



An
Bord
Pleanála

Inspector's Report

ABP-306570-20

Development	Proposed extension/new entrance.
Location	Newtown School, Newtown Road, Waterford.
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	1947
Applicant(s)	Board of Management of Newtown School
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	William and Gillian Hogan.
Observer(s)	Miriam Butler
Date of Site Inspection	3 rd June, 2020.
Inspector	Stephen Kay

1.0 Site Location and Description

- 1.1. The appeal site comprises the campus of the Newtown School, a co-educational secondary school which caters for both day pupils and borders, and which is located c.1.3km to the south east of the city centre. The site has frontage on the northern side to the Newtown Road and the existing vehicular access to the site is via an entrance at the north west corner of the site off the Newtown Road. To the north west of the site is located Newtown National School and, at the junction of Wilkin Street and the Newtown Road, a Quaker graveyard.
- 1.2. The western boundary of the site comprises the National School site and, to the south, Wilkin Street. This boundary is characterised by a high stone wall of c.3 metres in height with mature trees on the site side of the boundary. The southern boundary of the site is formed by Passage Road, and there is a high stone wall along this frontage comprising a mixture of original boundary and more recent walling. There is an existing pedestrian entrance located at the junction of Wilkin Street and Passage Road. The eastern boundary of the site comprises the rear of gardens of houses that front onto the Newtown Road. The stated area of the appeal site is 8.17 ha.
- 1.3. The existing layout of buildings on the site is concentrated on the western and south western sides of the campus. The original buildings are grouped around a courtyard at the end of the entrance driveway and comprise Wyse House on the eastern side of the courtyard and the library on the western side. Both of these structures are included in the record of protected structures for County Waterford. The bulk of the classroom and dormitory accommodation is located on the western side of the campus, adjacent to the boundary with Wilkin Street. To the south of the main buildings, the swimming pool and gym are located close to the southern boundary with Passage Road. The area to the east of the swimming pool at the southern end of the campus is characterised by hockey pitches and the balance of the site north as far as the Newtown Road is laid out for sports pitches.
- 1.4. The stated floor area of the existing buildings on the site is 10,063 sq. metres.

2.0 Proposed Development

2.1. The proposed development comprises the demolition of a number of existing blocks within the existing campus and the construction of new school accommodation. The following is a summary of the main elements of the proposed development:

- The creation of a new recessed entrance of Passage Road at a position opposite the existing junction with Saint Patrick's Way. The new access is proposed to have a pedestrian entrance and pedestrian crossings either side to facilitate access.
- The demolition of the 5 no. existing two storey classroom blocks that are located on the western side of the school campus in the vicinity of Wilkin Street. These blocks are proposed to be replaced with a new three storey classroom building that is located approximately parallel with Wilkin Street, starting approximately at the junction with Wilkin Court and extending south to the junction of Wilkin Street and Passage Road. The new classroom block has a staggered floorplan with the northern half at a lower level that reflects the fall in ground levels from south to north on the site and on Wilkin Street. In the case of both sections of the building the height from ground level to parapet height is c.11.5 metres.
- The 20th century link building that connects the dining hall (on the south west side of Wyse House) and the library is proposed to be demolished and replaced with a two storey entrance block building to house reception, administration and staff facilities.
- The demolition of the more modern (20th century) southern part of the bio laboratory block (located to the west of the library) and the construction of a new single storey special needs unit. The small retained northern section of the bio lab building is to be converted to a museum.
- The demolition of the entrance lobby to Foy Hall to the south west of the library building and the construction of a new circulation core to that structure.
- Construction of new link connecting Wyse House with the bio lab.

- Alterations to the dining room and classroom block to create two storey dining area.
- Refurbishment of Wyse House to include the insertion of a lift and part of a new staircase to facilitate the use of the building as general classrooms. Wyse house is a protected structure.
- The refurbishment of the library block to include the replacement of two 20th century roof lanterns. The library is a protected structure.

- 2.2. The stated combined gross floor area of the proposed development is 9,289 sq. metres and the floor area of the existing buildings that are proposed to be retained is 6,819 sq. metres giving a total post redevelopment floor area of 16,108 sq. metres, or c.60 percent greater than the existing.
- 2.3. The existing school has a current pupil numbers of c.335 of which c.110 are stated to be boarders. The proposed development is designed to accommodate a total student population of 600 with an objective of having a split of 450/150 between day pupils and boarders.
- 2.4. The current number of staff / teachers is stated to be 58 and it is envisaged that this could increase to 63 with the proposed development in place.

3.0 Planning Authority Decision

3.1. Further Information

Prior to the issuing of a Notification of Decision, the following further information was requested:

1. The submission of a revised site layout / revised proposals that indicates a footpath and cycle way along the southern boundary of the site along the Passage Road from Wilkin Street to the proposed new entrance. Bus set down area to be provided within the site boundary.
2. The submission of cross section drawings showing the relation of the proposed new classroom blocks to the properties on Wilkin Street and the submission of a shadow assessment.

3. The submission of a revised drawing showing trees to be removed and cross referenced to the arborist report.
4. Clarification regarding proposed works (if any) to the existing main entrance from Newtown Road.
5. The submission of a revised architectural heritage impact assessment that provides a more coherent assessment of the impact of the proposed new development on architectural heritage.
6. Amendment of the appropriate assessment screening report to take account of the discharge of surface water from the development into the combined drainage network which outfalls to the Lower River Suir SAC.
7. The submission of design specification for the development finishes.

The following is an outline of the main information and changes made to the application on foot of this further information request:

- Explains how the provision of a 3 metre wide pedestrian / cycle lane along the southern side of the site gives rise to both technical and practical difficulties. In particular, it is noted that this requirement would result in the loss of trees that are identified for protection in the development plan (6 no. mature trees specifically), that the loss of the boundary wall part of which is original and which is included as part of the protected structure that is the school, that the set back is not feasible in the vicinity of the swimming pool building and that there are a number of other pinch points located further to the east of the proposed entrance that would mean that it is not viable including the presence of a mews building that forms part of the Rockville demesne that is included on the RPS. It is also stated that the existing layout seeks to maintain two lanes in either direction in the vicinity of the new entrance and that the proposed footpath and cycle lane would restrict this with negative impacts of traffic.

- That the development would have potential benefits from a pedestrian and cyclist safety perspective. Internal pick up and drop off area / circulation will be provided and the existing potentially dangerous pedestrian entrance is proposed to be closed off.
- That a pedestrian survey in 2016 indicated that 47% of students accessed the school via the pedestrian entrance / back gate.
- That the junction capacity analysis undertaken indicates that the junction can operate satisfactorily and is based on 75 percent of cars using the new entrance, a student number of 600 and occupancy of 1.8 students per car.
- Sections submitted showing the relationship of the development to Nos. 2, 4 and 6 Wilkin Street, (Drgs. 16015-P-3001/3002/3003). 3D views of the development from the Wilkin Street / Passage Road junction.
- An alternative layout is suggested which involves the narrowing of the traffic carriageways to between 2.5 and 2.75 metres and the introduction of traffic calming measures on the Passage Road. This would enable the provision of a footpath on both sides of the road that would benefit access to the Passage Road community and would also mean that temporary parking in the path could be discouraged by a raised kerb.
- Site Plan 16015-P-1000 shows the options for the provision of a bus set down area within the site. The vehicle set down area has also been increased in extent.
- Shadow diagrams submitted that indicate a limited impact on residential amenity. That the existing mature trees, many of which are evergreen, are retained.
- Drg. No.16015-P-3003 shows section drawings D, E and F through the proposed pe hall, existing boundary and Passage Road. The position of the sports hall has been altered to move it a further 2 metres from the site boundary.
- Drg. 16015-P-1006 (Site Plan – Tree Strategy Drawing) shows existing trees and trees to be removed cross referenced to the arborists report. Proposals for additional tree planting are set out.

- Drg. 16015-DD-3400 shows a section through the proposed new lift.
- Revised Archaeological Impact Assessment prepared by Colm Flynn submitted.
- The scope of works for Wyse House have been revised to reflect the full extent of works. Clarified that the existing internal doors will be retained and upgraded for fire protection.
- Revised AA Screening Report submitted that provides additional clarification / details regarding surface water drainage from the site.
- Schedule of finishes submitted.
- Response to objections on file submitted.

3.2. **Decision**

Permission was granted by the Planning Authority subject to 20 no. condition the most significant of which are considered to be as follows:

Condition No.2 requires that prior to the commencement of development, a revised site layout shall be submitted to and agreed with the Planning Authority that shows a set back of the existing boundary to Passage Road between the junction with Wilkin Street and the proposed new entrance showing a new 3 metre wide footpath. Details including the new boundary wall to be agreed with the area engineer.

Condition No.4 requires the developer to consult with Irish Water.

Condition No.6 requires the submission of a construction traffic management plan.

Condition No.9 requires the mitigation measures identified in the Bat Report submitted to be implemented in full.

Condition No.15 sets out a number of detailed requirements relating to arboriculture, tree planting and landscaping.

Conditions 16 and 17 relate to conservation and architectural heritage.

3.3. Planning Authority Reports

3.3.1. Planning Reports

Initial report notes that the conservation officer has a number of concerns regarding the level of detail submitted and that revised proposals are required. . Also noted that the Roads department require the provision of a footpath and cyclepath along the southern boundary of the site along Passage Road. Considered that further information detailing the relationship of the proposed buildings to surrounding residential properties are required and further details regarding the trees to be removed and cross reference to the site plan is required. Second report subsequent to the request for further information indicates that the roads department consider that a footpath connection is essential, that the removal of the boundary wall and trees in this location is considered justifiable and that the proposal by the applicant for the provision of a footpath on both sides of the Passage Road would result in a sub standard form of development with footpaths on both sides below the minimum. Considered that the scale and location of development would not have an undue negative impact on residential amenity of surrounding houses and that the development is acceptable from perspective of conservation, archaeology and appropriate assessment. A grant of permission consistent with the notification of decision which issued is recommended.

3.3.2. Other Technical Reports

Roads – Stated that verbal consultation undertaken and that a footpath on Passage Road is required. Report subsequent to the submission of further information states that the lack of a footpath is a significant concern given the closing of the existing pedestrian entrance and the lack of any connection between Wilkin Street and the proposed new entrance.

Water Services – Planning Officer report states that verbal consultation undertaken and that no objection subject to Irish Water approval. Report on file dated 31.1.2019 states that there is no objection to the proposed development.

3.4. **Prescribed Bodies**

TII – Submission stating that TII have no comments to make on the proposed development.

Irish Water – No objection.

3.5. **Third Party Observations**

The following is a summary of the main issues raised in the third party observations on file:

- That the development will significantly increase congestion in the vicinity of the site.
- That there will be a loss of existing car parking spaces along the Passage Road.
- That the proposed pedestrian crossing will conflict with existing houses / entrances.
- That there will be a loss of parking and therefore a requirement to introduce traffic controls.
- That the development will have a negative impact on Wilkin Street.
- That there would be a loss of trees arising from the proposed construction site entrance.

4.0 **Planning History**

The school site is subject of an extensive planning history as summarised in the report of the Planning Officer on the appeal file. The following recent planning history is noted:

Waterford City and County Ref. 16/705; An Bord Pleanála Ref. 248706 – Permission granted by the Planning Authority for extension to girls dormitory at Newtown School. This decision was the subject of an appeal to the Board against financial contributions.

Waterford City and County Council Ref. 13500032 – Permission granted by the Planning Authority for alterations and extensions to existing Newtown Junior School to include the following: a two storey extension to the rear, a single storey extension to the side and internal alterations to the existing layout together with all other associated site works.

Waterford City and County Council Ref. 10500170 – Permission granted by the Planning Authority for development consisting of alterations to the front facade of Jacob classroom building to provide 4 no. new external doorsets in lieu of 4 no. existing windows, for ancillary works, at Newtown School which is a Protected Structure.

Waterford City and County Council Ref. 10500166 – Permission granted by the Planning Authority for the erection of a two storey extension to the rear of existing house, reconfiguration of internal layout, alterations to external finishes and window/door design and associated site works, including the widening of existing vehicle entrance, at Easton, Newtown Road, Waterford. The proposed development is within the curtilage of a Protected Structure (R.P.S. No. 1021).

5.0 Policy Context

5.1. Development Plan

The appeal site is located on lands that are zoned Community Facilities under the provisions of the *Waterford City Development Plan, 2013 – 2019* with the stated objective ‘to protect, provide and improve community facilities’. As per the Schedule of Uses set out in 12.16 of the development plan, ‘Education’ uses are identified as a Permitted Use.

The development plan (Variation No.1) sets a parking standard of 1.25 spaces per classroom.

The trees located within the Newtown school site are identified as trees of special amenity in the Waterford City Development Plan, 2013-2019 and the following objectives and policies are relevant:

POL 10.5.4 *'To protect, preserve and ensure the effective management of, trees and groups of trees, considered to be of special amenity value included in schedule 3'*.

POL 10.5.5 *'To ensure when planning to undertake development or when considering the approval or authorisation of development that the protection, preservation and management of existing trees of amenity value, and the implementation of a planned planting and management scheme, are provided for'*.

OBJ 10.5.5 *'To ensure when undertaking development or when permitting development that the loss of or damage to existing trees is minimised'*.

OBJ 10.5.6 states that it is an objective *'to ensure when undertaking development or when permitting development that the loss of or damage to existing trees is minimised'*.

No.315 on the Record of Protected Structures for Waterford is Newtown School.

Section 6.2.3 relates to Other Sustainable Modes (of transport). Under the heading of Walking and Cycling the following objective (OBJ 6.2.1) is included:

'To provide a citywide cycle network to link all areas of the city to each other via main routes. Existing and proposed extension of the City's cycle network is also outlined on the zoning objectives map. The proposed network is both radial and orbital, with some elements located off street in amenity areas'.

5.2. Other Relevant Policy Documents

Design Manual for Urban Roads and Streets

In section 3.3.4 under the heading of Way finding the manual states that landmarks, civic buildings and spaces (including schools) should be highlighted in design by measures including *'Ensuring that pedestrian facilities are adequate to cater for large number of visitors.'*

The used of raised or other coloured surfaces in the vicinity of schools is referenced in 4.4.7 (horizontal and vertical deflections).

Smarter Travel - A Sustainable Transport Future. A New Transport Policy for Ireland 2009-2020

The document details a range of 'Actions' in relation to the integration of land use planning and transport policy. It is recognised that this cannot be achieved solely in relation to new development and the significance of retrofitting is highlighted:

'We will require local authorities to prepare plans to retrofit areas towards creating sustainable neighbourhoods so that walking and cycling can be the best options for local trips, for example to reach local facilities such as shops and schools'.

5.3. Natural Heritage Designations

The appeal site is not located within any European sites.

The site is located within c. 200 metres of the Lower River Suir SAC (site code 002137) which is to the north east.

5.4. EIA Screening

Notwithstanding the proximity of the proposed development to the Lower River Suir SAC site and the conservation significance and presence of protected structures on the appeal site, it is considered that the nature and scale of the development would not result in a real likelihood of significant effects on the environment. The need for environmental assessment can therefore be excluded at preliminary examination stage and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the main issues raised in the third party appeal received:

- Object to the requirements of Condition No.2 as attached to the grant of permission which relates to the requirement for a 3 metre wide set back footpath along the side of the Passage Road adjoining the site.
- That there is no objection in principle to the proposed school works or to the relocation of the entrance from the Newtown Road to the Passage Road subject to the existing car parking being retained.
- That the proposed relocation of the entrance will have a hugely negative impact on the residential quality of Passage Road. The negative impacts could be lessened by good design and these designs should not be guided by the retention of the schools existing very extensive site but rather by the protection of residential amenity as far as possible.
- The fact that the council recognise that the site wall in the vicinity of the entrance is not historic is welcomed as is the required set back to this boundary.
- That the introduction of the new entrance will restrict on street parking outside the appellants house as there will be a requirement for double yellow lines. This does not have to be the case.
- That the wording of condition No.2 leaves significant matters to be agreed between the applicant and the Planning Authority without any input from third parties.
- That the proposed 3 metre wide footpath is considered pointless in view of the existing footpath widths (1.2 metres), the lack of use of the footpath the majority of the time.
- It is not possible to build this 3 metre footpath due to the pinch point caused by the corner of the swimming pool building.

- The proposed entrance will be more intensively used due to the proposed closure of the existing pedestrian access at the top of Wilkin Street.
- It is submitted that the pushing back of the boundary wall and the provision of a set down area and 1.2 wide footpath would be a much preferable solution from a traffic congestion and safety perspective. This solution would also have benefits for residents as a source of overflow parking and provision of a pedestrian parking area. The pinch point created by the swimming pool building would form a natural limit on the set down area and the lay by would not mean that the double yellow lines would restrict visitor parking. The necessity for children to cross the road would also be significantly reduced.

6.2. Applicant Response

The following is a summary of the main issues raised in the first party response to the third party appeal:

- That the basis of the appeal that the current visitor parking be retained is flawed as there is currently no formal visitor parking. As it stands, there is insufficient space to accommodate roadside parking and allow for two way traffic.
- That there is an existing tendency to park partially on the footpath which is a health and safety issue, especially given the restricted (1.2 metre in places) width of the footpath.
- That the overall aim of the proposed traffic strategy is to enhance the surrounding pedestrian and cycle environment. This has been achieved by the provision of internal set down and pick up area, the closure of the existing pedestrian access on Passage Road that results in unsafe vehicular movements, and the provision of a new recessed entrance that links to the existing footpath networks by way of two pedestrian crossings.
- The submission of the third party that the 3 metre footpath requirement is excessive is agreed with, and an alternative provision of a footpath on both sides of the Passage Road and the reduction in vehicular traffic lane widths

and use of traffic calming measures resulting in footpaths of 1.1 and 1.35 metres as per the response to further information is considered a better solution that would prevent stopping on the road.

- That the lay by solution proposed by the appellants is not considered to be appropriate for a number of reasons including encroachment onto school lands, adequate existing parking off street to Nos. 22-27 Passage Road, that the lay by would only suit traffic approaching from the west, excessive proximity to the junction resulting in safety issues, negative impact on future traffic calming measures, loss of a beech tree within the site and adjacent to the PE hall and restriction of further screen planting within the site.

6.3. Planning Authority Response

No response to the third party grounds of appeal were received from the Planning Authority.

6.4. Observations

The following is a summary of the main issues raised in the observation on behalf of the residents of Wilkin Street residents:

- That the development would lead to additional traffic congestion over a longer morning period with an additional 150 vehicles.
- That the proposed three storey building facing the boundary to Wilkin Street was not altered in any significant way on foot of the request for further information. Suggestions were made regarding the reduction in height by the use of tiered blocks or the relocation of the block however these were not taken up.
- That changes were made to the gym building and location where it faces Passage Road however no changes were undertaken to the development facing Wilkin Street to mitigate the concerns of the residents regarding overlooking and loss of amenity.

- That the application does not accurately reflect how the trees along the boundary will appear in reality. There are significant gaps in the existing stands of trees.
- That the drawings indicate that no trees along the Wilkin Street side of the site will be removed, however the response of the first party to an observation indicates that trees will be removed to facilitate a construction access.
- Requested that the building fronting Wilkin Street be set back further and reduced in height. Extensive planting should also be provided to the gaps in the existing trees along this frontage.
- In the event that permission is granted then there should be no parking of construction workers along Wilkin Street, there would be daily clean downs of the road and that the school would be liable for any damage caused during construction.

6.5. Further Responses

The following is a summary of the main issues raised in the submissions received on the first party response to the grounds of appeal.

Third Party Appellant

- That the issue of the loss of on street parking arising from the proposed new school access was flagged to representatives of the school approximately 2 years prior to the submission of the application. Despite the contact with the school representatives the one issue identified regarding the impact on visitor parking along the Passage Road was ignored.
- That the statement of the first party that there is no formal visitor parking along Passage Road is not correct.
- That the overall '*traffic strategy*' put forward by the first party at further information stage was thankfully rejected by the rejected by the applicants.
- That the provision of a pick up and drop off point within the school is pointless as it would not be used by the parents.

- That the closing of the existing pedestrian access at the top of Wilkin Street will only result in more pedestrians being attracted to the new entrance point.
- That the proposed recessed entrance, two pedestrian crossings and footpath on one side of the road will not result in a safe environment for children.
- That reference by the first party to '*no further encroachment*' makes clear the views of the school to the design approach.
- That the lay by / set down area proposed by the appellants would be accessible for the majority of traffic accessing the site.
- Submitted that the proposed use of pedestrian crossings would be far more dangerous than the proposed lay by. It is not considered likely that traffic calming measures would be required on the Passage Road.
- That contrary to the statement of the first party that the current proposed access arrangement is the most appropriate, it is submitted that by far the optimal solution would be the provision of a new access point onto the Newtown Road on the far side of the campus and that this alternative should be seriously considered. (A sketch of this alternative access is provided with the submission).

No responses were received from the observer or from the Planning Authority.

7.0 Assessment

7.1. The following are the main issues in the assessment of the current appeal:

- Principle of Development and Zoning,
- Access, Traffic and Requirement for Setback of Boundary to Passage Road
- Conservation and Heritage Issues,
- Impact on Residential and Visual Amenity,
- Other Issues
- Appropriate Assessment.

7.2. Principle of Development and Zoning,

7.2.1. The appeal site is located on lands that are zoned Community Facilities under the provisions of the Waterford City Development Plan, 2013 – 2019 with the stated objective *'to protect, provide and improve community facilities'*. As per the Schedule of Uses set out in 12.16 of the development plan, 'Education' uses are identified as a Permitted Use. The site is an established residential campus and the principle of redevelopment of the buildings on site and the addition of new educational facilities is considered to be consistent with the land use zoning of the site and acceptable in principle.

7.3. Access, Traffic and Requirement for Setback of Boundary to Passage Road

7.3.1. The basis of the third party appeal relates to the impact of the proposed revised site access on traffic in the vicinity of the entrance, and specifically on the availability of off street parking for the residents of the properties on Passage Road that are located in the vicinity of the proposed new entrance. .

7.3.2. In principle, I do not accept the position of the appellants that there is an entitlement to off street parking in this location or that the loss of existing parking is a significant consideration in the overall assessment of this appeal. As noted by the first party during the course of the assessment of the application and in their submissions on the grounds of appeal, the existing houses on Passage Road in the vicinity of the junction with Saint Patrick's Way, including that of the appellants, have off street parking and existing on street parking in this location is characterised by cars partially parking on the already narrow footpath. I do not therefore accept the idea that the junction and set down design should be designed to accommodate on street parking for the residents of this location.

7.3.3. In stating the above position, there are in my opinion a number of issues with regard to the most appropriate vehicular access to the appeal site. Firstly, I consider that the provision of a second vehicular access point is appropriate and would assist in reducing pressure on the existing main access at the north west corner of the school campus. This access is located at a busy and complicated junction where there are

a number of conflicting turning movements and restricted width at the access point. The principle of the provision of an alternative vehicular access point to the school, and particularly one that is located on the opposite (southern) side of the school campus is therefore in my opinion appropriate. The proposed expansion of the classroom and student numbers (from the current c.355 to c.600) would in itself lead to significant additional demand for access via the existing main school access point.

7.3.4. The existing environment in the vicinity of the proposed new access to Passage Road, and specifically the section of Passage Road between the proposed access and the junction with Wilkin Street is characterised by a narrow footpath (c.1.2 metres) on the southern side of the street and no footpath on the northern side. The report of the Roads Department on file (subsequent to the submission of further information) indicates that a footpath along the northern side this section of Passage Road is considered necessary and a similar position was adopted in the initial assessment of the application by the Planning Authority. Given the restricted footpath on the southern side, and the fact that the existing pedestrian access at the Wilkin Street / Passage Road junction is proposed to be closed as part of the development, I would agree that a footpath on the northern side of this section of the road would be desirable. Such a facility would be consistent with the overall aims of DMURS regarding the user hierarchy (2.2.2 of DMURS) which puts pedestrians and cyclists at the top, and would also be consistent with the provisions of Smarter Travel and the aim that walking and cycling can be the best options for local trips, including those to school.

7.3.5. During the course of the assessment of the application and the appeal submissions, a number of proposals have been put forward, however the majority of these options result in sub optimal solutions. Condition No.2 attached to the Notification of Decision, requires that the existing boundary to Passage Road between the junction with Wilkin Street and the proposed new entrance would be set back so as to provide for a new 3 metre wide footpath, with details to be agreed. The issue with this arrangement is that it involves the removal of the existing boundary wall along Passage Road which is part of the historic (and protected) curtilage of the school site and also that it will result in the loss of existing trees within the school grounds which it is an objective of the development plan to retain. On both of these issues, I consider that there is scope for some compromise if it was considered that the

setting back of the boundary in this location would result in a significantly improved pedestrian and traffic layout. In particular, as highlighted in the submissions on file, significant sections of the existing boundary wall along the section between Wilkin Street and the proposed entrance are comparatively recent and the number of trees identified in this area is limited to approximately 6 no. mature specimens. Subject to a satisfactory layout being determined I do not have an objection to the principle of this section of the boundary being removed. Of potentially more significance in the context of Condition No.2 is the fact that the location of the existing swimming pool building relative to the boundary wall is such that it is not feasible for the boundary to be set back by the 3 metres specified in this location. From an inspection of the site it is apparent that the clearance to the swimming pool building in this location is less than 1 metre. Despite being flagged by the applicant in the response to further information submitted, this fact is not noted or discussed in the second Planning Officer report on file and the implementation of the condition as attached by the Planning Authority is not therefore capable of being implemented by the first party.

- 7.3.6. I note that the restriction arising from the swimming pool building is located such that it is within c.20 metres of the centre of the proposed new entrance and at a point where the road configuration provides for two east bound lanes of traffic, including a right turning lane onto Saint Patrick's Way. It would appear possible that the provision of this lane was accommodated by the setting back of the school boundary in this location at a past date. The removal of the right turn lane in this location would result in additional space that could accommodate the 3 metre footpath and cycleway favoured by the Planning Authority and would, in my opinion, be the optimal solution in this location. Such a solution would also in my opinion be consistent with the requirements of DMURS and specifically the identified hierarchy of road users as set out at 2.2.2. There is however no indication on the appeal file that the local authority are open to the removal of this lane and it is not something that can in my opinion be required by way of condition as it is outside of the control of the first party to deliver. Similarly, the very large kerb radii at the junction of Wilkin Street and Passage Road is noted and is contrary to DMURS given the absence of a footpath on the eastern side of Wilkin Street, however the required works are outside the scope of the subject application.

- 7.3.7. I note the alternative option for the provision of a footpath on the northern side of suggested by the first party as part of the response to further information request for the provision of a footpath in this location. This alternative layout provides for a reduction in the existing carriageway widths down to between 5.0 and 5.5 overall carriageway and the provision of a narrow footpath on the northern side of Passage Road measuring c. 1.1 metres. As noted by the Roads Department of the council, this layout would however result in sub standard footpaths on both sides of the road and I would agree that this is inappropriate particularly given the location close to a school. In addition, the nature of Passage Road being a regional route is as a link street and as per Figure 4.55 of DMURS, I do not consider that a carriageway width below 5.5 metres is appropriate, particularly where sub standard footpath widths are proposed.
- 7.3.8. I note the alternative layout suggested by the third party appellants which proposes the provision of a 2.5 metre wide lay / set down area with a 1.2 metre wide footpath to the rear and extending over a distance of c.70 metres. In addition to use as a set down area for use by the school and with pedestrian access into the school grounds, it is suggested that this area could be used as a visitor parking area outside of school hours. Retention of the existing pedestrian access at the Wilkin Street / Passage Road junction is also proposed and it is submitted that this layout would enable the retention of the western section of the boundary along Passage Road and also the mature trees in this area. I agree with the Planning Authority that there are a number of problems with this proposal, in particular that it would likely lead to the proposed drop off area within the school grounds not being used and traffic conflicts with the Passage Road / Saint Patricks Way junction. This layout would also lead to a section of parking / layby and footpath that does not connect to the wider footpath network and does not improve pedestrian connectivity. Finally, the provision of the layby would only serve traffic heading east bound on Passage Road. For these reasons, I do not consider that the layout as proposed by the appellants is appropriate from a pedestrian connectivity or traffic safety perspective.
- 7.3.9. The concerns set out by the third party appellant regarding the likely use of the proposed internal set down and circulation area are noted and I agree that the likely use of such facilities could be questioned when drop off on Passage Road and surrounding streets is an option. The closure of the existing pedestrian access at the

Wilkin Street / Passage Road junction would in my opinion help to deter the existing drop offs that are done at this junction and the absence of a footpath on the northern side of Passage Road would act to encourage traffic to access the site and use the drop off area. The design of the drop off area was the subject of revisions on foot of the request for further information, and the layout as submitted as part of that response submission, including provision for coach set down area is in my opinion acceptable. I also note that the option of through vehicular access through the site would be closed off to traffic at peak times.

7.3.10. In conclusion on the issue of the access and treatment of the boundary along the Passage Road, I agree with the Planning Authority that the optimal solution involves the provision of a set back to this boundary to provides for a footpath and cycle path in this area. Such a facility is in my opinion consistent with the user hierarchy set out in DMURS and the priorities set out in Smarter Travel for the promotion of cycling and walking. In principle, I also consider that the removal of the boundary along the section between the proposed entrance and the junction with Wilkin Street to facilitate the provision of a footpath / cyclepath is acceptable given the condition and age of the wall and the limited number of mature trees that would be lost. The provision of such a continuous route is not however feasible within the extent of lands that are within the control of the first party and the requirements set out in Condition No.2 attached to the Notification of Decision cannot be met. While an optimal solution which incorporates the setting back of the boundary to the west of the swimming pool and the reallocation of road space in the vicinity of the pinch point formed by the swimming pool is apparent, this is not within the control of the first party to deliver and no indication is available that this arrangement would be acceptable to the planning authority. For the reasons outlined above, I consider that both the alternative options put forward by the first party and the third party appellants are problematic and would lead to traffic / pedestrian safety issues. The decision is therefore one of whether the layout proposed in the application is acceptable or whether the absence of a footpath along Passage Road is such that refusal of permission on the basis of inadequate pedestrian connectivity and pedestrian safety is warranted. On balance, while not ideal, I consider that the layout proposed by the first party as part of the application, namely the creation of a

new vehicle and pedestrian access in the location proposed, with turning and set down area within the site is the best solution available.

- 7.3.11. The development plan (Variation No.1) sets a parking standard of 1.25 spaces per classroom. As per the revised layout (Drg 16015-P-100) submitted as part of the further information request there are a total of 75 spaces proposed to be provided on site which is satisfactory for a 30 classroom school.
- 7.3.12. I note that a temporary construction access via Wilkin Street is proposed as part of the application. The exact nature and location of this access is no clear from the application documentation and I note the concerns expressed by the third parties regarding the potential impact of such an access on trees and screening of their properties. In the event of a grant of permission the submission of details of this temporary construction access should be submitted for the agreement of the Planning Authority and the submission and agreement of a detailed site landscaping plan is also considered appropriate.
- 7.3.13. With regard to the capacity of the existing and proposed junctions on the Passage Road, I note the results of the submitted Traffic Impact Assessment which indicate that the proposed junction can operate satisfactorily. The assumptions underlying this assessment notably that 75 percent of cars would use the new entrance, a student number of 600 and occupancy of 1.8 students per car are considered robust.

7.4. Archaeology, Conservation and Heritage Issues,

- 7.4.1. The application is accompanied by a number of reports relating to architectural heritage and archaeology as well as an assessment of the impact of the proposed development on the existing structures on site. The submitted reports include the following:
- Archaeological and Architectural Heritage Impact Assessment prepared by Colm Flynn and Rob Goodbody.
 - Archaeology Test Trenching Report by Colm Flynn Archaeology,
 - Architectural Heritage Impact Assessment, prepared by Paul Arnold Architects.

- Detailed photographic survey of Wyse House and also the library building.
- 7.4.2. On foot of the request for further information issued by the Planning Authority, the applicant submitted further clarification regarding the extent of works proposed to Wyse House, including that the existing internal doors will be retained and upgraded for fire protection. A revised Archaeological Impact Assessment prepared by Colm Flynn was also submitted.
- 7.4.3. The school complex is included on the Record of Protected Structures for County Waterford, (Ref. No. 315). The main buildings of significance located within the campus comprise Wyse House, which is located on the eastern side of the front square, and the library building which is located on the opposite side. The overall setting of the buildings comprising the school entrance, driveway and the boundary walls and features are also of significance.
- 7.4.4. The proposed development does not propose that any works would be undertaken to the existing main school entrance located at the north west corner of the lands and which accesses the Newtown Road. The proposed development will not impact in any significant way on the existing view of the school buildings from the entrance gate on Newtown Road, or the basic setting of the buildings. The original layout of the site was undertaken with the school buildings clustered at the south west corner of the overall site and the balance of the lands was historically used for agricultural purposes. This division of the site has been maintained through the development of the school over the years with development concentrated in the south west corner of the site, and it is in my opinion appropriate that the future development would respect this basic layout.
- 7.4.5. Wyse House and the library are connected by additions including the current canteen and a single storey link structure known as Legoland which incorporates the existing school entrance. Wyse House is comprises a three storey three bay building finished in render with a slate hung elevation on the eastern side which dates from c.1786. The works proposed to this structure comprise extensive renovation from its current rather poor condition, with the main intervention proposed being the addition of a lift. This lift is proposed to be added to a secondary space within the building and will not in my opinion have a significant impact on the basic layout or fabric of the building. Its addition is required in order to provide access to

the entire building to facilitate its conversion to use for classrooms and school administrative accommodation and to provide a connection to the new link structure that will connect to other buildings. This new link building and the scale of this new structure is not in my opinion such as to overpower the existing form of Wyse House. Overall, the nature and extent of the works proposed to Wyse House are in my opinion acceptable and I note that the extent of works to all rooms in Wyse House was clarified by the information submitted as part of the response to further information.

- 7.4.6. The library building on the western side of the front square is also proposed to be the subject of refurbishment and reuse for school accommodation. Similar to Wyse House, I consider that the nature and scale of the works proposed to this structure are appropriate and will ensure its sympathetic refurbishment and future beneficial use. In common with Wyse House, the further information submitted provides a very detailed breakdown of the extent of works proposed to this structure and, subject to a condition requiring that works be overseen by a conservation architect, I am satisfied that the works proposed would not have an adverse effect on the character or setting of the library building.
- 7.4.7. The works propose the complete or partial demolition of a number of existing structures on the site. While these form part of the history of the development of the campus, the relevant structures are of limited architectural importance and are currently designed and laid out in a relatively haphazard manner on the site. The proposed development will result in the consolidation of this accommodation in new purpose designed buildings which are proposed to be sited such that they do not compete with or overwhelm the existing historic structures on the site.
- 7.4.8. The proposed new access to the campus from the passage Road side will require the removal of a section of the existing boundary wall measuring c.30 metres in length. The condition of the wall in this location is however of relatively recent construction, and therefore the extent to which historic wall would be lost is in my opinion limited. The entrance would result in a break in the existing boundary feature, however I do not consider that this is such as to have a significant impact on the character or setting of the protected structure.

7.4.9. With regard to **archaeology**, the site has been the subject of archaeological test trenching and the results of this assessment are presented in the report on file dated November, 2016 prepared by Colm Flynn Archaeology. In terms of policy, the site is located outside the identified Zone of Archaeological Potential, however map sources indicate that post medieval development may have occurred in the vicinity of the proposed development and the site is in an elevated prominent location relative to the settlement of Waterford that would indicate that there is potential that development occurred at the site. The test trenching was undertaken in the areas of proposed new development and no evidence of archaeological material was identified. As per the second Archaeological Impact Assessment submitted as part of the response to further information, in the event of a grant of permission, additional test excavations are proposed to be undertaken following building demolitions, including in the vicinity of the new classroom block and new PE hall. This is considered appropriate and adequate to address the moderate vulnerability to archaeological heritage arising from the development as identified in the submitted assessment.

7.4.10. **Impact on Residential and Visual Amenity,**

7.4.11. The primary issue raised in the observation received from Miriam Butler relates to the impact of the proposed development of the classroom blocks on the residential amenity of the existing houses on Wilkin Street. This submission specifically highlights the three storey scale of the proposed new classroom block in this location, the fact that the trees along the boundary are not particularly good at providing cover and that there is proposed to be a works access created along this frontage that will result in the loss of trees. In undertaking an assessment of the impact of the development on residential amenity there are, in my opinion, a number of issues to note.

7.4.12. Firstly, the design of the proposed classroom block is split level and this reflects the fact that the ground levels on the site vary. In particular, the ground level falls away from the Wilkin Street boundary and from a high point at the south west corner of the site. The relationship of the proposed classroom block to the existing residential properties on Wilkin Street is illustrated in the site sections submitted as part of the

response to further information. As can be seen from Sections A and B on Drg. 16015-P-3001 submitted as part of the further information response, the ground level at the lower classroom block is below the level of the road and properties on the west side of Wilkin Street. .

- 7.4.13. The new classroom block is proposed to range in height from 11.5 metres at the lower part of the block to a maximum height at the lift overrun at the central part of the block of 15 metres. The residential properties opposite that front onto Wilkin Street range between c.5 metres for the single storey buildings and 8 metres for the two storey. The new development would therefore be significantly larger in scale than the residential properties on Wilkin Street, however I note the fact that the proposed new classroom block is not located materially closer to the site boundary or to the residential properties on Wilkin Street than is the case with the existing buildings. In this regard, the proposed development would be located a minimum of 13.8 metres from the boundary wall and minimum of 26 metres from the closest properties on Wilkin Street. In general, this separation distance between the residential properties and development within the school campus in this area would be slightly increased under the proposed layout.
- 7.4.14. I also note the fact that the proposed classroom block would not exceed the height of the existing trees along the Wilkin Street boundary. The separation distance encompasses the boundary wall that is c.3 metres in height and the mature trees that are located along this boundary and which are of a height to significantly screen the proposed building.
- 7.4.15. I note the results of the shadow analysis presented as part of the response to further information. This indicates that the potential impact of the proposed development on the amenity of the houses on Wilkin Street would be limited to the morning period and that there would not be any additional shadowing impact over and above that arising from the trees. The analysis presented does not clearly indicate the impact without the presence of the trees, however the information presented is considered sufficient to conclude that the proposed development would not have a significant impact on residential amenity due to overshadowing.

7.4.16. Overall therefore, having regard to the relative scale of the proposed classroom block and the existing development on Wilkin Street, to the separation distance between the proposed development and the residential properties, to the use of the proposed development and the fact that it faces the front of the residential properties and, most significantly, the presence of mature trees, a high boundary wall and road between the classroom block and the residential properties, I do not consider that the proposed development would have a significant negative impact on residential amenity due to overlooking, overshadowing or overbearing visual impact. I note the suggested relocation of the new classroom block put forward in third party submissions on file, either through repositioning further from the boundary or relocation of new facilities to another part of the site. These suggestions are noted, however for the reasons set out above, I do not consider that such changes to the proposed development along the Wilkin Street side of the site are necessary or warranted. Any relocation of the classroom block further from the boundary would have implications for the rest of the development including specifically the proposed special needs building. The option of positioning new development to some of the existing undeveloped parts of the campus to the north and east of the existing buildings is referenced above under the heading of Conservation and Heritage. As set out in that section, I consider that the historical form and setting of the site is such that the clustering of the new development within the extent of the existing buildings is the approach which best respects the historic layout and character of the site.

7.4.17. The issue of residential amenity has also been raised by the third party appellants in the context of the potential impact of the proposed PE hall on the amenity of properties on Passage Road. On this issue, I note the fact that as part of the response to further information the PE hall building was relocated approximately 2 metres further away from the boundary with Passage Road. Similar to the situation on Wilkin Street, the development proposed in this area would be separated from the residential properties by a high boundary wall and by the public road. The nature of the building is such that no issues of overlooking would arise and I also note and agree with the comments made by the first party with regard to the orientation of the proposed PE hall building and the fact that the proposed positioning of the PE hall at an angle to the boundary and to the houses on Passage Road would reduce its

visual bulk and impact. For these reasons I do not consider that the development proposed on the southern side of the campus would have any adverse impact on the residential amenities of properties in the vicinity.

7.5. Other Issues

- 7.5.1. With regard to site servicing and drainage issues, the initial application to the Planning Authority was accompanied by an Engineering Report. The site is characterised by a wayleave of 15 metres around a local authority foul drain that crosses the site from south to north (Passage Road to Newtown Road). The submitted Engineering Report indicates that the pre connection enquiry with Irish Water indicates that adequate water supply is available to serve the development and that the foul drainage capacity requirements of the development can be met without the need for any upgrades. The proposals for water supply and drainage are considered to be acceptable subject to a final connection agreement being obtained from Irish Water.
- 7.5.2. A **Bat Survey Report** was submitted with the application, prepared by Malone O'Regan Environmental Services. This report includes a survey of all existing buildings where works are proposed and an assessment of the potential for bat activity and habitat. A survey of the site for bat activity was also undertaken. The results of these assessments indicate that while there are a number of building locations where bat could potentially use as roosts, the surveys undertaken indicate that no bat activity was observed at any of the identified buildings. There is some potential for the site to be used by foraging pipistrelle species however the proposed works are not considered to have any significant potential impacts on bats. On the basis of the information presented and having regard to the observations of the site I agree with the conclusions of the submitted assessment that there is not likely to be any significant impacts on bats arising from the development.
- 7.5.3. The application proposes that the site would be the subject of landscaping and landscaping proposals are detailed on the Site Plan. With specific regard to the Wilkin Street elevation and the screening provided in this location by the existing trees, the response to further information submitted by the first part indicates that all existing trees will be retained as indicated on the Arborist Report and will be

supplemented where necessary. In the event of a grant of permission it is recommended that a detailed landscaping plan showing all proposed planting and species would be submitted for the approval of the Planning Authority. It is also considered appropriate that in the event of a grant of permission that the location of the proposed construction access on Wilkin Street would be submitted for agreement with the location to be designed to minimise any impact on existing trees.

7.5.4. Section 7 of the adopted Waterford City and County Council Development Contribution Scheme, 2015-2021 sets out exemptions to the requirement to make a contribution under section 48 of the Act. Under the sub heading of Non Residential Extensions, the following is listed as exempt:

(13) Non-fee paying primary schools and secondary schools and other educational institutions possessing charitable status. (For clarification purposes, student accommodation is afforded exemptions and reductions under separate headings of the scheme).

7.5.5. It is not clear to me whether this exemption is applicable to Newtown School as it is a fee paying private secondary school, however it does possess charitable status as evidenced by the documentation on file. No financial contribution condition was attached to the Notification of Decision to Grant Permission issued by the Planning Authority and in the event of a grant of permission it is recommended that no such condition would be included in the schedule of conditions.

7.6. **Appropriate Assessment.**

7.6.1. The appeal site is not located within any European sites. The site is located within c. 200 metres of the Lower River Suir SAC (site code 002137) which is to the north east of the appeal site.

7.6.2. The following are the features of interest for which the site is listed:

- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)
- Mediterranean salt meadows (*Juncetalia maritimi*)
- Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation

- Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels
- Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, *Alnion incanae*, *Salicion albae*)
- *Taxus baccata* woods of the British Isles
- *Margaritifera margaritifera* (Freshwater Pearl Mussel)
- *Austropotamobius pallipes* (White-clawed Crayfish)
- *Petromyzon marinus* (Sea Lamprey)
- *Lampetra planeri* (Brook Lamprey)
- *Lampetra fluviatilis* (River Lamprey)
- *Alosa fallax fallax* (Twite Shad)
- *Salmo salar* (Salmon)
- *Lutra lutra* (Otter)

7.6.3. The nature of the proposed development is such that there is no direct pathway between the proposed development and the SAC. The site is connected to the public water supply and foul and surface water drainage networks. As part of the request for further information, the applicant was requested to provide further clarification regarding the discharge of surface water from the site and the potential for this to have any impact on the SAC site due to the fact that the combined outfall discharges to the River Suir within the area covered by the SAC. The information submitted with the application indicates that the foul drainage discharges to combined foul sewers, one that traverses the site and a second one on Wilkin Street. In the case of surface water, it is proposed to be collected in a separate system and discharged to the combined drain that traverses the site north to south. This drain flows to the Irish Water network and treatment plant prior to discharge with the treatment plant having been the subject of works in 2010 to bring the capacity to

190,000 pe. There is not therefore considered to be a potential pathway between the appeal site and proposed development and the SAC site.

- 7.6.4. Having regard to the above, the proposed development is not considered likely to have significant effects on the Lower River Suir SAC or any other European site, having regard to the conservation objectives of the site.

8.0 Recommendation

- 8.1. Having regard to the above, it is recommended that permission is granted based on the following reasons and considerations and subject to the attached conditions.

9.0 Reasons and Considerations

Having regard to the zoning of the site for Community Facilities under the provisions of the *Waterford City Development Plan, 2013-2019 (as varied)*, to the established educational use of the site and historic layout of the school campus with development concentrated in the south west corner of the site, to the scale and nature of development and limited impact on historic built fabric and to the pattern of development in the area and the separation distance between the proposed development and surrounding residential properties and screening provided by existing trees on site and boundary features, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not have an adverse impact on the character or setting of the protected structure (Newtown School) and would be acceptable in terms of traffic safety and convenience. 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 as amended by the further plans and particulars submitted on the 19th day of December, 2019 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. Prior to the commencement of development, full details of the recessed site entrance to Passage Road including details of the replacement section of wall, and the new junction layout shall be submitted for the written agreement of the Planning Authority.

Reason: In the interests of visual amenity and traffic safety.

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

Reason: In the interest of public health.

4. Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Irish Water.

Reason: In the interest of public health.

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

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

6. All service cables associated with the proposed development shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Demolition schedule
- (c) Location of areas for construction site offices and staff facilities;
- (d) Details of site security fencing and hoardings;
- (e) Details of on-site car parking facilities for site workers during the course of construction;
- (f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;

- (g) Measures to obviate queuing of construction traffic on the adjoining road network;
- (h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (k) Location and details of the proposed temporary construction access on Wilkin Street, including measures for the avoidance of mature trees on this boundary and proposals for the reinstatement of the boundary wall post construction.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

9. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

10. The mitigation measures set out in the Arboricultural Assessment received by the Planning Authority on 31st January, 2019 shall be implemented in full except as may be required to comply with other conditions of this permission.

Reason: In order to screen the development and assimilate it into the surrounding area and in the interest of visual amenity.

11. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) proposals for the screening of the construction access on Wilkin Street.
- (b) proposals for the strengthening of the existing site boundary to Wilkin Street,
- (c) proposals for the reinstatement of temporary gravel surfaces indicated on Drg. No.16015-P-1002).

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding area and in the interest of visual amenity.

12. The mitigation measures set out in the Bat Survey Report received by the Planning Authority on 31st January, 2019 shall be implemented in full by the developer.

Reason: To ensure the identification and protection of bat species that may be present on the site.

13. 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) Implement in full the mitigation measures set out in the Archaeological Impact Assessment received by the Planning Authority on 19th December, 2019 as may be required to comply with other conditions of this permission.
- (b) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development,
- (c) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (d) 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.

Stephen Kay
Planning Inspector

30th June, 2020