



An
Bord
Pleanála

Board Order

ABP-301197-18

Planning and Development Acts 2000 to 2017

Planning Authority: Cork County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 16th day of March 2018 by O'Mahony Developments Limited care of McCutcheon Halley, 6 Joyce House, Barrack Square, Ballincollig, County Cork.

Proposed Development:

A strategic housing development on a site at Johnstown / Killahora (townlands), Glounthaune, County Cork.

The proposed development will consist of a seven-year permission for:

- (a) The construction of 174 number residential units to include 164 number dwelling houses (comprising a mix of two, three and four-bed, detached, semi-detached and terraced / town houses, 105 number units will have the option of a ground floor annex to the rear / side of the proposed dwellings); and 10 number apartments (comprising a mix of one and two bed apartments) in a three-storey block with a creche and doctor's surgery at ground floor level;

- (b) The provision of landscaping and amenity areas to include amenity walks and the provision of one number multi-use games area and three number local play areas;
- (c) All associated infrastructure and services to include the provision of pedestrian / cyclist facilities including footpaths and cycle lanes along the L3004 public road connecting to Glounthaune rail station / village centre, a pedestrian crossing linking the footpath network to the train station, two number Electricity Supply Board sub-stations, one number pumping station, lighting, drainage, boundary treatments, bicycle and car parking and a new link / distributor road connecting the existing L3004 public road with the adjoining lands to the north-west.

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

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

- (a) the location of the proposed development within the boundaries of Glounthaune as defined in the Cobh Municipal District Local Area Plan 2017,
- (b) the proximity of the proposed development to a railway station and the proposal to provide pedestrian and cycle links to that station,
- (c) the nature, scale and design of the proposed development,
- (d) the pattern of existing and permitted development in the area,
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the provisions of the Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, issued by the Department of Housing, Planning and Local Government in March 2018,
- (g) 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,
- (h) the submissions and observations received, and
- (i) the report of the Inspector.

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

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Report Screening Report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment. The Board concluded that the proposed development, having regard to its nature and scale, would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

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, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The appropriate period for this permission shall be five years from the date of this Board Order. The proposed development shall be carried out within that period with a phasing plan that shall be agreed with the planning authority prior to the commencement of development. In particular, this plan shall stipulate that none of the authorised dwellings may be occupied until the proposed footpath and cycle lanes on the L3004 public road from the eastern boundary of the site to the railway station, as well as a signalised pedestrian crossing of that road in front of the station, have been constructed to the satisfaction of the planning authority.

Reason: To ensure orderly development of the site and the timely provision of supporting infrastructure and proper connections between the authorised housing, public transport facilities, and the rest of the village

3. The materials, colours and finishes of the authorised buildings, the treatment of surfaces and boundaries within the development, and the landscaping of the site, shall be in accordance with the details submitted with the application, unless the prior written agreement of the planning authority has been obtained for any minor departures from the submitted details. All rear gardens shall be bounded by concrete block walls 1.8 metres high, rendered on both sides and capped. Post and timber rail fence shall not be used.

Reason: In the interests of visual and residential amenity.

4. The design and construction of the streets in the proposed development shall comply with the provisions of the Design Manual for Urban Roads and Streets. All streets within the main part of the proposed development shall be designed as local streets or shared surfaces, as described in the manual, while the L3004 road may be designed as an arterial street. The spine road through the main part of the proposed development shall be constructed to the western boundary of the site and a gate installed there to facilitate its future extension in accordance with Cobh Municipal District Local Area Plan development objective U-01 for Glounthaune.

Reason: To provide safe and convenient streets within the development in accordance with the applicable standards.

5. The future connecting spine road located to the north of House no 124 shall be constructed up to the site boundary with the adjoining land to the northwest with no 'ransom' strip remaining. Details to include a revised site layout plan, revised landscaping masterplan and revised taking in charge drawing shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interests of permeability and to ensure Objective U-01 of the Local Area Plan is met connecting the site to lands located west of the site (the estate known as the Woods).

6. The footpath and cycle lanes between the main part of the site and the railway station and the signalized pedestrian crossing shall be constructed in accordance with the appropriate standards and specifications set down in the Design Manual for Urban Roads and Streets, and the National Cycle Manual issued by the National Transport Authority. The footpath and cycle lanes shall be continued across the accesses to properties with such dishing as may be necessary but without compromising the priority given to the pedestrians and cyclists. The combined width of the cycle lane shall be four metres, but this may be reduced to no less than two metres with appropriate road markings at the pinch point near the bridge to Harper's Island. No road signs or other features shall be erected which interfere with the safe travel of cyclists along the lanes, and any existing signs or features which do so shall be removed prior to the occupation of any of the authorised houses.

Reason: To provide safe and convenient access to the development by sustainable travel modes in accordance with the applicable standards.

7. Secure and sheltered bicycle parking with a minimum of 24 number spaces shall be provided for the authorised apartments, childcare facility, and doctor's surgery, which shall be conveniently situated near their entrances in a supervised location. Revised plans showing compliance with this condition shall be submitted to the planning authority prior to the commencement of development.

Reason: To provide adequate bicycle parking in line with the applicable standards, including that set out in section 4.17 of the Design Standards for New Apartments.

8. 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.

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

9. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

10. 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

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 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, which shall be sufficient to avoid disturbance of birds at the adjacent Special Protection Area;
- (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: To protect residential amenity, public safety and natural heritage.

12. Site development and building works shall be carried out only between 0700 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 proposed development 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 Cobh/Midleton to Blarney 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.

18. 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.

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

Dated this day of 2018