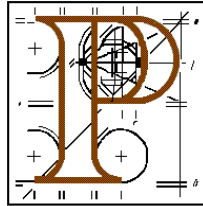


## An Bord Pleanála



## Inspectors Report

**Development:** Extension of duration (to 1<sup>st</sup> September 2018) of planning permission register reference 3044/13 for temporary accommodation on the Society of Jesus Lands, Milltown Park, Sandford Road, Dublin 6.

### Planning Application

Planning Authority: Dublin City Council  
Planning Authority Reg. Ref. 2673/16  
Applicant: St Mary's National School  
Type of Application: Permission  
Planning Authority Decision: Grant

### Planning Appeal

Appellant(s): Christine Moran

Observers: None

Type of Appeal: First Party  
Date of Site Inspection: 22/09/16

**Inspector:** Gillian Kane

## **1.0.0 SITE LOCATION AND DESCRIPTION**

- 1.0.1 The subject site is located within the grounds of situated within the grounds of the Jesuit Society Milltown Institute in Milltown Park, on Sandford Road in Ranelagh, Dublin 6. The grounds contain a cluster of buildings at the southern end, comprising the Milltown Institute, with a large open green space providing a parkland setting to the north of the buildings. A hard surfaced section of grounds has been cordoned off with 2.1m high green palisade fencing to provide a yard /play area for the prefabricated buildings that temporarily accommodate St Mary's National School. An unsurfaced area to the south of the temporary buildings is in use as an informal parking area. A formal parking area with delineated spaces lies to the south of the temporary buildings. Neither the car parking area nor the temporary buildings are visible from the public road.
- 1.0.2 Photographs and maps in Appendix 1 serve to describe the site and location in further detail.

## **2.0.0 PROPOSED DEVELOPMENT**

- 2.0.1 Permission was sought to extend the duration of planning permission DCC reg. ref 3044/13 to 1/09/2018. The application also seeks permission to reduce the number of classrooms from nine to five, reduce the footprint from 1,128sq.m. to 745sq.m., increase the number of car parking spaces from 34 to 44no.
- 2.0.2 Details provided in the application form: total site area is 5,688sq.m., 745sq.m. of new buildings proposed. Proposed plot ratio of 0.14 and proposed site coverage of 13%
- 2.0.3 The application was accompanied by a letter of consent to the making of the application.

## **2.1.0 Reports on File following submission of application**

- 2.1.1 **Drainage Division Engineering Dept:** No objection subject to developer complying with the Dublin Regional Code of Practice for Drainage Works.
- 2.1.2 **Planning Report:** Temporary planning permission was granted to the BoM of St Mary's National School to facilitate a temporary school premises for the duration of construction at the main school premises. The proposed development is acceptable in principle.

### **3.0.0 PLANNING AUTHORITY DECISION**

3.0.1 By order dated 03/06/2016 an order of intention to GRANT permission subject to 5 no. conditions issued. Condition no. 2 states: "Apart from departures hereby permitted, the development shall operate strictly in accordance with the terms and conditions of permission 3044/13. Reason: In the interests of the orderly development and the proper planning and sustainable development of the area."

### **4.0.0 PLANNING HISTORY**

4.0.1 **DCC reg. ref 4333/15:** Planning permission was granted for the demolition of the existing boundary wall and sliding gate at the side entrance to Milltown Park and its replacement with a new boundary wall consisting of a low level plinth wall with railings over and new set back entrance with both pedestrian and traffic gates.

4.0.2 **PL29S.242764** (DCC reg. ref 3044/13): Planning permission granted for the erection of a single storey temporary school building of 1,128sq.m. comprising 9 no. classrooms, other offices, amendments to existing car park and 34 no. replacement car parking spaces. Condition no. 2 stated:  
"This permission shall apply for a period of two years from the date of this order. The temporary school accommodation structure and related ancillary structures shall then be removed unless, prior to the end of this period, planning permission shall have been granted for their retention for a further period. The site shall be reinstated to its existing pre-development state on removal of the temporary structure and ancillary structures. Reason: To enable the impact of the development to be re-assessed, having regard to the circumstances then prevailing".

4.0.3 **DCC reg. ref 2091/12:** Planning permission granted for internal modifications of and extension of St Marys National School.

### **5.0.0 LOCAL POLICY**

#### **5.1.0 DUBLIN CITY DEVELOPMENT PLAN 2011 - 2017**

5.1.1 The subject site is zoned "Z15" in the Dublin city development plan, which has the stated objective 'to protect and provide for institutional and community uses and to ensure that existing amenities are protected'. Educational uses are permitted in principle within such zones.

5.1.2 In relation to core principles, **section 15.3** of the development plan states that there is an emphasis on the importance of Z15 lands as a resource for the city in providing educational, recreational, community and health facilities, in the maintenance and creation of sustainable, vibrant neighbourhoods and a sustainable city.

## **6.0.0 GROUNDS OF APPEAL**

6.0.1 An appeal on behalf of the residents of Cherryfield Avenue Upper, Ranelagh Dublin 6 states that they are in support of the use of the lands for educational purposes and have no objection to the temporary permission.

6.0.2 The grounds of the appeal can be summarised as follows:

- It is submitted that the 2015 planning application 4333/15 alluded to a residential development on the site. The appellants objected on the basis that the application was misleading.
- The appellants requested that DCC attach a condition to the subject development that required a consultation process as to the long term intended use of the lands.
- The Board is requested to attach such a condition. It is submitted that the subject site is unique in nature and should be the subject of a wide and extensive consultation process, taking into account the interests of all stakeholders.
- The appellants object to the increase in car parking spaces from 34 to 44 no given the extensive congestion in the area. The Board is requested to reduce the number of spaces to 23 no.

## **7.0.0 OBSERVATIONS**

7.0.1 None on file.

## **8.0.0 RESPONSES**

### **8.1.0 Planning Authority Response**

8.1.1 The reasoning on which the Planning Authority's decision was based is set out in the planning report on file. The Board is requested to uphold the decision of the Council.

## **9.0.0 ASSESSMENT**

9.0.1 On reading of all documentation submitted with the appeal, I consider the issues to be:

- Principle of the development
- Appropriate Assessment

### **9.1.0 Principle of the Development**

9.1.1 The proposed use is a permissible use in the Z15 zone and complies with the zoning objective for the zone. The proposed development refers to the extension of a permission to use temporary buildings to house a school whilst work is ongoing in the main school building of St Mary's National School. Condition no. 2 of the parent permission PL29S.242764 stated that the permission applied for a period of two years from the date of the order (26/03/14) unless permission was granted for their retention for a further period.

9.1.2 Permission is being sought to retain the temporary school buildings until 1/09/2018. The application also seeks permission to reduce the number of classrooms from nine to five, reduce the footprint from 1,128sq.m. to 745sq.m., increase the number of car parking spaces from 34 to 44no. As noted in the previous application, the subject development is a small scale, single-storey development for a temporary period, well removed from existing residential development. Subject to appropriate removal and reinstatement, the proposal is acceptable in principle.

9.1.3 I note the appellants stated support of the proposal. The issue of the future development of the Jesuit lands is outside the remit of this application. It would be not be reasonable for the Board to attach a condition to this permission requiring consultation with a third party about possible future development of lands outside of this application site.

9.1.4 The proposed increase in car parking is considered to be minor and will not result in additional traffic congestion.

### **9.2.0 Appropriate Assessment**

9.2.1 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 considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

## 10.0.0 CONCLUSION AND RECOMMENDATION

I have read the submissions on file, visited the site, and have had due regard to the provisions of the Dublin City Development Plan 2011 - 2017, the planning history on the subject and adjoining sites and all other matters arising. It is considered that, subject to compliance with the conditions set out below, the proposed development would not injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area. I recommend permission be GRANTED subject to the following conditions:

### REASONS AND CONSIDERATIONS

- 10.1.0 Having regard to the zoning objective for the site and policies and objectives as set out in the current Dublin City Development Plan, to the pattern of development and planning history of the area, and to the nature and scale of the development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of development at this location, would be acceptable in terms of traffic safety and convenience and would not seriously injure the amenities of the area or of property in the vicinity and. 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 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. (1) This permission shall apply until 01/09/2018. The temporary school accommodation structure and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

(2) The site shall be reinstated to its existing pre-development state on removal of the temporary structure and ancillary structures.

**Reason:** To enable the impact of the development to be re-assessed, having regard to the circumstances then prevailing.

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. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay rubble or other debris on adjoining roads during the course of the works.

**Reason:** In the interest of residential amenity

5. Site development and building works shall be carried out between 0800 hours and 1900 hours Mondays to Fridays inclusive, between 0800 hours and 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

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**Gillian Kane**  
**Planning Inspector**  
**23/09/16**