



An
Bord
Pleanála

Inspector's Report

ABP-305248-19

Development

A part single-storey, part two-storey building (c. 4,378sqm GFA) with ancillary workshop and offices. Phase 1 to be used for hire/sale of plant and machinery/tools, Phase 2 to be used as a warehouse. External yard, palisade fence/wall to boundaries, signage, car parking and all associated site development, drainage and landscaping works.

Location

Blackash Road, Curraghconway,
South Link Road, Cork

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

19/4036

Applicant(s)

Progressive Commercial Construction
Limited.

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party V. Grant

Appellant(s)

David O'Sullivan
James O'Sullivan
Margaret O'Sullivan

Observer(s)

Carey Tool Hire

Date of Site Inspection

29th October 2019

Inspector

Elaine Power

1.0 Site Location and Description

- 1.1. The subject site is located off Blackash Road and is bound by 2 no. National Roads. The South City Link Road (N27) to the north and west and the South Ring Road (N40) to the south. The Kinsale Roundabout, which is a signalised junction of both national roads, is located to the west of the site. There is an existing dwelling and associated caravans and ancillary structures located to the south of the site. The general area is characterised by light industrial, retail warehousing and commercial uses.
- 1.2. The site has a stated area of 1.384ha and is currently vacant. The site is generally flat, with a low-lying section in the centre. It previously accommodated a timber storage and distribution depot. The site boundaries include a mesh wire fence, trees and vegetation.
- 1.3. There is a watercourse running along the north western boundary of the site.
- 1.4. Access to the site is from Blackash Road with a left in / left out arrangement with the South Link Road (N27).

2.0 Proposed Development

- 2.1. The development comprises the construction of a part single, part two-storey building with a gross floor area of 4,378sqm with an ancillary workshop and offices. It is proposed to construct the building in two phases. Phase 1 comprises the construction of a part single-storey, part two-storey building with a gross floor area of 1,929sqm. The building would be used for the hire and sale of plant and / or machinery and / or tools. The internal layout comprises a showroom (582sqm), warehouse (521sqm), workshop (300sqm), trade counter (300sqm) and ancillary offices. The building would be served by a temporary yard, to the west (side) of the building. A 3m high palisade fence is proposed around the yard. Access to the yard is proposed via a new HGV route to the rear (south) of the building.
- 2.2. Phase 2 comprises the construction of a single storey building with a gross floor area of 2,449sqm to be used as a warehouse. Phase 2 is located to the west of phase 1. The buildings would be linked internally. The development also includes the provision

of an external yard along the western portion of the site. Access to the yard is proposed via a HGV route along the southern (rear) boundary of the site.

- 2.3. The building is generally rectangular in shape with an overall length of 122m and a maximum depth of 42m. It has a flat roof with a maximum height of 12m. The external finish is grey cladding. Sections of glazing are proposed on the front (north) elevation. A limited section of glazing is proposed on the side (eastern) elevation, adjacent to the main entrance.
- 2.4. A total of 66 no. car parking spaces are proposed along the north western boundary of the site. 56 no. spaces would be provided in Phase 1 with 10 no. additional spaces provided as part of Phase 2.
- 2.5. It is proposed to remove all existing landscaping and replace with a mix of trees and shrubs. The boundary treatment along Blackash Road includes a wall and fence varying in height from 2.2m to 3m.
- 2.6. Blackash Road, which is outside of the applicant's ownership, would be upgraded as part of the development. The improvement works include resurfacing the 7.5m wide carriageway and the provision of a new 1.5m wide landscaped grass verge. The junction with the South Link Road would also be resurfaced with new road markings to facilitate HGV movements.
- 2.7. A 10m high double fronted stand-alone sign is proposed at the northern eastern corner of the site at the junction of Blackash Road and the South Ring Road.
- 2.8. The works include upgrading the culvert located along the north western boundary of the site.
- 2.9. It is proposed that the development would be connected to the existing water and foul water mains.
- 2.10. An NIS, Planning Report, Lighting Report, Operational Noise Emission Assessment, Traffic Impact Assessment, Flood Risk Assessment, Civil Engineering Report, Photomontages, A Stage 1 Road Safety Audit and Architectural Statement were submitted with the application.

2.11. ***Further Information lodged on the 6th June 2019***

The response to further information did not result in any alterations to the proposed building. The number of car parking spaces was reduced to 22. Details of the intended use, boundary treatments, landscaping, a Construction and Traffic Management Plan, a Civil Engineering Report and revised technical notes relating to flooding and traffic were submitted.

3.0 **Planning Authority Decision**

3.1. **Decision**

Permission was granted subject to 48 no. conditions. The relevant conditions are noted below: -

Condition 1: clarified that permission was granted for the scheme submitted by way of further information

Conditions 3 and 4: Limited the use and layout of the development

Conditions 6 and 7: Altered the car parking and landscaping layouts.

Condition 8: Reduced the number of car parking spaces to 22.

Conditions 14, 15, 17, 18, 19, 20, 21 and 22: Related to flood prevention

3.2. **Planning Authority Reports**

3.2.1. ***Planning Reports***

The initial Area Planners report raised some concerns and recommended that further information be sought regarding the following: -

- Impact of flooding
- The intended future use of the development
- The level of car parking / cycle parking proposed
- The boundary treatments
- Landscaping plans and loss of trees

- A TTA, Stage 1 Road Safety Audit and swept path analysis should be submitted
- A Construction Traffic Management Plan and Construction Phase Traffic Impact Assessment should be submitted

Following receipt of further information, the Area Planner considered that all items of concern had been fully addressed and recommended that permission be granted subject to conditions.

3.2.2. **Other Technical Reports**

Engineering report: No objection subject to conditions.

Coastal Management and Flood Projects Department final report: No objection

Environment report: No objection

Heritage Unit final report: No objection

Public Lighting report: No objection

NRDO : Not received from Planning Authority

Traffic and Transport: Not received from Planning Authority.

External Report from JBA Consulting Engineers on behalf of the Planning Authority:

No objection to the Flood Risk Assessment submitted.

3.3. **Prescribed Bodies**

Inland Fisheries Ireland: Concerns raised regarding the raising of a flood plain and the implications of such works.

Irish Water: No objection

Transport Infrastructure Ireland: Concerns raised regarding the impact of the development on the operation of the N27 and N40. Recommends that a revised TTA, including a fully capacity assessment of the N40/N27 be submitted.

The Health and Safety Authority: No objection

3.4. **Third Party Observations**

4 no. third party objections were received. The concerns raised are similar to those raised in the appeal.

4.0 **Planning History**

Reg. Ref. 18/4243 Permission was refused for a light industrial / warehousing unit (5,459sqm). The reason for refusal related to flood risk.

5.0 **Policy Context**

5.1. **Ballincollig Carrigaline Municipal District Local Area Plan, 2017**

The subject site is located within the 'Existing Built up Area' of Cork City South Environs as identified in the LAP. It is a strategic aim of the plan to support proposals for urban regeneration.

Policy SE-GO-05: Flooding - All proposals for development within the areas identified as being at risk of flooding will need to comply, as appropriate, and with the provisions of the Ministerial Guidelines – *'The Planning System and Flood Risk Management'*. In particular, a site-specific flood risk assessment will be required as described in objectives FD1-4, 1-5 and 1-6.

5.2. **Cork County Development Plan, 2014**

Table 6.1 – Employment Hierarchy identifies the city environs as a principle location for large, medium and small-scale enterprise /business / industry. Chapter 7: Town Centres and Retail and policies ZU 3-1: Existing Built Up Areas and ZU 4-1: Development Potential of Brownfield Sites are considered relevant.

5.3. **Natural Heritage Designations**

The subject site is located approx. 2.3km west of Cork Harbour SPA

5.4. EIA Screening

Having regard to the nature and small scale of the proposed development and the location of the site, it is concluded that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

3 no appeals have been lodged by (1) David O'Sullivan, (2) Margaret O'Sullivan and (3) James O'Sullivan. The concerns raised in all 3 no appeals are similar and are summarised below.

- A detailed history of the site has been provided. It is noted that prior to the construction of the South Ring Road there was a halting site located to the south of the appeal site. There is an existing house with ancillary caravans located to the south of the appeal site, with intergenerational family members living together. The area is, therefore, residential and not suitable for commercial development. Members of the Travelling Community have a unique heritage. The proposed development would suppress the Traveller identity.
- The site is subject to flooding. Flooding is due to the culvert along the north western boundary of the site becoming blocked during heavy rain fall. It is proposed to raise the site, this would cause surface water run off to flow to flood the adjoining site. A number of photographs showing flooding on the appeal site and the appellants site have been included with the appeal.
- Due to the nature of the proposed use it would result in HGV movements outside of normal working hours which would negatively impact on the existing residential amenities in terms of noise and health and safety concerns.

- Blackash Road does not have the capacity to accommodate the proposed level of vehicular movements and the proposed layout does not allow for pedestrian / animal access along the road.
- The proposed boundary treatment would have a negative impact on the existing residential amenities and would isolate the existing house.
- The proposed development would result in undue overshadowing of adjoining properties.
- The proximity of the service yard, and the associated noise to existing residential properties.
- The development is out of character with the area.
- The NIS submitted with the application fails to acknowledge the adjoining residential use and the cultural heritage of the site.
- An EIA is required to fully assess the cultural impact of the development.

6.2. Applicant Response

The applicant's response is summarised below: -

- The applicant has actively engaged with the appellants regarding the proposed development. The proposed development would not prejudice, interfere with or otherwise discriminate against the appellants and their status. The lands occupied by the appellants are partly within the ownership of Cork County Council. The planning authority granted permission and, therefore, have no concerns regarding the impact on the adjoining site.
- The development is in accordance with national, regional and local planning policy and is in accordance with the zoning objective –‘Existing Built up Area’.
- The site was previously used as a timber storage and distribution depot and was in active use until the late 2000's. The general area is characterised by large commercial structures and is not residential in nature. The development would be occupied by Carey Tool Hire, who would vacate their existing site at Albert Quay in the City Centre.

- The design and layout would not isolate the appellants. The development has a maximum height of 12m and a plot ratio of 1: 0.32. The scheme does not result in overdevelopment of the site or have an overbearing impact on the adjoining site. The development would be finished in a high-quality material and would have a positive impact on the visual amenities of the area.
- There is a watercourse, which is partly culverted, located along the north western boundary of the site. A detailed flood risk assessment was submitted with the application. The proposed development would significantly reduce the potential for flooding and would not increase the risk of flooding downstream.
- Blackash Road would also be upgraded as part of the development which would improve access to and from the appellants site. Footpaths are not provided due to the link with the N27 which is a dual carriageway and does not allow for pedestrian movements. It is not intended to promote pedestrian movements adjacent to a national road. The TTA submitted with the application shows that the level of traffic generated by the proposed development would not have a significant impact on the surrounding road network.
- The construction period would be approx. 8 months. Conditions attached to the grant of permission limited the noise levels and hours of activity. A noise impact assessment indicated that anticipated noise during the operational phase are below the ambient noise levels in the vicinity of the site.
- Due to the nature and size of the development an EIA is not required. The NIS found that the proposed development would not impact on any designated Natura 2000 sites.
- The development would be constructed in accordance with building regulations and best practice guidelines.

On behalf of the applicant McCann Fitzgerald carried out a 'Review of the Approach to Flood Risk'. This review was included with the submission.

6.3. Planning Authority Response

None

6.4. **Observations**

An observation was received from Margaret O’Sullivan. The concerns raised in the observation are similar to those of the appeal.

An observation was received by Carey Tool Hire in support of the development. It is noted that Carey Tool Hire intend to relocate their existing business to the appeal site.

6.5. **Further Responses**

None

7.0 **Assessment**

7.1. The subject site is now sited within the jurisdiction of Cork City Council, having been subject to a boundary extension/transfer with Cork County Council. The relevant Development Plan and Local Area Plan for the purposes of the assessment of this application remain as the Cork County Development Plan 2014 and the Ballincollig Carrigaline District Local Area Plan 2017. These plans will continue to apply in the ‘transfer area’ until such time as they are superseded by new plans, prepared by Cork City Council.

7.2. The main issues in this appeal relate to the grounds of the appeal. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Principle of Development
- Flood Risk
- Residential Amenity
- Traffic
- Appropriate Assessment

7.3. ***Principle of Development***

7.3.1. The site is generally bound to the north-west and south by national roads and to the west by the Kinsale Road roundabout. To the east the site is bound by Blackash Road,

which provides access to an existing house and ancillary structures. On the opposite side of Blackash Road is Tramore Valley Park. The park accommodates a civic amenity recycling centre and was formerly the city landfill. The general area is characterised by large commercial structures and light industrial units.

7.3.2. The subject site is located within the 'Existing Built up Area' of Cork City South Environs as identified in the LAP. Policy ZU 3-1 of the Cork County Development Plan, 2014 aims to encourage development that supports in general the primary land use of the surrounding existing built up area.

7.3.3. The appellants consider that the area is primarily residential in use due to the proximity of their family home and associated caravans and structures and that the proposed development is not compatible with the existing residential use.

7.3.4. While acknowledging the appellants residential lands to the south of the appeal site the applicant notes that the site was previously in use as a timber storage and distribution depot and was in active use until the late 2000's. Therefore, the area is not residential in nature.

7.3.5. The existing residential use is noted to the south of the appeal site. However, in my opinion, having regard to the variety of commercial uses in the immediate vicinity of the site and the previous uses on the site, the proposed use is considered compatible with Policy ZU 3-1 and should be assessed on its merits.

7.4. ***Flood Risk***

7.4.1. The Tramore River flows to the north east of the appeal site. An unnamed tributary of the river runs along the north western boundary of the site. The OPW maps and Cork City Councils maps indicate that the appeal site is located outside of a flood zone. The FRA submitted with the application notes that the site flooded in 2009 and 2012. The cause of the flooding was due to blockages in the existing culvert. Photographs submitted with the appeals show flooding on the appeal site, the appellants site and along Blackash Road. The applicant notes that upgrade works have been carried out by the Local Authority which has addressed the cause of the blockages.

- 7.4.2. Permission was previously refused for a similar development on the subject site (reg. ref. 18/4243) as the Planning Authority considered that the proposed development and its infrastructure would result in significant risks of flooding in the vicinity of the site and downstream. Concerns were also raised in the appeals that the proposed development would result in flooding of the adjoining residential site.
- 7.4.3. The Planning Authority's primary concern regarding flood risk related to the loss of a flood plain and the potential for flooding downstream. The FRA notes that the primary source of flooding downstream, in Douglas, is from the Ballybrack Stream and tidal flooding. The potential flooding from the Tramore River is low. Therefore, the proposed development would not result in any impacts downstream. The technical note submitted by way of further information also notes that the subject site is not a 'natural' part of the ecosystem. It was created during previous site works, which resulted in a bowl shape within the site that subsequently stores water. To ensure there is no risk of flooding downstream it is proposed to provide a compensatory storage tank and spillway area within the site. It is noted that the Planning Authority raised no objection to the proposed development. Having regard to the evidence submitted in the FRA and the technical note, it is my view that, the proposed development would not result in flooding downstream.
- 7.4.4. To prevent flooding within the vicinity of the site it is proposed to implement a number of mitigation measures including the replacement of an existing undersized culvert located along the north western boundary of the site with a new culvert that would be designed in accordance with the OPW section 50 requirements. A new storage tank is also proposed to attenuate surface water run-off in accordance with best practice. It is noted that the Planning Authority raised no objection to the proposed drainage arrangements. Having regard to the information submitted I am satisfied that the proposed arrangements are sufficient to cater for surface water run-off relating to the site and would not result in flooding of the appeal site or of adjoining properties.

7.5. ***Residential Amenity***

- 7.5.1. The proposed development is bound to the south by an existing house and associated structures. Concerns have been raised that the nature and scale of the development would have a negative impact on the existing residential amenities.

- 7.5.2. The building is generally rectangular in shape with an overall length of 122m and a maximum depth of 42m. It has a flat roof with a maximum height of 12m. The building is located 6m from the southern boundary and a minimum of 14m from the house. Having regard to the maximum height of the proposed development, the orientation of the site and the separations distances it is considered that the proposed development would not result in undue overshadowing or have an overbearing impact on the existing house.
- 7.5.3. A new 2.5m high wall is proposed along the southern site boundary of the site, with the existing house. The boundary treatment along Blackash Road includes a wall and fence varying in height from 2.2m to 3m with tree planting. The north western and western boundary treatments comprise of a 3m high palisade fencing with landscaping comprising of trees and shrubs. In my opinion having regard to the current nature of the site, as a disused brownfield site, the proposed development which includes the upgrade of Blackash Road and landscaping would improve the visual amenities of the surrounding area.
- 7.5.4. Concerns were also raised in the appeal that the proposed development would have a negative impact on the adjoining residential property in terms of noise. An Operational Noise Emission Assessment was submitted as part of the application. The report notes that access to the existing dwelling was not possible at the time of the ambient noise survey. Therefore, a location on the opposite side of the Southern Ring Road (N40) was chosen, as the noise levels at the dwelling house would be similar due to the proximity of the national road. In my view, this is a reasonable assumption. The report found that during the operational phase noise levels are expected to comply with the best practice guidelines and are below the ambient noise levels in the vicinity of the adjacent noise sensitive receptors. Having regard to the location of the development within an urban area and adjacent to 2 no. national roads, it is my view that the proposed use would not result in an unacceptable level of noise disturbance for the adjoining residential property.

7.6. **Traffic**

- 7.6.1. Access to the development is proposed via the Blackash Road via a left in left out arrangement with the South Link Road (N27). Blackash Road currently serves an

existing house with associated caravans and out buildings. The road is approx. 7.5m in width by approx. 120m in length with no footpath. It is currently in a state of disrepair.

- 7.6.2. Blackash Road, which is outside of the applicant's ownership, would be upgraded as part of the development. The improvement works include resurfacing the carriageway and the provision of a new 1.5m wide landscaped grass verge. The grass verge is proposed along the western side of the road, adjacent to the development site. The junction with the South Link Road would also be resurfaced with new road markings to facilitate HGV movements.
- 7.6.3. Concerns have been raised by the appellants that the additional traffic generated by the development which includes HGV's would result in a potential traffic hazard for pedestrians and animals using the road.
- 7.6.4. The applicant has stated that the proposed works to Blackash Road would improve access arrangements for existing residents. As the road links with a national road, which does not allow for pedestrian movements, it is not intended to encourage additional pedestrian movements on Blackash Road.
- 7.6.5. The TRICS database estimated the number of trips potentially generated by the development based on the use as 'Builders' Merchants'. The report notes that due to the type of use a defined morning peak it to be expected with a period of sustained activity throughout the day with a notable decline in vehicular movements in the later afternoon / evening. TRICS estimated that the proposed development would generate a total of 48 no. trips (27 no. arriving and 21 no. departing) in the AM peak, 40 no. trips (19 no. arriving and 21 no. departing) in the mid-day peak and 32 no. trips (15 no. arriving and 17 no. departing) in the PM peak. This indicates a very low level of trips generated by the development and would be insignificant on the surrounding national road network.
- 7.6.6. A technical note was submitted by way of further information which updated the Traffic Impact Assessment submitted with the application and included a traffic survey of the N27/N40 signalised junction (Kinsale Roundabout). The survey was carried out in April 2019. The peak periods were considered to be 07.45-08.45 (AM peak), 12.45-13.45 (interpeak) and 17.15-18.15 (PM peak). The impact of the proposed development on

the N27 / N40 junction was assessed for the opening year (2019), 5 years after opening (2024) and 15 years after opening (2034). The assessment showed that the junction is at or reaching capacity in the peak periods, however, the proposed development would not have a significant impact on the capacity of the junction.

7.6.7. Having regard to the limited number of additional vehicular movements, it is envisioned would be generated by the proposed development, the limited number of pedestrian movements and the proposed upgrade of Blackash Road, it is my opinion that the proposed development would not result in a traffic hazard.

7.6.8. Auto-track drawings were submitted by way of further information which indicate that HGV's can access and egress both the site and the N27 via Blackash Road safely and efficiently. Additional Auto-track drawings have been submitted for the service yard, as part of Phase 2 of the development. The Auto-track drawings do not show a HGV accessing and egressing the yard via the service route to the rear (south) of the building. Access to the yard from the west would require HGV movements to the front of the building and through the car parking area. Having regard to the nature of the use and the lack of pedestrian access to the site, it is my opinion that, the proposed development would not result in a traffic hazard and that the control of HGV movements could be managed on site.

7.6.9. Revised drawings submitted by way of further information also show the provision of 11 no. cycle parking spaces and 2 no. motorcycle parking spaces. The provision of cycle and motorcycle spaces is welcomed, however, due to the proximity of the spaces to a HGV route I would have concerns regarding the potential for conflict. If permission is being contemplated it is recommended that in the interest of safety the cycle spaces and motor cycle spaces be relocated adjacent to the building.

7.7. ***Appropriate Assessment***

7.7.1. ***Stage 1 Screening***

The proposed development would not be located within an area covered by any European site designations and the works are not relevant to the maintenance of any such sites.

The only European site that could potential be affected by the proposed development is the Cork Harbour SPA.

Conservation Objectives: to maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SAC has been selected.

European Site	Site Code	Relevant QI's and CI's	Distance
Cork Harbour SPA	003040	Little Grebe Great Crested Grebe Cormorant Grey Heron Shelduck Wigeon Teal Pintail Shoveler Red-breasted Merganser Oystercatcher Golden Plover Grey Plover Lapwing Dunlin Black-tailed Godwit Bar-tailed Godwit Curlew Redshank Black-headed Gull Common Gull Lesser Black-backed Gull Common Tern Wetlands	2.3km

Due to the nature and scale of the development and the separation distances the zone of influence of the development relates to Lough Mahon. Within the zone of

influence 18 no. (out of 23 no.) special conservation interest bird species are regularly occurring, therefore Grey Heron, Pintail, Shoveler, Red-breasted Merganser and Common Tern can be screened out from further assessment.

Potential indirect effects on Cork Harbour SPA relate to sediment laden surface water run off entering the watercourse along the north western boundary of the site, and ultimately entering Cork Harbour SPA via the Tramore River. In the absence of mitigation measures, it is not possible to rule out impacts on water quality which could negatively impact on qualifying habitats, with potential effects on bird species of the SPA.

On the basis of the information on the file, which I consider adequate in order to issue a screening determination, it is not possible to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site 003040, or any other European site, in view of the site's Conservation Objectives. A Stage 2 Appropriate Assessment is therefore, required.

7.7.2 Appropriate Assessment – Stage 2 NIS

A Natura Impact Statement was submitted to the Planning Authority with the application

Cork Harbour SPA

Cork Harbour is a large, sheltered bay system, with several river estuaries. It is an internationally important wetland site, regularly supporting in excess of 20,000 wintering waterfowl. The proposed development would not be located within the SPA and there would be no direct effects as a result of the works.

The unnamed watercourse which is located along the north western boundary of the site provides a hydrological link to the SPA via the Tramore River. The applicants Screening report notes that the Tramore River is classified as 'moderate' and as 'at risk of not achieving good status'.

Surface water run-off associated with the construction stage and operational phase could potentially enter the watercourse and ultimately the SPA. In my view, due to the

separation's distances and the urban environment it is considered that there are no potential impacts from noise, light and disturbance.

The NIS provides details of measures would be put in place during the construction phase to protect water quality. In particular all surface water would be collected, attenuated, settled and treated prior to discharge from the site and all equipment, materials and chemicals would be stored a minimum of 25m from the watercourse. A Pollution Prevention Plan would be implemented and monitored as part of the Construction Method Statement to be agreed with the Planning Authority. It is also proposed that surface water generated during the operational phase would be attenuated and discharged in accordance with best practice guidelines.

Notwithstanding the presence of an hydrological connection to a European site via the unnamed watercourse, it is my view that having regard to the nature and scale of the development, the distance to the SPA and the nature of the qualifying interests that the proposed development would not adversely affect the integrity of Cork Harbour SPA, subject to full implementation of the mitigation measures and compliance with best practice methodologies during the construction and operational phase.

7.7.3 *In-combination effects.*

Having regard to the nature and limited scale of the proposed development it is considered that it does not have the potential for in-combination effects, after mitigation measures are applied, to undermine the integrity of a European Site.

7.7.4 *AA Conclusion*

I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site No 003040, or any other European site, in view of the site's Conservation Objectives.

8.0 Recommendation

It is recommended that permission be granted subject to conditions.

9.0 Reasons and Considerations

Having regard to the location of the site within the 'Existing Built up Area' of Corks South City Environs, the pattern of development in the area and the nature and scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the area and would be acceptable in terms of flood risk and traffic safety. The proposed development would, therefore be in accordance with the proper planning and sustainable development of the area.

10.0 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 6th day of June, 2019, 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. A maximum of 22 no. car parking spaces shall be provided on site. Car parking spaces number 16 – 22 on drawing no. 2378-P2-002 submitted by way of further information on the 6th day of June, 2019 shall be relocated adjacent to the building and the remaining area shall be landscaped. Cycle parking and motor cycle parking located to the eastern boundary of the site shall also be relocated adjacent to the building.

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 interests of visual amenity and safety.

3. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:

- (i) An Leq, 1 hour value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.

- (ii) An Leq, 15 minute value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics – Description and Measurement of Environmental Noise.

Reason: To protect the residential amenities of property in the vicinity of the site.

4. The developer shall ensure that all construction methods and environmental mitigation measures set out in the Natura Impact Statement are implemented in full, save as may be required by conditions set out below.

Reason: In the interest of protection of the environment

5. The developer shall ensure that all mitigation measures set out in the Flood Risk Assessment are implemented in full, save as may be required by conditions set out below.

Reason: In the interest of protection of the environment

6. The landscaping scheme shown on drawing number 101, as submitted to the planning authority by way of further information on the 6th day of June, 2019 shall be carried out within 12 months of the date of commencement of development.

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.

Reason: In the interests of residential and visual amenity.

7. The southern boundary treatment shall comprise of a high quality solid wall with a minimum height of 2.5m.

Reason: In the interest of privacy and residential amenity.

8. Comprehensive details of the proposed public lighting system to serve the development and Blackash Road shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The agreed lighting system shall be fully implemented and operational, before the proposed development are made available for occupation.

Reason: In the interest of public safety and visual amenity.

9. Prior to occupation of the development, details of the proposed corporate signage shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of orderly development and visual amenity.

10. A minimum of 10% of the proposed car parking spaces shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of charging points.

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

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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

12. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

13. 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.

14. The applicant shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

15. 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 residential amenities of property in the vicinity.

16. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, other than that located entirely within the proposed screened rooftop plant area, and which is below the level of the screen for this area, telecommunication aerials, antennae or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

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 for 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.

Elaine Power

Planning Inspector

27th November 2019