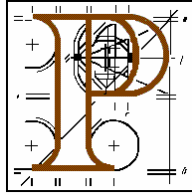


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2009

**Cork County**

**Planning Register Reference Number: 08/9094**

An Bord Pleanála Reference Number: PL 04.233744

**APPEAL** by the Residents of Pembroke Wood and Avenue care of 4 The Grove, Pembroke Wood, Passage West, Cork, by Paul Hanlon care of Edel Regan and Associates Architects Limited of Ground Floor, Lawley House, Monahan Road, Cork and by others against the decision made on the 7<sup>th</sup> day of May, 2009 by Cork County Council to grant subject to conditions a permission to the said Paul Hanlon in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** A mixed-use neighbourhood centre development at Pembroke Woods, Pembroke (townland), Passage West, County Cork, comprising the construction of (a) a four storey building consisting of (1) a 17.7 square metre café with associated external seating area; 214 square metres of office/medical floorspace with an option for internal sub-division of up to four number units and 195 square metres of retail floorspace with an option for internal sub-division of up to four number units all at ground floor level; (2) 22 number residential apartments above ground floor level and (b) all associated ancillary development works including car parking, landscaping and amenity areas, bicycle storage and service/refuse storage facilities.

## **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 planning history of the site and the nature and scale of the 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 and would, therefore be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had particular regard to the planning history of the site and reduced the height of the proposed development by way of condition, which dealt with the Inspector's concerns regarding the impact on amenities of nearby residential properties.

## CONDITIONS

1. The development shall be carried out 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 14<sup>th</sup> day of April, 2009, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity.

2. The proposed development shall be reduced in height by one intermediate storey, that is, a maximum of three storeys in height. Prior to commencement of development, revised drawings showing this requirement shall be submitted to the planning authority for written agreement.

**Reason:** In the interest of visual and residential amenities.

3. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

4. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to the planning authority for agreement.

**Reason:** In the interest of orderly development and the visual amenities of the area.

5. No plant on the roof shall be permitted without a prior grant of planning permission.

**Reason:** In the interest of visual amenity.

6. Prior to commencement of development, a landscaping scheme including play area, shall be submitted to the planning authority for agreement. The site shall be landscaped in accordance with the agreed scheme, including play area which shall also include a timescale for implementation.

**Reason:** In the interest of visual amenity.

7. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed requirements of the planning authority for such works.

**Reason:** In the interest of amenities and public safety.

8. A total of 19 number dedicated on-site car parking spaces shall be reserved for the use of the existing crèche that directly adjoins the site to the south and parking bays shall measure 4.9 metres by 2.4 metres.

**Reason:** To ensure adequate on-site car parking facilities.

9. (a) Details of signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development.
- (b) No roller shutters shall be erected without a prior grant of planning permission.

**Reason:** In the interest of visual amenity.

10. Prior to commencement of development, a management scheme providing adequate measures relating to the future maintenance of private open spaces, roads and communal areas in a satisfactory manner shall be submitted to the planning authority for agreement.

**Reason:** To ensure the adequate future maintenance of this private development in the interest of residential amenity.

11. Prior to commencement of development the developer shall submit, and obtain the written agreement of the planning authority to, 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.

**Reason:** To provide for the appropriate management of waste and, in particular, recyclable materials, in the interest of protecting the environment.

12. Prior to commencement of development, a Construction Management Plan shall be submitted to the planning authority for written agreement. 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 interest of amenities and public safety.

13. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of orderly development and the visual amenities of the area.

14. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to the planning authority for agreement prior to the commencement of development.

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

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to the Board for determination.

**Reason:** To ensure the satisfactory completion of the development.

17. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

18. The developer shall pay the sum of € 10,615 (ten thousand six hundred and fifteen euro) (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), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000 in respect of traffic calming measures. This contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

**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.

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

**Dated this                      day of                      2009.**