

CORK COUNTY COUNCIL
PLANNING & DEVELOPMENT ACTS 2000 - 2010
NOTIFICATION OF DECISION TO GRANT Permission

Reference No. in Planning Register **17/05739**

Rowan View Developments Limited,
C/o M Byrne Architecture,
Phoenix House,
Monahan Road,
Cork.

In pursuance of the powers conferred upon them by the above mentioned Act and for the reason set out in the First Schedule hereto, the Council of the County of Cork has by Order dated **18/04/2018** decided to GRANT **Permission** for the development of land namely:

Construct 24. no apartments over 3 floors and all associated development works including access, car parking, landscaping and amenity areas, bicycle storage and service/refuse storage facilities.

At: Pembroke Woods, Pembroke, Passage West, Co. Cork

In accordance with the plans and particulars submitted by the applicant

On: 07/07/2017, as amended on 10/07/2017, 03/08/2017, 02/02/2018, 15/02/2018 and 26/03/2018

And subject to the conditions (45no.) set out in Column 1 of the Second Schedule attached hereto. The reasons for the imposition of the said conditions are set out in Column 2 of the schedule.

An appeal against a decision of the Planning Authority may be made to An Bord Pleanála by any authorised person before the EXPIRATION of the period of FOUR WEEKS beginning on the day of the giving (i.e. Date of Order) of the decision of the Planning Authority. (SEE NOTES ATTACHED)

If there is no appeal against the said decision, a grant of Permission in accordance with the decision will be issued after the expiration of the period within which an appeal may be made to An Bord Pleanala. It should be noted that until a grant of Permission has been issued the development in question is NOT AUTHORISED.

Signed on behalf of the said Council



Pío Treacy
Administrative Officer

Date: 18/04/2018

SEE NOTES ATTACHED

Please note that pursuant to S.34(3) of the Act, the Planning Authority has had regard to submissions or observations received in accordance with these Regulations.

In accordance with Article 20, site notice shall be removed on receipt of this notification.

FIRST SCHEDULE

Planning Ref. No. 17/05739

Having regard to the development plan objectives for the area and the pattern of development in the area, it is considered that subject to compliance with conditions attached in the Second Schedule, the proposed development would not seriously injure the amenities of the area and would not be prejudicial to public health and, therefore, would be in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

No.	Condition	Reason
1	The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the documents/drawings received by the Planning Authority on the 02/02/2018 and 15/02/2018 and 26/03/2018 except as may otherwise be required in order to comply with the conditions herein.	In the interests of clarity.
2	Before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, details of the materials, colours and textures of all external finishes to the proposed development shall be submitted and agreed in writing with the Planning Authority.	In the interests of visual amenity.
3	Before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, revised drawings, at a scale of 1:500 making provision for a revised car parking layout and associated proposals for the numbering of designated parking spaces within the development shall be submitted for the written agreement of the Planning Authority.	In the interests of residential amenity and traffic safety.
4	Before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, details of location of disabled car parking facilities to serve the proposed development shall be submitted to and agreed in writing by the Planning Authority. The spaces identified shall be designed and laid out to the appropriate current standard.	To facilitate access by disabled persons.
5	Before first use of the proposed development, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, car parking as described herein, shall be provided to the satisfaction of the Planning Authority.	In the interests of road safety.
6	All car parking bays shall be clearly demarcated with a material to be agreed with the Planning Authority.	In the interests of orderly development and public safety.

7	<p>Before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, revised proposals (including drawings) as follows shall be submitted for the written agreement of the Planning Authority (a) The internal bin store on the ground floor plan shall be omitted (b) a bike storage room shall be proposed in place of the internal bin store (c) proposals for bike storage in the lobby area shall be omitted and the resulting area kept clear (d) a new external bin store located to the northwest of building and south of the three car parking spaces to the north of the site shall be proposed. It shall be covered, secure, accessible and surrounded by a timber fence and hedge.</p>	<p>In the interests of visual and residential amenity.</p>
8	<p>Before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing the developer shall submit and obtain the written agreement of the Planning Authority to, a plan containing details for the management of domestic waste (and in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and , in particular, recyclable materials, and for the ongoing operation of these facilities.</p>	<p>To provide for the appropriate management of waste and in particular recyclable materials, in the interest of protecting the environment.</p>
9	<p>The site shall be landscaped in accordance with a comprehensive scheme of hard and soft landscaping, full details of which shall be submitted to and agreed in writing with the Planning Authority before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing. The said scheme shall include, inter alia, a programme for the implementation and maintenance of the scheme and shall be revised to include the proposed external bin store as detailed in condition 7 and the proposed neighbourhood play area.</p>	<p>In the interests of visual amenity.</p>
10	<p>The developer shall submit to the Planning Authority a drawing (hardcopy and electronically) showing the areas that would be</p>	<p>In the interest of orderly development.</p>

	<p>proposed for 'Taking in Charge', prior to the commencement of the development. This drawing shall also show the public facilities typically considered by the Planning Authority for 'Taking in Charge' namely public lighting, roads, footpaths, open spaces, surface water and foul sewers systems. The area on the drawing that would be considered for 'Taking in Charge' shall be finalised to the satisfaction of the Planning Authority but should not include the car park/designated bin storage area and associated public lighting in this specific area.</p>	
11	<p>Before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, a management company, as detailed in documentation submitted to the Planning Authority on 02/02/2018, shall be legally incorporated to provide the proposed development and legal documentary evidence to this effect shall be submitted to and agreed with the Planning Authority. This management company shall be responsible and fully liable for the provision and ongoing maintenance of proposed development.</p>	<p>To ensure the satisfactory maintenance of the development.</p>
12	<p>Before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, revised design and drawings in relation to the public lighting for this development shall be submitted for written agreement of the Planning Authority as follows: -</p> <ul style="list-style-type: none"> - The minimum lux level on public roads, paths and playgrounds, etc. within the housing estate shall be in accordance with BS5489-2013. - The S/P ratio of LED lanterns can be applied to the public lighting design for roads within a housing estate. - The lights shall be dimmable from 12.00 midnight to 06.00am as per dimming class 2A in housing estates. - The wattage of the lights shall be stated in any proposal and shall be the CLO wattage for whatever lumen output the design is based on. 	<p>In the interests proper design and residential amenity.</p>
13	<p>Before any development commences, or, at the discretion of the Planning Authority, within such</p>	<p>In the interests of proper design and orderly development.</p>

	<p>further period or periods of time as it may nominate in writing, revised proposals, to a scale of 1/500 shall be submitted for written agreement of the Planning Authority of a drawing of size A1 or A0 only, showing lux contour levels for the designed minimum lux level, 1.5, 3, 5, 10, 15 and 20 lux as appropriate.</p>	
14	<p>As part of the planning process a public lighting design and layout drawing for the proposed development, including the section of public road serving the site, shall be submitted to and agreed in writing with the Planning Authority before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing.</p> <p>It is imperative that this shall be agreed before the development commences so as not to delay the commencement of the development on site.</p> <p>The public lighting layout shall be designed, and signed, by a competent Lighting Design Engineer, in accordance with BS 5489:2013 and BS EN 13201:2003.</p>	In the interests of public safety.
15	<p>The following conditions as contained in Appendix F, Figure 4, of the Cork County Council Public Lighting Manual and Product Specification 2018 shall apply to this development: - M1, M4, M5, M6, M7, M8, M9, M10, M11, M14 and M15.</p>	In the interests of proper design and orderly development.
16	<p>Prior to the occupation of any houses / residences, within any phase of new development, the public lights shall be switched on in that phase and on any access roads, and shall be kept active and maintained by the developer until taken in charge by Cork County Council.</p>	In the interests of public safety.
17	<p>Public Lighting in this development shall be designed and constructed in accordance with Cork County Council Public Lighting Manual and Product Specification 2018; a copy of which is available on Cork County Council's website, www.corkcoco.ie</p>	In the interest of consistency of design and compatibility for future maintenance.
18	<p>Prior to the commencement of development the developer shall enter into a connection agreement with Irish Water in relation to the development.</p>	In the interests of orderly development.
19	<p>No dwelling shall be occupied until the water and sewage services</p>	To ensure that satisfactory water and waste water arrangements are

	<p>serving such dwellings are installed and functioning in accordance with the connection agreement made with Irish Water.</p>	<p>in place to serve the development</p>
20	<p>The layout and services for the estate shall comply with the standards set down in 'Recommendations for Site Development Works for Housing Areas' (Dept. of the Environment and Local Government, 1998) and with the Standard Requirements of the Planning Authority.</p>	<p>To ensure satisfactory standards of development.</p>
21	<p>The details of hours of working during construction of the development, including the hours of use of any noisy equipment to be used, and of a scheme for noise and dust control during construction shall be submitted to and agreed with the Planning Authority before the development is commenced, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing and thereafter the construction shall take place with in accordance with the agreed details.</p>	<p>To protect the amenities of the area.</p>
22	<p>No dust, mud or debris from the site shall be carried onto or deposited on the public road/footpath. Public roads and footpaths in the vicinity of the site shall be maintained in a tidy condition by the developer during the construction phase.</p>	<p>To protect the amenities of the area and in the interests of road safety.</p>
23	<p>During the course of construction of work the developer shall provide on site a covered skip or other such receptacle for the deposit therein of all rubbish, litter, packaging, rubble and other such materials arising from the works. The developer shall ensure that the site and its environs are maintained at all times in a clean and tidy condition.</p>	<p>To protect the amenities of the area.</p>
24	<p>A vehicle washing facility shall be provided and used at any vehicular entrance to the site to clean vehicles leaving the site. Details of proposed construction and operation of the aforementioned facility shall be submitted to and agreed with the Planning Authority before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing.</p>	<p>In the interests of road safety and to safeguard the amenities of the area.</p>
25	<p>Any damage to the existing estate road and footpath resulting from this development, shall be repaired by</p>	<p>In the interests of orderly development.</p>

	the developer (at their own expense) to the Planning Authority's satisfaction.	
26	Surface water shall not be permitted to enter the foul sewer.	To prevent overloading of the foul sewer.
27	Storm attenuation measures shall be incorporated into the proposed storm water system. Fully detailed storm water attenuation proposals shall be submitted and agreed with the Planning Authority before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing. These proposals shall include detailed, site specific design, layout and section drawings and construction details. as well as detailed proposals for the operation, maintenance and silt management of the system.	To prevent flooding.
28	Drainage to be on separate systems, i.e. foul to discharge to the foul sewers and surface water to discharge to surface water system. No surface / storm water or ground water shall discharge to the foul sewer.	In the interests of orderly development.
29	The developer shall submit as required by the Planning Authority, accurate record drawings to scale 1/500 of roads, footpaths, foul and storm sewers including depths and locations of manholes, and locations of individual unit services; watermains including locations of valves, hydrants and other fittings; public lighting and open space areas.	In the interests of orderly development.
30	Dedicated ducting to Department of Communications, Marine and Natural Resources standard shall be installed within the site to allow for the installation of fibre optic cable for future Broadband delivery. Full details for this shall be submitted and agreed with the planning authority prior to commencement of development works on site.	In the interests of orderly development.
31	Prior to the commencement of development works on site, details of the speed control measures shall be submitted and agreed with the Planning Authority.	In the interests of safety.
32	Existing footpath bounding the development at the public road are to remain open and kept in a good condition. It is the onus of the developer to ensure that all members of the public can safely utilise the public footpath during daytime and night time hours. A	In the interest of public safety.

	method statement shall be submitted and agreed with the Planning Authority prior to commencement of development on site.	
33	The developer shall be responsible for the maintenance of all roads, footpaths , open spaces, site boundaries and other services within the estate until taken in charge by Cork County Council and/or Irish Water at its discretion.	To ensure adequate maintenance of the estate.
34	The developer shall indemnify the Planning Authority against all claims resulting from defective foul and surface water sewers, manholes and road gullies, until and unless the development is taken in charge by Cork County Council at its discretion.	In the interests of orderly development.
35	The Estates Department of the Planning Authority shall be contacted by the developer prior to commencement of the development on site to arrange a meeting to discuss general working arrangements and any issues which may be linked specifically to the proposed development.	In the interest of orderly development.
36	The developer shall retain wayleaves to the Planning Authority's satisfaction, over areas where services traverse private property. In the event of the Council deciding at its discretion to 'Take in charge' the roads and services the developer shall provide rights of way and wayleaves over these areas to Cork County Council.	In the interest of future maintenance.
37	Prior to commencement on site, the developer is to issue and agree with the Planning Authority/Area Engineer 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.	To ensure the satisfactory completion of the development.
38	During construction, the developer shall provide adequate off carriageway parking facilities within the curtilage of the site for all traffic associated with the proposed development, including delivery and service vehicles/trucks. There shall be no parking along the public road or footpath.	In the interests of road safety and to protect the amenities of the area.
39	Vegetation or any structure shall not exceed 1m in height within the sight	To provide proper sight distance for emerging traffic in the interests of

	distance triangle.	road safety.
40	Adequate provision shall be made to facilitate access to the proposed development by disabled persons. The minimum requirements to be provided shall be in accordance with the latest guidelines from the National Disability Authority. Drawings showing compliance with this condition shall be submitted to and agreed in writing with the Planning Authority before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing.	To facilitate access by disabled persons.
41	Before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, the developer shall submit and agree in writing with the Planning Authority a mobility plan for the proposed development which shall include, inter alia: [a] proposals to provide facilities for and to increase the use of public transport and of cycles.	In the interests of sustainable commuting.
42	Prior to commencement of development, or at the discretion of the Planning Authority within such further period or periods of time as it may nominate in writing, 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 social housing in accordance with the requirements of Section 96 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.	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 for the area.
43	Before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, the developer shall provide, to the satisfaction of the Planning Authority, security for the provision and satisfactory completion, including maintenance until taken in charge at the discretion of that Authority, of roads, footpaths, sewers, road lighting, open spaces and other relevant services required	To ensure that these parts of the development are constructed and completed to a satisfactory standard.

	<p>in connection with the development. The security shall be a Bond in a form and amount approved by the Planning Authority and provided by a Bank or Insurance Company acceptable to the Planning Authority.</p>	
44	<p>At least one month before commencing development or at the discretion of the Planning Authority within such further period or periods of time as it may nominate in writing, the developer shall pay a contribution of €32285.17 to Cork County Council in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority. The value of this contribution is calculated in accordance with the Council's Development Contributions Scheme on 01/01/18, and shall be increased monthly at a rate of 8% per annum in the period between the date on which this value was calculated, and the date of payment.</p>	<p>It is considered appropriate that the developer should contribute towards the cost of public infrastructure and facilities benefiting development in the area of the Planning Authority, as provided for in the Council's Development Contributions Scheme, made in accordance with Section 48 of the 2000 Planning and Development Act, and that the level of contribution payable should increase at a rate which allows both for inflation and for phasing in of the target contribution rates, in the manner specified in that scheme.</p>
45	<p>At least one month before commencing development or at the discretion of the Planning Authority within such further period or periods of time as it may nominate in writing, the developer shall pay a special contribution of €36800.00 to Cork County Council, updated monthly in accordance with the Consumer Price Index from the date of grant of permission to the date of payment, in respect of specific exceptional costs not covered in the Council's General Contributions Scheme, in respect of works proposed to be carried out, for the provision of off site recreation facilities in line with the adopted Recreation and Amenity Policy. The payment of the said contribution shall be subject to the following: : - (a) where the works in question— (i) are not commenced within 5 years of the date of payment of the contribution (or final instalment if paid by phased payment), (ii) have commenced but have not been completed within 7 years of the date of payment of the contribution (or final instalment if paid by phased payment), or (iii) where the Council has decided not to proceed with the proposed works or part thereof, the contribution shall, subject to paragraph (b) below, be refunded to the applicant together with any interest which may have accrued</p>	<p>It is considered appropriate that the developer should contribute towards these specific exceptional costs, for works which will benefit the proposed development.</p>

	<p>over the period while held by the Council. (b) Where under subparagraphs (ii) or (iii) of paragraph (a) above, any local authority has incurred expenditure within the required period in respect of a proportion of the works proposed to be carried out, any refund shall be in proportion to those proposed works which have not been carried out. (c) payment of interest at the prevailing interest rate payable by the Council's Treasurer on the Council's General Account on the contribution or any instalments thereof that have been paid, so long and in so far as it is or they are retained unexpended by the Council.</p>	
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