



An
Bord
Pleanála

Inspector's Report ABP 301602-18

Development	Temporary, Two storey primary school, with access from Harold's Cross Road, and pedestrian access via Grosvenor Lane. internal vehicular turning circle, carparking, vehicular/pedestrian/cycle route, excavation and changes in levels, site development works and signage.
Location	Harold's Cross, Old Greyhound Track. Harold's Cross, Dublin 6.
Planning Authority	Dublin City Council
P. A. Reg. Ref.	4412/17
Applicant	The Minister for Education and Skills
Type of Application	Five Year Permission
Decision	Grant Permission
Third Party Appellant 1:	Theresa O'Dea and Others
Third Party Appellant 2:	Diarmuid O'Riordan and Olwyn Longmore.
Observers	Eamon Lawless and Audrey Barrett.
Date of Site Inspection	7 th August, 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	7
4.0 Planning History.....	7
5.0 Policy Context.....	7
5.1. Development Plan.....	7
6.0 The Appeals	8
6.4. Planning Authority Response	16
6.5. Observations	16
6.6. Further Responses.....	16
7.0 Assessment.....	20
8.0 Recommendation.....	27
9.0 Reasons and Considerations.....	27
10.0 Conditions.	27

1.0 Site Location and Description

- 1.1. The site is to the east of Harold's Cross Road and north of Leinster Road and has a stated area of 6,200 square metres. It is formed from lands within the former Greyhound Stadium. The racing track and stadium buildings and the main vehicular are to the north east of the carpark area which forms the site of the current application and is at present partially covered in vegetation. The existing access points to the stadium include two directly onto Harold's Cross Road. The former main public entrance is to west off Harold's Cross Road and a short distance to the north on Harold's Cross Road there is an additional vehicular entrance that may have served administrative offices associated with the stadium. A gate on the boundaries at the south western end of the site off a narrow service lane at the rear of properties on Parkview Avenue was noted during the inspection which may have served as a minor ancillary or emergency access.
- 1.2. There is a network of interconnecting lanes linking the main streets and squares between the Rathmines and Harold's Cross areas. Grosvenor Lane extends northwards from Leinster Road, eastwards around the perimeter of the site and roughly in a northerly direction where it adjoins Leinster Park to the north east of the former Greyhound Stadium site. It is also accessed by from Parkview Avenue which extends eastwards from Harold's Cross Road. The perimeter of the site area of the subject application which is that of a former surface carpark at the southern end of the former track is fenced off with palisade fencing and there are trees and vegetation on the inner side. On the outer side there are vehicular entrances direct onto the lane which on the rear boundaries of residential development and mews houses which face onto the lane.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for which a five-year grant of permission for a temporary, twelve classroom school on the former surface carpark to the south side of the greyhound racing track. The enrolment for the first year of operation of pupils over the proposed five-year duration of the

proposed use of the temporary school is fifty-two pupils which would increase by the same amount annually. This application is “Phase 1” of a Masterplan for the Harold’s School Campus which is to provide for a twenty-four-classroom primary school with capacity for 624 pupils and a secondary school with capacity for one thousand pupils within a shared building at the northern end of the former Greyhound Stadium lands.

- 2.2. The current application is for a temporary, twelve classroom, two storey building with a plastisol steel finish, (to be prefabricated off site) and ancillary accommodation and facilities. Access from Harold’s Cross Road, and an additional pedestrian access via the existing pedestrian gate onto Grosvenor Lane where the boundary is to be altered and replacement boundary treatment provided. The application also includes proposals for an internal vehicular turning circle, two universal access car spaces, cycle and scooter parking, hard and soft landscaping, a shared vehicular/pedestrian/cycle route, piped infrastructure and plant, excavation and changes in levels, site development works and signage. The application includes a school travel plan, Construction and Waste Management Plan, Engineering Assessment Report, Flood Risk Assessment Report, Cultural Heritage Assessment report, Walkability and Cyclability Audits (stage 1) Traffic and transport Assessment, Tree survey report, invasive plant survey, appropriate assessment screening report and a cover letter prepared by the applicant’s planning consultant.
- 2.3. A multiple item request for additional information was issued on 5th February, 2018 to which a response was received on 21st March, 2018 by the planning authority to include details of pedestrian movements and access via the Grosvenor entrance and a pedestrian access layout, a modal split study, cycle parking and scooter parking arrangements, (120 covered cycle spaces and 58 scooter spaces) to the front of the building, and showering and storage facilities, a revised School Travel Plan, updated Modal Split a revised flood risk assessment report, a surface water drainage calculations with a revised drainage layout, and plan and elevation details of the proposed acoustic boundary screening proposed adjacent to dwellings at Nos 63- 69 Leinster Park.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 17th April, 2018 the planning authority decided to grant permission for a period of five years as specified in Condition No 2 attached to the decision, and subject to thirteen multiple conditions the majority of which are of a standard nature.

Condition No 3 (a) 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 timeframe, to be agreed with the planning authority within three months, along with alternatives should mobility targets not be met.

Condition 3 (b) Liaison with ITS section at the Environment and Transportation Department to agreed detailed design and timelines for delivery of controlled pedestrian crossings at Kimmage Road Lower close to the junction with Cross Road and at the junction of Harold's Cross Road and Leinster Road.

Condition 3 (e) and Condition No 4: preparation of a CMP for written agreement with the planning authority following appointment of a contractor.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further to consideration of the application and further information submissions and the technical reports and prescribed body submissions, the planning authority concluded that the proposed development is acceptable and, that permission could be granted for the proposed five-year period subject to conditions.

3.2.2. Other Technical Reports

The report the **Roads and Traffic Planning Division** dated, 26th January, 2018 includes detailed observations on the Traffic and Transport Assessment School Travel Plan, Walkability and Cyclability Audit, parking and cycle parking proposals, the submitted auto track analysis and construction management details. It indicates recommendations that additional information be requested from the applicant, details of which are outlined in para. 2.3 above.

The supplementary report the **Roads and Traffic Planning Division** dated, 26th January, 2018 indicates acceptance of the proposed development subject to conditions. In the report it is stated that provision for one of the two controlled pedestrian crossings is no longer required as there is an existing crossing in the vicinity and the proposed controlled pedestrian crossing arrangements will be reconsidered in conjunction with the proposals for the permanent schools.

The following details are acceptable

- An updated Modal Split, based on CSO commuting statistics provided in the further information submission is acceptable.
- Provision for the cycle and scooter parking facilities at the main entrance and shower and changing facilities shown on the ground floor plan is acceptable
- A revised School Travel Plan which include a school drop off management plan highlighting walking and cycle routes to be utilised and identified parking areas where drop offs will not be permitted. A member of staff discourage drop offs at Grosvenor Lane on a daily basis.

Several conditions, drafts of which are provided in the report are recommended for inclusion if permission is granted.

The report of the **Drainage Division** dated 8th January 2018 indicates a recommendation for a request for additional information to be issued to include appropriate flood risk impact assessment that identifies mitigation proposals for potential risk from coastal, fluvial, pluvial and groundwater in accordance with the DOEHLG/OPW Guidelines for Planning Authorities on Flood Risk Management and drainage calculations providing for a 100 year and a thirty year event and a twenty per cent climate change factor and, showing surface water attenuation provisions. The information requested also includes details of filter drain locations, discharge, attenuation to two litres as indicated in the Engineering Assessment Report provided with the application.

The report of the **Environmental Health Officer** (Air Quality and Noise Control) indicates no objection subject to air and noise control requirements to be addressed in a Demolition and Construction Management Plan.

3.3. **Third Party Observations**

3.3.1. Third party observations were received from several parties in which the main concerns expressed include the following issues:

- Traffic generation, congestion and conflicting traffic movements during drop offs and pick-ups in sufficient on street parking facilities, adequacy of Grosvenor Lane to facilitate pedestrian and cyclist movement, at by the proposed development and potential for the lane to be used as a vehicular drop off point, routing for cyclists through Parkview Avenue. Submissions also include comments on the predictions in the submitted school travel plan, cyclability report, safety report and traffic and transport assessment reports.
- Adverse impact on residential amenities of properties in the vicinity from play facilities and movements to and from the school.
- Excessive scale and intensity of the development for the site and unacceptable design for the proposed building resulting in negative visual impact.

4.0 **Planning History**

4.1. There is no record of a planning history for the former greyhound stadium following cessation of use as a greyhound stadium. Previously it had been subject of several planning applications relating to refurbishments and upgrades, signage and entrance arrangements details of which are in the planning officer report. (P A. Reg. Refs 2038/98, 3275/98, 3640/98, 3702/99 and 3714/99 refer.)

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.*

The area of Leinster Road and Grosvenor Lane at the south of the site location are within an area subject to the zoning objective “Z2” (Residential Conservation Area) and many houses are included on the record of protected structures.

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.

Section 8.5.4 and Policy Objectives MT8 and MT 11 provide for the promotion of initiatives for active travel in schools and communities and for improvements in permeability for cycles and pedestrians. In accordance with, *Permeability - a best Practice Guide* published by the National Transport Authority.

6.0 The Appeals

6.1. Appellant 1: Theresa O’Dea on behalf of Residents at Leinster Place, Grosvenor Lane and Parkview Avenue.

6.1.1. An appeal was received from Ms O’Dea on behalf of herself and some residents on 14th May, 2018 attached to which is a Roads and Traffic Appraisal prepared by Malachy Walsh and Partners, The appeal contains a detailed report based on inspections with a description of the existing environment and assessment by Malachy Walsh and Partners, (also submitted at application stage), with observations of the proposed development and the planning application assessment by the planning authority. According to the appeal:

- It is requested that the proposed access vis Grosvenor Lane be omitted from any grant of permission for the proposed development. The main Harold’s Cross entrance gate should be used for access to the temporary school. It is the safest and most convenient and direct route to the school. This will ensure safety with use of internal pathways and compliance with the development plan on modal shift and sustainable transport.
- There are no public bus routes to the site location between the Clonskeagh region and the site, it being understood that Clonskeagh is in the catchment

area. This increase car trips which will be higher than quantified in the application and the trips will be as close as possible to the Grosvenor Lane entrance.

- There is overemphasis on reliance on the implementation of the school travel plan and that is dependant on good will and resourcing. Grosvenor Lane is cited as a drop off zone in the plan although indicated as an area not to be used in the further information submission.
- There is no confirmation about the availability of a staff member at Grosvenor Lane which is to be used by vulnerable road users and is very hazardous.
- The volume of trips along Grosvenor Lane will be unfair to residents' access and amenity. There is potential for fifty plus mews lane developments on the lane including three opposite the site. The entrance is opposed residences. Vehicles require the entire width to enter and exit their gateways.
- No comprehensive assessment of permeability in the Grosvenor Lane area was undertaken. Safety and sustainable walking and cycling is not possible due to the narrow network of street and lanes. References are made to NTA and Dublin City Council guidance on permeability from which extracts are provided.
- The additional information submission does not adequately address the issues raised in the request issued by the planning authority. The planning authority therefore was not accurately informed as regards the suitability of Grosvenor Lane as a main access point. References are made to the age profile of the pupils using the route and potential future development on the route

6.1.2. According to the Roads and Traffic Appraisal accompanying the appeal:

- Grosvenor Lane is a coach house lane of restricted width, visibility, horizontal alignment and it provides on-street parking access to lock up garages, and is an access for Leinster Place and Leinster Hall (apartment block)
- The application lacks an empirical assessment of impact on the proposed Grosvenor Lane access and the receiving environment. Grosvenor Lane has not and does not serve as an entrance to the site. It does not have the

capacity to accept the quantum and type of trips generated by the proposed development and it would adversely impact on the existing residents and urban environment. (The application concludes that Grosvenor Lane East is not suitable, but that Grosvenor Lane West and South are suitable.)

- The application submission does not include a quantification and breakdowns for existing and future baseline users predicted future trips at arrival and departure peak times. Trips by staff and accompanying persons to the 166 pupils (55% total pupils) also predicted to enter and exit the Grosvenor Lane access are not quantified. The permanent schools would result in an increase of 422% of the numbers predicted to use the access for the temporary school. Cycles are 'vehicles' and fifty per cent of the thirty one percent of pupils cycling would use the Grosvenor Lane Access.
- The proposed development does not accord with development plan standards and is deficient and substandard having regard to the requirements in *The Design Manual for Urban Roads and Streets* (DMURS) standards for arterial streets, links and local streets with regard to footpath and carriageway widths, forward visibility, junction visibility splays and pedestrian visibility at access and junctions
- Visibility to and from pedestrians at access and junctions are deficient having regard to design guidance in DMURS and Geometric Design of Junctions (DN-GEO-03060 published in April 2017 by Transportation Infrastructure Ireland (TII) within which reference is made to visibility envelopes to ensure visibility of small children to motorists.
- The proposed Grosvenor Lane Access location does not accord with DMURS standards including areas where there are 90-degree bends. Carriageway and footway widths (where footway widths are present) are deficient and areas are without footways and utility poles obstruct clear footways. Forward visibility is less than the minimum DMURS standard for a 30 km/hour zone at the access location due to alignment.
- Junction visibility splays at Grosvenor Lane/Leinster Road are less than the minimum DMURS standard for a 50 km/hour zone. Reference is also made to swept paths for left turning vehicles

- As regards traffic and transport impact on Grosvenor Lane it is stated that the temporary school would generate 518 trips in the morning, an increase of 2,490 per cent with potential trip conflicts and inconvenience for all users and Grosvenor Lane is not in accordance with DMURS standards for low pedestrian activity. Quantified set down by car on Grosvenor Lane Leinster Place and Park Avenue have not been included. The network of roads and lanes are not suitable for recommended mitigation and road safety for existing users will be affected. The Grosvenor Lane access as proposed is not sustainable.

6.2. Appellant 2: Olwyn Longmore and Diarmuid O’Riordan, Leinster Place.

6.2.1. An appeal was received from Ms Longmore and Mr O’Riordan on their own behalf on 14th May, 2018 attached to which is a copy of the Roads and Traffic Appraisal report that was included with concurrent third party appeal.

6.2.2. The objection is to the proposed entrance off Grosvenor Lane. According to the appeal the Walkability and Cyclability Audit indicates that the section between the entrance proposed and Grosvenor Square is not suitable for pedestrian and cycle access and that routing should be along the section of Grosvenor Lane leading to Leinster Road. It is contended that as this section is the only vehicular access to Leinster Place there would be serious negative impact on residential amenity and risk to pedestrian and cyclist safety because Leinster Place and Grosvenor Lane are inadequate to support the existing traffic in that two cars cannot pass on Grosvenor Lane between Leinster Place and Leinster Road and because it is impossible to turn vehicles on Leinster Place so vehicles reverse out onto Grosvenor Lane where there is poor visibility and serious threat to pedestrian and cyclist safety.

6.2.3. It is also stated that a letter was received from the applicant’s agent with an invitation to consultation meetings with the applicant and the applicant’s agents, but it has been impossible to make contact and an arrangement for this meeting to be made.

6.3. Applicant Response

6.3.1. A submission was received from Tom Phillips Associates on behalf of the applicant on 8th June, 2018 attached to which is a document prepared by Waterman Moylan Engineering Consultants in response to both appeals.

6.3.2. According to the covering submission the attachments to the first third party appeal do not comply with section 127 (1) (f) of the Planning and Development Act, as amended, (The Act) In addition the site notice is stated to be correct and to accord with section 3.4 of the Development Management Guidelines. It includes details of the turning circle within the site and access arrangements. It is submitted that as the primary issue to the appeals relates to the proposed pedestrian entrance and access route off Grosvenor Lane, the issues raised are addressed in the separate document prepared by Waterman Moylan on behalf of the applicant.

6.3.3. According to the submission:

- The proposed development is temporary in nature being the initial stage of a School Masterplan for the stadium the Harold's Cross School Campus. It is also pointed out that the Masterplan Drawing included with the application is indicative only, the future proposals being subject to future detailed design and separate applications.
- The former Greyhound stadium site is one of forty-two new schools planned for the four-year period 2019-2022 nationwide. There are 314 school planning areas and the Department of Education has conducted demographic exercises to establish need for additional provision. Some school planning areas are combined in considering demand for a viable school. It is unreasonable that any school, given the catchment areas should be served by a direct bus route from all areas within the catchment
- Meetings were held with third parties on various dates in March and April 2018. The second Third Party Appellant was unable to agree to a meeting date and any suggestion that meetings were not offered, and considerable effort made in this regard is refuted. The applicant facilitated meetings with interested parties to provide opportunities to discuss concerns.

6.3.4. Separate and additional remarks to those relating to the proposed Grosvenor Lane entrance arrangements can be outlined as follows:

- The development is for a car-free campus, apart from the drop off zones and universal access facilities. The pedestrian linkages to the south and east are therefore particularly important. The proposal accords with the strategic approach for movements and transport provided for in Chapter 8 of the Dublin

City Development Plan, 2016-2022. (CDP) particularly, Policy Objectives MT11, MT12 and MT13 and, regarding urban typology and efficient use of land and sustainable transport, section 12.5.4 of the CDP. The proposal is consistent with NTA policies and guidance and acceptable to the City Council Roads and Transportation section.

- The proposed development is not excessive in mass and scale for the site and the location. The floor area at 1,480 square metres. Reference is made to the footprint of 740 square metres and site area of 6,200 square metres and, Drawing PA/L/03. The total capacity is 380 pupils, the number attending increasing to full capacity over the years. There is no rooftop playground and the proposed landscaped open space, as shown on the landscape masterplan is suitable.
- Anti-social behaviour on Grosvenor Lane is not a valid planning issue and may be attributable to existing insufficient activity and passive surveillance. The boundary will comprise a low wall and railings improving the interaction between the site and the street and it along with provision for lighting, upgrades and improvements to the lane to be carried out by the applicant will lead to improved passive surveillance and amenity and will accord with the design guidance in Appendix 14 of the CDP.
- The applicant is willing to accept a condition with requirements for the boundary treatment if the proposed material is considered unacceptable the proximity to the Z2 zoned lands being noted.
- Condition Nos 4 and 5 attached to the planning authority decision address noise control at both construction and operational stages.
- The Engineering Assessment of Waterman Moylan confirms connection to the existing Waterman on Grosvenor Lane which connects at Harold's Cross Road to the watermain. No adverse impact to ground water will occur.

6.3.5. According to the observations Waterman Moylan: on the Appraisal by Malachy Walshe provided with the appeals:

- The contention that no empirical assessment of traffic impact on Grosvenor Lane was undertaken, reference is made to the details, projections and proposals within the submitted Traffic and Transportation Assessments,

School Travel Plan in respect of the current proposal for the temporary primary school and for the future proposals for permanent primary and secondary schools. It is reiterated that it has been established that the proposed temporary primary school would have negligible impact on the Harold's Cross Road and surrounding junctions through implementation of the school travel plan.

- As regards the contention that the receiving environment is not suitable for the quantum of nature of trips generated, reference is made to the proposed improvements to pedestrian facilities and access. They include the footpath link between Leinster Place and Grosvenor Lane, lighting improvements, traffic calming on Grosvenor Lane, signage and the uncontrolled pedestrian crossings at Harold's Cross Road and Kimmage Road Lower and signalised pedestrian facilities at Leinster Road and Harold's Cross Road junctions which will benefit the pedestrian and cycling environment. Reference is also made to the requirement under Condition 3 of the planning authority decision for signage on the lane secure cycle parking and repairs to the road surface.
- With regard to the contention as to adverse impact on existing users in the receiving environment, reference is made to the improvements the applicant is to provide benefitting existing and future users, to the existing very low vehicular and pedestrian movements, as indicated in the survey provided with the further information, and the undertaking in the School Travel Plan to prohibit set downs and access along Grosvenor Lane.
- As regards contentions that the proposed Grosvenor Lane access arrangements are not in accordance with recommended guidance and standards and as to suitability and safety of Grosvenor Lane, reference is again made to the improvement and upgrade works included in the application which it is submitted will also benefit residents, to the requirements of condition No 3 of the decision of the planning authority and, to the clarification of the mode and trip distribution in the revised school travel plan. In addition, a "walking bus" between Grosvenor Square along Leinster Road is to be provided pending future upgrade works, associated with the future school project; signage will accord with Condition 3 (c) of the planning authority decision and a mobility manager will manage access along

Grosvenor Lane minimising need for persons to accompany the pupils, which along with the walking bus reduces potential AM peak movements. It is pointed out that finishing times at primary schools are staggered and occur when commuter traffic flow is minimal, the critical period for assessment being the morning period. Staff trips during the peak periods are anticipated to be minimal.

- The impact on the street network, (Harold's Cross Road (St Clare's) Leinster Road and Grosvenor Road junctions) is clearly assessed with significant improvements proposed, including road and footpath widths and visibility facilitating predetermined cycle movement etc.
- The car free campus with good quality public transport linkage connectivity and permeability generates pedestrian and cycle and public transport trips and minimises car trips with the upgrades, mitigation the increase in pedestrian and cycle movement.

6.3.6. In response to the contentions of Ms Longmore and Mr.O'Riordan about the suitability of the access off Grosvenor Lane, it is stated that:

- Grosvenor Lane is an additional rather than a single access point providing permeable access to the site. The use of Grosvenor Lane, East as far as Grosvenor Square was omitted from the scheme with the section of Grosvenor Lane linking to Leinster Road and Harold's Cross Road being integrated into the scheme. The suitability and safety of Grosvenor Lane and surrounding streets is enhanced by the measures to be implemented by the applicant set out in para and by the requirements of Condition No 3 attached to the planning authority decision.
- In response to the contentions of Theresa O'Dea and the residents she represents, as to reliance on good will for the implementation effectively of the School Travel Plan, it is submitted that the Mobility Manager will undertake key tasks in liaison with the local authority, a steering committee report providers and in promotional work which encourages sustainable travel including car pooling and monitoring, three monthly reports on which are to be provided to the local authority, as required. The operational stage traffic management plan (to be prepared by the Steering Committee/Mobility Manager) is an

operational stage function and this was clearly set out in information meetings with residents.

- Use of the Harold's Cross entry in conjunction with the Grosvenor Lane access will increase safety and permeability. Permeability is addressed by use of more than one entrance. Omission of the Grosvenor Lane access would necessitate an increased trip distance from Leinster Road. Management of trips to the school by the Mobility Manager will reduce the need for adults to accompany pupils along the lane.

6.4. **Planning Authority Response**

There is no submission on file from the planning authority.

6.5. **Observations**

- 6.5.1. A submission was received from Eamon Lawless and Audrey Barrett of 16 Leinster Place on 31st May, 2018. They state that the proposed development would have serious impact on residential amenities in the area due to traffic and circulation and intrusion on privacy of rear gardens. They refer particularly to traffic congestion and difficulties in exiting Leinster Place where the pedestrian access would lead from Harold's Cross Road to Grosvenor Lane. They also believe that the road and lane network cannot accommodate the additional vehicular and pedestrian movements, parking and access and that this will adversely affect amenities and convenience for residents and that anti-social behaviour will occur. In addition, they object to the mass and scale of the proposed structure.

6.6. **Further Responses**

Appellant 1: Theresa O'Dea on behalf of Residents at Leinster Place, Grosvenor Lane and Parkview Avenue.

- 6.6.1. A further submission was received from the Appellant on 26th July, and it is detailed and includes photographs. The contents are outlined in summary form below:
- Suggestions that the appeal is invalid are refuted.

- The site notice was misleading in that it lacks reference to the proposed car free campus with an internal turning circle and shared vehicular/pedestrian/cycle route.
- Many of the comments in the response to the appeal relate to the road network surrounding the main access off Harold's Cross Road rather than the proposed Grosvenor Lane access and adjoining narrow streets which is the focus of the appeal. The trips to the proposed access will be distributed between Leinster Place, Parkview Avenue and Grosvenor Lane.
- Grosvenor Lane is not a public pedestrian laneway because it is a public vehicular laneway along with many other adjoining narrow lanes.
- Views as to unsuitability of Grosvenor Lane to cater for additional pedestrian movement based on vulnerable pedestrians, hazard and conflicting movements, and right of unobstructed entry by residents to access and egress to residences are reiterated.
- The claim that increased impact of traffic generation will be attributable to inclusion of the "Clonskeagh Regional" area is in the catchment. is also reiterated.
- Third parties have been disadvantaged because the City Council made provision for an entrance gate on Grosvenor Lane an essential requirement; it was a "done deal" or " *fait accompli*" and is unreasonable.
- The appellant supports sustainable transport, but Objectives MT 8 and MT 12 in the CDP which state that pedestrian environments must be safe and accessible are contravened. Grosvenor Lane is not safe, and it is impossible to make it safe. Use of this lane will endanger public safety and children safety so there would be a failure in duty of care by the applicant. I
- Increased pedestrian activity will have little or no impact on problems of anti-social behaviour at night. The entrance is at the safest location on the lane. The route along the lane as far as Grosvenor Square and Mount Drummond is beside rear gardens is very unsafe and does not benefit children. The quantification of pupil trips as distinct from pedestrian trips are not included in the revised travel plan so the information provided is misleading. Trips by

accompanying adult and staff are not included whereas accurate picture is provided in the report by Malachy Walsh.

- The range of proposed mitigation measures will do little to enhance safety. The usability and distribution of trips around the Grosvenor Lane network does not benefit from the controlled pedestrian crossings in terms of safety and suitability. Enhanced lighting will not mitigate the danger to pupils using the lane. Use of speed ramps for vehicles on the lane will increase noise and hazard for pupils. Road markings are not effective in reducing hazard. Parents will enter in vehicles and use the lane for parking and drop offs.
- Additional future residential development of over fifty houses with access off the lane network will increase vehicle use.
- Improved cycle infrastructure does not mitigate effects on residential amenity and inconvenience to residents entering and exiting their properties in vehicles.
- Monitoring and policing of the laneway to prevent drop offs taking place is impossible and it is not a School Monitor's task.
- The role of the Mobility Manager is not to manage access along the lane as is proposed by the applicant, given its length. Minimising accompanying trips along the way due to the presence of the mobility manager poses risks to safety of pupils as they are vulnerable road users.
- Pedestrians and cyclists must enter by several lanes and they are unsuitable for the trips and safety. The conclusions of the one-hour traffic count on Grosvenor Lane on 7/2/18 are irrelevant and unreliable. The City Council is concerned about the alignment and quality of the routes and access points as demonstrated in the request for additional information. A satisfactory response was not made, no traffic counts were undertaken for the departure times. The suggestion as to under capacity of the lane is rejected so safety remains an issue. The contended "spare capacity" to be utilised is not quantified.
- There are no references to guidance and standards in the responses of the applicant to the further information request. There are safety benefits for all road users but not for uses of Grosvenor Lane and the adjoining lanes. Cycle

parking facilities are irrelevant. The appellant's report by Malachy Walsh is accurate and detailed in demonstrating the unsuitability of the proposed access and route.

- The mass and scale of the building relative to the site and surroundings is excessive and the response of the applicant does not include any reference to this issue. There is insufficient detail to allow for observation and this is unreasonable and unjust.
- A grant of permission essentially authorises the permanency of the entrance to the temporary school having regard to the Masterplan providing for the future permanent schools. The entrance is not referenced as a temporary entrance. Appellants cannot appeal the provision of the Grosvenor Lane entrance in future applications and this eases the way for the applicant to implement the larger scale development as shown in the indicative masterplan drawings. The rights of genuine third parties engage in appeals are compromised. The dog kennels and stadium stand, the demolition of which is to be by separate application adjoining the temporary school allow for increased development beyond that of the indicative masterplan. Upwards of 4000 persons to be accommodated on the site.
- The reference by the applicant to section 9 of the report by Malachy Walsh gives a more accurate representation of vehicular trip generation on the lane and entrance than the applicant's information. The further information contradicts the earlier submissions regarding the increased in movements near the pedestrian access. The further information is incorrect, given the audits previously submitted. The applicant introduced information about the permanent schools even though it is requested that consideration be confined to the temporary school only.
- The sightlines in the appellant's submissions are not exaggerated. The information provided does not accord with DMURS standards.
- The Appellant Party's view that use of the Grosvenor Lane entrance should be excluded in entirety and that all pupils and staff should use the Harold's Cross Road on grounds that appropriate that the facilities are available on the

public road and within the application site for safe and convenient access is unchanged and is reiterated.

7.0 Assessment

7.1. The issue central to the objections within the appeals relates to the proposed pedestrian access off the southern boundary of the site from Grosvenor Lane and the use of the surrounding lane network as an access route. Separately, concerns are expressed about scale and design and intensity of development and about some procedural issues. The matters are considered under the headings below, followed by Appropriate Assessment.

- Planning Context and Procedural matters.
- Scale, intensity and design of the development
- Travel and Transportation – Public safety and convenience.
- Ground Water and Potable Water Supply
- Appropriate Assessment.

7.2. Planning Context and Procedural matters.

7.2.1. The former Harold's Cross Greyhound Stadium has been selected by the Department of Education and Science for a new permanent secondary and primary schools' campus to serve a wide catchment in the south of the city centre as part the national Schools Programme for the provision of forty-two new secondary and primary schools. To this end, there is appropriate 'Z15' zoning and corresponding specific and policies and objectives within Section 12.5.4, (SN10-SN14) a for the site location within the Dublin City Development Plan, 2016-2022 (CDP) facilitating the implementation of the Department's Schools programme.

7.2.2. An indicative masterplan has been prepared for the future school's campus, which is part of the Department of Education and Science programme for futures schools' development, at the former Harold's' Cross Stadium, details of which have been made available with the current application for information purposes. However, the future permanent schools' development in the masterplan has led to concerns by the appellant parties about the overall possible future impact of the entirety of the campus, if developed as intended, on the amenities surrounding area, particularly

residential amenities in addition to their concerns about the current proposal. As the planning assessment from the perspective of development management, is for the current application for a temporary twelve classroom school, for a period of five years and does not include the permanent schools' development indicated in the submitted masterplan. It should be borne in mind that the first-year enrolment proposed is fifty-two pupils which would increase annually by similar numbers over the five year period proposed for the duration of the temporary school development.

7.2.3. The assessment and determination of a decision in the current instance is confined to consideration of the proposed development described in the public notices and newspaper notices. It is confined to that of the proposed temporary, two storey primary school, the proposed pedestrian access from Grosvenor Lane and the vehicle/pedestrian and cycle routing and turning area (for drop-offs) and site works within the site of the application. As it is clearly indicated that the application is for permission for a temporary primary school, it is implicit that a corresponding 'temporary' pedestrian access from Grosvenor Lane is included in the current application. Contrary to the assertions of the Appellant, it is considered that there is no requirement for inclusion of the term "temporary" for the description of the proposed access off Grosvenor Lane. Should permission be granted for the proposed development, the consent to the proposed pedestrian access would cease along with the cessation of the use of the temporary school and/or the expiry of the grant of permission, should temporary permission be granted. Any material changes to the proposed access arrangements via Grosvenor Lane related to future development would be subject to further planning review.

7.2.4. Given the foregoing, it is considered that the validity of the application is not at issue and that it can be confirmed that the assessment of the application and appeals is confined to assessment of the temporary school development project subject of the current application.

7.3. **Scale, nature, intensity and design of the development**

7.3.1. There is no objection, in terms of scale and intensity in respect of the current application for a twelve-classroom temporary primary school development and the amenities and facilities on the site, as described in the notices, for a period of five years when full enrolment would be reached from a planning perspective.

- 7.3.2. It can be confirmed from review of the that the application drawings do not include any proposals for an upper floor or roof level outdoor play area that could potentially affect residential amenities. The plans indicate raised decks on the west and east elevations of the proposed structure. There is no question of noise nuisance, overlooking or intrusiveness on the privacy of residential properties from the raised decks. If deemed necessary, for the purposes of clarity, restriction on access to these decks can be provided for by condition, should permission be granted. A designated surface level play area is shown between the south west side of the proposed school building and the eastern boundary.
- 7.3.3. With regard to noise and nuisance from the outdoor space within the application site it is considered that no undue or unreasonable adverse impact on the residential amenities of properties in the vicinity would occur. While use of the external play areas would give rise to noise during school break times, it should be borne in mind that use of the school by pupils is confined to school term, day time hours exclusive of weekends. It is also of note that the applicant has included provision for timber constructed 'Woodfab' acoustic barriers along southern and eastern boundaries providing for effective noise insulation which also provides for privacy along with the vertical railings mounted on a low wall on the boundaries and existing and supplementary tree and vegetation planting on the inner sides.
- 7.3.4. The proposed school building is essentially a structure prefabricated off site and is relatively modest and low profile, albeit somewhat utilitarian in its characteristics by reason of its temporary and prefabricated nature. The 7.2 metre height is not dissimilar to that of most modestly scaled two storey houses and the footprint is not excessive. Given the footprint position, scale and profile of the proposed structure and the proposed boundary treatment, the visual impact is neutral from the perspective of potential impact on the residential properties in the vicinity or the character of the adjacent residential conservation area.

7.4. **Travel and Transportation – Public safety and convenience.**

- 7.4.1. The proposed use of Grosvenor Lane and the associated network of lanes and streets identified in the application as pedestrian routes to the school is central to the objections of the appellant parties. In this regard there is considerable focus, in the submissions, on the potential future impacts of the future permanent schools'

development intended for the site as indicated in the submitted masterplan. While concerns as to the potential impact of the possible future permanent schools' development and conversion of the former Stadium site into a schools campus, over the capacity, convenience, safety and amenities of the lane and road network and the existing community is understandable, the potential impact of the current proposal for a temporary, twelve classroom school is limited, as is demonstrated in the submissions made on behalf of the applicant in connection with the applicant and the appeal. At full enrolment at the end of the five-year period, inclusive of staff, the occupancy would not exceed three hundred and twenty.

- 7.4.2. It is acknowledged however, that the current proposal incorporates the proposal for a new pedestrian entrance to the site of the current proposal which is likely be included in future applications for the possible future permanent schools' campus planned for the overall former stadium site at a future date. If the proposed temporary entrance permitted in connection with the current proposal, third parties would be concerned that it would become established that it would automatically become permanent, although authorisation of the current proposal would be confined to temporary use in connection with the proposed temporary twelve classroom school. It is understandable that there may be assumptions that by reason of authorisation in connection with the current proposal, future favourable consideration as a pedestrian entrance for the possible future permanent schools' development may be more likely to be forthcoming, hence the focus in the appeals on the impact of the possible use as a pedestrian entrance for the possible future permanent schools' campus.
- 7.4.3. However, consideration in this instance is confined to a small proportion of the potential total movements that would be generated by possible future permanent schools' campus. The numbers involved for the proposed temporary twelve classroom primary school, whether by foot, cycle/scooter, private car or public transport represents a minor proportion of the anticipated capacity of the future permanent schools' campus once its possible future development is completed and it is fully operational.
- 7.4.4. The application includes use of the former main public entrance to the former stadium off Harold's' Cross Road as an access for vehicular trips providing for drop off and pick-ups within the site, and cycle and pedestrian trips. Details of a two-way circulation route as far as the site of the proposed temporary primary school along

the western side of the stadium site are provided. It is agreed that this option is of high quality and achieves good safety standards within and along the public road at the entrance. However, any measures to direct all arrival and departure movements to and from the school via this entrance, as a sole entrance, is contrary to the interests of convenience and direct routing, achieving good permeability, without much dependency on use of main roads and street network. Omission of the proposed pedestrian entrance and associated pedestrian use of the routing through the lane network would seriously undermine the potential to encourage and provide for sustainable travel in that use of a private car to drop off and collect pupils via the main entrance would be encouraged, due to the longer distances of the routes and greater dependency on routing along the main streets. There would need to be a strong case for justification for the proposed pedestrian entrance to be rejected.

7.4.5. It should be borne in mind that the entire lane network along with the pedestrian routing is shown in the application submissions is part of the public road network managed and maintained by the City Council. There is no evidence within the submissions made in connection with the application and appeals that there is any private ownership or that there are restrictions to rights of way over the lane network. As such there is entitlement to use of the lane network as a route, extending from Grosvenor Square and Leinster Road out through Parkview Avenue onto Harold's Cross Road as far as the existing main stadium entrance without the proposed upgrades and improvements being in place. With or without the proposed pedestrian entrance of Grosvenor Lane, pedestrian movements associated with the proposed school along this lane network, would be increase, even if the proposed pedestrian entrance on the southern boundary of the site because these routes are more direct and are likely to be preferred routes.

7.4.6. The existing lane network is primarily confined to use for access and egress to the residential properties served and by reason of the alignments, attainable speed for vehicular traffic is restrictive which is in the interest of pedestrian safety and therefore in effect prioritising pedestrian movement. Additional measures could be taken by residents, such as installation of mirrors to facilitate drivers exiting their properties where they are concerned about unobstructed visibility along the lane network and safe egress from their properties onto the lane.

- 7.4.7. The proposed improvement and upgrade works to the lane network, which include a new shared surface over a section circa fifteen metres in length along Grosvenor Lane, facilitating the possible future permanent school campus in addition to the proposed temporary school, improvement to the road surface in the vicinity of Leinster Place, speed limit and warning signage and along with lighting to facilitate pedestrians, including vulnerable pedestrians, (ie. primary cycle school pupils) are extensive, significant and effective.
- 7.4.8. The contentions as to the encouragement of anti-social behaviour involving drug and alcohol abuse, littering and dumping along the lane network are not persuasive. It seems that the opposite scenario is more likely owing to increased movements and circulation mostly by accompanied primary level pupils along with the staffing and formal and passive surveillance including management of the entrance, provided for in the school travel plan along with the improvement and upgrade works.
- 7.4.9. The methodology for the transport and traffic assessment and baseline data sourced from the CSO relied on for the updated Modal Split and School Travel Plan is appropriate. Overall, the views and recommendations of the Roads and Traffic Division in its reports are accepted as being in line with national policy for sustainable travel. Private car trip generation by the proposed temporary twelve classroom primary school for arrivals and departures would be modest. While the catchment is understood to extend to Clonskeagh for the overall permanent schools' project, the trip generation impact of enrolments from the outer catchment for the twelve-classroom temporary primary school would be insignificant.
- 7.4.10. In line with national policy for discouragement of private car drop offs and pick-ups from schools, generous provision of facilities for the convenience of motorists which is not in accordance with sustainable travel would be unacceptable. The exclusion of on-site parking facilities for staff and pupils' accompanying adults but inclusion of an access route and drop off area within the site curtilage is consistent with this policy and the safety and convenience of all road users and residents in the area. However, it is of note that a primary objective of the proposed new bus network being planned at present is to provide for an increase in the range and frequency of orbital services. These services should facilitate those within the catchment attending the future permanent schools' campus.

7.4.11. The implementation, ongoing monitoring and review and effectiveness of the school travel plan, is, it is agreed with the appellants, heavily reliant on the commitment and goodwill of the school management under whose direction, the Steering Committee and the Mobility Manger are to be appointed. It is understandable that there is some doubt in that there is reliance on commitment to good management and full implementation of the proposed arrangements, including prevention and discouragement of use of areas not available for use for drop-offs and pick up of pupils. Although the proposed twelve classroom temporary primary school, would generate a fraction of the movements that the entire planned futures schools' campus on the entire stadium site would generate, it may nevertheless inform and facilitate the preparation and consideration of possible future applications.

However, it is not considered that there is a sufficient case for rejection of the proposed arrangements on grounds that the School will fail to provide for effective implementation of the specified management measures and the required continuous monitoring and review, in conjunction with the planning authority which is a requirement by condition attached to the planning authority decision. It is proposed, should the decision to grant permission be upheld, that a similar condition be attached. The condition could include within it the specific requirements relating to the proposals in the Revised School Travel Plan included in the further information submission. It is considered that any finalisation of details on external lighting, signage and directional signage in respect of the access routes and entrance to the proposed temporary school can be addressed by condition.

7.5. Groundwater and potable water supply

7.5.1. At construction stage subject to compliance with good practice as can be provided for in construction management plan and other statutory codes, risk of groundwater disturbance and contamination can be avoided. It is not clear as to how any issues would arise at operational stage.

7.6. Appropriate Assessment

Having regard to the scale and nature of the proposed twelve classroom, temporary school development and to the serviced inner suburban location, no Appropriate Assessment issues arise. The proposed development would not 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. In view of the foregoing, it is considered that the planning authority decision to grant permission is reasonable and it is recommended that the decision be upheld based on the draft reasons and considerations and subject to the conditions set out below.

9.0 Reasons and Considerations

10.0 Conditions.

1. The development shall be carried out and completed in accordance with the plans and particulars, lodged with the application as amended by the further plans and particulars submitted on 21st March, 2018, 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 duration of the grant of permission shall expire five years from the date of this order. The use shall cease, and the structure shall be removed, and lands reinstated unless a further grant of permission has been obtained.

Reason: In the interest of clarity.

3. The following requirements shall be provided for and adhered to in the development.
 - (a) The applicant shall implement the measures for achievement of the targets specified in the revised School Travel Plan which shall be fully implemented, monitored and reviewed under the direction of the Mobility

Manager who shall be appointed by the applicant, in accordance with the requirements of the planning authority to which periodic updates on achievement of targets and provision of monitoring reports which shall be submitted in accordance with an agreed timeframe. If targets for modal split are not being achieved, alternative arrangements shall be agreed with the planning authority.

- (b) Prior to commencement of development, the applicant shall liaise with the Environment and Transportation Department in consultation with the planning authority and shall agree detailed design and a timeline for the delivery of a controlled pedestrian crossing ad Kimmage Road lower at the junction with Harold's Cross Road and a controlled pedestrian crossing at the junction of Harold's Cross Road and Leinster Road. The agreed works shall be carried out at the applicant's expense in accordance with the requirements of the planning authority.
- (c) The applicant shall agree in writing and shall comply the requirements for the provision of signage on Grosvenor Lane and a timeframe for implementation of same with the planning authority.
- (d) All improvement and upgrade provided for in the application and all maintenance and repair works required to reinstate the road and lane network following construction shall be carried out to the satisfaction of the planning authority at the applicant's expense prior to the commencement of operation of the development.

Reason: In the interest of pedestrian and vehicular safety, amenity, clarity and orderly development.

- 4. All trees to be retained on site shall be enclosed by protection fencing, erected outside the branch spread prior to commencement of development and shall be maintained in place throughout the construction stage, in accordance with the standards set out in BS 5837 and the requirements of the planning authority in consultation with the Parks and Landscape Division.

Reason: In the interest of environmental and visual amenity and clarity.

- 5. Details of the materials, colours and textures of all external finishes shall be submitted to, and agreed in writing with, the planning authority prior to

commencement of development. A panel of the proposed finishes shall be placed on site to enable the planning authority to adjudicate on the proposals.

Reason: In the interest of orderly development and visual amenity.

6. No additional development shall take place above roof parapet level, including lift motors, air handling equipment, storage ducts, ducts or other external plant, telecommunications aerials, antennas or equipment, unless authorised by a further grant of permission.

Reason: To protect the visual amenities of the area.

7. Site development and building works shall be carried out only between the hours of 0700 and 1800 from Monday to Friday inclusive, between 0800 hours and 1400 hours on Saturdays and not at all on Sundays, Bank or 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.

8. All necessary measures shall be taken to prevent spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the site works.

Reason: In the interest of traffic safety.

9. The noise level shall not exceed 55 dB(A) rated sound level (i.e. corrected sound level for a tonal or impulsive component) at the nearest dwelling between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the determination of compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

10. **Reason:** To protect residential amenity and the amenities of the area

11. Details of proposed arrangements which shall include preparation of a method statement for the removal of invasive plant species from the site and for prevention of spread of the species of propagules during the construction stage shall be submitted and agreed in writing prior to the commencement of development.

Reason: In the interest of environmental protection, clarity and orderly development.

12. The construction stage for the development shall be managed and implemented in accordance with a Construction Management Plan, which shall include comprehensive details for noise and air quality control and monitoring shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The plan shall provide details of construction traffic arrangements, parking and arrangements for removal of construction waste and disposal off site.

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

13. All service cables associated with the proposed development shall be located underground. The developer shall provide ducting to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

14. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the occupation of the development.

Reason: In the interest of amenity and public safety.

Jane Dennehy
Senior Planning Inspector
24th August, 2018.