



An
Bord
Pleanála

Inspector's Report ABP-307803-20

Development	Mixed use development
Location	Ballinglanna, Riverstown, Glanmire, County Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	19/39006
Applicant(s)	Tom Moynihan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Eddie & Catherine Davis
Date of Site Inspection	13 th October, 2020
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. The 0.27 hectare site of the proposed development is located in the Riverstown area of Glanmire to the north-east of Cork City and on the southern bank of the Butlerstown River just east of its confluence with the Glashaboy River. The village centre of Riverstown is located approximately 300m to the north and Glanmire village centre is located approximately 1km to the south-west. The site consists of sloping ground, primarily surfaced with concrete, which falls to the north in the direction of the river. It was part of a former distillery site, comprising the north-west end of the overall complex. A building adjacent to the river formerly stood on the site and was destroyed by fire in 2016. The western wall of the building remains. The site has frontage to the west onto East Cliff Road just south of Glyntown Bridge. The site and adjoining lands to the east are served by an access lane immediately to the south. There is a steep embankment beyond this lane. Development in the vicinity includes a residential estate to the south on elevated lands (Brookville), a commercial property to the east, a Lidl supermarket to the north and a GAA club to the north-east, and a public park (John O'Callaghan Park) on the opposite side of East Cliff Road. The lands to the east of the site have permission for a nursing home development.

2.0 Proposed Development

2.1. The proposed development would comprise the construction of two apartment blocks, one seven storeys and one six storeys in height, each over basement level. It would accommodate a café and 3 no. commercial/retail units at ground floor level, 42 apartments, two levels of basement parking providing 42 parking spaces, a footbridge across the Butlerstown River, a public plaza, an ESB substation, and bin storage. The apartments would consist of 12 one-bed, 24 two-bed, and 6 three-bed units.

2.2. Details submitted with the application included a letter of consent from an adjoining landowner, an Engineering Report, a Public Lighting Plan, a Landscape Masterplan and Report, a Visual Impact Assessment, a Planning Compliance Report, an Architectural Design Statement, an AA Screening Report, a Natura Impact Statement, an Archaeological Impact Assessment, a Flood Risk Assessment, a

Road Safety Audit, a Lifecycle Report, an Energy, Climate and Adaptation Strategy, and a Construction and Environmental Management Plan.

3.0 Planning Authority Decision

3.1. Decision

On 8th July 2020, Cork City Council decided to grant permission for the proposed development subject to 47 conditions

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the planning history associated with the site and adjoining lands, the policy and plan context for the development, the third party submissions, and the reports received. It was considered that the application generally accords with Objective GM-T-02 of the Cobh Municipal District Local Area Plan and that the proposal is acceptable in terms of impact on residential amenity and unit mix. The requests for further information from the reports received were noted. It was considered that clarity was also required on commercial uses, on drawings, storage, the nature of works at the northernmost part of the site, landownership, an up-to-date site survey, and revised site sections. A request for further information was recommended.

The Senior Planner concurred with the Planner's recommendation.

3.2.2. Other Technical Reports

The Environment Parks Section had no objection to the proposal.

The Environment Waste Management Section had no objection to the proposal subject to a schedule of conditions.

The Drainage Section had no objection to the proposal subject to a schedule of conditions.

The Area Engineer recommended that further information be sought relating to sightlines, footpath width, footpath provision to the south of the site, provision of a pedestrian crossing, parking for staff and customers, junction layout, and surface

water drainage from the junction with the public road to the basement car park entrance.

The Housing Section recommended that further information be sought in relation to the Part V proposal.

The Transport & Mobility Section recommended that further information be sought in relation to a traffic and transport assessment, set down points, bicycle parking and access, a Road Safety Audit, and pedestrian connectivity.

The Roads Design Section had no objection to the proposal subject to the attachment of a condition.

The Heritage Section recommended that the AA Screening and NIS have regard to the potential combination impact with the Ballinglanna strategic housing development and that the reports be forwarded to NPWS for comment. Clarity on the proposals for the riverside buffer was also requested. Construction details of the pedestrian bridge and an ecology report were also sought.

3.3. Prescribed Bodies

Inland Fisheries Ireland had no objection to the proposal subject to Irish Water confirming there is sufficient capacity in existing treatment facilities and that planning conditions ensure there is no interference with the adjacent river.

Transport Infrastructure Ireland submitted that it had no observations to make.

Irish Water had no objection to the proposal.

3.4. Third Party Observations

Twenty-one third party submissions were received by the planning authority. The concerns raised related to the lack of services and amenities to accommodate the development, traffic and parking impacts, impact on a right-of-way, anti-social behaviour, flooding, ecological impact, context, scale and height, visual impact, unit mix, impact on the amenity of the area, planning history, water quality impact, impact on property values, subsidence, sustainability of commercial uses, and procedural issues.

3.5. A request for further information was issued on 24th February, 2020 and a response to this request was received by the planning authority on 27th May, 2020. This included a Traffic & Transport Assessment, a Road Safety Audit, a revised NIS, an Ecological Impact Assessment, and additional drawings. Three third party submissions were received following receipt of this information reiterating concerns raised. The reports to the planning authority were then as follows:

The Transport & Mobility Section considered the further information responses acceptable and had no objection to the proposal subject to a schedule of conditions.

The Area Engineer had no objection to the proposal subject to a schedule of conditions.

The Housing Section had no objection to the proposal subject to the attachment of a condition.

The Urban Roads & Street Design Section had no objection to the proposal subject to a schedule of conditions.

The Archaeologist had no objection to the proposal subject to a schedule of conditions.

The Technician addressing contributions had no objection to the proposal subject to the attachment of a condition.

The Heritage Section had no objection to the proposal subject to a schedule of conditions.

The Traffic Operations Section noted cycle infrastructure is poor and that bus services are limited at this location. Reference was made to proposed public transport provisions. It was recommended that a mobility management plan be developed as part of a grant of permission.

The Environment Section had no objection to the proposal.

The Planner noted the further information responses. It was submitted that the future bus service for Glanmire and the proposed greenway are key to the assessment of the suitability of the site. It was noted that there was no timeframe for the implementation of BusConnects, there is no specific timeframe for the delivery of the greenway, and that even if these projects proceeded in a timely manner there is some doubt as to whether they would provide a viable alternative for future residents

to forsake their private vehicles. It was stated that the proposed development cannot be classified as being well served by public transport even if BusConnects proceeds. However, it was considered that there are sufficient local services to justify a higher density than usual on the site but that the proposed density was not proportionate. It was also submitted that the proposed height of the development did not adequately respond to the planning authority's previous refusal of permission and that a reduction in height would overcome concerns. It was recommended that the top floors of both blocks be omitted and that the 4th and 5th floors of Block A and the 4th floor of Block B be altered by introducing significant setbacks. A grant of permission was recommended subject to a schedule of conditions.

The Senior Planner concurred with the Planner's recommendation to omit one floor from each of the blocks for reasons relating to overall density and scale and recommended that proposed Condition 2 be amended. The contribution condition was also recommended to be amended to reflect the proposed modifications. A grant of permission was recommended.

4.0 **Planning History**

P.A. Ref. 19/04411

Permission was refused for a 13 storey building incorporating 66 apartments, commercial units and a cafe for one reason relating to the design, height and scale of the proposal.

Note: Permission was granted for a three-storey residential care home to the east of the site in 2016 – P.A. Ref. 15/6398

5.0 **Policy Context**

5.1. **Cobh Municipal District Local Area Plan 2017**

Glanmire

Glanmire is a designed 'Main Town' in this LAP. It has a target population of 10,585 in 2023, up 1,661 on the 2011 Census. The Plan states that there is a need for

additional retail provision in the town to support the targeted population growth. It is stated that one of the principal aims of the Plan is to enhance the quality of retail services offered in Glanmire by extending the town centre to include parts of Riverstown.

There is a Town Centre Specific Development Objective relating to the site and lands to the north-west as follows:

GM-T-02

It is an objective to facilitate the expansion of Glanmire town centre by encouraging retail and office development where services are provided to visiting members of the public. Any proposals for development within this area should:

- *comply with the overall uses acceptable in town centre areas;*
- *make provision for a new public car park, the exact location and size of which to be agreed with the Council;*
- *provide for new town centre streets; and*
- *include proposals for public realm improvements.*

It is referenced that part of the GM-T-02 site is still available for further development and there is scope for further small scale comparison retail offerings within this area. The need to ensure appropriate pedestrian and cycling connectivity for this location is acknowledged, with possible connection between the GM-T-01 and GM-T-02 sites being identified. The lands designated GM-T-01 lie to the north-west of the overall GM-T-02 lands.

5.2. Appropriate Assessment

I note that the applicant has submitted a Natura Impact Statement. This includes measures in the form of pollution prevention at the construction stage and control of the spread of Japanese Knotweed.

My considerations on this issue are as follows:

- The site of the proposed development is not on, in or adjoining any European site.
- The proposed site does not have any known functional significance for the qualifying habitats or species of conservation interest of any European site.
- It is located in an area that is zoned 'Town Centre'.
- It is a brownfield site composed of artificial surfaces. It was formerly in commercial use and all buildings have been removed.
- There are hydrological pathways to the Cork Harbour SPA (Site Code:4030) and the Great Island Channel SAC (Site Code: 1058). The former is 1.3km from the site and the latter is over 3.5km from the site as the crow flies. The confluence of the Butlerstown River with the Glashaboy River is just west of the site. The Glashaboy River flows to Cork Harbour SPA. The Little Island wastewater treatment plant discharges to Cork Harbour.
- The construction stage of the development could potentially impact the adjoining Butlerstown River by way of sediment and other pollutants from materials and dust.
- There would be a 5m buffer between the development and the adjoining Butlerstown River.
- Surface water would enter the adjoining Butlerstown River to the north via an oil/grit interceptor.
- Foul waste would be subject to a separate system which would be treated at the wastewater treatment plant at Little Island.
- The following observations can be made:
 - There will be no habitat loss.
 - Due to separation distances, there will be no increased disturbance to bird species associated with any SPA.
 - There is no evidence that discharges from the wastewater treatment plant that would serve this development are negatively affecting habitats or birds using the European sites.

- SuDS attenuation measures are to be provided.
- The proposed oil/grit interceptor will remove pollutants from the surface waters prior to entering the Butlerstown River.
- The proposed development includes other pollution prevention measures, with runoff being discharged via a settlement pond, storage of dangerous substances in a bunded zone, silt fencing, and a range of other good management practices for the construction phase.
- Any dust emissions at the construction stage can reasonably be termed to be localised in nature and temporary.
- There are no known projects which can operate in combination with the proposed development that would likely give rise to significant effects on the European sites.

It is reasonable to conclude from the above that the proposed development would not have any significant effects on the integrity of Cork Harbour SPA or the Great Island Channel SAC.

5.3. EIA Screening

Having regard to the nature, scale and location of the proposed development, there is no real likelihood of significant effects on the environment that would warrant environmental impact assessment. No EIAR is required.

6.0 The Appeal

6.1. Appeal by Eddie and Catherine Davis

The grounds of the appeal may be synthesised as follows:

- The area, designated 'Town Centre', is totally unsuitable as there is no possibility of constructing a town centre at this location. It is on the side of a hill with no available land to develop a town centre. The business and

commercial area for Glanmire and Riverstown is located in Hazelwood and Crestfield and has been for many years. There is a requirement for the Council to produce a plan before any ad hoc building occurs without guidance.

- The land on the site is in a flood plain, with Riverstown and Glanmire suffering from frequent flooding, and the area now is the subject of the Glashaboy River Drainage Scheme. While the scheme does not recommend any flood defence work for this land and may not impact this particular development, it would impact the development of any possible town centre.
- The high density development is more suited to a city centre or docklands location. It makes no effort to harmonise with this sensitive area. It could not be considered an 'Intermediate Urban Location'. It is not within easy walking distance of a town, suburban centre or employment location or within an easy 500m walk to a bus service with a 15 minute frequency.
- The entrance to the site is on a very bad bend, the road is narrow and there are no plans to widen it.
- The size and design of the apartment complex does not take into consideration its rural location on the side of a wooded hill. Whatever is built on the site should be designed in harmony with its location.

6.2. Applicant Response

The applicant's response to the appeal may be summarised as follows:

Town Centre Zoning

- The site is zoned for town centre use in the Cobh Municipal District Local Area Plan 2017, a plan which was prepared in accordance with relevant legislation and adopted to guide development in the area. The proposal has adopted a plan-led approach. The time for questioning the appropriateness of town centre zoning was at the time of plan preparation not at appeal stage. Further town centre development can develop in the area. Glanmire forms part of the city urban structure and must be planned in a compact and sustainable manner. The proposal seeks to regenerate a brownfield, town

centre zoned site. The mixed use development has been devised having regard to its town centre zoning. The proposal will set a new development precedent in the settlement. The proposal has reacted to national and local policy and seeks to develop at an appropriate high density.

Design

- The proposal is a reaction to the site-specific characteristics exhibited by the site and the surrounding area. The elevated natural and built features to the south provide a context and natural backdrop.
- Condition 2 of the planning authority's decision seeks a reduction in height of the development.
- The six- storey building extends to an eaves height below that of the old mill structure and is reflective of the historic built form. The buildings are complimented with public realm proposals which seeks to integrate the development into its context.
- The proposal physically connects both sides of the Butlerstown River and the footbridge will complement road improvement works while facilitating pedestrian connectivity with a proposed new greenway.
- The proposal makes a positive contribution to placemaking.

Density

- New and emerging national and regional policy supports higher densities in town centre and brownfield developments. Reference is made to the Sustainable Residential Developments in Urban Areas: Guidelines for Planning Authorities, Urban Development and Building Height: Guidelines for Planning Authorities, and the Draft Cork Metropolitan Area Transport Strategy.
- Reference is made to proposed improvements to bus services. Developments need to be sufficiently dense to support the delivery of public transport.
- Notwithstanding this, there are sufficient local services to justify a high density on the site. The site is within the defined town centre of Glanmire, within easy walking distance of key services and facilities, in a settlement that has been

identified for housing growth and is within easy walking distance of a reasonably frequent urban bus service.

- Density cannot be considered in isolation. It must be considered within its context and town centre location, along with the qualitative design concept and approach.

Access

- The proposal has design measures to mitigate the existing road condition and circumstances. A Road Safety Audit was undertaken and the Council's Roads Engineers had no concerns.
- The development uses an existing entrance already intended to serve a nursing home. The junction is within a 50kph speed limit zone. The junction layout achieves DMURS sight stopping distance standard requirements.
- A safe access has been provided and measures are introduced to facilitate pedestrian safety, including a controlled pedestrian crossing to connect to the proposed greenway.

6.3. Planning Authority Response

The planning authority submitted that it had carried out its duties under the Planning Act and Regulations and that its decision to grant permission is consistent with Cork County Development Plan and the proper planning and sustainable development of the area.

7.0 Assessment

7.1. Introduction

- 7.1.1 I consider that the principal planning issues relating to the proposed development and the appeal submission are the designation of the site as 'Town Centre', flooding, density, integration with the surrounding area, and traffic impact.

7.2. Designation of the Site as 'Town Centre'

7.2.1 The site of the proposed development is designated 'Town Centre' in the Glanmire Plan set out in the Cobh Municipal District Local Area Plan. It has been designated as such since the making of the Plan in 2017. In addressing this appeal, there is no opportunity to revisit the zoning provisions for this site or the objectives set out in the Plan.

7.2.2 In accordance with the Plan, Glanmire is designated a 'Main Town' and it is an express principal aim of this Plan for Glanmire to enhance the quality of retail services offered by extending the town centre to include parts of Riverstown. The Plan also seeks to substantially increase the population of Glanmire to 10,585 in 2023 and it is acknowledged that there is a need for additional retail provision in the town to support the targeted population growth. The appeal site forms the southernmost part of two parcels of land on which there is a Town Centre Specific Development Objective, namely Objective GM-T-02. This objective seeks to facilitate the expansion of Glanmire town centre by encouraging retail and office development at this location where services are provided to visiting members of the public. Proposals for development within this area are required to comply with the overall uses acceptable in town centre areas and to include proposals for public realm improvements. Within the overall lands associated with the objective, a new car park is to be provided, although its location and size is required to be agreed with the Council, and there is a requirement to provide for new town centre streets. The need to ensure appropriate pedestrian and cycling connectivity for this location is also acknowledged in the Plan, with possible connection between the GM-T-01 and GM-T-02 sites being identified. I note that the lands designated GM-T-01 (i.e. other Town Centre designated lands) lie to the north-west of the GM-T-02 lands.

7.2.3 Overall, it may reasonably be determined that the residential component of the proposed development is a use that is acceptable in principle in town centre areas, while the commercial component of the scheme can be seen to be wholly compatible with the zoning provision. The provision for enhanced pedestrian connectivity to the north in the direction of Riverstown in the form of a new pedestrian bridge over the Butlerstown River would be a significant improvement to pedestrian infrastructure at this location where public footpaths are limited to the west side of the public road adjoining the site and are restricted in width. I also submit to the Board that, given

the somewhat restricted road width constraints at Glyntown Bridge and the alignment of the road onto which the site would have access, the site would not be viewed as the most desirable location within the GM-T-02 designated lands to locate a public car park. Furthermore, the configuration and location of the site does not readily lend itself to the development of any additional town centre streets.

7.2.4 Having regard to these observations, I am of the opinion that the proposed development would be in keeping with the GM-T-02 objective and with the site's 'Town Centre' zoning objective.

7.3. Flooding

7.3.1 I acknowledge the appellants' concerns relating to flooding at the area in which the site is generally located. I further note that the appellants submit that Glashaboy River Drainage Scheme does not recommend any flood defence work for this land and that the development of this site may not be impacted by the associated works.

7.3.2 As part of the application submission to the planning authority, the applicant submitted a Site-Specific Flood Risk Assessment that was in compliance with the requirements of *The Planning System and Flood Risk Management – Guidelines for Planning Authorities*. This was a comprehensive examination of the flood risk associated with the development of this site in acknowledgement of the proximity of the Butlerstown and Glashaboy Rivers and the potential impact from fluvial flooding. The assessment included screening to establish the level of flood risk, with due regard given to the most up-to-date studies available, including OPW flood mapping and CFRAMS and the Glashaboy Flood Relief Scheme. The assessment of the flood risk to this site included estimating extreme flood levels in the adjoining Butlerstown River, topographical mapping, flood zone mapping, flood depth and volume analysis, and secondary flood risks. This assessment demonstrated that a part of the northern area of the site along the river edge is located within Flood Zones A and B.

7.3.3 When due regard is had to the siting of the proposed blocks and underground car parking, it has been demonstrated that the development would be located solely within a Flood Zone C area. I note that the Flood Risk Management Guidelines state

that Flood Zone C is a zone where there is low to negligible probability of flooding. Development of the nature proposed is permissible within such a zone.

7.3.4 Further to this, I acknowledge that the proposed pedestrian bridge and walkway along the river frontage are designed to have a deck level of at least 1.5m above the predictive 1 in 1000 year flood level at this location and will not pose a flood risk to the surrounding lands or the site itself.

7.3.5 Finally, I note the comprehensive surface water management proposals that form part of the development. This would ensure a controlled system of discharge of surface waters arising from the functioning development.

7.3.6 Having regard to the above considerations, I am of the opinion that it is reasonable to conclude that the proposed development would not pose a significant flood risk to this site or adjoining lands.

7.4. Density

7.4.1 I note the array of national, regional and local policy and guidance which now supports the provision of higher density development in town centre areas, on brownfield sites, and on serviced urban lands. The applicant in response to the appeal has alluded to much of the relevant documentation. Suffice to indicate that that the proposed site is a brownfield site, it is serviceable land, it is in an urban area, and it is on lands that are designated 'Town Centre'. The provision of higher density development would be wholly in keeping with current policy and guidance.

7.4.2 It is my submission to the Board that the site for the proposed development has a distinct advantage to support higher density development given its context. It is not flanked at this time by any particular sensitive neighbouring properties. It is bounded to the rear by a high embankment behind which lies the residential estate of Brookville. The functioning of the proposed development would have no particular adverse impact on the residential amenities of the occupants of this estate. It is

separated from a Lidl store which lies to the north by the Butlerstown River and again this separation, together with the nature of the proposed use on the site and the neighbouring retail use, poses no particular conflict in the functioning of the scheme. The East Cliff Road adjoins the site to the west and beyond this is one of Glanmire's principal parks. The land to the east of the site is a former commercial holding, which at the time of my inspection did not appear to be in use. I note that permission was granted in 2016 for a three-storey nursing home on those lands. There would be a substantial separation distance between the gable of the nearest proposed block and the western gable of the nursing home, with an intervening surface carpark to the west of the nursing home.

7.4.3 Overall, I submit to the Board that the site is suited to high density development, which should be supported in the interest of achieving sustainable development on a serviced site. The proposal for 42 apartments and ground floor commercial uses is an appropriate mix and density of development in this designated town centre location.

7.5. Integration with the Surrounding Area

7.5.1 I have referenced the context of the proposed development above. This site has a somewhat isolated presentation within the area. It has fortuitously the benefit of a high embankment to the rear. The site, in my opinion, lends itself to apartment block development that can be significantly higher than the low scale of development that generally prevails in this area. This site can accommodate the height and scale of development proposed in the original application submission to the planning authority. It is my view that the original proposed scheme does not warrant any tinkering with such as that which resulted in the decision from the planning authority requiring removal of floors in both proposed blocks. The proposed development would have no significant adverse impacts on the amenity of this area in my opinion. The original proposed scheme is the conceived, planned and developed design concept for the site. In my opinion, the outcome of following through with the

planning authority's requested changes culminates in a significantly squat pair of building blocks that emphasises bulk and mass, while the original design, with increased height, significantly reduces the appearance of bulk and mass when viewed on the approach from the north, i.e. the principal approach from which the development would be visible.

7.5.2 In conclusion, it is my submission to the Board that the distinctiveness of this site allows for the development of the original proposed scheme without any undue adverse impact on the landscape, visual, residential or other amenities of this area. The proposed development would satisfactorily integrate with its surroundings.

7.6. Traffic Impact

7.6.1 I note the poor horizontal alignment of the road serving the site, the narrow Glyntown Bridge, and limited footpath network in the immediate vicinity of this site. I further note that the road at this location lies within a 50kph speed limit zone for Glanmire and that the land at this location is designated 'Town Centre'. It is observed once again that a nursing home development has been permitted to the east of the site and that the access road for that development would also serve the proposed development. Adequate sightlines have been provided at the entrance onto the public road and pedestrian connectivity would be significantly improved by the development of the pedestrian bridge that would link with the established footpath adjoining the Lidl retail outlet to the north.

7.6.2 The proposed development would provide for underground car parking of 42 spaces. This is reasonable to accommodate the needs of residents occupying the apartments. I note the lack of surface parking to serve the commercial component of the proposed development. The underground parking may well provide for some of the needs associated with these uses. I further acknowledge the clear Glanmire Plan intent to develop a public car park within the GM-T-02 Objective lands, which one would anticipate would likely serve the appeal site lands and other lands in the vicinity. It is further acknowledged that the Lidl retail outlet immediately to the north

has a large surface car park. The proposed development would not likely be seriously underprovided for in terms of parking provisions in this designated town centre location in the medium term.

7.6.3 Finally, I note that reference has been made by the appellants to the low level of public transport provisions in the Glanmire area. It is evident that the Plan for Glanmire is pursuing a significantly increased population and that there are plans for enhanced public transport provision which aim to increase public transport in this area and indeed throughout Cork City. The development and expansion of the residential base of Glanmire as promoted by the Plan for this area should not reasonably be stymied due to the current levels of public bus service to the city.

8.0 Recommendation

8.1 I recommend that permission is granted in accordance with the following reasons, considerations and conditions.

9.0 Reasons and Considerations

Having regard to the following:

- National Planning Framework,
- Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December, 2018,
- 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,
- Cobh Municipal District Local Area Plan, and Objective GM-T-02 in particular, and

- the pattern of existing and permitted development in the area,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the National Planning Framework, national planning guidelines, and the Municipal District Local Area Plan, would be acceptable in terms of height, scale, mass and density, would not seriously injure the visual amenities of the area and would not seriously injure the residential amenities of adjoining properties, would represent an appropriate design response to the site's context, would not pose a significant flood risk, and would be acceptable in terms of pedestrian, cyclist 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 27th day of May, 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. Details of the materials, colours and textures of all the external finishes to the proposed development 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. Prior to the first occupation of Commercial Unit 1, the developer shall submit to the planning authority for agreement in writing confirmation of the proposed use of that unit. This agreed first use shall become the approved use class and planning permission shall be required for any subsequent change of use outside of this agreed use class.

Reason: In the interest of orderly development.

4. The hours of operation of the proposed café shall be agreed in writing with the planning authority prior to the first occupation of that unit.

Reason: In the interest of the amenities of property in the vicinity.

5. Details of all external shopfronts and signage shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed street furniture, including bollards, lighting fixtures and seating; and
- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes of perimeter walls.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual and residential amenity.

7. 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.

8. 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.

9. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of development.

Reason: In the interest of public health.

10. 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 for occupation of any apartment.

Reason: In the interests of amenity and public safety.

11. Prior to commencement of development, proposals for a name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of orderly development.

12. 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 traffic management measures.

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

13. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

14. 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.

15. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and recyclable materials

shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

16. 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.

17. 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.

18. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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 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.

Kevin Moore
Senior Planning Inspector

21st October 2020