



Planning and Development Acts 2000 to 2020

Planning Authority: Cork City Council

Planning Register Reference Number: T.P 19/38494

Appeal by Michael Dwyer and others care of Kieran Spitere, Consulting Forensic Engineer of Greenfield House, Greenfield, Ballincollig, County Cork against the decision made on the 20th day of February, 2020 by Cork City Council to grant subject to conditions a permission to Boar's Head Limited care of Butler O'Neill Total Planning Solutions of Old Thompson's Bakery, Thompson House, MacCurtain Street, Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of existing structures (510 square metres) and the construction of 40 number dwelling units comprising of nine number one bed apartments, eight number two bed apartments, four number two bed Duplex units, six number three Bed Maisonette/Townhouses and 13 number three bed Duplex units. The vehicular and pedestrian access is located to the east of the site onto Leo Murphy Road/Link Road. Permission is also sought for 46 number car parking spaces. Permission is sought for the development outlined herein including associated landscaping, 39 bicycle parking spaces, drainage and associated site works, all located at Leo Murphy Road/ Link Road, Poulavone, Carrigrohane, Ballincollig, Cork City as revised

by the further public notices received by the planning authority on the 15th day of October 2019.

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 policies and objectives as set out in the Cork County Development Plan 2014–2020, 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, the Urban Development and Building Heights, Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018, the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’ issued by the Department of Housing, Planning and Local Government in March 2018, and to the existing residential zoning objective for the site, 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 or the amenities of property in the vicinity, would provide adequate residential amenity for future residents of the proposed development and would constitute an appropriate form of layout, design and density, would be acceptable in terms of water supply, drainage arrangements, and pedestrian and traffic safety, and would have adequate car and cycle parking space provision.

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 15th day of October 2019 and the 24th day of January 2020, 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 site shall be landscaped in accordance with the landscaping scheme as submitted to the planning authority on the 24th day of January 2020 unless otherwise conditioned.
 - (a) 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 shall be replaced within the

next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

- (b) A boundary treatment wall with a minimum height of 2.4 metres shall be constructed along the southern, western and northern perimeter of the site. The height shall be measured from the developers' side of the boundary.
- (c) Boundary treatment walls shall be constructed along the side and rear boundary areas within all private amenity garden and terrace areas.

Reason: In the interest of residential and visual amenity.

- 3. (a) The formation of the vehicular access to the site and tie-in with the existing footpath and link road, as well as road markings and signage on the Leo Murphy Link Road shall be constructed at the expense of the developer and in accordance with the requirements of and with the written agreement of the planning authority. No cost shall accrue to the local authority in relation to these works.
- (b) All vehicular and pedestrian points and internal routes shall be designed and constructed in accordance with the Design Manual for Urban Roads and Streets.
- (c) A minimum of forty-five covered cycle spaces shall be provided on site. A minimum of four electric vehicle car parking spaces shall be provide on site.

Reason: In the interests of orderly development and traffic safety.

4. The internal road network serving the proposed development, including the turning area, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

5. The proposed development shall be amended as follows:
 - (a) Balconies at first floor level within Block D shall be relocated from the north (front) elevation to the south (rear) elevation.
 - (b) All balconies shall be provided with surround screens of either solid material or obscured toughened glass. The screens shall have a minimum height of 1.8 metres.
 - (c) Details of materials, colours and textures of all the external finishes to the proposed apartments.

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

Reason: In the interest of protecting residential amenities and the proper planning and sustainable development of the area.

6. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted to and agreed in writing with the planning authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles.

7. 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 traffic management, including timing and routing of construction traffic, measures to obviate queuing of construction traffic, details of materials and staff compounds, details of hoardings and security fencing, intended construction practice for the development, including noise, dust and vibration mitigation measures and off-site disposal of construction / demolition waste. 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 interests of public safety and residential amenity.

8. Proposals for naming and numbering of the proposed 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/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) 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(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

9. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

10. The developer shall enter into water and/or wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

11. Site development and building works shall be carried out only between the hours of 0700 to 1900 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 amenities of property in the vicinity.

12. 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.

13. 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.

Reason: In the interests of amenity and public safety.

14. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

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 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.

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 of 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 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.

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.

Stephen Bohan

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

Dated this day of 2021