



Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 4498/19

Appeal by Copeland Grove Residents care of McCutcheon Halley of Kreston House, Arran Court, Arran Quay, Dublin, by The Department of Education and Skills care of Wejchert Architects of 23 Lower Baggot Street, Dublin, and by Other against the decision made on the 24th day of January, 2020 by Dublin City Council to grant subject to conditions a permission to the said Department of Education and Skills in accordance with plans and particulars lodged with the said Council:

Proposed Development: The development will consist of: the construction of a new predominantly three storey 1000 pupil post primary school building, with roof mounted photovoltaic panel arrays, an external store, an ESB substation and switchroom, 47 number car parking spaces to the north and 25 number car parking spaces to the south of the proposed building, new site lighting and associated ancillary hard and soft landscaping works. The development will include the demolition of six number existing buildings on the site, five number of which are currently in use by the school. All will be demolished on a phased basis to accommodate the development. The development is located within the curtilage of Mount Temple lands, upon

which there are three number Protected Structures - Mount Temple House, its Clocktower and the Gate Lodge. No works are proposed for these Protected Structures. Gross internal floor space of the proposed development is 10,685 square metres, all on a site of 9.49 hectares, all at Mount Temple Comprehensive School, Malahide Road, Clontarf, 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 relevant provisions of the Dublin City Development Plan 2016-2022, including the zoning objective for the site whereon education is a permissible use, and policy in support of facilitating the expansion of schools, to the existing use of the site for educational purposes, to the nature, scale and design of the proposed development, the pattern of development in the vicinity and the existing development on site including the location of Protected Structures and existing non protected school buildings, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of design, height and scale of development, would not have an adverse impact on the setting and character of the Protected Structures on site, would not seriously injure the amenities of the area or of residential property in the vicinity, would be acceptable in terms of pedestrian and traffic safety, would not be subject to unacceptable risks of flooding and would not lead to an increased risk of flooding to other lands, and would constitute an appropriate form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European Sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European Sites in view of the sites' conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), South Dublin Bay Special Area of Conservation (Site Code: 000210), North Bull Island Special Protection Area (Site Code: 004006), North Dublin Bay Special Area of Conservation (Site Code: 000206), Baldoyle Bay Special Protection Area (Site Code: 004016), Malahide Estuary Special Protection Area (Site Code: 004025), Rogerstown Estuary Special Protection Area (Site Code: 004015), Ireland's Eye Special Protection Area (Site Code: 004117) and Lambay Island Special Protection Area (Site Code: 004069), or any other European Sites, in light of the sites' conservation objectives, and a Stage 2 Appropriate Assessment and the submission of a Natura impact statement is not therefore required.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 boundary walkway shall be realigned in order to be set in by a minimum of three metres from the western boundary line for its entire length and without undue interference with the trees proposed to be maintained. The area between the western boundary and this realigned boundary walkway shall be set out in low level hardy perennial shrubbery/hedging around the new and existing boundary trees.
 - (b) The west facing gable of the multi-use hall shall be clad in both render and brick, similar to the rest of the building, with a vertical emphasis.
 - (c) sheltered and well-lit accommodation for all of the proposed cycle parking shall be provided.

The above amendments shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of any development on site.

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

3. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development. Demolition works shall commence no later than six months following occupation of the new school building and the demolition works shall be completed no later than one year following the occupation of the new school building with the demolition works area made good, as shown on the 'Site Plan Proposed' - Drawing Number: 1446 PL21. The proposed cycle and car parking to serve the development shall be in-situ prior to the occupation of the new school building.

Reason: In the interest of orderly development.

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

Reason: In the interest of visual amenity.

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. Details of boundary treatments, including all fencing/gates internal to the site, shall be submitted to, and agreed in writing with the planning authority prior to commencement of the development, to include a block wall, capped and rendered, to a height of two metres above the ground level of the adjacent area of the school site along the applicant's side of the west site boundary with the houses on Copeland Grove, which shall be constructed prior to the occupation of the new school building.

Reason: To protect residential amenities.

7. The landscaping scheme shown on 'Landscape Masterplan for Proposed Building' - Drawing Number: 191126-2-100 submitted with the application, shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants that 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 the interest of residential and visual amenity.

8. With the exception of trees indicated for removal on the Tree Survey Report and the 'Tree Survey Overview' - Drawing Number 18005_TS, submitted with the application, all trees identified for retention shall be retained in their entirety and shall be maintained to form a feature of the proposed development. The critical root zone of trees, treelines and hedgerows to be retained will be identified by a tree specialist and fenced off before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. No trenches, embankments or pipe runs shall be sited within seven metres of the trunks of the trees to be retained.

All planting shall be adequately protected from damage until established. Any plants that 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 the interest of residential and visual amenity.

9. Where trees are to be removed to facilitate the development hereby approved a minimum of 50% of replacement trees along the western boundary shall be semi-mature specimens of similar genus. The applicant shall also provide details for the written agreement of the planning authority on the longer term management of the tree belt along the west boundary including proposals for the replacement of existing and proposed trees with similar specimens at the end of their productive life.

Reason: To protect residential amenities.

10. Lighting shall be provided in accordance with a scheme, which shall include lighting along the vehicular, pedestrian and cycle routes and to car park 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 new school building.

Reason: In the interests of amenity and public safety.

11. 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.

12. Prior to the occupation of the new school building, a Mobility Management Strategy shall be submitted to, and agreed in writing with, the planning authority. The mobility strategy shall address the mobility requirements for the school and shall promote the use of public transport, cycling and walking. A mobility manager shall be appointed to oversee and co-ordinate the roll out of the strategy.

Reason: In the interest of sustainable transportation.

13. Prior to the occupation of the new school building, the applicant shall submit to, and agreed in writing with, the planning authority, the details of the intended level and frequency of making available for use of the school facilities for the benefit of the wider community.

Reason: In the interest of proper planning and sustainable development of the area.

14. The proposed development shall provide for a maximum of one number car parking space per classroom across the site. Prior to commencement of development, revised drawings indicating same shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of traffic management and sustainable transportation.

15. 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.

16. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

17. 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 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.

18. 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 residential amenities of property in the vicinity.

19. 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.

20. The construction of the development shall be managed in accordance with a Construction Management and Environment 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, including area 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 of on-site car parking facilities for site workers during the course of construction;
 - (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 and accounting for the Howth Road railway bridge height restrictions;
 - (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 site access, 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 exclude rainwater;
 - (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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.

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

Dated this day of 2020