



An  
Bord  
Pleanála

## Inspector's Report ABP 306567-20

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<b>Development</b>	5 storey school building
<b>Location</b>	Christian Brothers College, Sidney Hill, Wellington Road and 7a St. Patrick's Hill, Cork
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	19/38200
<b>Applicant</b>	Christian Brothers College Board of Management
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	3 <sup>rd</sup> Party v. Grant
<b>Appellants</b>	1. Con Murphy 2. Tony McGrath
<b>Observer</b>	Michael Rice
<b>Date of Site Inspection</b>	27/04/20
<b>Inspector</b>	Pauline Fitzpatrick

## 1.0 Site Location and Description

The Christian Brothers School is located within the historic core of the city, c.160m north of St Patrick's Bridge. It is accessed via Sidney Hill off Wellington Road. The lands slope steeply from north to south. Controlled, on-street parking is available along the cul-de-sac with a roundabout at the top of the hill allowing for vehicular manoeuvres. Sidney Villas, a collection of 3 no. cottage type dwellings, abuts the northeast end of the site.

The secondary school building which comprises a series of connected 2 storey blocks is located along the northern boundary. There is a 3 storey Preparatory School located to the south-west of same with a playing pitch inbetween.

The site of the new school building, which has a stated area of 0.739 hectares, is located to the west of the said Preparatory School and is very overgrown. There is a 14 metre level difference across the site. A shed, incorporated into a masonry wall, delineates the site boundary to St. Patrick's Hill to the west. No.7A Edmonton House which is a vacant, three storey semi-detached dwelling (currently boarded up) is within the ownership of the school. 3 no. two storey terraced dwellings which front onto St. Patrick's Hill back onto the school grounds with the school car park immediately adjoining. There is an existing unused pedestrian entrance to the school grounds to the north of these dwellings. There is no footpath along the site frontage to St. Patrick's Hill.

Sidney Park, a mature residential area of detached and semi-detached dwellings, is located to the south and east of Sidney Hill. A three storey apartment block bounds the site to the south with further residential along both Sidney Hill and Wellington Street to the south and along St. Patrick's Hill to the west. The lands to the north of the overall campus are laid out as playing fields.

There are a number of educational facilities in the vicinity including St. Angela's College, Bruce College and Hewitt College on St. Patrick's Hill and Scoil Mhuire Primary and Secondary schools on Wellington Road, in addition to a number of English Language centres.

## 2.0 Proposed Development

The application was lodged with the planning authority on the 11/01/19 with further plans and details including revised public notices submitted 06/12/19 following a request for further information dated 07/03/19.

The proposal, as amended, entails:

- Demolition of derelict sheds onto St. Patrick's Hill and demolition of boundary walls around the south-western section of the site. The masonry wall onto St. Patrick's Hill to be reinstated following construction.
- As amended, construction of 5 storey school building comprising 7 classrooms, library, canteen, staff office accommodation and multipurpose hall. The external finishes are to be a mix of brick with timber fins and zinc finish to the roofs. Due to the site levels retaining structures to the north, west and east of the building are required.
- Internal alterations including demolition of plant room and library room and construct new extension to house a library to existing Preparatory School. A fire escape stairs is to be provided to the southern elevation.
- New entrance porch and roof solar panels to main school building.
- Covered terraced seating to north side of existing sports pitch.
- Gated vehicular access from St. Patrick's Hill to be used for occasional deliveries and emergencies.
- Site landscaping
- Modifications to existing site car parking
- Solar panels to roof of main school building.

The application is accompanied by a

- Planning Report which includes:
  - Architectural Report
  - Historical Background Report
  - Engineering Reports

- Ecological Assessment
- Tree Survey and Report
- School Travel Plan
- Transport and Mobility Assessment
- Road Safety Audit
- Solar and Glare Document
- Tree Survey and Report
- Landscape Report

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Grant permission for the above described development subject to 33 conditions including:

Condition 2: Development as permitted includes omission of classroom 4, corridor and WC, as depicted on revised plans received 06/12/19.

Conditions 4 & 9: Cycle parking to be in accordance with submitted plans. A minimum of 228 covered spaces to be provided.

Condition 5: Avoidance of spread of invasive species.

Condition 6: Requirements for solar panels.

Condition 7: Fire escape not to be used for general access.

Conditions 9 (b) and 14: Up to 10% of spaces for electrical charging of vehicles to be provided.

Condition 11: Details and extent of all road markings and signage requirements on St. Patrick's Hill and Sidney Hill to be agreed with planning authority and costs borne by the applicant.

Condition 12: Construction management plan to be agreed.

Condition 16: Stage 3/4 Road Safety Audit to be carried out.

Condition 17: No vehicular parking to be provided.

Condition 22: Protection of trees to be retained on site.

Condition 23: Bat survey to be undertaken.

Condition 24: Tree felling and scrub clearance not to take place during breeding season.

Condition 30: Requirements for removal and re-erection of the boundary wall to St. Patrick's Hill.

Condition 31: Details of pedestrian crossing on St. Patrick's Hill to be agreed.

Condition 32: Financial contribution of €126,409.88

Condition 33: Supplementary financial contribution of €23,934.39 in respect of Cork Suburban Rail Project.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The **1<sup>st</sup> Planner's** report dated **07/03/19** states:

- That subject to some amendments the proposal would not compromise the landscape designation and would provide a building of high design standard onto St. Patrick's Hill.
- The applicant should be requested to remove classroom 4, corridor and WC at 2<sup>nd</sup> floor level and set back the development at this point to correspond to the Conservation Officer's request. This would address concerns relating to overshadowing and impacts on gable windows of adjoining property.
- The issue of the accessibility and management of the open space in between requires clarification.
- It is not considered that the proposal would have an adverse impact on the dwelling to the south and within the applicant's ownership. Boundary treatment to the dwelling requires clarification.
- Details of fire escape stairs to Preparatory School required.
- Potential for glint and glare from the proposed solar panels to be assessed.

- Clarification on extent of tree felling with detailed landscaping plan required.
- A School Travel Plan for the overall campus required.
- Vehicular and pedestrian access arrangements require clarification.
- Traffic and Transportation Assessment, Road Safety Audit and Construction Traffic Management Plan required.
- Provision of footpath on St. Patrick's Hill.
- Details required on use of school facilities for wider community uses.
- The school is fee paying. Therefore, the exemption from development contributions do not apply.

Further information recommended.

The **2<sup>nd</sup> report (Assistant Planner)** dated **09/01/20** following further information makes reference to a report from Roads Design Section dated 03/10/20 in which there is no objection save for conditions, including a condition requiring the proposed pedestrian crossing being in compliance with DMURS. Condition required to provide suitable sheltered cycle spaces. The comments in the other internal reports noted. The revised proposal with omission of classroom no.4, WC and circulation area is satisfactory from a residential and visual amenity perspective and addresses the concerns on adjoining properties. Given the infrequent use of the proposed fire escape there are no concerns regarding residential amenity impacts. A condition requiring a solid wall enclosure would have visual impacts. The potential for overlooking of Edmonton to the south is minimised by the extent of landscaping proposed. Financial contributions apply. A grant of permission subject to conditions recommended.

The above recommendation is endorsed by the Senior Executive Planner in a report dated 09/01/20.

### 3.2.2. Other Technical Reports

**Drainage Division** has no objection subject to conditions.

**Environmental Waste Management and Control** has no objection subject to conditions.

**Internal Consultant (Heritage)** has no objection subject to conditions including completion of bat survey.

**Internal Consultant (Architecture)** considers the proposal to be an accomplished piece of architecture and urban design. No objection.

The **1<sup>st</sup> report** from **Transport and Mobility** dated **28/02/19** recommends further information including a Transport and Traffic Assessment, Stage 1/ 2 Road Safety Audit, auto track analysis for new entrance onto St. Patrick's Hill, maximum student and staff capacity and submission of School Travel Plan. The **2<sup>nd</sup> report** dated **18/12/19** following further information considered the reduction in parking spaces to be acceptable. The School Travel Plan targets should be measured and reviewed at the end of each semester or each school year to assess if the travel strategy being implemented is on a positive trajectory. There are a number of public realm improvement works planned as part of the MacCurtain Street upgrade works which will improve pedestrian connectivity for the school in the future. No objection subject to conditions.

The **1<sup>st</sup> report** from **Roads Design** dated **04/03/19** recommends further information on proposed pedestrian access to St. Patrick's Hill and absence of footpath, submission of Construction Traffic Management Plan, clarification on vehicular access to the site, and submission of a School Travel Plan. The **2<sup>nd</sup> report** dated **07/01/20** following further information has no objection subject to conditions.

**Conservation Officer** has no objection subject to conditions including the omission of the top floor immediately to the south of Marlborough House just inside the stone boundary wall for at least the width of the gable of the house.

### 3.3. **Third Party Observations**

Objections to the proposal received by the planning authority are on file for the Board's information. The issues raised relate to:

- Traffic and congestion
- Adequacy of access
- Increase in student numbers
- Design and scale of new school building

- Impact on streetscape
- Impact on amenities of adjoining properties
- Enforcement issues

### 3.4. **Prescribed Bodies**

Irish Water has no objection subject to conditions.

## 4.0 **Planning History**

Details of the planning history on the site are set out in the City Council Planner's report on file. Of note:

15/36308 – revisions to previously granted two storey extension to the school building.

PL28.242138 (13/35580) – two storey extension to school building.

12/35232 – permission for single storey extension for storage purposes.

08/33086 – single storey extension to rear for new library.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

Cork City Development Plan

The site is within an area zoned ZO4- Residential, Local Services and Institutional Uses.

The site is within the St. Patrick's Hill Landscape Preservation Zone. In same it is policy to preserve and enhance the special landscape and visual character of landscape preservation zones. There will be a presumption against development within these zones, with development only open for consideration where it achieves the specific objectives set out in Chapter 10, Table 10.2.

Table 10.2 NE5 – St. Patrick's Hill. The following Landscape Assets are to be protected:



- Topography – ridges, escarpments, slopes
- Tree Canopy – areas with existing woodlands or significant tree groups or areas with potential for new woodlands
- Visually Important Land (including Views and Prospects of Special Amenity Value, Potential Vantage Points and Locally Important Views)
- Landmarks/Natural Features/Cultural Landscape – land forming the setting to existing landmark buildings and/or protected structures/buildings of significance.

Part of the overall site, namely that to the south where the new build is proposed, is within the Coburg Street/St. Patrick's Hill Architectural Conservation Area.

Objective 9.32 requires that development in ACA's should take account of a number of issues including the acceptable design, scale, materials and finishes for new developments.

An area adjacent to the site on St. Patrick's Hill is designated as a Panoramic Assessment Point in Map 13 Views and Prospects City Centre and Docklands.

Paragraph 10.28 states that panoramas are wide views of the city and suburbs (often from elevated sites) featuring a varying number of the city's landmarks. These panoramic views from specified locations or 'Panoramic Assessment Points' are considered to be of particular importance and are important reference points from which large development proposals can be assessed in terms of visual impact.

#### Objective 7.8 Educational Facilities

(b) to support the ongoing development and provision of second and third level education and lifelong learning in the city.

#### Chapter 16 – Development Management Guidelines

##### Paragraph 16.99 – Schools and Colleges

The provision of suitable and adequate educational facilities is an essential element of any community. The following (but not limited to) shall be taken into account in the assessment of educational facilities.

- Location, site suitability and effect on neighbouring amenity;

- Provide details of safe queuing and drop off facilities including adequate staff car-parking;
- Accessibility in terms of walking, cycling and public transport;
- Adequate provision of indoor and outdoor amenity spaces ie. for recreation and sports;
- Adaptability of building for other community uses.

## 5.2. Natural Heritage Designations

None in the vicinity.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

#### 6.1.1. Con Murphy

The submission by J. & N. Murphy Ltd. Consultant Civil & Structural Engineers, which is accompanied by supporting documentation, notes that the appellant is not seeking an overturning of the Council's decision but recommends a modification or limitation of the development by conditions in terms of total campus numbers.

The submission can be summarised as follows:

- The planning authority has been contradictory in its approach in terms of the further information required and its response following the details provided.
- There is traffic gridlock in the vicinity of the school, in particular at the bottom of the hill at the junction with Wellington Road every morning and afternoon. It is a nuisance not just to residents but also to passing traffic.
- The school location on one of the steepest hills in Cork limits the access by car to some extent but certainly makes access by foot/bike very difficult from the north.
- The school has frontage onto St. Patrick's Hill but it is not intending to use same save for emergency access purposes. There is significant scope on the lower frontage with a setback of the wall for the provision of a footpath. There

is merit in the argument that the road along same should be widened to match the width to the south. It could provide for an additional and meaningful pedestrian entrance and ideally a vehicular entrance, and would provide an alternative entrance/exit point for pupils coming/going to the south or west of the school who currently use the Wellington Road entrance and, in doing so, relieve some of the pressure on the Wellington Road entrance. It would also largely eliminate the need for the footpath intended to run south from the existing pedestrian entrance which would be very difficult to provide within the existing limited road width opposite the 'non-school' frontage.

- There is a major potential for 'backdoor' increase in student numbers in that the current top floor of the Junior School might be vacated and given back to the Junior School. The vacated rooms will have a potential capacity of an additional 200+ junior pupils which would create a greater drop-off/collection demand than the same number of additional senior pupils would.
- Current student numbers in the overall campus are approaching 1200. Even allowing for relief of some existing overcrowding there is potential to expand significantly. With secondary school expansion at a moderate rate and increase in Junior School pupils, the numbers could increase beyond 1400.
- The only reliable indicator of future growth is the capacity available. The forecasting undertaken by the applicant has been unrealistic. The Board is requested to assess the proposal in the context of the potential capacity.
- The school draws pupils from a large geographic area. As a consequence, the car will remain the predominant mode of transport and should be taken into account in any decision. From details provided up to 50 pupils drive themselves to school and they must park somewhere.
- Many proposals set out in the College Travel Plan are aspirational.
- There are a number of issues arising in the Transport and Mobility Assessment including details relating to walking, campus numbers, road improvement works in the vicinity and the geographically dispersed profile of students.

- The number of cycle parking spaces for such a site with unique topographical characteristics is excessive.
- The traffic proposals, whilst improving the pedestrian realm, will not directly address the traffic congestion.
- The appellant is willing to accept the proposed development and access arrangements should a condition be attached restricting pupil numbers to no more than 1072. Should the school be genuine in its promise about not increasing numbers it should have no objection to the condition.

#### 6.1.2. **Tony McGrath**

The appeal submission includes a copy of an objection made to the Planning Authority during its assessment of the case. It does not include attachments to which reference is made therein on the basis that the appellant is of the understanding that the Board will receive a copy of the file from the City Council.

The appeal can be summarised as follows:

- The proposal should be assessed in the context of an increased pupil capacity which the classrooms will allow for, and should be based on an enrolment of 1100.
- The current vehicular access with parking on both sides is inadequate and gives rise to congestion. The increased capacity will exacerbate the current congestion problems and non-compliance with parking and traffic restrictions/requirements and would further negatively impact on the quality of life and amenities of adjoining property.
- The applicant has failed to demonstrate the promotion of sustainable modes of transport.
- The proposal would materially contravene objectives of the City Development Plan.
- The acquisition of the property on St. Patrick' Hill provided an opportunity to provide for a one way system for school drop off and collection with access via Sidney Hill and exit onto St. Patrick's Hill.
- The school does not have safe queuing or drop off facilities.

- The applicant has failed to source an alternative main access route.
- The applicant does not outline intentions to implement behavioural change measures to reduce traffic congestion on Sidney Hill/Wellington Road.
- The application makes no provision for the facility to be used by neighbourhood/community groups.
- No details are given as to plot ratio and density.
- Such a major development should be required to provide public open space.
- The school offers no amenity or advantage to the neighbourhood.
- The submission refers to compliance and enforcement issues including removal of trees from the site.
- The zoning provisions for the area allows for educational facilities but only where the protection of residential amenity has been achieved. This is not the case in this instance.

## 6.2. Applicant Response

The 2 no. submissions by Cunnane, Stratton, Reynolds on behalf of the applicant, in response to the 2 no. 3<sup>rd</sup> party appeals, can be summarised as follows:

- The proposal is consistent with the zoning for the site and does not compromise the landscape designation.
- The school campus is large and can accommodate the new building. Density and plot ratio do not apply.
- There are 911 pupils enrolled in the secondary school. Originally the school was designed to cater for 600. There are 161 pupils in the preparatory school. There is no permission or condition which restricts the school numbers.
- The proposed development will not result in an increase in student numbers. The works are to provide for modern facilities and amenities to accommodate existing students. The numbers enrolled may increase or decrease slightly

year to year depending on demand, changing demographics etc. This is fairly standard for schools nationwide.

- A condition restricting student numbers is unnecessary. Restrictions on capacity are a matter of school policy and departmental guidance. No such limitation is common or necessary.
- In terms of traffic the issues raised relate to existing traffic problems outside the scope of this appeal. The proposal will not exacerbate existing problems.
- There are other schools that contribute to traffic congestion in the area.
- The start and finishing times of the primary and secondary schools do not correspond, thus there is no significant overlap in times of drop off and pick up. The peak period for the school traffic is confined to weekday mornings and afternoons and is not throughout the whole year.
- It is likely that the implementation and achievement of objectives and targets set out in the Travel Plan will alleviate existing concerns over time with a reduction in the number of vehicles to the site at peak times.
- Whilst outside the scope of the proposed development the Traffic and Mobility Management Assessment details possible measures to improve the pedestrian environment.
- The school has an existing 'drop off and collect' plan in place and will be promoted as outlined in the Travel Plan.
- There is no change to the existing parking conditions outside the site boundary. The reduction of parking spaces within the site will encourage staff to use alternative means of transport.
- While the schools' location on a hill is a constraint and a challenge with respect to accessibility, it is committed to achieving the targets set out in the Travel Plan.
- The existing pedestrian entrance on upper St. Patrick's Hill is to be upgraded including the provision of a pedestrian crossing. This will be a secondary pedestrian access and the width is considered appropriate.

- The vehicular access on Lower St. Patrick's Hill is to be used for occasional deliveries and emergency access only. This already exists, albeit in a state of dereliction. A decision was made not to provide a new pedestrian access off this entrance on safety and access management grounds. Use of this entrance in any meaningful way would be impossible due to the steep nature of the site which is 13 metres below the main campus.
- The applicant has no objection to a condition comparable to that attached by the planning authority requiring a Stage 3/4 Road Safety Audit with details of improvement measures to be submitted for agreement prior to commencement of development.
- Parking enforcement is a matter for the City Council.
- Cycle parking proposed is consistent with the parking standards set out the City Development Plan.
- The removal of trees and enforcement issues referred to are outside the scope of the development.
- The amendments to the new build by way of further information ensure that the proposal will not impact visually on the setting of the protected structure to the north.
- It is not intended to make the school building available to wider community uses.

### **6.3. Planning Authority Response**

No further comment.

### **6.4. Observations**

The observation from Michael Rice states that the increase in student numbers would exacerbate the traffic congestion and pollution and would further adversely affect the quality of life and amenities of residents in the area. Audley Place is listed for protection.

Should the Board be minded to grant permission the following conditions are requested:

- The number of students should be restricted to current levels.
- Traffic should be banned from Audley Place/St. Patrick's Hill between Old Youghal Road and Hardwick Street during school drop off and pick up times.
- A traffic warden to enforce traffic regulations during drop off and pick up times.
- The removal of the existing 4/5 spaces on St.Patrick's Hill immediately south of the entrance to Bruce College which currently cause traffic to jam on the steep part of the hill.

#### 6.5. **Section 131 Notice**

Due to the location of part of the site within the Coburg Street/St. Patrick's Hill and adjacent to a protected structure certain prescribed bodies were invited to make a submission on the appeal.

No submissions received.

#### 7.0 **Assessment**

I consider that the issues arising in the case can be assessed under the following headings:

- Design and Layout
- Access and Traffic
- Other Issues
- Appropriate Assessment

#### 7.1. **Design and Layout**

At the outset I note that the proposed works entail the improvements and addition to an existing complex of educational buildings within the long established Christian Brothers School Campus at Sidney Hill. The site is within an area zoned ZO4-



Residential, Local Services and Institutional Uses and, as such, the proposed development is acceptable in principle.

The alterations proposed to the main school building along the northern boundary, including a new porch and the installation of solar panels on the roof, in addition to the covered tiered seating to the northern side of the all-weather pitch, are minor in scale and are acceptable.

There is no objection to the internal alterations, including the demolition of the plant room to the Preparatory School nor the provision of a new library. In order to provide for safe and appropriate exit in case of an emergency a fire escape is required to the southern elevation of the building. As noted, the site is elevated over the 3 storey apartment building immediately to the south. However, as the stairs is required for emergency purposes, only, to be served by alarmed fire doors, issues arising from overlooking or loss of privacy would not arise. I have no objection to same.

Other works entail reorganisation of circulation spaces, parking and landscaping within the campus with the development designed to be compliant with DMURS.

The substantive issue pertains to the new school building to be provided in the south-east corner of the overall site on lands to the rear of the Preparatory School. The said site originally formed the garden to the dwelling to the south (Edmunton) which is within the applicant's ownership. The site has frontage onto St. Patrick's Hill with the boundary to same delineated by a masonry wall and sheds.

As amended by way of further information the proposal entails a 5 storey school building providing for 7 no. classrooms, a library, 200 seat auditorium, canteen and ancillary services. The building is designed in a contemporary idiom working with the significant level differential across the site which is in the region of 15 metres. The building will present as two storeys to St. Patrick's Hill and will be set back approx. 7.8 from the masonry wall, which is to be removed to facilitate construction and reinstated on completion. By reason of the 6 metre setback from the two storey terraced dwelling to the north (Marlborough House) and the fenestration along the northern elevation of the building, the amenities of the said dwelling in terms of overlooking and loss of privacy will not be adversely impacted upon. The area in between is to be used as a landscaped garden. In addition, the new build is to have a

lower ridge height than the adjoining dwelling and, as such, issues in terms of overshadowing of its rear garden would not be a material concern.

Edmonton house, which is a three storey, semi-detached building within the applicant's ownership, bounds the site to the south along St. Patrick's Hill. It was last used for residential purposes but is currently vacant and boarded up. A boundary wall backed with landscaping is proposed which will protect its amenities in terms of overlooking and loss of privacy.

The entire campus is within the St. Patrick's Landscape Preservation Zone and is located in a visually sensitive area on the city's northside. I submit that whilst the new build introduces a modern intervention to the streetscape, due regard is had to the existing building fabric in the immediate vicinity and the backdrop of the mature vegetation. I do not consider that the visual character of the streetscape would be adversely impacted upon and, thus, would accord with the policies and objectives for such designated areas as set out in Table 10.2 (NE5 – St. Patrick's Hill) of the current City Development Plan.

The site of the new school building is also within the Coburg Street and St. Patrick's Hill Architectural Conservation Area with a significant number of protected structures in the vicinity, including the two storey dwellings immediately to the north. Again, whilst the proposal provides for a modern intervention to the streetscape, it is of a scale and massing which is cognisant of its surroundings. The set back from the St. Patrick's Hill boundary and ridge height results in a building which presents as a domestic scale to the street and which does not overwhelm the protected structures to the north. I, again, consider that the proposal would not adversely impact on the ACA or the protected structures in the area.

## **7.2. Access and Traffic**

This constitutes the material concern for the appellants and observer in this case. In all instances the capacity of the overall campus has been raised as an issue.

In context, I note that there are two existing school buildings on the site. The Preparatory School provides for 15 classrooms over three floors, with a floor currently dedicated to 1<sup>st</sup> year secondary students. The Secondary School building consists of 32 classrooms, offices, dining hall and gym over two floors.

As per the College Travel Plan, which was submitted by way of further information, the school employs 77 persons (teaching and non-teaching and exclusive of catering and cleaning staff which account for a further 8 persons). The total number of pupils across the Preparatory and Secondary schools is stated as being 1072 (161 and 911 respectively). As noted by the appellants this differs somewhat from the figures cited in the Transport and Mobility Assessment which equate to 996, a difference of 76.

The appellants are concerned that whilst the additional space will assist in alleviating current space constraints, it will allow for a greater number of pupils and that it is in the context of the potential capacity that the proposal should be assessed with specific regard to access and traffic.

Whilst I note the latter concerns the agent for the applicant throughout both the assessment of the application by the planning authority and during this appeal stage, has been consistent in its view that the proposed works, notably the new build which provides for 7 additional classrooms and library facilities, are not proposed to serve an increase in pupil capacity but rather to provide for better accommodation standards. Effectively the new classrooms are proposed for displaced students arising from classrooms which are to be lost following the renovation of the existing secondary school building. I submit that it is on the basis of no increase in pupils that the proposed development must be assessed.

Both the existing vehicular and pedestrian access to the campus is via a driveway from Sidney Hill which also provides access to a number of dwellings at the end of the cul-de-sac to the north. Controlled on-street parking is available along same with a small roundabout allowing for vehicles to turn and exit.

The possibility of providing vehicular access from Patrick's Hill was assessed but discounted on safety grounds, save for emergency vehicles, due to the proximity to the existing single entrance point to St. Angela's School opposite. As a consequence of same a footpath along this side of St. Patrick's Hill was not deemed to be necessary although a pedestrian crossing is to be provided adjacent to the existing pedestrian access to the car park, details of which were submitted by way of further information.

Thus, the access arrangements to the school remain as is, namely from Sidney Hill.

There is no question that congestion is experienced in the immediate area and along the roads in the vicinity, including Wellington Road and St. Patrick' Hill during drop off in the morning and pick up in the afternoons. However, I would suggest that the density of educational facilities in the immediate vicinity, many of which would have comparable starting and finishing times, add to this congestion and, on this basis, the prevailing conditions cannot be levelled entirely at CBS.

In terms of the measures being pursued by CBS itself, as per the Travel Plan provided by way of further information there is an existing 'drop off and collect' arrangement which will be further promoted. The document also sets out certain targets with respect to reduction in student drop off and students walking/using public transport, in addition to measures to encourage a modal shift by staff. Certainly, the realisation of the targets would assist in alleviating some of the prevailing issues and are to be actively encouraged. Notwithstanding, by reason of the school not having a natural catchment area with pupils travelling from a large geographical area, coupled with the unique topographical constraints of the site on a steep hill, it is not unreasonable to conclude that the modal shift away from the private car will be difficult. A Travel Plan Co-Ordinator is to be appointed with the plan to be reviewed at the end of 2020.

In view of the fact that no increase in pupil numbers is proposed the development, in itself, will not give rise to an increase in either vehicular and pedestrian movements and the prevailing conditions in terms of traffic would continue, and would not be exacerbated by the proposed development. On this basis I submit that the resolution of the wider prevailing traffic and congestion issues cannot be a prerequisite for a favourable decision in this case nor a means to require the applicant to materially alter its access and exit arrangements, including the provision of a one way system entering via Sidney Hill and exiting via St. Patrick's Hill as suggested by the appellants. Concurrently, issues of illegal and indiscriminate parking which are prevalent outside many school establishments are also a factor in the locality and enforcement is a matter for the relevant authorities.

A more wholistic approach to traffic management during school hours, spearheaded by the City Council, may be a more appropriate course of action in view of the density of educational facilities in the area. In this regard I note that a number of measures are identified in the Travel Plan and Traffic and Mobility Assessment

report submitted by way of further information which, whilst outside the scope of the current application, could improve the pedestrian environment and could assist in improving traffic and congestion.

Whilst I acknowledge that no increase in pupil numbers are proposed and issues of capacity are matters for school policy and departmental guidance, the fact remains that an increase can give rise to planning considerations such as traffic and congestion and capacity of an area to accommodate the increase for which due assessment should be given. Therefore, on this basis, were the Board minded to a favourable decision and as per the recommendation made by the agent for Mr. Con Murphy, a condition could be attached to the permission stipulating that the number of pupils to be accommodated on the overall campus shall not exceed 1100 without a prior grant of permission in the interests of clarity.

In terms of on-site car parking a total of 77 spaces are currently available, 51 within the school site and 25 on Sidney Hill. Following the proposed works and the proposed landscape strategy which will remove parking along the avenue, this will be reduced to 60; 35 within the site and 25 on Sidney Hill. In effect, therefore, there will be a decrease of 15 in the number of staff parking spaces available. In terms of parking the site is within Zone 3 as delineated in the City Development Plan and the proposed on-site provision would be in accordance with the requirements for same. The reduction is welcomed by the Transport and Mobility Section of the City Council. Issues of compliance with on-street parking provisions by pupils and teachers is a matter for enforcement by the relevant authorities and is outside the scope of this application.

228 bicycle parking spaces are to be provided within the campus and is materially above the current cycle patterns as recorded in the Travel Plan. The requirement for the spaces to be appropriately sheltered as set out in the City Development Plan can be secured by way of condition.

A Site Management Plan during the construction phase, as amended by way of further information, accompanies the application with the applicant to prepare a Traffic Management Plan. In view of the site location a detailed Construction Management Plan, which would include the latter, would be required by way of

condition. It should include measures to restrict construction traffic at peak drop off and collection times.

### **7.3. Other Issues**

Issues in terms of non-compliance with conditions attached to previous permissions on the campus and removal of trees are noted but are not matters for assessment or comment in this appeal and are more appropriately addressed to the planning authority.

The planning authority attached a condition requiring the completion of a survey to identify if any of the trees and shed to be removed are used by bats. Should this be the case a derogation licence will be required from the NPWS.

As CBS is a fee paying school the provisions Development Contribution Scheme and the Supplementary Contribution Scheme for the Cork suburban rail project apply in full.

### **7.4. Appropriate Assessment**

Having regard to the nature and scale of the proposed development on a zoned and serviced site within Cork City and the distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

## **9.0 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 St. Patrick's Hill Landscape Preservation Zone or the Coburg Street/St. 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.

## 10.0 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. The total number of pupils attending the Preparatory and Secondary Schools shall not exceed 1100 unless otherwise authorised by a prior grant of planning permission.

**Reason:** In the interest of clarity and to protect the amenities of property in the vicinity.

3. 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.

4. Prior to commencement of development, the developer shall enter into a connection agreement with Irish Water.

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

5. 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.

6. 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 interest of residential and visual amenity.

7. 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.

8. 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.

9. Full details of the proposed pedestrian crossing and road markings and signage on St. Patrick's Hill shall be submitted for 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.

10. 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.

11. Cycle parking of not less than 228 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.

12. 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 interest of vehicular and pedestrian safety.

13. Site development and building works shall be carried out only between the hours of 0800 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.

14. 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;
- 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 interest of amenities, public health and safety.

15. 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.

16. 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.

17. 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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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**June, 2020**