



An
Bord
Pleanála

Inspector's Report PL29S.247288

Development	Primary School, widening of entrances and 2 new entrances cycle and bin storage, parking and associated works in grounds of a Protected Structure.
Location	Dominican Convent, Muckross Park, Donnybrook, Dublin 4.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2484/16
Applicant(s)	The Minister for Education and Skills
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	<ol style="list-style-type: none">1. Alan and Kathleen O'Grady2. Nicole McKenna3. John Graby4. Dr. Joseph and Mrs Marie Tracey
Observer(s)	None
Date of Site Inspection	20 th of December 2016
Inspector	Angela Brereton

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	5
3.0 Planning Authority Decision	6
3.1. Decision	6
3.2. Planning Authority Reports	6
3.3. Other Technical Reports	9
3.4. Third Party Observations	10
4.0 Planning History.....	12
5.0 Policy Context.....	12
5.1. Dublin City Development Plan 2016-2022	12
5.2. Design Manual for Urban Roads and Streets 2013.....	14
5.3. Architectural Heritage Protection Guidelines for Planning Authorities issued by the DoEHLG in 2004/2011 –	14
6.0 The Appeal	15
6.1. Grounds of Appeal	15
6.2. Applicant Response	23
6.3. Planning Authority Response	23
6.4. Third Party Response to the Grounds of Appeal.....	23
7.0 Assessment.....	24
7.1. Principle of Development and Planning Policy	24
7.2. Context, Design and Layout.....	25
7.3. Landscaping issues.....	28
7.4. Heritage issues	29
7.5. Material Contravention	33

7.6.	Impact on the Character and Amenities of the Area.....	34
7.7.	Access issues	36
7.8.	Parking issues.....	37
7.9.	Regard to the Traffic & Transport Assessment	38
7.10.	Consideration of the TTA.....	39
7.11.	Mobility Management.....	40
7.12.	Modal Split issues	42
7.13.	Permeability issues	43
7.14.	Regard to Condition nos. 2(i) and (ii).	44
7.15.	Consideration of Alternatives	45
7.16.	Drainage issues	47
7.17.	Screening for Appropriate Assessment.....	48
7.18.	Other issues.....	49
8.0	Recommendation.....	50
9.0	Reasons and Considerations.....	50
10.0	Conditions	50

1.0 Site Location and Description

- 1.1.1. The site is part of a more extensive development known as Muckcross Park which is located towards the northern end of Donnybrook. It forms part of a long- established educational/convent campus (a protected structure) with street frontage onto both Marlborough Road (on the north side) and Mount Eden Road (on the south). The main entrance to the campus is at Marlborough Road. The access to the subject site is from Mount Eden Road. This is a gated access and is currently the only access from this road. There is a stone wall and railings along the frontage of the site. There is pay and display/permit parking marked out in a linear fashion along both sides of Mount Eden Road.
- 1.1.2. The northern part of the subject site is currently used for carparking. Otherwise the site is relatively open green area with some mature trees. There are two single storey buildings proximate to the south western site boundary. There is a 3no. storey commercial building and another commercial building to the north, these are separated by a wall from the site and are accessed separately via Argyle Square. There is also a wall along the boundary proximate to the rear of the houses nos. 1-7 Mount Eden Road. There are trees on the subject site side of this boundary. It is noted that there is a laneway to the rear of these properties which provides rear access to Argyle Square and is not linked to Mount Eden Road. There is also a wall along the western site boundary with the rear access lane and the 3 storey terraced houses facing Marlborough Street. These properties have long rear gardens and the rear elevations face the site.
- 1.1.3. There are views across the site to Muckcross Park House P.S, convent and the more modern UCD Muckcross Halls. Currently the site is not subdivided and the green area presents an open vista. There is parking along the internal access road in front of these properties. There is a pedestrian path from the gate across the site, to the hostel building.
- 1.1.4. There is a locked gated access from the site to the laneway between nos. 44 and 46 Marlborough Road. There is access northwards along the lane to garages to the rear of these properties. There is a locked gated access to the properties to the south of the laneway. This laneway opens up onto Marlborough Road. It is noted that there is another laneway for rear access on the opposite side of this road.

- 1.1.5. The main entrance to the campus is from Marlborough Road. This is an in/out entrance and serves Muckross Park College Post Primary School. There is also a locked gateway entrance to the convent grounds, but only the access from Mount Eden Road is open to serve the latter. There is no open access from the convent and hostel side of the campus to Muckross Park College which is cordoned off from the convent grounds by railings.

2.0 Proposed Development

- 2.1.1. The proposed development is to consist of a 16no. classroom primary school building to include the following:
- General purpose hall, support teaching spaces and ancillary accommodation, with a total floor area of 2710sq.m, within the curtilage of Muckross Park House, a protected structure, accessed off Marlborough Road, Dublin 4;
 - The proposed school is to be two storey with a single storey element;
 - Existing vacant Montessori building to be converted to provide Resource Room;
 - The works are to include the widening of existing entrance and 2no. new entrances onto Mount Eden Road;
 - The site works to the school grounds are to consist of the provision of 132no. cycle storage spaces, scooter storage, bin store, external store, ball courts, project gardens, play areas, landscaping and boundary treatment and all other associated site development works.
 - The works to the remainder of the site consist of the provision of 16no. parking spaces, drop-off and pick-up facilities.

The proposed development is all on the site c.1.19ha located on the Grounds of the Dominican Convent (Protected Structure), Muckross Park, Donnybrook. Dublin 4.

Drawings submitted include A Site Layout Plan, Floor Plans and Elevations.

Documents to include the following have also been submitted with the application:

- Planning Support Statement prepared by Mahony Pike, Architecture, Urban Design and Sustainability.

- Traffic & Transport Assessment prepared by Waterman Moylan Engineering Consultants.
- Mobility Management Plan - ditto
- Engineering Assessment Report – ditto.
- Cultural Heritage Assessment Report – Judith Carroll & Company
- Tree Survey Report – CMK Horticulture & Arboriculture
- Knotweed Site Survey 2015 – Mary Tubridy & Associates
- Landscape Description – Mitchell & Associates
- Shadow Study by 3D Design Bureau
- Appropriate Assessment Screening Report – Moore Group – Environmental Services
- A letter of consent from the owner of the lands at the Dominican Convent, Muckross Park to apply for planning permission for the school.

3.0 Planning Authority Decision

3.1. Decision

On the 2nd of September 2016 Dublin City Council granted permission for the proposed development subject to 13no. conditions. These conditions include relative to access, roads and traffic, drainage, environment and construction related issues.

Condition no.2(i) –(ix) is of particular note relative to the School Travel Plan, access and permeability issues. This also omits the use of the laneway for access (sub-section (iii) refers) between nos. 44 and 46 Marlborough Road.

3.2. Planning Authority Reports

3.2.1. Planner's Report

This has regard to the locational context of the site, planning history and policy and to the interdepartmental reports and submissions made. They provide an assessment of the proposed development and in particular have regard to historical

context and the P.S, issues of design and layout, access and parking. They recommended that further information be sought to include the following:

- The applicant is requested to revise the TTA to take further cognisance of origin/destination and the model split.
- Having regard to the Mobility Management Plan, they are requested to submit a revised School Travel Plan informed by the Green Schools process.
- The applicant is requested to examine the potential for maximising permeability to and from the school for pedestrians and cyclists from a campus wide perspective. Connectivity between primary and secondary schools is considered desirable.
- The laneway between nos.44 and 46 Marlborough Road is not considered a desirable route for pedestrians and cyclists access due to its current function and width and they are advised to omit this as a potential route.
- They are requested to provide justification for three vehicular entrances from site (P.S) to Mount Eden Road and to re-examine a proposal to reduce the number of entrances in the ACA.
- Redesign proposals for any new openings to Mount Eden Road
- To indicate the no. of parking spaces that will be lost as a result of the proposal, taking into account both entrance width and swept paths for vehicles.
- To submit F.I in relation to proposed cycle and scooter parking and nos. of cycle parking.
- To clarify that the proposed first floor windows will not overlook into neighbouring properties in Marlborough Road and nos. 7 and 9 Mount Eden Road.
- To submit samples of the proposed external finishes or examples of where used previously.
- To submit full details of proposed boundary treatments for the school both new and existing are to be provided.

3.2.2. Further Information response

O'Mahony Pike Architects have submitted a response on behalf of the applicants which includes the following:

- Further details of the modal split. They provide that there is no requirement to amend the TTA as it is based on surveyed information, analysis of traffic flows in the area and has regard to the catchment area of the school.
- They have submitted revised traffic modelling results for each of the 3no. junctions.
- They have submitted a School Travel Plan prepared in accordance with the NTA/An Taisce 'Toolkit for School Travel'.
- In this case a campus wide approach cannot be taken as the post primary school and proposed primary school are completely separated by lands not in the ownership of the DoE.
- While they will accept a condition for the removal of the link between the site and Marlborough Road, this is the only way of providing permeability to the site from this road.
- They have made some changes to the width of the vehicular entrances from Mount Eden Road.
- They provide details of parking that will be lost due to this proposal and provide a drawing showing swept paths for entrance/exit.
- Details of bicycle parking are provided.
- The design and materiality of the 2 proposed new openings referenced exactly the existing opening onto Mount Eden Road and would be in keeping with the ACA.
- To mitigate overlooking they proposed to use obscure glazing on the stairwell windows.
- They provide details to eliminate overlooking towards nos.7 and 9 Mount Eden Road.
- Images and samples of proposed external finishes have been included.

- They provide further details of boundary treatment.

3.2.3. Planner's response

The Planner had regard to the F.I submitted and noted the Roads and Transportation Section response. They noted that a School Travel Plan has been submitted in accordance with the NTA guidelines and toolkit and had regard to the issue of modal split. They had regard to the permeability issue and noted that the use of the laneway from Marlborough Road was not ideal. They concluded that the applicant has responded to the issues of concern which were raised in the F.I request. They considered that the proposed 3 entrances/exit from Mount Eden Road are required for the efficient functioning of the school and access to the convent grounds and are acceptable in visual terms and would not detract from the P.S status of the convent site. They provide that all the other issues have been resolved sufficiently in the F.I submitted and that the proposal is considered to be acceptable subject to conditions.

3.3. **Other Technical Reports**

3.3.1. Roads and Traffic Planning Division Report

They have no objection in principal to the development of a primary school on the subject site. However, they note that there are aspects of the development that require clarification and further examination. They recommended that F.I be requested on a number of issues relative to the TTA, modal split, School Travel Plan, connectivity between the primary and secondary schools is considered desirable. They do not consider that the proposed linkage between nos.44 and 46 Marlborough Road is a desirable pedestrian route and they recommend it be omitted. They ask for justification of the three vehicular entrances from Mount Eden Road and consideration in the reduction of such entrances. They request more details relative to parking along Mount Eden Road and relative to the design of the proposed cycle and scooter parking.

They had regard to the F.I submitted including the School Travel Plan and recommended that the school participate in the An Taisce Green School Travel programme and continuous monitoring of modal split. They considered that the laneway from Marlborough Road would not be ideal as pedestrian/cyclist access at

this time and recommended this be omitted and that the applicant should identify potential linkage points (gates) between the sites that could be managed. They also recommended a number of conditions regarding access, parking and construction management.

3.3.2. Engineering Department - Drainage Division

They have no objection to this development subject to the developer complying with current standards for drainage works. They recommend a number of conditions. This includes regard to Flood Risk Management.

3.3.3. Environmental Health Officer

They do not object to the proposal and recommend that conditions be attached relative to construction noise levels and air quality.

3.3.4. Conservation Officer Report

They note the importance of the site in the grounds of a P.S and adjacent to Mount Eden ACA. They recommend that F.I be sought to seek justification for three openings within the boundary wall to Mount Eden Road which is included in the list of RPS. They also request revised improved design proposals for any new openings to Mount Eden Road ACA.

3.4. **Third Party Observations**

Submissions have been received from a number of local residents, including the subsequent Third Parties and their concerns include the following:

- They consider that the siting and design of the proposed two storey building proximate to nearby residential will be visually obtrusive.
- The proposal will impact adversely on the adjacent character residential properties in Mount Eden Road which are within the Z2 residential conservation area and within the ACA.
- There is concern about the impact on the heritage walls and gates along the site frontage. They consider that there is a need for a comprehensive Architectural Impact Assessment.
- Validity issues.

- There is a lack of consideration of the environmental impact on the Edwardian streetscape of Mount Eden Road.
- It will cause overlooking, overshadowing and be overbearing and cause loss of outlook to adjoining properties on Mount Eden Road.
- The concerns of Mount Eden Road residents are increased by the provision of a third vehicular entrance. This will result in a further loss of residential amenity in the Z2 zone.
- Traffic Management issues -the proposed vehicular access arrangement is not in the interests of traffic or pedestrian safety. A Report from Trafficwise has been submitted
- Concern about the use of the laneway to the rear of nos. 20-44 Marlborough Road for pedestrian/cyclist access.
- They have concerns about the accuracy of the tree survey and that there will be a loss of trees along the road frontage.
- Trees have been included in the shadow study and this aspect of the proposal should be considered.
- The consequent loss of privacy and residential amenity that would result from this scheme would constitute a material contravention of the Z2 zoning objective.
- Concerns about noise, including from the entrances and gates.
- The bin storage area should be removed so that it is further from existing and proposed buildings.
- The current proposal would constitute an overdevelopment of the site.
- It will lead to devaluation and loss of amenity for adjoining properties.
- Permission should be refused so that a revised and improved scheme can be considered.

4.0 Planning History

The Planner's Report and the O'Mahony Pike, Planning Support Statement submitted with the application provide details of the planning history relative to the Muckross Park complex. This includes the following permissions granted by DCC subject to conditions:

- Reg.Ref. 2592/12 – Permission granted to convert part of the former school building to 12 one bedroom residential units to be used in association with the convent.
- Reg.Ref.3447/10 – Permission granted for the change of use of the existing single storey lodge building and forecourt from existing use as classroom facility of the main school buildings, to a Sessional Montessori school with after care facilities. This concerns the single storey building on the subject site.
- Reg.Ref.3937/08 – Permission granted for the carrying out of alterations to an existing secondary school building to create an Intercultural Education Centre.
- Reg.Ref.2940/07 – Permission granted for the erection of a new fence around the perimeter of the lawn to the front of the house and the demolition of a section of the garden wall to the side of the house which is a P.S Muckross Park House.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

This is the pertinent plan. Regard is had to Land Use Zoning Map H. The site is shown located within the Z15 land use zoning. The objective is: *To protect and provide for institutional and community uses.*

This Map shows that the proximate Mount Eden Road area is shown within the ACA. They are also within the Z2 zoning i.e.: *To protect and/or improve the amenities of residential conservation areas.*

The land to the north east of the site fronting the Morehampton Road is within the Z4 zone i.e: *To provide for and improve mixed-services facilities.*

The houses to the north west fronting Marlborough Road are also with the Z2 area and are shown as protected structures.

An Extract from Map H is included in the Appendix to this Report.

Section 8.5.4 seeks to promote active travel; cycling and walking. Policy MT8 seeks to support smarter travel and modal split. Policy MT11 seeks: *To continue to promote improved permeability for both cyclists and pedestrians in existing urban areas in line with the National Transport Authority's document "Permeability –a best practice guide".* Section 8.5.5 refers to Mobility Management & Travel Planning and supports modal shift to encourage walking and cycling.

Section 12.5.4 supports the provision of Schools and Educational Facilities. Policies SN10 – SN14 and Objectives SNO2 -SN04 refer.

Section 2.3.9 has regard to Conservation, Culture and Heritage and provides: *It is a key objective of the core strategy to protect and enhance the special characteristics of the city's built and natural heritage. The principal measures enabling the City Council to achieve this objective are the Record of Protected Structures and the designation of Architectural Conservation Areas.*

Chapter 11 concerns the Built Heritage. This includes - Policy CHC1: *To seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.*

Policy CHC2 seeks to ensure that the special interest of Protected Structures are protected. Section 11.1.5.3 includes reference to the curtilage of P.S i.e: *The curtilage of a Protected Structure is often an essential part of the structure's special interest. In certain circumstances, the curtilage may comprise a clearly defined garden or grounds, which may have been laid out to complement the design or function. However, the curtilage of a structure can also be expansive and can be affected by development at some distance away. The protected structure impact assessment should also include an appraisal of the wider context of the site or structure and the visual impact. The design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special*

character of the protected structure..... The total removal of historic boundary features or subdivision of rear gardens or original communal front gardens will generally not be permitted.

Section 11.1.5.4 seeks to preserve the character of a place, area, group of structures or townscape within an ACA or a CA i.e: *Architectural Conservation Areas and Conservation Areas have been designated in recognition of their special interest or unique historic and architectural character and important contribution to the heritage of the city.*

5.2. Design Manual for Urban Roads and Streets 2013

The DMURS document must be taken into consideration in examining planning applications. Within the DMURS document the application of the principles to existing streets must require a flexible approach. The document calls for a safer more attractive and vibrant street and the creation of a permeable network from a multi-layered process. The process should begin with a site analysis that identifies any constraints the proposal may have on the existing network, including points of access, major destinations and strategic connection (existing and proposed). The street hierarchy in terms of trips generated, access etc.

5.3. Architectural Heritage Protection Guidelines for Planning Authorities issued by the DoEHLG in 2004/2011 –

Section 1.3.1 (f) provides: *Where a structure is protected, the protection includes the structure, its interior and the land within its curtilage and other structures within that curtilage (including their interiors) and all fixtures and features which form part of the interior or exterior of all these structures. All works which would materially affect the character of a protected structure, or a proposed protected structure, will require planning permission.*

Section 2.2.2 refers to a P.S and land within its curtilage. S.2.9.1(c) relates to whether the curtilage of a P.S has been determined.

Chapter 13 deals specifically with the Curtilage and Its Attendant Grounds and includes: Section 13.1 refers to Determining the Curtilage i.e: *The notion of curtilage is not defined by legislation, but for the purposes of these guidelines it can be taken*

to be the parcel of land immediately associated with that structure and which is (or was) in use for the purposes of the structure. It should be noted that the meaning of 'curtilage' is influenced by other legal considerations besides protection of the architectural heritage and may be revised in accordance with emerging case law. Also S.13.1.4 provides: Where the curtilage has not previously been identified, a planning authority should take the opportunity to identify its extent at the time of making a declaration in respect of the protected structure.

Section 13.2.1 provides: The attendant grounds of a structure are lands outside the curtilage of the structure but which are associated with the structure and are intrinsic to its function, setting and/or appreciation. In many cases, the attendant grounds will incorporate a designed landscape deliberately laid out to complement the design of the building or to assist in its function.

Section 13.7.1 provides: It is essential to understand the character of a site before development proposals can be considered. Section 13.7.2 has regard to the issues to be considered including (b) Would the proposed works affect the relationship of the protected structure to its surroundings and attendant grounds?

Section 13.7.7 refers to carparking and provides: Careful consideration should be given to the location of the car park to avoid damage to the character of the structure or its attendant grounds.

Section 13.8.3 provides: Large buildings, sometimes at a considerable distance, can alter views to or from the protected structure or ACA and thus affect their character. Proposals should not have an adverse effect on the special interest of the protected structure or the character of an ACA.

6.0 The Appeal

6.1. Grounds of Appeal

Four separate Third Party Appeals have been received from local residents and their grounds of appeal are summarised separately as follows:

6.1.1. Alan and Kathleen O'Grady

Dr. Diarmuid Ó Gráda has submitted a Third Party Appeal on behalf of these local residents who reside at no.7 Mount Eden Road. The grounds of appeal include the following:

- They would suffer greatly from the excessive impact of this proposal. It will lead to a loss of residential amenity.
- The proposed design and layout, result in this proposal as being unsuitable for this site. There is no justification for the architectural congestion that would follow.
- The properties in Mount Eden Road would be devalued by this proposal. It would have a detrimental effect on the surrounding area.
- They invite the Board to find that this is a significant appeal for the wider Donnybrook area.
- They have regard to policy in the DCDP and are concerned that the proposal will be detrimental to the character and integrity of the ACA and would be contrary to planning policy. They provide a discussion of such relevant to policies in the DCDP.
- This proposal would constitute a visually intrusive and dominant form of development.
- There is concern that the shadow projections have included perimeter trees.
- It would impact adversely on the historic perimeter wall and gates along Mount Eden Road.
- In their opinion the extent of interventions at Mount Eden Road would amount to a material contravention of the ACA.
- They query whether the public notices adequately cover the extent of the proposal as defined by the Conservation Officer i.e including a material destruction/alteration of a P.S.
- Landscaping issues and loss of perimeter trees in particular to the rear of the properties in Mount Eden Road.

- The minor alterations submitted in the F.I are not acceptable.
- The consequent loss of residential amenity, privacy and property value would be excessive. They include Before/After drawings providing an artist's impression of views.
- They query the accuracy of the cross sections and whether a further building is intended.
- They are concerned about the impact of the three vehicular accesses along the frontage of Mount Eden Road and note their home adjoins one of the intended access.
- They consider that the existing ornate metal entrance gates are a feature that should be retained.
- They are concerned about impact on this heritage wall and consider that the proposal is in material contravention of the ACA and the Z2 zoning objective.
- There will be implications of additional signage in the ACA.
- The established pattern must be retained in the interests of public safety, heritage and amenity.
- There is local concern about the loss of on-street parking.
- They refer to the Board's decision in PL29S.242823 where the Board refused permission for four vehicular gates serving 56-59 Grosvenor Road, Rathmines Dublin 6.
- In their opinion the creation of multiple vehicular entrances, fracturing and dividing the heritage wall of Mount Eden Road, would prevent the implementation of the ACA and the Z2 zoning objective.
- They note that significant meetings took place with Council staff prior and post the submission of this application and provide that they got no notice of these. They consider that the post meetings were akin to an Oral Hearing with only one side represented and that the Board may consider that there should now be a hearing with all parties present.

- They cite a recent appeal case Ref.06.246504 which concerns a Board decision relative to heritage issues concerning a south-side school campus i.e Mount Anville (P.S).
- They consider that the development of the Muckcross Park campus must follow a sustainable plan and a logical sequence. This includes that the Marlborough Road entrance should be used as the main campus entry.
- The proposed development would produce an intrusive and bulky building, on a congested site area, impacting on the numerous period houses within an ACA where the Z2 zoning objective applies.
- They provide that the proposal is premature pending the resolution of these material issues.

6.1.2. Nicole McKenna

Trafficwise Ltd have submitted a Third Party Appeal on behalf of Nicole McKenna who resides at No.11 Mount Eden Road. Their grounds of appeal include the following:

- The proposed development would give rise to serious endangerment of public safety by reason of traffic hazard and would give rise to a significant impact upon the amenity of the receiving road network due to traffic impact and due to the inherently hazardous and substandard proposed access arrangements from Mount Eden Road.
- They consider that significant matters have not been addressed by the Council having regard to the arrangement of the site accesses, traffic impact and the creation of serious traffic hazard.
- Little regard is had to the receiving roads and footway environment.
- There are fundamental traffic and pedestrian safety issues having regard to the three vehicular accesses, one of which is located close to a 90 degree bend at a point where visibility is severely restricted.
- A basic assessment of visibility sightlines has not been made.
- A satisfactory response to the Council's F.I request regarding access, sightlines and impact on on-street parking has not been made.

- There are errors in the swept path analysis submitted and details are provided of these.
- The proposed pedestrian access is inadequate to serve a school of some 480 students.
- They provide a detailed analysis including regard to the shortcomings of the F.I submitted.
- They consider that the Modal Split findings provided in the TTA are unsupported and do not have regard to available Census data.
- The forecast volume of traffic generated by the proposed development has been significantly underestimated.
- The likely traffic chaos especially at school closing time is all too familiar sight at some existing schools.
- In the interests of public safety the interaction with the receiving community should have been addressed.
- The figures given in the School Travel Plan echo the unsupported figures assumed in the TTA Report and increase estimates for travelling by car.
- There is a lack of connectivity and permeability between the school site and the greater Muckross campus and there has been a failure to address this campus wide issue.
- Footpaths in the area are very narrow and the issue of pedestrian access to the school has not been adequately addressed.
- The fundamental matters of sightlines and safe egress from the development have not been adequately addressed.
- Sightlines at the accesses will be blocked by mature roadside trees and this and parked cars will lead to significant safety issues.
- The proposed accesses will undoubtedly give rise to significant endangerment of public safety by reason of serious traffic hazard.

- The fundamental matters of site access, road safety and the direct impacts upon the immediate receiving road environment have not been considered in any meaningful way.
- No appraisal whatsoever of pedestrian and cycle routes to and from Mount Eden Road has been provided.
- While they have no objection to the principle of the proposed school on the subject site they have serious concerns about the apparent lack of consideration given to the impact of the development on the capacity and safety of the receiving road network.
- In the absence of a proper assessment of the proposed development upon traffic, road safety, the safety of the children attending the school and the amenity of residents in Mount Eden Road they consider that it fails to provide a balanced approach. As such it would lead to significant traffic congestion, traffic hazard and endangerment of public safety and would accordingly be contrary to the proper planning and sustainable development of the area.
- They provide that based on all the issues raised that this appeal should be determined at an O.H.

6.1.3. John Graby

He resides at no.10 Mount Eden Road and his grounds of appeal include the following:

- Absence of an implemented Traffic Plan/Modal Split. There is undue focus on access from Mount Eden Road, an integrated traffic management plan for the entire campus should have been submitted. Such a plan would be a requirement for the proper planning and development of the entire lands at Muckross Park.
- Condition no.2(i) of the Council's permission relative to actively engaging with the convent landowner regarding an access strategy for pedestrians and cyclists is not enforceable.
- Condition no.2(ii) relative to liaison issues is meaningless and not enforceable. Both these conditions call into question the entire grant of permission.

- Three entrances onto Mount Eden Road are excessive and not needed. They consider that the proposed new entrance to the student hostel should be omitted. Separate access to the convent and student hostel could be provided from the existing entrance from Mount Eden Road. The in/out system provided at the Marlborough Road would be preferable.
- ABP should consider omitting the proposed new vehicular access to the student hostel with possibly a new pedestrian access.
- The existing access must be kept in the interest of safety, heritage and amenity.
- The proposal for additional accesses will lead to significant damage of the perimeter wall and this and the loss of parking have an adverse impact on the amenity of residents in Mount Eden Road and on the ACA.
- They note that there is a presumption in the DCDP against the loss of on-street parking spaces.
- The vehicular entrance should be from the main entrance on Marlborough Road.
- The introduction of a one-way system for Mount Eden Road would increase traffic hazards. Neither Marlborough Road nor Belmont Avenue are one way although both have entrance to schools.
- Removal of existing parking on the subject site within Muckcross Park.
- The application is premature as the issues of vehicular, pedestrian and cyclist access, traffic hazard, absence of an agreed traffic plan, the protection of residential amenity, the conservation of the perimeter wall in the context of the ACA are unlikely to be matters that can be resolved by condition. It should be deemed premature pending the resolution of these matters.

6.1.4. Dr Joseph and Mrs Marie Tracey

Ciaran M Tracey of CT Planning Services has submitted a Third Party Appeal on their behalf. They reside at no.5 Mount Eden Road and the grounds of appeal include the following:

- There are serious issues which have not been addressed. These include the impact on the residential amenities of no.5 Mount Eden Road.
- They have concerns regarding issues of overshadowing, overlooking, devaluation and loss of amenity as set out in their submission, and consider that these have not been adequately dealt with in the Council's decision.
- They also note as set out in their original submission their concerns regarding the impacts on the neighbourhood in general.
- Their suggested amendments to the design and layout would involve relocation and reduction in scale to improve residential amenities in Mount Eden Road have not been considered in the F.I submitted.
- They provide that a 15 classroom school could be accommodated on this site at single storey level, eliminating the need for the first floor. The existing 9 classrooms at St. Mary's need to be taken into consideration.
- The retention and survival of trees along the boundary with the rear of properties in Mount Eden Road is questionable.
- Condition no. 7 of the Council's permission relative to protection of trees on site cannot be complied with. No condition has been included regarding the retention of these trees.
- The application site is extensive, they suggest that the proposed development does not need to be crammed into the corner of the site.
- The school could be built in the area marked for tennis courts or relocated in a south westerly direction in order to avoid it being contiguous to the rear of property in Mount Eden Road.
- The submitted documents still show the old concert hall building from 1935, which was demolished 5 years ago. This area is currently used for carparking. The inclusion of this non-existing building as part of the P.S is misleading.
- The proposed inner courtyard would be overshadowed particularly in the wintertime and the impact of the proposed design and layout on the amenities of the school have not adequately been taken into account.

- They provide that while they do not oppose the principal of a school on these lands that the current proposal should be refused having regard to its scale, design and layout and impact on adjoining properties. Also that it has been ill considered in the context of its setting within an ACA and would be detrimental to its character and as such would be contrary to planning policies.

6.2. Applicant Response

There is a letter from the Board on file which provides that the response on behalf of the Applicant was received outside of the appropriate time period.

6.3. Planning Authority Response

There is no response from Dublin City Council to the grounds of appeal.

6.4. Third Party Response to the Grounds of Appeal

Two separate Third Party responses have been received and these are summarised as follows:

6.4.1. Dr. Joseph and Mrs Marie Tracey

C.T Planning Services response to the other Third Party grounds of appeal, on their behalf includes the following:

- They concur with the submissions made on behalf of the other appellants. They agree and support the broad thrust of these submissions and include details relative to a discussion on the various issues raised.

6.4.2. John Graby

He has regard to the other Third Party appeals and his submission includes the following:

- As the lands for the primary school have not been transferred to DES and are under the control of the Dominican Order there would seem no reason why the site could not be reconfigured and the school redesigned to have all the classrooms on ground floor to prevent overlooking.

- The entire residential amenity of Mount Eden Road will be lost as a result of these new entrances. The Board is asked to consider the future consequences and precedent set by allowing such damage to be permitted particularly when an alternative is available.
- There is a presumption against the loss of on-street parking in the DCDP.
- They note the concerns regarding the creation of 3no. accesses, and note that access to the recently demolished primary school was from the Marlborough Road entrance.
- The existing onsite parking maybe unauthorised.
- The new separate entrance to the Convent and hostel may have a purpose in facilitating future separate development of these two buildings.
- They consider that given all the matters involved the Board should determine this appeal by way of an O.H.

7.0 Assessment

7.1. Principle of Development and Planning Policy

- 7.1.1. This proposal would involve the redevelopment of lands, part of which were formerly used by the Muckross Park Junior School, now demolished, for a new purpose built primary school in the form of St. Mary's National School. These school buildings which are shown on the older aerial photographs have since been removed. Such a school use would be in accordance with a pre-established use and with the Z15 land use zoning in the DCDP 2016-2022 where the objective is: *To protect and provide for institutional and community uses*. Therefore, it is considered that the principle of the proposed use is acceptable on this site.
- 7.1.2. The Third Parties are concerned that the proposal to locate the school on this restricted site area, will be detrimental to the residential amenities of neighbouring properties. They consider that the current proposal would result in an excessively congested site. Also that the design, scale and massing of the proposed building will be overly dominant and will detract from the character of the attendant grounds of Muckross Park House P.S and the ACA, which includes the Mount Eden Road

frontage. They consider that the proposed access arrangement will impact adversely on the ACA and on road safety and that the development as proposed will not be in accordance with planning policy and the proper planning and sustainable development of the area.

- 7.1.3. Therefore, while the principle of development is acceptable within this land use zoning, regard must be had to the impact of the proposed siting, design and layout on the P.S and the ACA and the amenities of proximate residential properties. Also it is of issue as to whether the proposed access arrangement would be acceptable relative to impact on the road frontage boundary, implications for road safety, modal split and transport arrangements. Regard is had to these relevant pertinent issues in the context of this Assessment below.

7.2. Context, Design and Layout

- 7.2.1. An Architect's Report has been submitted with the application, which provides a Planning Support Statement. Having regard to context, this provides that the Minister for Education and Skills is contracted to purchase this portion of the Dominican Convent grounds as the site (approx.1.18ha) for a proposed 16 classroom school. In this respect it is noted that there is a letter from the landowners, the Dominican Convent giving consent for an application for planning permission to be made on the site. The Report provides that the proposed school will have no association with the convent and no access to the grounds or buildings remaining in the ownership of the Congregation of Dominican Sisters. The existing convent building P.S will remain in the ownership of the Sisters. It is provided that the building and the proposed site are outside of the proposed site contracted to be purchased by the DoES. This building currently houses residential and community facilities for the Sisters. It is provided that the building and grounds outside of the boundary of the site will not be accessible to the students or staff of the proposed Primary School. It is noted that this will be a change from the existing situation where there is the central open green area between the proposed site and Muckross House and Student Accommodation and there is one vehicular access to the grounds from Mount Eden Road.
- 7.2.2. The current proposal is for the construction of a Primary School on the northern part of the Muckross Park campus. This would be situated at the north-eastern end of the campus to the rear of the Edwardian houses on Mount Eden Road. As shown on the

drawings the development would comprise a single-storey range on the Marlborough Road (north-western side) and a two storey range behind the houses at Mount Eden Road (eastern side) and also the southern elevation facing the green area and Muckcross House P.S. Plans have also been submitted showing the proposed northern courtyard area. The total floor area is given as 2710sq.m, to accommodate the 16no. classroom school building with general purpose hall, support teaching spaces and ancillary accommodation. Regard is had to the floor plans submitted. Therefore, the proposed school is to be primarily two storey with the single storey element running parallel to the western boundary.

- 7.2.3. The site contains two existing structures. Muckcross Lodge, a 19th century single storey building converted to a Montessori School in 2012 (Reg.Ref.2592/12) and currently vacant. The second is a single storey garage structure used for storage. Both of these structures are proximate to the south western site boundary. It is provided that neither building is identified as part of the P.S in the RPS. However, it must be noted that they are located in the attendant grounds. The existing 85sq.m vacant Montessori building is to be converted to provide a resource room for use by the school. It is provided that this will involve minimal works to the buildings external façade or interior. The existing garage storage building will be maintained as a second scooter parking/storage for the school. It is considered desirable to retain Muckcross Lodge, which is an attractive period building.
- 7.2.4. The site works to the school grounds are to consist of the provision of 132 no. cycle storage space, scooter storage, bin storage, external store, ball courts, project gardens, play areas, landscaping and boundary treatment and all other associated site development works. It is provided that the remaining site contains c.0.75acres of grass/green area, the existing trees and paths are largely to be maintained. Hard standing and formal play areas are confined to the 2 ball courts to the south and the courtyard space formed by the school. A new carpark area is proposed with turnaround facilities proposed for school buses as well as cycle and pedestrian facilities. This is shown proximate to the Mount Eden Road frontage.
- 7.2.5. Three access are to be provided off Mount Eden Road. The existing entrance was originally to be widened, two additional entrances are to be provided. The first is an exit from the school ground to facilitate a one-way system and minimise the hard standing required by a bus turning circle. The second new entrance is to ensure

access to the Mount Eden Road from the Dominican convent and UCD Muckross Halls is maintained. The existing wayleave onto Marlborough Road is to be maintained as pedestrian and cycle access and the existing gate repaired. Details relative to access are shown on the drawings including the alterations proposed in the F.I submitted and regard is had to access and heritage issues, discussed in the separate sections below.

- 7.2.6. The Architects Report provides that the proposed design of the school building and the site layout are heavily influenced by the historic context of the site; with regard to the siting, massing, materiality and screening of the building. Regard is had to the contiguous elevations submitted. They provide that where possible the landscaping and surrounds have been restored or maintained to ensure the impact on Muckross Park House is minimised.
- 7.2.7. It is provided that the bulk of the school building has been kept to two storeys in height to keep both the building footprint and the impact on the historic grounds to a minimum. A single storey wing of the building, is to be used for the senior pupils and runs parallel to the north western elevation. In addition to the lower ridge height the mass of this wing has been kept 5m from the boundary, which is over 10m from the rear boundary of the dwellings on Marlborough Road. It is noted that there is a wall along this site boundary and the three storey terraced houses are well set back, and there is an access lane to the rear of these properties. It is considered that proposed single storey element will not impact adversely on these dwellings.
- 7.2.8. Having regard to the eastern elevation it is provided that the existing mature trees running along the boundary to the east of the building should both screen/minimise any overlooking of the neighbouring property in Mount Eden Road. This elevation is to be two storey and regard is had to the concerns of local residents regarding this issue in this assessment below. The south facing elevation facing the green area between the site and Muckross House is also shown as two storey. This is the elevation that will be most visible from the grounds of Muckross House P.S.
- 7.2.9. It is provided that building materials are heavily referenced by the immediate context. The local vernacular building has predominantly red brick front elevations, with side and rear elevations finished in either render or red brick. The proposed school

materials are to be designed to reflect this. A preference has been expressed for a high quality metal roof with a copper effect roof membrane.

- 7.2.10. It is submitted that the proposed development has been subject to careful consideration in terms of density, scale, massing and layout and will not give rise to any significant impacts upon existing and/or future residents. The Third Party concerns relative to the proposed design and layout are noted, in particular relative to the congested nature of the school siting, their preference for the school to be single storey with a less confined layout and having regard to access issues. It is seen that landscaping and boundary treatment are important issues and it is recommended that the development in terms of the design of the proposed carpark/turnaround and the school building respect the character of the site, including replanting and retaining the green areas.

7.3. Landscaping issues

- 7.3.1. A feature of the Muckross Park campus is the variety of mature trees that are interspaced within the grounds. There are large green spaces to the south that will separate the present convent area from the primary school and trees to be retained. The Architects Report provides that an effort has been made to preserve the existing landscaping and character of the Dominican Convent grounds as much as possible. They provide that hard standing has been minimised with vehicular penetration into the site kept to along the eastern boundary. It is noted that a Landscape Design Report has been prepared and regard is had to the landscape plans submitted. This included that it is proposed that the school has well defined general play areas, ball courts and grass kick about areas for active play. This area is shown on the central part of the site between the proposed school and Muckross Park House and Hostel complex. The Plans also show that a number of trees on the site are to be retained. Regard is also had to the Tree Survey and the Knotweed Site Survey submitted. The former notes that there are 33 mature and semi-mature trees on site (no T.P.O's) and also includes a Tree Protection Strategy. The latter is concerned with the management of the invasive species.
- 7.3.2. The Third Party are concerned that there are some inaccuracies in the Tree Survey submitted. They consider that the absence of the kerb-side trees from the survey does not allow for a full and robust assessment of the impact of the development of

the additional entrances. It is noted that there are three mature roadside trees along the frontage of Mount Eden Road that may be impacted by the proposal. The proposed exit from the school is located between two mature trees, which add to the tree lined environment of the Road but will restrict visibility.

- 7.3.3. The removal of existing trees on site and along the boundary with Mount Eden Road would have an adverse impact on the outlook of neighbouring properties. They consider that the positioning of the proposed building within 5 to 8m of the boundary fence to the rear of the adjoining properties in Mount Eden Road does not allow sufficient space for the provision of adequate tree protection along the boundary. They are concerned that in view of inadequate separation distance between the school the boundary with the rear of properties in Mount Eden Road, Condition no.7 of the Council's permission relative to protection of trees during works cannot be complied with. More attention is required to landscaping with appropriate trees and planting along the inside of the boundary wall with Mount Eden Road to serve to green screen the parking area and to create a softer and more gradual transition and more visually appealing physical relationship between the school and the Edwardian architectural heritage on Mount Eden Road. It is recommended that if the Board decide to permit that these trees be retained and that a landscaping condition be included.

7.4. **Heritage issues**

- 7.4.1. A Cultural Heritage Assessment Report has been submitted with the application. The Report deals with the northern half of Muckross Park Convent grounds, the area directly north of the main entrance avenue from Marlborough Road. The report comprises a desktop archaeological and preliminary architectural assessment following a site visit. This provides that though the area of the site dealt with in this report is that of the proposed primary school, the site is presently part of a whole school complex with interconnecting features such as pathways. A description of the site and the context of the proposed development is given.
- 7.4.2. Muckross Park House is a Protected Structure and is listed at item 4967 on the Record of Protected Structures in the DCDP 2016-2022 i.e: *Original Muckross Park house, including modern chapel perimeter walls, gates and railings, and surviving part of walled garden*. It is provided in the Architects Report that with the exception of

the external store all the proposed building fabric has been sited outside of the historic grounds of Muckross Park house. They provide that the school building and the majority of hard standing play areas are located in the grounds of the former vegetable garden; land which was acquired in the early 20th Century.

- 7.4.3. The Cultural Heritage Report provides a description of the site and notes that the proposed school site is within the northern part of the campus. Muckross Park was built before 1865 and the avenue and gardens and layout of the grounds was developed among other houses. It was sold in 1900 to the Dominican sisters. Shortly afterwards they added the land and gardens to the north east. The site is currently seen as part of the overall campus grounds associated with Muckross Park House. Therefore, it is considered that the proposed works would occur within the curtilage of a P.S and its attendant grounds. They also provide that the 1935 mapping shows the entrance to the convent grounds from Mount Eden Road which appears to date between 1907 and 1935. This is the existing entrance referred to on the drawings. The wall is of brick and stone and is topped with wrought iron railings.
- 7.4.4. The Report notes that the main features of the site are its existing boundary walls, the gated entrance from Mount Eden Road and the entrance from Marlborough Lane, as well as existing pathways and green areas, historic buildings including Muckross Park Lodge and garage c.1865, a guardstone and a portion of related wall. It provides that within the grounds of the school, the boundary walls have been mainly replaced with blockwork, the stretches to the north east (where the walls are probably 18th century or earlier) may require investigation as the building materials of some parts of the walls are rendered. Mitigation measures proposed include that a photographic survey and analysis of these buildings and examination of the wall is carried out.
- 7.4.5. It notes that the early 20th century boundary walls of the site are also important and form part of the architectural character of the area. It concludes that the integrity of the site as a former demesne with several phases of development and incorporating important architectural features should be taken into account in the design of the development. It is recommended that the new entrances if permitted, are carried out in sympathy with the character of the existing wall and railings.

- 7.4.6. There is concern that maps or drawings have not been submitted with the Cultural Assessment to show the relationship of the proposed structure to the listed buildings. Also that it has not been addressed that the proposed development will represent a subdivision of the site, when until now the integrity of the original demesne has remained intact. The site including the green central area appears as part of the spacious landscape that is intrinsically associated with the period house. Reference is made to a Board decision relative to another school campus i.e: Mount Anville, Dublin 14, having regard to impact on heritage issues in the grounds of a P.S – PL06D.246054 relates. In the subject application it is noted that the site boundary proposed, is to be established around the now open green area which is interspaced with trees between the site and Muckross House and convent buildings and the modern UCD hostel. It is also of note that Muckross Park College to the south of the campus is a modern school building that appears on its own grounds and there are railings separating this site from the greater convent grounds area. Therefore, this type of subdivision of the complex has previously occurred.
- 7.4.7. The Council's Conservation Officer notes that it is unusual for stone walls to be protected within the city area and considers that there should be sufficient justification for three opening in such and recommended that F.I be sought on this issue. As the boundary wall of Muckross Park Convent is protected, therefore any alterations or loss of historic fabric must be justified and demonstrated to have a beneficial impact otherwise if considered to be detrimental they recommend such changes should be refused permission. It is also noted that the existing ornate gates on this frontage are a notable feature and they consider they should be retained.
- 7.4.8. The Conservation Officer notes that the site adjoins the Belmont/Mount Eden ACA and that Mount Eden has a particular character with Edwardian houses of good quality architectural design, enhanced by well detailed boundary walls and mature gardens facing the convent grounds. There is concern that the proposal will impact adversely on the distinctive Edwardian character of the ACA in Mount Eden Road. It is noted that these were removed from the RPS in 2015 and Mount Eden Road was instead designated as part of an ACA of 'Belmont Ave, Mount Eden Road and Environs'. It is provided that this recognises that the Victorian/Edwardian layout and style of this road has a special heritage quality and that must be viewed in its entirety. The Third Party consider that the proposed development has been ill

considered in the context of its setting within the ACA, would be detrimental to the preservation and improvement of the architectural character of the ACA and as such would be contrary to the ACA policies and objectives in the DCDP. There is concern that inappropriate infill can damage the character of an ACA and that the extent of interventions at Mount Eden Road would amount to a material contravention of the ACA. In this respect Policy CHC4 seeks: *To protect the special interest and character of all Dublin's Conservation Areas (11.1.5.4). Development within or affecting all conservation areas will contribute positively to the character and distinctiveness; and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.*

- 7.4.9. The eastern part of Mount Eden Road is marked by a paired rubble walls arranged neatly along the house frontages and there is concern this is under threat. They are concerned that the new gates and entrances proposed will cause the destruction of the protected wall and railings opposite the houses and will undermine Mount Eden Road's designation as an ACA. Also the new convent entrance is to be set back from the road thus changing the character of the existing building wall. In this respect, regard is had to the contiguous elevation along the Mount Eden Road frontage and the drawings showing the existing and proposed boundary wall and entrance details submitted.
- 7.4.10. Section 6.0 of the Cultural Heritage Assessment has regard to the Archaeological and Historical background. This notes a number of features of cultural heritage including the medieval to early modern field boundaries. It provides that though there are no known archaeological sites the area is one of archaeological potential. There are Third Party concerns that the Archaeological significance of the area has not been given significant recognition and they refer to the Cultural Heritage Assessment. It is provided that there are some inaccuracies including that the major construction works for a new school are proposed immediately adjacent to the west of the apparent ancient rampart area, yet this is not clarified in the Assessment which asserts that Mount Eden Road is the rampart area. Mention is also included in the submissions made to the significance of Rocque's Map relative to The Hiberno Monastic Settlement of St. Broc: Legacy Institutes, Uses and Elements and Other Traces as evident today. Regard is also had to the historic importance of the Donnybrook settlement. The Third Party consider that a Geo Physical Assessment

needs to be undertaken. It is recommended that if the Board decide to permit that an archaeological monitoring condition be included.

7.5. Material Contravention

- 7.5.1. The Third Party considers that the creation of three entrances in this heritage wall along Mount Eden Road cannot be justified and would fragment, fracture and degrade it. Such an arrangement would lead to further loss of residential amenity and that would represent a material contravention of the Council's objective for the Z2 zone and the ACA. The eloquent streetscape is a significant feature that supports the designation of the ACA. In their opinion the creation of multiple vehicular entrances, fracturing and dividing the heritage all of Mount Eden Road would prevent the implementation of the ACA and the zoning objective.
- 7.5.2. Section 34(6) of the Planning and Development Act 2000 sets out the procedure under which a planning authority may decide to grant permission for such a development. Section 37(2) of the 2000 Act provides the constrained circumstances in which the Board may grant permission for a material contravention. These include whether the development is of strategic or national importance, where the development should have been granted having regard to regional planning guidelines and policy for the area etc, where there are conflicting objectives in the Development Plan or they are not clearly stated, or permission should be granted having regard to the pattern of development and permissions granted in the area since the making of the Plan.
- 7.5.3. In this instance the proposed development is clearly not of strategic or national importance. The principle of a school is acceptable within this land use zoning and there is no policy or guidelines advising that such a development should not be permitted in this area. Therefore, while not considered a material contravention, the issue is whether the proposed development in the attendant grounds of Muckross House would be detrimental to the visual appearance of the P.S or the ACA. This is discussed further below.

7.6. Impact on the Character and Amenities of the Area

- 7.6.1. There is concern that an overall map of the Muckcross Park domain has not been included, showing the secondary school to indicate how the new scheme would work in the overall context. This would also include the existing route onto Marlborough Road from the site to the proposed school, rather than having a completely separate entrance to the site. The Third Party queries the need to separate the subject site and access from the greater campus area. They also query the boundary treatment separating the site.
- 7.6.2. There are concerns that the overall height of the proposed two storey school building will be higher than the three storey houses on Mount Eden Road. Regard is had to the cross sections in this respect. It is noted that the cross section shows the ridge height of the school relative to that of the houses in Mount Eden Avenue and there is concern that this will be higher in part than these houses. In this respect it is noted that no.5 Mount Eden Road is 3no. storey and no.7 is 2no. storey and are located some distance away.
- 7.6.3. There is concern that the shadow issues arising in this case all arise from the construction of the two storey wing facing into the rear gardens of Mount Eden Road. The Shadow Study shows existing and proposed projections for the 21st of December, 21st of June and 21st of March. The applicant's shadow study is predicted on the continuous presence of the perimeter trees adjoining the laneway that separates the site from nos.5/7 Mount Eden Road. It was noted on site that these are deciduous trees. These projections do not show any significant overshadowing, but should not have included the trees on the subject site.
- 7.6.4. There is concern that the bulk, height and external finishes of the proposed building will be unsuitable in this location. Also that the school will be too tightly located in the north western corner of the site. In order to reduce the visual impact on the dwelling houses on Marlborough Road and Mt Eden Road and to ameliorate the amenity afforded those dwellings by the open space, they suggest that the proposed school building be shifted both south and west. If the overall complex were to be repositioned in a southerly direction it would avoid the school building being crammed into the corner of this relatively large site. It could also be designed so that having regard to the amenity of the courtyard area for the school, it did not face north

and abut the three storey commercial building to the rear. This inner courtyard would be overshadowed particularly in the winter months which would not enhance the amenities of the school.

- 7.6.5. They consider that the additional first floor height of the proposed school building will increase the issue of overshadowing and loss of privacy and amenity. This is in contrast to the lower profile single storey structure proposed to the rear of Marlborough Road. They suggest an amendment to the proposal so that wing of the building facing Mount Eden Road would be single storey rather than two storey. This would mean that two of the classrooms would be omitted. They consider that the construction of a recessed single storey wing in this location would address the issue of overshadowing. They suggest that by including one additional class room at ground floor level, this would result in a 15 classroom school to cater for the needs of the primary school. Changing from two storey to single storey would also allow for the elimination of the lift shaft, leaving room to accommodate the 15th classroom at ground floor level.
- 7.6.6. There is concern that the proposal will be overly dominant and cause overlooking and loss of outlook from rear garden areas. In particular, the no. of first floor windows in the proposed school building will cause overlooking to the rear gardens of nos. 5 and 7 Mount Eden Road. They note that these school windows are located within 5.5m to 8.0m of the rear boundary with these properties. However, having regard to the plans it is noted that the school is shown sited c.35m from the rear of these properties. There is also a narrow cul-de-sac laneway between the rear of these properties and the subject site. This provides rear access to these properties and is accessed via Argyle Square. There is a two storey red brick office building sited further to the north with frontage to this lane. As part of the F.I submitted it is proposed to provide sand blasted obscure glazing on the first floor windows facing, below the 1600mm Transom. The First Party refers to 1.7m and provides that this will eliminate all overlooking during class times and has been accepted as a valid approach by other local authorities in similar situations.
- 7.6.7. There is concern about the design and layout and that the detrimental impact is heightened by the institutional fenestration and industrial type roof and that inadequate information has been submitted regarding the external finishes. They consider that it will be detrimental to the residential amenity of adjoining properties

and will not add to the attractiveness of the ACA. As such the Third Parties consider that regard be given to the redesign and relocation of the school on site. However, it is considered that the views of this part of the site proposed for the footprint of the school building, to the rear of the existing buildings is less visible and more restricted from the ACA. Also it will appear more compact and have less of an impact on the P.S in that the central green area and existing trees are largely to be retained, than if it were to be single storey and have a larger more spread out footprint.

7.7. Access issues

The main access to the Muckcross Park Educational and Convent campus is via a shared access off Marlborough Road. The campus has road frontage onto Marlborough Road and Mount Eden Road. The latter frontage currently has a narrow vehicular access. The Third Party provides that this has not been used as an entrance to the campus for some time and has only been re-opened for general use in recent times. The adjoining pedestrian entrance has been in continuous usage. This proposal will result in three entrances along the Mount Eden Road frontage. Two of these (including the existing entrance) will be (in/out) for the new school and the third is a separate entrance for the access to the Dominican convent grounds and UCD student accommodation. It is noted that the existing entrance from Mount Eden Road serves the latter.

- 7.7.1. It is queried why given the significant entrance already in place at Marlborough Road, which accesses both the convent and the secondary school at present, there is a third entrance required. It is noted that this dual driveway, with separate in/out gates, has been upgraded in recent years and the Third Parties consider that it can facilitate the intended traffic movements. They are concerned that this proposal to alter the existing vehicular entrance on Mount Eden Road and provide two additional entrances along this limited frontage will have adverse implications for traffic and pedestrian safety. Also that there are road safety issues including that Mount Eden Road is narrow and the new entrance i.e. the proposed third entrance (for the convent and UCD hostel) is very close to a sharp bend which could lead to traffic hazard. It is also of note that it is also close to the vehicular entrance to no.11 Mount Eden Road, which is located on this corner. They consider that Mount Eden Road has been seen very much as a secondary access to the campus and that this tripling

of gateways is excessive, unreasonable, will bring further disturbance, hazard and confusion. There is also the impact on the P.S which includes the boundary wall frontage and the prospect of signage clutter to provide directions and guidance regarding the use of the 3no. separate entrances off Mount Eden Road in the ACA.

7.8. Parking issues

- 7.8.1. The proposed primary school is to accommodate 16no. classrooms and at 25-30 children per classroom would give a total of 400 to 480 children. There is concern that this will lead to a considerable increase in traffic and traffic congestion and a demand for set/down pick/up parking provision which has not been adequately provided. Also that provision for school bus parking and turning movements has not been shown. It is noted that the supporting documents states that the second school entrance is required to minimise the hard standing required by a bus turning circle. Regard is also had to the Site Plan in F.I submitted which shows the on-site parking layout and bus set down area.
- 7.8.2. However, it is contended that a single entrance could be used similar to the existing single entrance used by the larger Muckross Park secondary school. It is provided that the Mount Eden road entrance to the Dominican convent is mainly used by vehicles that park during the day on the site of the proposed school, and that the new school will remove this parking area. Also this proposal will mean that the existing parking area on the subject site will be removed. It is not confirmed who this parking is for or where/if it is to be relocated, and it may be unauthorised.
- 7.8.3. There is currently a separate parking area for the hostel and convent within the complex to the south of the site boundaries. It is noted that there is already significant on-street parking and congestion along this road. There is a presumption against the loss of on street parking in the DCDP. The accommodation road is narrow and there is parking along both sides of the road. The F.I submitted has regard to the linear roadside parking that will need to be removed to facilitate the proposed entrances.

7.9. Regard to the Traffic & Transport Assessment

- 7.9.1. This provides an assessment of the impact of the proposed development of a 16 classroom school on traffic and transportation in the surrounding area. The existing transportation infrastructure in the vicinity of the proposed development together with the traffic generation and parking requirements are described. The impact which the proposed development would have on the transportation infrastructure in the vicinity of the proposed development site has been assessed using a PICADY analysis. It is provided that Waterman Moylan carried out baseline traffic counts at 3no. locations and details of this are given in the Report and in Appendix B. These were carried out on 26th of November 2015. Also, that the format of the TTA has been generally based on the requirements of Section 1.11 of the Traffic Management Guidelines.
- 7.9.2. Access to the proposed development is via Mount Eden Road. The proposed site junction layout is indicated in Fig. 3 in Appendix A. It is noted that the worst case traffic for the subject site is AM peak so this is used for modelling purposes. The predicted design year (2032) model split of the proposed primary school as given as follows: Car journeys 25%, Bus 5%, Walking/cycling 70%. This is based on provision for 480 pupils in the 16 classroom school – Table 4.1 refers.
- 7.9.3. Section 5.1 provides that the distribution of the predicted development traffic has been estimated from examination of existing traffic flows surveyed on Mount Eden Road and surrounding area. Junctions at the following sites were assessed on the basis of the proposed development with trip generation and distribution to/from the development set out in Fig. 5 in Appendix A:
- Site 1: MorehamptonRoad/Mount Eden Road;
 - Site 2: Morehampton Road/Victoria Avenue/Donnybrook Road/Belmont Avenue;
 - Site 3: Mount Eden Road/Belmont Avenue/Donnybrook Manor.
- 7.9.4. The results of this analysis is contained in Appendix C and presented in the tables in the TTA. The data shows that the RFC (ratio of demand flow to capacity) is within capacity and there appears to be little additional queue formation. Traffic movements associated with the development in the AM peak with and without development have been prepared and are indicated in Appendix A. It is provided that low growth factors

were used for expanding the 2015 baseline traffic to the 2017 opening year flows and 2032 future year flows. It is concluded that the proposed school development will not impact adversely on the capacity of these junctions.

- 7.9.5. Section 7.0 has regard to Access and Circulation. This notes that pedestrians and cyclists will arrive to the proposed development from the existing access road off Mount Eden Road. It notes that there are a number of bus routes that serve the Donnybrook area.
- 7.9.6. While the TTA has been prepared with regard to the DCDP 2011-2017, the later has now been superseded. Section 16.38 of the Dublin CDP 2016-2022 refers to the car parking standards. Map J *Strategic Transport and Parking Areas*, shows that while Marlborough Road is within Area 2 relative to parking standards, Mount Eden Road is within Area 3. It also shows that Morehampton Road (R138) is within the Blanchardstown to UCD indicative alignment for the proposed Bus Rapid Transit route.
- 7.9.7. Table 16.1 provides the Maximum Car Parking Standards for Various Land-Uses in line with the requirements of the DCDP in Zones 2 & 3 this is one space per classroom. Therefore, as noted in Section 8.0 of the TTA 16 no. parking spaces are to be provided on site for this 16no. classroom school. 80no. cycle spaces are to be provided i.e. 1 space per 6 pupils for primary schools also in accordance with the Plan. It also notes that scooter parking is to be located adjacent to bicycle parking spaces.
- 7.9.8. The TTA concludes that the proposed school development will generate 108 inbound trips and 92 outbound trips in the AM peak on Mount Eden Road. Also that PICADY Analysis shows that the RFC is within capacity and there appears to be little or small queuing at the three aforementioned junctions.

7.10. **Consideration of the TTA**

- 7.10.1. A Report has been submitted on behalf of local residents from Trafficwise Traffic and Transportation solutions which considers that the submitted TTA and associated documentation is deficient and does not adequately address road safety and the impacts on transportation. They contend that the scope, coverage and methodology adopted in the TTA does not accord with national guidelines or standard best

practice. It provides that the proposed new entrances and widening of the existing access will have a direct impact upon parking not only by breaking a new access through the existing parking area but also by the need to provide satisfactory visibility sightline criteria at each access.

- 7.10.2. They are concerned about congestion at drop off and collections times and consider that adequate consideration has not been given to parking provision and that the small set down area proposed is inadequate. Also, that the internal site layout is undersized, having regard to traffic parking and circulation issues and is considered likely to give rise to serious traffic impacts upon Mount Eden Road. They consider that adequate provision for pedestrians and cyclists and advise that a meaningful Mobility Management Plan be requested. The Trafficwise Report considers the impact of the proposed development on the receiving environment of Mount Eden Road and the greater road network serving the development from Belmont Avenue and Morehampton Road has not been adequately addressed in this application.
- 7.10.3. It is of note that in response to the Council's FI request, that the applicant provided that there is no requirement to amend the TTA as it is based on surveyed information, analysis of traffic flows in the area and has regard to the catchment area of the school. Revised traffic modelling results for each of the 3 aforementioned junctions is included in the F.I submitted. This does not significantly alter the findings of the TTA. It also provides that the proposed development modal split is based on the existing available modal split data for the existing St. Mary's National School

7.11. Mobility Management

- 7.11.1. A Mobility Management Plan has been submitted as part of the application. This refers to the 16no. on-site parking spaces to accommodate school staff, a pupil/bus drop off area within the school boundaries and the provision of 88no. bicycle parking spaces and 100no. scooter spaces for staff and pupils. This overprovision of the latter is to encourage travel by bicycle and scooter as a means of transport to school. It reiterates the modal split provided in the TTA. Section 4.0 provides Specific Initiatives proposed, including the appointment of a Mobility Manager and details are given relative to this role. Onsite pedestrian and cyclist facilities are to be provided. The Mobility Management Objectives include a Reduction in Transport Demand, Modal Shift to Pedestrians and Cyclists. Regard is also had to Implementation.

7.11.2. As part of the Council's F.I request the applicant was asked to submit a School Travel Plan prepared in accordance with the NTA/An Taisce 'Toolkit for School Travel'. This has been prepared to identify and review travel that will be associated with the development of the school. It provides that the targets set out in the DTO Advice Note and Toolkit for School Travel will be addressed. Also that the Plan embraces the core principles set out in 'Smarter Travel – A Sustainable Transport Future 2009-2020'. It is provided that the Plan should be considered as a dynamic process which will be developed and carried forward by the school during the operating phase of the school. It provides details of the existing (St. Mary's) and approximate target modal split for the school. The later are as previously referred to in the TTA.

7.11.3. Section 4.0 refers to Specific Initiatives proposed. These include details on the following:

- Appointment and Role of School Travel Planner
- Onsite Pedestrian and Cyclist Facilities
- Staff Initiatives
- Green Flag for Travel

7.11.4. This has regard to Green Schools Travel and notes that the Travel theme is funded by the Department of Transport, Tourism and Sport and supported by the National Transport Authority. It provides that the Travel theme is now acknowledged as a 'best practice' model for sustainable school travel within the FEE network. Examples are included of the aims of Travel Plans to raise awareness of sustainable transport options around the school, to promote walking on the school journey and to improve pupils cycle skills and road safety awareness. It is provided that the Action Plan will be relevant to improving levels of sustainable travel use at the school and will address the specific travel/traffic challenges. The School Travel Objectives include a Reduction in Transport Demand, Modal Shift to Pedestrian and Cyclists and Implementation. It is provided that the School Travel Plan outlined in this Report is a dynamic programme and a review of the plan and targets is required on a regular basis. The Appendix includes the DTO Advice Note on School Travel Plans.

7.12. Modal Split issues

- 7.12.1. There are concerns relating to transport, travel and mobility issues relating to this proposal. They consider that the Traffic and Transportation Report is not comprehensive, particularly having regard to an unrealistic reporting of traffic flows and modal split. Also that it does not provide support for its principal assumption that only 25% of students will be delivered by car. Trafficwise contend that the applicant's F.I response fails to provide any origin/destination information or meaningful assessment of the catchment area and makes no reference to available Census data. Census 2011 data suggests that the number of students in Dublin City that travel by car is close to double the applicant's estimate of 25%.
- 7.12.2. The accuracy of the Mobility Management Plan is also queried. They consider that the project needs to be revised and reconsidered to include the cumulative effects of this additional school on the area. In this respect it is noted that Mount Eden Road is heavily relied upon as a drop off parking area for the old St. Mary's N.S on Belmont Avenue which is shortly to reopen as a junior primary school. They contend that widening the existing entrance from Mount Eden Road, with associated traffic management inside the site, would amply serve the new primary school. Also that the documentation submitted has not demonstrated that the proposed development can be adequately catered for and assimilated into the existing road network without giving rise to serious traffic congestion and as such would constitute a traffic hazard.
- 7.12.3. A School Travel Plan submitted as part of the Council's F.I. is noted. The Trafficwise submission is concerned that this has a number of shortcomings and provides no details of the receiving road environment. They consider that the traffic volumes predicted are underestimated and the modal split figures provided are unsupported. Footpaths in the area are narrow relative to the number of school children and the proposed pedestrian access does not have the capacity to accommodate the volume of pedestrians likely to be generated.
- 7.12.4. However, it must be noted that this is a built up urban area, with footpaths on either side of the road, close to public transport links. Mount Eden Road is currently relatively well parked and is within the urban speed limit area. It is considered that having regard to the proposed development there is a need to encourage modal split in favour of pedestrians/cyclists and use of public transport and private school buses.

It is also of note that Policy MT8 of the DCDP 2016-2022 seeks: *To work with, and actively promote, initiatives by relevant agencies and stakeholders such as An Taisce's 'Green Schools' initiative and the NTAs Smarter Travel Unit, to promote active travel in schools and communities, recognising the health and social benefits of walking and cycling as well as the environmental benefits.*

7.13. Permeability issues

- 7.13.1. The Site Layout Plan indicates a proposed pedestrian/cyclist access route to the site via the laneway which the First Party refers to as an existing right of way, between nos. 44 and 46 Marlborough Road. It is noted that the Council's Roads, Streets and Traffic Department considered that a campus wide approach to access and movement should be considered looking at pedestrian, cyclist and vehicular access as well as potential pedestrian connectivity between the primary and secondary schools. They also considered that potential access from Marlborough Road should be explored. The Council's request for F.I echoed this. In response the First Party provided that in this case a campus wide approach cannot be taken as the post primary and proposed primary school are completely separated by lands not in the ownership of the Department of Education. The grounds of the Dominican Convent run from Mount Eden Road to Marlborough Road between both sites. They provide that there is no other way of providing pedestrian/cycle route between the two schools or between the primary school and Marlborough Road through the grounds of the Dominican Convent.
- 7.13.2. There is currently a locked gate within the site which could provide access to this laneway and thus permeability to Marlborough Road. Third Party Concerns regarding access issues relative to the lane between nos. 44 and 46 Road and over which nos. 20-54 Marlborough Road have right of way are noted. The laneway splits with one side providing gated rear access to the rear of nos. 46 to 54 and open access to the other side to the garages to the rear of nos. 44 to 20 Marlborough Road. There is concern that this laneway is not within the ownership of the school and consent for the usage of this laneway has not been obtained. This is in active use by a number of local residents who have garages located at the end of back gardens. The laneway is narrow with no turning facilities and regard is had to sightlines at the access to Marlborough Road. Local residents are concerned about

safety implications for the broader usage of the lane as a pedestrian/cyclist link. If for example, for safety reasons a pedestrian barrier were to be erected at the entrance of the lane, they consider that this would have implications and present a loss of amenity for existing users.

7.13.3. In response to the F.I the Council's Roads and Traffic Department does not consider that this is a desirable route for pedestrian and cyclist access due to its current function and width and they recommend that the submitted drawings should be revised to omit this potential route. In this respect it has been omitted as Condition no. 2(iii) of the Council's permission provides: *The proposed pedestrian and cycle access onto the existing laneway between nos. 44 and 46 Marlborough Road shall be omitted from the development as there are concerns regarding its narrow width giving rise to the potential for pedestrian/vehicular conflict.*

7.13.4. It is considered that the principle of the usage of this lane relative to permeability to the school site would be desirable from the Marlborough Road. However, in view of current circumstances, if the Board decide to permit they may decide that it be conditioned that this linkage be omitted.

7.14. **Regard to Condition nos. 2(i) and (ii).**

7.14.1. One of the Third Party Appeals is concerned that Conditions nos. 2(i) and (ii) of the Council's permission cannot be enforced. These concern Roads and Traffic Planning Division requirements i.e.:

- (i) *A Travel Plan Co-ordinator shall be appointed to oversee the implementation of the School Travel Plan. The School shall participate in the An Taisce Green School Travel programme and shall continuously monitor the modal split of travel to the school to ensure that the target proposed in the School Travel Plan is met and exceeded where possible. As part of the school travel planning process the school shall proactively engage with the adjoining convent landowner with a view to agreeing an access strategy for pedestrians and cyclists from Marlborough Road to the school. In this regard the applicant should identify potential linkage points (gates) between the sites that could be provided and managed subject to agreement.*

7.14.2. They consider that such a substantial issue as access for pedestrians and cyclists from Marlborough Road should have been clarified in advance of the planning application because in the event of an agreement not being reached this important condition cannot be enforced bringing into question the entire grant of permission. Also that this important condition could only be given effect if there was a requirement for an adequate agreement to be in place prior to construction.

2(ii) No later than six months post occupation, the school shall liaise with Environment & Transportation Department regarding progress on the implementation of the School Travel Plan and an access/permeability strategy.

7.14.3. They consider that such a Plan and strategy should have been in place prior to the planning application and this condition is unenforceable and meaningless as there may never be the type of agreement envisaged in Condition 2(i) and appropriate Travel Plans, access permeability and access for pedestrians and cyclists. As with Condition 2(i) they consider that this calls into question the entire grant of permission.

7.14.4. The Council's Road Streets and Traffic Department recommends that a condition be attached relative to the Green Schools Programme. Condition 2(i) of the Council's permission refers. The permeability issue though the campus from Marlborough Road relative to pedestrian/cyclist access would need to be agreed with the adjoining landowner i.e Dominican Convent, if the lane between nos. 44 and 46 is not to be used. It is recommended that if the Board decide to permit that these issues having regard to permeability and the School Travel Plan be included in a relevant condition and should be agreed prior to the first occupation of the school, the latter to be monitored on an on-going basis.

7.15. Consideration of Alternatives

7.15.1. It is contended that there is a lack of overall evaluation of access and alternative options to the proposed Primary School, Muckross Convent and adjoining UCD student's hostel. Also that there is a lack of evidence for the need for three accesses along this short stretch of road. There is concern that an additional entrance to UDC students hostel close to the bend in Mount Eden Road will result in traffic

congestion/hazard and appear excessive relative to visual impact on the boundary wall P.S and the ACA. Access to the site from the existing 'in/out' wider entrance from Marlborough Road has not been investigated as part of this proposal. It is of note that the Third Party provides that for many years, access to the recently demolished prefabricated primary school building adjoining the convent was from the Marlborough Road entrance only. They note that this access also served the Convent and the Student Hostel and consider that no reason has been given as to why the access through the Marlborough Road cannot be continued.

7.15.2. An examination has not been made of the potential to reduce the number of entrances or to consider a campus wide strategy. It is considered that the proposal would benefit from an integrated traffic management plan for the entire campus including the second level school, Muckross Park House, the student hostel and the proposed primary school. This has not been investigated relative to the need for the third entrance in this location in the TTA. The proposed development access is from Mount Eden Road only and no provision is made for connectivity or permeability to the adjacent school or Marlborough Road. In this respect it is considered that adequate regard has not been given to the issue of connectivity and permeability between the various uses on the site. For example relative to drop off and collection from Muckross Park College with access onto Marlborough Road and the proposed Primary School with access from Mount Eden Road.

7.15.3. If the Board decide to permit, in the interests of a reduction in the number of entrances along this short stretch of Mount Eden Road and proximate to mature roadside trees and a bend, it is recommended that the proposed access to the Dominican Convent and the UCD Hostel be omitted as part of the current proposal. This would also be in the interests of the boundary wall P.S and the ACA. In this case regard should be given to the use of the main access route from Marlborough Road for this purpose. In this respect it is noted that to the south west outside of the application site boundaries, there is gated locked access to the convent grounds from the avenue of this Marlborough Road entrance, which is separate to the entrance within the campus to Muckross Park College. Investigation should be made of the usage of this entrance for this purpose. However, this is not included in the site boundaries of the current application which is for the proposed primary school site. It is considered that relative to the information submitted, that this application is

primarily concerned with the proposed school site and that access to the Convent and the UCD Muckross Park Halls should be considered as a separate planning matter. It maybe that the Board decide to seek further information on this and also having regard to the permeability issue.

- 7.15.4. However, it is considered that notwithstanding this, the principle of a school is acceptable on this site. If the Board decide to permit it is recommended that while pedestrian access to the convent grounds and UCD hostel could be obtained via the proposed new school entrance, a condition should be included to omit the third vehicular entrance from Mount Eden Road and that the applicant submit plans for an alternative entrance to the Convent and UCD Muckross Park Halls within the convent grounds and from the Marlborough Road entrance prior to the commencement of the school development on the site.

7.16. Drainage issues

- 7.16.1. An Engineering Assessment Report has been submitted with the application. This notes that the total surfaced area of the proposed development including roads, and roofs, is approximately 0.367ha. within the site area of approx. 1.19ha. Regard is had to the drainage drawings submitted. It is proposed to connect the foul sewer to the existing 300mm diameter combined sewer on Mount Eden Road to the east of the site. It is provided that the design of the foul water drainage has been based on Table 1 of the DoESS Guidance Note1a – Design of Wastewater Systems for use in Primary Schools – Non-residential schools with no canteen. Table 2.1 provides details for the foul water discharge for the proposed development of the 16no. classroom school based on 32 per class is 512PE. Appendix A includes the Foul Water Calculations.
- 7.16.2. It is proposed that the surface water from the site drain via gravity and discharge at a restricted rate to the existing 300mm diameter combined sewer on the Mount Eden Road to the east of the subject site. Flow is to be restricted in in accordance with the Greater Dublin Strategic Drainage Study. The proposed surface water drainage has been designed as a sustainable urban drainage system and uses petrol interceptor, rainwater harvesters and storage tanks and overground detention basins to treat runoff and remove pollutants to improve quality, restrict outflow and to control quality and increase amenity value. Details are given of such in the Engineering Report and

Appendix B includes the Surface Water Calculations. It is provided that strict separation of surface water and wastewater will be implemented in the development. It is proposed that in accordance with the recommendations of the GSDS that the 1 in 100 year critical design storm will be used for storm water attenuation Volumatic calculations. Storage Design calculations are included in Appendix C of the Report. Also, that there is sufficient storage capacity available in the storage tank/detention basin to store water for the critical 100 year storm for the subject site with further storage available to facilitate climate change.

- 7.16.3. A proposed new connection to the existing 100mm diameter watermain on Mount Eden Road to the east of the subject site will provide potable water for the school. Details are given of the water demand calculation. Regard is also had to water conservation measures.
- 7.16.4. It is noted that the Council's Engineering Department – Drainage Division does not object to the drainage proposals subject to the developer complying with the relevant standards, incorporation of SUDS in the management of storm water etc. They also requested that an appropriate flood risk assessment be submitted for the proposed development which identifies and proposes solutions to mitigate the potential risks from all sources including coastal, fluvial, pluvial and groundwater. Condition no.5(vi) of the Council's permission, included regard to this this issue. It is recommended that if the Board decide to permit that the drainage condition include regard to this issue.

7.17. Screening for Appropriate Assessment

- 7.17.1. An AA Screening Report has been included with the application. This report presents a screening assessment for the project. It notes that foul drainage will be collected from site and discharged to the local foul drainage network which ultimately discharges to Ringsend WWTP. There are no European Sites with direct hydrological connectivity to the project site. The only connectivity is through wastewater treatment and discharge to Dublin Bay. The following sites within Dublin Bay are considered:
- 000206 North Dublin Bay SAC
 - 004006 North Bull Island SPA
 - 000210 South Dublin Bay SAC

- 004024 South Dublin Bay and River Tolka Estuary SPA

7.17.2. The location of the Conservation sites in relation to the proposed development site are presented in Fig.3. Section 5 of the Report provides an Identification of Potential Impacts and Assessment of Significance. The Report provides that the proposed development has limited hydrological connectivity with Dublin Bay and wastewater will be directed to the municipal sewer and that there would be no impacts on the Natura 2000 sites located downstream in Dublin Bay. It also provides that there will be no significant impacts from the proposed development on any European Sites and that in combination effects can be ruled out. The Report concludes that there would be no significant impacts on the Qualifying interests or Conservation Objectives of the Natura 2000 sites considered in this assessment. It provides that a finding of no significant effects report is presented in Appendix A in accordance with the EU Commission's methodological guidance. It is therefore concluded that having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no significant effects or appropriate assessment issues arise.

7.18. **Other issues**

- 7.18.1. It is noted that mention has been made by some of the Third Party appellants as to regard to the merits of having an Oral Hearing in this case. However, no formal or valid request has been received within the appropriate time period and the requisite fee has not been submitted. Having regard to this issue and to the documentation submitted it is considered in order to deal with the issues raised through written procedure.
- 7.18.2. It is noted that the Council have included Condition no.13 regarding the inclusion of a Development Bond to secure the satisfactory completion and maintenance of services and refer to taking in charge. While they have not included details as to why they included this condition relative to the school site, it is recommended that if the Board decide to permit that it be included relative to the location of the site including the green area and proximate to the larger educational campus area.

8.0 Recommendation

- 8.1.1. In view of the above it is recommended that permission be granted subject to the conditions below.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the planning history of the site, the nature and the design and layout of the proposed development, it is considered that the principle of the development of a Primary School is acceptable on this site which allows for educational land uses, within the Z15 land use zoning, of the Dublin City Development Plan 2016-2022. If carried out in accordance with the conditions set out below, the proposal would not unduly affect the setting of the Protected Structure or the adjacent Architectural Conservation Area, would be acceptable in terms of traffic safety and convenience, would not affect the residential amenity of surrounding areas and would be in accordance with the proper planning and development of the area.

10.0 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 submitted on the 8th day of August 2016, 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. The development shall be amended as follows:-
 - a) The proposed entrance to Mount Eden Road to serve the Convent and UCD Muckross Park Halls shall be omitted. Only two entrances (i.e. in/out) to serve the proposed Primary School shall be permitted from the Mount Eden Road frontage.

b) Revised plans shall be submitted showing the access to these separate uses via the existing Marlborough Road entrance and the gated entrance to the convent grounds.

c) Pedestrian access to the Convent and UCD Muckross Park Halls shall be via the new school access proposed.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual and residential amenity

3. Prior to the commencement of development details showing plans for permeability for pedestrians and cyclists to the school site from the Marlborough Road shall be submitted and agreed in writing with the planning authority.

Reason: In the interests of permeability and sustainable development.

4. Prior to commencement of construction, details in relation to the implementation and on-going monitoring of the operation of the Mobility Management Plan and School Travel Plan shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of traffic safety and convenience.

5. The vehicular entrances, parking and bus set down area, circulation system, associated signage, footpaths and kerbs shall be in accordance with the detailed requirements of the planning authority for such works.

Reason: In the interest of amenities and public safety.

6. a) Details of the materials, colours and textures of all the external finishes to the proposed development, including boundary railings, gates and all other boundary treatment, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

b) The first floor windows in the eastern elevation shall be permanently comprised of obscure glazing as shown on the plans submitted with the further information on the 8th of August 2016.

Reason: In the interests of visual amenity and to protect the amenity of adjoining residents

7. Covered and secure bicycle and scooter parking spaces shall be provided within the site. Prior to commencement of development, the layout and demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority.

Reason: To ensure an adequate bicycle and scooter parking provision is available to serve the development.

8. Lighting shall be provided in accordance with a scheme, which shall be designed to minimise glare and light pollution and shall include lighting of pedestrian/vehicular/cycle routes through the site and car parking areas, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Such lighting shall be provided prior to the occupation of the school. There shall be no lighting outside operational hours.

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

9. 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 interests of visual amenity

10. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

11. a) 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.

b) A Flood Risk impact assessment for the proposed development in accordance with the DEHLG/OPW Guidelines on the Planning Process and Flood Risk Management published in November 2009, and to include mitigation measures in accordance with the requirements of the planning authority shall be submitted.

Details in this regard shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of public health and to ensure a proper standard of development.

12. a) The landscaping scheme shown on drawing number 100 Masterplan, Mitchell & Associates as submitted to the planning authority on the 8th day of August, 2016 shall be implemented 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.

b) Tree protection measures in accordance with current standards shall ensure that existing trees to be retained on site are protected and retained during construction works.

c) Details of additional screen planting to be implemented along the eastern site boundary with the rear of properties in Mount Eden Road shall be submitted for written agreement of the planning authority prior to the commencement of development.

Reason: In the interests of residential and visual amenity.

13. 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 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.

14. A plan containing details for the management of waste and recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and 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 recyclable materials, in the interest of protecting the environment.

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 management measures and off-site disposal of construction/demolition waste and a Traffic Management Plan for construction phase.

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

16. Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 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 amenities of property in the vicinity.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and 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 ensure the satisfactory completion and maintenance of the development until taken in charge.

Angela Brereton,
Planning Inspector
10th of January 2017