



An  
Bord  
Pleanála

## Inspector's Report ABP-303213-18

### Development

#### PROTECTED STRUCTURE:

Demolition of ancillary teaching facility and construction of General Purpose Hall. Reconfiguration of car park and all weather surface and associated site development works.

### Location

Loreto College, 53-55 St. Stephen's Green, Dublin 2.

### Planning Authority

Dublin City Council South

### Planning Authority Reg. Ref.

2874/18

### Applicant(s)

The Board of Management, Loreto College.

### Type of Application

Permission.

### Planning Authority Decision

Grant

### Type of Appeal

Third Party

### Appellant(s)

Charlotte Sheridan & Kevin Woods.

### Observer(s)

None.

**Date of Site Inspection**

20<sup>th</sup> March 2019

**Inspector**

Sarah Lynch

## 1.0 Site Location and Description

- 1.1. The appeal site is located to the rear of no. 53 - 55 St. Stephens Green East (Loreto College) which are Protected Structures listed within the Dublin City Council Record of Protected Structures. The Fitzwilliam Architectural Conservation Area boundary is located to the south west of the appeal site and is separated from the site by Laverty's Lane.
- 1.2. The appeal site comprises the existing car parking area which is accessed via Quinn's Lane, an existing ancillary educational building, all weather recreation area and ancillary green areas to the south east and west of the school site.
- 1.3. The appeal site is bounded to the south east and west by Quinn's Lane and Laverty Court respectively and is screened from these public roads by a c. 3.5 metre solid wall. The site is open within the boundary walls and is bounded to the north east by the existing Sports Hall which is a large building of c. 11 metres in height and to the south west by an existing single storey ancillary educational building which is proposed for demolition as part of this appeal.
- 1.4. Development within the immediate surrounds consists of a diverse mix of educational, residential, office and commercial buildings, ranging from 3-5 storeys along Quinn's Lane and Leeson Lane to two storey mews developments to the west of Laverty Court.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the following:
  - Development of a part 2 storey part 3 storey all-purpose hall
  - Replacement of all-weather surface recreational area
  - Reconfiguration of staff car park
  - Demolition of existing single storey ancillary teaching facility
  - Reconstruction of part of boundary wall with Quinn's Lane

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission was granted subject to standard conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The planners report was consistent with the decision of the planning authority, further information was requested in relation to roads issues and an arborists report.

#### 3.2.2. Other Technical Reports

- Archaeology – no objections raised subject to compliance with standard conditions.
- Drainage Division – no objections raised subject to compliance with standard conditions
- Road and Traffic Planning Division & Conservation – Requested additional information in relation to:
  - Use of the proposed new entrance and tarmac route onto Quinn's Lane.
  - Justification for the removal of on-street parking spaces and need for loading bay.
  - Copy of school travel plan and details of existing cycle facilities
  - Arborist report and landscaping proposals

### 3.3. Prescribed Bodies

- TII – No observations

### 3.4. **Third Party Observations**

Two third party submissions were received, and the issues raised are as detailed within the grounds of appeal.

### 4.0 **Planning History**

A number of permissions have been granted for extensions to existing buildings within the school campus of relevance is the following:

3728/14 Permission was **granted** for the extension of the existing sports hall.

### 5.0 **Policy and Context**

#### 5.1. **Development Plan**

Dublin City Development Plan 2016-2022

The site is located in an area subject to the Z1 zoning objective which seeks 'to protect, provide and improve residential amenities. The main school buildings adjacent to the appeal site are located in an area subject to the Z8 zoning objective which seeks 'to protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective.'

- Section 10.5.7 Trees
- Section 11.1.5.1 - Record of Protected Structures
- Policy CHC2 – Protection of Protected Structures
- Section 11.1.5.5 – Conservation Area
- Section 16.16 – Schools
- Section 16.10.20 - Development on Archaeological Sites and in Zones of Archaeological Interest
- Policy SN10 – Facilitate school extension

Fitzwilliam Square and Environs Architectural Conservation Area

- Section 2.1 Architectural Character

- Section 5.0 Interventions which would detract from the character

## 5.2. **Natural Heritage Designations**

None

## 5.3. **EIA Screening**

5.4. There is no real likelihood of significant effects on the environment based on the nature, size and location of the proposed development. No EIAR is required.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

- The number of car parking spaces is excessive and contrary to the requirements of the Development Plan.
- The provision of car parking compromises the quality of open space available to students.
- Carparking is detrimental to the setting of the protected structure.
- The development is deficient in cycle parking
- The permitted sports hall extension coupled with the proposed development will significantly reduce the already limited level of play space available to students.
- Carparking should be reduced in favour of playspace for students.

### 6.2. **Applicant Response**

- It is acknowledged that there are no car parking standards identified within the Dublin City Development Plan for schools, however given the dynamic nature of the combined educational facilities, the quantity of staff and the number of students the quantum of car parking is considered to be acceptable.
- Car parking is required for late night and early morning extracurricular events.

- 2 additional spaces are to facilitate disabled parking
- TII have made no objections to the development
- The proposed parking layout seeks to reconfigure the existing
- Travel plan to be submitted by way of condition
- The permitted extension to the existing sports hall will not be built if this appeal is granted, the existing free play space between this sports hall and the all-weather pitch will be available to students.
- The removal of the beech tree will be replaced by 12 semi mature trees and raised planted areas. The overall landscaping of the area will be improved.
- The tree was originally part of a Victorian garden, none of which remains. The tree is not protected.
- The all-purpose hall would be available to the junior school also.

### 6.3. **Planning Authority Response**

- None

### 6.4. **Observations**

- None

### 6.5. **Further Responses**

Response was received from the appellant to the applicants' response to the grounds of appeal and can be summarised as follows:

- Provision of parking has a negative impact on the use of alternative modes of transport.
- Car parking area is only available to staff and is not a set down/drop off area.
- Car parking is unauthorised.
- Teachers can avail of public car parks if necessary at times of events.
- TII not objection was not in relation to car parking.

- Car parking should be omitted or reduced
- Cycle parking is not sufficient
- Define the car park area

## 7.0 **Assessment**

The appeal site is located in an area subject to the Z1 zoning objective which seeks to protect, provide and improve residential amenities. The principle of an educational building at this location is acceptable. The main issues relating to this appeal are those which are raised within the grounds of appeal, appropriate assessment is also considered. I am satisfied that no other substantive issues arise. The main issues are as follows:

- Car parking & Open space
- Impact on Protected Structure
- Appropriate Assessment

### **Carparking & Open Space**

- 7.1. It is contended within the grounds of appeal that there is an under provision of open space available to students which can be utilised for free play. The appellants contend that the proposed development, which would result in the removal of the grassed area and tree directly in front of the existing ancillary teaching building, would exacerbate this situation and further restrict the quantum of available passive open space available to students. Further concerns have been raised within the grounds of appeal which pertain to a previously approved extension to the existing sports hall. It is contended that should this permission be built, the open space within the appeal site would be further reduced which would have a negative impact upon students.
- 7.2. The appellants also state within the grounds of appeal that the existing level of car parking within the appeal site is inappropriate and should not be increased as proposed. It is contended that carparking is not a requirement of the Dublin City Development Plan for educational uses within inner city locations. It is further stated within the grounds of appeal that the proposed carparking area should be replaced with open space to provide for a larger free play space for students.



- 7.3. Whilst I acknowledge the appellants concerns regarding the level of open space available to students, I also acknowledge that this is an inner-city school with significant constraints in relation to available space. The existing grassed area in front of the ancillary teaching facility is of limited quality in terms of usability and I consider its functionality to serve students in any meaningful manner to be questionable. The existing mature beech tree whilst of aesthetic value within the site it is of no historical relevance and is the remanence of a Victorian garden. Whilst the removal of this tree is regrettable, I note that the applicants have proposed to plant 15 semi mature trees as a measure of compensation, this is considered to be acceptable.
- 7.4. In relation to play space, I note from the plans that it is proposed to provide a hard surfaced play area between the existing sports hall and the proposed all weather pitch and proposed general purpose hall. This will provide a useable space away from the entrance gate and separate from the carpark for students to play in. I consider this proposed hard surface play area to be an adequate alternative to the limited grass area which is proposed to be removed.
- 7.5. It is important to acknowledge at this juncture, that the proposed development will provide new and enhanced facilities in the form of the new all-weather pitch and general-purpose hall which will be available for use by both the Loreto Junior and Senior schools. Section 12.5.4 of the Dublin City Development Plan 2016-2022 encourages the sharing of facilities between schools and I consider the proposed development to be acceptable in this regard. It is of further note that these facilities will be available to the students throughout the year and in particular the use of the general-purpose hall will not be weather dependent, and thus provides for enhanced recreational space for students in excess of what is currently available.
- 7.6. In conclusion and with regard to the quantum and quality of open space to be provided, I consider that the proposed development enhances and improves the facilities available to students within this constrained site and I therefore consider that the open space to be provided to be adequate.
- 7.7. In relation to the car parking arrangement proposed, I note that an additional 2 spaces are proposed to provide for disabled parking, I also note that the existing school is located in Zone 1 as defined within the Dublin City Development Plan

2016-2022. Table 16.1 of this plan outlines the car parking standards required for development in the city and specifies that no car parking is required for schools located within Zone 1.

- 7.8. School developments located within zone 1 are encouraged, within the plan, to support both students and staff to use sustainable modes of transport when travelling to the facility. The appeal site is located within one of the most accessible locations of the city, with multiple high frequency bus routes passing directly adjacent to or in close proximity to the school, a Luas stop is c. 3-minute walk from the site and cycle lanes are abundant. Given the high level of accessibility to the appeal site by multiple modes of transport, I do not consider the provision of additional car parking to be acceptable. The 2 no. disabled spaces required shall be provided for from the existing quantum of spaces within the site.
- 7.9. It is proposed to provide an additional 20 no. cycle spaces which will result in a total of 30 no. spaces available for use by both the junior and senior schools. I note the response from the applicant in this regard, however this level of cycle parking is significantly below the standards of the Dublin City Development Plan, which if implemented, would have a requirement for 258 spaces.
- 7.10. Whilst I have had regard to this standard in my assessment, I also acknowledge the constrained nature of the site and the difficulties in accommodating the level of cycle parking that would be required under the Development Plan standards and concede that a reduced number of spaces would be acceptable in this instance. However, notwithstanding the constraints present on site, additional cycle parking is required and should be provided for through the loss of additional car parking spaces. As such if the Board is of a mind to grant permission I recommend that a condition is imposed which seeks the submission of a revised parking layout which illustrates a reduction of no less than 2 no. car parking spaces to facilitate additional cycle parking and in addition the removal of further spaces to provide for disabled car parking.

### **Impact on Protected Structure**

- 7.11. I note within the grounds of appeal that the appellants are concerned with the impact of the proposed car parking layout on the existing Protected Structures at no. 53 - 55 Stephens Green. I noted at the time of site inspection that the existing school

buildings, ancillary buildings and surrounding grounds have been developed and extended extensively over time to such an extent that there is no semblance of the original ground's layout remaining. The applicant submitted a report with the planning application which details the historical and architectural significance of the existing Protected Structures present on site and the potential impacts of the proposed development upon these Protected Structures and the adjacent Fitzwilliam Square Architectural Conservation Area.

- 7.12. I note within this report that it is stated that the original laneway houses that were once located along Quinn's Lane have been lost and the architectural character of the adjacent laneways is now unremarkable. The Fitzwilliam Square Architectural Conservation Area is predominantly concerned with the streets surrounding the Georgian square namely Fitzwilliam Square North, East, West and South. The appeal site is out of sight from these streets and as such I consider that development at this location is significantly unlikely to have any impact upon the character or setting of this ACA.
- 7.13. In relation to the Protected Structures present, namely no.'s 53 - 55 St. Stephens Green, it is stated within the applicants' architectural impact report, that although the appeal site lies within the overall landholding it is not part of the historic curtilage of the Protected Structures and could not be considered as having a formal relationship with the former houses. This is evident from the historical maps which depict the appeal site as open land removed from the curtilage of the houses.
- 7.14. As mentioned above in Section 7.10 the appeal site has been altered and redeveloped to such an extent that the grounds associated with the houses no longer exist. Whilst the integrity of the Protected Structures remains with the retention of internal features and decoration, the layout of the associated grounds are irreparably altered and as such have no bearing on the integrity of these former houses. The impact of a revised parking layout upon the setting of these Protected Structures is therefore negligible and I do not consider that this element of the development or indeed the development in its entirety would have any negative or deleterious impact upon the integrity, setting or character of the Protected Structures at no. 53 & 55 St. Stephens Green. I consider the proposed development to be acceptable in this regard and in accordance with the provisions of the Dublin City Development Plan 2016-2022.

## **Appropriate Assessment**

- 7.15. The applicant has submitted an Appropriate Assessment Screening report by NM Ecology Ltd. The report outlines that the appeal site is not located within or adjacent to any Natura 2000 sites. The potential indirect impacts on distant sites were considered within a zone of influence of 5km and on the River Liffey downstream of the proposed development site. The report concluded that there will be no risk to any waterbodies or Natura 2000 sites and as such it was concluded that the proposed development would not require a stage 2 appropriate assessment.
- 7.16. Having regard to the information submitted by the applicant and observations made at the time of the site inspection, I do not consider that the proposed development would significantly impact on the Natura 2000 sites. Therefore, having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the distance to the nearest Natura 2000 sites, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

- 8.1. I recommend that permission is granted subject to the following conditions:

## **9.0 Reasons and Considerations**

- 9.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022, the Z1 zoning objective, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity or the integrity of the adjacent Protected Structures or negatively impact the setting of the adjacent Fitzwilliam Square Architectural Conservation Area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

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

**Reason:** In the interest of clarity.

2. The two additional car parking spaces proposed shall not be permitted, prior to the commencement of development, the applicant shall submit a revised car parking layout providing for a reduced number of spaces. The revised layout shall provide for 2 no. disabled parking spaces and shall omit no less than a further 2 additional spaces to provide for additional cycle parking. The revised layout shall be submitted and agreed in writing with the planning authority.

Reason: In the interest of proper planning and sustainable development.

3. Prior to commencement of development, the developer shall provide for the following: -
  - (a) The appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works.
  - (b) The submission of details of all finishes and of all existing original features to be retained and reused where possible.
  - (c) All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including

structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the structure and/or fabric.

**Reason:** To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

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

**Reason:** In the interest of the visual amenities of the area

5. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the school. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

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

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

**Reason:** In the interest of public health

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by

or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

11. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.



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Sarah Lynch  
Planning Inspector  
27<sup>th</sup> March 2019