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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: T.P. 19/38200**

**Appeal** by Con Murphy care of J. and N. Murphy Limited of Macroom, County Cork and by Tony McGrath of 6 Sidney Park, Wellington Road, Cork against the decision made on the 13<sup>th</sup> day of January, 2020 by Cork City Council to grant subject to conditions a permission to Christian Brothers College Board of Management care of O'Donnell and Tuomey Architects of 35 Grand Parade, Cork in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** The construction of a new five storey school house (comprising eight number classrooms, library, digital suite, four number offices, toilets, stores, plant accommodation, school hall and associated facilities, in a single structure measuring 2,435 square metres (gross floor area) and an overall height of 21.1 metres (to ridge of roof). The site for this building has frontage onto Saint Patrick's Hill, Cork. An existing vehicular entrance from Saint Patrick's Hill is upgraded to include a pedestrian gate. The proposed works involves the addition of a new 12.8 square metres entrance porch to the existing main school building, a covered seating area to the all-weather sports pitch, the upgrading of various pedestrian routes within the site, hard and soft landscaping and associated site excavation works above and below ground. The development also includes works to the CBC

Preparatory School also at Sidney Hill consisting of the demolition of a 13 square metres plantroom and 61.1 square metres library with the construction of a new 64.9 square metres library and a fire escape stair, all on a site at Christian Brothers College, Sidney Hill, Wellington Road and 7A Saint Patrick's Hill, Cork, as amended by the further public notices received by the planning authority on the 6th day of December, 2019.

## **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 established use of the site for educational purposes, the zoning objectives for the site as set out in the Cork City Development Plan and the design, scale and purpose of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would not adversely affect either the Saint Patrick's Hill Landscape Preservation Zone or the Coburg Street/Saint Patrick's Hill Architectural Conservation Area, would not adversely affect the setting of protected structures in the vicinity, would not endanger public safety by reason of traffic hazard or obstruction of road users and would not tend to create serious traffic congestion. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 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 to the planning authority on the 6<sup>th</sup> day of December, 2019, 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. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

4. 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.

5. The site shall be landscaped in accordance with the Landscape Report submitted to the planning authority on the 6<sup>th</sup> day of December, 2019. All planting 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:
- (i) 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.
  - (ii) 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 interests of residential and visual amenity.

6. A bat survey shall be carried out by a suitably qualified person to identify if the trees and buildings to be removed to facilitate the new school building are used by bats. The findings and, where necessary, mitigation measures shall be included in a report which shall be subject to the written agreement of the planning authority prior to commencement of development.

**Reason:** To ensure the protection of the natural heritage of the site.

7. Invasive alien plant species shall be treated and removed from the site by a competent operator. 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.

8. Full details of the proposed pedestrian crossing and road markings and signage on Saint Patrick's Hill shall be submitted for the written agreement of the planning authority prior to commencement of development. The works shall be carried out at the expense of the developer prior to first occupation of the new school building.

**Reason:** In the interest of traffic safety.

9. A minimum of 10% of the car parking spaces within the school campus shall be provided with electrical connection points, to allow for functional electric vehicle charging.

**Reason:** In the interest of sustainable transport.

10. Cycle parking of not less than 228 number spaces shall be provided within the development. Cycling parking facilities shall be conveniently located, secure, easy to use, weather protected and adequately lit. Details of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed cycle facilities shall be provided in full prior to the opening of the proposed school building.

**Reason:** It is the policy of the planning authority to encourage modal change from private car use towards increased use of public transport, cycling and walking.

11. Stage 3/4 Road Safety Audit shall be undertaken and the recommendations shall be incorporated into the proposed development, details of which shall be submitted to the planning authority for written agreement prior to commencement of development.

**Reason:** In the interests of vehicular and pedestrian safety.

12. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive and between 0800 and 1400 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.

13. 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:
  - (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,
  - (b) location of areas for construction site offices and staff facilities,
  - (c) details of site security fencing and hoardings,
  - (d) details of on-site car parking facilities for site workers during the course of construction,
  - (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,



- (f) measures to obviate queuing of construction traffic on the adjoining road network,
- (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works,
- (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (j) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
- (k) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil, and
- (l) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interests of amenities, public health and safety.

14. 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.

**Reason:** In the interest of sustainable waste management.

15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme 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 to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

16. The developer shall pay to the planning authority a financial contribution in respect of the Cork Suburban Rail project in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme 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 to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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**Paul Hyde**

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

**Dated this            day of            2020.**