

Comhairle Chontae Atha Cliath Theas

PR/0510/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21A/0341

Application Date: 14-Dec-2021

Submission Type: Additional
Information

Registration Date: 22-Mar-2022

Correspondence Name and Address:

Bernard Moloney, Moloney O'Beirne Architects 2nd Floor, Oyster Point, Temple Road, Blackrock, Co. Dublin

Proposed Development:

Single storey prefabricated building containing a classroom of 79.5sq.m. and two special education teaching rooms of 14.5sq.m. each and associated site works. The new single storey prefabricated building is proposed to be located in front of the Riverview Educate Together school entrance to the north-west.

Location:

Limekiln Road, Greenhills, Dublin 12

Applicant Name:

Riverview Educate Together National School

Application Type:

Permission

(CM)

Description of Site and Surroundings:

The application site is located on an existing school site in Greenhills, an established residential community. The site borders Limekiln Manor to the north and west, Temple Manor Avenue to the north and Limekiln Road to the south, with access from the latter. The existing complex of buildings are situated to the south of the site.

At the particular location of the proposed development, the site is bounded by the gable elevation of a house on Limekiln Manor, a newly constructed development.

Site Area: 1.024 hectares

Site Visit: 7/2/2022

Proposal:

Single storey prefabricated building containing a classroom of 79.5sq.m. and two special education teaching rooms of 14.5sq.m. each and associated site works. The new single storey prefabricated building is proposed to be located in front of the Riverview Educate Together school entrance to the north-west.

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Zoning:

The site is zoned objective 'RES' – 'To protect and/or improve Residential Amenity'.

The site is subject to C9 SLO 2: 'To only permit development of educational, community facilities or older people's housing at the site of St Peter's BNS area.'

Consultations:

Environmental Services:

- | | |
|--------------------------|----------------------------------|
| - Surface Water Drainage | Requests Additional Information. |
| - Flood Risk: | No objection. |

Irish Water

No objections, subject to conditions.

E.H.O.

No objection, subject to conditions.

Roads

Requests Additional Information.

SEA Sensitivity Screening:

No overlap with relevant layers.

Submissions/Observations /Representations:

None received.

Recent Relevant Planning History:

SD19A/0207 – Permission **granted** for a single storey prefabricated building containing three classrooms of 79.8sq.m each; the new single storey prefabricated building is proposed to be located on the north corner of the site along with associated ground works.

N.B.: Condition 2 of the above reads as follows:

“Duration of permission.

The prefabricated accommodation hereby granted permission is on a temporary basis for a period of 3 years from the date of the final grant of permission, after which time the temporary structure shall be removed from the site within three months, unless prior to that date, permission for its retention for a further period has been granted by the Planning Authority, or An Bord Pleanála on appeal.

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

SD17A/0152 – Permission **granted** for new single storey prefabricated building containing three classrooms of 62.3sq.m each and clinical office suite of 165sq.m and the renovation of the existing school building (excluding the rooms and external play area currently being used by Riverview Educate Together) for temporary use by Setanta Special School at Saint Peter's School, Limekiln Road, Greenhills, Dublin 12. The new single storey prefabricated building is proposed to be located on the north west corner of the site along with associated ground works.

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N.B.: Condition 2 reads as follows:

'This permission hereby granted for the erection or construction of the prefabricated building containing three classrooms and the clinical office suite shall be for a period of 5 years only from the date of final grant of this permission. The temporary prefab structures shall be removed from the site on or before this date and shall be disposed of in accordance with the Waste Management Regulations 2007, as amended, and the site fully re-instated.

REASON: To ensure that the development shall be in accordance with the permission, and that effective control of development be maintained.'

SD06A/0598 – Permission **granted** for demolition of the existing school hall and the construction of a new school hall area 408sq.m. to include a mezzanine, office floor, wc facilities, changing rooms, stage, covered walkway connecting to existing school, all with associated site works & boundary & landscaping.

Decision: Grant permission, subject to conditions.

Recent Relevant Enforcement History

None traced.

Pre-Planning Consultation

None recorded.

Relevant Policy in South Dublin County Council Development Plan 2016-2022

Section 3.11.0 Social Infrastructure and Section 11.3.12 Educational Facilities

Applications relating to schools and school sites should be assessed with regard to the requirements of 'The Provision of Schools and the Planning System, A Code of Practice for Planning Authorities (DES & DEHLG, 2008).'

'Ensure that school sites are fit for purpose in terms of their location, access to services and the provision of space for recreational and sports activities which can help to support an effective learning and development environment for children, in line with the Department of Education and Science requirements.'

Policy C9: Community Infrastructure – Primary & Post-primary Facilities

Section 3.14.0 Community Infrastructure Delivery

Section 6.3 Walking and Cycling
Policy TM3 Walking and Cycling

Section 6.4.4 Car Parking

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Policy TM7 Car Parking

Section 7.1.0 Water Supply & Wastewater
Policy IE1 Water & Wastewater

Section 7.2.0 Surface Water & Groundwater
Policy IE2 Surface Water & Groundwater

Section 7.3.0 Flood Risk Management
Policy IE3 Flood Risk

Section 7.5.1 Waste and Resource Policy and Legislation
Policy IE5 Waste Management

Section 9.3.1 Natura 2000 Sites
Policy HCL12 Natura 2000 Sites

Section 11 Implementation

Relevant Government Guidelines:

Project Ireland 2040 National Planning Framework, Government of Ireland, (2018).

Regional Spatial and Economic Strategy for the Eastern and Midland Regional Assembly, Eastern and Midland Regional Assembly, (2019).

Provision of Schools and the Planning System, A Code of Practice for Planning Authorities Department of Education and Science (2008).

General Design Guidelines for Schools (Primary & Post-primary), Department of Education and Science (2007).

Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020, Department of Transport, (2009).

National Cycle Manual, National Transport Authority (June 2011).

Design Manual for Urban Roads and Streets, Department of Transport (2013).

The Planning System and Flood Risk Management Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government and OPW (November 2009).

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Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009).

Assessment:

The main issues for consideration are:

- Zoning and council policy;
- Planning history;
- Residential and visual amenity;
- Access, Transport and Parking;
- Water;
- Screening for Appropriate Assessment;
- Screening for Environmental Impact Assessment;

Zoning and council policy

The subject site is zoned 'RES' with the zoning objective 'To protect and/or improve Residential Amenity'. The site is also subject to C9 SLO 2: 'To only permit development of educational, community facilities or older people's housing at the site of St Peter's BNS area.' 'Education' uses are open for consideration under the 'RES' zoning objective of the site.

Uses that are open for consideration are subject to detailed assessment based on the policies and objectives of the County Development Plan, and their impact on the overall delivery of development in the county. The proposed development is considered acceptable in principle in the context of the existing use on the site, the site zoning and policies of the County Development Plan in respect of educational facilities, including the special local objective.

Subject to inclusion of a condition limiting the permission for a period of five years, in the interest of the proper planning and sustainable development of the area, and subject to visual and amenity safeguards (assessed below) the proposal would be acceptable.

Planning History / Temporary Permissions

Under SD17A/0152 prefabricated structures were granted planning permission, to be situated to the south west of the site. These were subject to a temporary permission of five years.

Under SD19A/0207, prefabricated structures were granted planning permission for a temporary period of 3 years, located to the north-east of the site. The Planner noted, "In this application, having regard to the location of the proposed prefabs, which are removed from the main complex of buildings, it is considered reasonable that these be given a three year permission only."

The applicant's cover letter notes that the school site is currently shared between Riverview Educate Together School and Setanta Special School – a temporary arrangement pending the return of Setanta Special School to a site being redeveloped in Stillorgan. The growing Educate

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Together School requires additional facilities as it is a recently founded and growing school. It is also the only 'Educate Together' school in Dublin 12.

It is considered appropriate to limit the duration for which prefabricated structures would be present on a site in a residential area, due to their impact on the character of the area and the appearance of haphazard development. Notwithstanding previous decisions, it is considered appropriate to set this limit at the higher end of 5 years.

Residential and visual amenity

The site currently contains educational uses and is situated within a residential area. There are prefabricated buildings under previous permissions at different parts of the site.

The proposed development is somewhat different from previous developments as the structure would directly adjoin, and run along the full length of, the long side boundary of a private rear garden. At a height of 3.013 metres, the structure would have a noticeable impact here.

Given the existing use it is reasonable to expect impacts such as noise from the site; however the new visual impact is considered to be detrimental in its nature, both by itself and when compared to those interventions located to the rear of, rather than the side of, private gardens.

There appear to be alternative locations on the site in which a prefabricated structure could be located, i.e. against the eastern boundary and against the rear boundaries of private gardens. The development may also have a lesser visual impact if it kept to the building lines of the adjacent house, No. 11 Limekiln Manor.

It is unclear from the application documents what the rationale for the precise location is for these buildings. Noting that there may be a legitimate reason to locate the proposed development at this location, it is considered appropriate to revert to the applicant to seek clarity, and request that they consider alternatives or provide a rationale for the proposed location. This can be the subject of a request for **additional information**.

The structure would be located 2.3 metres from the gable elevation of No. 11 Limekiln Manor. This elevation has windows at ground, first and second floor level, to a hallway/landing on each level. Given the proximity of the house to the side boundary, and that these windows do not address habitable rooms, the proximity of the proposed structure is not a concern of itself; the main concern is the visual impact on/to the rear garden.

Public Realm

The Public Realm Department has stated no comment or objection to the application. This is noted.

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Access, Transport and Parking

The Roads Department has requested additional information in relation to the provision of car parking and cycling facilities on site. The report notes that the proposed development comprises an addition of 3 classrooms on the site, and seeks a site layout plan showing compliance with County Development Plan standards relating to car and cycle parking.

As per the County Development Plan, the maximum provision should not be viewed as a target and a lower rate of parking may be acceptable subject to various criteria. In this instance, there are approx. 50 car parking spaces on the site and this would appear to exceed the number of classrooms. It is also noted that the proposed structures are intended to be temporary pending the exit of Setanta Special School from the site, and Riverview Educate Together School taking occupancy of the entire site.

The applicant should be requested by way of **additional information** to provide details on the total provision of cycle parking facilities on the site, with a view to providing additional facilities as necessary to meet the minimum standards under Table 11.22 of the County Development Plan, and to meet the objectives of the Plan under Policy TM3.

Water

The Environmental Services Department has sought the provision of SUDs measures. This is not considered to be a necessary improvement considering the scale of the proposed development as part of the overall school use. It is also noted that the proposed development would be temporary if granted permission, and would replace an existing hard standing surface.

Irish Water has stated no objection, subject to connection agreements for water and waste water.

Environmental Health

A report received from the Environmental Health Officer has noted no objections, subject to conditions relating to noise and air quality. It is considered reasonable that these conditions be attached in the event that permission is granted.

Screening for Environmental Impact Assessment

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

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Screening for Appropriate Assessment

The applicant has not provided information to assist the screening for Appropriate Assessment. Having regard to the nature of the development, connection to public services and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

Other Considerations

Development Contributions

The applicant is a public primary school and development contributions do not apply.

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m.)
Educational	112 sq. m
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	1.024 ha

Conclusion:

Having regard to the proposed use and the land-use zoning objective, it is considered that the development is acceptable in principle. It is however considered that the applicant should be asked to reconsider the proposed location given the detrimental visual impact the development would have on an adjoining rear garden. Furthermore, the Roads Departments concerns regarding cycling provision can also be addressed by the applicant.

Recommendation

Request Additional Information.

Additional Information

Additional information sought on 16th February 2022 and received on 22nd March 2022.

Further Consultations

None.

Further Observations/Submissions/Representations

None.

Assessment of Additional Information

Item 1

The proposed development is somewhat different from previous developments as the structure would directly adjoin, and run along the full length of, the long side boundary of a private rear garden. At a height of 3.013 metres, the structure would have a noticeable impact here. Given the

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existing use it is reasonable to expect impacts such as noise from the site; however the new visual impact is considered to be detrimental in its nature, both by itself and when compared to those interventions located to the rear of, rather than the side of, private gardens.

There appear to be alternative locations on the site in which a prefabricated structure could be located, i.e. against the eastern boundary and against the rear boundaries of private gardens. The development may also have a lesser visual impact if it kept to the building lines of the adjacent house, No. 11 Limekiln Manor.

It is unclear from the application documents what the rationale for the precise location is for these buildings. Noting that there may be a legitimate reason to locate the proposed development at this location, the applicant is requested to consider alternatives or provide a rationale for the proposed location.

Response

The applicant has provided a background rationale for selecting the proposed site for the prefabricated building, as shown below.

1. Our school entrance is at the back of the building, adjacent to the position of the new pre-fabs. The pre-fab building will have a classroom and also resource teaching space. Keeping teaching spaces close to the main building is important so that children can access these spaces easily, and so that the support of further staff is easily available if needed.
2. We had previously considered the placement of pre-fabs along the wall opposite the main school building. Upon consultation, however, our neighbours indicated that they would object to a planning application for this position. As this extra space is urgently needed, the Board of Management agreed that it was prudent to look at an alternative position.
3. The position of the pre-fab at the back of the building also minimises the number of concealed areas of the yard, which can be problematic in terms of safety and supervision of children.
4. The clear open yard space is also used daily for play, sport and recreation. This use of space is a priority for the school management, and the position of the pre-fabs at the back of the building protects this space.

Assessment

It was considered in the original assessment that a better location for the proposed school would be to the east of the site, against the rear boundaries of properties on Limekiln Park. Having regard to the stated need for an open yard area and the stated need to minimise concealed areas of the yard, the provision of a temporary structure at the proposed location is acceptable.

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Having regard to the need to protect residential amenity in the area, however, this should not be regarded as a precedent for a permanent building at this location.

Item 2

The applicant is requested to provide details on the total provision of cycle parking facilities on the site, and to provide plans showing the provision of additional facilities as necessary to meet the minimum standards under Table 11.22 of the County Development Plan, and to meet the objectives of the Plan under Policy TM3.

Response

The applicant has indicated a new area of cycle parking to be provided as part of the development. No drawings of the proposed structures have been provided, nor is there an indication of how much parking is proposed to be provided.

Assessment

The applicant should agree the details of cycle parking by **condition**.

Screening for Environmental Impact Assessment

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

Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established residential area and comprises of a house extension. Having regard to:

- the small scale and temporary nature of the development,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,²

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

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Other Considerations

Bonds & Contributions

The proposed development is for a temporary structure of 112m². The permission will not exceed a period of 5 years. Assessable area is nil.

SEA Monitoring

Development Type: Education/Community

Floor Area (Sq.m.): 112

Site Type: Brownfield / Urban Consolidation

Site Area (Ha.): 1.024

Conclusion

The applicant has made an adequate response to the request for additional information. Notwithstanding the Planning Authority's valid concerns about the potential infringement of residential amenity, it is considered acceptable on a temporary basis that the proposed development be facilitated and as such a temporary permission would be in accordance with the proper planning and sustainable development of the area.

Recommendation:

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

FIRST SCHEDULE

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2016 - 2022 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

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SECOND SCHEDULE

Conditions and Reasons

1. Development to be in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 22nd March 2022, save as may be required by the other conditions attached hereto.
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
2. Duration of permission.
The prefabricated accommodation hereby granted permission is on a temporary basis for a period of 5 years from the date of the final grant of permission, after which time the temporary structure shall be removed from the site within six months, unless prior to that date, permission for its retention for a further period has been granted by the Planning Authority, or An Bord Pleanála on appeal.
REASON: In the interest of the proper planning and sustainable development of the area.
3. Cycling Provision.
Within six months of the date of final grant of permission, the applicant shall submit for the written agreement of the Planning Authority:
 - (a) Drawings or specifications for the cycle parking. The stands shall be covered.
 - (b) Clarification of the number of cycle parking stands to be provided, as per Table 11.22 of the South Dublin County Council Development Plan 2016 - 2022.REASON: To ensure adequate provision for cyclists and to promote sustainable means of transport to and from a communal facility.
4. Drainage.
 - (a) The water supply and drainage infrastructure, shall fully comply with all the technical requirements of the Water Services Authority and/or Irish Water.
 - (b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.
 - (c) All works for this development as approved shall fully comply with the requirements of Irish Water.REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.
5. Irish Water Connection Agreement.
Prior to the commencement of development the applicant or developer shall enter into

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water and/or wastewater connection agreement(s) with Irish Water, if required.

REASON: In the interest of public health and to ensure adequate water/wastewater facilities.

6. **Minimise Air Blown Dust.**

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

7. **Construction Noise and Hours.**

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when

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people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

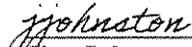
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REG. REF. SD21A/0341

LOCATION: Limekiln Road, Greenhills, Dublin 12



Jim Johnston,
Senior Executive Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

Date:

19/4/22



Eoin Burke, Senior Planner