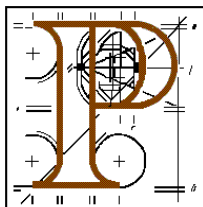


An Bord Pleanála



Inspector's Report

Development: Demolition of structures and construction of extension to existing school building and all associated site works at St. Vincent's CBS Secondary School, Finglas Road, Glasnevin, Dublin 11.

Planning Application

Planning Authority: Dublin City Council

Planning Authority Reg. Ref.: 2819/15

Applicant: St. Vincent's CBS Secondary School

Type of Application: Permission

Planning Authority Decision: Grant

Planning Appeal

Appellant(s): Karin Whooley
Yvonne O'Dowd and Others

Type of Appeal: 3rd Party

Observers: None

Date of Site Inspection: 16/12/15

Inspector: Lorraine Dockery

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The appeal site, which has a stated area of 7,648 square metres, is located on the southern side of the Finglas Road, Glasnevin, Dublin 11. To the south of the site, demarcated in blue on the submitted drawings, is a primary school while Tower View Cottages are located to its west. These are single storey cottages, of modest size on relatively small plots. Many dwellings occupy a substantial part of the plot with only very limited private open space to their rear. The Glasnevin Cemetery complex is located on the opposite side of the Finglas Road.
- 1.2 This is a triangular shaped site that currently contains an educational complex, St. Vincent's CBS. The existing structures on site are primarily two-storey in height, although an element proposed for demolition in this current appeal is single storey in height. A line of mature trees are located along western boundary of the site. These are coniferous trees, with no special designations pertaining to them. The front boundary comprises high railings and there is barrier parking on site for staff.

2.0 PROPOSED DEVELOPMENT

- 2.1 The proposed development, as per the submitted public notices, comprises:
1. demolition of existing single storey annex to rear of existing school building and partial demolition of an existing single storey maintenance outbuilding
 2. construction of a part two-storey party single storey extension to the rear of the existing school building comprising of staff room, construction/woodwork room and associated space at ground floor level and library, art/craft room and associated spaces at first floor
 3. all associated site development works

- 2.2 The stated floor area of the buildings proposed for demolition is approximately 145 square metres while the proposed extension will have stated floor area of 657 square metres approximately.
- 2.3 The layout of the proposal is such that it forms closure to the yard area along this western side. The height of the two-storey element reflects that existing on site while the single storey element has a lean-to roof. Windows along the western elevation are proposed to be high level while the first floor window to southern elevation is also proposed as high level. All elevations are to be rendered.

3.0 PLANNING AUTHORITY'S DECISION

Permission GRANTED subject to 10 no. conditions

Condition No. 3 relates to the provision of opaque glazing to high level windows at first floor level to south and west elevations

Condition No. 6 relates to noise control while Condition No. 7 relates to control of fumes and odours.

Condition No. 8 relates to the protection of trees

Further Information was requested by the planning authority in relation to proximity of proposed development to surface water public sewer and requiring a three metres separation distance; revised drawings showing main features of Tower View Cottages; details of likely noise impacts from proposed machinery room and submission of construction traffic plan.

A response to the Further Information request was received by the Planning Authority on 04/08/2015.

4.0 TECHNICAL REPORTS

Planner's Report

The Planner's report generally reflects the decision of the Planning Authority.

Engineering Department- Drainage Division (report dated 12/06/15)

No objections, subject to conditions

5.0 APPEAL GROUNDS

5.1 An appeal was lodged on behalf of Karin Whooley by Dr. Diarmuid O Grada and may be summarised as follows:

- Appellants dwelling is at No. 10 Tower View Cottages and forms part of this historic terrace- 100% site coverage- aperture in rear wall that addresses the subject site that has been in place since 1960s
- Consider proposal to be encroachment on their modest dwellings
- Non-residential nature of proposed use
- Loss of residential amenity
- Strong objection to two elements of proposal, boiler house and wood tech/machine room
- Ground surface will be completely altered replacing a green/planted area with an engineered concrete area- at odds with residential amenity
- Alter the pattern of circulation bringing pedestrian traffic up to the windows of her dwelling- greater setback needed
- Inadequate details with regards to nature of machinery used, hours of operation, dust extraction system

- Protecting residential amenity of Tower View Cottages was not addressed by planning authority- separation distance from No. 10 remains inadequate
- Response to submission of elevational drawings of cottages was inadequate- questions assessment based on these drawings- questions if there was adequate documentation within public realm on which to base its decision
- Excessive encroachment on Tower View Cottages
- Proposal would function as a light industrial building- conditions regarding noise and fumes will be assessed in private with no insight from third parties- goes against principle of public participation
- Opening sections of high level windows would give rise to excessive nuisance from noise- questions value of treble glazing- controlling this noise would be almost impossible
- Cottages are small and confined- heightened by their historical and cultural associations- vulnerable to overlooking, overshadowing and nuisance
- Outlines provision of City Development Plan and zoning objectives
- Need to avoid abrupt transitions between zonings
- Considers there to be a material contravention of the Plan
- Nothing less than increasing the physical separation and reordering the fenestration will provide a solution consistent with the proper planning and sustainable development of the area
- Windows at first floor would have similarly destructive impact on residential amenity- noise would be excessive and unreasonable- windows have an industrial/commercial appearance rather than a domestic scale

- Proposal should be placed elsewhere on the site

5.2 An appeal was considered information submitted to planning authority was inadequate to properly assess proposal lodged on behalf of Ms Yvonne O'Dowd and Others by Ceardean Design and Construction, which may be summarised as follows:

- Local community are all long-term residents
- Feel concerns have not been adequately addressed
- Do not in principle have objection to the work and needs of the school- outlines concerns regarding communications from school regarding proposal
- Applicant has not investigated exact location of public sewer and gives approximate distance on drawings
- Further information response brought the building closer to properties 6 and 7 Tower View Cottages but revised public notices were not submitted
- Response to further information was inadequate
- Technical guidance referred to in response to further information deals only with internal noise between adjoining spaces within the school and does not address the insulation of the exterior of the space- guidance notes inevitability of high noise levels and the need for planning of the space away from sensitive areas in the school- placing burden of noise and nuisance on adjoining residents
- Outlines inadequacy of information submitted as part of further information response
- Raises issue of openable windows- questions appropriateness of design

- Concerns regarding impact on privacy- removal of existing trees will further expose residents to intrusion- environmental amenity that provides biodiversity to this inner city area
- Overbearing impact from height of proposed building and removal of trees- impacts on amenity and enjoyment of their property
- Concerns regarding removal of trees and potential impact on clay sewer pipes which serve the rear of the cottages- absence of method statement- any significant alterations to ground conditions will have impact on cottages
- Concerns regarding parking- challenge summation that there is no necessity for additional parking- queries if there will be additional staff- on going concerns regarding parking provision for the overall school and its patrons- disturbance- increased pressure on unmetered parking in general area

6.0 RESPONSES

6.1 No response was received from the planning authority.

6.2 A first party response was received which may be summarised as follows:

- Questions motives and reasoning behind appeal of Karin Whooley- requests that Bord clarify their bona fide interests or dismiss appeal
- Outlines evolution of site- long established use of site as institutional and educational
- Proposal will facilitate diversification of subjects taught
- Proposal would not be visually obtrusive or inconsistent with prevailing pattern and established character of the area

- No increase in pupil or teacher numbers; current school year has 167 days with school open from 8.30 to 16.30- no night-time courses are offered
- Proposal would not be visually obtrusive or inconsistent with prevailing pattern or established character of the area
- Educational use of site is established- fully complies with zoning objective- best use of available land resources
- Respects any potential impacts on neighbouring residential lands
- No additional impact on residential amenity is foreseen during operational phase
- Proposal acts as a physical barrier between courtyard and Tower View Cottages
- Condition No. 6 and 7 addresses issue of design/fumes/odour mitigation
- Considers that proposed development does not unduly detract from current impact on Tower View Cottages from a shadow cast perspective
- Any overlooking would be mitigated by means of permanently obscured glass and retention of trees
- No additional requirements of parking
- Applicant responded to any request by planning authority
- Tower View Cottages are not designated as Protected Structures and are not located within a designated Conservation Area or Architectural Conservation Area

6.3 A response to the above was received from Dr. Diarmuid O Grada, which reiterates many of the points made in the original submission and addresses some of the points made in the applicant's response in relation to the lodging of the appeal.

6.4 A response was received from Ceardean, which also reiterates many of the points made within the original submission in particular

relating to removal of trees, details provided, proximity to their properties, parking and proposed use of building in particular with regards to noise issues.

7.0 OBSERVATIONS

None

8.0 PLANNING HISTORY

There would appear to be no relevant planning applications pertaining to the subject site.

9.0 DEVELOPMENT PLAN

The Dublin City Development Plan 2011-2017 is the operative County Development Plan for the area.

Zoning

The site is covered by the 'Objective Z15' the objective for which is "to provide for institutional and community uses".

Policy NC9

To facilitate the provision of new schools, school extensions and third level institutions and to have regard to the provision of the DoEHLG and DES Joint Code of Practice on Planning and the Provision of Schools (2008)

10.0 ASSESSMENT

Having examined the file and having visited the site and its environs I consider that the main issues in this case relate to:

1. Principle of proposed development
2. Impact on amenity of the area
3. Traffic/parking/access issues
4. Other issues

10.1 PRINCIPLE OF PROPOSED DEVELOPMENT

10.1.1 The subject site is located within an area, which is zoned 'Objective Z15' within the operative County Development Plan, which seeks to 'to provide for institutional and community uses'. This objective is considered reasonable.

10.1.2 There is an established use of the lands for educational/institutional uses with both primary and secondary schools located within the area. The proposed development of this extension would enhance the facilities being provided within the existing school complex. The proposal would also be compatible with Development Plan policy in relation to the provision of school facilities, namely Policy NC9 and I consider that the proposal would not represent a change of use away from educational use to light industrial, as contended in the appeal submissions. I therefore consider that the proposal is acceptable in principle and consistent with the zoning objective for the area.

10.2 IMPACTS ON THE AMENITY OF THE AREA

10.2.1 The impact of the proposed development on both the visual and residential amenity of the area formed the main components of the appeal submissions received. In terms of impacts on amenity of the area, I acknowledge that the proposal is to be constructed on an area that is largely under grass/yard at the present time. I also note the

proximity of Tower View Cottages, which back onto the subject site. These are modest artisan cottages, many of which have substantial site coverage. I also recognise that it is one cottage in particular has 100% site coverage and has windows in closest proximity to the proposed development. There are principally two main windows on this rear elevation that have been built into the boundary wall with the school. There are other properties which have windows in this boundary wall but many of these have been boarded up or are located further away from the subject development area. It would appear to me that these subject windows do not have the benefit of any grant of permission but would appear to be in place for a length that is outside the timeframe for enforcement. In any event, this is not a matter for this current appeal.

10.2.2 The Further Information request which issued from the planning authority resulted in the proposed development being pulled marginally further away from the boundary wall, than was originally proposed. There is now a stepped footprint and the portion nearest the boundary is largely single storey in height, accommodating a boiler room and wood/tech machine and Prep room. The two-storey element is located greater than 7.5 metres from the boundary with the cottages. I also note that it would appear that it is proposed to retain insofar as possible many of the mature trees that currently exist along this boundary and Condition No. 8 of the decision which issued from the planning authority dealt with this issue. The subject cottages have no special designations pertaining to them. I note Condition No. 3 of the decision to grant permission, which issued from the planning authority which stipulates that the high level windows in the south facing wall of the development at first floor level and at ground and first floor levels in the west facing walls be permanently comprised of obscure glazing.

10.2.3 Having regard to all of the information before me, and having conducted a visit of the site and its environs, I am of the opinion that the proposed development is generally acceptable in principle. I consider that the height of the proposed development, together with

the separation distances involved and the orientation of the site is such that the impacts on amenity would not be so great as to warrant a refusal of permission. I note that this proposed facility would be in use during the academic year only, namely 167 days a year from 8.30 am to 16.30pm. No night-time courses are facilitated at the school.

10.2.4 I note the concerns raised in relation to noise and fumes/odours but consider that these have been adequately dealt with by means of condition by the planning authority. If the Bord is disposed towards a grant of permission, I recommend that a similarly worded condition be attached to any such grant. I note that the room of primary concern, namely the wood/tech machine and prep room would appear to be used when large cutting is required, with classes taking place the remainder of the time within the larger room of 137 square metres, which is located further away from the said cottages. Having regard to the nature of the school use, I would not anticipate any noise to be prolonged or excessive in nature. The same may be said of any fumes or odours. Notwithstanding this, I consider that the high level window to the west elevation at ground and first floor and the high level window to the south elevation at first floor level to the construction room be unopenable, except in the event of fire where they would be linked to fire system and would automatically open when necessary. This would negate many of the concerns raised by the adjoining residents in terms of both noise and fumes/odours. The issue should be dealt with by means of condition, in the event of the Bord deciding to grant permission. The high level windows, permanently comprised of obscure glazing would negate any issues of overlooking or impacts on privacy. I consider that overshadowing would not be excessive in this instance. I also consider that the overbearing impacts or levels of encroachment of the proposal would not be so great as to warrant a refusal of permission. If the Bord is disposed towards a grant of permission, I recommend that a condition be attached regarding the retention of the existing mature trees along the boundary, insofar as possible.

10.2.5 The proposed development aims to improve the facilities available to the students and such facilities are generally to be welcomed in local areas, subject to the proper planning and sustainable development. I note that there will be no increase in pupil or teacher numbers as a result of the proposed development. The proposal is simply offering a diversification in the type of subject taught. There are considered to be sufficient grounds in which to accommodate the proposed facility, without detrimentally impacting on the amenity of the area. I do not accept that the proposal would alter the pattern of circulation within the school greatly as it is primarily fire doors that are located within this proposed element. The design and materials are considered to integrate well with the existing structures on the site and other structures in the vicinity.

10.2.6 I have no information before me to believe that the proposed development if permitted would lead to the devaluation of properties in the vicinity.

10.3 TRAFFIC, PARKING AND ACCESS ISSUES

10.3.1 As I have stated above, there is stated to be no increase in the number of pupils or teachers as a result of the proposed development. No night-time courses are offered and the proposal is simply aiming to offer a diversification in the subjects taught. I would therefore not anticipate an increase in traffic numbers, as a result of the proposed development. I note that there are multiple access points into the school and that if permission is granted it would be possible for construction traffic to utilise a separate gate, separate from the main school body. This would greatly reduce any conflicts between the two groups and would aid traffic safety in the vicinity. I have no information before me to believe that the proposal if permitted would lead to the obstruction of road users or the creation of a traffic hazard in the vicinity. If the Bord is disposed towards a grant of permission, I recommend that a condition be attached regarding parking and access arrangements.

10.4 OTHER ISSUES

10.4.1 I consider that there is adequate information on file in order to allow me undertake a comprehensive assessment of the proposed development.

10.4.2 I do not accept the argument put forward on behalf of the applicants with regards the request to dismiss the submitted appeals. I am of the opinion that strong planning arguments were put forward within these appeal submissions. I also draw the attention of the applicant to the fact that any member of the public may make a third party appeal to An Bord Pleanála, provided they have satisfied all relevant requirements. It is irrelevant to the matter whether or not the said appellants reside in the cottages.

10.4.3 The Further Information request by the planning authority dealt with the issue of the proximity of the proposed development to the surface water pipe and the proposal was amended marginally to address the setback required. The Planning Authority were satisfied with this response and granted permission, subject to compliance with conditions relating to drainage requirements. This is considered reasonable and I have no information before me to believe that the proposal if permitted would be prejudicial to public health. I also consider that this relocation was so marginal that revised public notices were not required.

10.4.4 Having regard to the nature and scale of the proposed development and/or the nature of the receiving environment and/or proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

11.0 CONCLUSION

11.1 Having addressed the matters arising, I consider that the proposed development is acceptable in principle. Having regard to the established use of the grounds for institutional/educational facilities, I consider that the proposed development is consistent with the zoning objective for the area.

11.2 Having regard to all of the above, I consider the proposed development acceptable and consistent with the proper planning and sustainable development of the area.

12.0 RECOMMENDATION

In light of the above assessment, I recommend that the decision of the planning authority be UPHOLD and that permission be GRANTED for the proposed development based on the reasons and considerations under.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the provisions of the Dublin City Development Plan 2011-2017 and to the nature, height, scale and design of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not adversely affect the residential or visual amenities of the area nor would it give rise to the creation of a traffic hazard in the vicinity. 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 Further information received by the planning authority on the 04th day of August 2015, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

REASON: In the interest of clarity.

2. The high level windows to the south elevation and the high level windows to the eastern elevation shall be permanently comprised of obscure glazing at first floor level and shall be unopenable at both ground and first floor levels. They may however be linked to the fire system, opening automatically in the event of fire

REASON: To protect the amenity of adjoining residents

3. Water supply and 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 and to ensure a proper standard of development.

4. The proposed wood/tech machine and Prep room shall not operate outside the period of 0800 to 1700 hours Monday to Friday inclusive

REASON: In the interest of residential amenity.

5. Traffic and parking arrangements, including cycle parking shall comply with the requirements of the planning authority for such works and services.

REASON: In the interest of public safety and to ensure that adequate car parking spaces are made available

6. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.

REASON: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

7. Site development and building works shall be carried only out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 amenities of property in the vicinity

8. Prior to the commencement of any works on site, the applicant shall submit for the written agreement of the planning authority adequate details for the effective control of fumes and odours from the premises. The scheme shall be implemented before the use commences and thereafter permanently maintained

REASON: IN the interests of 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

REASON: In the interests of public safety and residential amenity

10. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling shall not exceed:-
- (i) An L_{AeqT} value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. The T value shall be one hour.
 - (ii) An L_{AeqT} value of 45 dB(A) at any other time. The T value shall be 15 minutes. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

- (b) All sound measurement shall be carried out in accordance with ISO Recommendation R 1996 "Assessment of Noise with respect of Community Response" as amended by ISO Recommendations R 1996 1, 2 or 3 "Description and Measurement of Environmental Noise" as applicable.

REASON: To protect the [residential] amenities of property in the vicinity of the site.

11. No further structures, plant or antennae shall be erected on the roof of the proposed building without a prior grant of planning permission.

REASON: In the interest of visual amenity.

12. Prior to commencement of construction of the building, details of the materials, colours and textures of all the external finishes to the proposed building shall be submitted to the planning authority for agreement.

REASON: In the interest of orderly development and the visual amenities of the area.

13. All trees demarcated on the submitted for retention shall be retained insofar as possible. Prior to the commencement of any works on site, adequate details shall be submitted to the planning authority for their written agreement with regards protection measures for these trees during the course of construction works.

REASON: In the interests of amenity

L. Dockery

Planning Inspector

21st December 2015