

Planning and Development Acts 2000 to 2020

Planning Authority: Cork County Council

Planning Register Reference Number: 20/05947

Appeal by Jim and Jo Collins of Beau Voir, Church Road, Carrigaline, County Cork against the decision made on the 8th day of June 2021 by Cork County Council to grant subject to conditions a permission to Glenveagh Homes Limited of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: The demolition of existing two number warehouse structures and the construction of 39 number dwelling units comprising 35 number two-storey terraced townhouses in a mix of two and three beds and a three-storey apartment/duplex block containing a mix of one and two bed apartments, upgrades to the existing access road and modifications to the junction at Church Road and all associated site development works; all at The Boatyard, Church Road, Carrigaline Middle, Carrigaline, County Cork.

Further plans and particulars submitted to the planning authority on the 22nd day of December 2020 revised the number of units proposed to 38 number.

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 location of the site on zoned lands within the town boundary of Carrigaline, the site's planning history, the layout of the proposed development, and the provisions of the current Ballincollig Carrigaline Municipal District Local Area Plan, 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 traffic safety and convenience, 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.

Appropriate Assessment Screening

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any other European sites, in view of the site's Conservation Objectives other than the Cork Harbour Special Protection Area (Site Code: 004030) which is the European site for which there is potential for significant effects.

Appropriate Assessment

The Board considered the Natura impact statement submitted with the application and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for Cork Harbour Special Protection Area (Site Code: 004030) in view of the site's Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered, in particular, the

- (a) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) mitigation measures which are included as part of the current proposal, and
- (c) Conservation Objectives for these European sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European site, having regard to the site's Conservation Objectives.

In the overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of this European site in view of the site's Conservation Objectives and there is no reasonable scientific doubt to the absence of such effects.

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 to the planning authority on the 22nd day of December, 2020 and the 16th day of April, 2021, 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 38 residential units only.

Reason: In the interest of clarity.

3. Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses permitted, to first occupation by individual purchasers, that is, those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

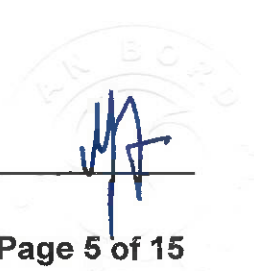
Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

4. Finished floor levels of the proposed structures shall be in accordance with the site layout plan lodged with the planning authority on the 22nd day of December 2020, unless otherwise agreed in writing with the planning authority.

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

5. 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.

Reason: In the interest of visual amenity.



6. Details of the layout, the materials, and external finishes of the screen walls/fencing 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.

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

7. 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 order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose, in the interests of residential and visual amenity.

8. (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 0700 to 1900 Mondays to Fridays inclusive, between 0900 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.
- (c) The Construction Environmental Management 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.

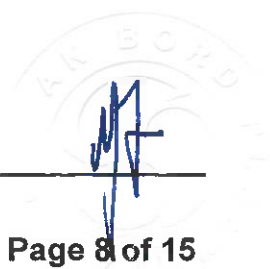
Reason: In the interests of public safety and amenity.

9. Prior to the commencement of development, the developer shall submit to, and agree 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 shall be fully incorporated into the Construction and Demolition Environmental Management Plan.

Reason: In the interest of ecological protection.

10. 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.



11. The development shall be carried out and completed at least to the construction standards set out in the Taking in Charge Policy 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.

12. 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 April, 2013.

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

13. A minimum of 10% of all communal car parking spaces shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted 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.

14. Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority details of the following:
- (a) 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,
 - (b) proposed paving and internal road surfacing shall be submitted to, and agreed in writing, with the planning authority prior to commencement of development, and
 - (c) footpaths at entrances shall be dished to the satisfaction of the planning authority.

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

15. Any 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 shall be implemented in accordance with its guidelines and under licence. No demolition or felling shall take place without this survey being carried out.

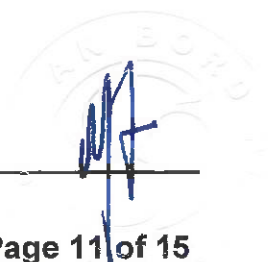
Reason: In the interest of ecological protection.

16. 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.

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

Reason: In the interest of public health.



18. 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.

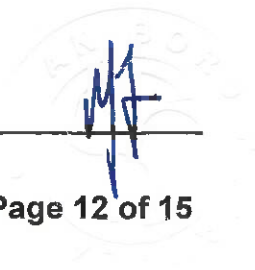
Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

19. 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.

20. 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.

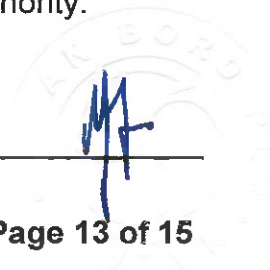


21. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 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 current Development Plan for the area.

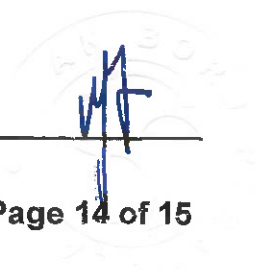
22. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge of embankment reinstatement and landscaping, roads, 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.



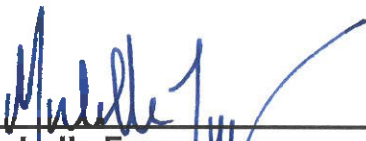
23. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.

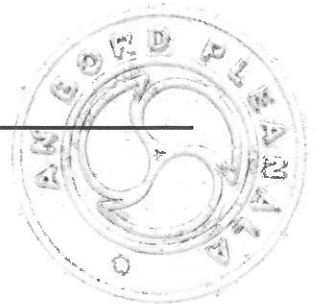


24. The developer shall pay the sum of €25,000 (twenty-five thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, as amended, in respect of pavement works proposed to be carried out by the local authority. 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.



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



Dated this 12th day of November 2021.