



An
Bord
Pleanála

Inspector's Report ABP-308201-20.

Development	Permission for an educational campus and associated services. PROTECTED STRUCTURE.
Location	Roslyn Park, Sandymount, Dublin 4.
Planning Authority	Dublin City Council South.
Planning Authority Reg. Ref.	4429/19.
Applicant(s)	Minister for Education & Skills.
Type of Application	Permission.
Planning Authority Decision	Grant with Conditions.
Type of Appeal	Third Party
Appellant(s)	Multiple Third Parties: <ol style="list-style-type: none">1. Desmond O'Brien2. Declan Kinsella & Paula Fullerton3. Katie & William Redmond4. Sandymount & Merrion Residents Association5. Seafort Avenue Residents Group

Observer(s)

Multiple:

1. Jessica Ryan & Family
2. Colum Clissmann & Aleana Egan
3. Olivia Freeman
4. Jimmy & Eva Costello

Date of Site Inspection

02/12/2020.

Inspector

A. Considine.

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1.0 Site Location and Description

- 1.1. The subject site is located off Beach Road, the R131 and approximately 300m to the south west of the Poolbeg West SDZ. The site lies to the rear of houses fronting onto Seafort Avenue to the north and includes frontage onto Newgrove Avenue to the south. The site includes an existing school campus which includes a number of education and institutional facilities including Roslyn Park College and Shelly Banks Educate Together National School. In addition to the educational facilities on the site, Rehab have their regional offices on the site also. To the south west of the subject site, there is a Methodist Church, Christ Church, and Mount Tabor Care Centre and Nursing Home with further terraced houses located to the south on Newgrove Avenue.
- 1.2. The site has a stated area of 2.1ha and is bound to the north and east with a high wall and mature planting. The grounds include a large area of open space to the east of the site with the buildings located along the north western, western and south western boundaries. The overall site was formerly used as a secondary school under the Sisters of the Sacred Heart of Mary from the 1950s until it was taken over by the Rehab Group for educational and institutional purposes in the 1980s. The existing buildings on the site generally rise to two storeys in height, with a number of prefab units, all single storey, also present on the site. The planning application notes that a total floor area of 5,196m² is to be demolished to accommodate the new campus.
- 1.3. In terms of existing buildings, Roslyn Park College comprises the largest building and is located along the north western area of the site. The building rises to two storeys and is in the art deco style. The building includes a pitched slated, full hipped roof and has a pebble dashed finish. This building has been extended over the years and is not a protected structure.
- 1.4. Sandymount Park House is an early 19th Century, three bay two storey building with a flat roof. This building has been adapted and extended over the years and includes a pebble dashed finish. There are a small number of historic features remaining in this building. This building is not a protected structure and has been compromised by the 1950s extensions.
- 1.5. No. 12 Seafort Avenue is a small early 19th Century, two storey 3 bay house which is located to the western area of the subject site. This house is located in the Seafort

streetscape and connects to the adjacent building to the south. The house is set back from the road and a red brick, single storey extension to the northern section of the front elevation extends to the footpath. The property to the south west rises to three storeys while there is a gated access to the site located to north east of the building. This access is used as a pedestrian access to the Shellybanks Education Together National School located to the rear of No. 12 Seafort Avenue. The building is currently unoccupied, and windows are boarded. While the condition of the building is poor, it retains some of its historic fabric. This building is not a protected structure.

- 1.6. The proposed redevelopment of the site provides for the retention of Roslyn Park House, which is a protected structure and sites centrally within the site. This protected structure, also known as Gandon Villa, is a five bay, two-storey over basement house which was designed by James Gandon and built in 1792. The house is considered to be a fine example of refined classicism. A two-storey extension was constructed to the rear and used a glass link to connect with the main house. This building is used by Roslyn Park College.
- 1.7. Other existing buildings on the site to be demolished include prefabs and the Sandymount Park Educate Together Secondary School, which is a temporary school permitted under ABP Ref: ABP-300989-18.
- 1.8. A site notice was erected at the three entrances into the site including Seafort Avenue, Beach Road and Newgrove Avenue.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices as follows:
 - PROTECTED STRUCTURE: The Minister for Education & Skills intends to apply for planning permission for development on a 2.11 ha site approximately at Roslyn Park, Beach Road, Sandymount, Dublin 4. (Roslyn Park House, also known as the Gandon Villa, is a Protected Structure – see RPS Ref. No. 496).
 - The development, which will comprise a new educational campus, delivered on a phased basis, will include the phased demolition/removal of the existing

educational/institutional buildings on the site including the two storey Roslyn College, the link element between the two-storey rear extension to Roslyn Park House and Roslyn College, the two storey Sandymount Park House and the existing temporary accommodation to the rear of Sandymount Park House.

- The development will consist of the provision of 1 no. two storey over basement 24 classroom primary school (Shellybanks Educate Together National School: Roll No. 20441S) with a gross floor area of 3,830 sq m, including all ancillary teacher and pupil facilities, and 1 no. part-three storey over double basement 1,000 no. pupil post-primary school (Sandymount Park Educate Together Secondary School: Roll No. 68305F), which will include the part of the site currently occupied by the temporary school as permitted under An Bord Pleanála Ref: ABP-300989-18; Dublin City Council Reg. Ref. 4023/17, with a gross floor area of 11,116 sq m, including all ancillary teacher and pupil facilities;
- The re-configuration and revision of the existing internal layout of the rear extension of Roslyn Park House for educational and related administrative uses and the refurbishment and upgrade of the existing vacant building at No. 12 Seafort Avenue for educational and related uses.
- Vehicular access to the site will be from the widened Newgrove Avenue entrance (as previously permitted under An Bord Pleanála Ref: ABP-300989-18; Dublin City Council Reg. Ref. 4023/17) with egress onto Beach Road by way of a one-way system through the campus.
- Pedestrian and cycle access to the site will be from Newgrove Avenue, Seafort Avenue and Beach Road.
- The development will include the provision of:
 - bicycle and scooter parking;
 - hard and soft play areas (including rooftop area);
 - piped infrastructure and ducting;
 - plant;

- landscaping and boundary treatments;
- PV panels;
- external courtyards;
- disabled car parking spaces;
- ESB substation and 2 no. substation access doors to the site boundary wall on Newgrove Avenue;
- privacy screens;
- ancillary ramps and stairs;
- signage;
- attenuation tank;
- changes in level

and all associated site development and excavation works above and below ground, all at Roslyn Park, Beach Road, Sandymount, Dublin 4.

2.2. The application included a number of supporting documents including as follows;

- Plans, particulars and completed planning application form
- Planning Report
- Architectural Impact Statement
- Landscaping Report
- Tree Protection Strategy
- Arboriculture Impact Assessment
- Cultural Heritage Assessment
- Invasive Plant Survey
- Bat Survey and Impact Assessment
- Appropriate Assessment Screening Report
- Construction and Waste Management Plan
- Engineering Assessment Report

- School Travel Plan
- Traffic and Transport Assessment
- Flood Risk Assessment

2.3. Following a request for further information, amendments were made to the overall height of the buildings in order to accommodate proposed basement level classrooms to above ground level, given that the site is located within a Flood Zone A. The following additional documents were submitted as part of the response to the FI request:

- Architectural drawings
- Landscape drawings
- Engineering drawings and reports, including a revised School Travel Plan and revised Flood Risk Assessment
- Walkability Audit
- Updated Invasive Plant Survey May 2020
- Sunlight and Daylight Access Analysis
- Photomontages
- Noise Impact Assessment
- Revised Architectural Heritage Impact Assessment, Revision A May 2020.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant planning permission for the proposed development subject to 15 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, planning history and the City Development Plan policies and objectives. The report also includes an Appropriate Assessment Screening Report. The assessment addressed issues in relation to zoning, demolition, design amenity and layout, conservation, traffic parking & pedestrian movement, drainage and flooding, archaeology and construction management and phasing.

The initial Planning Report concludes that further information is required in relation to the development in terms of flooding, landscaping and play areas, parking and transportation, design and amenity, construction and phasing and conservation.

Following the submission of a response to the FI request, the Board will note that the development was readvertised. The final planning report had regard to the further third-party submission as well as internal technical reports and concluded that the proposed development was acceptable. The Planning Officer recommends that permission be granted for the proposed development, subject to 15 conditions.

This Planning Report formed the basis of the Planning Authority's decision to grant planning permission.

3.2.2. Other Technical Reports

Drainage Division: The Division objects to the proposed development as it is under high fluvial risk (Zone A). The siting of vulnerable uses below ground level is not acceptable in principle.

Following the submission of the response to the further information request, the Drainage Division advised no objection to the proposed development, subject to compliance with conditions.

City Archaeologist: The site is not located within the Zone of Archaeological Constraint for any Recorded Monument and an Archaeological Impact Assessment was submitted with the application, which recommended no mitigation is require. However, given the scale

of the development, there is the possible presence of subsurface archaeological features associated with the coastal location which may be impacted upon. The AIA also noted an 18th century granite rubble wall running along the western perimeter of the site.

It is recommended that a condition of archaeological monitoring be included in any grant of permission.

Transportation Planning Division: The detailed report submitted requires that further information be submitted in relation to the following:

1. Clarification on the road and footpath improvements required under ABP decision relating to the temporary school.
2. Issues relating to access including internal footpath layout, pedestrian and cyclist route, walkability audit, details of how the entrances will be restricted to vehicular traffic, school bus access and phase 1 access provisions for the primary school.
3. Review of car parking provisions for staff.
4. Clarify number of cycle / scooter spaces to be provided, location of spaces, staff facilities, scooter parking and type of scooter parking proposed.
5. Request the applicant liaise with DCC and the NTA regarding the potential impact on the Sandymount / Merrion to Blackrock Corridor of the East Coast Trail.
6. Clarification on the modal split outlined in the School Travel Plan.

Following the submission of the response to the further information request, the Transportation Planning Division advised no objection to the proposed development subject to compliance with a number of conditions.

The Board will note the requirements in terms of the internal footpath and cycle layout, and the requirement for an Operation Traffic Management Plan as detailed in the TPD report.

Conservation Officer: The report notes that the CO attended pre-planning meetings. The report notes as follows:

The works will result in Roslyn Park House being identifiable as a standalone structure which is welcome.

While the retention of No. 12 Seafort Avenue is welcomed, the proposal to remove all internal primary fabric may have a subsequent and significant negative impact on the structural integrity of the historic building as well as on its special character.

In terms of the gate onto Seafort Avenue, it is submitted that the extant gate is sufficiently wide to facilitate pedestrian and bicycle traffic and therefore, it is requested that the width of the gate remain unaltered.

Further information required.

Following the submission of the response to the further information request, the Conservation Officer seeks a revision to the increased height of the building in the vicinity of No. 12 Seafort Avenue is reduced to protect the special character of the ACA. Subject to the above, and compliance with a number of conditions, the CO has no objections to the development.

3.2.3. Prescribed Bodies

The Planning Authority sought submissions from the following prescribed bodies:

Irish Water: No response

Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs: No response

An Taisce: No response

The Heritage Council: No response

Failte Ireland: No response

An Chomhairle Ealaion: No response.

3.2.4. **Third Party Submissions**

There are 59 no. third party objections/submissions noted on the planning authority file including 2 with multiple signatories. Of the 59 submissions, 41 were objections, including a submission with 19 signatures, and 18 were in support of the proposed development, including one with 136 signatures. The issues raised are summarised as follows:

Objections to the application:

- No consideration of Council plans to increase the level of pedestrianisation to the Sandymount Green amenity.
- The green is unsuitable for increased traffic.
- The source of pupils (Dublin 8 and 12) is wholly inappropriate due to access.
- Limited recreational facilities and issues raised with the play facilities proposed.
- Flood issues – Roslyn Park field has always acted as a flood plain. It will now divert water into the village.
- The size of the school is out of proportion with current buildings.
- No justification for the scale of the development and issues of overlooking raised.
- The development is not in keeping with Sandymount village in terms of architectural and community preservation.
- Roads and traffic issues, including lack of car parking and additional traffic on the roads. Traffic survey is dated 2017, is out of date and does not consider the traffic implications of the development of the Glass Bottle works site.
- No. 12 Seafort Avenue is zoned residential and third-party objects to it being rezoned for education / office use.
- Lack of community consultation.

- The proposed development will be closer to existing properties and higher than the existing buildings on the site.
- Issues of overshadowing raised.
- Rooftop play area will add height.
- Impacts on conservation area and protected structures, as well as unprotected, but important historic buildings.
- Issues raised with the traffic and travel plan submitted and assumptions made therein.
- Issues raised in terms of the information on the submitted documents, including on the phasing of the development, and lack of detail / plans.
- The use of the Seafort Avenue entrance for pedestrians / cycle use only should be copper fastened by condition of planning permission.
- Signage should be included as part of the application so that the public can participate in the planning process.
- No estimates of costs to the state for construction are given.
- Issues raised in relation to the light pollution.
- Issues raised in relation to the segregated special needs units and play areas as they are not in line with the National Council for Special Education (NCSE) policy of inclusion and inclusive design.
- No wildlife assessment submitted.
- Design issues raised including the materials and high-level link between the buildings.
- The development will have a negative effect on the Dublin Bay UNESCO Biosphere.

In support of the application:

- It will be an excellent addition to the Sandymount Area and is an ideal location for the school.

- The plan makes efficient use of the site and no other site in the area comes close in terms of size, access and amenities etc.
- The addition of a community centre on Seafort Avenue is a welcome idea.
- Most of the children in the school live in the area which illustrates the demand for the development.
- Most of the children are brought to school by foot, bicycle or scooter and traffic is not a noticeable issue on Seafort Avenue during the morning drop off.
- Glad that No. 12 Seafort Avenue is to be preserved. The preservation of the building should however, be carried out in the first instance and as part of phase 1.
- It is requested that the interesting stretch of shrubbery inside the Newgrove Avenue wall be preserved or replaced and that any trees cut down be replaced as a vital asset to the city.

Following the submission of the response to the further information request, there were a further 22 third party submissions to the Planning Authority. The issues raised are summarised as follows:

- The application should be refused on the grounds of material changes.
- Objections to the new additional information.
- PE halls and playgrounds are also vulnerable uses and are still situated in the basement.
- Retaining the basements maintains the flood risk including to adjacent properties.
- Inaccuracies in ground levels and measures of boundary walls.
- Extensive shadowing of neighbouring properties could affect property BER ratings, value and quality of life.
- A scaled model of the development with neighbouring property should be required.
- Noise impact report is inaccurate.

- Objects to noise from the roof top playground, provision of concrete wall as mitigation and noise from construction work. The neighbourhood is currently quiet, with increasing numbers of older people and people working from home. Also, a neighbour has the medical condition hyperacusis which is a hearing disorder relating to noise sensitivity. Prior warning of noise above certain medically advised limits would be required.
- Mitigation measures are unsatisfactory.
- Roof top playground could result in objects, or children being thrown into neighbouring properties. Children will have full view of neighbouring properties and there are security and child protection issues which have not been addressed.
- Laneway and pathway behind the school may result in anti-social behaviour.
- Objects to the treatment of the green space / curtilage of Gandon Villa. If it is protected it should not be used as a playground / recreational area. If it's not protected, why can't part of the development be positioned on it.
- Lighting plans requested.
- The developer of the old Glass Bottle site should be required to provide a school as part of that development to serve its residents and foster a sense of community in the new area.
- City children should be attending schools they can walk or cycle to, near their homes. The proposed school is too big for its site and local demand.
- Inadequate time given (4 working days) to consider the quantity of further information documents submitted is underhand and shows a lack of due care for the local community.
- Given the current socioeconomic context, it is suggested that the school plans are now unfeasible.
- The plans for a one-way car system on Strand Road to accommodate cycle lanes has not been taken into account in the revised plans for Roslyn Park.
- Concerns raised in relation to the potential use of the building in the evenings which would negatively impact on residents.

- The Gandon building is being prioritised over the wider community. The school should be built along the edge of the Strand Road with views to the sea,
- Inaccurate address given – refers to Beach Road when in fact it is Strand Road,
- Drawings submitted with the FI response are not clearly decipherable and make no reference to revisions made which is unacceptable given the scale of the development and the limited time for third parties to consider them. In addition, elements of the revised plans are omitted in some drawings,
- Inadequate new site notices,
- Issues with the photomontages and the addition of a floor as part of the FI response,
- It is submitted that the development does not accord with the requirements of the Development Plan in terms of ACAs.
- Restate issues relating to:
 - recreational and sporting facilities,
 - segregation of special needs sections
 - roads and traffic issues including inadequate on-site parking, reliance on on-street parking which is used by residents and impact of crowding on footpaths,
 - scale of the development is unacceptable and will be overbearing on existing properties,
 - plans for No 12. Seafort Avenue do not reflect the promised provision of community space,
 - road improvement works at Newgrove Avenue have not been carried out,
 - inadequate detail for boundary treatment and reference to ‘by agreement with neighbours’ in plans is inadequate,

- promised works, including planting and repairs to neighbouring properties, following the construction of the temporary school were not followed through on,
- lack of consultation,
- objections to the removal of trees, including mature oak trees.

4.0 Planning History

The following is the relevant planning history pertaining to the subject site:

ABP Ref: ABP-300989-18 (PA Ref. 4023/17): Temporary permission (5 years) for a one and two storey primary school in two separate blocks, comprising 12 classrooms. Permission was granted by the PA and the decision was upheld by the Board following a third-party appeal.

5.0 Policy and Context

5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

5.2. Urban Development and Building Heights Guidelines for Planning Authorities December 2018.

- 5.2.1. The guidelines encourage a more proactive and flexible approach in securing compact urban growth through a combination of both facilitating increased densities and heights, while also mindful of the quality of development and balancing the amenity and environmental considerations. Building height is identified as an important mechanism to delivering such compact urban growth and Specific Planning Policy Requirements (SPPRs) of the building height guidelines take precedence over any conflicting policies and objectives of the Dublin City Development Plan.

5.3. Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht 2011).

- 5.3.1. Having regard to the location of the subject site in terms of being located within and adjacent to an ACA, and the presence of a protected structure within the site, the *'Architectural Heritage Protection, Guidelines for Planning Authorities'* are considered relevant. These guidelines are issued under Section 28 and Section 52 of the Planning and Development Act 2000. Under Section 52(1), the Minister is obliged to issue guidelines to planning authorities concerning development objectives:
- a) for protecting structures, or parts of structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest, and
 - b) for preserving the character of architectural conservation areas.
- 5.3.2. The guidelines provide guidance in respect of the criteria and other considerations to be taken into account in the assessment of proposals affecting protected structures. The guidelines seek to encourage the sympathetic maintenance, adaption and re-use of buildings of architectural heritage.
- 5.3.3. Chapter 3 of the guidelines deal with the development plan: Architectural Conservation Areas while section 3.7 deals with development control in ACAs and sections 3.7.1 – 3.7.5 are considered relevant. In addition, Section 3.9 of the Guidelines relate to Design Briefs for Sites of Sub-Areas and Section 3.10 deals with Criteria for Assessing Proposals within an ACA
- 5.3.4. Further to the above, Chapter 13 deals with Curtilage and Attendant Grounds and Section 13.5 relates to Development within the Curtilage of a Protected Structure and Section 13.8 of the Guidelines relate to Other Development Affecting the Setting of a Protected Structure or an Architectural Conservation area and the following sections are relevant:
- Section 13.8.1
 - Section 13.8.2
 - Section 13.8.3

5.4. Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013

5.4.1. In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S). The Manual seeks to address street design within urban areas (i.e. cities, towns and villages) and it sets out an integrated design approach.

5.5. The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009.

5.5.1. The Flood Risk Management Guidelines introduce comprehensive mechanisms for the incorporation of flood risk identification, assessment and management into the planning process. Planning authorities (both elected members and officials) must implement these Guidelines in ensuring that, where relevant, flood risk is a key consideration in preparing development plans and local area plans and in the assessment of planning applications.

5.5.2. The core objectives of the Guidelines are to:

- Avoid inappropriate development in areas at risk of flooding;
 - Avoid new developments increasing flood risk elsewhere, including that which may arise from surface water run-off;
 - Ensure effective management of residual risks for development permitted in floodplains;
 - Avoid unnecessary restriction of national, regional or local economic and social growth;
 - Improve the understanding of flood risk among relevant stakeholders;
- and

- Ensure that the requirements of EU and national law in relation to the natural environment and nature conservation are complied with at all stages of flood risk management.
- 5.5.3. Chapter 2 of the FRM Guidelines emphasises the Precautionary Approach, while Chapter 3 sets out the principles of a risk-based sequential approach to managing flood risk in the planning system. Chapter 5 deals with the application of the Justification Test in terms of development management.
- 5.6. **“The Provision of Schools and the Planning System” A Code of Practice For Planning Authorities, the Department of Education and Science, and the Department of the Environment, Heritage and Local Government July 2008.**
- 5.6.1. These guidelines seek to facilitate the provision of schools, particularly primary schools, within the planning system. Part 1 of the CoP notes that the procedure for establishing demand for new second level schools may be more complex as it involves an assessment of likely population growth as well as an appraisal of the capacity of existing post-primary schools and an assessment of the enrolment patterns in existing and anticipated ‘feeder’ national schools. The document states that as the CoP becomes more firmly established, further procedures will be put in place in relation to post-primary provision.
- 5.6.2. Part 3 of the Guidelines relate to the location of schools and planning considerations, which includes the requirement to consider the use of multi-campus schooling arrangements in appropriate cases. Part 4 relates to Site Development Standards and provides that the minimum size for a new primary school is 8 classrooms, rising to 16 in rapidly developing areas.
- 5.6.3. Part 5 of the guidelines deals with School Development Proposals and the Development Management Process and requires that planning authorities will progress school planning applications through the development management process as efficiently as possible.

**5.7. Department of Education and Skills – Technical Guidance Documents
TGD-025 & TGD-27, September 2019.**

5.7.1. These guidance documents were prepared to assist in the identification and the assessment for suitability of new sites for Primary Schools (TGD-25) and Post-Primary Schools (TGD-27) and should be read in conjunction with the relevant design guidelines and technical guidance documents produced by the DoES and other appropriate stakeholders. The guidance documents update the 2012 document and provides a section in relation to site size, where smaller sites can be considered due to constraints in urban areas whereby the full suite of external accommodation may not be provided in all cases. The guidance documents advise that in such circumstances, ‘priority should be given to the provision of accommodation and services specific to the pedagogical requirements of the school’.

5.8. Development Plan

5.8.1. The Dublin City Development Plan 2016 – 2022, is the relevant policy document relating to the subject site. The site is zoned Z15: Institutional and Community, where it is an objective “To protect and provide for institutional and community uses.” These lands play an important role in the achievement of a more compact city in that they contribute to the creation of vibrant neighbourhoods and a sustainable well-connected city through the provision of such infrastructure as schools, hospitals and open space.

5.8.2. The western corner of the site, which includes No. 12 Seafort Avenue, is located within an area zoned Z1: Sustainable Residential Neighbourhoods where it is the stated objective “To protect, provide and improve residential amenity.”

5.8.3. The following sections of the CDP are considered relevant:

- Chapter 4: Shape and Structure of the City

SC13: To promote sustainable densities, particularly in public transport corridors, which will enhance the urban form and spatial structure of the city, which are appropriate to their context, and which are supported by a full range of community infrastructure such as schools, shops and recreational areas, having regard to the safeguarding

criteria set out in Chapter 16 (development standards), including the criteria and standards for good neighbourhoods, quality urban design and excellence in architecture.

- Chapter 8: Movement & Transport

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

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

Section 8.5.5 deals with Mobility Management and Travel Plan and seeks to encourage as much travel as possible by sustainable means such as public transport, walking and cycling. School Travel Plans are required for all new schools.

- Chapter 11: Built Heritage and Culture.

The subject site includes a protected structure and as such, Section 11.1.5.1 of the Plan is relevant, including the following policy and guidance:

Policy CHC2: To ensure that the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage and will:

- (a) Protect or, where appropriate, restore form, features and fabric which contribute to the special interest.
- (b) Incorporate high standards of craftsmanship and relate sensitively to the scale, proportions, design, period and architectural detail of the original building, using traditional materials in most circumstances
- (c) Be highly sensitive to the historic fabric and special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials
- (d) Not cause harm to the curtilage of the structure; therefore, the design, form, scale, height, proportions, siting and materials of

new development should relate to and complement the special character of the protected structure

- (e) Protect architectural items of interest from damage or theft while buildings are empty or during course of works
- (f) Have regard to ecological considerations for example, protection of species such as bats.

Changes of use of protected structures, which will have no detrimental impact on the special interest and are compatible with their future long-term conservation, will be promoted.

- Section 12.5.4 of the Plan deals with Schools and Education Facilities

SN10: To facilitate the provision of new schools, school extensions and third-level institutions and to have regard to the provisions of the DoEHLG and DES (2008).

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

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

- Chapter 16 of the Plan deals with Development Standards and the following sections are considered relevant:
 - Section 16.2.1 expects that all development will incorporate exemplary standards of high-quality sustainable and inclusive urban design and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods. In addition, development proposals will be expected to minimise energy use and emissions that contribute to climate change during the lifecycle of the development with an aspiration towards zero carbon, and ensure the reduction, re-use or

recycling of resources and materials, including water, waste and aggregates. The re-use of existing buildings should always be considered as a first option in preference to demolition and newbuild.

- Section 16.2.1.2 deals with sustainable design in terms of both reducing waste and emissions which contribute to climate change and ensuring future occupants will be able to adapt to the impacts of changing climate.
- Section 16.2.2 deals with Design Standards
- Section 16.5 deals with Plot Ratio advising an indicative plot ratio for Z15 zoned lands at 0.5-2.5.
- Section 16.6 deals with Site Coverage and advises an indicative site coverage for Z15 zoned lands at 50%
- Section 16.10.17 relates to the retention and re-use of older buildings of significance which are not protected. This section notes that “In assessing applications to demolish older buildings which are not protected, the planning authority will actively seek the retention and re-use of buildings/structures of historic, architectural, cultural, artistic and/or local interest or buildings which make a positive contribution to the character and identity of streetscapes and the sustainable development of the city.

Where the planning authority accepts the principle of demolition a detailed written and photographic inventory of the building shall be required for record purposes”.

- Section 16.16 of the Plan deals with Development Standards for Schools and provides that in determining an application for a school, the following shall be considered:
 - Ensure they comply with Department of Education and Skills and the Department of Environment, Heritage, Community and Local Government’s Joint Code of Practice.
 - Ensure they comply with DE&S Technical Guidance.
 - Ensure they are fit-for-purpose in terms of their location, access to services and the provision of space for recreational and sports activities.

- Seek to situate new schools within the existing / proposed catchment in a manner that aids ease of access and encourages sustainable mobility by walking, cycling and public transport.
 - Consider the use of multi-use campus schooling arrangements in appropriate cases.
 - Minimum size for a new primary school is 8 classrooms.
 - External hard and soft play areas
 - Urban typologies for new schools which achieve an efficient use of scarce urban land successfully address the streetscape or surrounding context.
- Section 16.38 deals with Car Parking Standards where the following is relevant:

Table 16.1- Maximum parking spaces provision

Zone 1- None

Zone 2 & 3 - 1 per classroom

Table 16.2 Minimum cycle parking

1 space per 3 students.

5.9. Sandymount Village & Environs Architectural Conservation Area Report

The subject site lies outside the identified ACA but is bound by the ACA on the north western, west and south western boundaries. No. 12 Seafort Avenue is included within the identified ACA.

Section 7.0 of the ACA Report identifies interventions which would detract from the character which includes removal of boundary walls and trees.

Section 8.1 deals with new development within the ACA.

5.10. Natural Heritage Designations

The site is not located within any designated site. The site is located approximately 12.5m from both the South Dublin Bay SAC (& pNHA) (Site Code: 000210) and

South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), separated to the east by the Beach Road.

5.11. EIA Screening

The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations and therefore is not subject to mandatory EIA.

Having regard to nature and scale of the development, together with the brownfield nature of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a multiple third-party appeal against the decision of the Planning Authority to grant planning permission for the proposed development. The issues raised reflect those raised with the PA during their assessment of the proposed development and are summarised as follows:

6.1.1. Mr. Desmond O'Brien:

- While initially, not against the development that brings essential infrastructure to Sandymount, the initial submission related primarily to the lack of and missing information on the submitted documents and the phasing of the development.
- Following the submission of the response to further information, the development added a further floor that is only 20m from the windows of his flat.
- The development will have an overbearing impact on No. 10 Seafort Avenue as the gable is featureless and monolithic.
- No specification of materials is shown.

- The Development Plan requires houses in housing estates to be 22m apart and constitutes overdevelopment of this corner of the site.
- The appellant had requested that the textile room on the 2nd floor be omitted on the basis that this end of the building would be overbearing and would impair the residential amenities of his property. Other minor amendments were requested, and it is not accepted that these would render the overall development unviable.
- The comments of the PA Planning Officer in relation to the second floor of Building 02 are cited in the appeal where it is indicated that the second floor should be cut back the second floor so as to reduce its impact. It is also noted that this amendment was not carried through to the conditions. It is requested that should the Board grant permission, a condition to either omit the classrooms referred to in the planners report or alternatively a less extensive condition to remove the textile room and relocate the toilets, should be included.
- The Section D-D shown on Drawing No. 1501-V2-OMP-ST-ZZ-DR-A-3001 is inaccurate and misleading as it shows the structure without the second floor.
- Insufficient information is included for the finish of the building.
- It is noted that the entrance from Seafort Avenue is proposed to be for pedestrian/cycle use only. It is requested that this be included as a condition of permission.
- It is noted that many schools later add signage at road entrances that are sometimes unsightly. It is requested that a condition be included requiring that a separate planning application be made for any permanent signage at roadsides to the site.
- It is requested that a condition be included in relation to external lighting requiring that they be cowled to prevent light glaring directly into adjacent residences.

6.1.2. Declan Kinsella & Paula Fullerton:

- It is requested that the development be amended by way of condition(s) in order to reduce the impact of the development on their residential amenities at Ossory Lodge, or alternatively be refused planning permission.
- It is submitted that their amenities are also diminished by reason of a recently permitted development at 46 Seafort Avenue (ABP ref: ABP-307996-20 refers¹).
- It is requested that both appeals be determined at the same time so that the cumulative effect of both developments on the appellants home is properly assessed.
- It is also requested that the Boards Inspector visit the appellants property.
- The grounds of appeal are summarised as follows:
 - The application is invalid in terms of Article 23(1)(f) due to information missing from the plans.
 - In *South Western Shopping Centre v An Bord Pleanala* [2016] 2 IR 481 Costello J stated ‘any issue in relation to the validity of an application for planning permission must be considered by the Board on any appeal to it.
 - The address in the press and site notices refers to Beach Road while the road is Strand Road. Strand Road is on a name plate on the wall outside Ossory Lodge. This may have resulted in members of the public missing an opportunity to comment on the application.
 - Significant elements of the revised plans are outside the scope of the further information request.
 - The concern of vulnerable uses below ground level could not be reasonably construed as an invitation to submit revised plans resulting in

¹ The Board granted planning permission for a residential extension to 46 Seafort Avenue on the 1st of December 2020. Condition 2 of the Boards decision south the omission of the first-floor extension and Condition 3 stipulates that no part of the roof of the extension shall be used as a balcony/terrace/roof garden. Both conditions were included in the interests of visual and residential amenity.

material changes including significant increase in heights and additional windows.

- The changes in height were not expressly referred to in the revised notices and drawings do not include descriptions of revisions, with additional height not clearly identified.
- Questions the lawfulness of the changes when they were not requested. They are not trivial matters, and the decision should address them.
- The AA Screening report and Screening Conclusion is deficient. The site appears to be within 10-15m of the South Dublin Bay pNHA, South Dublin Bay SAC and South Dublin Bay & River Tolka Estuary SPA.
- The AA Screening report was based on the original scheme and not the scheme as amended, which is larger in scale.
- The FRA suggests that without mitigation measures, there is a high risk of flooding on the site from the Irish Sea.
- While the AA notes that no mitigation measures are proposed, the FRA includes many to prevent flooding, including raising site levels. Such mitigation measures cannot be considered at AA Screening stage.
- No Outline Construction Management Plan / Method Statement for the development was available on Dublin City Councils planning portal.
- The Planning Officers conclusions on AA appear halfway through the report and therefore seems to have been reached prior to assessment of the further information. The screening conclusion is therefore premature.
- The photomontages do not show Ossory Lodge which dates from the 19th Century and is located within an ACA. The development will have a visual impact on the ACA contrary to Policy CHC4 of the CDP.
- The Heritage Impact Assessment Report was not updated with the revised plans and no assessment of impact was carried out.
- The long view photomontage shows the impact of the development on Ossory Lodge and clearly constitutes a visually dominant form, materially contravening Policy CHC4 of the CDP.

- There are inconsistencies between the planners report and the notification of the decision to grant permission. The Planner recommends cutting the second floor back to as to reduce its impact, but no conditions have been imposed.
- Condition 2 requires the classroom at second floor level to be reconfigured but does not address the specific issues raised in the planners' report.
- It is also unclear what outcome any revised plans will look like, and the appellants should have an opportunity to participate in any agreement.
- Concern that overshadowing will have an adverse effect on light into the small windows located at a low level on the southern gable wall of the house, which serves the study.
- If the extension to 46 Seafort Avenue is not overturned, not only will sunlight to the southern aspect of the house be affected sunlight and daylight to the western aspect of the house and garden will also be adversely affected. It is requested that the cumulative impact be considered.
- The third storey windows and roof top play area on Building 02 will give rise to overlooking into the appellants property, including a bedroom.
- The applicant should be required to address inconsistencies in the planning application documentation and third parties should be afforded an opportunity to comment on any revised documentation.

It is requested that the application be refused or conditions to amend the design to protect residential amenity be included in any grant of permission.

The submission includes enclosures. An appeal submission prepared by Sheehan Planning on behalf of the third-party appellants with regard to the development at 46 Seafort Avenue is included.

6.1.3. Katie & William Redmond & Others:

The appellants will be very adversely affected by the development and the resulting impact on village life. While there is no objection in principle to a school campus, the scale and design of the schools are a cause of grave concern. It is requested that

the decision of the council be overturned having regard to the following grounds of appeal:

- Treatment of boundary, light, landscaping, aesthetic, privacy and noise:
 - It is not considered that the transitional zone between the school and appellants home has been treated according to the stipulations of the CDP.
 - There is inadequate information provided in terms of boundary treatment and does not reflect any commitment to privacy or concerns.
 - The appellant has previous experience with the applicant and promises of landscaping.
 - The finish of the school does not compliment any amenity in Sandymount.
 - Objects to the proximity of the building to the wall – it is requested that it be at least 20m from the boundary.
 - In terms of right to light, the methodology of the ARC report is queried. The scale and density will adversely impact the light within the appellants' home.
 - The appellants property will be overshadowed by the development and will interfere with the use and enjoyment of the property. The Sunlight and Daylight Analysis does not take any precise level of natural light measures or analysis of the appellants property.
 - Noise assessment is also a concern and the DCC report makes no reference to the noise of the build. Concern also raised in relation to out of school hours activities in terms of noise and lighting.
- Scale, infrastructure and traffic:
 - The scale of the school is out sized for the area and the rationale for the excessive scale has not been justified. The design, finish and aesthetic of the school is overbearing and destructive to the Sandymount Conservation Area, and the visual amenity of the Strand.

- The scale has resulted in the play space for students being limited, dark and counter to governmental play policies. Issues raised with the rooftop playground.
- Traffic is a serious concern which has not been adequately addressed in any of the planning documents or the DCC planners report.
- The traffic report is out of date and does not take into account proposals for the one-way system on the Strand Road. The existing school, with approximately 300 students has caused considerable traffic problems and the school is incapable of marshalling the traffic.
- Pedestrians are overcrowding pavements outside homes on Seafort Avenue.
- Flood Risk:
 - The school is being built in Flood Zone A and the scheme on first submission was not acceptable to the Drainage Division. Having regard to the amendments submitted, the appellant questions whether the uses are not the same?
 - The impact of construction and excavation of basement could also cause a flood risk.
 - A survey of neighbouring properties should be carried out at a minimum.
- Noise & Nuisance / Anti-social 'blind spots':
 - The proposed development creates a number of blind spots which are not visible or monitored and areas where students can gather unattended and engage in anti-social behaviour behind the appellants home.
 - Particular concern is raised in relation to the 'path at a high level' and the purpose of the path is unclear.
 - The appellant has observed many incidences of discourteous behaviour by parents/guardians dropping children at the Seafort Avenue gates. It is requested that these gates are only utilised for emergency access and are not for pedestrian access to the school. The gate was never used by previous owners of the site.

- The temporary school on the site has caused ongoing noise nuisance, specifically during breaks, lunch time, sporting activities and when children are being dropped off and collected.
- Planning Process:
 - It is submitted that the applicant has not followed due process in terms of the planning application. Statutory notices were inaccurate and not displayed at all entrances and sites and Strand Road is continually being referred to as Beach Road.
 - Community consultation was requested, and the appellant was informed by DCC that this would be carried out prior to application. This never materialised.
 - There was no scaled model, and the plans include inaccurate information in terms of ground levels.
 - The planning report was not available to the appellants until the 15th of September giving only 3 days to review. Issues raised with the report.
- Design, visual impact and conservation of the Sandymount area:
 - The photomontages submitted with the FI response clearly illustrate the building aesthetic and scale is out of keeping with the Sandymount Conservation Area. The omission of photomontages for the most affected areas is also telling.
 - Plans for No. 12 Seafort Avenue do not reflect the promised provision of community space.
 - Ongoing concerns in relation to the treatment of the green space in front of the Gandon Villa and do not believe this treatment respects the view or curtilage.
 - Issues raised with the segregated nature of the 'special educational needs' SEN areas, contrary to Department of Education recommendations.
 - The plans should be reviewed by the National Council for Special Education prior to their approval.

- No aspect of the design celebrates or enhances the heritage site on a celebrated stretch of Dublin Bay.

It is requested that permission be refused.

6.1.4. Sandymount & Merrion Residents Association:

The Board will note that the Residents Association sought an Oral Hearing. This was not granted by the Board. The grounds of appeal are summarised as follows:

- The applicant has failed to provide a robust rationale for an educational campus of this scale at this location. It is realistic that the proposed schools will rely on a much larger catchment area for its future student population – including D6W, D8 etc.
- The design is considered to be contrary to the DoES Technical Guidance documents and constitutes a gross overdevelopment of the site.
- The proposal will have a profound impact on the local area including on existing transport infrastructure and will further exacerbate traffic congestion within Sandymount and the wider area.
- The Traffic & Transport Assessment submitted with the application failed to have regard to the cumulative impact of emerging developments within the proximate surrounds of the appeal site including the Poolbeg SDZ.
- The TTA submitted includes an evaluation based on the provision of a 16 no. classroom school, when a 24 no. classroom school is being proposed. The validity of the Assessment is questioned.
- Inadequate car parking for staff for a school of this scale, contrary to Section 16.38 of the Dublin City development Plan. The proposal will result in significant on-street car parking pressures.
- The lack of sufficient off-street car parking is of significant concern to residents and the scale of the waiver of car parking being sought by the applicant reinforces SAMRAs contention that the development represents a gross overdevelopment of the site.
- The existing car parks on Strand Road are located 0.6km, 1km and 1.3km from the Newgrove Avenue entrance to the school, and 0.8km, 1.2km and

1.5km from the Seafort Avenue entrance. These are too far away to serve as a likely, safe or credible prospect of being used – in the context of ‘park and stride’.

- Significant problems identified in the Walkability Audit with the existing walking routes. Works to improve the routes are outside the control of the applicant and cannot be indefinitely relied upon.
- The development will severely compromise residential amenity of adjacent properties by reason of its overall height, monolithic form and proximity to boundaries.
- The development fails to have regard to the transitional nature of the site and will result in overshadowing impact and will be visually overbearing when viewed from rear gardens.
- Noise impacts associated with the development and existing residential amenity. No condition was included in the decision to grant permission regarding the provision of an acoustic wall.
- No details of flood lights should be permitted on the proposed rooftop play area.
- Loss of trees a significant concern together with the lack of any meaningful replacement planting.
- The development will result in overlooking of residential properties.
- The development will be detrimental to the character of the protected structure on site and the adjoining Sandymount Village and Environs Architectural Conservation Area.
- The construction of a basement and double basement containing vulnerable uses represents a significant flooding hazard and is considered to be entirely contrary to Section 16.10.15 of the CDP and would set a dangerous precedent for similar development in the surrounding area.
- There is a history of flooding on the appeal site and it is therefore also highly susceptible to pluvial flooding.

- The City Development Plan, Policy SI13 notes that 'all basements below the estimated flood levels for flood zone areas 'Zone A' or 'Zone B' will not be permitted.
- The revisions relocate classrooms from the basement but PE halls, changing rooms, office etc are still proposed to be located within the basement and double basement of the school. These are all vulnerable uses associated with the school.

The submission includes a background to the Residents Association (SAMRA), gives details of the site and context, zoning context and a description of the development, noting that the revisions made at FI stage have exacerbated the impact of the development on the visual and residential amenity of the surrounds. Section 5 of the appeal sets out the detailed grounds of appeal.

It is noted that in principle, SAMRA do not object to the development of the appeal site for an educational campus and acknowledge that the use can be of significant benefit to the community at large. However, it is considered that the scale of the development is entirely inappropriate for the 2.1ha site which has so many sensitivities.

It is requested that the Board refuse permission for the school development.

6.1.5. Seafort Avenue Residents Group:

- Statutory notices failed to accurately notify the public of the extent of the educational development. The notice fails to reference the works to No. 12 Seafort Avenue.
- A site notice was only posted to the gate to the east of No. 12 Seafort Avenue with no notice posted at No. 12 Seafort Avenue.
- A site notice was not located at the existing opening which is to be blocked up (Seafort Villas).
- The development will have a severe negative impact on neighbouring properties by virtue of the disregard for the transition between uses and resultant visual prominence in the streetscape.

- Conditions of permission will note address the concerns of appellants in terms of overlooking or overbearing.
- The application neglects to provide an efficient school layout and design that is appropriate to the size and context of the site.
- The application has failed to provide sufficient information regarding any safety measures to be put in place for the play area at second floor level.
- The scale, bulk and massing of the scheme will have a genuine negative impact on the residential amenity of neighbouring properties as demonstrated in the Daylight and Sunlight Analysis. It is also note that not all houses on Seafort Avenue were assessed.
- The proposed development constitutes over-development of the site and does not adhere to DoE Guidelines regarding site suitability. The site is 65% smaller than the recommended site area.
- The anticipate Modal Split of transport and absence of adequate designated car parking raise significant concerns for appellants having regard to existing traffic congestion and ongoing Covid-19 restrictions on public transport.
- Drop-off and collection of students should not have injurious impacts on the surrounding area in regard to traffic and transportation and permission should be refused where there is a potential for traffic hazard.
- Contradicting information regarding the flood risk of the subject site provides lack of clarity regarding sustainability and impacts of basement construction.

It is requested that permission be refused.

6.2. Applicant Response

The first party submitted 2 responses to the third-party appeals. The submissions are summarised as follows:

6.2.1. Response to Appeal by Mr. Desmond O'Brien dated 15th October 2020:

- It is submitted that there are several pre-existing constraints and related challenges that require to be addressed by the scheme architects in the design of the new educational campus on the subject site.

- The scheme architect sought to balance the constraints in a manner which will minimise potential adverse conservation and residential amenity impacts and deliver a contemporary new school on an urban site.
- It is acknowledged that the ground floor of No. 10 Seafort Avenue is at OS level 2.7m while the proposed school must start at OS 4.0m in line with DCC engineering guidance and the sites flood risk mitigation strategy.
- The difference in ridge heights is c1.5-3m which, with a 20m separation distance, is not considered unreasonable such that it will give rise to significant adverse impacts in respect of residential amenity.
- The layout of Building 02 has been specifically designed and organised so as to only have circulation space in the part of the building closest to the appellants property.
- The appellant seeks to argue that the 20m separation distance is insufficient and below the 22m that contended to typically pertain to residential development proposals. It is submitted that the 20m separation distance is marginally below the 22m and given the nature of the proposed development, significant overlooking will not occur and residential amenity will not be affected.
- There are several examples of separation distances below the 22m.
- The suggested design revisions, while they may appear to be a simple amendment, this is not the case. It is considered that the level of change suggested is not necessary.
- The building is sited obliquely to the rear of No. 10 so as not to obstruct the view directly from the windows of the property.
- While oblique views from the music room at first floor level could occur, it is proposed to use opaque glass up to a height of 1.8m to prevent any overlooking. The applicant has no objection to the inclusion of a condition to this effect.
- With regard to the issues raised in terms of visual impact, it is submitted that the building is set back from the public road by 32m and cannot be

substantively seen from any of the adjacent footpaths. It will not visually dominate the area.

- In terms of the issue regarding section drawings, the error is noted. The updated section is included.
- With regard to the finish to the gable onto No. 10 Seafort Avenue, it is submitted that it will be finished in grey brick which is a robust, low maintenance material which will weather well.
- In other areas, through-colour render is proposed.
- The suggested conditions by the appellant are noted.
 - It is indicated that a condition regarding the Seafort Avenue entrance would not be supported as it may give rise to serious issues from an operational point of view.
 - In terms of the signage issue, the need for a planning application for school signage would potentially delay the provision of same.
 - In terms of lighting, the applicant has no objection to an appropriately worded condition in relation to the provision of external lighting.

6.2.2. Response to Other Third-Party Appeals dated 20th October 2020:

The document sets out the response under a number of headings as follows:

- Land use zoning & principle: It is submitted that the site is zoned for educational uses. Given the current and historical use on the site, there is no issue with the principle of the proposed use.
- Development Plan School's Policy: The CDP sets out several policies supporting educational provision and in particular, Policy SN 13 is relevant. While the appellants may disagree that the proposed development responds to the local character or streetscape, there is clear policy support for the development. Given the zoning and established use, the substantial site size at 2.11ha in urban infill terms and its location in proximity to high quality public transport routes, it is considered an appropriate location for the development.
- Need for the school: Contrary to the appellants assertions, there is a proven and urgent evidence-based need to provide a new primary and post

primary school serving this part of the south city of Dublin. It is submitted that what is being argued is a misinterpretation of the TGDs 25 and 27.

- The demand for schools is not simply informed by local enrolment numbers in the immediate vicinity as stated in appeals, rather is the outcome of a detailed demographic analysis regarding population growth and emerging demand for school places.
- The Dublin 2/4/6 school planning area was identified as an area where significant population growth was materialising and there was an emerging primary school demand.
- With regard to the suggested need for a site in excess of 6ha to facilitate the school, it is considered wholly unrealistic and unsustainable to suggest that future schools in urban or inner suburban infill locations can be development on 6ha sites. This quantum of land is not and will not be, available in urban areas.
- The issue is specifically addressed in the 2019 Departmental technical guidance documents. The guidance is clear. The 'ideal' site size requirements for greenfield sites are not required to be achieved in urban areas due to the scarcity of land. The site is in proximity of significant public and recreational open space and other well-established sports facilities.
- Transitional zones: All of the appeals consider that the development does not accord with the policy provision in terms of transitional zones, Section 14.7 of the CDP. There is no abrupt transition in use or scale arising. There is a change in scale in comparison to what currently pre-exists on the site. There is an existing school on the site and in terms of scale, the site already accommodates a number of existing structures including the two storey Roslyn College former secondary school building. This is not a greenfield site. In addition, the following comments are made:
 - The proposed development has a low plot ratio and site coverage, and the development is predominantly two storey, with only 19% of the building footprint extending to three storeys.

- The applicant does not accept that the design of the school is monolithic, and its massing has been designed to minimise its impact on both the Gandon Villa and on the adjacent residential dwellings.
- National planning guidance and policy notes the importance of increasing density and height in Dublin City where appropriate. It would not be viable to reduce the number of floors and still deliver the quantum of schools' accommodation that is required on the site.
- The proposed development has been cognisant to avoid any abrupt transition in scale and use zones. The scheme architect has afforded particular attention to the use, scale, density and design and its landscaping and screening proposals, in order to protect the amenities of adjacent residential properties.
- With regard to Ossory Lodge, it is submitted that:
 - No overlooking of the property will take place as the ground floor walkway and windows are screened with the hit and miss fence and the windows at upper levels will be opaque to a level of 1.8m from ffl.
 - There is a separation distance of 16.2m to the gable of Ossory Lodge.
 - This separation is considered appropriate to minimise potential adverse impacts. The applicant has no objection to altering the window arrangement as per condition 2 of the DCC decision.
 - It is submitted that the development will not be overbearing and the adjustment to windows will avoid any potential overlooking.
 - The set back from Strand Road boundary will maintain the building line and not compromise views from Ossory Lodge along the strand.
 - No netting is proposed to the rooftop play area and it will not include a ball court.
 - A 2.1m high wall proposed to the Seafort Avenue side of the play area will provide a barrier that will absorb and deflect noise.

- **Protected Structure, Visual Impact & ACA:** The protection of the setting and character of Roslyn Park House is central to the design approach taken and is successfully achieved. The adjacent ACA has also informed the design approach. The site is not located within the ACA with the exception of No. 12 Seafort Avenue, which will be restored and will enhance the ACA.

In order to demonstrate that the development will not have a significant adverse impact on the setting of the ACA and will not create significant adverse visual impacts, the applicant has submitted a detailed visual analysis of the development comprising photomontages. Where the building can be seen, it is submitted that the impact is generally slight to moderate and is replacing existing buildings in several views. While the building is contemporary in design, it cannot be considered to overwhelm or detract from the character or quality of the ACA.

The green area to the front of the Gandon Villa provides a parkland setting for the building and enhances the view of the building and ensures it does not become engulfed by the new structures.

The design is deliberate to differentiate the school building from the PS.

In terms cumulative impacts to Ossory Lodge referred to in the appeal, it is submitted that just because there are two applications in the vicinity of the property, this does not imply that a cumulative impact will arise.

- **Impact on Residential Amenities:** All of the appeals contend that the development will give rise to significant adverse impacts on existing residential amenities in respect of overlooking, overshadowing and overbearing impacts. It is submitted that the majority of the properties are separated by a distance of between 18m and 38m which are considered acceptable in an urban context to minimise overbearing impacts.

In a small number of instances the separation distance is below 18m where there is limited or no glazing and building heights are stepped. Opaque glazing is proposed to mitigate potential overlooking.

Impacts on sunlight and daylight are generally imperceptible to slight compared to existing conditions and accord with the relevant BRE Guidance.

The grounds of appeal raised in relation to daylight and sunlight impact are considered to be without basis.

- **Transportation & Flood Risk:** All engineering issues have been addressed and the report prepared by Waterman Moylan Consulting Engineers Ltd., concludes that 25% private car usage allowed for in the TTA is very conservative. The analysis confirms a very high proportion of school trips will be made via sustainable modes. In addition, the area is well served by public transport and these services will improve further through the delivery of Bus Connects.

The TTA concludes that the development will result in moderate queue formation on Beach Road with the development in 2030, due to the mini-roundabout. If the junction reverted to a priority junction, capacity would not be an issue.

All issues identified in the Walkability Audit adjacent to the school site are included in the proposed works. Other works will be carried out by DCC as part of the Strand road Trial Rapid Deployment Cycle Route or by regular maintenance of the footway network. With regard to the concerns raised in relation to the Park and stride initiative, the applicant does not accept the contention that the proposed locations are too distant from the site. It is submitted that they are all within reasonable walking distance.

- **Procedural Matters:** In response to the procedural issues raised in the third-party appeals, the applicant submits as follows:
 - With regard to validation of the application, it is submitted that this is a matter for Dublin City Council, who validated the application.
 - The description of the development on the site notices clearly references the site accurately and includes No. 12 Seafort Avenue. It cannot be described as a 'failure to reference No. 12 Seafort Avenue.
 - There is no basis for the argument that the absence of a notice from the building at No. 12 Seafort Avenue, in the circumstances where another notice was located less than 2 metres further along the street at the main site entrance from the street, in some way prejudiced the public being aware of the proposal.

- With 34 observations received by Dublin City Council, and 5 appeals to ABP, it is beyond debate that the site notices duly informed the public of the nature and extent of the development proposed.
- The OS Site location plan clearly identifies the sites western / north western boundary as adjoining Beach Road. This is the sites official address. While Beach Road is used inter-changeably with Strand Road locally, it is not accepted that this in any way prejudiced the publics understanding or awareness of the proposed development.
- With regard to the revised notices following the submission of the response to the FI request, it is not a requirement to describe the changes being proposed on the notices. The documentation submitted with the response did describe in detail the changes proposed.
- Contrary to what is contended in some appeals, dimensions to the boundaries were shown on the submitted site plan and all revised drawings were clearly marked 'Additional Information'/'

It is submitted that the planning application as lodged was valid and wholly compliant with the relevant statutory provisions.

- Other Issues:
 - Noise:
 - An Amplitude Acoustics engineer completed an attended noise survey during a school lunchtime to measure existing ambient noise levels and observe the source of the noise.
 - The ambient noise in the vicinity is dominated by local and distant traffic noise. No significant noise event due to student activity was observed during the survey.
 - The noise impact assessment was carried out in accordance with the relevant guidelines.
 - The final adopted design for the height and construction for the boundary wall to the rooftop play area is a continuous 2.1m high concrete wall, which exceeds the minimum requirement of a 1.4m wall specified in the noise impact assessment.

- Appropriate Assessment:
 - The methodology of the AA Screening was queried in an appeal.
 - An AA Screening is submitted as part of the response to third-party appeals for the Board to review as the competent authority.
 - This AA Screening considers the scheme as amended at the RFI stage.
 - Mitigation measures identified in the FRA and CMP are flood risk mitigation measures to avoid flooding threat to the school.
 - They are not proposed as mitigation measures for the protection of Dublin Bay and as such, do not alter the findings of the AA Screening process.
- Landscaping:
 - The identified trees for removal are identified in the Arboricultural Impact Report submitted with the planning application.
 - The trees must be removed to accommodate a fire tender access route which runs parallel with to the northern boundary.
 - The trees are classified as Category B – trees of moderate quality and value. The scope of tree loss, mitigation measures and landscaping works along this boundary is limited due to site constraints imposed by the proposed fire tender access route.
 - Landscaping proposal has endeavoured to include as much soft landscaping as is feasible – illustrated in the submitted landscaping plan.
 - The response to the third-party appeals makes the following clarifications:
 - Reference to the ‘boundary to SNU garden’ should read ‘boundary to school garden’. There is no SNU garden proposed. There is a SNU play area.
 - There was an omission in the plans in terms of the specification for ‘boundary to SNU play area’. The boundary

will include a 1.8m high open mesh steel panel general purpose fence.

- There will be no ball court at roof level and reference to fencing and gate boundaries to ball court refer to the courts at ground level.
- With regard to the landscaping plan for the temporary school, there was a specification to plant a 2.5m-3m high hedge along the boundary with 22 Seafort Avenue. The status of this will be verified in the next site inspection to ensure the works have been completed as specified.

The Board will note that this Response to Third Party Appeals includes a number of appendices as follows:

- Appendix A: Waterman Moylan Consulting Engineers Ltd – responding to matters relating to the engineering items raised in third-party appeals as they relate to traffic and flood risk.
- Appendix B: The Moore Group - responding to matters relating to the items raised in third-party appeals as they relate to Appropriate Assessment. The report includes a response to the third-party issues raised.
- Appendix C: ARC Architectural Consultants - responding to matters relating to the items raised in third-party appeals as they relate to Sunlight and Daylight Impact.
- Appendix D: Verified Photomontages prepared by GNET 3D.
- Landscaping Plan

6.3. Planning Authority Response

None.

6.4. Observations

There are 4 observations submitted in relation to the appeal which are summarised as follows:

6.4.1. Ms. Jessica Ryan & Family:

- Wishes to voice their support of the proposed development.
- After years campaigning for the Shellybanks Educate Together School, founded in 2014, and as chairperson of the BoM for the first 5 years and a current member of the Board, Ms. Ryan knows the need for an urban campus as proposed.
- While communication between the Department of Education has been less than what many in the community would have preferred, they have worked hard to develop a solution for a much needed urban school in the area. A campus as proposed has the potential to be a model of excellence and a point of pride for the community.
- Roslyn Park has been the home of educational institutions for decades and the development will continue to stimulate local business and the plans provide designated spaces for community uses.
- It is felt that the process of design and development has been conscientiously and respectfully carried out.
- The Shellybanks ETNS has a history of being a green school community with the majority of families travelling on foot, scooting or cycling to school. It is a fundamental ethos of the school to encourage the use of public transport and environmentally friendly methods of transport.
- It is submitted that the new campus is essential for the ongoing growth and development of equality-based education in the community.

6.4.2. Colum Clissmann & Aleana Egan:

- Wholeheartedly support the proposed development and look forward to having a fully functional school.
- Their daughter attends the school and travels by bicycle every morning.

- At present, the school has limited opportunities for outdoor activity. The proposed plans would provide for this and the sports hall will allow for indoor activity during bad weather.
- It is hoped that the plans will be built soon, and it is believed that it will only add to the vibrancy of Sandymount Village.

6.4.3. Shellybanks Educate Together National School:

- Engagement and observations of the local community and resident groups is welcome.
- The School supports the proposals and want to see the educational campus completed as soon as possible.
- Notes there were a number of supporting observations to the PA.
- There is a need for the school to cater for the growing population as well as serving those that have historically had to travel outside of the community to find equality-based education for their children.
- Roslyn Park has been the home of educational institutions for decades and it makes sense for the Department of Education to develop this site as a hub of progressive learning for the future.
- The school is a green school and encourages travel to and from school by public transport and environmentally friendly methods.

6.4.4. Jimmy & Eva Costello:

- Very concerned about the negative impact the proposed school will have on home and quality of life.
- The traffic report is out of date and does not take into account the DCC Strand Road Trail Rapid Development Route. This combined with the scale of the school will increase traffic and overload the local infrastructure.
- Increased levels of traffic have not been properly addressed by the applicant.
- The proposed development creates a number of blind spots where unattended children can gather and engage in anti-social behaviour.

- The noise from the temporary school has caused an ongoing nuisance to a number of residents of adjoining properties, specifically during breaks, lunchtime and sporting activities as well as drop-off / collection times.
- The proposed development will greatly increase the level of noise and nuisance to residents.
- There has been no proper assessment of noise and the submitted Noise Impact Assessment does not take into account prevailing winds, and / or the effect of coastal wind blowing inland/across the development area.
- Noise and nuisance constitutes an infringement on the property rights of residents and decreases the value of property.
- The Dublin City Planning Report and / or the Deputy Planning Officer's report is not online which is a breach of due process as the observer was not able to examine it nor object to it.
- The proposed development will overshadow residents properties and interferes with an established right to light.
- The submitted sunlight and daylight access analysis submitted does not take any precise level of natural light measures or analysis of any specific points in the observers home, nor does it assess the impact on each window or doorway on the property.
- Due to overshadowing, the development will adversely affect the energy sustainability and / or building energy rating of the property, which will have a further negative impact on the value of the home.
- It is very important the proposed building heights are not measured from the existing ground level but rather the proposed raised ground level of +1 or +2m, so where it shows a building height of 14m it is in fact up to 16m above the current ground level.
- It is requested that if the Board approves the application that a number of conditions be considered including:
 - No windows overlook private property
 - No high-level walkways within view of private property

- No roof level sports courts
- No floodlights at or on roof level
- Exterior lights be downward in direction and do not illuminate private property
- No external tannoy, bell or sirens (other than fire)
- No evening, weekend or holiday period activities that create noise or light
- That the proposed 'covered external construction studies' area be enclosed
- That proposed air handling systems are not in the vicinity of or directed towards private residents.

6.5. Third-Party Responses to First-Party Response to Third Party Appeals:

6.5.1. Mr. Denis O'Brien:

There is little substance in the response to the appeal and the appeal remains relevant. In response to the submission relating to Mr. O'Briens appeal, the following is submitted:

- Doubts the assertion that the appeal can only refer to impacts on flat 6. An appellant does not have to have title to a property. Mr. O'Brien is aware that by making an appeal, all he is doing is bringing impacts to the attention of the Board.
- The applicant noted the difficulties of fitting in the level of development desired taking into consideration flood risk and protected structure mitigation requirements. The fact that there are constraints does not entitle a developer to the same amount of development as if there were no constraints. The developer cannot justify impacts on properties outside their site on the basis that a certain level of development is required.
- The reference to 22m separation distance was mentioned for context. The proposed development bears no resemblance to a similar impact between two residential properties. The point relates to the impact on residential amenities due to overlooking.

- The examples of three storey buildings next to lower buildings is out of context and does not relate to the impact on No. 10 Seafort Avenue. The examples relate to dual aspect buildings, and some built after the larger building. In all cases, the examples have front and rear private open space.
- The suggested relocation of the classroom was not worked up. While not immediately straightforward, it is achievable.
- It is unfortunate that the Planners concern in terms of the second floor of Building 2 was not carried over into the PAs decision.
- Welcomes the proposal to have a brick finish. Requests that it be a condition of permission.
- If there is a condition allowing signage, it should be a performance condition, giving some parameters of what would be allowed. A condition on cowling would be appreciated.
- The appellant has not contested the use of the site, or the presence of a two-storey building. The refurbishment of the derelict building in phase 1 is also welcomed.
- However, to add a further storey at further information stage with such severe impacts to existing dwellings solely to get over the poor initial design is poor planning.

6.5.2. Seafort Avenue Residential Group:

- There is no objection to the principle of the development.
- Concern relates to the visual prominence adjoining residential property. The Planning Officer also raised concerns in terms of visual impact.
- The photomontages do not provide any reassurances to the concerns previously raised and the applicant cannot show the worst case impact of the development which will be as viewed from the rear windows and private gardens of houses along the southern side of Seafort Avenue.
- While it is accepted that the applicant acknowledged inconsistencies in the application documentation regarding the use of the roof top area, further information should have been furnished to demonstrate the proposed material

treatment of the boundary to this element of the scheme. The applicants' response to the FI request provides limited detail on the boundary treatment and no confirmation of heights.

- No netting is noted but the additional height imposed by a roof top boundary will detrimentally impact on the residential amenity of neighbouring properties.
- The changes in floor levels will also increase the impact on the massing of the building.
- Concerns remain regarding the sample properties selected in terms of the impact of the development on daylight.
- The assertion that the Department of Education and Skills should not be liable to assessment of their own technical guidance document is unjustified. The development constitutes an overdevelopment of the site.
- There is no evidence provided to demonstrate that alternative sites were considered for the proposed development.
- The applicants refer to a number of recreational areas within 2km of the site such as soccer, GAA, cricket and hockey clubs. It is submitted however, that these are all private entities and thus, formal agreements would need to take place for their use.
- Significant concerns remain regarding the suitability and impacts of basement construction for school use within a flood risk area.

6.5.3. Katie & William Redmond & Others:

Concerned that responding to the applicants' submission is difficult given the resources of the applicant and the technical nature of the reports.

- With regard to zoning, no. 12 Seafort Avenue, zoned Z1, has never been used for education purposes, rather as a community office in its last use. The use of Roslyn Park as an educational campus is not contested. The scale of the existing school is far less than proposed.
- Reference to scarce urban land would infer that there is no similar available land in the vicinity. There is a large green field site at Poolbeg which had a

school in its original planning application and ample space for a school campus as proposed.

- There is no denying the need for more secondary school developments in the area. By including Dublin 6, this has added to the justification for the scale / number of students.
- There is a new Educate Together secondary school being built in Harrold's Cross Dublin 6. By narrowing the catchment to a more local network, the pupil numbers and scale could be reduced, car journeys and traffic will also be reduced, and local children will be educated locally as is the intent of the DoE proposals.
- The contention that the transition is not abrupt is invalid as there are currently no buildings behind the appellants back wall.
- The referral to two storeys is also deliberately misleading as the two storeys are being built from a 2m base.
- The high-level path will be at the height of the boundary wall giving views into home.
- The latest photomontages depict a grave visual impact on the ACA and conceal the reality of what will be seen from street level. The applicant has avoided providing photos from the Strand and Beach Roads.
- The separation between homes and the development is not acceptable and no details have been provided by the applicant.
- The Strand cycle way will change a lot of the information and modelling in terms of transportation as presented. DCC has also increased traffic projections in Sandymount Village and has rerouted buses which should be taken into account.
- While the flooding report is very detailed, there remains two issues – the use of the basement as a PE hall which is a vulnerable use and the risk of flooding to neighbouring properties alluded to in previous flooding reports due to the proposed construction.

- At every step of the planning application substantial amounts of new information / changes have come to light and have been drip fed. The current issue relates to the roof top playgrounds, fencing on the raised pathway, landscaping, visual amenity, traffic management, light and errors in the plans.
- The contention that people would have known 12 Seafort Avenue was part of the development because of its proximity to the gate on Seafort Avenue is invalid. Why would anyone assume?
- No planning notice was displayed at the boarded-up entrance at the end of Seafort Villas.
- The area of the site to be development at approximately 0.6ha is too small – approximately 10% of the optimal site size for the size of school proposed.
- The new survey of school parents transport methods is biased, and the sample does not represent the projected catchment area for the new schools.
- Parking for staff is inadequate and at present there are at least 12 cars of primary school staff parking in the grounds on a daily basis – amounting to 75% of staff numbers.
- The lack of play and sporting space is a serious concern – there are no outdoor sporting facilities in the schools. A vague statement about proximity to open space and sports facilities is the sole defence of this lack of amenity. A plan to build a school for 1500 students with limited recreation space and no outdoor sporting facilities should not be permitted.
- The landscaping behind the houses remains a concern. The dead hedge has been replaced with new hedging which is not of the agreed or stated height. it serves no purpose and will take 10 years to grow to the agreed / stated height.
- The external walkway / path at high level is completely without detail, measurements or concern for privacy of residents. There remain a number of questions which require to be answered.
- The omission of any referral to the build period, protection / bonding of home is also a serious concern in light of the massive excavation work proposed.

6.5.4. Declan Kinsella & Paula Fullerton:

- No issue with the principle of education use on the site but the impact of the scale of the development proposed needs to be taken into account. It is requested that the Board have regard to the zoning objective for the adjoining houses.
- Do not agree that the development responds to the local character or streetscape as required by Policy SN13 of the CDP.
- The site is located in a transitional zonal area. Appellant not satisfied that the development will not result in an abrupt transition in scale and use as it meets the boundary of their home. The scale of the development represents a material intensification of the existing use and will result in an abrupt transition in scale and use.
- Disagree with the assertion that the development will not detract from the character of the ACA. The development will be overbearing and will have an impact on local visual amenities as evidenced in the photomontages submitted.
- The development will impact on the residential amenities of the home and conditions included in the PA decision demonstrate that the development would have an adverse impact on residential amenities. It is requested that the second floor be removed.
- It is requested that the Board investigate if the development will give rise to adverse traffic impacts and if so, to refuse permission.
- In terms of procedural matters and in particular, the issue of site notices, the Board is required to be satisfied that the planning regulations have been complied with – *McCallig v An Bord Pleanala*.
- The appellant is not aware of any mechanism in the Planning Regulations that enables an applicant to submit revised plans to a local authority which include amendments that are not covered in the request for FI – in this case an increase in height.

- Issues raised in terms of plans submitted which did not comply with the requirements of the Regulations and therefore, the application should have been deemed invalid.
- In terms of design and visual impact, the issue of transitions in scale and visual impact are already set out in the submission. It is difficult to understand how the development will not have an adverse visual impact on Ossory Lodge or the wider area. It is requested that the second floor be removed by way of condition.
- The removal of the second floor would likely reduce the impact of the development on Ossory Lodge in terms of daylight and sunlight impacts.
- It is requested that the Board satisfy itself that mitigation measures have not been taken into account and / or that an AA is not required.
- In terms of landscaping, it is noted that the applicant has clarified some errors and / or omissions. Other errors remain – such as the inclusion of a ball court.

6.5.5. KPMG on behalf of SAMRA:

SAMRA wish to highlight again that they are not opposed to the principle of the proposed development, but they consider that the responses to their concerns to be inadequate. They wish to reaffirm their views that the proposed development constitutes a gross overdevelopment of the subject site and will have a negative impact on its receiving environment.

- Given the absence of a recent detailed demographic analysis to inform demand, and the observed decline in primary and post-primary school demand in the wider vicinity, it is contended that the applicant has failed to robustly illustrate that there is a demand for an educational campus of this scale at this location.
- There is no evidence submitted to confirm that the required quantum of land is not available and no possible alternative development sites were identified. There has been no justification provided as to why both the primary and post-primary schools need to be located on the same site.
- The design of the proposed development severely compromises the residential amenity of properties in the area, will result in overlooking of

properties to the north and west and will have a detrimental impact on the amenity of these established residences.

- The concerns raised regarding traffic and transport impacts still remain significant. It is considered that the development will result in dangerous and illegal parking at peak times creating congestion.
- In relation to flood risk, SAMRAs concerns regarding the extensive excavation works to provide basements and the provision of vulnerable uses below ground level within a flood zone remain. The first party failed to acknowledge the significant flood risk associated with the development in their response to the PA.
- Concerns raised relating to the detrimental impact of the proposed development on the character of the Protected Structure on the site are not diminished by the applicants' response. The impacts on the character of the ACA still remain significant, as evidenced in the photomontages.
- Issues relating to noise associated with the proposed rooftop play area remain.

It is requested that the Board find that the development is of a scale and form that is inappropriate for this location and that as proposed, the development constitutes a gross overdevelopment of the site and will have a very negative impact on the receiving environment. It is requested that the Board refuse permission.

6.5.6. Jimmy & Eva Costello:

- The submission seeks to show the impact of the proposed development on their home and the ACA.
- It is requested that the Board visit the site to establish the impact of the development on their home in terms of the increased ground level of plus 1 or 2 meters.
- It is considered that the proposed development represents a 4-storey structure with the increase in the finished floor level and the concrete sound wall at the roof top play area.

- The sunlight / daylight study does not address the cottages mid Seafort Avenue and does not show December information.
- The submission includes a number of photographs which shows the availability of light into the original windows of the third party's home. The extra storey will negatively impact the direct and indirect light into the home.
- Inconsistencies in relation to the covered outdoor construction studies area.
- There has been no attempt to address concerns raised around particulate pollution and construction studies noise from the area which is at the interface with several gardens on Seafort Avenue.
- Most of the houses are occupied by day.
- Details of location of ducts for air handling systems have not been shown.
- Details of high-level walkway raised in terms of overlooking.
- Ongoing concerns in terms of the use of the basement in the flood zone.
- It is requested that all windows in the direction of neighbouring properties be frosted to avoid overlooking as per conditions on the temporary junior school and renovations to Roslyn Park College several years ago.
- The rear fire lane appears very narrow with several pinch points.

7.0 Assessment

The Board will note that an oral hearing request was submitted by the Sandymount & Merrion Residents Association. Following a recommendation from the inspector, the Board decided that an oral hearing was not warranted in this case, on the basis that there was adequate information on the file.

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, together with the issues raised in the third-party submissions, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development
2. Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards
3. Visual Impacts & Residential Amenity
4. Impacts on Conservation
5. Roads & Traffic
6. Flood Risk & Water Services
7. Other Issues
8. Appropriate Assessment

7.1. Principle of the development

- 7.1.1. The proposed development seeks to demolish all buildings on the existing site, save for the Protected Structure, Roslyn Park House, located centrally in the overall development site, and No. 12 Seafort Avenue, which is located to the western concern of the site. The site is currently occupied by Roslyn Park College and the Shellybanks Educate Together National School – granted temporary permission under ABP Ref: ABP-300989-18 (PA Ref. 4023/17). The REHAB regional offices are also located on the wider site.

- 7.1.2. It is proposed to develop an educational campus on the site including a primary school – which will become the permanent home for the Shellybanks Educate Together National School, and will accommodate 432 pupils, and a post primary school which will accommodate 1,000 students.
- 7.1.3. The Board will note that the subject site is located within an urban area and on serviced lands zoned Z15: Community and Institutional Resource Lands (Education, Recreation, Community, Green Infrastructure and Health) in the Dublin City Development Plan, and it is the stated objective of the zoning ‘to protect and provide for institutional and community uses’. In addition, the western corner of the site includes No. 12 Seafort Avenue. This house is located within an area zoned Z1: Sustainable Residential Neighbourhoods where it is the stated objective “To protect, provide and improve residential amenity.” In terms of both the zoning objectives, the Board will note that educational use is a permissible use. I am satisfied that the refurbishment of No. 12 Seafort Avenue for use as office space associated with the school is also acceptable in this regard. There is no objection in principle to the proposed use of the site for educational purposes from any of the third-party appellants.
- 7.1.4. In terms of the principle of the development I have no objection and I am satisfied that the proposed development of an educational campus adequately accords with the zoning objective afforded to the site.

7.2. Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards

National Context:

- 7.2.1. In the context of national policy, and while I fully acknowledge the third-party submission in relation to compliance with the Department of Educations & Science, ‘The Provision of Schools and the Planning System’ Code of Practice for Planning Authorities, 2008, and indeed, the 2012 Technical Guidance Document, I am satisfied that the 2019 TGD-25 and TGD-27, update these previous documents in the context of site size. Certainly, it would be preferable that all new schools would be built where needed in an urban context and on sites of a size which would accommodate all the required accommodation, both internal and external. However,

it is clear that smaller sites can be considered due to land constraints in urban areas. The guidance documents advise that in such circumstances, 'priority should be given to the provision of accommodation and services specific to the pedagogical requirements of the school'.

7.2.2. In addition, the Code of Practice further advises that the Department of Education will consider the use of multi-campus schooling arrangements in appropriate cases, eg. 2 or 3 schools side by side; a primary and a post-primary school sharing a site; schools anchoring wider social and community facilities required in the same area.

7.2.3. I would note that there are currently 2 schools operating on the site and in principle, therefore, I have no objections to the proposed development at this location.

City Development Plan:

7.2.4. While I will address matters of visual impacts and impacts on conservation further below, the Board will note that the subject site, while including a protected structure, is not located within the Sandymount ACA, save for No. 12 Seafort Avenue. In addition, I proposed to address issues of roads and traffic in Section 7.4 of this report, and flood risk at Section 7.5. Other relevant parts of the Dublin City Development Plan are addressed here.

7.2.5. Section 12.5.4 of the Plan deals with Schools and Education Facilities and the following policy objectives are considered relevant:

SN10: To facilitate the provision of new schools, school extensions and third-level institutions and to have regard to the provisions of the DoEHLG and DES (2008).

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

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

While I will discuss matters of visual impact further below, I am generally satisfied that the proposed development accords with the principle of these stated policies.

CDP General Development Standards:

- 7.2.6. Chapter 16 of the CDP deals with Development Standards. In terms of proposed plot ratio and site coverage, I am satisfied that the proposed development is acceptable. Section 16.2.1 expects that all development will incorporate exemplary standards of high quality sustainable and inclusive urban design and will minimise energy use and emissions during the lifecycle of the development.

Demolition:

- 7.2.7. Of note, the Development Plan seeks to encourage the re-use of existing buildings in the first instance in preference to demolition and new build. Section 16.10.17 continues this theme and seeks to retain and re-use older buildings of significance which are not protected. This section of the Plan states that “In assessing applications to demolish older buildings which are not protected, the planning authority will actively seek the retention and re-use of buildings/structures of historic, architectural, cultural, artistic and/or local interest or buildings which make a positive contribution to the character and identity of streetscapes and the sustainable development of the city. Where the planning authority accepts the principle of demolition a detailed written and photographic inventory of the building shall be required for record purposes”.
- 7.2.8. The proposed development seeks to demolish all buildings on the site except for the Protected Structure, Roslyn Park House (Gandon Villa) and no. 12 Seafort Avenue, which is located within the ACA. The development includes the demolition of Roslyn Park College and Sandymount Park House as well as the modern extension to the rear of Roslyn Park House (PS). In addition, the suite of temporary prefabricated school buildings located on the grounds will also be removed to accommodate the new development.
- 7.2.9. In support of the extensive demolition of existing buildings on the site, none of which appear to be in a poor state of repair, the Architectural Heritage Impact Assessment makes the case to justify doing so. It is submitted that most of the building stock on the site is not of high enough standard to meet the requirements of the new schools proposed for the site. The existing buildings were developed in an ad hoc manner

and the layout does not suit the brief for the site. The classroom sizes are also restricted and as the walls are structural, there is little flexibility in terms of adaptation. The report also notes the challenge of compliance with current BCaR standards and notes that the site is located within a flood risk zone. The existing floor levels of the buildings are unacceptable to accommodate the tidal flood risk associated with the site. The report notes that the challenge of accommodating the two new schools on the site while retaining the setting of the protected structure at its centre, can only be achieved by demolishing the existing buildings and maximising the footprint with new buildings. The efforts to adapt the existing buildings became unfeasible.

7.2.10. With regard to the buildings to be demolished, the following is relevant:

- Sandymount Park House: The AHIA notes that this building, constructed in the early 19th Century, retains very little original fabric or traces and has lost any architectural merit it may once have had due to alterations and extensions. Elements of its original fabric are detailed in the document and I would note that the building has been compromised over the years. The building is considered to be of social significance due to its association with the Sisters of the Sacred Heart and their role in education. Its social significance extends to its connection with Roslyn Park House and Roslyn College also. It is considered that the building is not suitable for use as a school or support services for the school.
- Roslyn Park College: It is submitted that the original building, constructed in the 1950s has some architectural merit and that the 6-classroom extension was well designed with moderate architectural merit, the remaining extensions and additions are of no architectural value. It is noted that the building is not of sufficient merit to warrant inclusion in the Record of Protected Structures and the building cannot be adapted to accommodate the required accommodation. It is submitted that the building is of social significance due to its association with convent, the Rehab Group and its educational remit.
- Extension to the rear of Roslyn Park House: Roslyn Park House is a Protected Structure and is of architectural significance, being a rare surviving example of James Gandon's domestic architecture and dating from the 18th

Century (1792). While there have been some alterations, extensions and restoration work in the early 1990s which has affected its authenticity, it is an important contribution to the architectural history and fabric of Dublin City. The original building was one room deep and a glazed extension to the rear of the building was built. It is proposed to demolish this modern rear extension and rebuild in order to provide support services for the secondary school.

- 7.2.11. I would note that the Planning Authority has accepted the principle of the demolition of the buildings on the site on the basis of the reasons presented. In addition, I note that the applicant has submitted a full photographic survey of the buildings on the site, including Roslyn Park House and No. 12 Seafort Avenue, as required in Section 16.10.17 of the City Development Plan.
- 7.2.12. I also note that the Dublin City Conservation Officer appears to have been involved in the planning process for the overall development of the site and attended pre-planning meetings. Following the submission of the response to the FI request, the CO sought the inclusion of conditions in a grant of permission seeking the revision of the increased height in the building, particularly in the vicinity of No. 12 Seafort Avenue, in order to protect the special character of the ACA. I note that this condition requirement was not included in the Dublin City Councils decision to grant permission.
- 7.2.13. I proposed to address the design and visual impacts associated with the proposed development further in this report at Section 7.3 and 7.4. Overall, however, and while I would consider it unfortunate, I would accept the logic for the proposed demolition of the buildings on the site in principle and would have no objection to same.

Development Standards for Schools:

- 7.2.14. Section 16.16 of the Plan deals with Development Standards for Schools and provides that in determining an application for a school, a number of elements shall be considered. These matters are detailed above on page 25 of this report and relate to a number of matters including compliance with the Departments Code of Practice and Technical Guidance, ensure that they are fit for purpose and suitably located in terms of catchment and access to sustainable transport amongst others. Overall, and having regard to the existing and historic use of the site, as well as the zoning

objective afforded to same, I am satisfied that the proposed development is acceptable in principle.

- 7.2.15. As an aside comment, I note that the proposed construction studies covered area would not appear to comply with the Technical Guidance Document – 027. Section 6.18 of the TGD require that the Covered Area for Construction Studies should be directly accessible from the room. The proposed layout of the school does not conform with this requirement. However, I am generally satisfied that this matter can be addressed through the switching of the proposed Technology Studies room and the Construction Studies room – as the Engineering Studies room is also required to be directly accessible from the outside via a yard.

7.3. Visual Impacts & Residential Amenity

- 7.3.1. The proposed development seeks to demolish all buildings on the site except for the Protected Structure, Roslyn Park House (Gandon Villa) and no. 12 Seafort Avenue, which is located within the ACA. The site also includes the demolition of Roslyn Park College and Sandymount Park House as well as the modern extension to the rear of Roslyn Park House (PS). In addition, the suite of temporary prefab school buildings located on the grounds will also be removed to accommodate the new development. In support of the proposed demolition the applicant submitted an Architectural Heritage Impact Assessment report with the planning application. Following the request for further information, the AHIA was updated to reflect the amendments to the overall design of the proposed school campus and its impacts on the architectural heritage of the site.

- 7.3.2. As discussed above, Section 12.5.4 of the Plan deals with Schools and Education Facilities and the following policy objective is considered relevant:

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

- 7.3.3. Having regard to the previous and current use of the site for educational purposes, which includes the use of the protected structure on the site, I am satisfied that the proposed development generally complies with the above policy requirements in principle.
- 7.3.4. The site covers an area of approximately 2.1ha and the existing ground levels across the site range from between +1.9-3.2mOD, averaging between 2.2-2.3mOD. The entrances to the site have levels of 2.8m at the Newgrove Avenue entrance and 3.18m at the Strand Road entrance. The existing internal roads on the site have levels ranging from 2.2-2.5mOD. The existing school building on the site, Roslyn Park College, rises to 2 storeys with an overall height of 13.336m at its highest point.
- 7.3.5. In terms of the proposed development, the Board will note the proposals to increase the finished floor level of the proposed buildings from the existing levels indicated as being between +2.20-3.1 m OD, to +4mOD. The ground floor levels of both buildings proposed therefore, will be between +0.9-1.8m above the levels of the existing buildings.
- 7.3.6. The original proposed school buildings proposed as follows:

	Primary School	Secondary School	Roslyn Park House
Height	11.6m	18m in total 14.4m from gfl	
Basement level	1 x GP hall & Storage area 4 x Classrooms Courtyard area	<u>Level 1:</u> Caretakers Office Lockers 2 x Science labs & prep area Fitness Suite & Store 2 x Project storage 2 x Social Area 2 x Home Economics Rooms 1 x Textile Room	

		1 x Small classroom 1 x large classroom <u>Level 2:</u> PE Hall & Storage Pupil Social area	
Ground floor level	SNU including 2 x class bases, activities area, office, and multi-sensory room. Admin offices Principal's office Staff room 4 x classrooms	SNU including 2 x class bases, activities area, office, and multi-sensory room. 2 x Technology Studies 1 x Engineering Studies 1 x Construction Studies 1 x Const. / Eng. prep room 1 x external / covered area for Construction Studies 6 x Small classrooms 9 x large classrooms 2 x Science labs & prep area GP area / Dining	Admin offices Principal's office
First Floor level	8 x classrooms Library / resources Outdoor play area facing into site	2 x Art rooms 2 x Multi-Media rooms	

		2 x Design & Comm Graphics / Tech Graph room Library Staff room 2 x Science labs & prep area 1 x Music Room 3 x Small classrooms 17 x large classrooms	
Roof level		Play Area	

7.3.7. Following the submission of the response to the FI request, the following amendments were made to the proposed development:

	Primary School	Secondary School	Roslyn Park House
Height	15.2m 11.6m from proposed gfl	15.4m in total 10.8m from gfl	
Basement level	1 x GP hall & Storage area 4 x Classrooms Courtyard area	<u>Level 1:</u> Caretakers Office Lockers 2 x Science labs & prep area Fitness Suite & Store 2 x Project storage 2 x Social Area 2 x Home Economics Rooms 1 x Textile Room	

		<p>1 x Small classroom</p> <p>1 x large classroom</p> <p>2 x Courtyard areas</p> <p><u>Level 2:</u></p> <p>PE Hall & Storage</p> <p>Pupil Social area</p>	
Ground floor level	<p>SNU including 2 x class bases, activities area, office, and multi-sensory room.</p> <p>Admin offices</p> <p>Principal's office</p> <p>Staff room</p> <p>4 x classrooms</p>	<p>SNU including 2 x class bases, activities area, office, and multi-sensory room.</p> <p>2 x Technology Studies</p> <p>1 x Engineering Studies</p> <p>1 x Construction Studies</p> <p>1 x Const / Eng prep room</p> <p>1 x external / covered area for Construction Studies</p> <p>6 x Small classrooms</p> <p>9 x large classrooms</p> <p>2 x Science labs & prep area</p> <p>GP area / Dining</p>	<p>Admin offices</p> <p>Principal's office</p>
First Floor level	<p>10 x classrooms</p> <p>Library / resources</p>	<p>2 x Art rooms</p> <p>2 x Multi-Media rooms</p>	

	Outdoor play area facing into site	2 x Design & Comm Graphics / Tech Graph room Library Staff room 2 x Science labs & prep area 1 x Music Room 3 x Small classrooms 17 x large classrooms	
Second floor level	2 x Classrooms on SE corner of building	<u>South Block:</u> 2 x Science labs & prep area 2 x Home Economics Rooms 1 x Textile Room <u>North Block:</u> 1 x Small classroom 1 x large classroom Play Area Pastoral Office Storage	

7.3.8. The proposed development has been amended and altered in the course of the PAs assessment and includes a roof-top play area on the post primary school building. While the plans indicate a ball court on the roof of the school, the applicant has advised that there is no plan to facilitate ball games. This facility is located adjacent to the residential properties on Seafort Avenue.

7.3.9. Following the submission of the response to FI the proposed primary school will have an overall height of 11.6m on south eastern elevation. On the south western

elevation – backing onto Mount Tabor Care Centre and Nursing Home, there will be a lower floor. The new school will be located between 10-15m from the south western boundary and play areas will be located in this space. I have no objection to the proposed development in this regard.

7.3.10. The proposed secondary school will connect to the primary school along the south western boundary and will connect to a second block along the north western boundary of the site via a first-floor link. This building includes a double basement which will accommodate a PE hall and storage areas as well as social areas. In amending the plans to address issues raised in the further information request, the building will rise to three storeys on the north eastern elevation – facing onto Strand Road and the south western elevation – backing onto Christ Church Methodist Church. The basement area has been reduced.

7.3.11. In terms of the proposed second floor backing onto Christ Church Methodist Church, and extending in a north westerly direction towards No. 12 Seafort Avenue (south block), I am inclined to agree with the Conservation Officer in the context of visual impacts. The proposed second floor is to occupy only the southern part of the buildings footprint and will be pushed towards the site boundary side of the building. A green roof is proposed to occupy the northern section of this level. This level proposes to provide 2 science labs and a prep area, 2 home economic rooms and a textile room as well as WCs. In order to address the visual impacts associated with the development in this area, I recommend that the second floor at this location be redesigned to provide the necessary accommodation in the area adjacent to the primary school block such that the western elevation of Block 2 rises to 2 storeys only. This would require the relocation of the WCs, textile room and one of the science laboratories to the north of the home economics rooms, as well as the stair well to the second floor. The green roof should be extended to the western area of this building.

7.3.12. The proposed school buildings will be finished with a mix of render, grey brick, curtain wall, spandrel panels and metal cladding. The select glazing system will include frosted glass to 1.8m in height. PV panels will be located on the roofs and part of the roof will include green roofs. Along the proposed roof top play area, there will be a 2.1m high wall to the north western elevation. The new building will be located from between approximately 6m to approximately 9m along this boundary.

The fire access route will be located immediately adjacent to the boundary with the houses onto Seafort Avenue and there will be an additional boundary along the external path around the ground floor of the proposed school which will prevent overlooking of adjacent residential properties.

- 7.3.13. In terms of the Protected Structure, and while I will discuss impacts on conservation further below, I would note that the proposed development will see Roslyn Park House, Protected Structure, once again stand as a detached building within the site. While the building will be used for school purposes, there will be no direct connection to the house as part of the new buildings. The proposed extension to Roslyn Park House will be discussed further below.
- 7.3.14. In terms of the visual impacts associated with the development from within the site, I am satisfied that the development can be accommodated. The Board will note that a number of third-party appellants have raised concerns in terms of the visual impacts associated with the development on their homes as well as from the adjacent Architectural Conservation Area. With regard to the visual impacts to appellants homes, I would acknowledge the location of the site within the built-up area. The historical nature of the site has retained an open area of green space which certainly adds to the visual amenity of the wider area. I would also note that the proposed site layout has sought to retain this open space in respect to the protected structure on the site.
- 7.3.15. However, and with reference to Section 14.7 of the Dublin City Development Plan which deals with transitional zones, I have a concern in terms of the visual impact of the development as it relates to Strand Road. I refer in particular to View 1 of the submitted verified photomontages dated May 23rd 2020. The amended proposed development, following the request for further information, relocated 2 classrooms, a storage area and a Pastoral Office to a new second floor. I consider this element to have a significant visual impact on the wider area and should the Board be minded to grant planning permission in this instance, this element should be omitted. The omission will reduce the visual impact from both Strand Road and Seafort Avenue and will further reduce the impact on the residential amenities of Ossory Lodge, and other adjacent residential properties.

- 7.3.16. With regard to the visual impacts of the development on the adjacent homes, I would accept that there will be a minor increase in overall height associated with the new buildings. In addition, the Board will note that the development includes the raising of the on-site levels to +4m in order to address the flood risk of the site, an increase of between 0.9-1.8m. In terms of potential visual impacts, and while I would accept that there are elements of the new building which will be more prominent, I would consider that overall, and subject to the amendments recommended above, the impact will not be more significant than that which already exists. I will address the visual impacts associated with the proposed development in the context of the ACA further below, but overall, and having regard to the location of the subject site within the urban area, together with the separation distances between the proposed building and adjacent properties, I have no objections in principle.
- 7.3.17. Concern has been raised in relation to the elevated pathway, which arises due to increased finished floor levels, and the impact this will have on residential amenity of those properties fronting onto Seafort Avenue. The pathway will be set back from the boundary by at least 6meters and the design proposes to install fencing which will prevent the potential for overlooking. Given the proposed use of the development, I am satisfied that this is acceptable and would not unduly impact the existing residential amenity of these adjacent homes. The Board will note the inclusion of Condition 2 which requires the reconfiguration of the second-floor classroom no 22 and storage room in Building 02, drawing 1501-V2-OMP-B02-M2-A-1005 in order to address a perceived overlooking potential of the adjacent residential properties. I have recommended above that this second-floor element should be omitted. However, should the Board not agree, I would advise considering the inclusion of this condition in any grant of permission should the Board be so minded.
- 7.3.18. Landscaping proposals for the site boundaries have also been included with the planning documents. While I acknowledge the third-party submissions with regard to past experiences in terms of compliance with landscaping plans associated with the temporary permission for the primary school on the site, I would consider it appropriate that matters of compliance, or non-compliance as the case may be, be followed up by the Planning Authority, as the appropriate authority to deal with such matters. I would also note the comments that landscaping works have been

undertaken at the site. While the planting will require time to establish, I would not consider this a reason to refuse permission.

- 7.3.19. In terms of the issue of noise associated with the proposed development, I am satisfied that the historic use of the site, together with its current zoning objective, clearly indicates that the site is suitable for use as a school. I would, however, accept that the scale of the proposed school is larger than that existing on the site. In terms of noise associated with the proposed roof play areas, I note that while the drawings indicate a ball court, the applicant has indicated that no ball games will be permitted at the roof level. I also note the proposals to erect a noise barrier wall along the northern elevation of the building in order to eliminate noise impacts which may impact on residential amenity. This wall is to be located approximately 9m from the site boundary with the residential properties.
- 7.3.20. In principle and acknowledging the third-party submissions in relation to noise, I would consider that the measures proposed should adequately protect the existing residential amenities of the adjoining properties. The roof play area is located at a distance from the site boundary and subject to the inclusion of a condition which precludes the use of the roof play area for ball games, and the limited time associated with recreational breaks in the school day, I am satisfied that the development, if permitted, is unlikely to give rise to further significant dis-amenity by reason of noise.
- 7.3.21. The covered external Construction Studies Area proposed has been the subject of concern for the adjacent residents. It is proposed that this area will be located within approximately 7.6m from the boundary of the site with adjacent residential properties. I note that this area is accessed through the Engineering Studies and Technology Studies rooms, as well as from the GP/Dining area while the Construction Studies room is located away from the site. Access to this outside space is via the Construction / Engineering Preparation room. I would accept that this area is a requirement for post primary schools.
- 7.3.22. While I acknowledge the concerns raised in terms of potential noise, I would note that all of the essential equipment required for Construction Studies, Engineering Studies and Technology Studies is kept indoors. I would also note that this covered area in any other school is not generally an area which is used by students to

congregate and would only be occupied as part of an appropriate class. As such, and subject to the school building being constructed in accordance with the Technical Guidance Documents and required development standards, I am generally satisfied that the development is acceptable and is unlikely to give rise to significant impacts on residential amenity.

7.3.23. In support of the proposed development, the applicant submitted a Sunlight and Daylight Access analysis which concludes that the impacts associated with the development are generally imperceptible to slight when compared with existing conditions. It is further submitted that the development accords with the relevant BRE guidance and that issues raised in the third-party appeals are groundless. The third parties also raise concerns in terms of overshadowing associated with the proposed development. I have considered the detail submitted and consider that the implementation of my recommended amendments will minimise any additional overshadowing of adjacent properties.

7.3.24. While I accept that the proposed development will alter the existing streetscape, subject to the recommended amendments and that the development phase will be managed by a Construction and Waste Management Plan, I consider that the proposed development is acceptable and will not give rise to significant impacts on existing residential or visual amenity.

7.4. **Impacts on Conservation**

7.4.1. Chapter 11 of the Plan deals with Built Heritage and Culture. The subject site includes a protected structure and as such, Section 11.1.5.1 of the Plan is relevant, including the following policy and guidance:

Policy CHC2: To ensure that the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage and will:

- (a) Protect or, where appropriate, restore form, features and fabric which contribute to the special interest.
- (b) Incorporate high standards of craftsmanship and relate sensitively to the scale, proportions, design, period and architectural detail of the original building, using traditional materials in most circumstances

- (c) Be highly sensitive to the historic fabric and special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials
- (d) Not cause harm to the curtilage of the structure; therefore, the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure
- (e) Protect architectural items of interest from damage or theft while buildings are empty or during course of works
- (f) Have regard to ecological considerations for example, protection of species such as bats.

Changes of use of protected structures, which will have no detrimental impact on the special interest and are compatible with their future long-term conservation, will be promoted.

- 7.4.2. In terms of the potential visual impacts associated with the development, the Board will note the location of the existing site. While the majority of the site itself is not located within the ACA, other than No. 12 Seafort Avenue, the Board is referred to Section 11.1.5.6 of the City Development Plan which recognises that development outside Conservation Areas can also have an impact on their setting. The Plan requires that an assessment of the impacts be undertaken and states that 'any development which adversely affects the setting of a Conservation Area will be refused planning permission and the City Council will encourage change which enhances the setting of Conservation Areas'. I further note the requirements of the Sandymount Village & Environs Architectural Conservation Area Report, where Section 7.0 identifies interventions which would detract from the character of the ACA.

Architectural Conservation Area

- 7.4.3. With regard to the potential visual impacts of the development on Seafort Avenue and the ACA, I have indicated my concerns above in Section 7.3. I have recommended that sections of the proposed school building be amended in order to reduce the area of the three-storey element of the school along the southern boundary of the site, which will reduce the impact on the visual setting of properties

in the ACA along Seafort Avenue in this area. I further consider that this amendment will reduce the impact of the development on the adjacent church and Mount Tarbor nursing home.

- 7.4.4. The Board will note that the Dublin City Council Conservation Officer also recommended that elements of the building be reduced in height to protect the special character of the ACA.

No. 12 Seafort Avenue

- 7.4.5. In terms of works to No. 12 Seafort Avenue, which is located within the ACA, I note that this building is not a protected structure. However, the building dates from the early 1800s and although altered in the 20th Century, the house retains some of its historic fabric. The initial plans for the building were amended following a request for further information with the latest proposals including the repair of the structure in accordance with best conservation practice. The works will now include the retention of all sound primary fabric as well as the historic floorplan.
- 7.4.6. I note that the Dublin City Council Conservation Officer recommended the inclusion of conditions to protect the fabric, character and integrity of the historic structure. Should the Board be minded to grant permission in this instance, I recommend that a condition to this effect be included.

Roslyn Park House

- 7.4.7. The proposed development seeks to return Roslyn Park House, Protected Structure RPS no. 496, to its stand-alone status through the removal of the 2-storey return which connects the house to the existing college on the site. Roslyn Park House, also known as Gandon Villa, was designed by James Gandon and constructed in approximately 1790. The one room deep building was extended to the rear and has been used by the school on the site since the Sisters of the Sacred Heart of Mary set up a convent and school on the site in approximately 1950. Following a period of being unused, the building fell into a state of disrepair. Restoration works commenced in approximately 1988 and completed in the early 1990s. Roslyn Park House is known to be a rare surviving example of Gandon's domestic architecture and is of social significance due to its association with the convent and school, and later the Rehab Group and its educational remit.

7.4.8. The proposed development will see the demolition of the existing extension to the rear of the house and the construction of a new extension to provide support services for the proposed school campus. The proposed new extension has been designed to present a visual break between the existing building and the new extension through the use of a glazed link. The roof of the extension will be below that of the existing house and landscaping proposals are submitted to enhance the building within the overall site. Also of note is the proposal to retain the existing green area to the front of Roslyn Park House which protects its parkland setting. I have no objections to the proposed works to the protected structure.

Other Buildings

7.4.9. I have discussed the detail of the other buildings on the site which are to be demolished in order to accommodate the proposed development above in section 7.2 of this report. None of these buildings are protected structures. I note that Sandymount Park House, while having lost any architectural merit due to alterations and extension through the years, retains a small number of original fabric elements. The submitted Architectural Heritage Impact Assessment includes very detailed photographic surveys of all the buildings on the site. I have concluded above, as has the Conservation Officer of Dublin City Council, that while unfortunate, the existing buildings on the site are not suitable to be retained and adapted for the needs of the schools proposed.

7.4.10. Subject to the amendments recommended in this report, I am generally satisfied that the proposed development is acceptable in terms of architectural heritage and conservation.

7.5. Roads & Traffic

7.5.1. The proposed development will see the existing educational facilities on the site, which comprise a temporary 12 classroom primary school with 324 pupils and Roslyn Park College which has 250 pupils, replaced with a new school campus. The new campus will include a 16-classroom primary school, with 432 pupils and a 1,000 pupil post-primary school. The development will use the existing entrances to the site, located at Newgrove Road, which has a speed limit of 30km/p/h and Beach Road which has a speed limit of 50km/p/h. It is noted that there is a dedicated

signalised pedestrian crossing on Beach Road adjacent to this entrance. Both existing entrances are used by vehicles, cyclists and pedestrians. On completion of the development, it is intended that vehicular access will be restricted and that the entrances will be prioritised for cyclists and pedestrians, with limited vehicular use, access for disabled parking and deliveries. The Board will note that all of the third-party appellants raise roads and traffic issues as a concern.

7.5.2. The application was accompanied by a Traffic & Transport Assessment and a School Travel Plan, both prepared by Waterman Moylan Consulting Engineers Limited. In order to reduce the impact on the local road network, it is noted that when both permanent schools are operational on the site, their opening times will be staggered by 30 minutes. The TTA presents the existing transport infrastructure in the vicinity of the site together with the traffic generation and distribution of the proposed development. The impacts associated with the proposed development are assessed using PICADY and ARCADY modelling software. Baseline traffic counts were established at 8 no. junctions on the 31st May 2017, between 8 and 10am.

7.5.3. In order to avoid a build up of traffic on the local roads during pick-up and drop-off, parents who drive their children to school will be requested to park in existing on-street parking spaces and walk the children to school entrance under the 'park n' stride' initiative. The Board will note the location of the subject site and the access to public transport modes, including Dublin Bus stops within 30m of the site and the Sandymount Dart Station within 900m of the site.

Traffic Modelling:

7.5.4. Section 4 of the submitted TTA sets out the predicted trip rates associated with the overall development using a modal split of between 25% to 31% for cars. It is concluded that when the site is fully developed and occupied, it will attract a total 156 car trips in 2030. I note that 25% of the maximum number of students attending the proposed schools would equate to 346 private car trips.

7.5.5. In terms of traffic modelling, the Board will note that low growth factors were used for expanding the 2017 baseline traffic to the 2020-2021 opening years flows and the 2030 future year flows. The junctions to the site were modelled from 8-9.30am with trips to the primary school added between 8.15-8.45am and to the post primary school between 8.45-9.15am. Trips from the primary school were added between

8.30am-9am and from the post primary school from 9-9.30am. The TTA notes that the development will result in moderate queue formation on Beach Road in 2030, with an RFC (Ratio of Flow to Capacity) of 1.21 in the AM period with or without the development. It is submitted that if the mini roundabout at the junction of Beach Road and Newgrove Avenue was reverted to a priority junction, capacity would not be an issue. All other junctions are identified as operating within capacity.

Upgrading Infrastructure:

- 7.5.6. In terms of the upgrading of the existing mini roundabout junction at Beach Road and Newgrove Avenue to a priority junction, I note Condition 6 of the Boards previous decision relating to the temporary school on the site, ABP-300989-18 refers. This condition states as follows:

Prior to the making available for occupation of the school, the upgrade of the road network and supporting transport infrastructure shall be constructed to the satisfaction of the planning authority and written confirmation in this regard shall be supplied by the planning authority.

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

- 7.5.7. While the applicant advised in the response to the PAs further information request, dated July 2020, that works to upgrade the junction in accordance with the above condition was to start in August 2020, no works had been commenced on the date of my site inspection, 02nd day of December 2020. I would note the intention that the upgrading works will be fully completed before the schools are occupied. I also note that the Transportation Planning Division of Dublin City Council noted that ‘the detailed design of the works is currently being agreed with relevant sections across Environment & Transportation Department and would be required to be carried out under Road Opening Licence’. I would consider it acceptable that this matter be dealt with by way of condition but that the works be undertaken prior to the commencement of development works on the site. I consider this appropriate on the basis that the works were originally required to be completed before the occupation of the temporary school on the site and is therefore, outstanding. I do accept that the other infrastructural upgrades identified as part of the previous application for the temporary school have been substantially completed.

Modal Split Patterns:

7.5.8. The School Travel Plan submitted in support of the proposed development and updated following the PAs request for further information to include the post primary school, was prepared in accordance with the NTA Toolkit for School Travel guidance as well as a suite of other relevant documents. Following the completion of a survey of existing students of the Shellybanks ETNS on the site, the target modal shift for the proposed campus is as follows:

Mode of Transport	Initial Modal Split Estimate - Campus	Updated Modal Split - Campus
Rail	2%	4%
Bus	6%	30%
Private Car	25%	12%
Walking	25%	27%
Cycling	30%	27% (inc. scooter)
Scooter	12%	27% (inc. cycling)

7.5.9. It is proposed that the school management will appoint a designated member of staff to take on the role of Mobility Manager, whose objective will be to encourage and facilitate sustainable travel for pupils and staff. Both staff and student initiatives will be implemented to encourage the use of sustainable modes of transport for travelling to and from school. It is also noted that the Green Schools project will be implemented in the school which includes targets for carpooling. The Mobility Management Plan is a dynamic programme and targets will be reviewed on a regular basis.

7.5.10. The applicant also submitted a Walkability Audit in support of the school travel plan which included an examination of the proposed scheme and the site. The audit covered pedestrian routes to and from the site and the various Park and Stride areas identified as part of the proposed development. The Audit identified 14 'problems' and made recommendations in relation to each one. Dublin City Council is to review and carry out any / all remedial, upgrade or maintenance works in the identified locations and I note that the Transportation Planning Division of the Council is satisfied in this regard.

Parking:

7.5.11. In terms of compliance with the City Development Plan, the Board will note that Chapter 8 of the plan deals with Movement & Transport. The following policies are considered relevant in this regard:

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

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

Section 8.5.5 deals with Mobility Management and Travel Plan and seeks to encourage as much travel as possible by sustainable means such as public transport, walking and cycling. School Travel Plans are required for all new schools.

7.5.12. Section 16.38 deals with Car Parking Standards and it is noted that the proposed development site is located within Zone 2 on Map J of the Development Plan. Table 16.1 of the Plan deals with the maximum parking spaces provision noting that in Zone 1, no parking spaces are required while in Zones 2 & 3, 1 space per classroom is required. The development does not propose any car parking, other than 3 accessible spaces. It may be considered therefore, that the proposed development does not accord with the development standards of the CDP as they relate to car parking. However, having regard to the location of the subject site and the access to public transport modes, including Dublin Bus stops within 30m of the site and the Sandymount Dart Station within 900m of the site, I am satisfied that the proposal is acceptable in principle. I also note that Dublin City Council Transportation Planning Division has not raised objections in this regard.

7.5.13. In terms of cycle parking, Table 16.2 of the plan is relevant and requires the minimum provision of 1 cycle space per 3 students. The proposed development has a requirement of 144 cycle parking spaces for the primary school and 333 spaces for the post-primary school, a total of 477 spaces. The proposed site layout provides for 550 cycle parking spaces and 60 scooter parking spaces – I refer the Board to drawing no. 1501-V2-OMP-ZZ-ZZ-DR-A-4102 submitted in response to the PAs further information request. The detail of the parking systems is somewhat lacking,

but the photographs submitted suggest a combination of double stack systems and Sheffield type stands are proposed. I have no objection in terms of cycle parking.

- 7.5.14. I have no objection to the proposed development in this regard and I am satisfied that the applicant has adequately assessed the roads and traffic implications of the proposed development. I am satisfied that the proposed development would not have a significant negative impact on traffic in the vicinity, subject to the inclusion of condition 12 of Dublin City Councils decision to grant permission.

7.6. Flood Risk & Water Services

- 7.6.1. The applicant submitted a Flood Risk Assessment with the planning application, updated following a request for further information. The report notes that the subject site has an area of approximately 2.1 hectares with ground levels ranging from 1.90 – 3.2mOD, averaging between 2.2 - 2.3mOD. The existing buildings on the site have finished floor levels of between 2.2 – 3.1mOD. No. 12 Seafort Avenue has a finished floor level of 2.8mOD and the lower ground floor of Gandon Villa is at 2.08mOD. There are two entrances to the site and the Newgrove Avenue to the south is at 2.8mOD while the northern entrance, on Strand Road, 3.18mOD.
- 7.6.2. Having consulted www.floodmaps.ie the Board will note that the site is located within an area of medium probability flood event which have a 1 in 200 chance of occurring of being exceeded in any given year. This is also referred to as an Annual Exceedance Probability (AE)) of 0.5%. The site was affected by the Dublin City Tidal flooding event in February 2002.
- 7.6.3. Following a request for further information, the Board will note that the applicant amended the proposed development to remove the vulnerable use classrooms from the basement of the proposed school. The information in the FRA originally submitted that the site is located within a Flood Zone A. The amended FRA states that the site is located within a Flood Zone B, and no areas of the site are in Flood Zone A. The Board will note that the proposed school will have a finished floor level of 4.0mOD. In this regard, the amended FRA suggests that the proposed schools will be relocated out of Flood Zone B and into Flood Zone C.
- 7.6.4. The 2009 FRA Guidelines require that the Flood Risk Assessment should cover all sources of flooding, including the effects of run-off from a development on flood risk

both locally and beyond the development site. A detailed flood risk assessment should assess flood risk issues in sufficient detail and provide a quantitative appraisal of potential flood risk to a proposed or existing development or land to be zoned, of its potential flood risk elsewhere and the effectiveness of any proposed mitigation measures. The submitted FRA seeks to identify, and set out possible mitigation measures against, possible risks of flooding from various sources including coastal, fluvial, pluvial and groundwater.

- 7.6.5. Tidal flooding is identified as the most likely possible flood risk given the sites location adjacent to the Irish Sea, on the opposite side of the Strand Road, the R131. The existing structures on the site have finished floor levels below the 1 in 1000-year tidal flood level, which is approximately 3.34mOD, as detailed in the Eastern CFRAM Study Sandymount Tidal Flood Extent Map, dated August 2016. The temporary school recently constructed has a finished floor level of 3.5mOD. The FRA also notes that the Dublin Coastal Protection Project indicated that the 2002 high tide event, which caused flooding in the vicinity of the site, reached a level of 2.95mOD.
- 7.6.6. The Board will also note that there is existing tidal flood defence infrastructure along the coast adjacent to the subject site and that the existing sea wall is deemed to provide significant flood alleviation. Dublin City Council also has outlined plans to install a new, higher sea wall in the vicinity to protect flood prone areas of Sandymount up to 200-year flood events plus wave overtopping. No timescale for the delivery of this infrastructure is available and I note the requirements of Section 2.25 of the FRA Guidelines which states that ‘the presence of flood protection structures should be ignored in determining flood zones. This is because areas protected by flood defences still carry a residual risk of flooding from overtopping or breach of defences and the fact that there may be no guarantee that the defences will be maintained in perpetuity’.
- 7.6.7. In terms of the proposed development, I would acknowledge that it is a highly vulnerable development in terms of flood risk. While the introduction to the amended FRA submitted in response to the FI request makes reference to one, no Justification Test has been clearly set out in the document. This is likely due to the conclusion that as the FFLs of the buildings will result in the schools being built in a Flood Zone C, and not in a Flood Zone A or B, where the justification test is not required.

7.6.8. However, I given the nature and context of the site, together with its location within 'an area of medium probability flood event which have a 1 in 200 chance of occurring of being exceeded in any given year' (www.floodmaps.ie), I consider it appropriate to address the justification test criteria of the FRM Guidelines. In this regard, the following is relevant:

1. The subject lands have been zoned or otherwise designated for the particular use or form of development in an operational plan, which has been adopted or varied taking account of these guidelines:

The subject site is located within an urban area and on lands zoned Z15: Community and Institutional Resource Lands (Education, Recreation, Community, Green Infrastructure and Health) in the Dublin City Development Plan, and it is the stated objective of the zoning 'to protect and provide for institutional and community uses'.

The site has been used for educational purposes for many decades and therefore, I am satisfied that the subject site is appropriately designated for use proposed. I also acknowledge that the proposed development includes proposals for flood mitigation measures in order to protect the school and therefore, the current application proposes no change to the longstanding use of the site.

2. The development has been subject to an appropriate flood risk assessment that demonstrates:

- (i) The development proposal will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk:

I note the lack of any reference to the potential impacts of the proposed development on the flood risk of adjacent properties in either of the flood risk assessment submitted in support of the proposed development. However, I note that the built element of the proposed development effectively covers the existing hard stand area of the site. In addition, I note that the basement levels are located over 17m from the nearest site boundary to the north west and that the ground levels immediately adjacent to this boundary, and adjacent to the houses onto Seafort Avenue, will not be altered in the area which accommodates

the proposed fire tender access road. The proposals for the management of storm water within the development include proposals to restrict discharge to the existing system by means of a Hydro-break and the storage of excess storm water on site.

- (ii) The development proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as reasonably possible;

The mitigation measures proposed will certainly minimise flood risk to the proposed school buildings. The proposed increase in the existing site levels will result in the site, and proposed new buildings having an elevated ground floor level well above the 1 in 1000-year tidal flood level. The greatest increase in site levels will occur in the area adjacent to the north western boundary of the site, which shares its boundary with the residential properties on Seafort Avenue. I have indicated above that the fire tender access will be located immediately adjacent to the boundary for a minimum distance of 6m.

In addition to the above, I note the surface water drainage proposals for the site which include the maintenance of existing flood barriers at the 3 entrances to the site and the provision of flood barriers at the entrance to no. 12 Seafort Avenue and to the perimeter of the lower floor levels of Gandon Villa.

- (iii) The development proposed includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures or the design, implementation and funding of any future flood risk management and provisions for emergency services access;

The submitted FRA has considered the flood risks associated with the proposed development site and following the implantation of mitigation measures as detailed, the residual risk is deemed to be low.

and

- (iv) The development proposed addresses the above in a manner that is also compatible with the achievement of wider planning objectives in

relation to development of good urban design and vibrant and active streetscapes.

The subject site is zoned and serviced land where the school use is an acceptable use. The site is also a brownfield site which has been used for educational purposes for many decades. In the context of urban design, I have addressed issues in relation to potential visual impacts further in this report. Overall, I am satisfied that the proposed development is acceptable as proposed.

7.6.9. In terms of part 2 of the JT Criteria, I would accept that the proposed development has been fully considered in terms of flood risk. I also note that the Drainage Division of Dublin City Council, following the submission of the response to the further information request, raised no objections to the proposed development subject to compliance with conditions, including a condition which requires that the flood mitigation measures outlined in the Flood Risk Assessment, Rev 2 (July 2020) by Waterman Moylan Consulting Engineers are fully implemented, including emergency plan provision and the use of basements for residual storage only. Section 4.7 of the FRA sets out the mitigation measures and additional flood risk management measures proposed include the implementation of a warning system in the school which will be connected with the Triton and Tidewatch early warning systems based on sensors in Dublin Bay as part of the Emergency Flood Management Plan for the school.

7.6.10. In the interests of completion, I note that a third-party appellant made reference to the City Development Plan, Policy SI13. The appeal submits that this policy states 'all basements below the estimated flood levels for flood zone areas 'Zone A' or 'Zone B' will not be permitted'. The Board will note that this referenced policy relates to residential use. The subject proposed development is not for residential purposes. Section 16.10.15 of the Plan deals with basements and I note that it is the policy of Dublin City Council to discourage any significant underground or basement development or excavations below ground level of, or adjacent to residential properties in Conservation Areas. This section of the Plan sets out the considerations which the PA will have regard to in relation to basements. I am satisfied that in the context of the nature of the proposed development, together with the scale of the overall development and the fact that the basement proposed does

not occupy the full footprint of the building, the proposed basement is acceptable. I also note that the basement area has been reduced as part of the response to the further information request.

7.6.11. With regard to water services, the Board will note that the redevelopment of the site will connect to public services. I note that the calculations included in the Engineering Assessment Report, dated October 2019, are based on a PE of 1559. Prior to any site works commencing, the applicant indicates that the main contractor will investigate / identify the exact location of and tag all existing services and utilities around and through the site.

Foul Water: Foul sewage will drain via gravity through a network of 150mm pipes before connecting to the existing 150mm combined sewer on the north western boundary of the site. This sewer will then connect to the existing 300mm combined sewer on Seafort Avenue. The outfall pipe from the development will be laid at a gradient of 1:150 with a capacity of 13l/s. There appears to be adequate capacity in the public foul sewer to cater for the proposed development and I note no objection to the development from Irish Water or Dublin City Council Drainage Division.

Surface Water: It is proposed that the surface water from the school site will drain via gravity and discharge to the Irish Sea under Beach Road to the north western boundary of the site. The proposals for the management of storm water within the development include proposals to restrict discharge to the existing system by means of a Hydro-break and the storage of excess storm water on site for the duration of the storm, and will be in accordance with the requirements of the Greater Dublin Strategic Drainage Study.

The surface water drainage system has been designed as a sustainable urban drainage system (SUDS) which will treat runoff and remove pollutants to improve quality, restrict outflow and control quality as well as increasing amenity value. The total hardstanding area of the school development site, including roads, car-parking and roofs is

approximately 9,880m² and the maximum attenuated outflow from the subject site is calculated at 3.99l/s.

Excess storm waters will be attenuated in an underground storage tank. The calculations for the storage design indicate that for a return period of 100 years, the 1440-minute winter storm is the critical storm and requires a storage volume of approximately 730m³, including 20% storage to facilitate climate change. The proposed Stormtech MC-4500, with a volume of 795m³, is proposed for the site.

Potable Water: It is proposed that the development will be connected to the existing watermain on Seafort Avenue to the north west of the site via a new connection. The total water demand from the public supply for the development is calculated to be 76.55m³/day.

The development includes proposals for water conservation measures to further reduce the overall water demand including:

- Low volume flush / dual flush WCs
- Spray taps
- Draw off tap controls
- Leak detection measures – through metering of supply.

7.6.12. Overall, I am satisfied that the applicant has adequately considered the flood risk associated with the proposed development as well as the water service demands for the site. I have no objections to the proposed development in this regard.

7.7. Other Issues

7.7.1. Procedural Issues

Site Notice:

The Board will note that a number of the third parties have raised concerns in terms of procedural matters and in particular, the issue of site notices. It is submitted that a further notice should have been placed on No. 12 Seafort Avenue and the previous access via Seafort Villas. A public notice was erected on the gates adjacent to No. 12 Seafort Avenue and which provide pedestrian access to the site. One of the

appellants, Declan Kinsella & Paula Fullerton, requested that the Board be satisfied that the planning regulations have been complied with and refers to *McCallig v An Bord Pleanala*. The Board will note that this case relates to the inclusion of third-party lands in an application for a windfarm without consent, so I am unclear as to the relevance in this case.

I am satisfied that the development was fully advertised and that the three site notices erected at the existing entrances to the site, fully described the development the subject of the planning application and clearly included No. 12 Seafort Avenue as being part of the overall development of the site. I also note that the previous entrance to the site off Seafort Villas has been closed off.

I am satisfied that no member of the public was disenfranchised by reason of the location of the site notices. This conclusion is borne out in the large number of third-party submissions in relation to the proposed development.

Plans following a request for Further Information:

A number of appellants raised concerns in terms of the plans and particulars submitted following the planning authority's request for further information. It is submitted that third parties are 'not aware of any mechanism in the Planning Regulations that enables an applicant to submit revised plans to a local authority which include amendments that are not covered in the request for FI – in this case an increase in height'.

In terms of the above, I would note that the applicant presented a proposed development in accordance with their clients' requirements. Following a request for further information, amendments were made to address the concerns raised by the Council in relation to flood risk and in particular, the location of classrooms in the basement area. In addressing this issue, and in an effort to maintain the level of accommodation required within the school buildings, the applicant amended the design to accommodate additional classrooms at second floor level. These amendments were considered to be significant and the development was readvertised in accordance with the Planning and Development Regulations 2001, as amended. I am satisfied that this is acceptable.

I would acknowledge the third-party submissions in relation to the volume of information and technical detail submitted in support of the application. There is no

doubt that there can be difficulties for lay persons to translate such technical information. I would, however, accept that the applicant, and planning authority, have acted within the requirements of the legislation and that the appropriate timeframes, as dictated by said legislation, were complied with. I would also note that the third-party submissions were clear, articulate and well considered. All issues raised are fully considered and addressed in this report.

7.7.2. Demand for the School / Alternative Location

The Board will note that a number of appellants have questioned the need for the schools at the scale proposed. I would accept the submission of the applicant that the Forward Planning Section of the Department of Education and Skills projected, in 2012, the need for an additional 5,000 post primary positions at post primary level by 2028 in the Dublin 2, 4, 6, 6W, 8 and 12 areas. In the Dublin 2/4 feeder area for school planning purposes, there are 11 primary schools with a combined enrolment of 2,176. It is submitted that all of these schools have maximised their current capacity and no space is available for expansion.

A number of third parties have submitted that the reference to scarce urban land would infer that there is no similar available land in the vicinity of the site. The proximity of the Poolbeg West SDZ site is noted and it is noted that the Planning Scheme had a school in its original planning application. It is further submitted that there is ample space for a school campus as proposed.

In the context of the primary school, the Board will note that it is estimated that the SDZ lands will accommodate between 3,000 and 3,500 residential units. The Scheme reserves an area for a primary school and other childcare facilities to support the new residents which would be accommodated within the SDZ.

At the Oral Hearing for the SDZ, the Development Agency was asked about the capacity of secondary schools. In response, it was advised that the DoE&S had acquired Roslyn Park for the provision of a secondary school, and it was submitted that the Department was satisfied that this site, together with the proposed primary school within the SDZ would be sufficient to serve Poolbeg West. As such, I would accept that the scale of the development proposed has been established as both being necessary and justified.

7.7.3. Play Areas & Landscaping

The Board will note that the third-party appellants have raised concerns in terms of the proposed play areas. Section 16.16 of the City Development Plan deals with schools and requires that external hard and soft play areas are considered in any application for schools. I note that the Parks and Landscape Division of the Council considered the original proposals to be basic in design. The response to the PAs further information request in this regard, from Murphy and Sheanon, Horticulture and Landscape Architects, revised the plans to include for the following:

- School garden - added to the designated play area of the proposed primary school. This garden is to be located at ground floor level along the southern boundary of the site and will include the following elements:
 - Raised veg/herb beds
 - Potting shed with guttering to facilitate rain-harvesting
 - Water butts
 - Composting units
 - Orchard.
- Sensory garden – to be added to the designated outdoor play area of the primary school, within the secure play area adjacent to the SNU section of the school.
- Pollinator trail – an informal serpentine path with planting on both sides where the plant mix will consist 100% of species recommended on the pollinator friendly planting code and will provide a consistent source of nectar and pollen throughout the seasons. This trail will traverse over the root protection area of 3 trees to be retained and the path will consist of engineered wood chip to ensure no negative impact on the long-term health of the trees.

With regard to the large green space in the eastern area of the site, I note that a third-party has requested that if this area is not protected, part of the proposed development should be located in this area. I would agree with the applicant that this area forms the curtilage to Roslyn Park House, Protected Structure and the proposed landscaping works proposed for this area, as an informal grassed space, is appropriate to protect the protected structure.

Finally, I note the proposals to provide green roofs to parts of the proposed development, as well as the roof-top play area. I also acknowledge the location of the site in this urban location and I am satisfied that the proposed provision of play areas and the landscaping plan for the site is acceptable and appropriate.

7.7.4. Archaeology

A Cultural Heritage Assessment, prepared by Moore Group, was submitted as part of the documentation for the proposed development. The Assessment included both a desk-based assessment as well as a field survey. It is noted that there are no archaeological monuments within the site or within 500m of the site. The assessment concludes that the land currently proposed for development appears to have been much altered by landscaping, ground reduction and the construction of the existing buildings. As such, it is recommended that no further archaeological mitigation is required.

While I would accept the findings of the report, I would agree with the Dublin City Archaeologist. Given the scale of the development, there is the possible presence of subsurface archaeological features associated with the coastal location which may be impacted upon. The Archaeological Impact Assessment also noted an 18th century granite rubble wall running along the western perimeter of the site. As such, should the Board be minded to grant permission in this instance, I recommend that a condition requiring archaeological monitoring be included in any grant of permission.

7.7.5. Development Contribution

Section 11 of the Dublin City Council Section 48 Development Contribution Scheme 2020-2023 sets out the developments where no development contribution will apply, and includes non-fee paying primary schools and secondary schools. The Scheme makes a distinction between fee paying and non-fee paying schools and as such, the subject development is not liable to pay development contribution in the event of a grant of planning permission.

7.7.6. **Phasing of Development**

A number of third-party appellants have raised concerns in terms of the phasing of the development. I am satisfied that the applicant has presented a phasing proposal for the works to the site, which I consider acceptable.

7.8. **Appropriate Assessment**

- 7.8.1. The site is not located within any designated site. The site is located approximately 12.5m from both the South Dublin Bay SAC (& pNHA) (Site Code: 000210) and South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), separated to the east by the Beach Road.
- 7.8.2. The Board will note that a number of the appeals consider that the proposed flood risk mitigation measures identified as part of the overall development essentially amount to mitigation measures which cannot be considered as part of screening for appropriate assessment. The applicant submitted an AA Screening Report, with the application which determines that there will be no direct or indirect impacts on the Dublin Bay European Site and there will be no habitat loss or fragmentation as a result of the project. The report concludes that it is not necessary to undertake any further stage or the AA process. A finding of no significant effects report is presented in Appendix A of the AA Screening Report.
- 7.8.3. In the context of the subject site, I would note that it is not a greenfield site. The site is developed, and has been for many years, comprising a number of school buildings and the Rehab offices, all of which are connected to public services in the area. Roslyn Park House, Protected Structure, is located almost in the centre of the site and the majority of the area to north, west and south of the house comprise the constructed elements of the site. The large green area is located to the east of the house. As such, I am satisfied that the existing site is already connected to existing public services in terms of water, foul water and surface water.
- 7.8.4. In the context of the flood risk mitigation measures detailed in the planning application documents, and as discussed above in Section 7.5 of this report, the Board will note that the subject site comprises a vulnerable use in a Flood Zone B, which suggests a medium probability of flooding. Third party appellants have submitted that as the information submitted in support of the proposed development

makes clear reference to 'mitigation measures' and, given that such measures cannot be considered in terms of the screening stage of Appropriate Assessment, stage 2 AA should be required. I would also accept that the applicant cannot rely on 'measures' to argue that a development would not have a significant effect on a Natura 2000 site.

7.8.5. However, in the context of the subject site, it is clear that the risk arising in the context of the 'mitigation measures' identified relate specifically to the potential for flooding from Dublin Bay, and not in terms of flows in the other direction. The risk that the site may be flooded from the Bay, does not necessarily mean that the proposed development is likely to have a significant effect on the Natura sites in the Bay. In this regard, the mitigation measures identified in the submitted planning documentation are proposed to mitigate the flood risk to the school, and not as a measure to protect the adjacent Natura 2000 sites or to control flows.

7.8.6. Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the brownfield nature of the site and the nature and scale of the proposed development. It is also not considered that the 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

I recommend that planning permission be granted for the proposed development for the following stated reason and subject to the following stated conditions.

9.0 Reasons and Considerations

Having regard to the Z15 zoning objective and the existing institutional/training use of the site, the policies and objectives of the Dublin City Development Plan 2016-2022, in particular Section 16.6, provision of schools and the scale and pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of traffic safety and convenience, flood risk and would not seriously injure the character and

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

Appropriate Assessment Screening

Having regard to the information on file and to the Inspector's assessment which is noted, the Board is satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European Site, in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required. In this regard, the Board concurred with and adopted the Planning Inspector's conclusions in respect of Appropriate Assessment Screening.

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 15th day of July 2020, 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 proposed development shall be amended as follows:
 - (a) Block 2, along the south western boundary and extending towards No. 12 Seafort Avenue shall be amended such the western elevation shall rise to no more than 2 storeys. The WCs, textile room and one of the science laboratories to the west of the home economics rooms at second floor level, as well as the stair well to the second floor, shall be relocated to the area adjacent to the primary school block, and on the green roof area to the north of the home economics rooms. The green roof shall be extended to the western area of this building.

- (b) The proposed Classroom Small 1, Classroom Large 22, storage and the Pastoral Office at second floor level in Block 2 shall be omitted. The elevation of the building in this area and fronting onto Strand Road shall rise no more than 2 storeys.
- (c) The roof play area on Block 2 shall not be used for ball games and plans omitting the court area shall be submitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity, visual and residential amenity.

- 3. Prior to the commencement of any works on the school campus, the upgrade of the road network and supporting transport infrastructure, including the upgrading of the existing mini roundabout on the Beach Road / Newgrove Avenue Junction to a priority junction, shall be constructed to the satisfaction of the planning authority and written confirmation in this regard shall be supplied by the planning authority.

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

- 4. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

- 5. The development shall be phased in accordance with the information submitted in response to the further information request as detailed in drawing no. 1501-V2-OMP-ZZ-ZZ-DR-A-4002, to allow for the refurbishment of No.12 Seafort Avenue in Phase 1.

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

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

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

7. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to and agreed in writing by the Planning Authority. A panel of the proposed finishes to be placed on site to enable the planning authority adjudicate on the proposals. Any proposed render finish to be self-finish in a suitable colour and shall not require painting. Construction materials and detailing shall adhere to the principles of sustainability and energy efficiency and high maintenance detailing shall be avoided.

Reason: In the interests of orderly development and the visual amenities of the area.

8. All trees within and on the boundaries of the site shall be retained and maintained, with the exception of the following:
- (a) specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development,
 - (b) trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

Retained trees and hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species, together with replacement planting required under paragraph (b) of this condition.

Reason: In the interest of visual amenity

9. The following Transportation Division requirements shall be complied with:
- (i) Prior to commencement of development, and on appointment of a main contractor, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including traffic management, hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.
 - (ii) Prior to commencement of proposed development, an operational Traffic Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended access arrangements and controls, including traffic management, potential provision of one-way system, details on proposed internal pedestrian and cyclist routes and access points and how they are to be managed. The provision of separate cycle infrastructure or the use of shared spaces should be reviewed and included in the operational Traffic Management Plan. The operational Traffic Management Plan shall also indicate how the accessible spaces, including SNU spaces will be assigned and how use of the car parking will be continually managed.
 - (iii) 550 no. cycle parking spaces shall be secure, conveniently located, sheltered and well lit. Cycle parking design shall allow both wheel and frame to be locked. 60 no. scooter parking spaces shall be secure, conveniently located, sheltered and well lit.
 - (iv) Shower and changing facilities shall also be provided as part of the development for staff.

- (v) The Board of Management of the proposed School shall undertake to implement the measures outlined in the School Travel Plan to ensure that the targets set out within the plan are being implemented, monitored and achieved. A School Travel Plan co-ordinator for each school shall be appointed to oversee and co-ordinate the preparation of individual plans, and to promote, monitor and review the achievement of targets set out within the School Travel Plan and provide annual monitoring reports to Dublin City Council, unless otherwise agreed, on achievement of targets. In the instance that the modal split targets set out within the School Travel Plan are not being achieved the Board of Management of the school shall propose alternatives which address how the mobility requirements of the school will be addressed.
- (vi) Gates shall be inward opening only and shall not open onto the public footpath.
- (vii) At the vehicular access/exit point to the development, the public footpath shall be continued at a raised level across the site entrance and exit but shall be ramped and dropped as necessary to facilitate car-entry/exit and also consider cyclist entry/exit. Measures shall be implemented, including contrasting materials, signing, and road marking, etc. to ensure that vehicles entering/leaving the development are aware that pedestrians/cyclists have priority across the site entrance and that vehicles must yield right-of-way. Details shall be agreed in writing with the Environment and Transportation Department prior to commencement of the development.
- (viii) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
- (ix) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

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

10. Public lighting shall be provided in accordance with a scheme which shall accord with the requirements of the Public Lighting Services Division of Dublin City Council. Full details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of each phase of the development.

Reason: In the interests of protecting residential and general amenity and public safety.

11. 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

12. The following Drainage Division requirements shall be complied with:

- (i) The developer is required to complying with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from www.dublincity.ie Forms and Downloads).
- (ii) The drainage for the proposed development shall be designed on a completely separate foul and surface water system.
- (iii) All surface water discharge from this development must be attenuated to two litres per second in accordance Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.
- (iv) The development shall incorporate Sustainable Drainage Systems in the management of surface water including green roof as indicated on the submitted site plan drawing ref.1501-V2-OMP-ST-02-DR-A-1001. Full details of the proposed Sustainable Drainage Systems including attenuation requirements for the event of tidal locking shall be agreed in writing with Drainage Division prior to commencement of construction.

- (v) Flood mitigation measures outlined in the Flood Risk Assessment, Rev 2 (July 2020) by Waterman Moylan Consulting Engineers shall be fully implemented (including Emergency Plan provision and use of basements for residual storage only).
- (vi) To minimise the risk of basement flooding, all internal basement drainage must be lifted, via pumping, to a maximum depth of 1.5 metres below ground level before being discharged by gravity from the site.
- (vii) Where pipelines are to be taken-in-charge by Dublin City Council, as-constructed drawings of all pipelines complete with CCTV surveys, to a standard specified by Drainage Division, must be submitted to Drainage Division for written sign-off. This must be submitted no later than the completion of each phase of the development works on site. Please refer to Section 5 of the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.
- (viii) The outfall surface water manhole from this development must be constructed in accordance with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.
- (ix) All private drainage such as, downpipes, gullies, manholes, armstrong junctions, etc. are to be located within the final site boundary. Private drains should not pass through property they do not serve.

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

13. The sound levels of any loudspeakers, music or other material projected in or from the school shall be controlled so as to ensure the sound is not audible in the adjoining premises.

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

14. The Developer shall comply with the following conservation requirements of the Dublin City Council:
- (i) A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works to the building and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.
 - (ii) In advance of works commencing on site, the applicant shall submit the following information for the written agreement of the Planning Authority: Fully detailed information, informed by good conservation practice, on how new work and repairs shall be carried out to 12 Seapoint Avenue. The applicant shall submit detailed drawings that co-ordinate structural intervention, services installation and general upgrading and repair works to the fabric of the historic structure.
 - (iii) All works to the protected structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of the Environment, Heritage and Local Government. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
 - (iv) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.
 - (v) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.
 - (vi) The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.

Reason: To ensure that the integrity of this protected structure is maintained and that the proposed repair works are carried out in accordance

with best conservation practice with no unauthorised or unnecessary damage or loss of historic building fabric.

15. 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.

A. Considine

Planning Inspector

24th December 2020