



Planning and Development Acts 2000 to 2018

Planning Authority: Cork County Council

Planning Register Reference Number: 16/06621

Appeal by Vincent Barrett of Church Road, Carrigaline, County Cork and by others against the decision made on the 5th day of October, 2017 by Cork County Council to grant subject to conditions a permission to Into the Future (South) Limited care of Butler O'Neill Town Planning Solutions of Millroom, Thompson House, MacCurtain Street, Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of existing two number warehouse structures and construction of 19 number two-storey detached dwellings, the provision of a pedestrian walkway [U-07] to the east and south of the site leading to Church Road, the provision of footpaths linking the proposed development to Church Road, changes to the access arrangements onto Church Road, a proposed gate to existing slipway and all ancillary site development works and associated landscaping. All at The Boatyard, Church Road, Carrigaline, County Cork.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board had regard to the nature, scale and location of the proposed development, the modifications to the development at further information stage, the reports by the planning authority's Ecologist, and the Inspector's screening assessment.

The Board accepted and adopted the screening assessment carried out by the Inspector and the conclusion in the Inspector's report, and was satisfied that the proposed development would not be likely to have a significant effect on the Cork Harbour Special Protection Area (Site Code:004030) or on any other European Site, in the light of their conservation objectives. Accordingly, the submission of a Natura impact statement, and an appropriate assessment of the development, is not required.

Reasons and Considerations

Having regard to the location of the site on zoned lands within the town boundary of Carrigaline, the layout of the proposed development and the provisions of the Ballincollig – Carrigaline Municipal District Local Area Plan, 2017, and having regard to the pre-existing and non-conforming industrial use of the subject site, in proximity to existing residential areas, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of neighbouring properties, would not seriously injure the visual amenities of the area, would not lead to a risk of flooding of the site or of neighbouring properties, would be acceptable in terms of pedestrian and traffic safety, and would not be prejudicial to public health. 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 on the 29th day of November, 2016, the 7th day of December, 2016, the 12th day of December, 2016, the 2nd day of June, 2017, the 26th day of July, 2017, the 8th day of September, 2017 and as amended by further plans and drawings submitted to An Bord Pleanála on the 16th day of February, 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This permission authorises 19 residential units, only. Each proposed residential unit shall be used as a single dwelling unit.

Reason: In the interest of development control.

3. Finished floor levels of the proposed structures shall be in accordance with the details lodged with the planning authority on the 26th day of July, 2017 as per the proposed site levels drawing number 4370-101, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of clarity and to obviate the risk of flooding.

4. Details of the materials, colours and textures of all the external finishes to the proposed residential units shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black or slate grey only, including ridge tiles.

Reason: In the interest of visual amenity.

5. The windows serving all bathrooms, en-suites and walk-in wardrobes shall be permanently fitted and maintained with obscure glass.

Reason: In the interest of protecting the residential amenities of adjoining properties.

6. A permanent boundary fence shall be erected along the line of the proposed hedgerow separating the development site from the shoreline. The details of this fence shall be agreed in writing with the planning authority prior to construction, and the fence and hedgerow shall be in place prior to the making available by the developer for occupation of any dwelling within the development.

Reason: In the interest of visual amenity, and in order to provide an effective physical and visual screen between the development and the shoreline.

7. Details of the layout, the materials, and external finishes of the screen walls and all boundaries within and on the external boundaries of the development shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of construction of the dwellings. The proposed concrete post and timber panel fences shall be replaced by concrete block walls, rendered on both sides and capped.

Reason: In the interest of residential amenity, and to ensure the provision of durable boundary treatment.

8. The areas of public open space shown on the lodged plans, including the open space adjoining the shoreline, shall be reserved for such use. These areas shall be levelled, contoured, soiled, seeded, and landscaped to the written satisfaction of the planning authority. This work shall be completed before any of the dwellings are made available by the developer for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority. At the time of taking in charge, these open spaces shall be vested in the local authority, at no cost to the authority, as public open spaces.

Reason: In the interests of residential and visual amenity.

9. (a) The construction of the development shall be managed in accordance with a Construction Environmental 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 noise management measures and off-site disposal of construction/demolition waste.
- (b) Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 09.00 to 14.00 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.
- (c) The delivery of materials to the site during the construction phase shall be organised so that deliveries are minimised and do not cause traffic hazard. Deliveries are not permitted at peak times of traffic (08.00 hours to 09.00 hours and 16.30 hours to 18.00 hours).
- (d) During construction, the developer shall provide adequate off carriageway parking facilities for all traffic associated with the proposed development, including delivery and service vehicles/trucks. There shall be no parking along the public road or footpath.
- (e) The plan shall include a detailed and timed programme of works, taking account of timing restrictions required on certain phases of development, to prevent risk of any impact on birds.

- (f) The plan shall be prepared to accord with recognised standard best practice - CIRIA Guidance Number C532 - Control of Water Pollution from Construction Sites and shall be prepared by a person/persons with appropriate expertise in this area, the qualifications of whom shall be cited in the plan.

Reason: In the interests of public safety and amenity.

10. Prior to the commencement of development, the developer shall submit to, and agreed in writing with, the planning authority a detailed plan for the repair of the embankment wall. The plan shall identify the quantities and nature of material to be removed from the existing wall, and provide details of the quantities and nature of material which is to be used to replace this. Detailed drawings of the final profile of the embankment wall shall be provided in the plan. The plan shall include details in relation to ecological monitoring, timing and works, and details relating to the proposed method for disposing of all materials removed from the site and all measures contained in the plan should be fully incorporated into the Construction and Demolition Environmental Management Plan.

Reason: In the interest of ecological protection.

11. All demolition, excavation and sea embankment repair works shall be supervised by an Ecological Clerk of Works who shall report on compliance with the Construction and Demolition Environmental Management Plan. The clerk of works shall be empowered to halt works where he/she considers that the continuation of the works is likely to result in a significant pollution or siltation incident. In the event of a water pollution incident, or of damage to the foreshore, these reports shall be made available to the relevant statutory authorities, and on-site works will cease until authorised to continue by the planning authority. A compliance monitoring report, prepared by the clerk of works shall be submitted to the planning authority at the end of the main construction period.

Reason: In the interest of ecological protection.

12. The development shall be carried out and completed in accordance with the “taking-in-charge” standards of the planning authority. The entire development shall be maintained by the developer until such time as it is taken in charge by the planning authority. No private management company shall be established to maintain the estate.

Reason: In the interest of ensuring that the development is carried out to appropriate standards, and to comply with national policy in relation to the taking in charge of housing estates.

13. (a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed standards of the planning authority for such works, and shall comply with the provisions of the Design Manual for Urban Roads and Streets issued by the Department of the Environment, Community and Local Government and the Department of Transport, Tourism and Sport in March, 2013.
- (b) The road junction at the entrance to the estate from Church Road shall be in accordance with the detailed standards of the planning authority for such works, and shall comply with the provisions of the Design Manual for Urban Roads and Streets.
- (c) Details of proposed paving and internal road surfacing shall be submitted to, and agreed in writing, with the planning authority prior to commencement of development.
- (d) Footpaths at entrances shall be designed to the satisfaction of the planning authority.
- (e) Prior to the commencement of development works on site, proposals/details for road layouts, road finishes and speed control measures shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of visual amenity and of pedestrian and traffic safety.

14. Any and all demolition and/or tree felling work shall only be carried out in the period from September to February (inclusive). Prior to demolition or felling/a bat survey shall be carried out by a bat specialist, in respect of ascertaining the presence, if any, of bats or bat habitats within the structures or trees. Should any bats or bat habitat be found, the National Parks and Wildlife Service of the Department of Arts, Culture and the Gaeltacht shall be notified, and appropriate mitigation (removal/roost replacement) measures implemented in accordance with its guidelines and under licence. No demolition or felling shall take place without this survey.

Reason: In the interest of ecological protection.

15. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

16. Proposals for an estate/street name, 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 estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name 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.

17. 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. Proposals for the relocation of any existing overhead cables and/or utility poles within the site shall be submitted to, and agreed in writing with, the planning authority before any development commences, or, at the discretion of the planning authority, within such further period or periods of time as it may nominate in writing.

Reason: In the interests of visual and residential amenity.

18. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available by the developer for occupation of any house.

Reason: In the interests of amenity and public safety.

19. 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 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.

20. 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 of embankment reinstatement and landscaping, roads, footpaths, watermains, drains, 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, and maintenance until taken in charge, 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 of the development, and its maintenance until taken in charge by the local authority.

21. 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.

22. The developer shall pay the sum of €25,000 (twenty-five thousand 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, as amended, in respect of works proposed to be carried out by the local authority for the provision of a footpath link to Carrigaline along the public road from the site entrance. This contribution shall be paid prior to commencement of 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 An Bord Pleanála 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.

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

Dated this day of 2018.