



An
Bord
Pleanála

Inspector's Report ABP 311174-21

Development	Demolition of buildings and construction of school with associated buildings and facilities.
Location	Former Harold's Cross Greyhound Stadium, Harold's Cross, Dublin 6.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2851/21
Applicant	Department of Education
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellants	<ol style="list-style-type: none">1. Peter & Kathleen McManamon & Others2. Dr. Chris Holmes & Dr. Anna Crawford & Others3. Theresa & Tony O'Dea & Others
Observer(s)	None

Date of Site Inspection

10/02/22

Inspector

Pauline Fitzpatrick

1.0 Site Location and Description

- 1.1. The site, which has a stated area of 2.67 hectares, comprises the former Harold's Cross Greyhound Stadium. It is to the east of Harold's Cross Road and north of Leinster Road. The racing track and stadium buildings and the main vehicular access are to the north east of the carpark area on which a temporary, 12 classroom school was granted permission under ref. ABP-301602 (4412/17).
- 1.2. The existing access points to the stadium include two directly onto Harold's Cross Road. The former main public entrance is to the west off Harold's Cross Road which connects to an internal access road extending along the western boundary. There is a further vehicular entrance to the north on Harold's Cross Road that may have served administrative offices associated with the stadium.
- 1.3. There is a network of interconnecting lanes linking the main streets and squares between the Rathmines and Harold's Cross areas. Grosvenor Lane extends northwards from Leinster Road, eastwards around the perimeter of the site and adjoins Leinster Park to the north east of the former Greyhound Stadium site. It is also accessed from Parkview Avenue which extends eastwards from Harold's Cross Road. The areas to the east, north, south and south-west of the site are largely in residential use with dwellings backing onto the site, with mews development along Grosvenor Lane. Leinster Park is a gated residential estate. Mature trees and fencing are located along the boundaries of the site to Leinster Park and Grosvenor Lane. A high blockwork wall bounds the western and southern boundary of the access roadway to the site. The properties fronting onto Harold's Cross Road comprise of a mix of commercial and residential uses, some of which appear to be vacant.

2.0 Proposed Development

The proposal comprises:

Demolition of existing stand, pavilion building, other outbuildings and entrance gates from Harold's Cross Road.

New school campus consisting of:

- 1 no. 2 storey, 16 classroom primary school and 2 no. classroom Special Education Needs Unit, general purpose hall and ancillary facilities. The building is to have a stated gross floor area of 3308 sq.m.
- 1 no. part 4 storey 1000 pupil post primary school with 4 no. classroom Special Education Needs Unit. The building is to have a stated gross floor area of c.11,576 sq.m. including a P.E. Hall, general purpose hall and ancillary facilities.
- 1 no. single storey bin storage.
- Ancillary works and facilities

Access is to be from Harold's Cross Road with an internal vehicular turning circle to be provided.

The application is accompanied by:

- Photomontages
- Daylight and Sunlight Assessment
- Traffic and Transportation Assessment with Walkability and Cycling Audits
- School Travel Plan
- Construction and Waste Management Plan
- Arboricultural Assessment
- Landscape Specifications and Maintenance Plan
- Invasive Species Survey
- Cultural Heritage Assessment
- Site Specific Flood Risk Assessment
- Engineering Assessment Report
- AA Screening Report and Ecology Impact Assessment

3.0 Planning Authority Decision

3.1. Decision

Grant permission for the above described development subject to 14 conditions including:

Condition 1: The permission shall not be construed as approving any development shown on the plans, particulars and specifications, the nature and extent of which has not been adequately stated in the statutory public notices.

Condition 3: requirements of Transport Planning Division, including liaison, to agree improvements to local street network and interface with Bus Connects Projects, layout and upgrade of Grosvenor Lane and School Travel Plan implementation.

Condition 5: 1st floor stairwell window in the northwest wall of the primary school to be fitted with obscure glass.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's report notes:

- In general the approach to the distribution of the scale and massing, whereby the 4 storey element is located centrally on a north-south axis and the height generally is stepped down towards the site boundaries is appropriate.
- The scale, massing and appearance can be successfully integrated into the area and will not cause harm to the visual or residential amenities of the area, nearby residential conservation areas or protected structures.
- The submitted report shows that the impact on daylight and sunlight to all neighbouring dwellings would be imperceptible and in line with BRE standards.
- 1 no. dwelling would experience a reduction in the extent of the rear garden receiving sunlight as measured on 21st March. As the degree of exceedance of the BRE standard is marginal, it is considered that this impact is within acceptable limits.

- Concerns raised with regard to the impact of the proposed trees on daylight and sunlight is not considered material.
- The primary school building would be set c.5 metres off the northern boundary and c.12 metres from the main rear elevation of No.6 Leinster Park. As the building footprint would be at an angle to the terrace on Leinster Park it is not considered that material harm would arise for these occupiers in terms of overbearance. The 1st floor window serving a stairwell should be fitted with obscure glass.
- The PE hall of the post-primary school would be located c.21 metres from the main rear elevation of the closest dwelling at Nos. 43-51 Leinster Park. The setback is sufficient. No issues arise in terms of overbearance or loss of privacy.
- Windows at 1st, 2nd and 3rd floor levels of the post primary school would face towards the rear of No.155 Harold's Cross Road (former garage) . Given the separation distance of 18 metres it is not considered that any issues arise in terms of constraints on the redevelopment of that site.
- Noise would be generated during daytime hours and is not unusual in nature.
- The report from Transportation Planning Division noted.

A grant of permission subject to conditions recommended.

3.2.2. Other Technical Reports

Engineering Department – Drainage Division has no objection subject to conditions.

Transportation Planning Division:-

- It notes the NTA comments.
- It supports the proposal for a car free campus and the enhancement of the permeability of the site in order to promote cycling/walking as an alternative mode of transport. How access via Grosvenor Lane can be safely accommodated through traffic management measures requires further consideration and engagement with the City Council's Environment and Transportation Department.
- The applicant should liaise with the City Council with regard to the implementation of measures such as School Zones and the 'Safe Route to

School' project in order to optimise pedestrian and cycle improvements on the road network adjoining the school campus.

- The achievement of 85% of trips by sustainable modes and the successful operation of a car free development requires proactive implementation and monitoring of the School Travel Plan. This can be addressed by condition.

A series of conditions to be attached should permission be granted recommended.

City Archaeologist recommends a condition requiring archaeological monitoring should permission be granted.

3.3. Prescribed Bodies

National Transport Authority supports the development as an example of how schools can operate in central suburbs in a manner which emphasises walking and cycling as modes of transport. It does not object to the provision of pedestrian and cycle infrastructure additional to that shown in Bus Connects drawings published to date and would not necessarily seek their removal as stated in Drawing No. P1137 submitted by the applicant. The crossing labelled 4A which connects to the southern entrance to Harold's Cross Park forms part of Bus Connects, while the desire line proposed to be catered for by the Kimmage Road Lower crossing labelled 5 may also be accommodated in some form. It is recommended that the applicant and the City Council liaise directly with NTA to agree an approach to improving the pedestrian and cyclist offer in the vicinity of the proposed school campus prior to commencement of development.

3.4. Third Party Observations

Submissions both objecting to and in favour of the proposed development received by the planning authority are on file for the Board's information. The issues arising in terms of objections are comparable to those set out in the 3rd party appeals summarised in section 6 below.

4.0 Planning History

ABP-301602 (4412/17) – permission granted for temporary, 2-storey primary school on 0.62 ha of the site to which this appeal refers comprising 12 no. classrooms with internal vehicular turning circle, 2 car parking spaces, bicycle/scooter parking, play areas, 1 no. pedestrian entrance gate, revised boundary treatment, piped infrastructure, landscaping, signage and associated site development works. Temporary permission for 5 years.

ABP 310947-21 – current appeal on adjoining site for demolition of former car showroom and garage and construction of 38 no. build to rent apartments.

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan, 2016-2022

The site is within an area zoned Z15 the objective for which is to protect and provide for community and institutional uses.

It is the planning authority's policy to actively assist and liaise with the Department of Education and Skills in meeting demand for school facilities and in identification of suitable of sites for new school development and with inclusion of for community facilities. (Para 12.5.4)

Policies SN10 - SN 14 provide for educational facilities, schools and third level institutions.

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

Section 16.16 sets out the development management guidelines for schools.

5.2. Natural Heritage Designations

None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Peter and Kathleen McManamon & Others (Nos. 3 – 6 Leinster Park)

The submission by RW Nowlan & Associates on their behalf can be summarised as follows:

- Whilst the site is zoned for educational purposes it is surrounded by residential with established amenities and character to which regard must be had.
- The proposal fails to meet the 22 metre separation distance between 1st floor level windows of No.6 Leinster Park and the gable end window of the primary school building,
- Clarification is required whether the most up to date guidance was referenced to inform the Daylight, Sunlight and Shadow Analysis report as submitted. The Sunlight, Daylight, and Shadow Assessment shows that No.5 Leinster Park would not meet the minimum 2 hours of sunlight required on 21st March. The assertion that the exceedance is marginal and acceptable is refuted.
- Inaccuracies in the report were identified previously relating to the omission of skylights located on the extension to No.6 Leinster Park. Had the additional windows been included in the assessment it is highly likely that No.6 would have also failed the minimum receivable light standards.
- The 4 storey post primary school would significantly alter the view from Leinster Park with concern arising regarding privacy from the north-facing windows on upper floors.
- The issues could be resolved by
 - moving the buildings further away from the boundaries.
 - reducing the height of the 4 storey building
 - changes to the fenestration

- Proper consideration was not given to the proposed location of the waste storage. Its location raises concerns about odour, noise and rodents for neighbouring dwellings. It should be relocated thereby removing the necessity of transporting large scale bins through the school grounds towards the access point for collection.
- Access for emergency vehicles has not been adequately addressed.
- An outdoor classroom immediately adjacent to their boundaries is not usual. Noise will not be confined to daytime hours. Appropriate conditions should be imposed limiting noise disruption.
- The bicycle store should be relocated further from their properties.
- Additional landscaping and open space over that proposed should be undertaken along the shared boundary to their properties.
- Operating hours should be stipulated by way of condition.

6.1.2. Dr. Anna Crawford & Dr. Chris Holmes & Others (Nos. 46, 48, 50 Leinster Park)

The submission can be summarised as follows:

- The design rationale of separating school buildings from adjoining buildings and positioning open areas at the interface has not been successfully achieved. Buildings are positioned close to existing properties. This is particularly so in the area to the north and east of the application site where there is a poor arrangement of buildings that project at angles creating perpendicular forms close to the boundaries with Leinster Park.
- The north-south axis of the primary school is located between 8 and 9 metres to the boundary to the north creating an overbearing presence to the rear of the terrace of 4 houses, impacting on their residential amenity in terms of availability of skylight to habitable rooms and in terms of overshadowing of small gardens. This has been demonstrated in the Sunlight, Daylight and Shadow Assessment Report. A simple modification, moving school buildings away from existing residential properties and locating them in the area where the ball courts are currently proposed to the north-east, would resolve the issue.

- The proposed post primary school gym building is angled in a manner that unnecessarily impacts on the homes in Leinster Park. The overbearing impact and reduction in daylight to habitable rooms has been demonstrated in the Sunlight, Daylight and Shadow Assessment Report. This could be resolved by moving the gym to the events area. It would also provide a better response to the 'street' concept advanced in the architects design rationale. Placing the events area generally in the area where the gym is currently located creates a more appropriate interface between what exists and what is proposed.
- The suggested solutions will also improve skylight/daylight available to habitable rooms which, while passing the British Standard and Building Research Establishment 'tests', nonetheless is reduced from the existing situation for certain habitable rooms. The residential amenity of the 'marginal' property referenced 1.A4 in the study will be protected by the suggested rearrangement of the buildings.
- The proposed planting along the boundaries would cause an unacceptable impact on sunlight and daylight of the gardens of neighbouring properties. Appendix H of BRE document Site Layout Planning for Daylight and Sunlight makes reference to the impact of hedges and trees on access to sunlight and daylight and puts forward the exercise that needs to be undertaken to assess this impact. Any grant of permission needs to be conditioned such that boundary planting is minimised and maintained so that it does not grow above the height of the existing boundary wall with neighbouring properties.
- The School Travel Plan does not facilitate a discernible modal shift to public transport. The Department needs to initiate a school bus service to really affect a modal shift away from the private car and to co-ordinate this service with other schools in the area.
- A derelict property at the site entrance within the blue line boundary should be incorporated into the application to achieve a better planning and urban design outcome.

6.1.3. Theresa & Tony O’Dea and Others

The submission can be summarised as follows:

- There is a lack of clarity in condition 1. The reader has no means of discerning what elements of the plans have been granted/not granted planning permission. There are a myriad of contradictions shown on the plans, specifications and particulars versus those given in the public notices with regard to the Grosvenor Lane access gates.
- Concerns were raised as to suitability of the proposed access gate onto Grosvenor Lane during the assessment of the application for the temporary primary school under file ref. 4412/17. Vehicular, pedestrian, cycle and scooter movements have increased since that assessment in addition to increase in mews development.
- The gate granted under 4412/17 (ABP 301602-18) is not in place (but described as such in the public notice). Its location is altered in the current proposal.
- The access via Grosvenor Lane is contrary to the principles of Permeability: A Best Practice Guide.
- The data contained in the School Travel Plan is out of date, is contradictory and is questionable.
- It is inconceivable that the narrow laneway that links Harold’s Cross Road with Leinster Place has been identified as a safe route for cyclists.
- The solution is for access to be from Harold’s Cross Road. An alternative could be to make use of a section of Harold’s Cross Park and to explore the possibility of a pedestrian/cycle bridge across Harold’s Cross Road with access directly onto the school campus.
- Noise will also adversely impact residential amenity.

6.2. Applicant Response

The submission by Tom Phillips and Associates on behalf of the applicant, which is accompanied by supporting documentation and revised plans, can be summarised as follows:

6.2.1. Residential Amenities

- The primary school is two storeys with an eaves height of 7.52 metres and ridge height of 9.26 metres. There is a separation distance of 6.6 metres to the site boundary with 1 window serving a stairwell, only, in the north elevation. The applicant has no objection to a condition requiring the use of translucent glazing or its relocation to the western elevation. This would not require a review of the building design.
- The post primary school's north elevation is between 95 and 103 metres from the rear of the 4 no. dwellings. The 1st and 2nd floor windows will be obscured by the east-west axis wing of the primary school. Given the separation distance overlooking from windows at 3rd and 4th floor levels will be negligible. The building will be vacant post 4pm, weekends and holidays.
- The re-orientating of the school to locate it at the ball court location would result in an unsatisfactory solution for the design of the school and pupils using it. The principle of the design is that both buildings form a protected enclosure for the pupils entering both buildings with private open areas beyond the school buildings. To reverse this would result in a poorly orientated scheme with exposed amenity areas.
- The PE hall is c. 22 metres from the rear of the adjacent dwellings. The max. height of the mono-pitch roof is 11.57m at a single point whereafter the roof falls away and the separation distance of the building and dwellings increases. Both the materials used on the external façade and the landscaped area provide a more than effective buffer and relief for any perceived massing issues.
- The events area provides a central external activity space that can be used by both schools. To further enclose this space as suggested would create a long dark space with no break out areas.

- The outdoor classroom is located to the southeast of the properties in Leinster Park. It is not a playground. The buffer between the two consists of an area of native woodland planting and a native hedgerow which will combine to create a natural acoustic screen in addition to the existing boundary wall that is to be retained. No noise pollution of great significance would be expected.
- The latest issue of Daylight in Buildings does not change or deviate from the current guidelines in relation to the development impact on neighbours. It was issued as a guide for the layout of internal rooms in order to achieve the minimum light requirement. BS 8206 is the appropriate referencing standard for evaluating the development impact on neighbours.
- As is common practice in a Sunlight, Daylight and Shadow Assessment it is the windows most likely to be impacted that are tested. Given that skylights are placed typically in areas that will receive direct sun exposure, facing the sky, the potential risk of effect by the development is low. If the vertical windows above the skylight passed the test, the skylights would pass. If a sloped impact was run the impact on the skylights would be zero to very minimal.
- Noise monitoring during construction is proposed.
- As per the revised plans the bin storage is to be located away from the northern boundary.
- The proposed tree planting is a mitigation measure for the unavoidable tree loss that will occur elsewhere within the site. Over time the planting will create visual and acoustic screening. The species proposed are considered to have a medium growth rate. Alterations to planting adjacent to affected properties can be undertaken.
- The location of the ball courts together is not unusual or excessive. The courts are separated from the Grosvenor Lane residents by the repositioned boundary wall and railing and new cycle/access route. The nature of the layout of the ball courts results in the corners of courts 3 and 5 only flanking the new southern boundary wall with a minimum separation distance of c. 10.5 metres from roadside dwellings.

6.2.2. Access and Traffic Management

- The application is accompanied by a School Travel Plan and Traffic and Transportation Assessment.
- The Swept Path Analysis shows that refuse and emergency vehicles can be accommodated.
- The effects of the development on Harold's Cross Road and surrounding junctions have proven to be negligible through the implementation of the School Travel Plan.
- The current access arrangements to the site will be amended to prohibit pupil drop off on site except for access to the accessibility spaces.
- The high quality local bus network negates the need for a school specific private bus network.
- The Mobility Manager's role in undertaking sustainable travel tasks will ensure a modal shift to bus usage as required.
- The Grosvenor Lane access gate was proposed as part of the temporary school application and has since been established.
- Improvements to pedestrian facilities and access are set out in the application with further details provided with the appeal response. The applicant has contacted the City Council in relation to the Bus Connects Programme and has included crossing/footpaths as per the proposed scheme. Interim works which will be removed once Bus Connects is in place are also detailed.
- The improvement works proposed will benefit all road users and include:
 - Enhanced pedestrian facilities along Grosvenor Lane (adj. to school entrance),
 - Traffic calming along Grosvenor Lane (adj. to school entrance) through signage and surface material changes,
 - Improved public lighting along Grosvenor Lane (adj. school entrance),
 - Introduction of uncontrolled pedestrian crossing at Harold's Cross Road,
 - Introduction of a controlled pedestrian crossing at Kimmage Road Lower,

- Introduction of signalised pedestrian facilities at the Leinster Road/Harold's Cross Road junction.
- Additional improvements will be provided through the implementation of planning condition 3 on the temporary school permission.
- At the time of survey of turning movements there were 15 no. mews development on Grosvenor Lane. There have been 5 subsequent mews development in the interim, an increase of 33%.
- Grosvenor Lane presently has very low traffic volumes and can facilitate the pedestrian and cycle movements.
- A traffic survey was undertaken 07/02/18 in the AM peak hour into Leinster Place with 11 no. trips noted (of which 2 were along Grosvenor Lane adjacent to the school entrance). Only 7 pedestrian and 2 cycle movements were recorded. Increasing these values by 33% would generate 15 trips in the area which is minimal.
- It is acknowledged that it is necessary to carry out significant improvements to the road network to facilitate the development of the site.
- To remove the Grosvenor Lane access would be detrimental to permeability.
- Updated school travel survey was carried out in September 2021. Private car usage is already 4% lower than its target usage. In addition bus, walking, and cycling have already surpassed their targets. Therefore, the assessment carried out is more robust than current modal splits. No issues are expected in relation to availability of parking spaces for drop off trips.

6.2.3. Miscellaneous Issues

- No. 149 Harold's Cross Road is not within the red line boundary of the planning application. The Department reserves its right to develop property in its ownership as it sees fit.
- The proposed development was adequately described in the public notices and was adequately described and illustrated on supporting documentation and drawings.

6.3. Planning Authority Response

None.

6.4. Further Responses

The applicant's response was circulated to the other parties to the appeal for comment.

6.4.1. Theresa O'Dea and Others

The submission can be summarised as follows:

- Significant referencing to the permission for the temporary primary school which has not been activated should be discounted. The school constructed was done so under an exemption from planning under Section 20B.
- The application for the permanent school is entirely different.
- Access and egress will only be available to the residents for very limited time periods due to the quantum of school arrivals and departures.
- Information provided does not address traffic management or safety issues along the length of Grosvenor Lane.
- Provision of additional entrance gates will serve to ensure further chaos, traffic conflict and endanger public safety.
- The pathway/cycle lane as currently proposed goes nowhere except to terminate at unsafe entry and exit gates and does not serve to enhance the safety for road users.
- The access gates at both ends of the proposed pathway/cycle way are at dangerous points, at the narrowest parts of the laneway.
- There is a material change in the access onto Grosvenor Lane from that granted under ABP 301602-18. It is not existing and its location has been moved. No reference is made to the provision of a 2nd gate in the public notices. The gates proposed onto the lane should be omitted.
- The Walkability Study states that children are in danger of being struck due to visibility issues at the proposed new entrance gates on Grosvenor Lane.

- There is very little in the way of suggested improvements that can be attributed to the distribution routes that will enhance safety. Whenever improvements are mentioned they are vague in nature and required to be negotiated with the City Council subject to budget.
- The access gate opposite No.79 is within the turning area of the entrance/exit of Nos. 79 and 78. The proposed eastern gate is immediately adjacent to 3 no. mews houses that are not shown on the plans.
- The new traffic data from a 2 minute survey cannot be considered robust or reliable. It is meaningless on safety issues.
- It is far safer to go from the Leinster Road/Harold's Cross junction directly to the main school entrance than to travel down Grosvenor Lane. The increased travel distance would be negotiated safely on wide footpaths.
- It will be impossible to prevent set down on the lane.
- Noise from the ball courts will significantly affect residential amenity. They could potentially be used after school hours and could allow for future site development.
- The assumption that the dog kennels associated with the previous greyhound track use being more invasive in terms of noise and disturbance is not true.

6.4.2. **Peter and Kathleen McManamon & Others**

The response can be summarised as follows:

- The post primary school will have multiple classrooms and social spaces that will overlook their properties. No condition is attached precluding the use of the building after school hours. There is reference in the documentation to the school buildings and grounds being used for private and community use.
- The primary school building is very close to their properties. The slight angle does not change that.
- No.5 fails the minimum sunlight tests which clearly reflects the overbearance.
- A greater separation distance should be required.

- Outdoor classrooms generate noise. The bicycle store will also generate noise.
- The relocation of the bin store is not sufficient.

7.0 **Assessment**

- Impact on Amenities of Adjoining Property
- Access and Traffic
- Other Issues
- Appropriate Assessment

7.1. **Impact on Amenities of Adjoining Property**

- 7.1.1. The southern part of the site is currently used for educational purposes with temporary structures placed thereon providing for both primary and post primary schools. The remainder of the site entailing the racing track, stand and associated buildings remain in situ with the properties in the vicinity benefitting from its open nature.
- 7.1.2. The site is zoned Z15 in the current City Development Plan, the objective for which is to protect and provide for community and institutional uses. An educational/school campus is acceptable in principle. There are also specific policies within Section 12.5.4 of the Plan (SN10-SN14) facilitating the implementation of the Department of Education's Schools programme. Notwithstanding, the site location and constraints imposed by the existing pattern of development in the immediate vicinity are required to be considered in the site development so as to ensure that the amenities of adjoining property are not adversely impacted. The site is bounded by dwellings in Leinster Park to the north and east and south-west, along Grosvenor Lane to the south and Parkview Avenue to the southwest. The dwellings in the vicinity are generally of two storey design. Commercial and residential properties fronting onto Harold's Cross Road back onto the site to the west.
- 7.1.3. The development, at full capacity, will accommodate 1400 pupils and 99 staff. The design ethos is to provide for a campus community and not two separate schools. It is to comprise of two buildings located to either side of a central access from

Harold's Cross Road connecting the campus to the community. Playing pitches are proposed along the eastern and southern boundaries with an outdoor classroom, garden and sensory garden proposed along the northern boundary. As per the applicant's response to the appeal submission a requirement of the design brief was to facilitate use by the local community with the PE and GP halls located in close proximity to the new street and rear plaza area.

7.1.4. The primary school is to be located in the northern section of the site, is roughly L-shaped and is two storeys in height. The post primary school ranges from one to four storeys in height. The internal design, layout, configuration and room sizes, including ancillary and associated facilities and areas, are stated to accord with the technical guidance standards employed by the applicant. I am satisfied that the proposed school teaching spaces would provide a quality education environment for pupils and staff, in line with the approach supported within the Ministerial Code of Practice titled 'The Provision of Schools and the Planning System'.

7.1.5. The buildings are contemporary in design with the stepped block modulation assisting in breaking up their bulk. The materials proposed to be used are durable and of a high standard. In view of the site size and the stepping up of the heights from 1/2 storeys initially where closest to neighbouring dwellings it can accommodate the additional height. As evidenced from the photomontages, which I consider to provide a reasonable accurate portrayal of the completed development, the visual impact of the development is limited to its immediate vicinity.

Daylight/Sunlight/Overshadowing

The application is accompanied by a Sunlight, Daylight and Shadow Assessment and has been prepared in accordance with Building Research Establishment (BRE) Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice and BS 8206 Lighting for Buildings, Part 2: Code of Practice for Daylighting. As noted in section 1.6 of the BRE Document the guidance is advisory, it is not mandatory. Although it gives numerical guidelines it recommends that they be interpreted flexibly since natural lighting is only one of many factors in site layout design. I note that an updated BS En 17037:2018 Daylight in Buildings guide replaces the BS 8206-2:2008 in May 2019 (in the UK), however, I am satisfied that this document/updated

guidance does not have a material bearing on the outcome of my assessment.

Daylight

- 7.1.6. In terms of daylight paragraph 2.2.7 of the BRE Guidance notes that for existing windows, if the VSC (vertical sky component) is greater than 27% then enough skylight should be reaching the window of the existing building. If the VSC with the new development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in daylight.
- 7.1.7. I consider that the assessment complies with best practice in terms of the locations tested based on guideline recommendations for the closest façades which have windows with potential for impact. The results show that the VSC was greater than 27% or not breaching the 0.8 times its former limit value for habitable rooms as per the recommendations set out in section 2.2.7.
- 7.1.8. As noted by the agent for the applicant that it is common practice in a Sunlight, Daylight and Shadow Assessment that windows most likely to be impacted are tested, as they will reveal any potential effect of the proposal in relation to access to sunlight, daylight and cast shadow ie. windows that face the development are most likely to get the impact. Given that skylights are placed typically in areas that will receive direct sun exposure, facing the sky, the potential risk of effect by the development is low. In combination then, if the vertical windows above the skylight passed the test, the skylights would pass.

Sunlight

- 7.1.9. The impact on sunlight to neighbouring windows is generally assessed by way of assessing the effect of the development on the Annual Probable Sunlight Hours (APSH). In terms of sunlight to living spaces all tested windows comply with the annual and winter requirements as set out in section 3.2.3.

Overshadowing

- 7.1.10. In relation to overshadowing the BRE guidelines states that an acceptable condition is where external amenity areas retain a minimum of 2 hours of sunlight over 50% of the area on the 21st March.
- 7.1.11. All but 1 of the amenity spaces assessed met this requirement. No. 5 Leinster Place, referenced 1.A4, delineates a change ratio of 0.77 which is 0.03 below the

0.80 ratio target set out in section 3.3.17. Further analysis was undertaken to examine the impact on the said garden on a month by month basis using the 2 hour metric showing that March and September/October are where the 0.8 change ratio arises.

7.1.12. In conclusion and having regard to impacts to daylight and sunlight levels to surrounding properties and overshadowing of same, I am satisfied that the assessment report has identified all potential impacts and I am satisfied that all but one property will experience impacts that are in line with BRE targets.

7.1.13. I am satisfied that the lighting impacts arising from the proposed development on neighbouring gardens would not be sufficiently adverse to require amendments to the proposed development, particularly having regard to the land use objectives within the Development Plan and the need to deliver wider planning aims including the delivery of educational campus, the demand for which has been justified. Therefore, a refusal of permission for reasons relating to overshadowing to neighbouring properties would not be warranted.

7.1.14. I note the reservations as to the potential landscaping and tree planting along the site boundary and the potential for overshadowing. The plans have been modified by way of the appeal response to alleviate these concerns and are considered acceptable.

Overlooking/Loss of Privacy/Overbearance

7.1.15. Nos. 3 - 6 Leinster Park are to the north of the site, two of which are served by noticeably small rear gardens. The primary school building is two storeys in height stepping down from 10.870 metres to 9.260 metres on its northern elevation with a setback of between 8.225 and 9.149 metres to be maintained to the shared boundary. The intervening area is to be landscaped and, by way of the revisions submitted with the appeal response, the bin store originally to be positioned against the northern boundary has been relocated against the north-western boundary. Whilst concerns are expressed as to the proximity of the school building to the shared boundary its height is comparable to the ridge height of the dwellings and, with the setback proposed, I submit that overbearance will not be such as to warrant a refusal of permission.

- 7.1.16. Although the post primary school building will have windows serving classrooms at 3rd and 4th floors it is to be located in excess of 85 metres from the northern site boundary.
- 7.1.17. The post primary school will be set back a minimum of 29 metres from the south-western boundary to the properties on Park View Avenue. The building steps down to two storeys to the east with a setback of at least 13 metres maintained to the site boundary with the properties on Leinster Park. The 4 storey element is to be set back approx. 65 metres from the said boundary.
- 7.1.18. I am satisfied that the building layout and design has taken due cognisance of the properties adjoining and will not give rise to overlooking or loss of privacy. Whilst appellants express concern as to the potential use of the classrooms outside of normal school hours and overlooking I submit that were this to arise the anticipated duration of occupancy would not be so as to raise material concerns in this regard. A condition requiring details of anticipated use after normal school hours can be attached should the Board be disposed to a favourable decision.
- 7.1.19. By reason of the proposed use the adjoining properties will experience a material change in the level of activity and noise arising than heretofore experienced and would be expected with the site development. The site has been vacant for a number of years prior to which it's use as a greyhound track would not have been intense. The development of the underutilised site in such a suburban location to meet the educational needs as have been identified is considered appropriate and, as such, the increase in activity and noise cannot be considered material grounds on which permission is refused. The applicant in designing the campus sought to position the playing pitches, courts, amenity areas and the outdoor classroom around the perimeter thereby allowing for the buildings to be set back into the site.
- 7.1.20. Certainly, the proposed development would be visible from the private gardens and internal areas of the immediately adjacent houses and will change the outlook from these properties which have benefitted from the amenity provided by the previous greyhound track use. I consider that the extent of visual change would be in character with the constantly evolving and restructuring urban landscape and the existing scale of development in the area and would not be unexpected owing to the zoning as part of the development plan.

Construction Impacts

7.1.21. Appellants have raised concerns regarding the disruption during the construction phase. An Outline Construction and Demolition Management Plan was submitted with the application and includes measures to control noise, vibration and dust during the stated 18-24 construction phase of the project. On-site parking would be possible during the construction phase. With the proposed reductive, control and monitoring measures to be put in place for construction and demolition phase emissions and compliance with the relevant standards, the proposed development would not have substantial impacts on neighbouring residents and such impacts would be temporary. As would be normal practise a finalised Construction and Environmental Management Plan can be agreed in the event of a grant of planning permission, and I am satisfied that the finalisation of and adherence to such a plan would ensure the management of demolition and construction activity is carried out in a planned, structured and considerate manner that minimises the impacts of the works on local residents and properties in the vicinity.

Impact on Amenities of Adjoining Property - Conclusion

7.1.22. In conclusion, sufficient information has been provided with the application to allow for a comprehensive and thorough assessment of the impacts of the proposal on neighbouring residential amenities, as well as the wider area. I am satisfied that the proposed development would not result in excessive overshadowing or overlooking of neighbouring properties and would not have excessively overbearing impacts when viewed from neighbouring residential properties. Having regard to the assessment and conclusions set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the enjoyment or value of property in the vicinity.

7.1.23. Accordingly, the proposed development would comply with the zoning objective for these lands, as contained in the Development Plan, and the proposed development should not be refused for reasons relating to impacts on neighbouring amenities.

7.2. Access and Traffic

7.2.1. The application is accompanied by a Traffic and Transport Assessment, School Travel Plan and Walkability Audit. The School Travel Plan includes a range of

targets, measures and actions to increase the shift towards more sustainable modes of transport and reduce private car usage associated with school trips.

- 7.2.2. The site is served by one existing vehicular access onto Harold's Cross Road which will provide for pedestrian, cyclist and limited vehicular access. Auto track analysis has been submitted with the application which indicates that the access and internal road are of sufficient width to accommodate service and emergency vehicles. The campus is to be parking free save for accessibility spaces with access for deliveries also to be permitted.
- 7.2.3. In total 481 bicycle parking spaces are to be provided to serve the two schools which exceeds the development plan requirements of 467. In addition, 127 scooter parking spaces are to be provided.
- 7.2.4. Harold's Cross Road from which the site is accessed is served by a Quality Bus Corridor with numerous bus routes and bus stops in the immediate vicinity. It has a footpath on one side only. As part of the Bus Connects programme Route 11 from the City Centre towards Kimmage proposes a spinal bus corridor (F Spine) together with cycling facilities and will be easily accessible from the site. Proposed external pedestrian/cycle upgrades are proposed and are detailed in section 4 of the School Travel Plan.
- 7.2.5. The National Transport Authority supports the development as an example of how schools can operate in central suburbs in a manner which emphasises walking and cycling as modes of transport. It does not object to the provision of pedestrian and cycle infrastructure additional to that shown in Bus Connects drawings published to date and would not necessarily seek their removal as stated in Drawing No. P1137 submitted by the applicant. The crossing labelled 4A which connects to the southern entrance to Harold's Cross Park forms part of Bus Connects, while the desire line proposed to be catered for by the Kimmage Road Lower crossing labelled 5 may also be accommodated in some form. It is recommended that the applicant and the City Council liaise directly with the NTA to agree an approach to improving the pedestrian and cyclist offer in the vicinity of the proposed school campus prior to commencement of development. This can be addressed by way of condition.
- 7.2.6. An ambitious modal split of 85% by means of sustainable transport means is identified. This is based on the figures from 5 different sources and examples

including 4 other school sites and also local electoral division census data. On the basis of the identified modal split and an occupancy rate of 1.75 pupils per car it is estimated that the additional traffic arising from the proposed development would be in the region of 103 vehicles in the AM peak when the school campus is fully operational. Whilst criticism has been levelled as to whether the traffic surveys dating back to 2017/2018 represent a reasonable reflection of prevailing conditions including the traffic generated by additional mews development that has occurred along Grosvenor Lane I accept the vehicular movements generated by the school would have a negligible impact on the surrounding road network. With specific regard to Grosvenor Lane the additional mews development since the said traffic survey carried out in 2018 equates to an increase of in the region of 33%. To apply such an increase to the 11 no. trips recorded (of which 2 were along Grosvenor Lane adjacent to the school entrance) would result in 15 trips in the area. This is considered minimal.

7.2.7. Parents who drive their children to school will be requested to park in existing on-street parking spaces and walk the children to the school entrance under the 'park n' stride' initiative. On street parking (pay and display) is available on Leinster Road, Grosvenor Square, Grosvenor Lane, Kenilworth park, Casimir Road, Tivoli Avenue, Wilfred Road and Leinster Road West. A survey of parking availability on these streets was carried out in October 2017 which indicates there is sufficient capacity at these locations to accommodate the trips associated with the proposal. On day of inspection (Thursday PM) when schools in the vicinity were closing (St. Clare's Harold's Cross and St. Louis Rathmines) I noted that parking at these locations was available with pupils being picked up by such arrangements. I submit that there is sufficient availability to accommodate the vehicular trips calculated. I refer the Board to the table on page 16 of the School Travel Plan.

7.2.8. Of substantive concern is the provision of pedestrian access from Grosvenor Lane. Grosvenor Lane runs to the rear of Leinster Road and can be accessed from the latter at a number of points. The lane is narrow with a number of pinch points with no footpaths or lighting along which mews development and rear access to properties predominate. Parking on the lane was noted along its length with many of the dwellings having the benefit of garages/off lane parking. By reason of the

constraints it is reasonable to expect vehicular speeds to be low. Both vehicular and pedestrian movements were noted to be low on day of inspection.

- 7.2.9. One entrance gate from the lane was permitted in the south-western most corner of the site under ABP-301602 (4412/17) as part of the development of the site for temporary classrooms. I can confirm that the access is not in place. The position of that as permitted is located to the east of that proposed in the current application. I shall address the procedural issues with respect to access from Grosvenor Lane below.
- 7.2.10. The said entrance, in addition to a further access in the south-eastern corner, is proposed as part of this application. It is proposed to set back the southern boundary of the site allowing for the provision of a new cycle/path with infrastructural improvements including lighting and signage immediately adjacent. As confirmed in the School Travel Plan trips will be distributed between the 3 no. approaches to the lane from Grosvenor Lane, Leinster Place and Parkview Avenue. As per the calculations provided in the School Travel Plan the maximum number of pedestrians at the Grosvenor Lane entrances would be 191 pupils per 15 minutes (12.73 pupils per minute) with cyclists at 77 pupils per minute (5.13 pupils per minute). No set down is provided along Grosvenor Lane as part of the school drop off management strategy and in the future scenario the primary and post primary school opening times will be staggered to minimise peak movements. Notwithstanding, this represents a significant increase in pedestrian movements along the lane over that existing.
- 7.2.11. I submit that the extent of the works proposed along the southern boundary would allow for a reasonable delineation for the properties in the immediate vicinity in terms of vehicular manoeuvres, however the concerns as to the potential for conflicting pedestrian and vehicular movements elsewhere along the lane is a reasonable consideration. I would also express reservations as to the current environment which is not pedestrian friendly. The Walkability Audit identifies certain areas which require improvement but is silent on the wider environment along the lane to the east.
- 7.2.12. However, I accept the view that the omission of the proposed pedestrian entrances and associated pedestrian use of the lane network would undermine the potential to

encourage and provide for sustainable travel and there would need to be a strong case to justify their exclusion. Due to the longer distances along the main streets increased use of a private car to drop off and collect pupils via the main entrance could be expected.

- 7.2.13. As noted by the Inspector in her assessment of the appeal against the temporary classrooms under ref. ABP-301602–18, with or without the proposed pedestrian entrance on Grosvenor Lane, pedestrian movements associated with the proposed school along this lane network, would be likely to increase, even if the proposed pedestrian entrance on the southern boundary of the site were not provided because these routes are more direct and are likely to be preferred routes. It should also be borne in mind that the entire lane network is part of the public road network managed and maintained by the City Council.
- 7.2.14. Whilst seeking the highest level of permeability possible so to encourage sustainable travel patterns I consider that the use of the lane for such purposes needs to be advanced in more detail prior to commencement of development including traffic management measures which would be required to be in place prior to the opening of the school. Subject to such measures being implemented I consider that the pedestrian movements could be accommodated without giving rise to concerns regarding pedestrian or vehicular safety. I note that condition 3 (iii) of the planning authority's decision requires the necessary works to be undertaken at the applicant's expense. As the lane is within the control of the City Council and the works can be considered to be exceptional specifically required to serve the proposed development, I consider a special contribution to be the most appropriate mechanism to cover the costs arising.
- 7.2.15. The implementation, ongoing monitoring and review and effectiveness of the school travel plan relies heavily on commitment to good management and full implementation of the proposed arrangements, including prevention and discouragement of use of areas not available for use for drop-offs and pick up of pupils. A mobility manager is to be appointed to oversee the Travel Plan with a review to be carried out at years 1, 3 and 5 to ensure that the objectives of the Plan are being achieved. It is appropriate that an annual monitoring report be submitted to the planning authority to ensure compliance with the Travel Plan. This can be addressed by way of condition.

7.3. Miscellaneous Issues

Adequacy of Public Notices

- 7.3.1. I note that permission was granted for permission for temporary classrooms on part of the site with a pedestrian gate to be developed along the southern boundary from Grosvenor Lane. Whether this permission was realised or whether the temporary school buildings were constructed under an exemption from planning under Section 20B is not a matter for comment in this appeal.
- 7.3.2. As noted above the permitted pedestrian gate from Grosvenor Lane has not been provided. The current proposal entails the provision of a pedestrian gate further to the west of that permitted with a 2nd proposed in the south-western corner. The proposals for such pedestrian access and use of Grosvenor Lane are assessed de novo in this appeal and the fact that the applicant may refer to the gate as being existing does not negate this assessment.
- 7.3.3. I consider that the nature and extent of the proposed development as given in the public notices is adequate. The reference to the pedestrian gate from Grosvenor Lane as being existing does not, in my opinion, invalidate the application. It is clear that local residents were aware of the application and the proposed access arrangements and engaged in the process by making their views known through written submissions to the Planning Authority in the first instance and to the Board at this appeal stage.

Property in Applicant Ownership

No. 149 Harold's Cross Road which is within the applicant's ownership is not within the red line boundary of the planning application. I would concur with the view that the applicant has the right to develop property in its ownership as it sees fit subject to compliance with planning law and cannot be required to develop the said property as part of this application.

Appropriate Assessment – Screening

The application is accompanied by a Report for the purposes of Appropriate Assessment Screening.

I submit that having regard to the nature and extent of the development and the location of the site on fully serviced lands and to the distance to the nearest

European Sites and the intervening development it is concluded no appropriate assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to the Z15 zoning objective for the site and policies SN10 to SN14 providing for educational facilities and schools as set out in the current City Development Plan and to 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 and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 14th day of September, 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. The proposed improvements to the local road networks as delineated on drawing numbers 16-165-18-P1135 to 16-165-18-P1137 submitted with the application shall be carried out following consultation with the National Transport Authority and the Environment and Transportation Department of Dublin City Council prior to the first occupation of the school campus.

Reason: In the interest of traffic safety.

3. Detailed plans and specifications of the proposed improvements and upgrade of Grosvenor Lane with particular regard to pedestrian and cyclist access shall be agreed with the planning authority prior to commencement of development.

Reason: In the interest of traffic and pedestrian safety.

4. An annual monitoring report of the School Travel Plan and achievement of targets as set out in the plan shall be submitted to the planning authority. Should the modal split targets set out in the Plan not be achieved alternative measures shall be set out which would address how the mobility requirements of the school are to be achieved.

Reason: In the interest of achieving sustainable travel patterns.

5. The 1st floor window serving a stairwell in the northern elevation of the primary school building shall be fitted with obscure glazing.

Reason: In the of residential amenity.

6. 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.

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

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

8. 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 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.

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

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

10. The landscaping scheme shown on Landscape Plan drawing number 142-HCC-DD-01 Rev. V received by An Bord Pleanála on the 14th day of September 2021, shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants that 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 interest of residential and visual amenity.

11. Lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the occupation of the new school buildings.

Reason: In the interests of amenity and public safety.

12. 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.

13. Prior to the occupation of the new school building, the applicant shall submit to, and agreed in writing with, the planning authority, the details of the intended level and frequency of making available for use of the school facilities for the benefit of the wider community.

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

14. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

15. 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.

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

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

17. 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.

18. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of upgrade and improvements works along Grosvenor Lane to facilitate safe pedestrian and cyclist movements. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Pauline Fitzpatrick
Senior Planning Inspector

February, 2022