



Planning and Development Acts 2000 to 2019

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 19/47

Appeal by William and Gillian Hogan of 25 Passage Road, Waterford against the decision made on the 23rd day of January, 2020 by Waterford City and County Council to grant subject to conditions a permission to the Board of Management of Newtown School care of Moloney O'Beirne Architects of Oyster Point, Temple Road, Blackrock, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Works, all within the curtilage of a protected structure as described below: forming a new recessed vehicular and pedestrian entrance off Passage Road; demolition of 20th Century classroom blocks (Glynn, Jacob, Webster, Foster and Penn) on the Wilkin Street side of the school complex and construction of a 4,624 square metres three-storey block with general and specialist classrooms and PV panels to roof; demolition of 20th Century entrance block between the dining hall and library and construction of 611 square metres two-storey entrance block with reception, administration, social/locker areas and staff facilities; demolition of the southern 20th Century section of the bio-laboratory and construction of a 500 square metres, single storey Special Needs Unit. The northern section of

the bio-lab will be retained as an archive museum; demolition of entrance lobby to Foy Hall and construction of a 162 square metres vertical circulation core and social/locker area; demolition of four classrooms attached to the swimming pool complex and construction of a 1,149 square metres PE sports/assembly hall and a single storey changing and fitness suite with PV panels to roof; alterations to existing buildings and construction of a 120 square metres part single storey, part two-storey horizontal circulation spine from Wyse House to the bio-lab, with an extended covered link to the new classroom block; alterations to the dining room and classroom block to form two levels with dining facilities, connected with a new staircase, refurbishment of Wyse House and insertion of new lift and part new staircase to facilitate its use as general classrooms and associated facilities. Wyse House is a protected structure, refurbishment of the library block including the replacement of the two 20th Century roof lanterns. The library is a protected structure; Relocation of two single storey storage containers to the west of the swimming pool and to the east of the new entrance. Total area of new build and refurbishment is 9,289 square metres; Provision of hard and soft landscaping with new set-down area, car parking, new storm water attenuation system and play areas. Any felled trees will be replaced; Provision of a temporary construction entrance off Wilkin Street; Construction of 26 number temporary car spaces adjacent to the main entrance for the duration of the construction programme; Provision of a temporary two-storey modular classroom block and a single storey dining and locker area with a combined floor area of 2,396 square metres; Provision of a combined roadway and fire path adjacent to the Wilkin Street and Passage Road boundary wall together with a 74 square metres extended store and covered yard, new drainage and all ancillary works, all at Newtown School, Newtown Road, Waterford. The proposed development was revised by further public notices received by the planning authority on the 23rd day of December, 2019.

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 for Community Facilities under the provisions of the Waterford City Development Plan, 2013-2019 (as varied), to the established educational use of the site and historic layout of the school campus with development concentrated in the south-west corner of the site, to the scale and nature of development and limited impact on historic built fabric, and to the pattern of development in the area and the separation distance between the proposed development and surrounding residential properties and screening provided by existing trees on site and boundary features, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not have an adverse impact on the character or setting of the protected structure (Newtown School) and would be acceptable in terms of traffic safety and convenience. 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 19th day of December, 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. Prior to commencement of development, full details of the recessed site entrance to Passage Road, including details of the replacement section of wall, and the new junction layout, shall be submitted to, and agreed in writing with the planning authority.

Reason: In the interests of visual amenity and traffic safety.

3. Prior to commencement of development, a revised site layout shall be submitted to, and agreed in writing with, the planning authority, indicating the existing roadside boundary along Passage Road from the junction of Wilkin Street to the pinch point immediately west of the swimming pool, which shall be setback to provide, by the developer, a new three metre wide footpath and a new roadside boundary wall. The new footpath shall continue on from this point to the new school entrance at a width to be agreed with the planning authority. Unless otherwise agreed with the planning authority, the new boundary setback and construction of the footpath shall be undertaken as part of the initial phase of the site works. The stone from the demolished existing boundary wall shall be re-used

to the fullest extent for the new boundary wall along Passage Road and this new boundary wall shall match the appearance of the existing walls in respect to the pattern of construction, size, colour and type of stone and the pointing pattern.

Reason: In the interests of visual amenity and traffic safety.

4. 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.

5. Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Irish Water.

Reason: In the interest of public health.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 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 residential amenities of property in the vicinity

7. All service cables associated with the proposed development shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

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 materials compound(s) including areas identified for the storage of construction refuse;
 - (b) Demolition schedule;
 - (c) Location of areas for construction site offices and staff facilities;
 - (d) Details of site security fencing and hoardings;
 - (e) Details of on-site car parking facilities for site workers during the course of construction;
 - (f) 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;
 - (g) Measures to obviate queuing of construction traffic on the adjoining road network;

- (h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (k) Location and details of the proposed temporary construction access on Wilkin Street, including measures for the avoidance of mature trees on this boundary and proposals for the reinstatement of the boundary wall post construction.

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 amenities, public health and safety.

9. 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.

10. 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 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.

11. (a) The mitigation measures set out in the Arboricultural Assessment received by the planning authority on the 31st day of January, 2019 shall be implemented in full except as may be required to comply with other conditions of this permission.
- (b) Prior to commencement of development, a revised tree plan strategy shall be submitted to, and agreed in writing with, the planning authority indicating new tree planting at a ratio of three new trees for every one tree felled and providing additional tree planting along the site boundary with Wilkin Street.

Reason: In order to screen the development and assimilate it into the surrounding area and in the interest of visual amenity.

12. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) proposals for the screening of the construction access on Wilkin Street.
- (b) proposals for the strengthening of the existing site boundary to Wilkin Street,
- (c) proposals for the reinstatement of temporary gravel surfaces indicated on drawing number 16015-P-1002 received by the planning authority on the 31st day of January, 2019).

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.

Reason: In order to screen the development and assimilate it into the surrounding area and in the interest of visual amenity.

13. The mitigation measures set out in the Bat Survey Report received by the planning authority on the 31st day of January, 2019 shall be implemented in full by the developer.

Reason: To ensure the identification and protection of bat species that may be present on the site.

14. 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) Implement in full the mitigation measures set out in the Archaeological Impact Assessment received by the planning authority on the 19th day of December, 2019, as may be required to comply with other conditions of this permission, including advance test trenching in the area of the new classroom block and new PE hall/gym building.
 - (b) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development,
 - (c) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (d) 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.

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

Dated this day of 2020.