

An  
Bord  
Pleanála

**Board Order**  
**ABP- 313436-22**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 21/06713**

**Appeal** by Darren and Martina McMahon of 5 Pembroke Park Drive, Pembroke Wood, Passage West, County Cork against the decision made on the 6<sup>th</sup> day of April, 2022 by Cork County Council to grant permission subject to conditions to Dooneen Property Developments Limited care of Keystone Planning Consultancy of Rossbrin, Frankfield View, Old Youghal Road, County Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The construction of 18 number apartments, (change of plan to that previously permitted pursuant to An Bord Pleanála reference number ABP-301618-18 and Cork County Council register reference number 17/5739, specifically by the addition of a second fire escape and increasing accessible bathroom sizes) all at The Boland, Pembroke Woods, Pembroke, Passage West, County Cork as revised by further public notices received by the planning authority on the 24<sup>th</sup> day of January, 2022.

## 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.**

## Reasons and Considerations

Having regard to the land use zoning of the site as a designated 'Existing Built up Area' in the Cork County Development Plan 2022-2028, the planning history associated with the site and the existing pattern of development in the vicinity, it is considered that subject to compliance with the conditions set out below, the proposed development would not be injurious to visual amenities of the area or to the residential amenity of property in the vicinity and would be acceptable in terms of traffic safety and carparking. 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 to the planning authority on the 13<sup>th</sup> day of January 2022 and the 11<sup>th</sup> day of March 2022, 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. Details of the materials, colours and textures of all the external finishes to the proposed apartments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. 29 number car parking spaces shall be provided within the site subject to condition number 4 hereunder. The location and layout of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure adequate off-street parking provision is available to serve the proposed development.

4. Details of the following shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(a) The new external bin store located to the north-west of the building shall be 10 metres from the proposed apartment building and shall be covered and secured by a fence/railing and hedge.

(b) A bike storage shed, to accommodate 20 bicycles, in place of the internal bin store north-east of the proposed entrance to the apartment building as shown in the layout drawing number L699-011, submitted to the planning authority on the 13<sup>th</sup> day of January, 2022 with the application. This may involve the loss of one or more car parking spaces.

(c) Proposals for external covered visitor bike storage beside the building entrance.

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

5. (a) Prior to commencement of development, the developer shall enter into a water and/or wastewater connection agreements with Uisce Éireann.
- (b) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
- (c) All foul sewage and soiled water shall be discharged to the public foul sewer.
- (d) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

**Reason:** In the interest of public health.

6. All necessary measures shall be taken by the contractor, including the provision of wheel wash facilities, to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

**Reason:** To protect the amenities of the area.

7. Site development and building works shall be carried out only between the hours of 0800 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 residential amenities of property in the vicinity.

8. 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 noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

9. At least 20 number bicycle parking spaces shall be provided within the site. Details of the layout and marking demarcation of these spaces in accordance with condition number 4 above shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

10. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work and the provision of the 100 square metres play area shall be completed before any of the dwelling units are made available for occupation and shall be maintained as public open space/recreational play area by the developer until taken in charge by the planning authority.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose

11. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces and which shall comply with the Cork County Council's Public Lighting Manual and Product Specification 2021, 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 for occupation of any dwelling unit.



**Reason:** In the interests of amenity and public safety.

12. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
  - (i) the species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder, which shall not include prunus species,
  - (ii) details of screen planting which shall not include cupressocyparis x leylandii,
  - (iii) details of roadside/street planting, which shall not include prunus species, and
  - (iv) hard landscaping works, specifying surfacing materials, furniture play equipment and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) A timescale for implementation.

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 or until the development is taken in charge by the local authority, whichever is the sooner,

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

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

13. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the requirements of the planning authority and in all respects with the standards set out in the Design Manual for Urban Roads and Streets (DMURS). Details of the following shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
  - (a) Details of speed control measures.
  - (b) A method statement for managing the existing footpath bounding the development at the public road which shall remain open and kept in good condition. The onus is on the developer to ensure that all members of the public can safely utilise the public footpath during day-time and night-time hours.
  - (c) Details for the maintenance by the developer for all roads, footpaths, open spaces, site boundaries and other services within the estate until taken in charge by Cork County Council and/or Uisce Éireann at its discretion.
  - (d) A photographic record showing an accurate condition of roads and footpaths which are being utilised as access for the construction of the development. Upon completion of the development, a second road condition survey shall be carried out at similar location points and submitted to the planning authority/area engineer.

**Reason:** In the interest of orderly development 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. A management scheme providing adequate measures for the future maintenance of public open spaces and communal areas and facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure the satisfactory completion and future maintenance of this development in the interest of residential amenity.

15. Prior to the occupation of any of the residential units, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling and walking to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

16. 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.

17. 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 facilitating the installation of EV charging points/stations at a later date. Where proposal relating to the installation of EV ducting and charging points/stations has not been submitted with the



application such proposals shall be submitted to and agreed in writing with the planning authority prior to occupation of the development.

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

18. 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.

19. 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 the 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 the Board 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.


20. The developer shall pay the sum of € €36800.00 (thirty six thousand eight hundred 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, in respect of works to be carried out for the provision of off-site recreation facilities in line with the adopted Recreation and Amenity Policy. 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.

21. 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, 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 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.



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

Dated this 12<sup>TH</sup> day of December 2023.