



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 3302/18

Appeal by Residents of Mount Eden Road care of Diarmuid Ó Gráda, Planning Consultant of 16 Louvain, Roebuck Road, Dublin and by John and Margaret Graby of 10 Mount Eden Road, Donnybrook, Dublin against the decision made on the 8th day of March, 2019 by Dublin City Council to grant subject to conditions a permission to the Minister for Education and Skills care of Tom Phillips and Associates, Town Planning Consultants of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The provision of a temporary, two-storey primary school (circa 1,459 square metres gross floor area), comprising 12 number classrooms and ancillary teacher and pupil facilities, located to the east of the existing Convent premises, north of the Muckross Park College complex, within Muckross Park. The proposed development is within the curtilage of Muckross Park House, a Protected Structure (RPS Reference Number 4967). The development will also consist of the demolition of the existing four number storey UCD Muckross Halls building (1,748 square metres); the provision of new temporary vehicular and pedestrian access and egress arrangements to

the proposed temporary school via Mount Eden Road; internal circulation and drop-off arrangements serving the site; surface car parking; a shared vehicular/pedestrian/cycle route within the site; internal pathways; bicycle and scooter parking; bin storage; landscaping and hard and soft play areas. The development will include minor revisions to the existing site boundary to Mount Eden Road to facilitate the new entrance and exit arrangements and a new 1.8 metre boundary wall between the proposed temporary school and the existing convent. 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. No work is proposed to the protected structure as part of this application. Temporary permission for a period of three years is being sought on a site of circa 0.52 hectares located at Muckross Park, Donnybrook, Dublin (Protected Structure).

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 overall Muckcross Park site, to the nature, design and layout of the proposed development and to the character and pattern of development in the vicinity, it is considered that the principle of development of a temporary primary school is acceptable on this site which allows educational land uses within the Z15 land use zoning of the Dublin City Development Plan 2016-2022. It is considered that, subject to compliance with the conditions set out below, the proposed development 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, 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 13th day of February 2019, 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 three years from the date of this order. The temporary school building, ancillary structures and Fence Type C shall be removed and the land grassed or landscaped unless a further permission has been granted prior to the expiry of this permission.

Reason: To clarify the temporary nature of the permission. In the interest of the visual and other amenities of the area.

3. Only two entrances from Mount Eden Road frontage shall be permitted in accordance with condition number 2 of An Bord Pleanála Reference Number PL29S.247288 (Planning Register Reference Number 2484/16).

Reason: In the interest of visual and residential amenity.

4. The provisions of the School Travel Plan, as set out in the submitted documentation, shall be carried out in accordance with the detailed requirements of the planning authority, including provision for ongoing monitoring and reporting of progress on sustainable travel objectives.

Reason: In the interest of traffic safety and in order to help to achieve a model shift towards increased use of sustainable travel modes, in the interests of sustainable transport.

5. Details of the materials, colours and textures of all the external finishes of the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

6. 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.

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

Reason: To ensure an adequate bicycle and scooter parking provision is available to serve the proposed development, in the interest of sustainable transportation.

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

Reason: In the interest of the visual amenities of the area.

10. 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.

11. The applicant or developer shall enter into a water and/or waste water connection agreement with Irish Water prior to commencement of this development.

Reason: In the interest of public health.

12. The landscaping scheme shown on drawing number 1825PLN 104 as submitted to the planning authority on the 19th day of June 2018 shall be carried out prior to the occupation of the school.

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 two 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.

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. 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.

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

- 15. 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.

16. Site development and building works shall be carried out only between the hours of 0800 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.

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

Dated this day of 2019