular turning circle, two number universal access car parking spaces, a shared vehicular/pedestrian/cycle route within the site, internal pathways, bicycle and scooter parking and hard and soft play areas. Access to the proposed temporary school will be via the existing site entrance at Harold’s Cross Road and via one number pedestrian entrance gate which is proposed at the southern site boundary at Grosvenor

Lane. The existing site boundary to Grosvenor Lane will be revised, with a new boundary treatment provided at this location.

The development will also include piped infrastructure and ducting, plant, site landscaping, signage, changes in level and all associated site development and excavation works above and below ground. Temporary permission for a period of five years is being sought. All on a site of circa 0.62 hectares located at Harold's Cross Greyhound Stadium, Harold's Cross, 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 zoning of the site with the objective to protect and provide for institutional and community uses, the pattern of development in the area, the location and scale of the proposed temporary school and to the arrangement for traffic and pedestrian management, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Dublin City Development Plan 2016-2022 and 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 21<sup>st</sup> day of March, 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 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. This permission shall apply for a period of five years from the date of this Order. The use shall then cease, and the structure shall be removed, and the lands reinstated unless, prior to the end of the period, a further grant of planning permission has been obtained.

**Reason:** In the interest of clarity.

3. The following requirements shall be provided for and adhered to in the development:
  - (a) The developer shall implement the measures for achievement of the targets specified in the revised School Travel Plan which shall be fully implemented, monitored and reviewed under the direction of the Mobility Manager who shall be appointed by the developer, in accordance with the requirements of the planning authority to which periodic updates on achievement of targets and provision of monitoring reports shall be submitted in accordance with an agreed timeframe. If targets for modal split are not being achieved, alternative arrangements shall be agreed in writing with the planning authority.
  - (b) Prior to commencement of development, the developer shall liaise with the planning authority and shall agree a detailed design and a timeline for the delivery of a controlled pedestrian crossing at Kimmage Road Lower at the junction with Harold's Cross Road and a controlled pedestrian crossing at the junction of Harold's Cross Road and Leinster Road. The agreed works shall be carried out at the developer's expense in accordance with the requirements of the planning authority.

(c) Signage on Grosvenor Lane and a timeframe for implementation of the signage shall be agreed in writing with the planning authority.

(d) All improvements and upgrades provided for in the application and all maintenance and repair works required to reinstate the road and lane network following construction shall be carried out to the satisfaction of the planning authority at the developer's expense prior to the commencement of operation of the development.

**Reason:** In the interests of pedestrian and vehicular safety, amenity, clarity and orderly development.

4. All trees to be retained on site shall be enclosed by protective fencing, erected outside the branch spread prior to commencement of development and shall be maintained in place throughout the construction stage, in accordance with the standards set out in BS 5837 and the requirements of the planning authority.

**Reason:** In the interests of environmental and visual amenity and clarity.

5. 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 commencement of development. A panel of the proposed finishes shall be placed on site to enable the planning authority to adjudicate on the proposals.

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

6. 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.

7. All service cables associated with the proposed development shall be located underground.

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

8. No additional development shall take place above roof parapet level, including lift motors, air handling equipment, storage ducts, ducts or other external plant, telecommunications aerials, antennas or equipment, unless authorised by a further grant of permission.

**Reason:** To protect the visual amenities of the area.

9. All necessary measures shall be taken to prevent spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the site works.

**Reason:** In the interest of traffic safety.

10. The sound levels from any loudspeaker announcement, music or other material projected in or from the premises shall be controlled so as to ensure the sound is not audible in the adjoining premises or at two metres from the boundary.

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

11. 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, traffic management, measures in relation to invasive plant species and off-site disposal of construction/demolition waste.

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

12. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the occupation of the development.

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

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

**Dated this            day of            2018.**