



An
Bord
Pleanála

Inspector's Report

ABP-310322-21

Development	Demolition of sports hall and single storey shed. Construction of two storey sports hall and ancillary works
Location	Sutton Park School, St Fintan's Road, Sutton, Dublin 13
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F20A/0502
Applicant(s)	Sutton Park School LLC
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Tom & Maura Hennebry
Observer(s)	None
Date of Site Inspection	28 th of September 2021
Inspector	Angela Brereton

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1.0 Site Location and Description

- 1.1. The subject site is located at St. Fintan's Road, Sutton, Dublin 13. It is in the grounds of Sutton Park School which is located to the north of St. Fintan's Road. The application site, which encompasses the school site and ancillary buildings has a stated area of 3.1256ha. It is largely rectangular in form, landlocked on all sides except at the main entrance to the site onto St. Fintan's Road.
- 1.2. The existing buildings on site consist of the original Georgian dwelling, now in school use as classrooms, modern purpose built permanent school buildings and a series of temporary prefabricated structures used for teaching and creches space. There are also onsite parking areas which appeared very full on the day of the site visit.
- 1.3. The site is sylvan in character, and this includes mature trees and landscaping. The existing sports building is located adjacent to the western boundary. The school's sports grounds are located behind the school to the north and are adjoined by St. Fintan's graveyard to the north and east. The application site is bounded to the west by residential development. The rear gardens of the houses in St. Fintan's Crescent to the west are at a lower level and adjoin the site. They currently have views of the rear of the existing sports hall which is on a higher level.

2.0 Proposed Development

- 2.1. This is to consist of the following:
 - Demolition of the existing two storey sports hall building and single storey shed structure;
 - The construction of a two storey sports hall building to include changing rooms, classroom and gym ancillary areas;
 - New car parking and all associated works.
- 2.2. Documentation submitted with the application includes the following:
 - Planning & Design Statement – DMOD Architects
 - Screening for AA – BEC Consultants

- Arboricultural Assessment, Arboricultural Impact and Tree Protection Strategy Report - CMK Horticulture & Arboriculture Ltd.
- Drainage Design Report – Gk Consulting Engineers Ltd.

3.0 Planning Authority Decision

3.1. Decision

On the 29th of April 2021, Fingal County Council granted permission for the proposed development subject to 14no. conditions. These included relative to design and layout and external finishes, surface water drainage, restriction on hours of usage, Construction and Demolition Waste Management Plan, construction works and hours of operation, compliance with noise and vibration control standards and dust management, traffic management during construction and Development Contributions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Regard is had to the locational context, planning history and policy, to the interdepartmental reports and the submissions made. Their Assessment includes the following:

- They note that the main issues for consideration are visual impact and impact on the residential amenity of neighbouring properties.
- While they note the overall modern design concept, they consider that amendments are required to address the impact of the proposal upon the residential amenities of neighbouring properties along the western boundary of the subject site.
- That the applicant should consider reducing the roof profile, to reduce the height and also the depth of the building.
- They note the concerns of the Parks and Green Infrastructure Section and recommend that an updated tree survey to include a Tree Protection Plan be submitted.

- The proposed development would not by virtue of size and scale represent a development for the purpose of Part 10 under Section 5 or fulfil criteria under Schedule 7 of the Planning and Development Regulations 2001 (as amended) requiring an EIAR.
- They note the proximity of the designated site, and the conclusions of the AA Screening Report submitted. They recommend some clarifications.

Additional Information Request

- Amendments to the proposed design and layout to address the impact of the design and layout on neighbouring properties.
- An updated Tree Protection Plan to reflect site layout changes.
- To submit information on the users of the proposed building and justification for the intensification of development at this location, the increase in height and reduction in distance from the boundary.
- The applicant in the interests of clarity, to confirm that this is the final version of the AA Screening Report.

Additional Information Response

- DMOD Architect's response on behalf of the Applicants includes the following documentation:
 - A Planning - Further Information Response
 - Sutton Park CGI Views
 - Revised Drawings
 - GCKE Engineering Information
 - BEC Consultants Screening for AA Report
 - CMK Arboricultural Assessment/ Impact and Tree Protection Report

Planner's Response

- They note that the proposed redesign has reduced the accommodation schedule and volume of the proposed building along with a reduction in height of the two-storey design. They have eliminated the previously proposed

classrooms from the design and reduced the ancillary accommodation to a single storey design.

- They have increased the separation distance from the western boundary, which is shared with the rear boundary of dwellings located along St. Fintan's Crescent.
- They consider the revised proposals acceptable and a significant improvement on the originally proposed structure. That the impact on the residential amenities of neighbouring properties would be reduced.
- The introduction of this building necessitates the removal of a group of existing trees. (14no). They advise replacement planting for tree loss as a result of the proposed building.
- The applicant has submitted a report prepared by CMK Arborists which indicates the impacts of the proposed development on trees within the proposed work area.
- They note the comments of the Parks Section and consider that in the event of permission that a condition be attached to ensure any tree loss as a result of the proposed building be replaced.
- They note the applicant's justification for the proposed new sports building to serve Sutton Park School which currently has 575 pupils. In addition, that the intensification of use has been justified.
- The school also anticipates that the proposed structure will be used by community groups as is the normal occurrence with halls of this nature nationwide.
- They recommend that the hours of operation be restricted to 10pm.
- They do not consider that the nature of the development would be likely to have a significant effect individually or in combination with other plans or projects on any European sites in the vicinity.
- The applicant states that the AA Screening Report submitted was the final version and has now been re-submitted with the watermark removed.

- They conclude that the F.I submitted is acceptable and that the proposal will not detract from adjoining residential amenity or adversely affect the character of the area. They recommend permission subject to conditions.

3.3. Other Technical Reports

Transportation Planning Section

- They do not object as they consider the proposal for the redevelopment of an existing sports gym to modernise the gym and bring it up to current standards together with the modest increase in car parking proposed to be acceptable.

Environment and Water Services Department

- Prior to the commencement of development, a construction and demolition waste shall be submitted to and agreed in writing with the planning authority.
- An asbestos survey shall be carried out prior to demolition/development.

Environmental Health, Air & Noise Unit

- They do not object to the proposed development subject to conditions relative to construction and operational phases.

Water Services

- They recommend conditions relative to the disposal of surface water.

Parks and Green Infrastructure Division

- They recommend that the proposed site layout be revised to eliminate the need for tree removal.
- A Tree Protection Plan is required to reflect site layout changes.
- A tree bond maybe calculated on submission of the revised information.

They are not satisfied with the A.I response and note that additional trees will now be removed to facilitate the redesign of the proposed development. They refer to Sheet 10 of the Fingal CDP and the Objective to protect and preserve trees, woodlands and hedgerows. In addition to the location within the Howth SAAO buffer zone and consider the proposal to remove further trees to be unacceptable.

3.4. Prescribed Bodies

Irish Water

- They have no objections subject to conditions.

3.5. Third Party Observations

Submissions have been made by local residents including the subsequent Third Party. Their concerns have been considered in the context of the Planner's Report and further in the context of the grounds of appeal in the Assessment below.

4.0 Planning History

The Planner's Report notes the planning history of the subject site. This includes:

- F15A/0201 – Permission granted for a further temporary planning permission for a previously approved development Reg.Ref. F13A/0085 which consists of a temporary prefabricated building for use as pre-school facilities and associated site works.
- F13A/0085 – Permission granted to consist of a temporary prefabricated building for use as pre-school facilities and associated site works.
- F01/A/1236 – Permission granted for the temporary retention of two portacabins at the site and refused for retention of security fencing. This decision was upheld on appeal to the Board.
- F00A/0074 – Permission granted for the reconstruction and enlargement to 1,430sq.m of existing two storey (part three storey including basement) at Sutton Park School. This decision was upheld on appeal to the Board.
- F98A/0602 – Permission granted for a two storey library/classroom building (1,024sq.m) being phase 1 of 2 phase development at Sutton Park School. This decision was upheld on appeal to the Board.

5.0 Policy Context

5.1. Fingal County Development Plan 2017-2023

Land Use Zoning – Sheet 10 ‘Baldoyle/Howth’

The site is within the ‘C1- Community Infrastructure’ zoning, where the objective is to: *Provide for and protect civic, religions, community, education, health care and social infrastructure.*

The area to the east, west and south is zoned Residential: *Provide for residential development and protect and improve residential amenity.*

To area to the north is zoned: ‘OS – Open Space’: *Preserve and provide for open space and recreational amenities.*

The site lies within the Howth SAAO (Special Amenity Area) Buffer Zone

The land to the north on the opposite side of the R105 (in use as a golf club) is zoned ‘HA-High Amenity: *Protect and enhance high amenity areas.*

Community Facilities

The vision for the CI zone notes the importance of facilitating the development and expansion of Community and Social services. Section 3.6 notes that it is beneficial for such facilities and services to be clustered together within, or adjacent to a town, village or local centre and that schools should be located on easily accessible sites. The continued use and possible intensification of existing social infrastructure including schools is encouraged and is consistent with the consolidation strategy of the Plan. Wherever possible, any detrimental impact that schools (or school extensions) may have on the environment of the immediate surrounding areas should be minimised.

Objective PM77: Encourage the continued use and possible intensification of existing educational infrastructure where appropriate.

Objective PM83: Promote and encourage the multiple usage of school buildings so that school facilities are also available for use by the local community after school hours.

Educational Facilities: The Council will consider school developments having regard guidance set out within The Provision of Schools and the Planning System, A Code of Practice for Planning Authorities, 2008.

Section 12.8 identifies matters for consideration in any application for education facilities, including new schools and / or redevelopment of existing schools.

Objective DM113: Limit the number of car parking spaces at places of work and education so as to minimise car-borne commuting.

Objective DMS116: Require that all new schools shall have a Mobility Management Plan. Existing schools that apply for permission to accommodate expansion will also be required to provide a Mobility Management Plan.

5.2. The Provision of Schools and the Planning System – COP (2008)

This is referred to as A Code of Practice for Planning Authorities, the Department of Education and Science, and the Department of the Environment, Heritage and Local Government.

Section 5, “School Development Proposals and the Development Management Process”, notes that planning authorities will progress school planning applications through the development management process as efficiently as possible. With school planning issues and sites resolved within the development plan process, the planning application should represent the capping of the planning process, apart from the working out of fine detail regarding site-specific development and compliance with other standards in the development plan/local area plan.

5.3. Natural Heritage Designations

The subject site is located to the west of North Dublin Bay SAC and North Bull Island SPA. It is also located to the north and west of Howth Head SAC.

5.4. EIA Screening

5.5. Having regard to the nature of the proposed development and taking into account the community land use zoning and the serviced nature of the site, and the distance of the site from nearby sensitive receptors, 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

A Third Party Appeal has been submitted by Tom & Maura Hennebry, who are local residents who reside in St.Fintan's Crescent to the west (and rear) of the proposed development site. Their grounds of appeal include the following:

Summary

- The Council have approved the construction of a non-residential building which will be 11m higher than their house and only 25m away. It will be a higher building impacting much more than the existing building on neighbouring properties. They submit that this decision should be reversed by the Board for the following reasons:
 - Significant Shadow - overshadowing impact
 - Overlooking – intrusion of their privacy
 - Visual impact/Material Finish – Details have not been submitted.
 - Use – The approval is vague and could allow increased use of the facility for evening events.

Shadow

- The proposal involves a building which is both taller than the existing structure and closer to the boundary.
- The building will cast a significant shadow over their house and garden each morning.
- The query the Shadow Report submitted and provide a table relative to how overshadowing will affect their property throughout the day.
- The applicant could redevelop the building in a less damaging way, set back from the boundary so that it has less impact on neighbouring properties.

- The level of overshadowing that will be created is unacceptable and not consistent with proper planning.

Overlooking

- The school site is on a higher level than their garden, the applicant has removed the trees along the site boundary that provided screening.
- Despite written confirmation that they would be replaced, these trees have not been replaced.
- Students can come out of doors of the west elevation of the gym and this causes overlooking issues for their property and is unacceptable.

Visual Impact

- The erection of a large warehouse style building on an elevated site near residential housing is inappropriate and will have an adverse visual impact.
- No details have been provided as to external finishes, and they have had no opportunity to comment.
- Approval of an application with no detail of the visual impact or the material finish is unacceptable and inconsistent with proper planning and development.

Use

- They are concerned that the use of the building has not been defined to such educational/community groups, which leaves the possibility of such events as teenage discos being operated within 25m of their house.
- Approval of the application should be reversed on the basis that the users and uses specified are too vague.

Lack of Consistency, Transparency and Completeness in the Planning Process

- The Planning Approval goes against the Council's own recommendation.
- They refer to the planning process and consider that the revised application does not comply with the Council's F.I request.
- They consider that there is a lack of consistency and the Council's decision overrides its own recommendation.

- There is a lack of transparency, the Council decided to approve a revised application which fails to implement their own recommendation.
- They refer to the lack of detail on external finishes and consider that there has been an approval of an incomplete application.
- They consider that this grant permission is inappropriate and this decision should be reversed by the Board and be refused.
- As a commercial enterprise with substantial resources, albeit one in the educational sector, it is their view that the developer should not get a 'free pass' through the planning process.

Other approaches may be acceptable

- They agree that the existing gym is poor quality and should be replaced.
- They would be prepared to withdraw this appeal if the issues they have set out in their appeal are satisfactorily addressed.
- They believe that solutions could be found whereby the structure could be built by the school without oppressing its neighbours.
- Examples could include moving the structure 10m to the east (which may involve moving a prefab) or reducing the height by excavating at a lower level (to achieve the school's desired internal ceiling height).
- Immediately to the east of the gym (where there is now a prefab) was formerly the site of quite a deep swimming pool, which suggests that excavation of the site to lower the height of the proposed building should be possible.

6.2. Applicant Response

DMOD Architects response on behalf of the First Party includes the following:

Summary

- They are satisfied that the proposed building has undergone significant redesign to achieve a balance between the needs of the school and the amenity of adjoining residential areas.

- They provide that a robust process was worked through and that the matters raised in the lodged appeal process have been thoroughly considered by all the parties, including the Fingal Planning Department.
- The original proposal has been reduced in proximity to the boundary, accommodation schedule and overall height, to the extent possible under functional requirements.
- Any further reduction in scale of the proposed building on appropriately zoned lands and indeed the site of an existing long-standing sports hall would be such as to make the development functionally unworthy of development.
- It would represent an excessive constraint on their client's modest proposals to replace an outdated building with a new building of specified DoE minimum dimensions, on the location of an existing hall serving the same function as the school population.
- They are happy to clarify any aspect of this submission or the process to date.

Shadow

- Full documentation in relation to the shadow impacts of the original sports hall proposals were provided as part of the application process.
- These demonstrates that the hall because of its size, location and siting to the east of the residential boundary does not generate excessive overshadowing to the house or their gardens.
- Limited shadowing occurs in the early morning, but this reduces to zero by later morning and as demonstrated for the remainder of the day.

Overlooking

- The proposed design contains no windows at a level which allow any aspect out of the building. High level windows are provided to meet the natural day lighting requirement of the hall.
- Two emergency escape doors are provided on the residential boundary, which represent the minimum necessary under the Fire Safety regulations.
- They are necessary under COVID regulations for ventilation purposes. This is a temporary emergency requirement.

Material Finishes

- They provide details and believe that the combination of high-quality finishes of durable contemporary material represent an appropriate response.
- They consider that the building will appear acceptable from both the residential boundary and the school site and represents a considerable improvement on the external finishes of the existing building.
- They have regard to the documentation submitted with the application, including annotated elevations and CGI studies. They consider that the detailed proposals are legible at every stage.

Planning Process

- Comprehensive documentation was submitted at each stage and available to all relevant parties.
- As part of the amendments the hall is now sited significantly closer to other internal classroom blocks to provide better space along the boundary, even though the building is approx. 25m from the relevant houses.
- They were obliged to omit a classroom which could not be accommodated within the constraints required in the A.I points of revisions and reduced the hall height to the absolute minimum allowable under the Department guidance.
- They believe that the two-storey height, 25m away from the back wall of the adjoining houses to the west, is if anything, an excessive compromise and that the third parties are being unreasonable in their continued objection to the development.

Conclusion

- They consider that the revised design as submitted at A.I stage is acceptable for all the parties. They submit that the Council's decision to grant permission should be upheld.

6.3. Planning Authority Response

They have no further comment and request that the Board upholds the decision to grant permission.

In the event that the Planning Authority's decision is upheld, they request that Condition no. 14 be included in the Board's determination.

7.0 Assessment

7.1. Land use and development principle

7.1.1. The appeal site is currently occupied by Sutton Park School and the proposed development comprises the continuation of this established educational use. This application seeks to provide a two-storey sports hall to replace the existing outdated structure. The development accords with the land use zoning objective for the site and the provisions of the development plan relating to educational uses. The established community use i.e. school location of this site is considered to be an appropriate and desirable location for such uses and existing school facilities i.e the sports hall building is in clear need of redevelopment. It is considered therefore that the proposed development is acceptable in principle.

7.1.2. Regard is also had to the locational context of the site, in particular the proximity to residential development to the west in St.Fintan's Crescent and to the concerns raised by the Third Party Appellant. Regard is had to design and layout and to the issues raised in the documentation submitted, including relative to the impact on residential amenities and on the character and amenities of the area, in this Assessment below.

7.2. Design and Layout

7.2.1. A Planning and Design Statement has been submitted with the application. The existing gym building is positioned adjacent to the western boundary of the site running parallel to dwellings onto St. Fintan's Crescent with the creche building immediately adjacent to the eastern side of the existing gym building. To the south of the existing gym building the grounds of the school have facilities including, car

parking, hockey pitches, playgrounds and to the north, multi-purpose grass and astro covered pitches.

- 7.2.2. This existing sports building and single storey shed structure are proposed for demolition. Details submitted provide that they are outdated with a very inefficient use of space and energy with a poor green footprint. Having viewed them onsite I would have no objection to their demolition.
- 7.2.3. The applicants provide that following a review of potential alternative locations for the building on site, that it was determined that the current location was optimal to redevelop due to the depressed location owing to the sloping topography of the site. As noted on the Sections, the existing sports building is set down on a lower level than the school buildings within the site. It is set back c. 5m from the western site boundary.
- 7.2.4. The application form provides that the total area of existing school buildings including the sports hall is 6,789sq.m. The total floor area proposed for demolition is 655sq.m i.e 6,134sq.m of existing buildings is to be retained. The proposed new sports hall is to be 1,112.9sq.m. Therefore, it is to be considerably larger than the building to be demolished.
- 7.2.5. As shown on the Floor Plans originally submitted the proposal is to include a gym/main hall - 594sq.m, changing areas, stores, male toilets and a small gym area at ground floor level. In addition, changing area 2, female toilets and a classroom area (65.8sq.m) on first floor level. The length of the building as originally submitted is shown c.62.6m which includes single/ two storey elements and it is to be sited c.2.5m from the western site boundary with the rear of the dwellings in St. Fintan's Crescent. It is shown higher than the existing structure i.e from c. 8.1m in height along the western boundary to a ridge height of from c.10-11m with higher level roof lights. As can be seen on the Sections and drawings the proposed sports building as originally submitted was to be substantially larger and higher and closer to the western site boundary than the existing building proposed for demolition.
- 7.2.6. It is submitted that the proposed design is contemporary and external finishes included dark metal clad material on the sloping roof area to be turned down the walls to subdue the volume and break down the massing of the building and to allow the building to settle and fade into the background. It is noted that Photomontages

and CGI views were submitted showing the existing and the proposed. I would be concerned that while functional, the scale, mass and height of the building as originally submitted would appear excessive on this site and not in character with the existing Georgian house or other school buildings. It is also sited too close to the western site boundary. It is noted that a Shadow Study Document was submitted. This shows the potential impact of the building on overshadowing of the rear gardens of the adjoining residential properties in St. Fintan's Crescent.

Revised Proposal

- 7.2.7. The Council while they welcomed the modern design concept, requested additional information to address the impact the proposal would have upon the residential amenities of the neighbouring properties along the western boundary of St. Fintan's Crescent. They requested that the applicant consider amending the roof profile to reduce the parapet height, amend the depth of the building to allow for the retention of a number of trees located to the south and maintain the existing separation distance from the western boundary of the subject site. They also requested that consideration be given to amending the material finish to soften the visual appearance of the structure.
- 7.2.8. The Further Information response and revised drawings have been submitted. They have outlined the technical requirements of the Department of Education & Science guidance note 023 which specifies the minimum standards for the dimension of the main sports volume. They provide that they have outlined a design strategy which reduces the accommodation schedule and volume of the proposed building along with reductions in height and in particular significant reductions in height of the two storey element of the design. They have eliminated a classroom entirely from the design and reduced the ancillary accommodation to a single storey design. They state that in accordance with Department guidance and functional requirements the main hall element must be retained as a tall single storey structure, but that the taller volume that previously supported a two-storey changing room element has now been reduced to single storey. The effective two storey volume is accordingly reduced from the original application dimensions. The overall length of the main hall volume is therefore now only 1.8m longer than that of the existing hall.

- 7.2.9. The revised floor plans show the gym/main hall (594sq.m), and the single storey element adjoining to include a small gym (72sq.m), changing rooms and toilets, stores and plant room. Excepting the height of the hall, the two-storey element has now been omitted. This has resulted in longer part single storey east and west elevations. The Site Layout Plan shows the footprint of the existing, that of the originally proposed and the revised footprint. The previously proposed scheme was set c. 2.5m from the western boundary, this has now been increased to 4.3m from same. Elevations and Sections show the outline of the existing and proposed. The applicant has reduced the height of the building from that originally proposed by c. 0.968m. The amended gym now sits c.1m higher than the existing gym building and c. 0.9m closer to the western boundary.
- 7.2.10. The Departmental regulations require that the clear internal height of the hall is 7m to allow for a variety of sports uses. The have reduced the height of the design in this resubmission to 7m over the edge of the internal playing surfaces with the eaves dipping below this level to the edges of the hall. The elevations and sections show the reduction in height between those originally submitted and the revised plans.
- 7.2.11. The omission of the first-floor accommodation has led the applicant to increase the footprint of the proposed building in a southerly direction to accommodate the single storey element. While the footprint has been altered, the proposed building is shown sited further from the western site boundary. It is now proposed that it be setback c. 3.9m – 4.45m from this boundary. The length along the western boundary is shown (c.56m in length plus additional small gym part set further back). The gym/small hall area is shown further set back to allow for tree planting. The proposed single storey plant room section is closer at c.2.5m. As shown on the revised Site Layout Plan the side of the sports hall as proposed is now generally 24.5m away from the rear wall of the houses in St. Fintan's Crescent. This is an improvement on that originally shown.
- 7.2.12. The Planning Statement provides that in relation to materials, they believe that the combination of a high-quality metal cladding and brick are durable contemporary materials which will maintain their appearance, be more enduring and represent an appropriate response to the site. That in the A.I response they have retained the general composition but have substituted the zinc cladding with a lighter aluminium cladding material giving a brighter silver presentation. They consider that this will read well both from the residential boundary and within the school campus and

represents a significant enhancement over the asbestos roof and pebble dashed wall of the current structure. I would consider that it is important that quality external finishes are used and that a more muted colour scheme rather than silver (which could cause glare) should be considered. It is recommended that if the Board decides to permit that an appropriate condition be included regarding external finishes.

7.3. Proposed Usage

- 7.3.1. As part of the Council's F.I request the applicant was requested to submit information on the uses/users of the proposed building. Also, to justify the intensification of development at this location and justify the increase in height and reduction in distance from the boundary. The Third Party concerns relative to this issue are noted.
- 7.3.2. The A.I response provides that there is no intensification of use associated with the proposed development. The subject building is a school sports hall for the student population of Sutton Park School which is currently 575 pupils. It replaces a two storey structure, that is no longer up to date serving the same purpose. The design parameters of a school sports hall for a student population of 450+ are set out in the Department of Education and Science Document 023 (2008). The relevant minimum dimensions of the hall requirement are 18m x 23m x 7m (clear height). The new building is to be built in accordance with standards relevant to multi-use hall minimum dimensions. Below the department guidelines would restrict the sports activities which could be undertaken at Sutton Park below the norms provided for modern school.
- 7.3.3. They provide that halls of this nature are referred to by the DoE as multi-use halls and it is envisaged that the hall will be used for other school congregational purposes, including assemblies, graduations and musical performances. They note that a local hockey team uses the all weather pitch within the school grounds and propose that the hall and its facilities may be used by their teams on an ongoing basis. They envisage that the hall could be used for community use on its completion in the normal manner for such halls nationwide.

- 7.3.4. In view of the proximity to their housing the Third Party is concerned about potential anti-social late evening uses e.g. school discos. They consider that there should be restrictions as to the type of event which can be held, relative to noise, loss of privacy etc. There is also concern about weekend, out of hours use etc. It is noted that the Council's condition no.4 restricts the hours of operation so that it will not be used between 10.00pm – 7.00am. If the Board decide to permit, I would recommend in the interests of residential amenity that a similar type condition be included.
- 7.3.5. In addition, the use of the passageway at the rear is of concern relative to the privacy of local residents in St. Fintan's Crescent. However, the First Party provides that in accordance with Fire Regulations it is necessary to have fire doors in this location. In addition, they can as a temporary measure in Covid times be used for ventilation.

7.4. Landscaping issues

- 7.4.1. The site is sylvan in nature, with many fine trees, and groups of trees interspersed within the site, that provide a setting for the school buildings and screening. They enhance the appearance of the original Georgian House, that is in use as a school building. However, the location of some of these trees serves as an impediment to the siting of the proposed development and it is of note that these are proposed for removal.
- 7.4.2. An Arboricultural Assessment has been submitted with the application. This has regard to the impact of the proposed development on the trees on the site. A general description of the trees is given and photographs are included. A Tree Protection Strategy is provided to protect remaining trees during construction works. Drawings submitted with the original application include an Arboricultural Impact Assessment and Tree Survey and Constraints. The Existing Site Layout Plan shows a hatched area 'Trees shown within Orange Hatch to be removed to allow space for the New Sports Hall'. It is noted that there are no tree protection orders (TPOs) on any of the trees on this site. An Individual Tree Schedule is included.
- 7.4.3. Details are given as to arboricultural impact and mitigation measures. The original proposal which had a lessor footprint and a greater emphasis on the two storey element necessitated the removal of 9no. trees. A general description of the trees proposed for removal is given.

- 7.4.4. The Council's F.I request provided that an updated tree survey to include Tree Protection Plan details to reflect site layout changes be included. Also, that the report include recommendations on the location of site compounds, material storage, access routes and replacement tree planting. In addition, that a tree bond maybe calculated on submission of the requested information.
- 7.4.5. In response a revised Arboricultural Assessment, Arboricultural Impact and Tree Protection Strategy Report were submitted. This notes that a total of 59 trees were identified on the site and assessed in a preliminary assessment relating to the construction of the new multipurpose hall. They provide a description of the trees and note their condition is generally moderate (category B) though vigour is generally good and the species mix is diverse.
- 7.4.6. The direct impact of the revised proposal will necessitate the removal of 13 no. trees. They refer to the landscape drawings submitted. In addition, it is recommended that one category U tree (206) be removed for safety reasons. It was noted that the removal of trees will be most pronounced directly south of the proposed hall, where there will be a considerable impact on higher value trees. The trees in this area are primarily mature beech of moderate to high value (category B & A) and sycamore of poor value (category C). It is also noted that directly east on the opposite side of an internal roadway, a group of mature pine have root zones that would extend into the construction area, but the impact is mitigated by the presence of the roadway which reduces root growth. A mature poplar (tree 235: image 9) will need to be removed to facilitate the construction of additional car parking space within the car park on the eastern section of the site.
- 7.4.7. It is submitted that works will need to be done to some of the other trees, not proposed for removal and details are given of such. Details are included relative to mitigation and site management. A Tree Protection Strategy is provided to outline the procedures that will be undertaken to effectively retain trees free from adverse construction impacts for the duration of the construction period. A Tree Protection Plan showing trees to be protected has also been submitted. It is noted a number of trees will have to be omitted to facilitate the proposed development. Regard is had to the Individual Tree Schedule submitted. Note is had to pre-construction planning stage and to post construction re-assessment of retained trees. In it stated that all works will be done in accordance with best practice guidance for such tree works.

- 7.4.8. They have indicated the use of an adjacent car park as works compound area. The compound is indicated to the east of the car park to reduce the risk of damage to the finer specimens along the entrance avenue. CMK have indicated their proposed new temporary access route to this zone to avoid damage to a Holm Oak which is adjacent to the existing entrance with lower branches which would be at risk from construction vehicles. The Tree Protection drawing refers and shows a hatched area in front of the proposed development with 'no access for heavy vehicles'. Trees along the avenue are indicated 'raise canopy for vehicular clearance'. It is important that trees to be retained are protected in accordance with the relevant standards during construction works.
- 7.4.9. The Council's Parks Division is concerned that the applicant's response fails to address the concerns of the Parks and Green Infrastructure Division; namely the impact of the proposed development on the existing woodland trees which have a specific Objective on Sheet 10 of the Fingal DP 'To Protect and Preserve Trees, Woodlands and Hedgerows'. They are concerned that the proposed development will have a significant detrimental impact on the existing tree cover (and possibly on retained trees post construction due to changes in wind loading). They note that since late 2018 a line of boundary coniferous trees has been removed from this location in what appears to be an effort to accommodate the development. They caution that further tree removal is not acceptable, in particular given the site's tree objectives and location inside the Howth SAAO Buffer Zone. They are concerned that the applicant's response to a revised site layout in order to retain existing trees continues to be unsatisfactory including very limited mitigation measures of 2no. replacements for removal of approx. 14no. individual trees (excluding the boundary trees already removed).
- 7.4.10. The Planner noted the Park Section's comments and considered that in the event of a grant of permission that a condition be attached to ensure that any tree loss as a result of the proposed building be replaced. Condition no. 2 of their permission refers. I would consider that the 2no. semi-mature trees shown for infill screening, to be inadequate. If, the Board decides to permit, I would recommend that a landscaping condition be included, to show a revised scheme to provide for replacement tree planting within the site, including along the western boundary with the rear gardens in St. Fintan's Crescent.

7.4.11. The Arboricultural Assessment also includes that trees may provide roosting opportunities for bats. A Bat Survey has not been submitted. Regard is had to the legal protection afforded to bats in Irish and EU legislation. It provides that professional advice from a licenced surveyor should be sought prior to any works commencing on trees. While the likelihood of bats has not been established, in this school setting, it is recommended that if the Board decides to permit that an appropriate condition relative to bats be included.

7.5. Impact on the Character and Amenities of the Area

7.5.1. It is submitted that potential sites for any new development are restricted by steeply sloping grounds, the presence of the historic original house and its setting and ranges of mature trees which contribute greatly to the character of these lands and are in some cases protected. The siting of the proposed development is queried relative to the proximity to the adjoining properties in St. Fintan's Crescent and to the impact on the trees on site. As shown on the drawings while the removal of the existing trees shown on the Tree Survey and Constraints drawing submitted is regrettable, it is recommended that a revised landscaping scheme be submitted to include replacement planting, including to replace the screen planting along the western site boundary.

7.5.2. However, the higher sports hall element of the building will be sited on a relatively similar footprint to the existing building to be demolished. As shown on the revised plans the majority of the new build projection to the south of the sports hall is to be single storey which will lesson the impact relative to bulk, height and massing for adjoining properties in St. Fintan's Crescent. It is considered that in view of the reduction in height and massing as shown in the revised plans that there will be less of an impact on the houses in St. Fintan's Crescent to the west, than that originally proposed.

7.5.3. Details submitted at A.I stage state that only two visible site options were available for a building of the required size. The first is the subject site, which is a brown field location on which the current hall stands. The second was a greenfield site to the east of the grounds adjacent to the residential boundary with South Hill. They submit that the first site is preferable in view of its proximity to the existing school buildings

and the proposal to replace the existing school hall. In this event the proposed development, as is the case with the existing sports hall, will be proximate to and seen in the context of the existing school buildings. It is noted that the alternative site is not the subject of the current application.

7.5.4. The First Party contends that the potential impacts on the western boundary with the rear gardens of the houses in St. Fintan's Crescent is reduced as the current/revised proposal is to replace the existing school hall which is sited close to the boundary. That it will not substantially alter the existing situation. They provide that the mitigation process has continued the distancing from the boundary and reductions in scale to part single storey have achieved a redesign associated with the AI response. While a revised 'Shadow Study Document' has not been submitted, it is considered that the impact of the revised development proposal on the rear gardens of St. Fintan's Crescent will be less than the building originally proposed. Also, it is noted that this is a replacement building for the original two storey sports hall structure.

7.5.5. I would consider that it has been established that there is a need for the proposed development in the documentation submitted. As a replacement sports/hall complex for use by the school, the development as shown on the revised plans will be an improvement on the existing. While trees will have to be removed to facilitate the proposal, I would consider that with the implementation of a robust landscaping scheme to include replacement planting, including along the western site boundary would be beneficial for screening purposes. Also, a condition to restrict the hours of operation as has been discussed.

7.6. Access and Parking

7.6.1. No change is proposed to the existing access to the school from St. Fintan's Road. This is also used as the access to the existing/proposed sports hall. On my site visit, I noted that the site is well parked with overspill from the existing on-site car parking areas along the sides of the internal access road. The proposed development will also remove some parking by the side of the existing sports hall. It is noted that the revised Site Layout Plan, indicated 6no. additional parking spaces to be provided in

the green area adjacent to the existing parking area. This has access to the internal access road.

7.6.2. The Council's Transportation Planning Section notes that the proposed development is for the redevelopment of an existing sports gym, ancillary to the use of the main school. They provide that the proposed parking increase is acceptable as they serve as staff parking and the additional teaching space incorporated within the replacement gym. They have no objection to the proposed development.

7.6.3. I would consider the proposed new parking spaces to be acceptable and recommend that if the Board decide to permit that an appropriate condition be included. I would also recommend a condition concerning the provision of cycle parking as details of this have not been included with the application.

7.7. Construction issues

7.7.1. Note is had of the issues raised in the Report of the Environmental Health, Air & Noise unit relative to their recommendations on the demolition/construction phase of the development. This includes regard to hours of operation, noise, vibration control measures, dust prevention measures, traffic management for construction vehicles to ensure that the proposed development will not have an adverse impact on the adjoining residential properties and on the existing school site.

7.7.2. Regard is also had to the comments of the Environment and Water Services Section relative to the submission of a Demolition and Construction Management Plan. They request that an asbestos survey be carried out prior to the demolition/development. If the Board decide to permit it should be conditioned that a Demolition and Construction Management Plan be submitted.

7.8. Drainage issues

7.8.1. A Drainage Design Report has been submitted. This provides that a detailed assessment of the proposed foul and surface water drainage infrastructure associated with the proposed new sports hall has been undertaken. This report notes the existing foul and surface water drainage arrangements and that the proposed sports hall will be connected to the existing sewerage network. A foul sewer, surface sewer and watermain run along St. Fintan's Road. It outlines

proposals for the provision of services to facilitate the proposed new sports hall. It is read in conjunction with all relevant drawings submitted. It is stated that the report is based on available information and drainage maps compiled from Dublin County Council. It is provided that the foul drainage layout to be designed to the relevant standards and all connections will be in accordance with the Council's requirement and the greater Regional Code of Practice for Drainage Works.

- 7.8.2. Details include that the site run off for the proposed hard standing and roof areas outfalls to an existing 300mm surface public drain located along St. Fintan's Road, onsite attenuation trench is proposed to limit the outfall to the equivalent green field runoff rate. That the storm water management limits are achieved by implementation of source control BMPs and utilisation of SUDs in accordance with the Greater Dublin Strategic Drainage Study. Details are given of the surface water pipe network design and outflow. The Site Drainage Evaluation and Design Considerations include regard to the inclusion of SUDs in construction in accordance with current standards. Surface water drainage is to be discharged via a hydro cell stormblock attenuation trench lined with separated geotextile membrane. Note is also had of attenuation storage capacity to be provided for a 100 year storm.
- 7.8.3. It is noted that neither Irish Water nor the Council's Water Services Department object to the proposed development subject to conditions. If the Board decides to permit, I would recommend, that appropriate drainage conditions be included.

7.9. **AA Screening**

- 7.9.1. A Report by BEC Consultants: 'Screening for Appropriate Assessment: Sutton Park School Sports Hall', has been submitted with the application. This has regard to the project development and notes that the demolition of the existing sports hall and the construction of the new sports hall has the potential to impact on the natural environment through the loss of habitat, disturbance of species and pollution of water. It notes that wastewater produced by the proposed development will discharge to the public sewerage system for treatment and that this is not expected to differ from the existing situation.

7.9.2. Table 1 provides a list of Natura 2000 sites within 15km of the proposed development site or considered to have connectivity. It is noted that 18no. sites are listed and these are as follows:

- Howth Head SAC – site code: 000202 – Distance from site – 0.2km
- North Dublin Bay SAC – 000206 – 0.3km
- North Bull Island SPA – 004006 – 0.3km
- Rockabill to Dalkey Island SAC – 003000 – 1.1km
- Baldoyle Bay SAC – 000199 – 1.5km
- Baldoyle Bay SPA – 004016 - 1.9km
- Howth Head Coast SPA – 004113 - 2.5km
- Ireland’s Eye SPA – 004117 – 2.0km
- Ireland’s Eye SAC – 002193 – 3.3km
- South Dublin Bay and
River Tolka Estuary SPA – 004024 – 5.0km
- South Dublin Bay SAC – 000210 - 6.2km
- Malahide Estuary SAC – 000205 – 6.5km
- Malahide Estuary Estuary SPA – 004025 – 7.2km
- Dalkey Island SPA – 004172 – 10.5km
- Lambay Island SPA – 004069 – 12.1km
- Rogerstown Estuary SPA – 004015 – 12.3km
- Lambay Island SAC – 000204 – 12.4km
- Rogerstown Estuary SAC – 000208 12.8km

7.9.3. All of these designed sites (bar one) are ruled out for further consideration in view of the “Distance from site and the nature of the development means no likelihood of any effect.” However, the assessment provides that North Bull Island SPA (0.3km from the site) needs to be considered further in view of the: “Likelihood of disturbance from proposed works on bird species of SPA considered further”.

North Bull Island SPA

7.9.4. This SPA was considered in order to assess the potential for it to be significantly adversely affected by disturbance related to the proposed demolition and construction works. The Qualifying interests are listed in Table 2 of the Screening Report, along with the site conservation status and BOCCI Status. Bird species listed include: Light-bellied Brent Goose, Shelduck, Teal, Pintail, Shoveler, Oystercatcher, Golden Plover, Grey Plover, Knot, Sanderling, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Turnstone, Black-headed Gull. In addition, Wetlands are listed.

7.9.5. The NPWS (2015) describes the Conservation Objectives of Natura 2000 sites and the favourable conservation status of a Qualifying Interest. This includes:

The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at national level.

They provide that the conservation objectives were considered in the preparation of the assessment and full details of targets are given in Appendix 3 of their Report.

7.9.6. The proposed development takes place entirely outside the Natura 2000 network on the existing school grounds. The closest site Howth Head Sac is 0.2km away. None of the habitats present at the site are suitable for supporting any bird species for which the coastal SPAs have been designated. For these reasons there will be no loss of habitat in a Natura 2000 site, or habitat used by Qualifying Interest species, as a result of the proposed development.

7.9.7. The closest site designated for species is the North Bull Island SPA, being 0.3km away. The habitats present on the site are not suitable for supporting the bird species for which the coastal SPAs have been designated or any of the Annex II species from the nearest SACs. The site is also separated from the Natura 2000 site by roads and housing, with species present accustomed to human activity and noise. For these reasons, it is provided that there will be no disturbance on any Natura 2000 site or Qualifying Interest species as a result of the proposed development.

7.9.8. There are no surface waters in the vicinity of the proposed development site and so there is no potential for the release of sediment or other pollutants into the

environment. Therefore, there will be no adverse impact on any Natura 2000 site. As the proposed development will replace an existing sports hall, on the school site, there will be no significant change to the current situation with regard to water consumption or wastewater produced. Therefore, there will be no indirect effects on any Natura 2000 site as a result of the proposed development.

- 7.9.9. They have regard to the issue of in-combination effects and refer to other plans and projects considered. This includes reference to policies relative to designated sites in the Fingal DP 2017-2023 and some applications in the area. They provide that considering the nature of the proposed developments in the area, there is no likelihood of a significant adverse effect on any Natura 2000 site, as a result of in-combination effects.

AA Screening Conclusion

- 7.9.10. The Report concludes that having regard to their screening assessment there will be no significant adverse effects on any Natura 2000 sites, their Qualifying interests or Conservation Objectives as a result of the proposed development at Sutton Park School. Therefore, there is not a requirement to proceed to Stage 2 of the AA process.
- 7.9.11. The Council's A.I request noted that the AA Screening Report indicates a 'draft' watermark on submitted documents. They provide that the applicant is required to confirm this is the final version and if not to submit a final version in the inter of clarity. In response the Screening for AA Report was resubmitted, without the 'draft' watermark. The Planning – Further Information Response (March 2021) confirms that the AA Screening submitted was the final version. That they attach an unchanged copy with the relevant watermark removed.
- 7.9.12. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment, it has been concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 004006 - North Bull Island SPA, or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

I recommend that permission be granted subject to the conditions below.

9.0 Reasons and Considerations

Having regard to the provisions of the Fingal County Development Plan 2017- 2023 and the 'C1' 'Community Infrastructure ' zoning objective and established educational use of this site, 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 or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 8th day of April 2021 and by the further plans and particulars received by An Bord Pleanála on the 22nd day of June, 2021, 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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The proposed sports hall and ancillary facilities shall not be used between 2200 and 0800 Monday to Sunday. Deviation from these times will only be

allowed in exceptional circumstances where prior written approval has been received from the planning authority and prior notice provided to surrounding residents in a manner to be agreed with the planning authority.

Reason: In the interest of residential amenity.

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing –

(i) Existing trees, hedgerows, shrubs, specifying which are proposed for retention as features of the site landscaping.

(ii) The measures to be put in place for the protection of these trees and landscape features during the construction period.

(iii) Details of replacement tree planting for those trees that are felled to facilitate the proposed development. The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder which shall not include prunus species.

(iv) Details of screen planting along the western boundary with the rear of houses in St. Fintan's Crescent, which shall not include cupressocyparis x leylandii.

(v) Hard landscaping works, specifying surfacing materials, furniture and finished levels.

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

Reason: In the interests of residential and visual amenity.

5. Trees to be removed on site shall be felled in late summer or autumn. Any disturbance to bats on site shall be in a manner to be agreed in writing with the planning authority on the advice of a qualified ecologist.

Reason: In the interest of nature conservation.

6. (a) The internal road network serving the proposed development including access, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such works.

(b) Prior to the commencement of the development details of cycle parking for the proposed development shall be submitted for the written agreement of the planning authority.

Reason: In the interest of pedestrian and traffic safety.

7. 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.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Any existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity

9. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1300 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.

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

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

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

Reason: In the interest of sustainable waste management.

12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to

An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Angela Brereton
Planning Inspector

1st of October 2021