

An
Bord
Pleanála

Board Order
ABP-313948-22

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D21A/0553

Appeal by Dave and Nicki Curran and Others care of Avison Young Planning and Regeneration Limited of Fourth Floor, 2 to 4 Merrion Row, Dublin and by Patrick Clarke of 'Shannon', 19 Ardlui Park, Blackrock, County Dublin against the decision made on the 30th day of May, 2022 by Dún 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 of Abilene House and its associated Walled Garden, to provide a 1,000 number pupil post-primary school, with a total gross floor area of 12,091 square metres. This will include partial demolition of 94 square metres of existing built fabric and non-original structures to the rear of the house, outbuildings and walls. The development will also include the provision of two new school blocks to the south-east (Block A – 5,714 square metres, four number storey over basement) and north-west (Block B – 5,886 square metres, four number storey) of Abilene House; 64 metres covered steel frame walkway connecting Block A, Abilene House and Block B via the existing Walled Garden to the south of the Protected Structure. Block A includes the

provision of a 120 metres terrace at third floor level. Block B includes the provision of a 1,030 square metres roof top play area, with associated screening and a 42 metres terrace on Block B at third floor level. The development also includes a four number classroom Special Education Needs Unit; all ancillary staff and student facilities; hard and soft play areas and a PE Hall and a General Purpose Hall. Vehicular access to the site will be provided via a new vehicular entrance onto Newtownpark Avenue to the south-east, with a new additional pedestrian and bicycle access also provided to the south-east and the existing, original access to be used for pedestrian and bicycle access, with repair of original gates. The development will also include the provision of bicycle parking; car parking spaces and set down spaces; piped infrastructure and ducting; plant; electric vehicle charging facilities; all hard and soft landscaping and boundary treatments; 70 square metres external storage and outbuildings; raised and repair of existing boundary walls and outbuildings, including repair and restoration of the existing Walled Garden; PV panels; services connections and one number ESB substation; ancillary ramps and stairs; relocation of existing bus stop on Newtownpark Avenue; signage; three number flagpoles; SUDs including green roof provision; one number attenuation tank; changes in level and all associated site development and excavation works above and below ground, all on a site of circa 1.2 hectares site located within the setting of a Protected Structure (RPS Number 1,450 Abilene Lodge), at Abilene House, Newtownpark Avenue, Blackrock, County Dublin. The p[roposed development was revised by the further public notices received by the planning authority on the 15th day of March, 2022 and on the 5th day of May, 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:

- (i) the zoning of the site set out in the current development plan for the area,
- (ii) the specific 'ED' superscription attached to the zoning,
- (iii) Objective PHP7 of the development plan which supports the identification of sites for schools within the county,
- (iv) the proposals put forward for the redevelopment and reuse of the vacant Protected Structure on the site, the minimal/limited interventions proposed to the Walled Garden associated with the Protected Structure, and the provisions of Policy Objective HER8 of the development plan concerning works to Protected Structures in the county,
- (v) the retention of the maximum number of mature trees consonant with the construction of a school for 1,000 pupils, the extensive efforts made to retain, as far as is practicable, important/specimen trees on the site, the contents of the applicant's Arboricultural Report (received by the planning authority on the 4th day of June, 2021), the applicant's response to the planning authority's further information request concerning the retention of certain trees and hedgerows on the site (received by the planning authority on the 15th day of March, 2022) and the objective to protect and preserve trees and woodlands on this site as indicated in the statutory plan for the area,
- (vi) the pattern of development in the vicinity, and

- (vii) traffic management measures to be put in place, public transport connections within the area, and availability of a cycle network in the area,

the Board 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 not be prejudicial to public health, would respect and protect the architectural heritage of the site, would incorporate, as far as is practicable, existing trees and hedgerows, 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 received by the planning authority on the 15th day of March 2022 and the 5th day of May, 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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.

3. The proposed ballcourt enclosure on the roof of Block B, shall be finished in a black colour, which aligns with the sample imagery included on Drawing Number P19-073K-RAU-15-XX-DR-A-37002, received by the planning authority on the 15th day of March, 2022.

Reason: In the interest of visual amenity.

4. Detailed plans and specifications of the proposed 'Toucan' crossing, relocated bus stop, and alterations to bicycle lanes and footpaths on Newtownpark Avenue, with particular regard to pedestrian and cyclist access, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic and pedestrian safety.

5. Prior to commencement of development, the developer shall submit to the planning authority for written agreement:
 - (a) A detailed strategy and methodology for the planned refurbishment works to 'Abilene'.
 - (b) A detailed strategy and methodology for the planned refurbishment works to the entrance gates and wing walls to 'Abilene'.

- (c) A structural/condition survey of the perimeter walls to the Walled Garden and the northern and southern site boundary walls. This should include an elevation survey drawing along the length of the walls, reflecting any changes in composition and identifying areas of deterioration or loss of mortar and analysis of the method of construction (that is, material, bonding pattern, method of pointing and mortar analysis). A Method Statement shall be submitted for any repairs necessitated and any proposals for increasing the height of boundary walls, which conforms to best practice, as set out in 'Irish Stone Walls – History, Building, Conservation', by Pat McAfee. This report shall set out measures proposed to ensure the integrity and stability of the protected Walled Garden during the construction phase.
- (d) Details ensuring that repair works to the Protected Structures shall be carried out in accordance with best conservation practice and the "Architectural Heritage Protection Guidelines for Planning Authorities", issued by the Department of Arts, Heritage and the Gaeltacht in October 2011.
- (e) Details ensuring that all works are carried out under the professional supervision of an appropriately qualified person, with specialised conservation expertise, who shall manage, monitor and implement the works on the site; to ensure adequate protection of the retained historic fabric, and to certify, upon completion, that the specified works have been carried out in accordance with good conservation practice. The developer shall submit details of the architect who has been engaged, to comply with this condition.

Reason: In the interest of the preservation of built heritage.

6. The windows within the western staircase of Block B, as they address the rear gardens of Belmont Green, shall be fitted with obscure glazing.

Reason: In the of residential amenity.

7. Within 12 months of the first occupation of the school building, the developer shall install 20 nest boxes and 10 bat boxes throughout the site.

Reason: To mitigate the loss of habitat resulting from the removal of mature trees and shrubs on the site, in the interest of ecology and biodiversity.

8. All the buildings proposed for demolition and any trees proposed for felling, shall be examined by a bat specialist for evidence of bats, prior to demolition/felling; including an examination of internal roof features. If required, a National Parks and Wildlife Service (NPWS) derogation licence shall be obtained.

Reason: To mitigate a potential impact on bats, which are afforded a regime of special protection under the European Habitats Directive.

9. (a) Prior to commencement of development, all trees which are to be retained shall be enclosed within stout fences, not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree and shall be maintained until the development is completed.

- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees during the construction period and in the interest of visual amenity.

10. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or other such security as may be accepted in writing by the planning authority, to secure the protection of the trees on site which are to be retained, and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site, or the replacement of any such trees which die, are removed, or become seriously damaged or diseased within a period of three years from the substantial completion of the development, with others of similar size and species. The form and the amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To secure the protection of trees on the site.

11. The landscaping scheme shown on Planting Plan Drawing Number 142-BL-DD-02, received by the planning authority on 15th day of March, 2022, 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 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 the interests of residential and visual amenity.

12. All existing and proposed cabling within the site shall be run underground.

Reason: In the interest of visual amenity.

13. An annual monitoring report of the School Travel Plan, and achievement of targets as set out in the plan, shall be submitted to the planning authority. Should the modal split targets set out in the plan not be achieved, alternative measures shall be set out which would address how the mobility requirements of the school are to be achieved.

Reason: In the interest of achieving sustainable travel patterns.

14. 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.

15. 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/dust/vibration management measures.

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

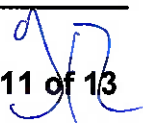
16. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts, solar arrays or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

17. Lighting shall be provided in accordance with a scheme, 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 buildings. Lighting within the application site shall be controlled to avoid light pollution of green areas and shall be targeted to areas of human activity and for priority security areas. In this regard, motion-activated sensor lighting shall be utilised across the site. In addition, the lighting design for the development (P2 lighting class) shall be dimmed permanently to 70 per cent output to allow for a lighting class to match the adjoining road, and there shall be no timed lighting within the site for after-school hours.

Reason: In the interests of amenity and public safety.

18. 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 planning 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.

19. Prior to commencement of development, the developer shall enter into water and wastewater connection agreement(s) with Uisce Eireann.

Reason: In the interest of public health.

20. 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.

21. 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.

22. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.



Tom Rabbette

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

Dated this 23rd day of Oct. 2023.

