

Planning and Development Acts 2000 to 2021

Planning Authority: Dun Laoghaire-Rathdown County Council

Planning Register Reference Number: D21A/0248

Appeal by Patricia Stewart of Crofton Mews, Stable Lane, Dun Laoghaire, County Dublin and by Ann Mulcrone and others care of Reid Associates of 2 Connaught Place, Crofton Road, Dun Laoghaire, County Dublin and by others against the decision made on the 16th day of February, 2022 by Dun Laoghaire-Rathdown County Council to grant subject to conditions a permission to the Department of Education care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Change of use, conversion, renovation and internal reordering (including a new part three number storey 2,649-square metre extension) of the Former Enterprise Centre to provide a part three number storey, 18 number classroom Primary School, with a total gross area of 3,515 square metres. The development will also include the provision of all ancillary staff and student facilities, hard and soft play areas and a general-purpose hall. Vehicular and cycle access to the site will be provided via George's Place and George's Lane, as existing. New, additional pedestrian access from Stable Lane to the site will be provided to via an existing gate at George's Lane. The development will also include the provision of bicycle

and scooter parking; vehicle drop-off/set-down areas to the immediate south of the site on George's Place; piped infrastructure and ducting; plant; all hard and soft landscaping and boundary treatments; PV panels; services connections and one number ESB substation; ancillary ramps and stairs; signage; SUDs, including green roof provision; changes in level and all associated site development and excavation works above and below ground, all on a site of circa 0.20 hectares located at the former Dun Laoghaire Enterprise Centre, George's Place, Dun Laoghaire, County Dublin, within the setting of a Protected Structure (RPS reference number 528 Fire Station-Façade Only), as revised by the further public notices received by the planning authority on the 20th day of January, 2022.

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.



Reasons and Considerations

Having regard to the nature and scale of the proposed school development in an urban setting, the site's land use zoning (MTC) and other objectives contained in the Dún Laoghaire-Rathdown County Development Plan 2022-2028, Specific Local Objective 31 seeking the redevelopment of the subject site, Objective ED – Proposed Education Site that is applicable to the site, and Section 12.3.2.5 (School Development), and the provisions contained in the National Planning Framework (2018), and Urban Development and Building Heights - Guidelines for Planning Authorities with respect to compact brownfield urban development, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute a facility of value to the community, would promote sustainable and active travel modes, would not cause traffic congestion or endanger vulnerable road users, would not seriously injure the amenities of the area or of property in the vicinity, would not negatively impact the character or setting of the existing Protected Structure (RPS reference number 528) and would not cause significant environmental harm in terms of biodiversity or flooding. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

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 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 potential 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 the South Dublin Bay Special Area of Conservation (Site Code: 000210) and the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024) or any other European Site and that the submission of a Natura Impact Statement is not, therefore, required.

Conditions

1. The proposed 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 received by the planning authority on the 20th day of January, 2022, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The smaller north-west facing windows to classroom numbers 4, 5, 13 and 14 shall be manufactured opaque and permanently maintained to a height of 1.8 metres above finished floor level given their orientation and proximity to Stable Lane. Details in this regard shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

3. Details, including samples of the materials, colours and textures of all the external finishes to 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.

4. The developer shall implement the measures for achievement of the targets specified in the submitted School Travel Plan and Mobility Management Plan/Traffic Management Plan. These shall be fully implemented, monitored and reviewed under the direction of the Mobility/Travel 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.

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

5. Details of the proposed bicycle and scooter facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity.

6. Details of proposed traffic and road signage and markings in the vicinity of the proposed school shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The yellow box south of the existing gateway on the northern boundary of the site shall be extended in a westerly direction in front of the existing gate on the eastern boundary of the site.

Reason: In the interest of road safety.

7. All proposed works to the Protected Structure shall be carried out under the supervision of an accredited conservation professional (Conservation Architect RIAI Grade 1 or 2, or Architect with minimum Grade 3 conservation accreditation, or Conservation Engineer) with specialised conservation expertise.

Reason: To secure the authentic preservation of the Protected Structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

8. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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 operations (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably qualified archaeologist prior to commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. 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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

9. No signage, advertising structures/advertisements, security shutters or other projecting elements, including flagpoles, shall be erected on the proposed building or within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

10. No additional development, including lift motor enclosures, air handling equipment, storage tanks, ducts or external plant, or telecommunication antennas, shall be erected at roof level other than those shown on the plans and particulars lodged with the application. All equipment, such as extraction ventilation systems and refrigerator condenser units, shall be insulated and positioned so as not to cause noise, odour or nuisance at sensitive locations.

Reason: In the interest of visual and residential amenities.

11. All external lighting details shall be submitted to and agreed with the planning authority prior to commencement of development.

Reason: In the interest of visual and residential amenities.

12. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing overground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

13. A plan containing details for the management of waste (and, in particular, recyclable materials) within the proposed development, including the provision of facilities for the storage, separation and collection, including staging areas for 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.

14. Prior to commencement of development, revised drawings and details which demonstrate the proposed access arrangement and gated boundary treatment for the proposed pedestrian/cyclist link through to Stable Lane shall be submitted to, and agreed in writing with, the planning authority. The drawings shall address any conflicts between the proposed link and the existing car parking on George's Lane. Required road markings and signage shall also be demonstrated on the submitted drawings.

Reason: In the interest of pedestrian and cyclist safety.

15. 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.

16. Any invasive alien plant species shall be treated and removed from the site by a competent operator under the supervision of the project ecologist. Removal of soil material contaminated or potentially contaminated with Japanese Knotweed shall only be carried out under license from the National Parks and Wildlife Service in accordance with the Birds and Natural Habitats Regulations 2011.

Reason: To control the risk of spread of invasive alien species from the site.

17. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan and 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, protocol for the removal and treatment of potential contaminated material, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provisions of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

18. The construction of the proposed development shall be managed in accordance with a Final Construction and Environmental Management Plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide, inter alia, details and location of proposed construction compounds, details of intended construction practice for the proposed development, including noise management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.

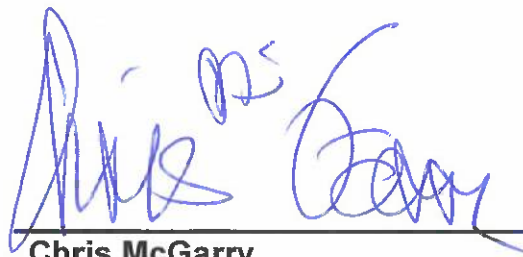
Reason: In the interest of public safety and residential amenity.

19. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances subject to the prior written agreement of the planning authority.

Reason: In the interest of the residential amenities of surrounding properties and in the interest of clarity.

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

Reason: In the interest of public health.



Chris McGarry

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this 9th day of January 2023.