

Comhairle Chontae Atha Cliath Theas

PR/0336/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0410 **Application Date:** 28-Oct-2022
Submission Type: Clarification of Additional Information **Registration Date:** 08-Mar-2023

Correspondence Name and Address: Matthew Fagan 229, Clonliffe Road, Drumcondra, Dublin 3

Proposed Development: Retention of construction of canopy structure to the west of the main school building.

Location: Lucan East Educate Together N.S, Kishogue Cross, Lucan, Co Dublin

Applicant Name: The Minister of Education

Application Type: Retention

(DMG)

Description of Site and Surroundings

Site Area: stated as 1.12 Hectares.

Site Description

The subject site is located at Lucan East Educate Together National School off Griffeen Avenue and within close proximity to the R136. The site contains the existing school, along with car parking and play areas. The existing building is a part single storey and part two-storey flat roofed facility and the subject development for retention is a canopy covering an AstroTurf pitch to allow all weather outdoor play to the western elevation.

Proposal

Permission is sought for the following works:

- Retention of construction of canopy structure to the west of the main school building.

Zoning

The subject site is located within the Clonburrish Strategic Development Zone (SDZ), which is subject to zoning objective 'SDZ': 'To provide for strategic development in accordance with approved planning schemes' under the South Dublin County Development Plan 2022-2028.

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Consultations:

Irish Water: No report received at the time of writing.

Surface Water Drainage: No report received at the time of writing.

Roads Department: No objections or comments.

SEA Sensitivity Screening

Indicates no overlap with the relevant layers.

Submissions/Observations/Representations

None received.

Relevant Planning History

Subject

SD08A/0054 – **Permission Granted** for 1 no. two storey 16 classroom building with general purpose hall, support teaching spaces and ancillary accommodation with a total floor area of c.1000sq.m. The site works to the school grounds will consist of the provision of cycle storage, bin stores, ball courts, landscaping and boundary treatment and all other associated site development works. The works to the remainder of the site will consist of the provision of 19 car parking, drop-off and pick-up facilities and new access road including the provision of temporary road link to the existing Griffeen Avenue Roundabout. All on a site of c.0.88 hectares.

SD10A/0238 – **Permission Granted** for amendments to previously approved planning permission (Reg. Ref. SD08A/0054) for a 16 classroom school, of which 8 classrooms have been constructed to date, comprising the following: (a) revised floor plans and elevations for 8 classrooms, general purpose room, library and ancillary accommodation and (b) additional 2 class Special Needs Unit. The described changes will result in an increase in the overall floor area from 1120sq.m. to 3003sq.m. Site works will consist of a Special Needs Sensory Garden, a screened bin area, 2 bicycle racks and an increase in carparking from 19 to 27 spaces. Planning permission is also sought for associated construction site compound and related access at Lucan East Educate Together National School.

Relevant Enforcement History

S8729 - Erection of a roof struct without PP – **Live File.**

Pre-Planning Consultation

None.

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Relevant Policy in South Dublin County Council Development Plan 2022-2028

Policy GI1: Overarching

Policy GI2: Biodiversity

Policy GI3: Sustainable Water Management

Policy GI4: Sustainable Drainage Systems

Policy GI5: Climate Resilience

Policy QDP7: High Quality Design – Development General

Policy QDP7: High Quality Design – Street Frontage

Policy SM2: Walking and Cycling

SM2 Objective 7:

To promote walking and cycling for school trips by implementing the following measures:

- Identifying school sites that are as close as possible to the communities they serve;*
- Ensuring that multiple access points are provided to school sites for pedestrians and cyclists;*
- Ensuring that adequate and secure bicycle storage is provided within schools;*
- Promoting initiatives such as the Green Schools and Schools Streets projects;*
- Prioritising school routes for permeability projects and provision and enhancement of pedestrian and cycle ways;*
- Supporting the use of a range of physical measures to provide improved safety for pedestrians and cyclists at and close to schools.*

Policy SM7: Car Parking and EV Charging

Policy COS8: Primary and Post Primary Schools

COS8 Objective 4:

To support and facilitate the extension of existing school facilities, based on identified needs, subject to appropriate safeguards in relation to safe travel to school, traffic management and the amenities of the area.

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COS8 Objective 6:

To ensure new schools are designed and located to promote walking and cycling and access to public transport, by implementing the following measures:

- Ensuring school sites are in locations that are central and accessible to the communities they serve;*
- Providing infrastructure including safe cycle ways and footpaths;*
- Requiring a mobility management plan for all new schools that prioritises active travel modes and public transport;*
- Incorporating measures to promote walking and cycling at design stage including permeability and connectivity with the surrounding area through provision of adequate access points for pedestrians and cyclists;*
- Ensuring the provision of adequate secure bicycle storage;*
- Working with existing and new schools to increase the proportion of students walking and cycling through the promotion of initiatives such as the 'Green Schools' and 'School Streets' projects. (Refer to Chapter 7: Sustainable Movement);*
- Introducing measures that would support increased bus services to enable more students to travel to school through public transport.*

COS8 Objective 9:

To support the provision of adequate indoor and outdoor school sports facilities for all new and existing schools in the County, based on identified need and in line with the population of the school.

Policy IE2: Water Supply and Wastewater

Policy IE3: Surface Water and Groundwater

Policy IE4: Flood Risk

Policy IE7: Waste Management

12.3.1 Appropriate Assessment

12.3.3 Environmental Impact Assessment

12.4.2 Green Infrastructure and Development Management

12.5.1 Universal Design

12.5.2 Design Considerations and Statements

12.5.3 Density and Building Heights

12.5.4 Public Realm: (At the Site Level)

12.7.1 Bicycle Parking / Storage Standards

12.7.4 Car Parking Standards

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12.8.5 Education Facilities

Planning Applications for schools will be expected to demonstrate how the following issues are addressed:

- Location, Siting and Design – location should be accessible to public transport, walking and cycling; siting and design should maximise solar gain, work with site constraints and add visual interest and sense of place to the area;*
- Site Access – multiple site access points for pedestrians and cyclists should be provided to maximise permeability and connectivity with the surrounding area;*
- Universal Design – insofar as is feasible, this approach should be used in order to cater for diverse needs;*
- Impact on Residential Amenity – noise, traffic, parking, overlooking, sunlight and daylight, and other relevant matters should be addressed;*
- Mobility Management – mobility management plans will be required which prioritise walking, cycling and public transport above private car trips; traffic, parking and drop-off management should also be addressed;*
- Cycling – adequate and secure bicycle storage will be a requirement;*
- Landscape Proposals – these should include linking in with existing green infrastructure and proposals for native tree species and pollinator planting;*
- Sustainable Urban Drainage (SuDS) – measures include permeable paving, water butts, green roofs and walls, swales.*

12.11.1 Water Management

12.11.3 Waste Management

12.11.4 Environmental Hazard Management

Clonburris SDZ 2019

The Clonburris Strategic Development Zone (SDZ) Planning Scheme represents a shared outlook for the future residential, social, economic and environmental development of a new planned and sustainable community in South Dublin County.

The Planning Scheme 2019 shall be used by the planning authority to assess planning applications in the SDZ. Planning Applications within the SDZ boundary shall be consistent with the Planning Scheme. The Planning Scheme form part of the Development Plan and any contrary provisions of the Development Plan are superseded by the Planning Scheme.

Clonburris comprises 12 Development Areas, with the proposed development located in Development Area 10 Kishoge North East.

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The key overarching principles of the 2019 Planning Scheme include the following:

- *To prioritise the delivery of high quality services, utilities infrastructure, and sustainable urban surface water drainage;*
- *To ensure that the phasing and implementation of the SDZ occurs at a pace whereby it is supported by all necessary supporting community facilities, services, infrastructure and amenities, in order to ensure that place making is prioritised.*
- *To provide attractive, interesting and well used outdoor spaces using the latest place making and urban design principles, creating a pedestrian-centred environment with active, inviting public space, parks and private gardens.*

Relevant Government Guidelines

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

Regional Spatial & Economic Strategy 2019 - 2031, Eastern & Midlands 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).

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

OPR Practice Note PN01 Appropriate Assessment Screening for Development Management (March 2021).

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Assessment

The main issues for assessment relate to:

- Zoning and Council Policy
- Planning Note
- Residential and Visual Amenity
- Drainage
- Roads
- Green Infrastructure
- Appropriate Assessment
- Environmental Impact Assessment

Zoning and Council Policy

The site is located in an area which is zoned 'SDZ' '*To provide for strategic development in accordance with approved planning schemes*' under the South Dublin County Council Development Plan 2022-2028. The principle of the proposed development is consistent with the Clonburris SDZ Planning Scheme.

Planning Note

The application for the proposed development for retention is located within the Clonburris Strategic Development Zone which was not noted on the advertisements. Therefore, the applicant should readvertise the proposed development for retention to include the required information and this should be sought by **Additional Information**.

Visual Amenity and Residential Amenity

The proposed development is an open sided canopy with a galvanised metal frame and a predominantly clear roof treatment bookended with white panels. It is not visible at street level but is visible from the rear elevations of the existing dwellings to the west.

The canopy has an as built ridge height of 4.932m and is clearly visible from the neighbouring dwellings to the west and partially abuts their rear boundary walls (southwest). Given the height of the existing school to the east of the structure it is likely that there is not a significant additional loss of light to the residential units to the west, however, there is a loss of aspect and vertical sky component, and the applicant should be requested to provide a daylight/sunlight analysis to demonstrate the potential implications of the development proposed for retention by **Additional Information**. Furthermore, the applicant should demonstrate the rationale for a curved roof which has added to the ridge height as a lean-to roof would have resulted in a lower ridge height and lesser impact on the residential amenities of the units to the west which too should be sought by **Additional Information**.

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Drainage

No report was received at the time of writing and given the nature of the proposed development, **Additional Information** regarding the appropriate treatment of Sustainable urban Drainage Systems should be sought.

Roads

The Roads Department have no objections and given the nature of the development; this is acceptable.

Green Infrastructure

The site does not appear to be located within a Primary or Secondary GI Corridor as identified in the Green Infrastructure Strategy Map (Figure 4.4 and fully detailed in Appendix 4 of the South Dublin County Development Plan 2022-2028) and given the size, scale and nature of the proposed development, a full GI assessment for the proposed development is not required.

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 applicant has submitted a Stage 1 Appropriate Assessment Screening Report. This report concludes that a Stage 2 assessment is not required.

The subject site is not located within nor within close proximity to a European site. The development involves the construction of a school building and sports hall and other associated works.

Having regard to:

- the nature of the development,
- the location of the development in a serviced area, and
- the consequent absence of a pathway to the European site,

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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Conclusion

The principle of the proposed development for retention is acceptable. However, the applicant is requested to address the issues as highlighted throughout the report via **Additional Information**.

Recommendation

Further information requested on 16/12/2022.
Further Information received on 20/01/2023.

Assessment of Further Information

1) In response to the further information request to re-advertise and amend the site notice, to reflect that the proposed development is located within an SDZ area, the applicant has submitted the following:

Newspaper adverts from the Liffey Champion, 14/01/2023. Stating that the development is located within Clonburris SDZ. **This is acceptable.**

Amended Site Notice stating that the development is located within Clonburris SDZ. **This is acceptable.**

2) In response to the further information request to submit a reasoned justification for the 4.932m ridge height of the canopy for retention, or an alternative design solution so as to reduce the impact on the residential amenities of the adjoining dwellings, the following was submitted:

*Lucan ETNS explored multiple options regarding the construction of the canopy structure and concluded that the product and supplier chosen was the only one which could provide a cover to for the whole area and this design was the only one they could use for the large space they have. **This justification is considered weak.***

Under the SDCC Development Plan 2022-2028;

12.8.5 Education Facilities

Planning Applications for schools will be expected to demonstrate how the following issues are addressed:

- Location, Siting and Design – location should be accessible to public transport, walking and cycling; siting and design should maximise solar gain, work with site constraints and add visual interest and sense of place to the area;*
- Site Access – multiple site access points for pedestrians and cyclists should be provided to maximise permeability and connectivity with the surrounding area;*

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- Universal Design – insofar as is feasible, this approach should be used in order to cater for diverse needs;

- Impact on Residential Amenity – noise, traffic, parking, overlooking, sunlight and daylight, and other relevant matters should be addressed;

The canopy for retention measures 8.5m x 28m and has a ridge height of 4.932m (Height to eaves 3.3m). This canopy directly abuts the rear garden boundary walls of No. 29 Oldbridge View while the setback increases to a maximum of approx. 4 metres (to the rear of No. 35 Oldbridge View). As set out in the report above, the average height of the residential boundary walls is 2 metres and the subject structure would project significantly beyond this.

It is noted that the design of the associated school building was cognisant of the potential impact on the adjoining residential development and a minimum setback of the single storey element was approx. 10 meters increasing to approx. 12 meters for two storey elements. It is further noted that a stepped building form was introduced to the two story element, to further reduce the potential impact on the adjoining properties.

Unlike the school building, the sitting and the design of the canopy has failed to take account of the sensitive relationship with adjoining properties. As currently constructed the subject structure would result in an adverse impact on residential amenity of the adjoining residential properties, **clarification of additional information** is sought to give the applicant another opportunity to address the Planning Authority's concerns.

It is recommended that the application should explore alternative design solutions to mitigate the associated impact of the subject development.

3) In response to the further information request to submit drawing for SuDS features for the development, the following was submitted:

Drawings 22035-PL(FI)-2.01 & 22035-PL(FI)-3.01, indicating the use of two water butts to satisfy SuDS requirements. **This is acceptable.**

Conclusion

With regard to the retention of the canopy structure, it is considered that the applicant has provided a weak response to the concerns of the Planning Authority in relation to the adverse effects on the development on the outlook from adjacent dwellings. **Clarification of additional information** is recommended to give the applicant a further opportunity to address these concerns.

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Recommendation

Clarification of additional information requested on 17/02/2023.

Clarification of additional information received on 08/03/2023.

Clarification of additional information request:

1. The canopy proposed for retention is considered overly high, has an industrial-type appearance and the justification for the structure is considered weak, having regard to the proximity of the structure to residential dwellings. To address these concerns, revisions are requested to mitigate the adverse impact on the outlook of the residential dwellings nearby, revisions might include (i) removing the covering/cladding from the frame of the building and covering it with netting to act as a ballstop or (ii) preparing details landscaping proposals for a green wall of climbing plants over the exterior of the structure facing the dwellings to soften the appearance of the structure or (iii) alternative revisions for screening the development from the dwellings to bring it in line with Section 2.8.6 Building Heights and Street Widths of the Clonburris Strategic Development Zone Planning Scheme (May 2019) and Section 12.8.5 'Education Facilities' of the South Dublin County Council Development Plan 2022.

Submitted Response:

There is a strip of landscaping with 8 buddleia trees alongside the existing canopy, these trees are an estimated 2-3m in height. We put it to SDCC that these trees provide an element of screening of the canopy structure from nearby houses. See Fig 1, below:



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Additionally, we propose planting Magnolia Grandiflora (Evergreen Magnolia), or another similar screening planting that SDCC deem suitable for screening purposes, along the green strip between the canopy structure and the houses. These trees can grow more than 4m tall, will provide excellent screening and are suited for Dublin. Please see drawing 22035-PL(CFI)-2.013 included. Additionally, the applicant is open to the idea of including a trellis with planting along the top of the boundary wall if the Council feels it is also necessary to provide complete screening.



Planners Response:

The current tree planting of 8 buddleia trees and the proposed additional planting of Magnolia Grandiflora trees would not provide suitable screening from the canopy to protect the impact of the structure on the immediate residential amenity. The proposed trellis would increase in the height and associated impact on the adjoining properties. It is considered that this option would exacerbate rather than mitigate the impact in the neighbouring dwellings.

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It should also be noted that as part of the original design of the school, consideration was taken in relation to the potential impact on the adjoining residential properties. In particular, it is noted that the massing of the adjoining structure was reduced to mitigate any adverse effects on the immediate residential amenity. A minimum setback of the single-storey school element was approx. 10 meters increasing to approx. 12 meters for two-storey elements. It is considered that the positioning of the canopy structure for retention has not taken into account the sensitive relationship between it and the immediate residential properties.

Conclusion:

With regard to the retention of the canopy structure, it is considered that the development would seriously injure the amenities of the area and property in the vicinity and would, therefore, not be in accordance with the proper planning and sustainable development of the area and should be **refused for the reasons as set out below**.

Recommendation

I recommend that a decision to Refuse Permission for Retention be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto:-

SCHEDULE

REASON(S)

1. It is considered that the development for which retention would be sought, by reason of its height, scale and proximity to the adjoining residential properties, would result in an overbearing impact that would adversely affect the immediate residential amenity and therefore would be contrary to Section 12.8.5 Education Facilities of the SDCC County Development Plan 2022-2028 and section 2.8.6. Building Heights and Street Widths of the Clonburris Strategic Development Zone Planning Scheme, May 2019 and be contrary to the proper planning and sustainable development of the area.

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REG. REF. SD22A/0410

LOCATION: Lucan East Educate Together N.S, Kishogue Cross, Lucan, Co Dublin



Colm Harte,
Senior Executive Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000 (as amended) to Refuse Permission for Retention for the above proposal for the reasons set out above is hereby made.

Date: 31/03/23



Gormla O'Corrain, Senior Planner