



An
Bord
Pleanála

Inspector's Report ABP-300989-18

Development

PROTECTED STRUCTURE:

Provision of a temporary one and two storey primary school for a period of 5 years.

Location

Roslyn Park, Sandymount, Dublin 4

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

4023/17

Applicant(s)

Minister of Education and Skills.

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

1. Ms Karen Ryan Fitzpatrick & others.
2. Mike & Sharon Glennon.

Observer(s)

None.

Date of Site Inspection

04th of July 2018.

Inspector

Karen Hamilton

1.0 Site Location and Description

- 1.1. The subject site includes an existing educational campus at Rosyln Park College, beside Sandymount Village, Dublin 4. There is a protected structure “Rosyln Park” in the centre of the site. The site includes a range of education and institutional facilities and the main building houses the regional Rehab offices and another large building accommodates Rosyln Park College. The site is bound to the north by Seafort Avenue, north east by Beach Road and south east by Newgrove Avenue. Vehicular access into the site is from Beach Road and Newgrove Avenue. There are currently two carparks on the site, one to the front of the main Rehab building at the entrance of the site and one to the rear of the same building.
- 1.2. The boundary treatment includes a 2m high wall and mature planting. There is a row of terrace residential properties to the north along Seafort Avenue which back onto the site. The opposite side of Newgrove Avenue, along the south east, includes a row of terrace dwellings and there is an access to an apartment development opposite the Newgrove Ave entrance.

2.0 Proposed Development

- 2.1. The proposed development would comprise of the following:
 - Provision of a temporary (5 year) one and two storey primary school, in two separate blocks, comprising 12 no. classrooms in total.
 - Vehicular drop-off area, 9 no. staff parking spaces; bicycle and scooter parking; hard and soft play areas; with new pedestrian access.
 - The development will also include piped infrastructure and ducting; ramps and stairs; signage; changes in level and all associated site development.
 - No works are proposed to the Protected Structure.
 - The development is Phase 1 of a larger school scheme on the site.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission with 11 no. conditions of which the following are of note:

C 2- The permission shall only be for a period of 5 years, after this period the use shall cease and the lands shall be returned to a former state unless a further permission has been granted.

C 3- Prior to commencement of development a detailed drawing, including elevations and sections showing the new section of wall along Newgrove Avenue shall be submitted to and agreed in writing.

C 4- All trees and vegetation shown to be retained on the site and adjacent to the site shall be adequately protected during construction.

C 7- Restriction on noise levels.

C 8- No loudspeaker announcements.

C 10- Implementation of the School Travel Plan and appointment of a travel plan coordinator.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planner reflects the decision to grant permission following the submission of further information on the following:

1. Additional works required for access into the site, including the widening and repair of footpaths in the vicinity, schools entrances, and pedestrian crossings. Widening of the footpath along Newgrove Avenue, clarification on the quantum of parking spaces to be provided, detailed design of the internal road network, proposed cycle and scooter parking and accessibility to the site by public transport modes.
2. Revision to design to remove the potential for overlooking from the first floor window onto the rear gardens of Seaford Avenue.

The report of the area planner included an assessment on the access and parking, compliance with the development plan, impact on the protected structure, flood risk and issues raised in the third party submissions.

The planning application was accompanied by the following supplementary documentation:

- Architectural Heritage Impact Assessment
- Archaeology Assessment
- Tree Survey and Landscape Specifications
- An Invasive Plant Survey
- Bat Survey
- Flood Risk Assessment
- Traffic and Transport Assessment
- School Travel Plan
- An Appropriate Assessment Screening Report.

3.2.2. Other Technical Reports

Conservation Officer- No objection to the proposal

Roads and Traffic Planning Division- No objection subject to conditions

Engineering Division- No objection subject to conditions.

3.3. **Prescribed Bodies**

None received.

3.4. **Third Party Observations**

Seven third party submissions were received from residents of properties in the vicinity of the site and many of these have been resubmitted with the grounds of appeal and all the issues raised are summarised in the grounds of appeal.

4.0 Planning History

No relevant planning history on the site.

5.0 Policy Context

- 5.1. Provision of Schools and the Planning System, A Code of Practice for Planning Authorities, DES & DEHLG (2008)

The provision of schools should relate to the context of the surrounding area and be in compliance with the guidance documentation by the Department of Science and support residential development.

- 5.2. Guidance document TGD-025 on the Identification and Suitability Assessment of Sites for Primary Schools - September 2007, DES (www.education.ie)

- 5.3. Toolkit for School Travel (National Transport Authority).

- 5.4. Guidelines for Planning Authorities, Sustainable Residential Development in Urban Areas (2009) and accompanying Urban Design Manual – A best practice guide.

- 5.5. Architectural Heritage Guidelines for Planning Authorities, 2004. Development guidelines for Protected Structures and Areas of Architectural Conservation.

5.6. Dublin City Development Plan 2016-2022

The site is zoned Z15, Institutional and Community, where it is an objective “*To protect and provide for institutional and community uses.*”

These lands play an important role in the achievement of a more compact city in that they contribute to the creation of vibrant neighbourhoods and a sustainable well connected city through the provision of such infrastructure as schools, hospitals and open space.

Access and Parking

Policy MT8- To actively promote walking and cycling to schools in conjunction with other agencies.

Policy MTO15: To provide Shellyfield Stand parking near the entrance to all publically accessible buildings such as schools.

Section 8.5.5 Mobility Management and Travel Plan

Travel plans may be required in certain circumstances to balance the car use to more sustainable modes of transport.

Table 16.1- Maximum parking spaces provision

Zone 1- None

Zone 2& 3 - 1 per classroom

Table 16.2 Minimum cycle parking

1 space per 3 students.

Section 12.5.4 Schools and Education Facilities

SN13: To facilitate schools multi-campus-style school arrangements, where appropriate, in close proximity to residential neighbourhoods and public transportation routes, and to promote an urban typology of school building design sustainable in a city context and which responds to the local character or streetscape and reflects the civic importance of a school to a local community

SNO3: To actively assist and liaise with the DES in the provision of new schools where there is a demand for such and to facilitate any potential expansion of existing schools throughout the city.

SC13: To promote sustainable densities, particularly in public transport corridors, which will enhance the urban form and spatial structure of the city, which are appropriate to their context, and which are supported by a full range of community infrastructure such as schools, shops and recreational areas, having regard to the safeguarding criteria set out in Chapter 16 (development standards), including the criteria and standards for good neighbourhoods, quality urban design and excellence in architecture.

Section 16.16 Schools

Provision of guidance for the location and development of existing and proposed school sites.

- Ensure compliance with school standards
- Ensure they are fit-for-purpose in their location and access to services

- Seek to ensure they are within a catchment which will support walking/ cycling etc.
- Support multi-use campus
- Urban typologies for new schools which achieve an efficient use of scarce urban land successfully address the streetscape or surrounding context.

The subject site includes a protected structure within the curtilage the following policy and guidance of the development plan are relevant.

Policy CHC2: To ensure that the special interest of protected structures is protected.

Development will conserve and enhance Protected Structures and their curtilage and will: (a) Protect or, where appropriate, restore form, features and fabric which contribute to the special interest.

Appendix 24: Protected Structures and Buildings in Conservation Areas.

5.7. Natural Heritage Designations

The site is located adjacent to both the South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024) separated to the east by the Beach Road.

6.0 The Appeal

6.1. Grounds of Appeal

Two appeals have been submitted, one from residents of a property adjacent to the site entrance and the second is a joint submission from a group of residents in the vicinity. The issues raised have been summarised and grouped into sections below:

Traffic and Access

- The existing Newgrove Avenue Road is severely restricted and congested at present.
- Condition No 10 relates to the implementation of the school travel plan, the upgrade of works to the public road, pedestrian crossings and footpaths and is not sufficient to address the traffic hazard.

- Drawing no PA015A illustrates single lane vehicular movement entering the site only at Newgrove Road and the drawing should also include the movement pattern to allow traffic to exit the site concurrently with the traffic.
- It is requested that permission be refused or the internal road is altered to allow (illustrations of options submitted with appeal):
 - a) A one-way system through the site allowing access only through Newgrove Road and exit onto Beach Road or:
 - b) A one-way system through the site with a left turn access from Beach Road into the site, drop off internally and exit and left turn at Newgrove Ave.
- The target modal split proposed is lower than the target in the 2015 Green Schools Annual Report (report submitted with appeal) and to achieve the target serious commitment is required by the school.
- A time scale on the successful integration of the measures to achieve the target modal split is required and pedestrian works undertaken prior to the operation of the school.
- The school travel plan reference a survey carried out on 16th of August 2017, which indicates there are 10 no car parking spaces in the one-way system of Seafort Avenue and fails to account for the residents which use these spaces.
- There are currently not enough spaces along Seafort Avenue and the proposal includes the reduction of one street parking.

Residential Amenity

- Without any additional modifications to the traffic layout there will be a negative impact on the residential amenity in the vicinity.
- There was no public consultation with the local residents on the initial design.
- The proposal to include two pedestrian crossings along Seafort Avenue would have a negative impact on a quiet residential area.
- The play grounds are located at the end of resident's gardens on Seafort Avenue.

- The building work will have an impact on the residential amenity i.e. construction on weekend, vibration, noise and dust.
- The appellant submitted a letter from the project management team of the school in relation to a request to meet and discuss any concerns the residents may have prior to construction on site.

Principle of development

- There are already three schools in the area and there is no report to validate additional need for a school.
- There are no links to any services or facilities.

6.2. Applicant Response

A response from a planning agent and an engineer has been submitted on behalf of the applicant is summarised separately below:

Planning issues

- The majority of the grounds of appeal are traffic and transport related and the applicant is satisfied that the application includes a robust proposal which would not give rise to traffic congestion in the area.
- The requested timing of the works to transport infrastructure in the vicinity is noted and it is the intention of the applicant to undertake these prior to the commencement of development, although a prior to operation condition is not acceptable as these works may lag behind the provision of the school due to delays outside the applicant's control.
- It is of note that the proposed access arrangements are only temporary and following the departure of Rehab from the site in 2021 Newgrove Avenue gate will revert to "in only".
- Public consultation was not possible due to the time constraints on submitted an application and there is an urgent requirement to accommodate a significant number of primary school kids in the catchment.
- The main building is not proposed to be use as it is currently in use by Rehab and will not be available until 2021.

- The catchment area of the site is Dublin 4, 6 and 8 and the applicant has undertaken demographic review and analysis.
- Condition No 6 (a) was included on the grant of permission to restrict construction works and a Construction Management Plan is required.
- The applicant does not have full control over the lands at present and therefore the location of play areas is restricted, should it be moved it has the potential to have a negative impact on the landscaped area of the protected structure “Gandon Villa”.
- The extent of the sports facilities/ play areas is currently being development for the next phase as part of the master plan.
- There is no piecemeal development as there is a master plan available and the phased development of schools is common place.

Traffic

- An amended drawing (Dwg No 16-165-13-PO15B) was submitted with the applicant response to include the movement patterns to allow traffic to exit the site concurrently with traffic entering the site, therefore there are no pinch points at Newgrove Avenue.
- The gate at Newgrove Avenue will be widened from 3.7m to 5.5m, together with a 2m wide pedestrian entrance.
- The traffic predictions in the TIA has been modelled on the worst case scenario plus 20% increase in overall traffic.
- The TTA includes an analysis of the junctions which lies in the vicinity of the site and 3 of the 4 functioned well.
- There are low traffic volumes linked to the temporary school
- The submitted modal split in the School travel Plan was based on 4 similar schools which have actual modal split data being Ranelagh MDS, Shellybanks ETNS, Mount Eden Road, Griffith Barracks MDS.
- 50% of car trips will utilize on street parking for park and stride.

- All mitigation measures in the school travel plan are to be implemented from day one and Table 5.2 of the School Travel plan indicates that the target timescale for achieving the desired modal split is 9 years (implementation of road and pedestrian measures).
- Having regard to the mitigation measures proposed in the School Travel plan there will be no impact on the residential amenity from increased traffic congestion.
- It proposed traffic works will be undertaken in conjunction with the provision of the school.
- The drop of and pick up nature of the car parking will mean there is no long term use of car parking spaces in the vicinity of the site, therefore there should be no reduction in available car parking spaces for residents in the vicinity.
- There is no proposed drop-off at Newgrove Avenue as it is only the access and drop off within the site.
- There are no proposed upgrades for the village of Sandymount and there is a new signalised junction at Seafort Avenue, benefiting cyclists and pedestrians coming from Sandymount Green.
- The existing Shellybanks ETNS is located in the RDS and the catchment is the surrounding area.
- The traffic analysis considered the impact on the existing and future traffic flows and the mini roundabout at the junction of Beach Road and Newgrove Avenue is proposed to be upgraded to a simple priority junction.
- The triangle area on Seafort Area will be suitable for utilisation of the drop off strategy for the school.

6.3. Planning Authority Response

None received.

6.4. Observations

None received.

6.5. Further Responses

Two further responses to the submission from the applicant's agent and Traffic Consultant has been received from the appellants as summarised below:

- The impact of the proposed development on the traffic flow and traffic safety is dependent on the successful implementation of two interrelated measures, the achievement of the target modal split, and the implementation of the road and pedestrian measures.
- The mitigation measures in the travel plan are to be implemented from the first day of the opening of the school although there is no restricted time for the provision of the pedestrian and vehicular works around the site.
- It is reiterated from the previous submission that a definitive time is conditioned for the carrying out of works in the vicinity prior to the opening of the school.
- The left turn only, include in the master plan, into the entrance should be implemented in tandem with the opening of the school.
- There are other buildings on the site which are more appropriate to the accommodation of the school.
- There remains insufficient open space facilities for the school.
- The Traffic engineers report refers to use by the client only and should therefore be disregarded.
- The amount of on street spaces recorded as available during the traffic assessment is incorrect as there is never as many as 10 spaces.
- The park 'n stride is located on a very busy road 7 to 15 mins away from the school.

- As per the other 3 schools in the area, Seafort Avenue will be the drop off and pick up point for 50 plus cars and the surrounding area does not have sufficient on-street parking.
- The survey does not use schools in the vicinity as references rather those outside the catchment.
- The upgrade works in the vicinity of the site are not sufficient and will lead to accidents.
- Sandymount Village is a small village of 6, 000 people who will be at a disadvantage because of the nature of the school traffic proposed and the unavailability of street parking.
- A Technical Note, sent to all councillors for the Sandymount area, on behalf of the City Council in relation to upgrade of crossings etc. for pedestrians, has been submitted with one of the further responses.

7.0 **Assessment**

7.1. An oral hearing request was submitted and following a recommendation from the inspector the Board decided that an oral hearing was not warranted in this case, on the basis that there was adequate information on the file.

7.2. The main issues of the appeal can be dealt with under the following headings:

- Principle of development
- Access and Parking
- Residential Amenity
- Built Heritage
- Other
- Appropriate Assessment

Principle of development

7.3. The proposed development includes two prefabricated temporary classroom buildings which will accommodate 12 no. classrooms for the Shellybanks Education Together National School (ETNS). The subject site is located on lands zoned Z15,

Institutional and Community, which allows for provision of infrastructure such as schools. The site is surrounded by residential properties of which some back directly onto the subject site. The grounds of appeal note the location of three existing schools in the immediate vicinity and are concerned that no justification for the school has been submitted to support the application. Shellybanks ETNS is currently located within the RDS development, 1km from the subject site, and serves the existing catchment. Therefore, having regard to the distance of the existing school from the site in temporary location, serving the existing catchment, I consider the justification for the proposed development is acceptable.

- 7.4. The subject site is located in a suburban location of Dublin, within Sandymount Village. Section 16.6 of the development plan provides guidance for the location and development of existing and proposed schools and seeks to ensure they are located within catchments which can be supported by walking/ cycling and refers to the use of urban sites for the most efficient use of scarce urban land. In addition to this guidance, Section 4 of the Urban Design Manual, which accompanied the national guidance Sustainable Residential Development in Urban Areas states that the location of a schools should be sited where they are accessible by surrounding areas, by safe, secure and pleasant walking routes.
- 7.5. A master plan drawing has been submitted to illustrate the future plans for the site and includes Phase 1-5. The proposed development is phase 1 of the works and the additional phases include the conversion and extension of the existing Rehab building and Roslyn College for a primary and post primary integrated campus to accommodate an additional 550 pupils. I note the future plans for the site and I consider the proposed development integrates into the overall scheme, although for the purpose of this assessment the principle of development of the temporary classrooms will only be assessed.
- 7.6. Therefore, having regard to the location of the site within lands zoned Z15, Institutional and Community, and the scale and nature of the proposed development, it is considered that subject to complying with other planning requirements as addressed in the following sections, the principle of the proposal is acceptable.

Access and Parking

7.7. The two classroom blocks will be located to the north west of the site at the rear of the main Rehab building and adjacent to an existing staff carpark. The proposed development is accessed from the existing vehicular entrance off Newgrove Avenue and includes the removal of an existing carpark at the entrance to the site and changes to the internal configuration for set down and drop off at the front of the main Rehab building. The existing carpark to the rear of the building will be retained and 9 no. car parking spaces will be designated for use by the school. The proposal is accompanied by a Traffic and Transport Assessment (TTA) and a School Travel Plan. The TTA includes a low growth scenario and takes account of the 2017 baseline data (PICADY/ARCADY analysis), the relocation of the Rehab Centre off site, the proposed development (12 no classrooms for capped at 324 pupils) and the future development until 2029 (primary school 16 no classrooms and post primary 1,000 pupils), which I note and consider reasonable.

7.8. Infrastructure upgrades- The traffic modelling carried out as part of the TTA factored in accordance with the NRA guidance informed the proposed alterations and upgrades to the surrounding road network as summarised below.

- Inclusion of a one-way system along Seafort Ave from Beach Road.
- Widening of the existing entrance at Newgrove Ave from 3.0 to 5.7m to accommodate two-way traffic and includes two separate 2m wide pedestrian gates at either side of the main entrance. The relocation of the existing gates.
- Alterations to the existing mini- roundabout at the Beach Road- Newgrove Avenue junction to a simple priority junction with a signalised crossing.
- A new pedestrian entrance and gate will be located along Seaford Avenue.
- Inclusion of three pedestrian crossings, one along Seafort Ave, at the pedestrian access, one at the top of Seafort Ave at the approach to Beach Road and a third at the new amended junction between Newgrove Ave and Beach Road.
- Footpath widening from 1.4m to 2.8m along the northern side of Newgrove Ave.
- Upgrade to the existing vehicular access into the site from Beach Road.

- Ancillary works around the road network including “school ahead” advanced warning signs
- 9 no. designated car parking spaces and 120 no cycle and 42 no scooter parking spaces.

7.9. Modal patterns- The School Travel Plan was developed based on the guidance provided by the NTA Toolkit for School Travel. The grounds of appeal note the modal patterns included in the travel plan and raise concern over discrepancies between the proposal and that modal shift recommended in the Green Schools project. The target modal shift for the site is detailed as follows with the target for green schools included in brackets, 2 % rail (2.7%) , 6% bus(6.7%), 25% private car (34.7%), 25% walking (34%), 30% cycling (4.8%) and 12% scooter. The Green schools project also includes a target for carpooling at 12% and park ‘n stride 16%. I note the most significant difference relates to the carpooling target and use of park ‘n stride and I note the proposal includes these within the overall School Travel plan although has not included as modal shift targets. I consider the target modal shift for the proposed development is acceptable for a site within an urban location. The plan noted the location of the DART stop c.900m, the 3no. bus routes around the site and the pedestrian and cycle infrastructure. The travel plan was also supported by a walkability audit, proposal to nominate a member of staff as a mobility manager, inclusion of a park and stride carpark and incentives to promote walking and cycling for students and staff.

7.10. Car and cycle parking - The site is located within Zone 2 on Map J of the development plan. Table 16.1 of the development plan requires 1 car space per classroom to be provided as a maximum and 9 no spaces have been designated for 12 no classrooms, which I consider reasonable. Table 16.2 requires the provision of 1 cycle space per 3 children. The Traffic Assessment notes the capacity of the school as 324 as a maximum. There is a discrepancy in the information submitted within the application in regard to the location and amount of cycle and scooter spaces. The submitted Traffic Assessment states that 70 no cycle spaces and 25 no scooter spaces are provided. Information on the submitted landscape plans refers to 120 no. cycle spaces and 40 no. scooter spaces. In response to a further information request a revised Landscape plan (Drawing no 142-RPTS-DD-01) submitted by the Transport Engineers includes cycle and scooter parking within the designated play

area. The initial landscape plan Drawing no PA (L) 03 illustrates 2 designated areas, along the north west and west of the site, outside of the designated play area, which I consider more appropriate for the provision of facilities for the pupils and compliance with the guidelines, detailed below. In light of my assessment below, in relation to the use of the play area for cycle parking I do not consider the location of cycle parking along the side of a designated play area appropriate and a condition requiring the provision cycle spaces as per drawing no PA (L) 03 Landscape Plan is appropriate and should be subject to the provision of be not less than 100.

- 7.11. Timing of Works- The grounds of appeal have raised concern in relation to opening of the school prior to the upgrade of the road and supporting network. The response from the applicant to the appeal states that it is intended to undertake all works in conjunction with the provision of the school although having regard to the temporary nature of the prefabricated school, it may be open prior to completion of all upgrades. The appellants have responded to state the provision of this infrastructure is imperative for the servicing of any proposed school. Condition No 10 b) requires the applicant to liaise with the Environment and Transportation Section to agree all works. The main infrastructure works proposed around the site include the provision of one-way traffic, pedestrian crossings and upgrade of the junctions in the immediate vicinity and provision of footpaths. I consider the provision of this infrastructure necessary to support the modal patterns proposed and provide safe travel routes for the movement of pedestrians. Therefore, I consider it necessary to require the provision of this infrastructure prior to the occupation of the school to ensure the site can accommodate the safe movement of up to 324 additional pupils.
- 7.12. I note the upgrade of the infrastructure in the vicinity of the site supports the modal patterns included in the School Travel Plan as pedestrian crossings, links to park 'n stride areas and footpath widening. The provision of car and cycle parking complies with the development plan standards. The report of the Environment and Traffic Engineer has no objection to the proposed development. Condition No 10 a) requires the appointment of a School Travel Plan co-ordinator to implement the School travel Plan and liaise with the Local Authority, which I consider reasonable. I consider the proposed development promotes sustainable travel plans as required in the national guidance "Toolkit for School travel (NTA)" and a reduction on the reliance for the car

as a mode of transport to school. Therefore, having regard to the current use on the site, the upgrade of the surrounding road network, the internal layout, the use of similar schools to determine the target modal shift and the use of a comprehensive School travel Plan, it is considered that the proposed development would not have a significant negative impact on the flow of traffic in the vicinity.

Residential Amenity

- 7.13. The north and western section of the site bounds the rear of two storey terrace and semi-detached dwellings. The proposed classrooms are located to the west of the site and comprises of two blocks (FFL c.10m) where the single storey block is located to the most westerly point closest to those dwellings along Seafort Avenue and the two storey block is to the east adjoining the carpark. In addition to the impact of the traffic congestion on the amenity of the adjoining residents, the grounds of appeal are concerned the construction and operation of the site will have a negative impact.
- 7.14. Overlooking- There are 6 no. windows located along the west of the first floor of the classroom block, facing towards Seafort Ave, c. 25m from the rear building line. In response to a further information request on the possible impact of overlooking on the rear gardens on Seafort Avenue, the proposal was amended to include frosted glass along the northern and western elevations on the first floor, which I consider reasonable to prevent any negative impact.
- 7.15. Overshadowing- The two storey block is c. 7m in height and is located to the south of the site c. 15m from dwellings to the west and c. 15m from the closest dwelling to the north, therefore I do not consider there would be any significant negative impact on the existing dwellings from overshadowing.
- 7.16. Noise- Condition No 7 includes a restriction of noise levels on the site, whilst condition No. 7 restricts the use of loud speaker announcements. Having regard to the nature and hours of use on the site typically 08.00 to 15.00 Monday to Friday I do not consider the use would have a significant negative impact on the adjoining residential amenity through the operation although I do consider restriction on the use of loud speaker announcements adjoining a residential area appropriate.
- 7.17. Construction & Waste Management Plan- The submitted plan includes a list of activities which will be undertaken during construction to minimise the dust and dirt.

Mitigation measures submitted include minimising cutting on site and the use of water to clean and reduce dust. Section 12 of the construction plan stated that a detailed construction programme had not been developed and it was anticipated to be 6 months, which I consider reasonable.

- 7.18. Having regard to the proposed use on the site and the design and location of the prefabricated units, I do not consider the proposed development would have a significant negative impact on the amenity of the residents within the surrounding properties.

Built Heritage

- 7.19. The subject site includes a protected structure known as “Roslyn Park” which is described as a Gabon Villa. The proposed temporary buildings are proposed c. 50m to the rear of the protected structure and separated by an existing staff carpark. The proposal was accompanied by an Architectural Impact Assessment (AIA) which included a detailed history of the site and the rehabilitation works. The statement of significance states that the impact on the protected structure has already been compromised by the extensions and alterations of site and concludes that the temporary primary school will have a minimal impact on the historic structures, which I consider reasonable. Section CHC2 of the development plan includes guidance for appropriate development within the curtilage of a protected structure where the special features of interest are protected. I note the report of Conservation Officer had no objection to the proposal.

- 7.20. Having regard to the temporary nature, the height off the classrooms and the distance from the protected structure I do not consider the proposed development would significantly impact on the features of interest or the character or setting of the protected structure.

Other

- 7.21. Play Area- The proposed play area is 400m² and located to the west of the site behind the rear garden of a number of dwellings along Seafort Avenue. Table 1 of the guidance from the DES “Identification and Suitability Assessment for Sites for Primary Schools” requires a junior play area of 400m² for 8- 16 classrooms. As stated above, a large section of cycle parking spaces are located within the play area. I note the inclusion of other appropriate areas for cycle parking and I consider

these areas should include the consolidation of any additional cycle parking in order for a sufficient open space facility to be provided. I consider it reasonable to include this as a condition on any grant of permission.

- 7.22. Flood Risk- The site is located along the coastline and is illustrated on the Eastern CFRAM as low risk to tidal flood. The proposal is accompanied by a Flood Risk Assessment which states that the finished floor level of the prefabricated buildings are cantilevered are 3.50m, design against a 1 in 1000 year tidal event. In addition the Flood risk assessment states that whilst there is a high likelihood of pluvial flooding from surcharge, the drainage design will mitigate against any possible impact. I consider the design of the proposal reasonable to address any possible flooding risks.
- 7.23. Signage- The proposal includes three new signs, one to the north of the Rehab building, a small directional sign on a 2m high metal pole, and the others at both the pedestrian access along Seafort Ave and the vehicular access at Newgrove Ave (600cm x 180cm) raised frosted acrylic sign advertising “Shellybanks Together National School”.
- 7.24. Tree Survey- A tree survey accompanied the proposed development and included a general description of the existing trees on the site and a proposal to fell 6 trees that are either dead or in the immediate vicinity of the site. A tree protected strategy was submitted for the remaining trees on the site. I have assessed the assessment submitted and consider the removal of the trees will not have a significant impact on the subject site or the proposed development.
- 7.25. Archaeology- Archaeological Desk- Based Assessment accompanied the proposed development and concluded that the based on a field survey and in the absence of any national monuments, archaeological monuments or archaeological artefacts recorded from within 0.5km of the area the proposed development would have no direct impact on any archaeology which survives on the site. The report recommended testing under licence as a further mitigation measure. Having regard to the absence of any zone of archaeology interest and nature of use of prefabricated units as temporary accommodation I do not consider any archaeology monitoring necessary during construction.

7.26. Development Contribution: The proposed development is for a temporary classroom for an Educate Together National School (ETNS). Section 12 of the Development Contribution Scheme for Dublin City 2016-2020 includes a list of works which are exempted from paying development contributions including non-fee paying primary schools and secondary schools. There was no condition for any Section 48 development contribution on the grant of permission, which I consider reasonable having regard to the not for profit operator of the primary school.

Appropriate Assessment

7.27. A Screening for Appropriate Assessment was submitted with the planning application as the site was located adjacent to South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024). Natura 2000 sites within 15km of the site were included within the screening assessment. The screening assessment identified those features of interest which could potentially be impacted by the development and concluded there would be no significant negative impact, which I consider reasonable. Therefore, having regard to the nature and scale of the proposed development within a serviced urban area 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 the conservation objectives of any European site.

8.0 Recommendation

8.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

9.0 Reasons and Considerations

Having regard to the Z15 zoning objective, the policies and objectives of the Dublin City Development Plan 2016-2022, in particular Section 16.6, provision of schools and the scale and pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the residential or visual amenity of the area, have a negative impact on the traffic or pedestrian activity and would not seriously injure the character and setting

of a Protected Structure. The proposed development would, therefore, be in accordance with the proper planning and sustainable 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 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity

2. The period during which the development hereby permitted may be carried out shall be 5 years from the date of this order.

Reason: Having regard to the nature of the development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years

3. Prior to the making available for occupation of the school, the upgrade of the road network and supporting transport infrastructure shall be constructed to a standard agreed with the Planning Authority.

Reason: To ensure timely and satisfactory provision of such site development works.

4. The internal road network serving the proposed development and the upgrades to the surrounding road network, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works.

The proposed cycle and scooter spaces shall be at the locations illustrated on Drawing no PA (L) 03 Landscape Plan and shall include not less than 100 spaces.

Reason: In the interest of amenity and of traffic and pedestrian safety.

5. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car pooling by staff employed in the development and to reduce and regulate the extent of staff parking. The measures included in the School Travel Plan shall be implemented by the school and travel plan co-coordinator shall be appointed to oversee these measures and report to the City Council.

Reason: In the interest of encouraging the use of sustainable modes of transport.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 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 residential amenities of property in the vicinity.

7. Amplified music or other specific entertainment noise emissions from the premises shall not exceed the background noise level by more than 3 dB(A) during the period 0800 to 2200 hours and by more than 1 dB(A) at any other time, when measured at any external position adjoining an occupied dwelling in the vicinity. The background noise level shall be taken

as L90 and the specific noise shall be measured at LAeq.T.

Reason: In order to protect the amenities of [residential] property in the vicinity having particular regard to the nuisance potential of low frequency sound emissions during night-time hours.

8. 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

Karen Hamilton
Planning Inspector

26th of July 2018