



An  
Bord  
Pleanála

## Inspector's Report ABP-313948-22

### Development

Change-of-use, renovation and internal reordering of 'Abilene', its entrance gates, and its associated walled garden (Protected Structures); Construction of two single to four-storey new blocks – A & B; to provide a post-primary school for 1,000 pupils. Partial demolition of structures, outbuildings and walls, new vehicular and pedestrian/cycle entrances, parking, signage, landscaping and associated site works.

### Location

'Abilene', Newtownpark Avenue, Blackrock, Co. Dublin.

### Planning Authority

Dún Laoghaire-Rathdown Co. Council

### Planning Authority Reg. Ref.

D21A/0553

### Applicant(s)

Department of Education

### Type of Application

Permission

### Planning Authority Decision

Grant permission.

<b>Type of Appeal</b>	3 <sup>rd</sup> Parties
<b>Appellant(s)</b>	Dave & Nikki Curran & Others Patrick Clarke
<b>Observer(s)</b>	Monksfield Mews Residents Assoc.
<b>Date of Site Inspection</b>	24 <sup>th</sup> March 2023
<b>Inspector</b>	Michael Dillon

## 1.0 Site Location and Description

- 1.1. The site, with a stated area of 1.2ha, is located on the northwest side of Newtownpark Avenue in Blackrock, Co. Dublin. It falls gently from south to north – by approximately 5m. ‘Abilene’ is a two-storey house. The rear part of the house is stated to be the older – a 1790’s farmhouse – aggrandised in the early-Victorian era to villa status; with new single-storey-over-raised-basement entrance front. The house has a shallow flight of 7 granite steps leading to the front door – and a narrow, wrought-iron verandah extending almost the full width of the house. External walls are plastered and painted, and the shallow roof is slated and hipped. The house is boarded-up and falling into disrepair; with slates dislodged and gutters missing. There is a small service courtyard area behind the house. The house is oriented so that the principal reception rooms address Dublin Bay – though this is no longer visible. There is an overgrown walled garden immediately to the rear (southwest) of the house, within which is a small outdoor swimming pool (empty). There is a triangular-shaped yard to the rear, with some sheds falling into dilapidation. The original, single-storey gate lodge on Newtownpark Avenue has been separated from the property. The original recessed entrance gates remain *in situ*. There are some fine mature specimen trees within the attendant grounds of the house. The garden is running wild; and it was not possible to access large parts of it, due to the density of undergrowth. There is an overhead electricity line traversing the eastern portion of the site.
- 1.2. To the southwest, the site abuts Newtown Park Avenue – the boundary with which is a 1.6m high rubble stone wall, which is dashed and has a stone capping. Old wrought iron entrance gates are in place between slender granite columnar pillars. There is mature mixed planting inside this wall, which hides the remainder of the site from view. To the northeast, the site abuts the curtilage of a two-storey, detached house ‘Erindale’ (1 Ardagh Park Gardens – addressing Newtown Park Avenue). This house has a detached garage/shed abutting the site boundary. The house is at a lower level than the appeal site. Also on the northeast, the site abuts the rear gardens of 1-12 Ardlui Park; a cul de sac of two-storey detached houses set within large plots – the boundary with which is a mixture of old granite wall and concrete block wall. These houses are also at a slightly lower level than the appeal site. To

the northwest, the site abuts the rear gardens of 4 two-storey, detached houses in Belmont Green (18-21) – the boundary with which is an old wall. To the southwest, the site abuts the Galloping Green Apartments complex (blocks of two-four storeys) – the boundary with which is an old wall – with landscaping on the apartments side. This is a gated complex with access off a slip road on the N11 Stillorgan dual carriageway. To the south, the site abuts a small, two-storey apartment complex of 5 units (Monksfield Mews) – the boundary with which is undefined. There are mature cypress trees growing adjacent to the boundary on the apartments side. Also on this boundary is a dormer house ('Eversham') – the boundary with which is timber panel fencing. This house shares a vehicular access with Monksfield Mews – there being a pedestrian gate onto Newtownpark Avenue. There is currently off-street parking for two cars within the recessed entrance to 'Abilene' – shared with the gate lodge.

- 1.3. Newtownpark Avenue (R113) is a 50kph zone. The site is located approximately 150m north of the junction of the R113 and N11 Stillorgan Dual Carriageway. There is a single lane for traffic in each direction with a bus lane on the opposite side of the road. There are bicycle lanes marked within the shared road carriageway on both sides of the road – the one on the site side ending at the bus-stop in front of the site. There are footpaths on either side of the road, and public lighting is in place. There is a bus stop and shelter immediately in front of the site; with another on the opposite side of the road – across from the gate lodge. There are no parking restrictions in place on this road.

## 2.0 Proposed Development

- 2.1. Permission sought on 4<sup>th</sup> June 2021, for new school development comprising the following elements-
  - Refurbishment and change-of-use of 'Abilene' – a Protected Structure, of 491sq.m, for educational purposes.
  - Demolition of structures – 86sq.m.
  - Two new school blocks of 10,438sq.m – up to four storeys in height. Block A has a basement sports hall.

- 64m length of covered steel walkway to link the new blocks with each other and with 'Abilene', via the walled garden.
- Block A includes a 120sq.m terrace at third floor level; whilst block B includes a 1,030sq.m roof-top lay area and a 42sq.m terrace at third floor level.
- Overall provision for 1,000 post-primary spaces and 66 staff.
- New vehicular access off Newtownpark Avenue: original entrance gates to be used for pedestrian and bicycle access. A further separate pedestrian/bicycle access to be provided between the two.
- Bicycle parking for 255 bicycles
- Car-parking for 20 cars.
- 3 set-down/collection areas within the site for 8 cars.
- External storage & outbuildings of 70sq.m.
- Repair of boundary walls and walled garden walls.
- Electricity sub-station building at the new vehicular access.
- Signage on block A and 3 flagpoles at new site entrance.
- Relocation of bus-stop on site side of Newtownpark Avenue.
- Connection to existing public watermain and sewers.
- SuDS surface water attenuation measures within the site.
- Roof-mounted solar PV array of 350sq.m on block A.

2.1.1. The application was accompanied by the following documentation of note-

- Planning Report – June 2021.
- Design Report – May 2021.
- Verified Photomontages (A3 format) – May 2021.
- Appropriate Assessment Screening Report – 6 April 2021.
- Conservation Report & Architectural Heritage Impact Assessment – June 2021.
- Noise Impact Assessment – 18 March 2021.

- Japanese Knotweed Survey Report (Prepared for the Department of Education) – April 2019.
- Japanese Knotweed Annual Progress Report 2019.
- Japanese Knotweed Management Plan – June 2019 to December 2023.
- Bat Assessment – April 2021.
- Landscape Specifications & Maintenance Plan – May 2021.
- Cultural Heritage Impact Assessment – March 2021. [Appendix 1 of this Report is inserted in error].
- Arboricultural Report – May 2021.
- Mechanical & Engineering Services Report – 24<sup>th</sup> March 2021.
- Engineering Assessment Report – May 2021.
- Flood Risk Assessment – May 2021.
- School Travel Plan – May 2021.
- Outline Construction & Demolition Management Plan – May 2021.
- Traffic & Transport Assessment – May 2021.
- Road Safety Audit: Stage 1 – April 2021.

2.2. Following a request for extensive additional information, revised proposals were received on 15<sup>th</sup> March 2022, as follows-

- Omission of third-floor terraces at western end of block A and at eastern end of block B.
- Details of fencing finishes to rooftop ballcourt.
- Revised western elevation of block B.
- Details of play space to south of block A.
- Change of fenestration to classroom (215) on second floor of block A.
- Justification for not relocating covered walkway outside the walled garden.
- Alterations to elevations of the two blocks – particularly as they address 'Abilene'.

- Clarification of extent of green roof area.
- Newtownpark Avenue boundary wall to be retained at existing height.
- Replacement of two monopitch roof areas of block B, with flat, green roofs.
- Amended red line boundary of the site to facilitate works on Newtownpark Avenue – including pedestrian crossing at proposed new pedestrian/cycle access to the school site. Letter of consent is included from DL-RCC.
- Provision of landscaped buffer along northern and western boundaries of the site. 113 new trees will be planted throughout the site. Mature oak (T2201), which it was originally proposed to retain, will now have to be removed to facilitate the excavation of the basement of block A.
- Soakway test results, and associated changes to SuDS measures.
- Clarification of 270 covered bicycle/scooter parking spaces.
- 3 electrical vehicle (EV) charging points.
- Slight changes to roads and footpaths within the scheme – together with associated signage.
- Details of lighting layout and of contact with Municipal Services Department – Public Lighting of DL-RCC, in relation to a lighting layout for the site. Ballcourts will not be lit as part of this application.
- Details of lighting of rooms within the blocks.
- Letter from Arboricultural specialist justifying inability to retain an ash tree on Newtownpark Avenue boundary.
- Revised public notices.

2.2.1. The submission was accompanied by the following documentation of note-

- Engineering response – February 2022.
- Landscape Report – February 2022.
- Landscape Specifications & Maintenance Plan – February 2022.
- Operational Waste Management Plan – 3<sup>rd</sup> March 2022.
- Ecological Impact Assessment – December 2021.

- Integrated Arboricultural Report – January 2022.
- Daylight & Sunlight Report – 28<sup>th</sup> October 2021.
- Road Safety Audit, Access Audit, Cycle Audit and Walking Audit – January 2022.
- Architectural Report (A3 format) – February 2022.
- Verified Photomontages (A3 format) – January 2022.

2.3. Following a request for clarification of additional information, revised proposals were received on 5<sup>th</sup> May 2022, as follows-

- Provision for 'Toucan' crossing (for pedestrians and bicycles) on Newtownpark Avenue.
- Revised layout of pedestrian/cycle access to the site.
- Details of bicycle/scooter parking (304 spaces) approximately 52% of which are covered.
- Reduction from 30kph to 10kph speed restriction, throughout the site.
- Removal of sections of boundary wall on Newtownpark Avenue to improve sight visibility for vehicles and bicycles exiting the site.
- Green roof provision of 51% - achieved through reduction in solar PV array on roof of block A, and inclusion of other roof areas – such as covered walkway.
- Details of new bus stop on Newtownpark Avenue.
- Revised external finishes to both blocks.
- Map of Park & Stride locations (A3 format) – showing available public on-street parking in the area. Bus staging location indicated on Belmont Terrace (a slip road off the Stillorgan Dual Carriageway – southbound).
- Surface water outfall from soakway is a high-level overflow, and not an 'Hydrobrake' control mechanism.
- Revised public notices.

2.3.1. The submission was accompanied by the following documentation of note-

- Architectural Report (A3 format) – May 2022.

- Engineering Report – May 2022 (including Quality Audit for Traffic Safety).
- Letter from Arborist – 3<sup>rd</sup> May 2022.
- Letter from Principal of Blackrock Educate Together Secondary School – 29<sup>th</sup> April 2022 – in relation to the operation of the school.

### 3.0 Planning Authority Decision

#### 3.1. Decision

By Order dated 30<sup>th</sup> May 2022, Dún Laoghaire-Rathdown County Council (DL-RCC), issued a Notification of decision to grant permission, subject to 24 conditions. The conditions of note are as follows-

1. Development to be carried out in accordance with plans and particulars submitted; as amended by additional information received on 15<sup>th</sup> March and clarification of additional information received on 5<sup>th</sup> May 2022.
2. Rendered elements of façades of blocks A & B shall be replaced with contrasting light brick tones.
3. Use of 3<sup>rd</sup> floor terraces at the western end of block A and the eastern end of block B shall be restricted to maintenance purposes only.
4. Ballcourt enclosure above block B shall be finished in a black colour which aligns with imagery included on Drawing P19-073K-RAU-15-XX-DR-A-37002.
5. Use of school shall be limited to the hours of 0700-2100 Monday to Friday and 0900-1800 hours on Saturday. The rooftop play area shall only be accessible to students between the hours of 0800-1800 Monday to Friday.
6. Relates to light pollution.
7. Relates to refurbishment works to 'Abilene' – including walled garden.
8. Relates to SuDS measures.
9. Relates to agreement with the planning authority for works to the public realm on Newtownpark Avenue – including relocated bus stop and road crossing. The condition also deals with internal roads and construction traffic.

11. Requires service runs to be relocated to protect a pedunculate oak tree on the site.
12. Requires introduction of large specimen trees to provide immediate screening – adjacent to the entrance to the site, east of block A. The condition also requires works in relation to landscaping and removal of vegetation. The condition requires a breeding bird survey to be undertaken and nest and bat boxes to be installed (the latter if bats are found to use the site).
13. Relates to post-construction impact on mature trees on the site.
14. Requires bond of €10,000 for protection of trees.
15. Relates to archaeological testing on the site.
16. Relates to noise, dust and vibration monitoring during the construction phase.
17. Relates to C&D waste.
19. Requires a Noise Management Plan for construction phase.
21. Relates to bat surveys for buildings to be demolished or trees to be felled.
22. Hours of construction to be 0700-1900 Monday to Friday and 0800-1400 on Saturdays.
23. No plant or telecommunications be located above roof parapet level.

## 3.2. **Planning Authority Reports**

### 3.2.1. Planning Reports

Comprehensive report of 27<sup>th</sup> July 2021 summarised all the issues raised in internal reports and 42 no. observations. The report sets out, in detail, the heights of the blocks as they address the different site boundaries, separation distances and likely impacts on surrounding residences. Additional information is recommended.

Comprehensive report of 7<sup>th</sup> April 2022 summarised all the issues raised in internal reports and 15 no. observations. Reservations are expressed in relation to the revised palette of external finishes for both blocks. Clarification of additional information is recommended.

Comprehensive report of 30<sup>th</sup> May 2022 summarised all the issues raised in internal reports and 3 no. observations. Changes to external finishes of blocks are noted – but were not quite what was sought by the planning authority: this could be dealt with by way of condition. The development is acceptable subject to conditions. The report addresses changes made in the new Development Plan, as they relate to the proposed development – particularly in relation to green roofs, tree preservation and specific ‘ED’ objective for this site.

### 3.2.2. Other Technical Reports

#### Application Stage

*Conservation Division – Architects Department* (6<sup>th</sup> July 2021). Site visit did not include interior inspection of ‘Abilene’. Walled garden must be retained. Sylvan character is of significance. The house is a Protected Structure and is also included with the National Inventory of Architectural Heritage (NIAH) – rated as being of ‘Regional Importance’. There are some concerns that the new use may result in loss of original fabric within the house. Use of the walled garden as an outdoor classroom is welcomed. Possibility of relocating the connecting walkway outside of the walled garden is suggested. Original entrance gates must be retained. Refurbishment and a new use for a house which has been empty for some years is a conservation gain. Development will result in the diminution of the house and loss of most trees on site – removing the sylvan character. Green walls could soften the impact of the two blocks on the house. Further information is recommended.

*Municipal Services Department - Public Lighting* (7<sup>th</sup> July 2021). Requests a public lighting layout.

*Environment Section* (8<sup>th</sup> July 2021). Section is satisfied with Noise Impact Assessment, Outline Construction & Demolition Management Plan, Japanese Knotweed Management Plan & Japanese Knotweed Annual Progress Report. 1.8m high wall around the boundary of the site is recommended. Conditions recommended.

*Parks Department* (15<sup>th</sup> July 2021). No objection in principle. Significant tree loss is noted; and ways of retaining more Category A trees should be examined. Additional information is sought in relation to impact on trees during the construction phase and to retain more mature trees – particularly along Newtownpark Avenue. Details of

root protection and increased tree-pit size are also required. Bat survey and breeding bird survey are sought. Bond required for protection of trees. Compensatory bio-diversity measures are sought – such as bat boxes and nest boxes. Large specimen trees required to screen the development. Report on hydrology of the site is also required – to establish if basement excavation will impact on tree roots.

*Municipal Services Department – Drainage (20<sup>th</sup> July 2021).* Additional information required in relation to extent of green roof and access for maintenance. Details of soil infiltration and groundwater levels required; as is further information on permeable surfaces. Flood Risk Assessment Report is acceptable.

*Transportation Planning (21<sup>st</sup> July 2021).* Drawings are conflicting in relation to the number of bicycle parking spaces to be provided. All bicycle parking spaces must be covered. Clearly accessible routes for cyclists are needed. Lower level of car-parking on site is acceptable. Paths are not wide enough for cyclists and pedestrians to share. Pedestrians to have priority at the entrance. Guardrails needed on Newtownpark Avenue. Sightlines at the new vehicular entrance are inadequate. New ‘Toucan’ crossing will be required on Newtownpark Avenue. Relocated bus stop will serve the S8 orbital bus route under Bus Connects proposals. Alternative access points to the site should be considered. Details on drop-off/collection points at some distance from the school need to be identified. Drop-offs on Newtownpark Avenue are not acceptable. Additional information is requested in relation to 10 specific items.

#### Additional Information Stage

*Environment Section (29<sup>th</sup> March 2022).* Satisfied with documentation submitted with additional information. Permission recommended with conditions.

*Conservation Division – Architects Department (29<sup>th</sup> March 2022).* Concern expressed that revised design proposals to lessen the impact of the blocks on ‘Abilene’ do not go far enough. No survey plan of boundary walls has been submitted. In the event that permission is granted, conditions are recommended.

*Municipal Services Department - Public Lighting (30<sup>th</sup> March 2022).* Lighting design submitted by way of additional information is acceptable – subject to condition relating to permanently dimming to 70%.

*Municipal Services Department – Drainage* (20<sup>th</sup> July 2021). Rooftop play area should not be excluded from green roof requirement calculations. No details of the soakpit outfall have been submitted.

*Transportation Planning* (31<sup>st</sup> March 2022). Details of cycle parking have not been submitted. Pedestrian entrances do not provide for universal access. Entrance detail is not clearly indicated. Guardrail details on Newtownpark Avenue are not satisfactory. Position of pedestrian crossing should be staggered from the egress. Adequate sightlines on Newtownpark Avenue have not been indicated. Details of relocated bus-stop are inadequate. Bicycle lane details in relation to ‘Toucan’ crossing are unsatisfactory. Bicycle access to the site is unclear. New road safety audit is required for Newtownpark Avenue. Swept path analysis does not adequately cover fire tenders or 50-seater coaches. Location of the pedestrian crossing has not been agreed with National Transportation Authority (NTA) or DL-RCC. Details of ‘Park & Stride’ operation have not been submitted. Clarification is sought.

#### *Clarification of Additional Information Stage*

*Municipal Services Department – Drainage* (17<sup>th</sup> May 2022). No objection subject to conditions being attached to grant of permission.

*Transportation Planning* (19<sup>th</sup> May 2022). Some reservations are expressed in relation to the relocated bus stop. Submission is acceptable subject to conditions being attached to grant of permission.

### **3.3. Prescribed Bodies**

*Irish Water* (22<sup>nd</sup> July 2021). No objection.

*Development Applications Unit (DAU) of Department of Tourism, Culture, Arts, Gaeltacht, Sport & Media* (8<sup>th</sup> July 2021). No objection – subject to condition relating to archaeology.

*Environmental Health Officer* (9<sup>th</sup> July 2021). Additional information recommended in relation to a more detailed Demolition Management Plan – particularly as to potential rock excavation. More detailed Construction Environmental Management Plan required – to deal with issues of noise and dust. Operational waste management plan is sought. Siting of plant to cause least disturbance to adjoining residents.

*Environmental Health Officer* (1<sup>st</sup> April 2022). Operational Waste Management Plan is acceptable.

*National Transportation Authority* (28<sup>th</sup> March 2022). The relocation of the pedestrian crossing is welcomed. The crossing should be for pedestrians and cyclists ('Toucan' type). Facility for waiting/turning cyclists needs to be incorporated – 'Jug Turns'. Applicant has liaised with the NTA regarding relocation of the bus stop; however, the matter has not yet been resolved – with concerns expressed re blocking access to 'Eversham' and Monksfield Mews.

*National Transportation Authority* (18<sup>th</sup> May 2022). Concern is expressed that a bus at the relocated bus stop would obscure forward vision of 'Toucan' crossing lights, for northbound vehicles trying to overtake a bus, halted at the bus stop. Mitigation measures are suggested.

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

A large number of submissions, objecting to the development, were received by DL-RCC. The issues raised were summarised in the Planner's Reports of 27<sup>th</sup> July 2021, 7<sup>th</sup> April & 30<sup>th</sup> May 2022. Many of these issues have been restated in the 3<sup>rd</sup> Party appeals and single observation to the Board.

## 4.0 **Planning History**

**D17A/0037:** Permission refused to renovate 'Abilene' gate lodge. On appeal by the applicants to the Board (**PL06D.248320**), permission was refused for one reason relating to impact on Protected Structure of 'Abilene' (the house in the centre of the current appeal site).

## 5.0 **Policy Context**

### 5.1. **Development Plan**

The relevant document is the Dún Laoghaire-Rathdown County Development Plan 2022-2028.

- The site is zoned Objective A – ‘To provide residential development and improve residential amenity while protecting the existing residential amenities’. The zoning is subject to an ‘ED’ superscription – Proposed Education Site. [This ED symbol is an addition in the new Plan – and was not included in the old Plan, when the application was lodged].
- Section 4.2.1.6 states that it is a Policy Objective to ensure the reservation of post-primary school sites in line with the requirements of the relevant education authorities and to support the provision of school facilities – Objective PHP7. Following consultation with the Department of Education, a number of sites are shown in this Plan with the provision of objective ‘ED’ on land use maps and detailed in Table 4.1: Blackrock has 6 in total.
- There is an objective to protect and preserve Trees & Woodlands on this site. [This is an addition in the current Plan – the application having been originally lodged during the currency of the old Plan]. Section 12.8.11 states, *inter alia*, that- ‘The tree symbols on the maps may represent an individual tree or a cluster of trees and are not an absolute commitment to preservation. Decisions on preservation are made subject to full Arboricultural Assessment and having regard to other objectives of the Plan’.
- ‘Abilene’ is a Protected Structure - RPS no. 1450. ‘Abilene’ entrance of cut granite cylindrical piers and cast-iron double gates is a separate Protected Structure – RPS no. 2067.
- The site is within Zone 2 for parking – maximum 1 space per classroom.

## 5.2. Natural Heritage Designations

The application was accompanied by an Appropriate Assessment Screening Report. The site is not located within or adjacent to any Natura 2000 sites. There are no watercourses either within or adjoining the site which could link this site with a waterbody defined Special Area of Conservation or Special Protection Area. Wastewater will be discharged to the public sewer system; and surface water run-off will be attenuated on site, prior to discharge to the public sewer network. DL-RCC concluded that the proposed development would not significantly impact on a Natura 2000 site.

The proposed development is located within an established suburban area, on zoned lands that are suitably-serviced. It is reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any Natura 2000 sites. A Stage 2 Appropriate Assessment is, therefore, not required.

### 5.3. **EIA Screening**

DL-RCC concluded that there would be no real likelihood of the proposed development, as revised, having a significant effect on the environment. Having regard to the nature of the proposed development, comprising the construction of a school and refurbishment of an house, including all necessary site works, in an established suburban area, where infrastructural services are available, 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 on preliminary examination; and a screening determination is not required.

## 6.0 **The Appeal**

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

6.1.1. There are two 3<sup>rd</sup> Party appeals from-

- Avison Young, agent on behalf of Dave & Nicki Curran, 9 Ardlui Park, Blackrock & Others of 10-12 Ardlui Park – 27<sup>th</sup> June 2022.
- Patrick Clarke, 19 Ardlui Park, Blackrock – 27<sup>th</sup> June 2022.

6.1.2. The issues raised, can be summarised in bullet point format as follows-

- The development will detract from the amenities of the area. 'Abilene' has evolved into a greenfield nature reserve for extensive flora and fauna.
- The new school blocks will diminish the villa house and will detract from the built heritage of the area.
- Too many mature trees will be lost if this development proceeds.

- Blackrock College caters for the same number of pupils on a much larger site with three road entrances, and it has real playing-fields for students. The proposed development is shoe-horned into a small site. Blocks will tower over adjacent residences. The 'Abilene' site is higher than adjoining Ardlui Park houses.
- There are already many schools within 3-5 km of this site – with one primary and one post-primary school already on Newtownpark Avenue. The area is well-served with schools.
- The development will result in excessive traffic during construction and operational phases. Congestion on Newtownpark Avenue and adjoining roads is already bad; and will only be exacerbated by this development. Ardlui Park has already been identified as a drop-off point for pupils. There is an existing creche on the road, which is over-subscribed.
- The project has not been climate change proofed. Wholesale replacement of grass, shrubs and trees with concrete and glass structures seriously impacts on the ability of a site to cope with future heavy rainfall events.
- The development will destroy the peace and tranquillity of Ardlui Park.
- The blocks are too large and are out of scale in a suburban location. Block B is effectively five storeys, and 19m tall. The block is 6m in height adjacent to Ardlui Park – with the 19m tall section set back only 24m from the boundary of rear gardens in Ardlui Park. Full height classroom windows will overlook private rear gardens. The appeal site is located on higher ground than Ardlui Park – exacerbating the problem of overlooking. The development will have an overbearing impact when viewed from rear gardens in Ardlui Park. Changes in external materials used does not have any impact on the mass of the block. There is insufficient landscaping on the northern boundary of the site to screen block B.
- The sunlight & daylight analysis submitted did not adequately address the impact on 1-12 Ardlui Park. A number of windows in 9-12 Ardlui Park will lose sunlight in winter. The development will result in significant overshadowing and depravation of light in 9-12 Ardlui Park.

- Increased traffic will have adverse effects on residents. There is an undersupply of parking within the site. Drop-off arrangements are wholly inadequate. The drop-off traffic is less problematic than the pick-up one – with extra delays as collecting cars have to wait for students to emerge – where there may be delays in students exiting the site. It is not known how the school management will stop cars parking on Newtownpark Avenue. There is no guarantee that students and staff will use active travel means. The applicant has not indicated how drop-offs on surrounding residential streets will be safely facilitated. There may already be cars parked on the street in areas identified for drop-off. There is a creche facility for 40 children in Ardlui Park, which already creates traffic congestion.
- The sports courts at ground and roof level will cause noise nuisance during school and after-school hours. There seems to be no noise mitigation for the rooftop court area. Whilst condition 5 restricting the use of the rooftop court is welcomed; use of the same throughout the day will cause nuisance for residents in Ardlui Park.
- No sufficient lighting plan has been provided. The additional information submission has stated that there will be no lighting of ball courts – and any proposals to do so would have to be subject to a planning application. During winter months, lighting will be required for safety and security. Condition 6 is considered unacceptable, as the applicant does not have to agree a sufficient lighting plan with the LA, prior to commencement of development. There is a risk of light pollution to the surrounding area.

## 6.2. Applicant's Response

6.2.1. The response of Tom Phillips & Associates, agent on behalf of the Department of Education, received by the Board on 25<sup>th</sup> July 2022, can be summarised in bullet point format as follows-

- Educational use is a permitted use on this site. The development represents a sustainable use of the lands.
- A balance has to be struck between the needs of students in the area and the residential amenities of the area. The application has attempted to maximise

the quantum of space that can reasonably be provided. More intensive use of school sites is consistent with the objectives of the National Planning Framework. Schools will have to be located within the urban areas of the country to cater for increased population within the same urban areas. The design of the scheme has altered – to meet the requirements of the planning authority. Conditions attached by the planning authority further alter the design of the school.

- The plot ratio of the development is 1:1. There are nearby land uses with similar plot ratios – such as Belmont Nursing Home.
- Block B is part one-storey and part four-storey. The rooftop play area does not make this a five-storey building.
- It is standard practice to produce photomontages from public roads and not private gardens.
- North-facing windows in block B, are 21.5m from the boundary with rear gardens of houses in Ardlui Park. Houses within Ardlui Park are set back a similar distance from the common boundary. The narrowest separation is 39m. Windows within the block are 0.88m from floor level. The additional height of windows is required to light north-facing rooms.
- Classrooms will normally be used between the hours of 0800 and 16.30 – for 167 days of the year.
- A landscaped buffer is to be provided along the northern boundary of the site. Up to 113 new trees are sufficient to filter views into and from surrounding private rear gardens. Possible mitigation could include opaque glazing to lower portion of two ground floor classrooms or to provide a 1.8m high screen wall outside the windows.
- The Daylight/Sunlight Report outlines the methodology used. All assessments were undertaken using BRE Guidelines. The consultants carrying out the work for the applicant have sufficient expertise. The skyline room-based assessment was deemed to be of limited value and so, was not used. A daylight simulation method was used instead. Information provided

clearly indicates whether individual windows are 'pass', 'fail' or 'marginal' according to BRE targets.

- Many rooms in properties to the north and west are lit by more than one window. The planning authority was satisfied that the development would not unduly compromise residential amenity.
- In a suburban environment, an infill development such as this, will naturally have some impact on surrounding properties. This does not mean that the site should remain undeveloped.
- Junctions in the area have the capacity to deal with the development. There are adequate drop-off spaces on surrounding roads. There is 230m of road within the site, with stacking space for 46 cars at collection times.
- A plan will be put in place to encourage pupils and staff to use public transport, walk or bicycle to school.
- A 1.7m high wall has been incorporated within the rooftop play area of block B: this will help to absorb and deflect sound upwards. The play area will have a rubber-chop surface which will also absorb sound.
- A 2m high wall will be provided on the northern boundary of the ground-level play area beside block B. This will help to deflect sound upwards.
- Lighting will not be required for the rooftop play area – and it will not be used in hours of darkness in winter months. Condition 6, relating to lighting throughout the site, is a suitably-worded compliance matter, which the applicant is happy to comply with.
- The development will not have a detrimental impact on residential amenity.

6.2.2. The submission is accompanied by the following documentation of note-

- Architectural Response (A3 format) – dated July 2022. Images are included of the original, additional information and clarification of additional information designs and redesigns of block B – as it addresses houses in Ardlui Park. There is also a compliance requirement in relation to external finishes.
- Daylight & Sunlight Response – undated. [There are a number of pages missing from this submission]. Of the 223 windows assessed for 'Light from

the Sky' – 98.2% meet the BRE Guidelines requirements. 2 houses were assessed using the 'No Sky Line' methodology – both of which meet the Guidelines requirements. 125 windows were assessed under the 'Loss of Sunlight' methodology – where 94.4% of the windows meet the Guidelines requirements.

- Acoustics Response document – 22<sup>nd</sup> July 2022.
- Letter from Department of Education re Blackrock Educate Together Secondary School – undated [Part of which appears to be missing].
- Consulting Engineers Response – July 2022 – [Part of which appears to be missing].
- A3 format annotated aerial photograph showing available parking spaces within walking distance of the school site.

### 6.3. Planning Authority Response

The response of DL-RCC, received by the Board on 14<sup>th</sup> July 2022, indicated no further comment to make.

### 6.4. Observations

There is one observation from the Residents of Monksfield Mews (Carrowkiel Construction), received by the Board on 22<sup>nd</sup> July 2022, which can be summarised in bullet point format as follows-

- Monksfield Mews is a small block of 5 apartments. The entrance is beside the current entrance to 'Abilene'.
- Block A would overlook Monksfield Mews – resulting in loss of privacy for residents.
- Such a large school will have a significant impact on traffic on Newtownpark Avenue. There is a danger that the entrance to Monksfield Mews will be blocked by vehicles dropping and collecting pupils.
- The development will result in the loss of irreplaceable trees. There will also be loss of natural habitats within the grounds, and wildlife will be displaced.

- The development may result in security issues for residents – depending on how the boundary with the school is fenced.
- The excavation for the basement will be in an area with granite rock. This could pose a risk to foundations of Monksfield Mews.
- The scale of the school is disproportionate to the size of the site. The need for such a large school is questioned.

## 6.5. Further Responses

### 6.5.1. First 3<sup>rd</sup> Party Appellant Response to 1<sup>st</sup> Party Response to Grounds of Appeal

The response of Patrick Clarke, received by the Board on 16<sup>th</sup> August 2022, can be summarised as follows. The response does nothing to allay the fears of the appellant. This site is teeming with trees, shrubs and wildlife. The site will no longer be able to absorb excess rainfall and pollution from cars. Traffic is often backed-up along Newtownpark Avenue, from the N11 Stillorgan Dual Carriageway as far as Ardlui Park: this can extend right through the day. Traffic noise brings mental distress. Elderly residents of Ardlui Park already have to put up with excessive traffic noise. The development will effectively turn surrounding streets into parking areas for this school – during drop-off and pick-up times, and also during the construction phase. Climate change results in more rainfall – and houses in Ardlui Park are downhill of this development.

## 7.0 Assessment

### 7.1. Development Plan Zoning

- 7.1.1. The site is zoned for residential development – with an ‘ED’ superscription attached. This superscription was added in the new Development Plan; where the application had originally been lodged during the currency of the old Development Plan. Section 4.2.1.6 states that it is a Policy Objective to ensure the reservation of post-primary school sites in line with the requirements of the relevant education authorities and to support the provision of school facilities – Objective PHP7. Following consultation with the Department of Education, a number of sites are shown in this Plan with the provision of objective ‘ED’ on land use maps and detailed in Table 4.1: Blackrock

has 6 in total. The proposed development of a post-primary school is in accordance with the zoning. The appellants have argued that there is no need for another post-primary school in the area. The establishment of school need in an area is a matter for the Department of Education. The Blackrock Educate Together Secondary School has supported the application. The school currently operates from temporary premises in Simmonscourt Road, Dublin 4. The new site will facilitate expansion to meet the needs of the Blackrock area. The development is in accordance with the zoning for the site and the policy of the Council in relation to provision of schools within the county.

## **7.2. Site Layout & Design**

- 7.2.1. The 1.2ha site is not large; in the context of the requirement to accommodate a 1,000-pupil school. Appellants argue that other schools in the area can accommodate playing field(s) and other amenities for pupils, and that the site is too small. In the context of a developed suburban location, it has not been possible to find a site which is both available for development and of a size which could facilitate on-site provision of playing field(s). The applicant has had to use space imaginatively, to provide for recreation and sporting facilities for future pupils – which include a rooftop ballcourt, a rooftop play area, ground level ballcourt, small Special Needs Unit outdoor play area at ground level, repurposed walled garden for outdoor classroom and play area use, and podium-level seating and play area on roof of the sports hall. Smaller seating areas are spread throughout the site – particularly flanking the old house. The requirement to retain the old house on the site further constrains the development layout. The reuse of the old house for library and ancillary uses is to be welcomed. The repurposing of the walled garden (including removal of outdoor swimming pool) is, similarly, to be welcomed. The internal layout of the house limits the uses to which it can be put in terms of education and access.
- 7.2.2. Because of changes in site levels, and the need to connect blocks A & B with ‘Abilene’, extensive design has gone into external ramps and staircases to facilitate universal access to all buildings and facilities within the grounds. This need for universal access is further complicated by the need to retain some mature trees on the site and to repurpose ‘Abilene’ – a Protected Structure. The planning authority was satisfied that the walls of the walled garden could be breached in three places to

facilitate access. A covered walkway will link all three buildings on the site – for ease and comfort. This design solution is acceptable – regard being had to the constraints which the need to preserve ‘Abilene’ presents to the developer. The detached electricity sub-station building is located in the northern corner of the site – backing onto a shed/garage structure located in the front garden of adjoining ‘Erindale’. This is an acceptable location.

7.2.3. The new development has been divided into two blocks – A & B – both served by lifts. Block A is largely, but not entirely, four-storeys-over-basement. Block B is part single-storey and part four-storey. A small amount of plant will be located at roof level on both blocks. A solar panel array will be mounted on part of the roof of block A. These arrangements are acceptable, and the plant and solar array will not be particularly visible from the ground. I note that the only building on the site at present, ‘Abilene’, is plastered externally and painted white; which external finish is to be retained. The external finishes of the two blocks were substantially altered by way of additional information and clarification of additional information submissions. The planning authority expressed a preference for light/buff brick tone with white mortar, in place of use of plaster finishes – to contrast with darker brick tones on lower levels of the two blocks. The aluminium cladding of stair cores also caused some concern to the planning authority. The clarification of additional information submission confirmed the use of ‘buff’ brick (with white mortar) on first and second floor levels and a lighter coloured aluminium cladding (light green) to the stair cores. It was felt the living ‘green’ walls were not practical from a maintenance perspective; and I would agree with that assessment. The final suggested finishes were black brick with grey mortar to ground levels; buff brick with white mortar for first and second floor levels; and white render on third floor level. A small area of end-on brick patterning is proposed for the façade of block A as it addresses Newtownpark Avenue and at the opposite end of the block as it addresses ‘Abilene’. In addition, some coloured aluminium vertical feature glazing screens, extending over three floors, are proposed for the northern and eastern elevations of block A. Photomontages have been produced for the blocks as they address ‘Abilene’. Further photomontages show block A viewed from Newtownpark Avenue (with existing mature trees in place), and also the northern elevation of block B. Notwithstanding the changes made throughout the planning application process, the

planning authority expressed reservations about the final external finishes.

Condition 2 required the rendered top floor elements of blocks A & B to be replaced with the same brick colour proposed for the first and second floors. I would consider this requirement to be reasonable – as white render at 3<sup>rd</sup> floor level would be more difficult of maintenance. A similarly-worded condition should be attached to any grant of permission to issue from the Board.

- 7.2.4. Block A will be the more visible of the two blocks proposed – when viewed from Newtown Park Avenue. It is the principal block of the school – containing the sports hall, general purpose hall and staff facilities. The sports hall is located at basement level and part of the ground floor level. There is a small terrace at second floor level for use by staff. A terrace at third floor level at the western end of the block was removed, following a request for additional information. Condition 3 of the permission restates this requirement. The block is set back by a minimum of 11.5m from Newtownpark Avenue, and will be partly screened by 3 mature trees to be retained on the site. Additional new planting will further screen the block as the planing matures. The block is set back a minimum of 18m from the blank gable wall of ‘Erindale’ (1 Ardagh Park Gardens) and at least 55m from the rear elevations of 1-3 Ardlui Park. It is set back 7.5m from the southern boundary at its closest, and 17.5m at its greatest. Where the block is within 7.5m of the boundary, it is stepped down to three storeys. The fenestration on the south side of the block was altered slightly by way of additional information submission – to re-orientate the windows of a second-floor classroom (215) from the south side of the block to the east side. The roofs of the block will only be accessible for maintenance purposes. There are mature coniferous trees just inside the boundary of Monksfield Mews to the south, which will help to screen block A from view. The principal windows of ‘Eversham Lodge’ face the other direction – away from ‘Abilene’ gate lodge which closely backs onto this house. The gate lodge itself addresses Newtownpark Avenue and does have a window looking into the grounds of ‘Abilene’. There is an extension to the rear of the gate lodge onto a small rear garden/yard. The houses/apartments to the south are on slightly higher ground. There is no defined boundary with Monksfield Mews at present. It is proposed to construct a new 2.4m high wall on this boundary. I am satisfied that the separation distance of the block from the southern boundary, when taken with proposed landscaping (8 new trees on the boundary with the gate

lodge) and new walls, will ensure the residential amenities of adjoining property are protected. It is open to owners of adjoining property to secure their own privacy through landscaping or erection of fencing/walls.

7.2.5. Block B is the subsidiary block of the school: it contains a dedicated Special Needs Unit at ground floor level, with its own entrance. This unit has its own small outdoor play area at the southwestern corner of the block. The ground floor is separated by between 4m and 6m from the northern boundary of the site. It has been suggested by the applicant that the two classrooms within this unit, which face north, could have opaque glass fitted to the lower panels, so as to obviate any possible overlooking of rear gardens of 11 & 12 Ardlui Park. This would be undesirable in a classroom – particularly one facing north. Similarly, suggestions to erect a screen wall directly outside these windows is unnecessary. There is a boundary wall at this location – somewhat broken-down. The site is at a higher level than the adjoining rear gardens to the north. It is open to owners of adjoining property to undertake screen planting within their gardens if there is a concern about overlooking. The adjoining gardens are large, and the houses set back from the common boundary. The applicant proposes landscape screening along the northern boundary in this area. This will be sufficient to protect the amenities of properties to the immediate north. The roofs of the single-storey element of block B were altered to flat roofs by way of additional information submission, in order to lessen the impact of the block on nearby back gardens. A terrace at third floor level, at the eastern end of the block, was removed following a request for additional information. Condition 3 of the permission restated this requirement. First, second and third floor classroom windows in this block, which face north, are located a minimum of 21m and a maximum of 26m from the common boundary with rear gardens of houses in Ardlui Park. This separation distance is adequate to protect the amenities of gardens to the north, which are large and have plenty of room for screen planting, if required. The landscape planting proposed on the northern boundary of the appeal site will also serve to filter views north. The only windows in the western elevation, at upper floor levels, light corridors and a stair-core. These windows are set back 16m from the rear gardens of houses in Belmont Green. The corridor windows are high-level, and will obviate any overlooking of adjoining rear gardens. The stair-core windows which address the rear garden of 23 Belmont Green should be of obscure glazing. In attempting to

maximise the separation distance of the upper floors of the block from rear gardens in Ardlui Park (and probably to reduce the impact of overshadowing), the block has been pushed closer to the southern boundary with Galloping Green Apartments. Blocks within this development range from two to four storeys. Block B is within 4m of the common boundary wall. I note that landscape screen planing on the apartments side has matured, and will provide some degree of screening of the new block. Block B abuts a parking area within the apartment complex, and whilst not fully public (the scheme is gated), cannot be regarded as private space for residents. The apartment blocks are set back 21m from the site boundary at this location. When combined with the 4m set-back of block B – the resulting separation will be 25m. To some extent, block B is piggy-backing on the unbuilt area of the adjoining apartment complex – currently in use for car-parking. It is unlikely that this space will be developed in the future; but if it was to be, the spectre of a block of similar height to block B, located a similar 4m from the common boundary, would result in two four-storey blocks separated by only 8m, which would be undesirable – not least from point of view of overshadowing. I would be satisfied that the current separation distance proposed – together with the presence of an existing boundary wall and mature planting on the apartment complex side, will ensure that overlooking between the school and the apartments will not be significant. In mitigation, the classrooms facing the apartment complex will be occupied for a limited number of days of the year, and are unlikely to be used in the evenings and at weekends, when privacy for apartment residents would be most required. Block B contains a rooftop play area and ball court. This area can be accessed from two stair-cores and one lift. A 1.4m high parapet wall is proposed around the entire roof space. A 2.4m high fence will surround the ballcourt. Condition 4 of the permission required that the fencing around the ballcourt be finished in a black colour. The use of the roof of the block in this manner is a good use of scarce space on a tight site. I would not agree with the contention of the appellants that this rooftop use renders the block a five-storey structure.

### **7.3. Daylight & Sunlight**

- 7.3.1. The application is accompanied by a Daylight & Sunlight Report – submitted at additional information stage. Reference is made to the UK BRE Guide ‘Site Layout

Planning for Daylight and Sunlight – A Guide to Good Practice’ (Second Edition) 2011, and to UK BS 8206-2:2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’ (Department of Housing, Planning and Local Government, 2020).

The advice given in the guidelines is not mandatory: the aim is to aid the designer – where natural lighting is only one of the many factors in site layout design. The need to consolidate and densify urban and suburban areas, as outlined in current Government policy, must also be considered. This report relates to the potential impact of the two new blocks on surrounding residential property.

7.3.2. For the purposes of the study – the properties identified, which could be impacted by the development, were as follows-

- Galloping Green Apartments (to southwest of block B).
- Monksfield Mews (to south of block A).
- ‘Eversham Lodge’ (to south of block A).
- 1-4 Ardagh Park Gardens (to northeast of block A, on Newtownpark Avenue).
- 1-12 Ardlui Park (to north of blocks A & B).
- 18-23 Belmont Green (to northwest of block B).

The latter three groups of houses are most affected – being to the northeast, north and northwest of the proposed blocks A & B.

7.3.3. In relation to the impact on the gardens of these houses, all meet the standard of at least 50% of the respective gardens receiving more than two hours sunshine (Sunlight on Ground) on 21<sup>st</sup> March. Houses in Belmont Green came closest to not meeting the 50% target, at 53.4% for no. 20. Three are semi-mature trees within the appeal site, which immediately abut the rear gardens of 18-21 Belmont Green. These trees will not have been taken into consideration when modelling calculations were made – the assumption being of clear, unobstructed ground. These trees are visible in aerial photographs submitted with the Daylight & Sunlight Report and are detailed in the submitted tree survey of the appeal site. They comprise mostly Norway spruce – ranging in height from 10-16m. These evergreen trees will already be casting shadow; and their removal will result in an improvement on levels of sunshine within the rear gardens of 18-23 Belmont Green.

- 7.3.4. In relation to Vertical Sky Component (VSC), the guideline is greater than 27% daylight on windows – under an overcast sky. If the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value (20% reduction) occupants of a building will notice a reduction in the amount of daylight received. All but four of the 223 windows examined in Galloping Green Apartments, Monksfield Mews, ‘Eversham Lodge’, Ardagh Park Gardens (Newtownpark Avenue), Ardlui Gardens and Belmont Green, met the BRE guideline requirements; those failing to meet the 27% guideline and the 20% reduction, being located on the ground floor of 19 Belmont Green (1 window) and the ground floor of 20 Belmont Green (3 windows). The windows in the latter house are within a single-storey extension to the rear of the house, which has 3 additional skylight windows. As referred to above, rear gardens of houses in Belmont Green are already overshadowed by semi-mature coniferous trees adjacent to the boundary within the appeal site. These trees range in height from 10-16m. The removal of these trees will increase the amount of daylight reaching the affected windows.
- 7.3.5. In relation to Loss of Sunlight, both annual and winter figures were modelled. The respective thresholds are 25% and 5% of Annual Probable Sunlight Hours. Only windows within 90 degrees of due south are considered – with emphasis on living-rooms and conservatories – as bedrooms and kitchens are seen as less important. The windows modelled were in houses in Ardlui Park and Belmont Green. Of the 125 windows examined, all but 7 met the BRE guidelines. Of those windows failing in Ardlui Park, all related to Annual Probable Sunlight Hours for winter only. One is within a ground floor extension to the rear of no. 11; and it is the opinion of the applicant that it does not light a living-room or conservatory. The other four windows are within a ground floor extension to the rear of no. 10 Ardlui Park. Of these four, it is the contention of the applicant that the windows are not within 90 degrees of due south. It is not clear, why then, they were included in the study for sunlight in the first instance. All failings relate to winter sunlight levels only (and not annual levels). The four affected windows in no. 10 Ardlui Park appear to light spaces which have three other windows, which do meet the annual and winter sunlight guidelines. In relation to Belmont Green, only no. 20 fails to meet the guideline. Both affected windows are within a ground floor extension to the rear of the house – both failing in relation to winter sunshine, with one window also failing in relation to annual sunshine. This

room has a third window which did not fail, and it appears to be lit by three skylights also. As referred to elsewhere in this section, the removal of coniferous trees along the boundary of the appeal site will improve the level of sunlight which is currently available to the affected windows – particularly in winter.

7.3.6. The development has been objected to on grounds of overshadowing of rear gardens of 9-12 Ardlui Park, and loss of sunshine to some windows in the winter. The 1<sup>st</sup> Party response to the grounds of appeal included a section on daylight and sunlight (Appendix B): [some of the pages of this submission are missing]. It is contended that the 'No Sky Line' metric should have been used in modelling for this development. The applicant contends that such is not required. It relates to the impact on daylight distribution in existing buildings by plotting the 'No Sky Line' in each of the main rooms. This presupposes access for those carrying out the study to main rooms in private houses. The basis of the calculation is to assess if, following construction of a new development, the No Sky Line moves so that the area of the existing room, which does receive direct skylight, is reduced to less than 0.8 times its former value. The response submission to the grounds of the appeal includes 'No Sky Line' results for 10 & 11 Ardlui Park (with information gleaned from the Planning Portal of DL-RCC). The calculations show no percentage loss for the areas beyond the 'No Sky Line'. Mature and semi-mature trees on the appeal site cause some overshadowing of gardens within Ardagh Park Gardens (Newtownpark Avenue) and Ardlui Park. I have elsewhere commented upon overshadowing caused to rear gardens in Belmont Green.

7.3.7. The site is a suburban one, and all buildings will cast a shadow of some sort – particularly so in winter, when the sun is low in the sky. Depending upon building size, orientation, site slope and plot size, development will have a greater or lesser impact on its neighbours. Modelling takes no account of trees and shrubs – particularly evergreen species. The applicant has modelled for the potential impacts of the proposed development on surrounding houses and gardens; and has attempted to quantify the impacts. In the context of guidelines which are not mandatory, I would consider that the limited impact which the development will have on residential amenity is acceptable – particularly in Ardlui Park where both houses and gardens are large, and where occupants will have a greater choice of which rooms are used at which times of day, and which portions of the gardens are used.

7.3.8. In terms of how the development itself performs in relation to daylight and sunlight, the blocks are stand-alone units. Some classrooms are north-facing only, but in a post-primary setting, pupils will be moving from classroom to classroom, and so this issue is not of such importance. Two classrooms within the Special Needs Unit face north at ground level. These classrooms, like all others will have floor-to-ceiling heights of 3.15m. Almost the entire external wall is given over to glazing (windows and a door) – the window heights being 2.0m. This glazing arrangement will ensure reasonable daylight penetration. The sports hall within block A will be lit by skylights only; acceptable for a space such as this. Corridors and stair-cores are provided with natural light, where possible. The lighting of rooms within ‘Abilene’ is constrained by the need to preserve original fabric – and window opes have to be taken as they are.

#### **7.4. Traffic & Parking**

- 7.4.1. The application was accompanied by a Traffic & Transport Assessment, a School Travel Plan and a Stage 1 Road Safety Audit. There is a Quality Bus Corridor on the N11 Stillorgan Dual Carriageway – some 200m to the southwest of the site – to be replaced by Core Bus Corridor 13.
- 7.4.2. The applicant was asked to examine additional access to the site. The only readily accessible one from the Galloping Green Apartments complex was not deemed to be feasible due to the absence of footpaths and bicycle lanes within the apartment complex. I further note that this is a private and gated apartment complex. Historical developments of surrounding lands have resulted in the Newtownpark Avenue access being the only realistic one – short of purchase of an adjoining property and permission being sought for a new access to the site at some stage in the future. The existing entrance to ‘Abilene’ is to be converted to bicycle/pedestrian access only. A second bicycle/pedestrian access is to be created next to the proposed ‘Toucan’ crossing on Newtownpark Avenue. Finally, a dedicated vehicular access is to be created into the eastern corner of the site. The proposed two new opes in the Newtownpark Avenue boundary wall were widened during the planning process – so as to provide better site visibility for pedestrians, cyclists and motorists emerging from the school site onto the public footpath.

- 7.4.3. A total of 20 car-parking spaces are provided within the site – three of which will have EV charging points. Overflow parking is available on an adjoining ball court (for events). The Development Plan maximum is 1 space per classroom – as per Table 12.5 – a maximum of 37 spaces for this school. The amount provided was acceptable to the Transportation Planning section of DL-RCC. I consider the amount of on-site parking is acceptable: restriction of supply will require a consideration of alternative modes of travelling to work – particularly for staff. The site contains an additional 8 drop-off/collection spaces. The applicant also points out that the 230m of internal roads would allow for 46 stacking spaces for cars. However, this would be an unsatisfactory way to manage school transport – where cars within the site could not leave because the car at the exit gate was awaiting a passenger. These spaces can be used by mini-buses; but will not be suitable for 50-seater coaches. A bus staging area was identified on Belmont Terrace (a slip-road off the N11 Stillorgan Dual Carriageway) some 300m walking distance from the site. It would not be unusual that a coach could not enter school grounds.
- 7.4.4. Swept-path analysis indicated that the site would be able to accommodate fire tenders, bin lorries, mini-buses and certain commercial vehicles. This is important as there is no loading bay on Newtownpark Avenue. A yellow box is to be painted on the road at the new vehicular access to the school. Safety signage is to be put in place within and in the vicinity of the school on Newtownpark Avenue. A 10kph speed restriction will be put in place within the site. Drawings provide for changes to pavements at access/egress points – together with safety barriers at pedestrian/cycle egress points.
- 7.4.5. Concern has been expressed in relation to impact of the development on traffic on Newtownpark Avenue and adjoining streets. The development of a school will certainly lead to more traffic congestion on this road. I note that on the Friday afternoon of my site inspection, traffic on Newtownpark Avenue was backed-up from the Stillorgan Dual Carriageway junction as far as Ardlui Park. Certainly, at rush hours and school starting and finishing times, traffic is likely to be heavier on most roads in the area – particularly if the weather is inclement. This is not, however, a reason to refuse planning permission. The application is accompanied by a School Travel Plan, a Traffic & Transport Assessment and A Road Safety Audit: Stage 1. These documents were further refined by way of additional information and

clarification of additional information submissions – relating to traffic and movement both within and without the site.

- 7.4.6. Nearby residents expressed concern that vehicular access to their properties would be blocked during school drop-off and collection times. The applicant has identified a number of free on-street parking spaces within the area, which would typically be available to motorists dropping or collecting students. These spaces are all located on public roads. Appellants point out that there is a creche on Ardlui Park. There is a pedestrian entrance to a creche premises on Ardlui Park – the house actually being located on Newtown Park Avenue. There is no restriction on on-street parking in Ardlui Park. The applicant has put forward proposals to encourage walking, cycling and public transport usage for students and staff. Suggestion has been made of staggered starting and finishing times for different years in the school. A plan will be in place for start and finish of the school day – with supervising teachers on duty at start and finish times
- 7.4.7. A substantial amount of correspondence and consequent redesign has resulted in the proposed creation of a safe ‘Toucan’ type crossing on Newtownpark Avenue. This involved the National Transportation Authority and the need to relocate a bus stop on the site side of Newtownpark Avenue. The safety requirements for this crossing involved changes to the proposed new bicycle/pedestrian access to the school. The NTA expressed reservations in relation to the final design of the crossing – concern being expressed, that northbound motorists, overtaking a stationary bus at the bus stop, might not have clear visibility of the lights on the ‘Toucan’ crossing, and so miss a red light. Possible mitigation measures were suggested by the NTA. Condition 9.a of the permission required submission of final details of the ‘Toucan’ crossing for the written agreement of the PA, prior to commencement of development. This would appear to be a reasonable solution to the difficulties of trying to accommodate a safe crossing, relocated bus stop, new school access points, and new bicycle-lane arrangements. The Transportation Planning section of DL-RCC was satisfied to recommend a grant of permission.
- 7.4.8. Bicycle parking minimum standards are set out in ‘Standards for Cycle Parking and Associated Cycling Facilities for New Developments’ – January 2018, published by DL-RCC. This document indicates a minimum parking requirement within Zone 2 of 1 space per 5 students and 1 space per 5 staff – a requirement in this instance of

213 spaces. A total of 304 spaces are to be provided – in excess of the requirement. Notwithstanding this, within a suburban area where bicycle lanes are in place and where more are being provided every year, the figure of 1 space per 5 students would seem to be on the low side. However, there is space within the grounds to facilitate further bicycle stands, should demand outstrip supply. I note that the PA required that all spaces be covered ones. The applicant has provided for 52% of the spaces to be covered. This amount of covered spaces is acceptable.

## 7.5. Protected Structure

- 7.5.1. 'Abilene' and its entrance gates are separately identified as Protected Structures within the Development Plan. The entrance gates (currently the only entrance to the site), are to be retained for pedestrian & bicycle use. The listing does not specifically refer to the walled garden or indeed boundary walls. However, as these are within the curtilage of the Protected Structure, they are to be retained and repaired. Three new opes are to be made within the walled garden to allow for connection between the two new school blocks and the old house. At some stage in the recent past, an outdoor swimming pool was constructed in the walled garden. This pool is to be removed. The walled garden is currently in a parlous state. A triangular service yard to the rear of the house (and adjoining the walled garden) contains sheds which are gradually falling into ruin. The gardens are running wild and ivy growth is causing damage to boundary walls. Urgent intervention is needed to preserve existing fabric from further deterioration.
- 7.5.2. The house is currently boarded-up and is falling into disrepair, with slates dislodged and gutters missing. The courtyard to the rear is heavily overgrown. It is proposed to repurpose the house for use as a library and ancillary uses. This work will involve removal of a small amount of original fabric in the interior, and some modern, flat-roofed annexe structures to the rear. The application is accompanied by a Conservation Report & Architectural Heritage Impact Assessment and by a separate Cultural Heritage Impact Assessment. The former report contains photographs of the interior. The interior was not visited by this Inspector during site inspection. The photographs of the exterior (from February, May & June 2019) in the two reports, can be compared with the photographs taken during this Inspector's site visit – and give a good indication of the deterioration which has occurred in four years. The

Conservation Division of the Architects Department of DL-RCC made comment and suggestions as the application proceeded through the planning process; and was satisfied, at the termination of the process, to recommend that permission be granted subject to conditions being attached relating to work to the Protected Structures. Condition 7 of the permission referred to the need for surveys of the boundary walls and that works be carried out to Protected Structures in accordance with best architectural conservation practice. I would agree with the conclusion reached; and would consider that works of conservation cannot begin soon enough to protect built fabric, which it is an objective of the Development Plan to retain.

## **7.6. Open Space & Landscaping**

- 7.6.1. The requirement to construct a school for 1,000 pupils on a site of this size, has resulted in little residual open space. Landscaping has largely been confined to the site boundaries. The application is accompanied by a Landscape Specifications and Maintenance Plan. At present, the site is a large suburban garden which is running wild. Already, the western portion of the site is impenetrable; and soon most of the remainder will go the same way. The walled garden is already considerably overgrown, as are the yards to the rear of the house. Vegetation is closing in across the access avenue. Works to eradicate Japanese Knotweed have kept some areas of the garden open, which otherwise would have become inaccessible. Appellants have argued that the site has evolved into a nature reserve – with some fine mature trees; and forming a refuge for birds and wild animals. This may be true – but it is solely due to the lack of maintenance on what would otherwise be a larger suburban garden – not dissimilar to what exists around it. The site is zoned for residential use – with an ‘ED’ superscription on the zoning. Houses on surrounding lands have been built on what was once the parkland and paddocks of similar, largely 19<sup>th</sup> century suburban villas. The site does not have any nature conservation designation. The application is accompanied by an Ecological Impact Assessment, which indicates the principal habitat types on the site – from scrub trees in the west to the parkland trees in the east with intervening lawns and hard surfaces associated with buildings and yards. No otters or badgers were recorded at the site. There were no rare or protected species identified on the site. The issue of invasive species is dealt with elsewhere in this Inspector’s Report. Bat activity on site is

addressed elsewhere in this Inspector's Report. The habitats within the site are deemed to be of low ecological value. Mitigation measures include new planting – particularly along the perimeter of the site. The clarification of additional information submission made provision for a landscaped strip along the western and northeastern boundaries, with specimen trees with boles of 20-25mm diameter. Condition 12.a required the provision of large specimen trees on the boundary to the north of block A – 20-25mm diameter boles. The latest submission to the planning authority, made provision for 113 new trees throughout the site of 13 different species. Vegetation removal will be supervised by a qualified tree surgeon and will take place outside of the bird nesting season – 1<sup>st</sup> March to 31<sup>st</sup> August. Condition 12.i of the permission, which required the applicant to undertake a breeding bird survey, prior to commencement of development. This would appear to be unduly onerous on a site which does not have any nature designation; it comprises a suburban garden running wild. The requirement to provide 20 nest boxes is a reasonable one.

- 7.6.2. Whilst there are some fine mature trees on the site, it is not possible to retain all, or even most of them, if a large school is to be built on the site. The Development Plan has an objective to protect and preserve Trees & Woodlands on this site. This is an addition in the new Plan – the application having been originally lodged during the currency of the old Plan. Section 12.8.11 of the Plan states, *inter alia*, that- 'The tree symbols on the maps may represent an individual tree or a cluster of trees and are not an absolute commitment to preservation. Decisions on preservation are made subject to full Arboricultural Assessment and having regard to other objectives of the Plan'. In the instance of the tree symbol relating to this site – there is no indication as to whether it refers to a single tree, group of trees or all trees on the site. It is not clear if large shrubs are included. The application was accompanied by an Arboricultural Report – supplemented by an Integrated Arboricultural Report submitted by way of additional information. One particularly significant pedunculate oak (T2237) is to be retained; and considerable effort has been put into designing the development around this tree. In addition, a horse chestnut (T2247) on the northeastern boundary is to be retained. A group of three mature trees on the Newtown Park Avenue boundary is to be retained (T2207, T2208 and T2209). They are, respectively, a mature common lime, mature horse chestnut and mature

common lime. An adjacent mature ash tree could not be retained because of its lean out onto the roadway and ash die-back disease (T2212). Finally, a group of three trees on the northeastern boundary is to be retained (T2241, T2243 and T2244). They are, respectively, a semi-mature sycamore, mature sycamore and mature sycamore. The Integrated Arboricultural Report indicated, via section drawings, how excavation and site works would impact on the root systems of the trees to be retained. Mitigation measures included crown pruning to compensate for loss of root network, relocation of underground service runs and special construction measures for roads and footpaths where they intrude on root spreads.

- 7.6.3. The tree survey of the site included trees close to the site boundary, but within adjacent properties. An ancient/veteran English oak (T2231) and a nearby mature black pine (T2226) will have to be felled to facilitate the construction of block A. The English oak will be a particular loss. I note that the tree is not readily visible from outside the site, due to the presence of surrounding trees and shrubs – although its high crown is visible from some surrounding development, such as Monksfield Mews. The view is, to a large extent, screened by mature pine trees on the Monksfield Mews site. It is considered that, having regard to the central location of the English oak on the eastern portion of the site, it would be difficult to facilitate any substantial development without countenancing its removal. The loss of this ancient/veteran tree, which is not the subject of a Tree Preservation Order, can be considered a necessary loss to facilitate the greater good of providing a school of this size. I would be satisfied that a reasoned case has been put forward for the felling of mature trees within this site – particularly where trees were within a private garden which was not accessible to the general public.

## **7.7. Water Supply, Drainage & Flooding**

### **7.7.1. Water Supply**

It is proposed to connect to an existing 150mm diameter cast-iron watermain in Newtownpark Avenue. The supply will be metered to the three separate buildings on the site. A Pre-Connection Enquiry has been made to Irish Water, and supply confirmed. Irish Water indicated acceptability of the proposal. Arrangements for water supply to this development are satisfactory.

#### 7.7.2. Foul Drainage

The existing foul soakway serving 'Abilene' is to be decommissioned and removed. Foul waste will be discharged by gravity to an existing 225mm diameter foul sewer in Newtownpark Avenue. A pre-Connection Enquiry has been made to Irish Water; and capacity confirmed. Irish Water indicated acceptability of the proposal.

#### 7.7.3. Surface Water Drainage

It is proposed to construct a new 225mm diameter gravity surface water drain along Newtownpark Avenue to connect to an existing 300 mm diameter surface water sewer manhole at the junction with Granville Road – a short way to the northeast. Surface water was to be attenuated within the site in a large underground storage tank of 610 cubic metre capacity – located beside block B and 'Abilene'. This was changed to a 180 cubic metre capacity soakway, by way of additional information submission. The soakway is located beneath part of the car-park. Outfall from the storage tank was to be throttled at 2.57 litres/second by means on an 'Hydrobrake' flow control valve. This was altered to a high-level overflow by way of clarification of additional information submission of 5<sup>th</sup> May 2022. An hydrocarbon interceptor will be installed on the outfall. Intensive green roofs are to be utilised on parts of blocks A & B and the walkway shelter – accounting for 51% of the total roof area (exclusive of the solar panel array and gravel path to service it, on the roof of block A). Permeable paving is to be used throughout the site. These arrangements were acceptable to the Municipal Services – Drainage section of DL-RCC. The arrangements to be put in place for handling surface water are acceptable.

#### 7.7.4. Flooding

The application was accompanied by a Flood Risk Assessment. Schools are considered a 'Highly Vulnerable' use. The site is a greenfield one, more than 70m above sea level. There are no watercourses either on or immediately abutting the site. There are no records of fluvial flooding in the immediate area. The site is within Flood Zone C – and a Justification Test is not required. Surface water will be managed within the site and outfall provided to the public surface water sewer network. The Assessment submitted was acceptable to the Municipal Services Department – Drainage of DL-RCC. I would be satisfied that the proposed

development will not result in flooding of down-slope sites to the northeast, and will not, therefore, be prejudicial to public health.

## 7.8. Other Issues

### 7.8.1. Development Contribution

The development of a School (Institutional) is exempt from payment of a development contribution – as noted in the Planner’s Report of 30<sup>th</sup> May 2022. This also applies to Supplementary Development Contributions for Green Luas Line.

### 7.8.2. Signage

Block A will have two signs affixed to it, proclaiming ‘Blackrock Secondary School’. In addition, three flagpoles will be located just inside the vehicular entrance gates. These proposals are acceptable for a development of this magnitude.

### 7.8.3. Hours of Operation

Condition 5 limited the use of the school to the hours of 0700-2100 Monday to Friday and 0900-1800 hours on Saturday. These are unduly restrictive hours for a school of this size. School concerts or events could easily run on beyond 22.00 hours and certainly could do so on weekends. The school has direct access from a busy Regional Road, served by public transport. I would consider that there is no need to restrict the hours of use of a school within a suburban area: surrounding houses and apartments do not have a time restriction placed on use. There is no mention made of any extraordinary or particular use, proposed for the buildings, which would warrant the attaching of such a condition. The condition went on to require that the rooftop play area shall only be accessible to students between the hours of 0800-1800 Monday to Friday. Again, this seems unduly restrictive, particularly at evening times with brighter evenings, and for weekend sporting events or training. The applicant has stated that the rooftop ballcourt would not be floodlit – and its use, consequently, naturally restricted to daylight hours.

Section 12.3.2.5 of the Plan, in relation to schools, states- ‘Dual function of sports facilities/halls etc. outside of school hours will be encouraged where the use of such facilities will be of a benefit to the wider community, however any outside hours usage of the school should not be to the detriment of adjoining residential amenities.

Full details of all anticipated uses outside of school hours should be provided with the planning application'. Dual use of expensive facilities, which are provided from the public purse, makes eminent sense on a number of levels. Such dual use can be of benefit to community and sports groups in the area, and can assist with the overheads of running a school. This is particularly the case, at present, where the limited length of the post-primary school year results in unused/underused facilities for the three summer months – and where the applicant has indicated that the school teaching year is 167 days only. It may not be possible to identify future non-school uses at this stage, until such are constructed and the availability for other community uses established by ascertaining when the facilities are not needed for school activities.

#### 7.8.4. Hours of Construction

Condition 22 of the permission restricts hours of construction to 0700-1900 Monday to Friday and 0800-1400 on Saturdays. This would appear to be reasonable to protect the amenities of surrounding residential properties, where machinery and plant will be operated.

#### 7.8.5. Waste

The application was accompanied by an Outline Construction & Demolition Management Plan. The only access to the site is from Newtownpark Avenue – a busy Regional Road. Section 9 of the Report indicates, in outline, what measures will be put in place to deal with noise and dirt. Section 12 outlines measures to be employed to minimise nuisance. The construction period is estimated to last 12-18 months. Condition 16 of the permission relates to noise, dust and vibration; whilst condition 17 deals with C&D waste. Condition 19 required submission of a Noise Management Plan. The measures put forward in the Outline Plan are considered acceptable. A fully worked-out Plan will have to be presented to the planning authority for written agreement, prior to commencement of development. This is standard practice for developments of this scale. The hours of operation and the limited extent of the construction phase will ensure that the negative impacts on those surrounding the site will be kept to a minimum.

The additional information submission to DL-RCC contained an Operational Waste Management Plan – dated 3<sup>rd</sup> March 2022. It outlined, in a satisfactory manner, how

waste was to be separated and stored in two areas beside block A – with collection by bin truck from within the site.

#### 7.8.6. Archaeology

The site is a large one, in the context of an already built-up suburban area. There are no recorded monuments either within or immediately abutting the site. The application was referred by DL-RCC to the Development Applications Unit (DAU) of the Department of Tourism, Culture, Arts, Gaeltacht, Sports & Media for comment. Archaeological monitoring of soil stripping was recommended by the DAU. Condition 15 of the permission reflected this requirement. A similarly-worded condition should be attached to any grant of permission to issue from the Board.

#### 7.8.7. Vibration

Extensive excavation will be required for the basement beneath block A. The observer to the appeal has expressed concern that basement excavation may require removal of granite bedrock, which could lead to issues with vibration. No survey of sub-surface exploration has been submitted with the application. An appendix to the Integrated Arboricultural Report (dated January 2022) contains an aerial photograph indicating the location of some 20 trial pits and cable percussion bore holes. The results of 3 of these are indicated – the deepest being terminated at 2.3m. Similarly, a soakway test report indicates that a pit up to 2.3m was excavated to calculate infiltration. No bedrock was encountered in any these holes or pits. However, it is not known whether rock excavation will be required. Certainly, the removal of rock could result in increased noise and vibration. There is an onus on the developer to protect the structural integrity of surrounding property. I note that the basement for block A is between 3.7m and 6.6m from the southwestern boundary of the site. The separation from Monksfield Mews is approximately 15m at its closest. The separation distance from adjacent properties to the southwest and south is sufficient to ensure that the basement excavation is unlikely to have any impact on the structural integrity of Monksfield Mews or the adjacent 'Eversham' or former 'Abilene' gate lodge.

#### 7.8.8. Climate Impact

Chapter 3 of the Development Plan deals with Climate Action. Energy efficiency in buildings is promoted – including the use of renewable energy sources. All new

buildings within the County are required to achieve the nearly Zero Energy Buildings (NZEB) standard (consistent with RPO 7.40 of the Regional Spatial Economic Strategy). The two new blocks have been designed to maximise energy efficiency. There is a solar PV array, mounted on the roof of block A, which will help to lessen the energy demand from the grid. In making the Development Plan, the PA had regard, *inter alia*, to national policies, including the Climate Action Plan 2021. I note the comments by the Second 3<sup>rd</sup> Party Appellant in relation to loss of soakage on a site of this size – when heavier rainfall events are predicted with climate change. The development is provided with SuDS measures to deal with surface water run-off. The soakway within the site will be connected to the public surface water sewerage network for overflow purposes. The development is unlikely to have any significant impact on down-slope properties in the area. The appeal site is, itself, down-slope of developed properties to the southwest.

#### 7.8.9. Invasive Species

The application was accompanied by a Japanese Knotweed Annual Progress Report for 2019 and a Japanese Knotweed Management Plan 2019-2021. Knotweed was identified in three areas along the northeastern boundary wall – each between approximately 150sq.m and 250sq.m in area. Surrounding scrub was to be removed and herbicide applied four times over 3 years. Fragmentation treatment on rhizomes (up to 0.5m deep) was to be undertaken twice – a year apart. This has the effect of encouraging new growth, allowing more foliage on which herbicide can be sprayed. A fourth stand of Japanese Knotweed was identified outside of the treatment areas, when treatment had been completed. This area was to be treated in the same manner as the previous three identified areas. I note that all treatment areas were fenced-off on the date of site inspection; and whilst the remainder of the grounds are running to wilderness – these areas are being kept free of vegetation.

#### 7.8.10. Missing Pages in 1<sup>st</sup> Party Response to 3<sup>rd</sup> Parties Grounds of Appeal

I note that there are a number of pages missing in the response of 25<sup>th</sup> July 2022 from the applicant. This would appear to be a photocopying error – where every second page of some parts of the submission is missing. This response submission was referred for comment to all the other parties to the appeal. There was only one response received – from the Second 3<sup>rd</sup> Party Appellant. There was no reference

made in this response to any missing pages. I would be satisfied that the appeal should be adjudicated upon relating to what was submitted to the Board by the parties to the appeal.

#### 7.8.11. Overhead Cables

There are overhead electricity cables traversing the northeastern portion of the site. These are to be undergrounded. All new cabling within the site will be underground.

#### 7.8.12. Bats

A Bat Assessment of the development was submitted with the application. The site was surveyed for bat activity in May 2019 and April 2021. No evidence of bat roosts within buildings or trees was discovered. Bat species feeding within and around the site were identified as common pipistrelle, Leisler's and soprano pipistrelle. There will be a considerable loss of vegetation on the site, and outdoor lighting may affect bat usage of the site – if security lighting is left running during summer months when bat activity would be at its highest. Having regard to the time lag which might occur between a grant of permission and commencement of construction on a site; there is a possibility that bats may move onto the site to roost in the intervening period. All mature trees and buildings/walls will be re-examined for bats prior to commencement of construction. Trees will be felled during the months of September – early November. Condition 12.i required provision of 10 bat boxes throughout the site.

#### 7.8.13. External Lighting

Appellants raised the issue of light pollution from the site. This is a suburban area, with street lighting in place. Whilst the proposed development will undoubtedly result in more lighting at night-time in what was formerly a dark suburban garden; I would note that there is no reason to retain this particular part of Blackrock as a dark area. The applicant has pointed out that there is no proposal to provide floodlighting to the rooftop ballcourt on block B. Provision is made for 10 lighting standards within the site to light the vehicular traffic route. Parking spaces and pedestrian walkways will also be lit in hours of darkness. All will be controlled by time clock/photocell operating during school hours only – with manual over-ride so that lights can be activated out of hours, if required. The Municipal Services Department – Public Lighting of DL-RCC was satisfied with the public lighting layout submitted by way of additional information submission. Condition 6 of the permission required that

external lighting be targeted, and motion-activated sensors be used. The lighting class is to be dimmed permanently to 70% output to allow for the site lighting to match the adjoining road lighting. The condition also required that there be no timed lighting within the site for after school hours. A similarly-worded condition should be attached to any grant of permission to issue from the Board.

#### 7.8.14. Operational Noise

The application was accompanied by a Noise Impact Assessment. Ambient noise levels were measured at three locations on 20<sup>th</sup> May 2020. The site is located within a suburban setting, with access from a busy Regional Road. Blocks A & B contain limited rooftop plant. Additional traffic entering and leaving the site will result in higher noise levels that obtain at present. Similarly, the introduction of 1,000 pupils will also result in elevated noise levels at particular times of the day. However, such noise levels are part of the make-up of a properly-functioning suburban community. The proposed development is for a post-primary school. Non-school uses have not been proposed. It has been indicated that the rooftop ballcourt will not be floodlit; and so will not be usable in hours of darkness. The boundary wall of the site will serve to somewhat attenuate sound, as will the 1.4m high wall proposed around the rooftop ballcourt on block B. The acoustic requirement for glazing on all floors of the two blocks has been specified – to allow pupils and staff to function in blocks without undue intrusion of noise from outside – particularly traffic noise.

## 8.0 **Recommendation**

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me, and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way. I recommend that permission be granted for the Reasons and Considerations set out below, and subject to the attached Conditions.

## 9.0 **Reasons and Considerations**

Having regard to the zoning of the site in the current development plan for the area, the specific 'ED' superscription attached to that zoning, Objective PHP7 of the Plan

which supports the identification of sites for schools within the county, proposals put forward for the redevelopment and reuse of the vacant Protected Structure on the site, retention of the maximum number of mature trees consonant with the construction of a school for 1,000 pupils, the pattern of development in the vicinity, traffic management measures to be put in place, public transport connections within the area, and availability of a cycle network in the area; it is considered that, subject to compliance with the attached Conditions, the proposed development would not seriously injure the residential or visual amenities of the area, would not be prejudicial to public health, 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 the planning authority on the 15<sup>th</sup> day of March and the 5<sup>th</sup> day of May 2022, 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 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.

3. The proposed ballcourt enclosure on the roof of block B, shall be finished in a black colour, which aligns with the sample imagery included on Drawing P19-073K-RAU-15-XX-DR-A-37002, received by the planning authority on the 15<sup>th</sup> day of March 2022.

**Reason:** In the interest of visual amenity.

4. Detailed plans and specifications of the proposed 'Toucan' crossing, relocated bus stop and alterations to bicycle lanes and footpaths on Newtownpark Avenue, 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.

5. Prior to the commencement of development, the Applicant shall submit to the planning authority for written agreement:

(a) A detailed strategy and methodology for the planned refurbishment works to 'Abilene'.

(b) A detailed strategy and methodology for the planned refurbishment works to the entrance gates and wing walls to 'Abilene'.

(c) A structural/condition survey of the perimeter walls to the walled garden and the northern and southern site boundary walls. This should include an elevation survey drawing along the length of the walls, reflecting any changes in composition and identifying areas of deterioration or loss of mortar and analysis of the method of construction (i.e. material, bonding pattern, method of pointing and mortar analysis). A Method Statement shall be submitted for any repairs necessitated and any proposals for increasing the height of boundary walls, which conforms to best practice as set out in 'Irish Stone Walls – History, Building, Conservation', by Pat McAfee. This report shall set out measures proposed to ensure the integrity and stability of the protected walled garden during the construction phase.

(d) Ensure that repair works to the Protected Structures shall be carried out in accordance with best conservation practice and the Department of Culture, Heritage and the Gaeltacht 'Architectural Heritage Protection – Guidelines for Planning Authorities', 2004, Revised 2011.

(e) Ensure that all works are carried out under the professional supervision of an appropriately-qualified person, with specialised conservation expertise, who shall manage, monitor and implement the works on the site; to ensure adequate protection of the retained historic fabric, and to certify, upon completion, that the specified works have been carried out in accordance with good conservation practice. The applicant shall submit details of the architect that has been engaged, to comply with this condition.

**Reason:** In the interest of the preservation of built heritage.

6. The windows within the western staircase of block B, as they address the rear garden of 23 Belmont Green, shall be fitted with obscure glazing.

**Reason:** In the of residential amenity.

7. Within 12 months of the first occupation of the school building, the developer shall install 20 nest boxes and 10 bat boxes throughout the site.

**Reason:** To mitigate the loss of habitat resulting from the removal of mature trees and shrubs on the site, in the interest of ecology and biodiversity.

8. All the buildings proposed for demolition and any trees proposed for felling, shall be examined by a bat specialist for evidence of bats, prior to demolition/felling; including an examination of internal roof features. If required, a National Parks & Wildlife Service (NPWS) derogation licence shall be obtained.

**Reason:** To mitigate a potential impact on bats, which are afforded a regime of special protection under the European Habitats Directive.

9. (a) Prior to commencement of development, all trees which are to be retained shall be enclosed within stout fences, not less than 1.5m in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree, and shall be maintained until the development is completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all trees which are to be retained have been protected by this fencing. No work shall be carried out with the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

**Reason:** To protect trees during the construction period and in the interests of visual amenity.

10. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or other such security as may be accepted in writing by the planning authority, to secure the protection of the trees on site which are to be retained, and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site, or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development, with others of similar size and species. The form and the amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement shall be referred to An Bord Pleanála for determination.

**Reason:** To secure the protection of trees on the site.

11. The landscaping scheme shown on Planting Plan drawing no. 142-BL-DD-02, received by the planning authority on 15<sup>th</sup> March 2022, 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.

12. All existing and proposed cabling within the site shall be undergrounded.

**Reason:** In the interest of visual amenity.

13. 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.

14. Site development and building works shall be carried out only between the hours of 0700 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.

15. 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/dust/vibration management measures.

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

16. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts, solar arrays 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.

17. 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. Lighting within the application site shall be controlled to avoid light pollution of green areas and shall be targeted to areas of human activity and for priority security areas. In this regard, motion-activated sensor lighting shall be utilised across the site. In addition, the lighting design for the development (P2 lighting class) shall be dimmed permanently to 70% output to allow for a lighting class to match the adjoining road, and there shall be no timed lighting within the site for after-school hours.

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

18. 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.

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

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

20. 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.

21. 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.

22. 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.

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**Michael Dillon,  
Planning Inspectorate**

**6<sup>th</sup> April 2023.**

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