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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4429/19**

**Appeal** by Desmond O'Brien of 115 Rathdown Park, Greystones, County Wicklow and by others against the decision made on the 25<sup>th</sup> day of August, 2020 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:** The development, which will comprise a new educational campus, delivered on a phased basis, will include the phased demolition/removal of the existing educational/institutional buildings on the site including the two-storey Roslyn College, the link element between the two-storey rear extension to Roslyn Park House and Roslyn College, the two-storey Sandymount Park House and the existing temporary accommodation to the rear of Sandymount Park House. The development will consist of the provision of one number two-storey over basement 24 classroom primary school (Shellybanks Educate Together National School: Roll No. 20441S) with a gross floor area of 3,830 square metres, including all ancillary teacher and

pupil facilities, and one number part three-storey over double basement 1,000 number pupil post-primary school (Sandymount Park Educate Together Secondary School: Roll No. 68305F), which will include the part of the site currently occupied by the temporary school, as permitted under An Bord Pleanála Reference Number ABP-300989-18; Dublin City Council Register Reference Number 4023/17, with a gross floor area of 11,116 square metres, including all ancillary teacher and pupil facilities; the re-configuration and revision of the existing internal layout of the rear extension of Roslyn Park House for educational and related administrative uses and the refurbishment and upgrade of the existing vacant building at Number 12 Seafort Avenue for educational and related uses. Vehicular access to the site will be from the widened Newgrove Avenue entrance (as previously permitted under An Bord Pleanála Reference Number ABP-300989-18; Dublin City Council Register Reference Number 4023/17) with egress onto Beach Road by way of a one-way system through the campus. Pedestrian and cycle access to the site will be from Newgrove Avenue, Seafort Avenue and Beach Road. The development will include the provision of bicycle and scooter parking; hard and soft play areas (including rooftop area); piped infrastructure and ducting; plant; landscaping and boundary treatments; PV panels; external courtyards; disabled car parking spaces; ESB substation and two number substation access doors to the site boundary wall on Newgrove Avenue; privacy screens; ancillary ramps and stairs; signage; attenuation tank; changes in level and all associated site development and excavation works above and below ground. All on a 2.11-hectare site approximately at Roslyn Park, Beach Road, Sandymount, Dublin. (Roslyn Park House, also known as the Gandon Villa, a Protected Structure – RPS Reference Number 496), as revised by the further public notice received by the planning authority on the 29th day of July, 2020.

## **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 Z15 zoning objective and the existing institutional/training use of the site, the policies and objectives of the Dublin City Development Plan 2016 - 2022, in particular Section 16.6, provision of schools and the scale and pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of traffic safety and convenience, would not constitute a flood risk, and would not seriously detract from the character or setting of the Protected Structure. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment Screening**

Having regard to the information on file and to the Inspector's assessment which is noted, the Board is 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 any European site, in view of the sites' Conservation Objectives, and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required. In this regard, the Board concurred with and adopted the Planning Inspector's conclusions in respect of Appropriate Assessment Screening.

## **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 15<sup>th</sup> day and the 29<sup>th</sup> day of July, 2020, 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) Block 2, along the south-western boundary and extending towards Number 12 Seafort Avenue shall be amended such the western elevation shall rise to no more than two storeys. The WCs, textile room and one of the science laboratories to the west of the home economics rooms at second floor level, as well as the stairwell to the second floor, shall be relocated to the area adjacent to the primary school block, and on the green roof area to the north of the home economics rooms. The green roof shall be extended to the western area of this building.
  - (b) The proposed Classroom Small 1, Classroom Large 22, storage and the Pastoral Office at second floor level in Block 2 shall be omitted. The elevation of the building in this area and fronting onto Strand Road shall rise no more than two storeys.
  - (c) The roof play area on Block 2 shall not be used for ball games.

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 interest of clarity, visual and residential amenity.

3. Prior to the commencement of any works on the school campus, the upgrade of the road network and supporting transport infrastructure, including the upgrading of the existing mini roundabout on the Beach Road/Newgrove Avenue junction to a priority junction, shall be constructed to the satisfaction of the planning authority and written confirmation in this regard shall be supplied by the planning authority.

**Reason:** To ensure timely and satisfactory provision of such site development works.

4. 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.

5. The development shall be phased in accordance with the information submitted in response to the further information request as detailed in Drawing Number 1501-V2-OMP-ZZ-ZZ-DR-A-4002.

**Reason:** To allow for the refurbishment of Number 12 Seafort Avenue in Phase 1, in the interest of the proper planning and sustainable development of the area.

6. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 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. Details including samples 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 the visual amenities of the area.

8. All trees within, and on the boundaries of, the site shall be retained and maintained, with the exception of the following:
  - (a) specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development; and
  - (b) trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

Retained trees and hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species, together with replacement planting required under paragraph (b) of this condition.

**Reason:** In the interest of visual amenity.

9. 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 interests of public safety and residential amenity.

10. The internal road network serving the proposed development, including access to, and entry from, the public road network, turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the "Design Manual for Urban Roads and Streets" (DMURS).

**Reason:** In the interests of amenity and of traffic and pedestrian safety.



11. Public lighting shall be provided in accordance with a scheme which shall comply with the requirements of the Public Lighting Services Division of the planning authority. Full details 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 making available for occupation of each phase of the development.

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

12. 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.

13. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.

- (b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
  
- (c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

**Reason:** To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

- 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) 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.

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**John Connolly**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2021.**