



An
Bord
Pleanála

Inspector's Report ABP 301207-18

Development	Demolition of existing structures and construction of a four storey over basement primary school and associated facilities, 225 cycle spaces and accesses off Harcourt Terrace and Charlemont Place and associated landscaping and site development works.
Location	Nos. 11A (Former Garda Station) and Nos 12-16 Harcourt Terrace, Dublin 2. (Former Film Censor's Office)
Planning Authority	Dublin City Council
P. A. Reg. Ref.	3858/17
Applicant	Dept. Education and Skills.
Type of Application	Permission
Decision	Grant Permission
Third Party Appellant 1	Niall McDonagh, Emma Kelly and others.
Third Party Appellant 2	Deneige Butler
Date of Inspection	27 th June, 2018.
Inspector	Jane Dennehy

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	5
3.1. Decision	5
3.3. Third Party Observations	6
4.0 Planning History.....	6
5.0 Policy Context.....	7
5.1. Development Plan.....	7
6.0 The Appeals	7
6.1. Grounds of Appeal	7
6.3. Planning Authority Response	16
7.0 Assessment.....	16
8.0 Appropriate Assessment.....	23
9.0 Recommendation.....	23
10.0 Reasons and Considerations	23

1.0 Site Location and Description

- 1.1. The site is that of the former Garda Station, Film Censor's Office and Dairy Science Laboratory has a stated area of 5,680 square metres and is on the east side and on a corner at southern end of Harcourt Terrace with Charlemont Place which overlooks the Grand Canal. A six storey office block occupied by a software company for which permission was granted under P. A. Reg. Ref. 5119/08 adjoins the eastern boundary. Harcourt Lane is located along the northern boundary forming one of the two vehicular entrances to the site, the other being on Charlemont Place which at the time of inspection was not in use. There is a laneway, a public right of way providing for access to properties to the rear at Nos 17.18 and 19 Harcourt Terrace.
- 1.2. Several Regency buildings, are located along the west side of Harcourt Terrace mid-way along which there is a central, 'set piece' Regency style building which is in office use whereas the other buildings are in residential use. To the north, on the east side of Harcourt Terrace are several buildings faced in red brick and in residential use. At the northern end at the corner with Adelaide Road, a large former institution was being refurbished, extended and upgraded for use as a boutique hotel.
- 1.3. The area is characterised by a mix of contemporary office blocks and residential buildings and institutional buildings dating from the nineteenth century, several of which are protected structures. The rear gardens of houses on Dartmouth Square and Dartmouth Mews and recent residential development along with commercial buildings are on the opposite side of the Canal. To the east extending as far as Leeson Street bridge along Charlemont Place are the rear gardens of Victorian Houses on Adelaide Road and to the west as far as Charlemont Bridge are a series of office blocks and the Hilton Hotel. Charlemont Place is a *cul de sac*, vehicular access along Harcourt Terrace being blocked off by bollards. There is pedestrian walkway, recently paved along the entirety of the canal bank between the two bridges.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for:

- Demolition of the Garda Station building of the former Film Censor's Office building and all ancillary structures the total stated floor area of which is 1,550 square metres.
- Construction of a four storey over part basement, purpose built primary school with a stated floor area of 4,630 square metres with a capacity for 672 pupils and providing for twenty-four classrooms and ancillary development. Five play areas with a sensory garden in the courtyard of a special needs unit, a junior play area at the Harcourt Terrace frontage, a roof top play area and a play area to the rear, a main pedestrian access off Harcourt Terrace and secondary pedestrian access off Charlemont Place, 225 secure bicycle and 75 scooter spaces to the front and rear. (No on site carparking or set down areas on Harcourt Terrace are included.) New boundary wall, fencing and gates on the periphery providing for the new entrance on Harcourt Terrace.
- The right of way for the developer across the laneway at the side is proposed as a route for emergency services and fire escape from the Special Education Needs Unit (SENU)

- 2.2. Included with the application and/or further information submission are a shadow analysis, Traffic impact assessment report, School Travel Plan, a Walkability Audit, Construction and a Waste Management Plan.
- 2.3. A further information submission was lodged on 5th February, 2018, in response to a request for additional information with regard to road and footpath requirements in the public realm in the vicinity of the site, clarification as to the use of the points of access and egress, adequacy of access for service and emergency access with an auto track analysis and, screening at the top floor level.
- 2.4. There is no provision for on-site carparking at the proposed development it being submitted that the development will rely on sustainable transport modes. Further to consultation with the Roads and Traffic Department as sought in the additional information request, an undertaking was given to carry out footpath widening works, provide for a pedestrian crossing at Harcourt Terrace/Charlemont Place. Provision for a controlled pedestrian crossing at 19-20 Adelaide Road which had been requested was not included. roof top play area is to be screened by a stainless-

steel mesh within a steel frame which appears translucent from street level. Images are provided.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 28th February 2018, the planning authority decided to grant permission for the proposed development subject to conditions. Condition No 2 contains roads and traffic requirements:

Requirements by condition include:

- Implementation of the school travel plan, appointment of a mobility manager to monitor and review target modal split achievement with monitoring reports submitted to the planning authority in accordance within an agreed timeframe, along with alternatives should mobility targets not be met. (Condition No 2)
- Provision at the applicant's expense of footpath upgrade and widening works and pedestrian crossing facilities to the satisfaction of the planning authority in consultation with the Roads Traffic Planning Division and, further to appointment of a contractor, submission of a construction management plan for agreement with the planning authority. (Condition No 3)
- Submission for written agreement of the planning authority of materials, colours and textures for external finishes including a display panel and use of a render with a "self-finish" which does not require painting. (Condition No.4)

3.2. Planning Authority Reports

The planning officer, following review of the original and further information submissions received in response to the request for additional information indicated satisfaction with the proposed development subject to the conditions attached to the decision order. Also confirmed is satisfaction that the Department demonstrated a need for the proposed development and as consistency with the Z5 zoning objective and that it accords with the Dublin City Development Plan, 2016-2022.

3.2.1. Other Technical Reports

The Roads Planning and Transportation Division in its first report indicated requirements for provision for pedestrian crossings, footpath upgrade works with safety and upgrade measures for the local lane network, at the entrances including the entrance to the right of way between Adelaide Road and the proposed special education unit which is to be used as a fire escape and the emergency access via Harcourt Terrace. In the final report on the further information submission it is indicated that the proposed development is satisfactory subject to requirements by condition. The decision order includes Conditions which are provide for these requirements.

3.3. **Third Party Observations**

Third Party Observations submitted at application stage include statements as to concern about the intensity of the proposed development, the scale and mass of the buildings, their proximity to boundaries, the design, impact on the architectural heritage of the area which is predominated by protected structure and an architectural conservation area designation, traffic congestion, lack of parking and facilities for motorists such as drop-off areas and impact on residential amenities of properties in the area due to the nature of use and, noise and disturbance.

4.0 **Planning History**

PL 232470/ P. A. Reg. Ref 5009/08: The planning authority decision to grant permission for demolition of the existing buildings and construction of a mixed-use development in two blocks, on site carparking designed to address a planned north south pedestrian route to Adelaide Road through the site was upheld following third-party appeals subject to conditions.

PL 225560/P. A. Reg. Ref 4089/07: The planning authority decision to grant permission for demolition of the existing buildings and construction of a mixed-use development in four blocks with 87 basement level car spaces designed to address a planned north south pedestrian route to Adelaide Road through the site was overturned following third-party appeals. The reasoning was based on concerns as to intensity, scale height and design having regard to the location opposite the

Regency buildings and the designation of the area is a Residential Conservation Area in which high quality design was required.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site location is subject to the zoning objective: Z15: *To protect and provide for community and institutional uses.* This zoning was carried forward from a Variation to the prior development plan, (2011-2017) in which the site had been originally zoned 'Z6'(Enterprise) to facilitate a school development. The area to the west side of Harcourt Terrace opposite the site is subject to the zoning objective Z8: *"to protect existing architectural and civic design character and to allow only for limited expansion consistent with the conservation objective."* The area to the north side of the site which is primarily in residential use is subject to the zoning objective Z2 (to protect the amenities of residential conservation areas.

Chapter 11 and section 11.1 provide for recognition and safeguarding of the special interest and character of architectural conservation area and conservation areas.

A small area at the southern end of the site comes within the Grand Canal Conservation Area. Dartmouth Square on the side of the Canal is an Architectural Conservation Area.

It is the planning authority's policy to actively assist and liaise with the Department of Education and Skills in meeting demand for school facilities and in identification of suitable of sites for new school development and with inclusion of for community facilities. (Para 12.5.4) Policy Objective SN10 and SN 12 provide for provision for educational facilities, schools and third level institutions.

6.0 The Appeals

6.1. Grounds of Appeal

There are two third party appeals each of which are outlined below:

6.1.1. Appeal by Ms Deneige Butler:

An appeal was received from Ms Butler of Maple Road, Clonskeagh, on 13th March, 2018 in which Ms Butler states that she objects to the proposed development. According to the appeal there is inadequate parking for residents on Harcourt Terrace. It will be very difficult for residents to find parking if the school is opened and made operational. Dedicated spaces confined to use for residents is essential.

6.1.2. Appeal by Niall McDonagh, Emma Kelly and others.

An appeal was received from McCabe Durney on behalf of the appellant party, a group of residents on 27th March, 2018 in which it is requested that permission be refused on grounds of traffic impact, impact on residential amenities in the area and premature development pending determination of an alignment for the Metro. The submission contains a detailed outline and discussion of the planning background and context.

6.1.3. According to the appeal:

- Details of pre-planning consultations with the planning authority have not been recorded and made available in accordance with the provisions of section 247 of the Planning and Development Act 2000 as amended. (The Act) This prejudices the appellant's capacity to review the matters raised in consultations, especially in relation to traffic and drop off facilities. The minute should also be available to the Board in determining the decision.

With regard, modal split, traffic and transport and parking:

- The subject development owing to its size should have been fully assessed as required under the Traffic and Transport Assessment Guidelines (NRA 2014) The survey methods for the modal split and trip generation assumptions are not evidence based and cannot be validated. There is no rationale for the trip generation assumptions.
- The breakdown of the 'modal split target' was arbitrary. The Educate Together school will have a large catchment area and an assumption that 47 percent would access the school by foot is unrealistic. Trip generation is likely to be 35-50% in favour of the private car instead of 20 per cent after ten years. For 672 pupils at 1.75 per cent occupancy, 153 car trips in the

morning peak would be generated on the realistic assumption of a 40% modal split in favour of the car.

- The Census database and a TRICS trip generation data base should have been used. No forecasting baseline was taken in that it is assumed there will be change in that 2029 traffic flows compared to current traffic flows. An appropriate methodology was not used.
- No junction assessment was undertaken so the indicated ratio to flow capacity. (RFC) rising to 27.6 percent from 24.9 percent and a 6.67 percent impact is meaningless. Junction capacity determines road network capacity. PICARDY or similar software packages can be used to establish the RFC. Junctions to be properly assessed are Harcourt Terrace/Adelaide Road, Adelaide Road/Earlsfort Terrace, Adelaide Road/ Hatch Lane and Adelaide Road/Leeson Street.
- Phasing is required instead of a full build out to the total 672 pupil capacity. Delivery of the school should align with pupil number growth so that proper assessment of traffic impacts in the initial phases can be undertaken.
- It is evident that the planning authority is not confident in the findings of the traffic impact assessment or targets in view of the attachment of Condition No 2 which includes requirements for monitoring to establish if modal split targets are being met and for alternatives to address how mobility management issues can be addressed. This condition is not consistent with the recommendations in the *Development Management Guidelines for Planning Authorities* (2007) which requires conditions to be reasonable, relevant, enforceable and precise. A “reasonable” test is as to whether, without the condition, permission should be refused. In the case of the proposed development, failure to achieve the targets would result in traffic congestion to the detriment of residents and all road users. The condition not enforceable.
- There are serious consequences if the unrealistic target of 47 % trips by foot are not achieved. The condition is an attempt to justify a development which is not supported by robust analysis. It is reliant on the monitoring reports being provided. The condition is *ultra vires* so permission should be refused.

- A road safety audit is critical for the size of school proposed and one was submitted with the application. Safety for all road users involving all crossing points on approaches to the school must be undertaken.
- The prediction of 31 drop offs is unrealistic for a 672-pupil school. No dedicated school drop off space was designed into the scheme. Inevitably, there will be attempts to drop pupils off as near to the gates as possible. No turning head is shown on drawing P007 for Options 1 and 2 for cars even though that amount of turning movements within a twenty-minute period would cause serious congestion, traffic conflicts and pedestrian safety will be affected. It is inevitable that drop offs will take place on Charlemont Place there being a right turn being possible at the bridge for traffic from the south east. There is a very busy cycling lane and, there are pinch points adjoining the turning head at the end of Harcourt Terrace. There is very serious risk of pedestrian/cycle/vehicular conflicts and hazard.
- The suggestion as to breakfast clubs park and stride, fancy dress and themed walks in the School Travel Plan are unrealistic and there is over-reliance is on park and stride from the 133 public on street spaces in and around Dartmouth Square from which access is very limited due to long and circuitous routes.
- The reliance on park and stride, and on the southern side of the canal, for parking acknowledges the high percentage of trips by car which will be generated. There is absence of connectivity rendering the park and stride option inoperable and illegal parking and congestion will occur. There is no reference in the application or planning authority assessment to the pedestrian bridge between Grand Parade and Harcourt Terrace which is an objective of the development plan.

With regard to impact on the conservation area and protected structures:

- No assessment was undertaken on impact on the protected structures and conservation areas. The four storey commercial style structure has limited regard to the architectural context of the protected structures on the opposite side of Harcourt Terrace. The four storey height of the mid terrace set piece Regency building, (No 6-7) was taken to reference the four storey eight. The

fenestration, materials and solid to void ratios have not regard to the important and sensitive architectural context.

- The proposed development fails to complement and protect the terrace of protected structures having regard to the list of elements specified in section 11.5.1.6 of the development plan.
- The Grand Canal which is a sensitive and important visual corridor and designated conservation area will be affected.
- The rooftop playground has potential to detract from the architecture of the conservation area and visual amenities of the street.
- There is no evidence that the conservation officer was consulted on the application or that it was referred to An Taisce or other prescribed bodies (for purposes of heritage a conservation) for observations.

With regard to the residential amenities of existing properties:

- The large primary school development will adversely affect residential amenity due to the range of noise and disturbance from trips to and from the school, from the roof top playground and lay are at the front of the school and because all issues raised in relation access to and from the site.
- Basement development is not supported in and close to residential conservation areas and protected structures according to Section 16.10.15 of the CDP. There is no justification for a breach of this policy with the proposed basement which can give rise to flood risk. It should be omitted.
- Metro Link project is now on public consultation and the alignment is adjacent to the application site. Transportation Infrastructure Ireland should have been consulted, especially given the proposal for a basement so close to the alignment.

6.2. Applicant Response

The applicant's agent has lodged two separate submissions, in response to the appeals and they are outlined individually below.

6.2.1. **Response to Appeal by Ms Deneige Butler of Maple Road, Clonskeagh.**

Submissions was received from the applicant's agent, Marston Planning consultant and Waterman Moylan, Consulting Engineers on, 24th April, 2018. It is requested that the appeal be rejected and that permission be granted. According to the submission there are no planning grounds to uphold the appeal. Although the appellant does not indicate a connection to Harcourt Terrace it is understood that there is an association with No 17. According to the submission:

- It is not agreed that there is inadequate parking available for residents' use as there are 33 – 35 spaces are available. Permit and Pay and Display parking is available all the time, use declines through the day and some properties also have off street parking. Parking surveys that have been carried out including the most recent survey in February 2018 indicated vacant spaces available on Harcourt Terrace in the morning. Outside of school operational hours no demand for parking on the road would be generated it only being at drop off and pick up times that there is potential for transitional use of the spaces and this is addressed in the School Travel Plan.
- According to the applicant's consulting engineer the School Travel Plan (in section 5.2) seven or eight public spaces are available in the vicinity of the school facilitating 'park and stride', according to surveys undertaken in April, 2017 and February, 2018. These spaces along with those on Adelaide Road and Dartmouth Square will be utilised with high turnover and is an is appropriate and adequate for the Park and Stride strategy. Public Parking space availability to residents is not guaranteed but the impact on residential parking is negligible.

6.2.2. **Response to Appeal by Niall McDonagh, Emma Kelly and Others.**

The response comprises submissions prepared by Marston Planning consultant and by Waterman Moylan Consulting engineers prepared on behalf of the applicant. The submission also includes an email containing a statement by Transportation Infrastructure Ireland (TII) in which it is stated that the emerging preferred route for the Metrolink shows tunnelling under the canal from the Charlemont Stop under Harcourt Terrace at a depth of ten metres but that further design will be taking place prior to lodgement of an application for a Railway Order.

The submission contains a detailed description of the planning background and context to the site and its environs, including details of carparking facilities and a description and comments on the proposed development and the planning application. According to the submission:

- There are no grounds to the claim that the application is flawed due to procedural issues relating to pre-planning consultation etc. The assertions of the appellant party as to the significance of the planning authority concerns on traffic impact at the pre-planning consultation are incorrect and misleading. Matters not fully met in the application were addressed in the further information submission.
- The rezoning of the site established that there is a need for a school on the site. It will take a ten-year phasing period for the school to reach full capacity of 672 pupils. At present, fourteen of twenty-two pupils using a temporary classroom at Griffith College Educate Together School reside within fifteen minutes walking distance of the proposed school.
- The applicant welcomes Condition No 2, does not agree that it is *ultra vires* and would welcome a similar condition if permission is upheld and the requirement for monitoring of the implementation of the travel plan is reasonable. School Travel plans are reasonable and enforceable and have been successful in reducing private car use in the UK.
- The transportation assessment is fully comprehensive, justified and quantified in accordance with best practice, the recommendations in *Traffic and Transportation Guidelines* (NRA 2014) on methodology etc., has a basis in robust baseline data and appropriate mitigation is provided for in the School Travel Plan. The implementation of the School Travel Plan will coincide with the development of the school.
- The modal split is based on averages from the schools in the surrounding area. (Tables 3.1 and 5.1 of the School Travel Plan refer.) It is based on reduction from thirty percent to twenty percent trips by car over a ten-year period. This is supported by the 2016 Census Small Area Statistics (SAPs) provided for car and public transport use and average distance in Kimmage, Pembroke/South Dock and Rathgar/Rathmines.

- The target modal shift demonstrates reducing peak hour drop offs due to successful park and stride strategies and carpooling. The park and stride areas include Dartmouth Square, Adelaide Road and Harcourt Terrace. Independent survey results indicate sufficient parking availability to support the park and stride strategy. Fifty-five spaces north of the Canal and one hundred and twenty-eight spaces south of the Canal are available. Spaces can be used multiple times in a thirty-minute window. Harcourt Terrace would have thirty-four drop off trips (1:1 trips per minute) taking place within the thirty minutes before opening hours occurring on Harcourt Terrace the impact of which is minimal.
- Vehicular conflict will not occur on Harcourt Terrace because the road width is six metres and consistent with standards in the *Design Manual for Urban Roads and Streets*, 2012 (DMURS) and the requirements of the Roads and Transportation Department.
- Charlemont Place will not be shown as a drop off area in the drop off management plan to be implemented as part of the School Travel Plan and its use will be discouraged because it is not suitable.
- There is safe pedestrian access to Harcourt Terrace (Drawing No 15-150 – Fig 2 refers.) Details for Adelaide Road, Charlemont Place and Charlemont Street are provided. The deficiencies will be addressed in the application for signalised pedestrian crossing, footpath improvements, widening at the boundary of the site and new drop kerbs, tactile paving at crossing locations.
- Pedestrian access is not affected by park and stride from the south side of the canal from which the walking distance is eight minutes. There is an accessible crossing at the LUAS bridge. Pupils will generally live within 1.5 km of the school or LUAS line and bus links.
- The park and stride strategy is entirely reasonable, being based on ten minutes walking distance and the appellant's assertions to the contrary are rejected.
- A road safety audit was not required by Dublin City Council when consulted. Minimal vehicular conflict will occur and there is very low trip generation. The

Walkability study identifies footpath and pedestrian crossing provision as appropriate mitigation.

- The use of TRICS analysis was considered inappropriate given the availability of census and survey data. Impact on link road and adjacent junctions were assessed in accordance with the standards in the Transportation Guidelines. The Transportation Guidelines advise that impact less than ten percent and does not warrant junction capacity assessment.
- Baseline traffic data (which was low) is used for the forecasting – expanding from the base year of 2017 to the opening year of 2019 and design year 2029. Trip values did not change with volumes equalling current traffic counts based on Table 5.5.1 of National Traffic Growth Forecasts – Annual Growth factors of the NRA Project Appraisal Guidelines. (Unit 5.5 Link based Traffic Counts. An extract is provided.)
- Adelaide Road operates well below capacity and the additional increase in ratio to flow capacity (RFCs) is minimal and no further assessment is required
 - Junction capacity at Adelaide Road junction. Additional traffic generation in the am and pm peak in each direction at a 5.67 per cent increase.
 - Junction capacity at Adelaide Road/Leeson Street: Additional two-way traffic at the junction is 40 trips in the AM peak including ten of the Park and Stride movements plus 15 inbound and 15 outbound the total percentage impact of which in the am peak is 1.53%
 - Junction capacity at Adelaide Road/Charlemont Street: Additional two-way traffic at Adelaide Road Charlemont Street junction is 34 trips and a percentage increase of 1.26 %
- The site with its two frontages has remained underutilised and does not contribute to its setting. The urban morphology to the south and west, especially the 'set piece' Regency terrace has informed the scale of the proposed buildings which fully addresses the conservation area zoning to the south and the collective setting of the protected structures. A detailed assessment was undertaken as part of the planning application.

- The school building provides an appropriate transition in scale and responds to the architectural and Grand Canal setting as opposed to competing with the surroundings. There is a positive, visual contribution to the canal corridor whereas the existing building is weak and lacking in presence at the corner.
- The height is only two metres greater than the previously permitted apartment development for the site. (The photomontages included in the application refer.) The proposed development along with the materials selected, ensure compliance about the context of the site with section 11.1.5.6 of the CDP.
- It is acknowledged that school activities generate noise but the level of noise would not adversely affect residential amenity given the location surrounded by busy streets.
- The location is in Flood Zone C which is appropriate for the proposed development. The basement proposals are consistent with Dublin City Council's Flood risk policy. Condition No 8 attached to the planning authority decision, with the requirements for basement drainage are adhered to in the design. There are no issues or interference With Metrolink which will be deep in the bedrock.

6.3. Planning Authority Response

There is no submission from the planning authority on file.

7.0 Assessment

- 7.1. The proposed land use is acceptable in principle, given the zoning objective for the site location, which has been carried forward to the current Dublin City Development Plan, 2016-2022 further to Variation to the prior CDP. The purpose of the rezoning, so to facilitate development of school facilities on the site that would meet the need for provision of primary school facilities as identified by the Department of Education and Skills (DES) and demonstrated in the application.
- 7.2. The issues central to the determination of the decision are considered under the following broad sub-categories:

Historic Building Conservation and Architectural Heritage Protection.

Visual Impact and Architectural Heritage Protection.

Residential Amenities – Adjoining Residential Conservation Area.

Traffic, Transportation and Modal Split

Basement Development

Appropriate Assessment.

7.3. Historic Building Conservation and Architectural Heritage Protection.

7.3.1. The area in which the site is located is sensitive from the perspective of architectural heritage protection. The wider environs is characterised by residential and commercial development and the site itself has had the benefit of grants of permission, (now expired) for relatively intensive residential and commercial development itself. It is necessary for it to be demonstrated that the proposed primary school development accords the relevant policies and objectives of the Dublin City Development Plan, 2016-2022, (CDP), with the statutory guidance: *Architectural Heritage Protection: Guidelines for Planning Authorities* issued by DOHLG in 2004, (The Guidelines) and, good conservation practice. Other than the change in zoning objective to Z15 “*To protect, and provide for community and institutional uses*” by way of Variation to the prior CDP which was carried forward into the current CDP there have been no material changes to the relevant policies and planning context.

7.3.2. The removal of the existing structures on the site are of significant architectural heritage interest but are not included on the record of protected structures to facilitate intensive sustainable commercial and residential development has previously been accepted in the determination of decisions on prior applications. (The matter is discussed in some detail on Page 15 of the report under PL 225560.)

7.4. Visual Impact and Architectural Heritage Protection.

7.4.1. Notwithstanding the current zoning objective for the site itself, it is transitional having regard to the zoning and specific objectives for adjoining areas. There are with corresponding implications carrying capacity of the site due to the adjoining protected structures within the residential conservation area.

- 7.4.2. The proposed school building faces onto Harcourt Terrace within the sensitive established architectural character of the streetscape of which it should be satisfactorily integrated. The focal point or set-piece in the hierarchy of the Regency buildings on the west side of Harcourt Terrace is No 6 and 7, mid-way along at the centre, with the eye being drawn towards it from the outer ends of the street. On the east side the Victorian houses step down in size and height from south to north. In this regard any replacement structure on the site frontage should not depart to an undue degree from the low impact profile of the existing buildings in relation to the Regency buildings on the west side and the Victorian buildings on the east side of the Terrace.
- 7.4.3. The footprint of the proposed school building except for a forward projecting element housing the School Principal's office is directly on the front building line on the Harcourt Terrace frontage established by the row of Victorian buildings to the north. There is strong emphasis on horizontal massing to the height of 17.6 metres incorporating the roof level space and 14.4 metres to the parapet of the front façade. This is considerable in relative to the eaves and ridge heights and scale of the adjoining Victorian Houses on the east side of Harcourt Terrace.
- 7.4.4. The proposed scale, mass and height is considerably greater than, over-dominant and overbearing in impact at the southern end of Harcourt Terrace relative to the Regency Houses on the west side of the Harcourt Terrace which are subordinate to and step up towards the prominent set piece building at Nos 6 and 7 at the centre of the Regency Terrace in the streetscape. In the streetscape views, the insertion of the proposed development at the southern end of Harcourt Terrace, distorts the prominence of the centrally positioned set piece position. In the streetscape views along the east side on which the buildings step downwards in size and height from the northern end to the southern end in the streetscape the relationship is similarly distorted. This adverse impact is distorted further by the high ratio of void to solid in the façade and the strong horizontal emphasis in the considerable massing.
- 7.4.5. As a result, the proposed development fails to complement and integrate into the established streetscape profile, detracts from the architectural character and context of the protected structure and the groupings of Victorian and Regency Terrace characteristics of the residential conservation area.

7.4.6. However, there is scope for greater for a profile and prominence on Charlemont Place which is compatible with the other recently constructed commercial development overlooking and compatible with the Grand Canal Conservation Area. It is considered that the front elevation onto Charlemont Place is acceptable and compatible with the Conservation Area designation for the Grand Canal Corridor.

7.5. Residential Amenities – Adjoining Residential Conservation Area.

7.5.1. The intensity of use of the proposed development, when fully enrolled will be considerable at 672 pupils along with staff. The school is substantially reliant on provision for children's play space at roof level, from which the noise impact would be considerable. This will represent a major departure in the amenities of the immediate environment from the current quietness of the primarily residential road although surrounded by with an area predominated by commercial use. Alone and in conjunction with the use of the ground level play space the noise disturbance would have a significant negative impact on the amenities of the area. Nevertheless, such noise nuisance would be confined to periods during school hours. In the event of possible future use of the school in the evening times for extra-curricular activities or for it to be or rented out for community and/ or other activities, should permission be granted, a condition should be included in which use of the play space, especially at roof level is prohibited outside normal school hours.

7.5.2. The major objections relating to traffic generation, obstruction of road users and demands for on street parking spaces and, facilities for drop offs and pick-ups are considered separately below. It is arguable that implications would arise which would reduce the level of residential amenities for the existing residential development in the immediate vicinity.

7.6. Traffic, Transportation and Modal Split.

7.6.1. Having reviewed the School Travel Plan and Traffic and Transportation Assessment report and application, further information, the appeals and the submissions made in response to the appeals it has been concluded that the proposed development, on nearing and reaching full enrolment, gives rise to serious concerns about trip generation, obstruction and conflicting traffic movements and vehicular and pedestrian safety.

- 7.6.2. The concerns as to the inadequacies limitations of and the appropriateness or otherwise of the methodology used in the traffic impact assessment and school travel plan indicated in the appeal are noted. However, the statement in the response to the appeal as the nature and scale of the development proposal being such that the submitted details are consistent with the standards and recommendations in Transportation Guidelines, and for example, that junction analysis using TRICS or an alternative software package is unwarranted is also acknowledged.
- 7.6.3. While the incorporation of all the measures for trips to and from school to discourage trips by car private car and encourage alternative modes are to be supported and encouraged, it is considered that some of the Modal Choice targets for journeys to the school provided for in the School Travel plan are unrealistic. The circumstances of the proposed development are not comparable to those of the named schools from which statistics were obtained and analysed as a basis for the assumptions and predictions for model split targets in the school travel plan.
- 7.6.4. The site location, as is acknowledged in the submissions would have a wider catchment area than many urban and inner suburban primary schools resulting in greater distances between home and school with corresponding implications for trips. Furthermore, due to the location of the school within the central business district on the inner side of the Canals, school travel will be seriously affected by very intensive morning commuter traffic using the LUAS tram services, buss, private cars, cycling or walking in the vicinity.
- 7.6.5. In this regard the Grand Canal cycle path which would be used for trips to the school is very intensively used by commuters who cycle at significant speed to their workplace destinations during the am peak. Any assumption as to safe use of the cycle route in the am peak by parents and young children is, regrettably, totally unrealistic and incompatible due to large numbers of commuter cyclists and their considerable speed along the cycle path. Use of the cycle path during the am peak for trips to the school by young children would lead to obstruction and seriously hazardous conditions for both the worker commuters and the parents and young children. Parents and school children who would be travelling at low speeds would be deterred from using cycle lane for reasons of safety and would be likely to cycle on footpaths on which cycling is unauthorised and which are heavily used be

pedestrian commuters. Similarly cycling on and from the Leeson Street area would appear be hazardous for parents and small children but to a lesser extent on a less heavily trafficked Adelaide Road from Leeson Street although conditions may be such that they would opt to cycle on the footpaths. Unauthorised activity would occur whereby that cycling as a mode of transport to school would impractical, unsafe and likely to be abandoned as being impractical and unsafe for young primary school pupils. The target for cycling trips set in the School Travel Plan would excessive and overoptimistic as a result.

- 7.6.6. The park and stride predictions, targets and proposals would also appear to be over optimistic and incomparable to the circumstances of the other schools from which survey data was used in drawing up the Modal Split targets the School Travel Plan. The figures provided while reasonable for more easily accessible schools are considered unrealistic and unreliable for the proposed development.
- 7.6.7. This is in part due to severance between the school and the majority of the street parking spaces within the road network which are on the south side of the Canal the only direct route from which is up the steps, across LUAS bridge and down on the north side of the Canal. These conditions along with difficulties likely to be experienced in travelling to and finding available short-term parking space are likely to encourage parents to drive directly as near as possible to the school site itself, especially in poor weather to drop off their children in the am peak. This would result in increased trip generation and corresponding parking and turning movements in the immediate vicinity of the school at Harcourt Terrace associated with drop offs in the am peak.
- 7.6.8. At the time of inspection between 8.20 am and 8 50 am on a mid-week morning in good weather conditions, one of the on street pay display/residents' permit spaces on Harcourt Terrace was unoccupied. The observations on this weekday morning, in late June indicated significantly higher occupancy of the Harcourt Terrace spaces than that indicated in the applicant's submissions to support the claim as to the adequacy of space to facilitate the predicted number of trips for drop-offs provided for in the School Travel Plan. Similarly, it may be questionable as to whether there is a higher occupancy the spaces on Adelaide Road and the surrounding road network.

- 7.6.9. The claim in one of the appeals as to the likelihood of use of the right turn on approach to the city from Charlemont Bridge onto Charlemont Mall to access the space at the junction with Harcourt Terrace for dropping off children is persuasive. All parties acknowledge that this location is unsuitable for use as a drop off area. Reliance on the effective implementation of mitigation measures by school management indicated in the School Management Plan to discourage such use is unrealistic and it is not practicable to rely on effective enforcement in this regard by the relevant authorities.
- 7.6.10. Notwithstanding the footpath widening works at the site frontage and the provision for pedestrian crossing facilities that are required as part of the application, it is considered likely that trip generation, conflicting traffic and turning movements and obstruction of all road users due to the incidence of drop-offs in the am peak would be considerably higher and would also illegal parking including double parking and unauthorised use of the space at Charlemont Place at the end of Harcourt Terrace on the far side of the bollards blocking vehicular through traffic as well as Harcourt Terrace itself. To this end the assertion in the appeals as to adverse impact on traffic and parking conditions on Harcourt Terrace and consequently on residential amenities are understandable.
- 7.6.11. To this end, given the size of the proposed school on reaching full enrolment suggests that the case made in the appeals regarding the modal split, traffic generation and demand for parking associated with the development is persuasive. It is also agreed that the condition attached to the planning authority decision relating to monitoring of the implementation of the school travel plan is unrealistic, particularly because it is unclear prior to determination of a decision as to what alternative or ameliorative measures can be introduced in the event that in practice, the school travel plan is ineffective. The absence of any off-street circulation, drop off space and turning areas within the site or scope for two-way traffic at the entrance and on-site parking is a matter of serious concern in this regard.

7.7. Basement Development.

- 7.7.1. Metrolink does not show confirmation that as to the acceptability of the basement construction by TII which has indicated to the applicant that the Metrolink Project is

still at design stage but that tunnelling at an approximate depth of ten metres is likely to take place under Harcourt Terrace. It is arguable that the proposed development is premature pending advancement of the project and clarification of the design details to be proposed in the application for a Railway Order for the project.

- 7.7.2. The CDP policy objectives of discouragement of basement development within residential conservation areas is noted. In case of the subject proposal, there has been significant excavation at surrounding lands and there is a sufficient separation distance from the adjoining structures which are within the 'Z2' zoned lands. With a satisfactory detailed demolition and construction plan agreed with the planning authority and put into effect in line with good practice, there would be no objection to excavation and construction of a basement level.

8.0 **Appropriate Assessment.**

- 8.1.1. Having regard to site location within the city, the scale extent and nature of the proposed development and the inclusion of proposals for connection to connection to existing services, along with the availability of treatment facilities at Ringsend, it is concluded that the proposed development would not have significant environmental impact either alone or in combination with other projects and plans on European sites. A Stage 2 appropriate assessment is therefore not required.

9.0 **Recommendation**

- 9.1. In view of the foregoing, while a school development is acceptable in principle, given the zoning objective for the site, it is concluded that the proposed development constitutes overdevelopment with adverse implications for the established historic architectural character and residential amenities at Harcourt Terrace, and would lead to endangerment of public safety by reason of traffic hazard. It is therefore recommended that the appeals be upheld and the planning authority decision be overturned based on the reasons and considerations set out below.

10.0 **Reasons and Considerations**

- 10.1. Having regard to footprint, scale, height, mass and design detail of the established historic architectural character of the terrace of Regency buildings on the west side

and the Victorian buildings on the east side of Harcourt Terrace which are included on the record of protected structures and are subject to the zoning objective Z2: “*To protect and/or improve the amenities of residential conservation areas*”, in the Dublin City Development Plan, 2016-2022; to the scale, nature and intensity of use of the proposed development on the site, including the use of external play areas once full enrolment is reached, to the limited scope for achievement of the modal split targets provided for in the School Travel Plan, having regard to the location of most of the identified on street parking spaces in the ‘park and stride’ strategy on the south side of the Grand Canal, the lack of scope for practicable and safe cycling for school pupils along existing cycle routes, the lack of provision for on-site circulation with two way access, the likely demand for and lack of dedicated on street space to facilitate school drop-offs and pick-ups, it is considered that the proposed development would constitute overdevelopment on the site which would be seriously injurious to the visual amenities, architectural integrity and established character of the protected structures and the streetscape of Harcourt Terrace, and seriously injurious to the amenities of the residential properties within the residential conservation area, would lead excessive demand for on street parking and illegal and unauthorised parking conflicting traffic movements, Double and other unauthorised parking and obstruction of other road users resulting in endangerment of public safety by reason of traffic hazard. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector
4th July, 2018.