



Planning and Development Acts 2000 to 2018

Planning Authority: Cork County Council

Planning Register Reference Number: 18/05369

Appeal by Douglas Pitch and Putt Club care of Peter Gregson of Carr's Hill, Cork and by David Murphy and Others care of 'Manitou', Carrigaline Road, Douglas, Cork and by Mary Conroy and Margaret O'Sullivan care of J and N Murphy Limited, Consultant Civil and Structural Engineers of Macroom, County Cork against the decision made on the 15th day of October, 2018 by Cork County Council to grant subject to conditions a permission to The Minister for Education and Skills care of Smith and Kennedy Architects of 9 Clarinda Park North, Dún Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a new Educate Together National School (RN20413N) consisting of a part two-storey, part three-storey, 24 classroom primary school building with a total floor area of 4,635 square metres including a three-classroom Special Needs Unit and general purpose hall with all ancillary pupil and staff facilities; including a new access road off the Carrigaline Road with a set-down area and a total of 46 number car parking spaces within the site and all associated site works, boundary walls; ball courts; hard and soft play areas; and landscaping, at Carr's Hill, Douglas to the south-west side of Carrigaline Road, Maryborough, 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 Ballincollig Carrigaline Municipal District Local Area Plan 2017, and in particular, to the land use zoning, specific objective SE-R-06 and to the nature, height, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the residential or visual amenities of the area nor would it give rise to the creation of a traffic hazard in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Appropriate Assessment Screening for the proposed development report submitted with the application, and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment is not, therefore, required.

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 17th day of September, 2018, and by the further plans and particulars received by An Bord Pleanála on the 3rd and 10th days of December, 2018, 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 development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The proposed ball courts and pitches shall not be floodlit without a separate planning permission having first been obtained. The proposed site lighting shall not incorporate any floodlighting of these courts/pitches. The ball courts and pitches shall not be used between the hours of 2000 and 0830.

Reason: To protect the residential amenity of properties in the vicinity.

4. (i) The site shall be landscaped in accordance with the landscape scheme submitted on the 28th day of May, 2018, unless otherwise agreed in writing with the planning authority. All planting shall be carried out within the first planting season following opening of the school.
- (ii) All planting shall comply with the specifications of the agreed landscaping scheme and shall be maintained by the developer and if any plant should die it shall be replaced within the next planting season.

- (iii) A scheme indicating boundary treatments (in accordance with drawing number A1613-SK28/11 submitted to An Bord Pleanála on the 3rd day of December, 2018) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment scheme shall provide a timber fence, (similar to that in-situ to the rear of Darraglynn Nursing Home) along the south-eastern boundary.

Reason: In the interest of visual amenity.

- 5. The landscaping scheme shown on drawing numbers 142-14-DD-01 and 142-14-DD-02, as submitted to the planning authority on the 28th day of May, 2018 shall be carried out within the first planting season following substantial completion of external construction works.

In addition to the proposals in the submitted scheme, the following shall be carried out:

All trees identified for retention in the Tree Survey Report shall be retained in their entirety and shall be maintained to form a feature of the proposed development. The critical root zone of trees, treelines and hedgerows to be retained will be identified by a tree specialist and fenced off before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. No trenches, embankments or pipe runs shall be sited within seven metres of the trunks of the trees to be retained.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, 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.

6. Invasive alien plant species shall be treated and removed from the site by a competent operator under the supervision of the project ecologist. Removal of soil material contaminated or potentially contaminated with Japanese Knotweed may only be carried out under license from the National Parks and Wildlife Service in accordance with the Birds and Natural Habitats Regulations 2011.

Reason: To control the risk of spread of invasive alien species from this site.

7. All works shall take place in accordance with ecological mitigation measures as set out in the Ecological Impact Assessment Report, the Tree Survey Report and the Construction Environmental Management Plan as submitted with the planning documentation, and under the supervision of an ecologist and/or tree specialist.

Reason: In the interest of protection of protected species and/or habitats of high natural value.

8. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

9. A detailed workplace travel plan shall be carried out, submitted to and agreed in writing with the planning authority, prior to commencement of development.

Reason: In the interest of public safety and sustainable transportation.

10. The school development shall include the provision of the pedestrian and cycle connection to the proposed Ballybrack Valley (Mangala) Pedestrian and Cycle Route.

Reason: In the interest of sustainable commuting.

11. 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.

Reason: In the interest of public health.

12. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
- (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

13. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian/vehicular/cycle routes through the site and car parking areas, 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 opening of the school.

Reason: In the interests of amenity and public safety.

14. No further structures, plant or antennae shall be erected on the roof of the proposed building without a prior grant of planning permission.

Reason: In the interest of visual amenity.

15. 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.

16. 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 upgrading of the public footpath and public lighting along the public road (R609). 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 which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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

Dated this day of 2019.