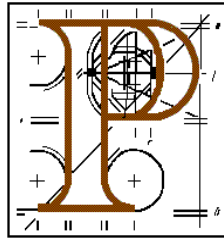


An Bord Pleanála



Inspector's Report

Development

Overflow car park of 34 spaces and associated site works at Castle Park School (Protected Structure), Castlepark Road, Dalkey, County Dublin.

Planning Application

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Authority Register Reference: D16A/0280

Applicant: Castle Park School Ltd.

Type of Application: Permission

Planning Authority Decision: Grant

Planning Appeal

Appellant(s): Castle Park School Ltd.

Type of Appeal: First Party

Date of Site Inspection: 2nd November, 2016

Inspector: Kevin Moore

1.0 APPLICATION DETAILS

- 1.1 There is a first party appeal by Castle Park School Ltd. against the attachment of condition nos. 2, 3, 4 and 5 with a decision to grant permission for an overflow car park of 34 spaces at Castle Park School, Castlepark Road, Dalkey, County Dublin.
- 1.2 The proposed development would comprise the development of 34 car spaces on a 0.167 hectare area off the avenue to the school buildings, using a “Grasscrete” system, and would include ancillary lighting and landscaping. In a covering letter with the application, it was submitted that the requirement for the overflow car park arises due to congestion at pick-up time at the school. Details submitted with the application included an architectural heritage impact statement, a tree constraints plan, an arboricultural assessment, and an outdoor lighting report. The architectural heritage impact statement refers to the proposal constituting a new overflow car park as the site on which the adjoining car park that has been used since the completion of new school buildings is now for sale.

- 1.3 The reports received by the planning authority were as follows:

The Conservation Officer had no objection to the proposal.

The Drainage Engineer had no objection to the proposal.

The Landscape Architect raised a number of concerns relating to visual and ecological impacts and the lack of a landscape design proposal. A schedule of conditions was recommended should a decision to grant result.

The Transportation Planning Section had no objection to the proposal subject to a schedule of conditions.

The Planner noted the zoning provisions for the site, planning history, and the reports received. A request for further information was recommended,

seeking details on the need for the development, traffic management and parking assessment, pedestrian/cycle access via Castlelands to the south of the school, sustainable travel measures implemented by the school, cycle parking facilities, and confirmation of when access to the existing overflow car park is to be discontinued.

- 1.4 A response to the further information request was received by the planning authority on 4th July, 2016.
- 1.5 Further to this submission, the Planner recommended conditions requiring a traffic management plan to be submitted for agreement, the provision of a pedestrian and cycle access at the gate at Castlelands, provision of sheltered cycle parking convenient for access to the school, and the closing off of access to the existing overflow car park. Finally, it was considered that the number of proposed parking spaces should be reduced to 24 to safeguard existing trees and to support sustainable travel modes. A grant of permission was recommended.
- 1.6 On 29th July, 2016, Dún Laoghaire-Rathdown County Council decided to grant permission for the development subject to 12 conditions. These included the following:

2. *Prior to the commencement of development the applicant shall submit for the written agreement of the Planning Authority, revised plans indicating a reduction in the size of the proposed car park to a maximum of 24 No. car parking spaces. The 10 No. excess parking spaces shall be removed from the north western end of the car park with the car park area reduced accordingly. The car park entrance shall be maintained at its proposed location.*

REASON: In the interest of proper planning and sustainable development and in order to safeguard the mature landscape setting.

3. *Prior to the commencement of the development the applicant shall submit for the written agreement of the Planning Authority, revised plans indicating the opening for use by pedestrians and cyclists of the existing pedestrian entrance at Castlelands (located at the southern end of the school grounds). This pedestrian and cycle entrance shall be open and fully operational prior to the commencement of any construction works on the proposed car park.*

The details to be submitted for prior agreement shall include the following:

- a. *Pavement and entrance upgrade proposals as may be required to provide a safe pedestrian and cycle entrance at this location.*
- b. *The hours and days for which the pedestrian entrance will be open. In this regard the hours shall be sufficient to allow access for school and all ancillary activities including swimming pool & sports uses.*

REASON: In the interest of proper planning and sustainable development of the area.

4. *Prior to the commencement of development the applicant shall submit for the written agreement of the Planning Authority, a detailed Traffic Management Plan for the school to include specific measures such as the staggering of drop off / collection times etc. in order to address traffic congestion issues at the school.*

REASON: In the interest of proper planning and sustainable development.

5. *Prior to the commencement of development the applicant shall submit for the written agreement of the Planning Authority, details*

of appropriately located, high quality designed bike shelters, located conveniently for access to the school, while also being sensitive to the setting of the protected structure. Provision shall be made for a minimum of 30 No. sheltered cycle parking spaces. The bike shelters shall be in place and available for use prior to the commencement of any construction works on the proposed car park.

REASON: In the interest of proper planning and sustainable development of the area.

2.0 SITE DETAILS

2.1 Site Inspection

I inspected the appeal site on 2nd November, 2016.

2.2 Site Location and Description

The site of the proposed development is located at Castle Park School, Castlepark Road, Dalkey. It lies immediately to the east of the avenue on the approach to the school buildings. The site comprises part of the curtilage of the school and consists of flat ground forming part of the periphery of the school's playing pitches. It is adjoined to the north-west and north-east by scrub woodland and to the south-east by playing pitches. There are four trees and a section of hedge proposed to be affected by the development. The overflow car park which the proposed development seeks to replace is located on the opposite side of the avenue.

2.3 **Dun Laoghaire County Development Plan 2016-2022**

Zoning

The site is zoned 'A' with the objective to protect and/or improve residential amenity.

Record of Protected Structures

Castle Park School and entrance gateway (RPS No. 1405) are protected structures in the Plan's Record of Protected Structures.

Sustainable Travel and Transportation

Policy ST5: Walking and Cycling

It is Council Policy to secure the development of a high quality walking and cycling network across the County in accordance with relevant Council and National policy and guidelines.

Policy ST19: Travel Demand Management

It is Council policy, in conjunction and co-operation with other agencies, to implement Travel Demand Management measures aimed at reducing the demand for travel and increasing the efficiency of the transport network with due consideration given to the effect of parking controls on nearby residential roads.

2.4 **Planning History**

I note the planning history relating to this site as scheduled in the Planner's report. This referred to Ref. Nos. D12A/0348, D11A/0570, D11A/0568, PL 06D.215520, and D05A/0762.

3.0 FIRST PARTY APPEAL

3.1 The grounds of the appeal may be synopsised as follows:

Condition No. 2

- The proposal results in the loss of 5 existing operational spaces.
- A detailed description of daily use has been given that explains why the full quantum of space is required.
- The grounds are within the curtilage of a protected structure and extraneous parking on verges and on the avenue cannot be tolerated.
- The narrow streets in the area cannot accommodate parking without causing congestion.
- There is no indication of an excess provision in relation to this transport management scheme that would justify the reduction of pick up car spaces from 34 to 24. The Parks and Landscape Services section report is noted.
- If car parking is diminished as required then the ability to accommodate community-based recreational activities on Saturday mornings will be consequentially diminished.

Condition No. 3

- With regard to the planning authority's considerations relating to Policy ST5 of the development plan, it is understood that this condition is to introduce a facility for the general public through the Castle Park Junior School lands on the back of an application for planning permission for a secure transport management system within the school.
- The condition is considered *ultra vires*, is not required for the benefit of the particular development, is onerous by requiring provision for

general infrastructure for public cyclists and pedestrians, is not associated with the needs of the development, would reduce the security of the school, and considerations here are similar to those previously applied at the Old Head of Kinsale and at Lissadel.

- There is aggressive opposition by Castlelands residents to any use of the gateway by Castle Park School. Due to residents' resistance, it is considered unsafe to offer this route to pupils.
- The effect of the condition could lead to a judicial review of the permission by concerned residents.

Condition No. 4

- This condition is inappropriate as it wants to compel the school to alter its operational management in a manner that may be against the educational interests of the children who attend the school and of their parents/guardians.
- The traffic management arrangements for the school were assessed and dealt with in the substantial redevelopment permission granted in 2006 and put into effect by 2012.
- The proposal is a like-for-like replacement for a permitted facility.
- The introduction of Travel Demand Management under the provisions of Policy ST19 is inappropriate in relation to what is a school collection traffic management facility and not primarily a long term car park.
- The school is a pre-school and primary school. The 30% of staff and pupils who walk and cycle to school is a considerable achievement and the proposal is in keeping with the development plan provisions as they relate to school development, including safe access and parking.

- The 3.15 pick-up cannot realistically be further staggered as it then becomes unmanageable.
- The school has succeeded in ensuring that, in the expansion since 2012 from 348 staff and students to 450 staff and students, there is no increase in the proportion of people using cars, despite the school's catchment expanding quite significantly. Furthermore, there has been an improvement of 4.6% since 2012 of staff switching to soft-transport modes.

Condition No. 5

- This condition is neither required for, nor facilitates, the particular development for which permission has been requested. It is an inappropriate, unreasonable and *ultra vires* condition.

4.0 PLANNING AUTHORITY'S RESPONSE TO APPEAL

4.1 The planning authority submitted:

- * With the very high quantum of parking available in the school grounds and the need to safeguard existing trees and landscaping, a reduction in the amount of car parking is considered warranted.
- * Condition 3 is considered reasonable to encourage a greater uptake of walking and cycling to and from school.
- * Conditions 4 and 5 are considered reasonable in view of the traffic congestion issues within the school.

5.0 ASSESSMENT

5.1 The proposed development constitutes a replacement overflow car park. The location of the existing overflow car, which is outside of the landholding of the school, is for sale. I consider the proposal to be acceptable in principle as it is replacing an established use on school grounds. My considerations on the appealed conditions are as follows:

Condition No. 2

5.2 The replacement car park seeks to accommodate lesser numbers of car parking spaces than that which exists, i.e. 34 proposed in place of the 39 existing. In seeking to lessen this reduced number of cars to be facilitated at this school as a result of Condition 2, I consider that the need for this must be grounded upon sustainability and planning merit. The planning authority has by the condition sought to reduce the number of spaces by an additional 10 spaces. This number appears entirely random and is not based on any sound traffic management reasons. The reason for the condition is bound up with safeguarding the mature landscape setting of the school. In reality, the proposed car park would have little, if any, negative effect on the scrub woodland in the vicinity, with the loss of a small section of laurel hedge outside of the woodland area, a young self-seeded Monterey Cypress, a young self-seeded Ash, a mature Monterey Pine overhanging the edge of the site with stability concerns, and a young Oak proposed to be replanted elsewhere. It would not impact on the established Monterey Cypress at the north-western end beyond the site boundary. It is evident that due regard was had to this by the applicant in the proposed layout, with a significant buffer left between it and the car park turning area. The effect of omitting 10 car parking spaces at the north-western section of the proposed site area will have no notable impact on safeguarding any scrub woodland at that location as there is marginal impact proposed on established scrub there. I consider the

reduction in car parking spaces is not warranted and condition no. 2 should be omitted accordingly.

- 5.3 Another matter on the proposed car park relates to its siting. I note the considerations of the Council's Conservation Officer and the findings of the applicant's Architectural Heritage Impact Statement. I draw the attention of the Board to the existing overflow car park to be replaced by the proposal. This is sited off the avenue to the west and is not a prominent feature when approaching the school along its avenue. It is my submission that the proposed car park, and its occupancy by cars, will have a distinctive visual impact on the approach to the school along the avenue. Its use will detract from the visual impression of the school when approaching it from this main entrance. I acknowledge that there are limited alternatives to accommodate additional parking that would otherwise require intrusion into established shrubbery or school playing grounds. Having regard to these observations, the effects of this parking area on the school as a protected structure and the avenue as an integral part of the curtilage of the school must be acknowledged. However, the necessities of a school in continuous transition and the findings of the Conservation Officer on this issue are acknowledged.

Condition No. 3

- 5.4 The application before the planning authority was for a replacement car park at the north-western end of the school property. The entrance to Castlelands lies at the southern extremity of the school grounds. This is a locked entrance leading onto the residential cul-de-sac that accesses Hyde Road. The opening of this entrance for pedestrian and cycle use did not form part of the planning application. This condition was attached with the decision of the planning authority without any opportunity for residents of the locality to be afforded the opportunity to assess likely impacts of such a development on their amenities. It clearly did not form part of the

proposed development so described in public notices that would draw attention to the nature and extent of the proposal. In other words, at no time has the public been informed that there is a proposal which includes this entrance to be developed and enhanced for pedestrian and cycle use as is required by Condition 2. I further note the applicant's response to the planning authority's further information request on this issue and an acknowledgement that the pedestrian gateway could be used but would be resisted by residents of Castlelands. I would contend that this condition is *ultra vires* and cannot readily be superimposed due to potential conflicts arising. Condition No. 3 is unreasonable, unfair, and beyond the scope of the development for which permission is sought. It should be omitted accordingly.

Condition No. 4

- 5.5 In my opinion, Condition No. 4 is a reasonable condition to impose in this instance. The proposal constitutes a development relating to the management of traffic associated with the uses of the school as a school and as an amenity resource for the wider area. Given an established feature of the traffic management regime, i.e. the overflow car park, is to be replaced and given new development associated with the school's expansion is in place, it would appear opportune to review the overall management of traffic in a formal manner to allow for considerations on good practice and alternative management arrangements. Such a condition is reasonable and applicable in this instance. Ultimately, the plan would be discussed and agreed with the planning authority and its application and success would lie with the school. This would be a plan aimed at desirable functioning of access and improved traffic arrangements. Condition No. 4 should be retained in my opinion.

Condition No. 5

- 5.6 The proposed development is for replacement car parking at a scale less than that which it seeks to replace. Cycle parking did not form part of the application. I acknowledge the merit of the planning authority's intent in seeking to expand cycling facilities within the school grounds. However, this does not form part of the proposal the subject of the application. This is a matter that should form part of the Traffic Management Plan for the school. The applicant, in response to the planning authority's request for further information, detailed the cycle spaces provided and submitted that it is open to provide additional shelters based on demand and feedback. This is considered reasonable under the direction of a traffic management plan to be agreed, which would be ancillary to the development of the overflow car park the subject of this application. Demanding the provision of bike shelters providing for a minimum of 30 no. cycle spaces in some unknown locations somewhere in the vicinity of the school buildings is not warranted in the context of the development the subject of the application and should be considered in the context of planned and managed traffic operations within the school. Condition No. 5 should be omitted.

6.0 RECOMMENDATION

Having regard to the nature of condition numbers 2, 3, 4 and 5 the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to:

ATTACH the Condition number 4 and the reason therefor.

OMIT Condition numbers 2, 3 and 5 for the following reasons and consideration:

Reasons and Considerations

Having regard to the limited nature and extent of the proposed development, the proposed tree protection measures and landscaping provisions, and the requirement to provide a Traffic Management Plan to address access, travel demand management measures, and alternative transport provisions, it is considered that conditions 2, 3, and 5 are unnecessary, have potential material effects beyond the scope of the development the subject of the application, and constitute matters that should otherwise be addressed in a planned approach to meet the wider traffic management needs of the school.

Kevin Moore

Senior Planning Inspector

November, 2016.