



Planning and Development Acts 2000 to 2019

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D18A/0979

Appeal by Parkvale and Ballyolaf Residents Association care of ARC Architectural Consultants Limited of 30 Dalkey Park, Dalkey, County Dublin against the decision made on the 2nd day of April, 2019 by Dún Laoghaire-Rathdown County 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: An all-weather playing facility (circa 94 metres by circa 55 metres), located to the north of the existing community school complex on the site. The development will also include the provision of perimeter railing and fencing to the pitch; dugouts; ball stop netting; internal footpaths; surface water drainage provision; boundary treatments; changes in level; and, all associated site development and excavation works above and below ground. Access to the site will be via the existing arrangements serving the school on a site of circa 0.8 hectares located at Saint Tiernan's Community School (Roll number 91343T), Parkvale, Balally, Dublin. The school adjoins the Gort Mhuire Centre (Protected Structure) to the south (RPS Reference 1453).

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 and other objectives of the planning authority as set out in the Dún Laoghaire-Rathdown County Development Plan 2016-2022, which includes objectives to facilitate educational development on suitable sites, to the established educational use on the lands comprising the site, including playing fields, and to the nature and scale of the proposed all weather playing field facility, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the established use of the lands, would comply with the provisions of the Development Plan, would not seriously injure the amenities of the area or of property in the vicinity, would not endanger public safety for pedestrians or cyclists, and would be generally acceptable in terms of traffic safety. 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 to the planning authority on the 8th day of March 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. The proposed development shall be amended as follows: -
 - (a) The left turning exit only vehicular access onto Wyckham Way, and associated internal vehicular roadway leading to this access, as indicated on drawing number 1824-PLN.502 “Proposed Overall Master Plan”, submitted to the planning authority on the 16th day of October 2018, shall not be developed, and only cyclist access and pedestrian access to the existing footpath and cycle way along Wyckham Way shall be facilitated.
 - (b) The internal access roads and turning areas within the overall school lands, and the existing gateway onto the Parkvale estate, shall be altered to provide for two-way vehicular traffic through the existing access from/into the Parkvale estate, and the turning areas/drop-off bays within the site shall be so sized as to permit full-size coaches to enter and leave the school lands without having to reverse.

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 interests of pedestrian and traffic safety.

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 School Travel Plan, as submitted as part of the planning application under planning permission reference number 303041-18. These 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. Periodic updates on achievement of targets and provision of monitoring reports shall be submitted, in accordance with an agreed timeframe, to the planning authority. If targets for modal split are not being achieved, alternative arrangements shall be agreed in writing with the planning authority.
 - (b) The proposed pedestrian accesses onto the River Slang Greenway shall be provided before the proposed all-weather playing pitch facility is opened for use. The developer shall pay the full cost of any parking control or other measures that may be implemented by the local authority to prevent the use of the Ardglass estate by vehicular traffic associated with pedestrian access to the school campus.

- (c) The developer shall pay the full cost of any parking control or other measures that may be implemented by the local authority within the Parkvale estate to increase pedestrian and cyclist safety within the estate and along the link road between the Parkvale estate and the junction with the Sandyford Road.

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

4. The use of the proposed all-weather playing facility outside of school hours and outside term time shall be made available where it will be of benefit to the wider community, to details (including hours of operation) to be agreed in writing with the planning authority before the playing facility is opened for use. The playing facility shall not be made available for use for non-school-related purposes during school hours or school term time.

Reason: To comply with the requirements of Section 8.2.12.4 (School Development) of the County Development Plan, 2016-2022, by enabled non-school use of the proposed facility outside of school hours/term time, while limiting its use within those times/periods to school-related use, in the interests of residential amenity and of pedestrian and traffic safety.

5. When the proposed facility is in use outside of school hours and outside term time, the school access and all of the school car parking spaces, as shown on drawing number 1824-PLN.502 "Proposed Overall Master Plan", submitted to the planning authority on the 16th day of October 2018, shall be made available to pitch users.

Reason: In the interests of pedestrian and traffic safety, and to prevent parking associated with the use of the pitch on adjoining residential streets (particularly in Ardglass, Ballyolaf and Parkvale estates).

6. The proposed all-weather playing facility shall not be provided with floodlighting.

Reason: In the interests of protecting the residential amenities of adjoining property.

7. 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 and to ensure a proper standard of development.

8. 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: -

- (a) location of the site and material compound(s) including area(s) identified for the storage of construction refuse;
- (b) location of areas for construction site offices and staff facilities;
- (c) details of site security fencing and hoardings;

- (d) details to ensure that car parking facilities for site workers, and parking areas for construction vehicles, are provided on site during the course of construction, and that procedures are implemented so as to ensure that no such vehicles are permitted to park on adjoining residential streets (particularly in Ardglass, Ballyolaf and Parkvale estates);
- (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site. In this regard, no construction traffic shall deliver to/access or exit the overall school lands the half hour before or after the pupil opening and closing times of Saint Tiernan's Secondary School and, if it is in operation at the time of construction of the all-weather playing facility, the pupil opening and closing times of the Educate Together primary school on the school campus;
- (f) measures to obviate queuing of construction traffic on the adjoining road network;
- (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

- (j) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to include rainwater;
- (k) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil, and
- (l) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers, drains and the adjoining Slang River.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of protecting residential amenities, public health and pedestrian and traffic safety.

9. At the north-east corner of the proposed development, the developer shall vertically tie-in the proposed perimeter walkway to the existing ground level along the line of the existing pedestrian link/pathway between the Dundrum Slang River walkway at the location of Site Notice 5 and the existing school access from Parkvale.

Reason: In the interest of pedestrian safety.

10. The removal and management of Japanese Knotweed on the site, shall be carried out in accordance with the submitted 'Invasive Species Survey' Report.

Reason: In the interest of nature conservation.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that, with the imposition of conditions relating to traffic improvements both within the overall school campus, and within the public road system outside it, including the entrance onto Parkvale estate (as had been also included by the Board in its decision in relation to the proposed new Educate Together primary school under planning permission reference number 303041-18), and with the limitation on the use of the proposed playing facility by the wider community to outside of school hours/ term time (as also had been done in relation to the sports hall under planning permission reference number 303041-18), the proposed development would not be likely to lead to traffic hazard. In such circumstances, and subject to these limitations, the Board considered that the lack of verifiable information regarding the cumulative traffic generation of the playing field with the operation of the school, as referred to in the Inspector's recommended reason for refusal, was not a bar to determining the present application.

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

Dated this day of 2019.