

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Cork County

Planning Register Reference Number: 15/05415

An Bord Pleanála Reference Number: PL 04.246234

APPEAL by Tom Gillespie and others of Cloonmullin, Broomfield West, Middleton, County Cork against the decision made on the 3rd day of February, 2016 by Cork County Council to grant subject to conditions a permission to the Minister for Education and Skills care of O'Mahony Pike Architects of The Chapel, Mount Saint Annes, Milltown, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of a new school building consisting of one number two storey, 24 classroom, Primary School building with physical education hall, four classroom special needs unit; support teaching spaces and ancillary accommodation, with a total floor area of 4,640 square metres, the site works to the school grounds will consist of the provision of cycle storage, bin store, ball courts, project gardens, landscaping and boundary treatment and all other associated site development works. The works to the remainder of the site consist of the provision of a new access road, 58 number car parking spaces, drop-off and pick-up facilities within the site and along the road frontage to the Regional Road R626, Mill Road, all on a site circa 2.24 hectares located off the Regional Road R626, Mill Road, Broomfield West, Middleton, County Cork.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the current Cork County Development Plan, 2014 and the Midleton Electoral Area Local Area Plan 2011, to the pattern of existing and permitted development in the vicinity (including proximity to lands earmarked for significant future housing development), and having regard to the nature and scale of the proposed primary school, it is considered that, subject to compliance with the conditions set out below, the proposed development would generally comply with the zoning and policy requirements of the relevant plans, would be acceptable in terms of traffic and pedestrian safety, would not be prejudicial to public health or lead to a risk of flooding, and would not seriously injure the existing residential amenities of properties in the vicinity of the site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board noted the Appropriate Assessment Screening carried out by the planning authority and the Appropriate Assessment Screening determination carried out by the Inspector. The Board concurred with the Inspector's determination, and adopted her conclusions and recommendations in this regard. The Board is, therefore, satisfied, having regard to the nature, location and scale of the subject development, and the proposed construction provisions, which would constitute normal construction practice, that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on the Great Island Channel Special Area of Conservation (site code 001058), and on the Cork Harbour Special Protection Area (site code 004030), or on any other European sites, in view of their conservation objectives.

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 submitted on the 7th day of January, 2016, 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. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. In this regard, details of surface water drainage from the overall site shall be submitted to, and agreed with, the planning authority prior to commencement of development. The surface water drainage system shall include the provision of oil interceptors and attenuation. The surface water discharge from the development to the Owenacurra River, following attenuation, shall be controlled by means of a hydro-break or similar.

Reason: In order to ensure the provision of an adequate drainage system that will prevent flooding, and to prevent pollution.

3. Details of the external finishes of the proposed school building, together with boundary treatments and all landscaping works, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The landscaping plan shall include a timetable for implementation.

Reason: In the interest of visual amenity, and in order to integrate this large building complex into its surroundings.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 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.

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

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

6. All of the works to the R626 Regional Road required to service the proposed school development, including the proposed right-turn lane, road widening, the provision of sight-lines at the new entrance, extension of public lighting, traffic calming measures, road drainage, road signage and markings, road surfacing/re-surfacing and proposals for traffic management at the site entrance, shall be designed to the relevant design standards. Full design details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The works, as may be modified by the planning authority as part of such agreement, shall be carried out as part of the construction works for the proposed school development, and shall be completed prior to first occupation of the proposed school.

Reason: In the interest of pedestrian and road safety, and to protect the residential amenities of nearby dwellings.

7. The installation of the proposed pedestrian crossings, both of which shall be signal controlled, and all associated alterations necessary to the public road shall be designed to the relevant design standards. Detailed designs of these crossings, including all necessary telemetry and services, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The crossings shall be fully operational prior to first occupation of the proposed school.

Reason: In the interest of pedestrian safety.

8. Prior to the opening of the proposed school, a detailed Mobility Management Strategy shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling by staff employed in the school, to reduce and regulate the extent of staff parking and to encourage the use of sustainable modes of transport (public and private bus transport, cycling and walking) by pupils and their parents. The mobility strategy shall be prepared and implemented by the developer/school management, and shall be subject to review every two years, in accordance with details to be agreed with the planning authority. Any future reduction in car parking provision for staff, resulting from the implementation of this Mobility Management Strategy, shall be replaced by additional bus drop-off facilities and/or additional cycle parking.

Reason: In order to encourage the use of sustainable modes of transport, in the interest of pedestrian and traffic safety.

9. 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.

10. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000, as amended, in respect of road widening and surfacing, provision of right turning lane, controlled pedestrian crossings, footpaths, advance traffic signage, traffic calming measures, public lighting and other associated road works to the R626 Regional Road (Mill Road), all as indicated in the submitted drawings and particulars, and as may be further modified in order to comply with the requirements of conditions numbers six and seven of this order. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

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

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.