Planning Status and Development Appraisal Report

John Scottus School
72-76 Morehampton Road, Donnybrook, Dublin 4

Prepared for

John Scottus Educational Trust Limited

February 2017
1. **Introduction**

IMG Planning Limited has been requested by the John Scottus Educational Trust Limited to undertake this Planning Status and Development Appraisal Report on 72-76 Morehampton Road, Donnybrook, Dublin 4.

The Report establishes the planning context of the site and ascertains the key planning issues of relevance to it. The Report provides an assessment of the planning status and development context of the site and involved:

- Undertaking of a site visit;
- Reviewing the planning history of the lands and other relevant sites in the immediate vicinity;
- Evaluating any extant planning permission(s) in the vicinity of the lands in terms of nature and extent of the proposed development;
- Identifying national, regional and local planning and infrastructure development policies of relevance to the context of the lands and their future development; and
- Identifying the factors relevant to the lands and their context that will determine the parameters for development in the future.

2. **Description of the Subject Properties**

(See Figure 1 below)

The subject properties comprise three interconnected three storey over basement buildings given over to education use.

![Figure 1: Subject Properties](image-url)
The properties are set back from Morehampton Road and in each case the area in front is hard surfaced and used for parking in connection with the school. The front areas of 74 and 76 have been combined into one area and there is a hedge boundary between 72 and 74. Each property has an access from Morehampton Road.

There are temporary buildings to the rear of 76 and the rear garden areas of 72 and 74 have been converted to an enclosed artificial surfaced sports pitch and a hard surfaced yard, respectively.

3. **Location and Context of the Subject Properties**

The subject properties are located in Donnybrook approximately 2.5 kilometres to the south of Dublin city centre to the east of Morehampton Road (N11) to the north of its junction with Herbert Park.

The properties are located in a terrace of five buildings – the property to the south – 78 Morehampton Road is occupied by Morehampton Townhouse, a guest house, and the property to the north – 70 Morehampton Road, are in office use by the City of Dublin Youth Services Board.

![Figure 2: Location and context of Subject Properties](image)
There are a mix of uses within properties in the vicinity of the subject properties, including residential (single houses and apartment conversions) hotels/guesthouses and offices. Donnybrook village, which includes a variety of retail and commercial premises, is located on Morehampton Road to the south of the Herbert Park/Marlborough Road junction.

There are residential properties located to the east of the subject properties fronting onto Herbert Park and Morehampton Lane.

4. Planning History

There is an extensive planning history on the properties. A schedule of the applications and permissions granted are set out in a schedule attached to this report.

In summary the planning history indicates that the planning use of the properties is as education and that alterations, particularly the creation of links between the individual properties and the positioning of temporary buildings to the rear have been granted planning permission for the purposes of facilitating the education use of the properties and have been conditioned on that basis i.e. the alterations will have to be reversed should the properties no longer be in education use.

5. Dublin City Development Plan

5.1 Zoning Objective

The subject properties are subject to Objective Z2 – “to protect and/or improve the amenities of residential conservation areas”

Figure 3: Extract Zoning Map H: Dublin City Development Plan 2016-2023
Residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. The overall quality of these areas in design and layout terms is such that they require special care in dealing with development proposals which affect structures in such areas, both protected and non-protected.

The general objective of the City Council for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.

The principal land-use in residential conservation areas is housing but can include a limited range of other uses. In considering other uses, the City Council's guiding principle is to enhance the architectural quality of the streetscape and the area, and to protect the residential character of the area.

Proposals for live-work units at an appropriate scale with discreet signage will be considered by the City Council on the basis that the proposal would not detract from, or alter the physical character and fabric of the streetscape.

### 5.2 Land Uses

The Plan sets out uses that are ‘permissible’ and ‘open for consideration’ under the zoning objective

‘Permissible’ uses are generally acceptable in principle, but subject to normal planning considerations, including policies and objectives outlined in the Plan.

‘Permissible’ uses are:

- Buildings for the health, safety and welfare of the public
- Childcare facility
- Embassy residential
- Home-based economic activity
- Medical and related consultants
- Open space
- Public service installation
- Residential

‘Open for consideration’ uses may be permitted where the planning authority is satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects on the permitted uses, and would otherwise be consistent with the proper planning and sustainable development of the area.

- Bed and Breakfast
- Community facility
- Cultural/recreational building and uses
- Education
The Plan states that uses not listed under the ‘permissible’ or ‘open for consideration’ categories will be deemed not to be permissible uses in principle in zone Z2.

(The definitions of the land uses listed above are set out in a schedule attached to this report).

5.3 Protected Structure

All of the properties are included on the Record of Protected Structures in the Development Plan. They form part of a larger group of protected structures along both sides of Morehampton Road. The properties are therefore considered to be of special architectural or historical interest.

Plan policy in respect of protected structures is to manage and control external and internal works that materially affect the character of the structure. The City Council will require all works, whether they are repair or alteration, to be undertaken in a sensitive manner, under proper supervision and by a specialist with appropriate expertise.

It should be noted that in the case of protected structures the City Council actively encourages uses that are compatible with the character of protected structures and in certain limited cases to ensure the long-term viability of a protected structure, it may not to stringently apply city-wide zoning restrictions including site development standards, provided the protected structure is being restored to the highest standard; the special interest, character and setting of the building is protected; and the use and development is consistent with conservation policies and the proper planning and sustainable development of the area.

6. Future Options for the Subject Properties and Planning Permission

6.1 Potential Uses that would be Exempted Development

The current authorised use of the properties is education. Under the Planning and Development Act 2000-2016 and the Planning and Development Regulations 2001-2016 there are no changes of use from education that are exempted development, i.e. a grant of planning permission is not required. Accordingly, any potential future use of the properties will require planning permission from the planning authority, or An Bord Pleanála on appeal.
6.2 Compliance with the Zoning Objective

The zoning objective that applies to the properties largely determines that their use in the future will have to protect and/or improve the amenities of the area, which can be interpreted broadly by the City Council. The general thrust of the zoning objective is for residential use and that other uses are seen as being limited in extent within the zone. Accordingly, and notwithstanding the policy that it will adopt a degree of flexibility in the application city-wide zoning restrictions including site development standards in the case of protected structures, I am of the view that it is unlikely that the City Council would at the outset support future uses of the properties that were not contained in those listed as permissible (in section 5.2 of this report). This would exclude uses such as offices, a hotel or any form of retail being considered as a matter of principle.

In regard to those uses listed as open for consideration (in section 5.2 of this report), although the City Council is able to consider such uses, given the basis on which permissions have been granted previously, i.e. for the specific benefit of the current use only, it is debatable that the City Council would consider the maintenance of a concentration of non-residential land uses in the terrace, particularly if different to the existing education use, would comply with the underlying purpose of the zoning objective. Therefore there would be a significant planning risk to planning permission being granted for such uses.

6.3 Wholesale redevelopment of the properties

This is not an option as under planning legislation the City Council may not grant planning permission for the demolition of protected structures. In any event, given the position of the properties within an established and architecturally compete terrace, this would be wholly undesirable and would not be supported by the City Council or An Bord Pleanála on appeal.

6.4 Options for future use(s)

On the basis of the foregoing, there are effectively a limited number of options for the future use of the properties from a planning perspective:

6.4.1 Continuation of the current Education Use

Provided that the user(s) complied with definition of an education contained in the Development Plan (see attached schedule), then no change of use would arise and thus planning permission would not be required to continue to use the properties in the same manner as at present. From a planning perspective, this represents “the line of least resistance”.

6.4.2 Change of use to Residential Use

Given zoning objective a proposal to change the use of the properties to residential would receive the support of the City Council and subject to the manner in which
this use was carried out, is unlikely to be continuous from the perspective of the City Council or local residents.

Within the principle there are a number of graduations:

The re-instatement of each property a single house would be strongly supported by the City Council. There have been a number of permissions granted, at 37, 46 and 56 Morehampton Road for example, for such changes of use.

The conversion of the properties into apartments would be supported by the City Council provided that the works required to do so do not materially affect the character of the structure or its special interest; all new works relate sensitively to the architectural detail, scale, proportions and design of the original structure and are sensitive to the historic fabric and special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials. It would be required that the conversion would be within each property and not across or between properties.

Irrespective of the above options, the existing interconnections would have to be reversed in order to comply with the conditions attached to the permissions granted and to comply with Development Plan policy that requires that the plan form of protected structures should be protected or re-instated and not compromised by unsympathetic alteration or extension. Further, the rear gardens would have to be re-instated and the car parking areas to the front of the properties will have to be redesigned to comply with the policies in the development Plan in this regard, i.e. half the area must be given over to soft landscaping, the boundary between 74 and 76 would have to be reinstated, where absent the gates will have to be replaced and the original railings will have to be maintained and repaired.

7. Conclusion and Opinion

On the basis of my inspection of the area and my examination of the information contained on the relevant planning files maintained by Dublin City Council that relate to the subject property and the provisions of the current City Development Plan, in my opinion I would conclude that from a planning perspective the potential future use of the properties would be either the continuation of the existing education use or the change of use to residential use either as separate single dwellings or as apartments.

Ian McGrandles MRTPI MIPI
Director
17 February 2017
Dublin City Development Plan 2016-2022

Land Use Definitions

Bed and Breakfast
A building, or part thereof, where sleeping accommodation and breakfast are available solely to residents. Such an establishment is distinguished from a guesthouse, which is regarded as a more intensive form of land-use where the possibility of additional meals to be provided for residents exists.

Buildings for the Health, Safety or Welfare of the Public
Use of a building as a health centre or clinic or for the provision of any medical or health services (but not the use of a house of a consultant or practitioner, or any building attached to the house or within the curtilage thereof, for that purpose), hospital, hostel (where care is provided), retirement home, nursing home, day centre and any other building for:

- the provision of residential accommodation and care to people in need of care (but not the use of a dwelling house for that purpose)
- the use as a residential school, college or training centre.

Childcare Facility
(Early Childcare Care and Education and School Age Childcare Services)

(1) Sessional Services
Sessional pre-school services means a pre-school service offering a planned programme to pre-school children for a total of not more than 3.5 hours per session. Services covered by the above definition may include pre-schools. Playgroups, crèches, Montessori pre-school, naíonraí, registered childminders or similar services which generally cater for pre-school children in the 0 – 6 age bracket.

(2) Part-time day care
‘Part-time day care’ means pre-school service offering a structured day care. Service for pre-school children for a total of more than 3.5 hours and less than 5 hours per day and which may include a sessional pre-school service for pre-school children not attending the part-time day care service.

(3) Full Day Care Services
‘Full Day Care Service’ means a pre-school service offering a structured day care service for pre-school children of more than 5 hours per day; and which may include a sessional preschool service for pre-school children not attending the full day care service.

(4) Childminding Service
‘Childminding Service’ means a pre-school service which may include an overnight service offered by a person who single-handedly takes care of pre-school children, including the childminder’s own children, in the childminder’s house for a total of more than 2 hours per day, except where the exemption provided in section 58 of the Childcare Act 1991 apply.

(5) Pre-school Service in a drop-in centre and in a temporary drop-in centre
‘Pre-school service in a drop-in centre’ means a pre-school service offering day care, which is used exclusively on an intermittent basis. ‘Pre-school in a temporary drop-in centre’ means a pre-school service offering a day care exclusively on a temporary basis.’

(6) Overnight pre-school service
‘Overnight pre-schools service’ means a service in which pre-school children are taken care of for a total of more than 2 hours between the hours of 7pm and 6am except where the exemptions provided in Section 58 of the Childcare Act 1991 apply.

Community Facility
A building or part thereof used for (community) activities organised primarily by the local community and to which the public may be admitted on payment of a charge or free of charge.

Cultural/Recreational Building
A building, or part thereof, used for purposes of a concert hall/music hall, theatre, conference centre, cinema, bingo hall, swimming pool, skating rink, gymnasium, squash centre, health studio, and most indoor sports facilities not involving the use of firearms or motorised vehicles. It also includes:
• An art gallery (but not for the sale or hire of works of art)
• A museum
• A public library or public reading room
• A public hall
• An exhibition hall
• A social centre, community centre, or non-residential club, but not a dance hall.

Education
The use of a building, or part thereof, or land as a school, college, technical institute, academy, lecture hall or other educational use. Such activities may be controlled in particular land-use zonings regarding hours of operation.

Where a building or part thereof, on the same site as an educational use or on an adjoining site, is designed for use or is used as a residence for staff or pupils, such a use is regarded as educational.

Embassy: Residential
A building, or part thereof, or land used by a foreign government for diplomatic purposes, primarily being a residence for embassy staff or consular officials where non-residential use is subordinate and ancillary to the use of that building as a residence. The use does not include a foreign trade delegation or trade office.

Home-Based Economic Activity
Small-scale commercial activities carried out by residents of a dwelling being subordinate to the use as a single-family dwelling.

Live-work units
Live-work units are commercial units designed to accommodate a residential element, such as an apartment. Live-work units are used for business/enterprise to provide for the following uses: office, medical and related consultants, data processing, software
development, media-associated uses, publishing and film production, artists' and crafts studios, homebased economic activity and creative industries.

**Medical and Related Consultants**
This applies to the use of part of a dwelling by a medical doctor or related consultant or those engaged in paramedical consultancy. In either case, the practitioner must also be the occupier of the dwelling.

**Open Space**
Any land, including water, (active or passive use) whether enclosed or not, on which there are no buildings, (or not more than 5% is covered with buildings), and the remainder of which is laid out as a garden/community garden or for the purposes of recreation, or lies vacant, waste or unoccupied. It also includes school playing fields, playgrounds, urban farms, forests, allotments and outdoor civic spaces, passive play areas and outdoor exercise facilities.

**Place of Public Worship**
A building, or part thereof, or land used as a church, chapel, oratory, mosque, temple, synagogue, meeting house or other place of public devotion. It also includes use of such a structure for the social or recreational activities of the religious body using the structure. This definition also includes use as a monastery or convent.

**Public Service Installation**
A building, or part thereof, a roadway or land used for the provision of public services. Public services include all service installations necessary for electricity, gas, telephone, radio, telecommunications, television, data transmission, drainage, including wastewater treatment plant and other statutory undertakers: bring centres, green waste composting centres, public libraries, public lavatories, public telephone boxes, bus shelters, etc. but does not include incinerators/waste to energy plants. The offices of such undertakers and companies involved in service installations are not included in this definition.

**Residential**
The use for human habitation of a building, or part thereof, including houses, flats, bedsitrooms and residential mews buildings. The definition of house and habitable house in section 2 of the Planning and Development Act 2000 (as amended) shall apply. Residential also includes student accommodation and build to let schemes.

**Restaurant and Cafe**
A building where the primary function is for the sale of food, meals/refreshment for consumption on the premises.

**Veterinary Surgery**
Use of a building, or part thereof, or land as a clinic or surgery for the treatment and care of animals. If animals are housed on the premises overnight or longer, the use is not consistent with adjoining residential amenity.
**John Scottus School**  
**72-76 Morehampton Road, Donnybrook, Dublin 4**

**Schedule of Planning Applications and Decisions**

<table>
<thead>
<tr>
<th>Dublin City Council Reference No.</th>
<th>An Bord Pleanála Reference</th>
<th>Description</th>
<th>Date of Decision</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>1643/94</td>
<td></td>
<td>Sign and canopy in front garden of 74 and 76 Morehampton Road</td>
<td>17 November 1994</td>
<td>Refuse</td>
</tr>
<tr>
<td>1019/95</td>
<td></td>
<td>Signage on front railings of 74 and 76 Morehampton Road</td>
<td>23 August 1995</td>
<td>Grant with Conditions</td>
</tr>
<tr>
<td>0214/01</td>
<td></td>
<td>Change of use of 72/74 Morehampton Road from residential (bedsit units) to educational with interconnection at each floor level with 74 Morehampton Road</td>
<td>10 May 2001</td>
<td>Withdrawn</td>
</tr>
<tr>
<td>1827/01</td>
<td></td>
<td>Temporary portable classrooms and ancillary facilities to the rear of 78 Morehampton Road</td>
<td>4 September 2001</td>
<td>Grant with Conditions</td>
</tr>
<tr>
<td>3307/02</td>
<td>PL29S.201376</td>
<td>Change of use of 72 Morehampton Road from residential (bed-sit units) use to educational use; removal of existing stud partition walls and kitchen units of the bed-sit units; provision of an interconnecting link at second floor level only between 72 and no. 74 Morehampton Road; other minor internal and external works to 72 Morehampton Road and incorporating 74-76 Morehampton Road</td>
<td>20 November 2002</td>
<td>Refuse</td>
</tr>
<tr>
<td>4002/04</td>
<td></td>
<td>An interconnecting link at the first floor landing level between 72 and 74 Morehampton Road</td>
<td>29 October 2004</td>
<td>Grant with Conditions</td>
</tr>
<tr>
<td>Dublin City Council Reference No.</td>
<td>An Bord Pleanála Reference</td>
<td>Description</td>
<td>Date of Decision</td>
<td>Decision</td>
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<tr>
<td>----------------------------------</td>
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<tr>
<td>4413/04</td>
<td></td>
<td>Retention of a fence and permission for lightweight overhead netting to the rear of 72 Morehampton Road</td>
<td>26 November 2004</td>
<td>Grant with Conditions</td>
</tr>
<tr>
<td>5104/04</td>
<td></td>
<td>An extension of use of previously approved temporary portable classrooms and ancillary facilities to the rear of 78 Morehampton Road</td>
<td>28 January 2005</td>
<td>Grant with Conditions</td>
</tr>
<tr>
<td>5330/08</td>
<td></td>
<td>Extension of the previously approved use of 72 Morehampton Road from residential to educational use and a second floor interconnecting link between 72 and 74 Morehampton Road</td>
<td>5 January 2009</td>
<td>Invalid</td>
</tr>
<tr>
<td>2393/09</td>
<td>PL295.233678</td>
<td>Extension of the previously approved use of 72 Morehampton Road from residential to educational use and a second floor interconnecting link between 72 and 74 Morehampton Road</td>
<td>30 September 2009</td>
<td>Grant with Conditions</td>
</tr>
<tr>
<td>2230/11</td>
<td></td>
<td>Erection of a 2.0 x 0.6m bronze sign, total height of 2.10m above ground level and 0.6m behind front railings of 74/76 Morehampton Road</td>
<td>23 May 2011</td>
<td>Grant with Conditions</td>
</tr>
<tr>
<td>2232/11</td>
<td></td>
<td>Retention permission for an interconnecting link at basement level between 72/74 Morehampton Road</td>
<td>23 May 2011</td>
<td>Grant with Conditions</td>
</tr>
<tr>
<td>2746/14</td>
<td></td>
<td>Continuation of change of use from residential to educational use incl. interconnecting links at first and second floor level between numbers 72 and 74 Morehampton Road</td>
<td>1 September 2014</td>
<td>Grant with Conditions</td>
</tr>
<tr>
<td>Dublin City Council Reference No.</td>
<td>An Bord Pleanála Reference</td>
<td>Description</td>
<td>Date of Decision</td>
<td>Decision</td>
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<tr>
<td>0249/16</td>
<td></td>
<td>Repairs to the pointing to the front facade, the installation of a glass lobby and the associated re-decoration</td>
<td>29 July 2016</td>
<td>Refuse</td>
</tr>
</tbody>
</table>