



An
Bord
Pleanála

Inspector's Report PL06D.248200

Development	Construction of 1-2 storey extension to a primary school with all associated site works.
Location	Scoil Mhuire, Oatlands Primary School, Woodlands Avenue, Stillorgan, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D16A/0974
Applicant(s)	Board of Management of Scoil Mhuire
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party-v-Grant
Appellant(s).	Woodlands Stillorgan Residents Association
Date of Site Inspection	22 nd June 2017
Inspector	Colin McBride

1.0 Site Location and Description

The appeal site, which has a stated area of 0.0647 hectares, is located to north of Stillorgan and to the south west of the N11. The appeal site is occupied by an existing school, which is made up of a two-storey C-shaped block. The site is accessed off Woodlands Avenue, which meets the Old Dublin Road to the east of the site and it in turn has junction with N11 to the north east of the site. To the north east of the site is the grounds of Oatlands College with an existing road through its campus running along the northern boundary of the site and linking into the existing internal road and parking network on site. The grounds of Oatlands College are to the north and east of the site. To the south of the site is residential development in the form of Beaufield Mews. To the west are detached dwellings that back onto the site (Cherry Garth). On the south side of Woodlands Avenue are semi-detached, two-storey dwellings. Woodlands Avenue is a cul-de-sac that serves the existing school, the dwellings along the southern side of Woodlands Avenue, Beaufield Mews and Beaufield Manor.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a 1-2 storey extension to the north eastern elevation and internal modifications of an existing school building. The proposal entails the provision of a new entrance lobby/hall, new lift, new school office, new principal's office, new stationary room. 3 new special education tuition rooms, new signage, associated landscaping and site development works. The proposed extension has a floor area of 146.63sqm.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 7 conditions. Of note are the following conditions...

Condition no. 2: Revised drawing showing an additional 2 no. car parking spaces for disabled parking to be submitted.

3.2. Local Authority and External reports

- 3.2.1. Parks and Landscape Services (31/01/17): No objection subject to conditions.
- 3.2.2. Drainage Planning (06/02/17): No objection subject to a condition.
- 3.2.3. Transportation Planning (14/02/17): Further information required including a review of progress to date since the submission of Traffic Mobility Plan/Report/survey results in relation to a previous permission granted on site (D13A.0113/C2), submission of a Traffic Management Plan, a revised drawing showing 2 no. additional disabled spaces and submission of a Construction Management Plan.
- 3.2.4. Planning Report (23/02/17): It is noted the proposal would not result in an increase in staff or pupil numbers and that the extension would have no impact on the residential amenities of adjoining properties. A grant of permission was recommended subject to the conditions outlined above.

4.0 Planning History

- 4.1 D13A/0113: Permission granted for construction of a two-storey extension including 4 no. classrooms, 2 no. shower rooms and associated site works.
- 4.2 D07A/0735: Permission granted for a new childcare facility in a single-storey pre-fabricated building and to retain existing single-storey pre-fabricated classroom.
- 4.3 D03A/0652: Permission granted for the retention of a single-storey pre-fabricated classroom at the rear.
- 4.4 06D.RL.3446: Referral on whether the use of the Primary School for grind classes in the evenings, nights, weekends, and at holiday times is or is not development or is or is not at Oatlands Primary School. It was determined to be development.

5.0 Policy Context

5.1. Development Plan

5.1.1 The relevant Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is zoned Objective 'A' with a stated objective 'to protect and/or improve residential amenity'.

6.0 The Appeal

6.1 Grounds of appeal

6.1.1 A third party appeal has been lodged by O'Connor Construction Contract Consultants on behalf of Woodlands Stillorgan Residents Association. The grounds of appeal are as follows...

- The appeal concerns traffic issues with it noted that the site is located off a narrow cul-de-sac (Woodlands Avenue) with significant traffic issues. The appellants are of the view permission should be granted in this case until existing traffic flow issues are resolved.
- It is noted that since permission was for extension of the school (D13A/0113) there has been considerable traffic flow issues at this location and there has been failure to impose proper traffic management conditions that have contributed to this problem. It is noted that there has been a failure to comply with condition no. 4 of permission ref no. D13A/00113 and the Mobility Management Plan submitted by the School is not based on the specific requirements of condition no. 4.
- It is noted that the current proposal should be subject to a requirement for Mobility Management Plan to reduce reliance on car. It is noted that the Planning Authority's decision and conditions fails to impose any conditions that would resolve the current traffic flow issues. It is noted that the current proposal is an opportunity to revisit the traffic issues and impose appropriate traffic management and control restrictions.

- The appellants note there are existing issues such as the school not permitting staff or visitor parking within the school grounds but notes that information on file indicates that existing car parking accommodates all staff and visitor parking requirements. It is noted that there is shortage of on-site car parking and that the applicant would have difficulty complying with the requirement for additional disabled parking bays.
- The appellants question the level of disabled parking provided or conditioned and whether such is sufficient given the nature of the classrooms being provided (special education rooms).
- The appellants question the applicants' assertion that the proposal would not lead additional staff or pupil numbers. The appellants have concerns that the proposal would lead to an intensification in such numbers with concerns regarding further traffic impact.
- The appellants' question the need for the proposal and the motivation of such on the basis of past issues (grind school subject to referral noted in the planning history and failure to comply with the terms of the previous permission granted on site).
- The appellants are concerned that the failure to address issues such as traffic management previously and under the current proposal would mean the proposal would be contrary to Objective 'A' of the County Development Plan.

6.2 Responses

6.2.1 Response by Dun Laoghaire Rathdown County Council.

- The Planning Authority note that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change in attitude to the proposed development.

6.2.2 Response by Walsh Associates on behalf of the applicants, Board of Management of Scoil Mhuire.

- The applicants confirm that the proposal would not result in any increase in student or staff numbers. The applicants outline staff numbers employed and their parking requirement noting there is sufficient parking on site to cater for staff as well having being able to provide 5 no. visitor spaces (including the 2 no. disabled spaces required under condition no. 2).
- The applicants note the urgent need for the proposal.
- The applicants note the appeal submission is not representative of all residents in the area.
- The applicants have submitted an itemised response refuting all aspects of the appeal submission.

6.2.3 Further response by Dun Laoghaire Rathdown County Council.

- The Planning Authority note that the information submitted does not raise any new matter which, in the opinion of the Planning Authority, would justify a change in attitude to the proposed development.

6.2.4 A response has been submitted by O'Connor Construction Contract Consultants on behalf of Woodlands Stillorgan Residents Association.

- The response notes concern regarding the applicant's inclusion of letters of support from residents within the area noting that such are not valid observations and should be given no material consideration. Concern is also noted regarding the tactics used to procure such letters of support.

- The appellants reiterate the concerns regarding underlying traffic issues along Woodlands Avenue generated by the existing school and the previous permitted development in 2013.
- The appellants also reiterate concerns regarding the provision and use of parking on site and notes that the 2016 Mobility Management Plan provides for too high a level of traffic generation and that a revised traffic management plan is required.
- The appellants note that the applicants' past record in terms of compliance with planning law should be taken into account.
- The appellants also note that there are health and safety issues at this location with a number of incidences due to traffic levels along Woodlands Avenue.
- The appellants have submitted a response refuting all aspects of the applicants' response to the appeal.

6.3 Submission

6.3.1 Submission were received by the Planning Authority from...

- Brian and Mary Callaghan
- Woodlands (Stillorgan) Residents Association

- The issues raised concern the changes to traffic flow to the school since the granting of permission for new classrooms in 2013. The provision of inadequate car parking on site and concerns that the proposal would lead to additional traffic levels exacerbating existing issues concerning traffic along Woodlands Avenue.

7.0 Assessment

7.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development

Design/visual impact

Traffic

Other Issues

7.2 **Principle of the proposed development:**

7.2.1 Permission is sought for extension and alteration of an existing school building. The proposal is an extension of an existing established and authorised use at this location and the use proposed as well as being established is a permitted use under County Development Plan zoning policy. I would consider that the principle of the proposed development is acceptable.

7.3 **Design, visual impact/adjoining amenities:**

7.3.1 The proposal provides for a part two-storey part single-storey extension to the north eastern elevation of the existing school building. The extension is located at the main entrance to the school and consists of a new entrance lobby, hall and office accommodation at ground floor level and special education/tuition rooms at first floor. In regards to overall scale the proposed extension is modest in size in comparison to the existing structure on site and is very much subordinate to the existing structure. The proposed extension would not exceed the ridge height of the existing structure. Having regard to such facts the proposed extension would have no significant or adverse visual impact in the surrounding area and would be acceptable in the context of the visual amenities of the area.

7.3.2 The proposed extension is located sufficient distance from adjoining properties so as to have no significant physical impact in relation to the amenities of adjoining properties.

7.4 Traffic/previous permission:

7.4.1 The school is located off Woodlands Avenue, which is a cul-de-sac in addition to serving the school provides access to existing dwellings along Woodlands Avenue, Woodlands Drive to the south, Beaufield Mews and Beaufield Manor to the south of the site. According to the information on file the proposal, which provides for improvement in terms of existing disabled access with relocation of principal's office and school office to the ground floor level and improvement of special education tuition rooms at first floor level with new lift access to the upper floor. It is noted by the applicant that the proposed development will not result in any increase in either existing student or staff numbers and are improvements of existing facilities on site.

7.4.2 The appellants' main concerns relate to existing issues with traffic flow and congestion, which they note has been problematic since implementation of permission granted under ref no. D13A/0113 (four new classrooms). In particular, the appellant note that conditions under this permission, in particular no. 4, have not been complied with and that the new proposal should not be permitted until traffic flow issues at this location area resolved. The appellants also raise concerns that the proposal has potential to intensify staff and pupil numbers despite the claims of the applicant.

Condition no. 4 of permission ref no. D13A/0113 states that "prior to occupation of the proposed development, the Applicant shall submit for the agreement of the Planning Authority a Mobility Management Plan detailing: a) baseline data showing the travel trends of staff, pupils and visitors in terms of percentages travelling to and from School by the various travel modes (e.g. walking, cycling, bus, car, etc.) b)

proposed measures to encourage the use of sustainable transport modes and reduce reliance on the private car as a means of transport to and from the School. c) The appointment of a Mobility Management Coordinator. d) Methods to monitor the progress of the Mobility Management Plan to meet the Mobility Management Plan targets. The Mobility Management Coordinator shall provide an annual report to the Planning Authority for a period of 5 years showing what soft and hard measures have been implemented to promote an increased use of sustainable travel modes (walking, cycling, public transport, car share) to access the school for students and staff and to achieve a modal split as per 'Smarter Travel: A Sustainable Transport Future', the Government National Transport Policy 2009 - 2020. This annual report should include the following: - Results of annual travel survey carried out in the school (students and staff) showing the number and percentage of people accessing the school by each travel mode (walking, cycling, public transport, car share, other) - Details of all sustainable travel initiatives carried out during the year, e.g. walking bus, Walk on Wednesdays, Cycle on Friday, Bike Week, etc. - Details of any promotional material or competition to promote sustainable travel in the school. E.g. School newsletter, Green Schools literature, etc. REASON: In the interest of promoting and encouraging sustainable travel". The appellants note that this condition has not been complied with in terms of submission of the Mobility Management Plan after the completion of the development and in that measures required to reduce traffic impact have not occurred in addition to changes in the traffic flow arrangements for the school that have had an adverse impact along Woodlands Avenue.

7.4.3 I would note that development sought under D13A/0113 was permitted and has been implemented. In regards to compliance with conditions, it should be noted that it is the Planning Authority's function to deal with issues regarding compliance with conditions. In terms of assessment of the proposal in regards to traffic, the development under consideration is an extension to existing school and the determining factors in this case is the impact of the current proposal in regards to the proper planning and sustainable development of the area over and above that of the existing and permitted development of the area. Having inspected the plans and the information on file it is notable that the proposal can be classed as improvement to

existing facilities as it provides relocation of offices and special education tuition rooms. I would be satisfied that the claim by the applicants that the proposal does not entail an intensification of use in terms staff and pupil numbers is plausible and that the appellants are speculating that such would lead to increased traffic. Notwithstanding such the nature of the existing use on site could entail either an increase or decrease in numbers attending regardless of the floor space of built structures and is determined by demographics/catchment area. Based on the information on file and the layout and nature of the extension, I am satisfied that the proposal represents an improvement of existing facilities within the school and is not an intensification of the existing activity on site. In this regard I do not consider that the proposal would have a significant additional traffic impact over and above that of the existing school on site. In regards to compliance with previous conditions, I would note that, the applicant regardless of this development being permitted is obligated to comply with the conditions set down under the previous permission on site, I would however note it is the Planning Authority's function to deal with such matters. I do not consider that there are sufficient grounds regarding issues of compliance with a condition attached to a previous permission to preclude the granting of permission for development in this case, as the proposal sought would not be contrary to the proper planning and sustainable development of the area.

7.4.4 The appellants raise concerns regarding existing parking arrangement on site noting that the school does not permit use of the parking by the staff or visitors and that insufficient disabled access parking is proposed. There are currently 26 no. parking spaces on site with a condition attached requiring provision of 2 no. additional disabled parking bays on site. The applicants in their response noted that there are 30 staff members (28 teachers). The applicant has also provided drawing with the parking area extended to provide a total of 29 spaces with 2 no. disabled access bays at the closest point to the access. I would consider that the proposal to increase parking would be a welcome alteration and that as noted earlier I am satisfied that the nature of the works proposed would not intensify traffic levels. The provision of two disabled access bays also represents an improvement in the car parking facilities on site and the provision of two spaces is sufficient.

7.5 **Other issues:**

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

8.0 **Recommendation**

8.1. I recommend a grant of permission subject to the following conditions.

9.0 **Reasons and Considerations**

9.1 Having regard to the zoning objective for the area as set out in the Dun Laoghaire Rathdown County Development Plan 2011-2017, the established character and pattern of the development in the area and the scale and design of the proposed extension, it is considered that, subject to compliance with the conditions set out below, the proposed development would not injure the amenities of the area or of property in the vicinity, would not exacerbate existing traffic levels in the area and would be in accordance with the proper planning and sustainable development of the area.

10. **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

(a) A revised car parking layout providing for 2 additional spaces and the provision 2 no. disabled access spaces as per the drawing submitted to the Board on the 18th day of April 2017.

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

Reason: In the interest of orderly development.

3. Details of the materials, colours and textures of all the external finishes to the proposed school extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6.

(a) During the construction and demolition phases, the proposed development shall comply with British Standard 5228 'Noise

Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control.’

(b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise levels from the proposed development shall not constitute reasonable grounds for complaint as provided for in B.S 4142 Method for rating industrial noise affecting mixed residential and industrial areas.

(c) Before the use hereby permitted commences, a scheme shall be submitted to, and agreed in writing with, the planning authority for the effective control of noise from the premises. The schemes shall be implemented before the use commences and thereafter permanently maintained.

Reason: In order to ensure a satisfactory standard of development, in the interest of residential amenity.

7. 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 traffic management measures, noise management measures and off-site disposal of construction and demolition waste.

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

Colin McBride
Planning Inspector

26th June 2017