



An  
Bord  
Pleanála

**Board Direction**  
**BD-002614-19**  
**ABP-303098-18**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/03/2019.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

In coming to its decision, the Board had regard to the following:

- (a) the policies and objectives in the Cork County Development Plan 2014;
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (c) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (d) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (e) the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;

- (f) the site's location contiguous to the built-up area of Cork on lands with a zoning objective for residential development in the Local Area Plan for Ballincollig-Carrigaline 2017-2023;
- (g) the nature, scale and design of the proposed development;
- (h) the availability in the area, of a wide range of social infrastructure,
- (i) the pattern of existing and permitted development in the area,
- (j) the submissions and observations received and
- (k) the report of the Inspector.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenity of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of pedestrian and traffic safety. 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 Screening Assessment for Appropriate Assessment submitted with the application, 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 conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

### **Conditions**

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity

2. The proposed streets shall be amended to comply with the applicable standards set out in the Design Manual for Urban Roads and Streets (DMURS) as follows-
  - a) The realignment of Cooney's Lane along the north-western site boundary shall be designed to provide a street that meets the specifications of a link street set out in DMURS with a design speed of 50 kilometres per hour, with a footpath along its eastern side and with one-way cycle lanes or cycle tracks on both sides segregated from the footpath designed in accordance with section 4.3.2 or 4.3.4 of the National Cycle Manual issued by the National Transport Authority. The realignment of Cooney's Lane shall be completed in accordance with these standards to the satisfaction of the planning authority prior to the making available by the developer for occupation of any of the permitted houses or apartments.
  - b) The other streets in the proposed development shall meet the specifications for local streets set out in DMURS. In particular their carriageway shall not exceed 5.5 metres in width. Streets with shared surfaces shall have a suitably distinctive surface, a width of 4.8 metres and no division between carriageway and footpath. The additional space required for vehicles to manoeuvre out of perpendicular parking spaces on the local streets shall be provided in the manner set out in section 4.4.9 and figure 4.82 of DMURS without exceeding the limits on the widths of local streets.

Revised plans showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** To ensure that the streets in the authorised development facilitate movement by sustainable transport modes in accordance with the applicable standards set out in DMURS and the National Cycle Manual.

3. Prior to the commencement of development, the developer shall submit to, and agree in writing with the planning authority, details for the diversion or undergrounding of the existing overhead line that crosses the western part of the site, and for the protection of the 110-kilovolt overhead line that crosses the eastern part of the site during works to carry out the development.

**Reason:** In the interests of orderly development and public safety.

4. All rear gardens of houses shall be bounded with concrete block walls, rendered on both sides and capped, or by concrete post and concrete panel fences, 1.8 metres high. The proposed boundary treatment, using concrete post and timber panel fences, or any other form of timber fencing, shall not be used for any rear garden boundaries.

**Reason:** In the interests of orderly development and public safety.

5. The materials, colours and finishes of the authorised buildings and the landscaping of the site shall be in accordance with the details submitted with the application, unless variations are required to comply with the conditions of this permission. Details of the treatment of surfaces shall be submitted and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interests of visual and residential amenity.

6. Proposals for street names, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements / marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

7. Prior to the commencement of development, the developer shall submit, and agree in writing with the planning authority, details of bicycle parking and refuse storage for the proposed apartments in accordance with section 4.9 and 4.17 of the Guidelines on Design Standards for New Apartments.

**Reason:** In the interests of residential amenity and public health

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

9. 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 interests of public health

10.

- (a) The site shall be landscaped in accordance with the landscaping drawings submitted with the application, other than as amended by other conditions of this permission. The developer shall retain the services of a suitably qualified Landscape Architect throughout the duration of the site development works. The developer's Landscape Architect shall certify to the planning authority in writing his/her opinion on compliance of the completed landscape scheme with the approved landscape proposal within six months of substantial completion of the development hereby permitted.
- (b) The areas of open space shown on submitted drawings shall be retained by the developer as open space, shall not be incorporated into house plots, and shall be maintained by the developer until the development is taken in charge by the local authority. At the time of taking in charge, these open spaces shall be vested in the planning authority, at no cost to the authority, as public open space.

**Reason:** In the interest of residential and visual amenity, and in order to comply with national policy in relation to the maintenance and management of residential estates.

11. 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 compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and on-site car parking facilities for site workers during the course of construction and the prohibition of parking on neighbouring residential streets.
- (b) 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; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.

- (c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
- (d) 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.
- (e) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (f) The protection of trees on the site in accordance with the tree protection plan submitted with the application.

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. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such complaints and its response to them, which may also be inspected by the planning authority.

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

12. Site development and building works shall be carried out only between 0800 to 1900 hours 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.

13. 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.

14. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:
  - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

15. 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 local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local 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 An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

16. Prior to commencement of development, the developer 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 housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) 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 in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála 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.

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, 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

**Board Member**

**Date:** 19/03/2019

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Michelle Fagan