

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2011

Cork County

Planning Register Reference Number: 11/05300

An Bord Pleanála Reference Number: PL 04.239410

APPEAL by Nancy O’Riordan and others care of Harrington O’Flynn Consulting Engineers of 16 Roselane, Ballinacurra, Midleton, County Cork against the decision made on the 9th day of August, 2011 by Cork County Council to grant subject to conditions a permission to John Fitzgerald care of Doyle McDonagh Nash Architects of 2 Gouldings Cottages, Dillons Cross, Cork in accordance with the plans and particulars lodged with the said council.

PROPOSED DEVELOPMENT: Development comprising site development works for four number serviced sites for dwellinghouses and all ancillary site works, new entrance, access road, individual wastewater treatment units with percolation area to serve each site, and road improvement works at Templemichael, Whites Cross, County Cork.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the zoning objective for this site, as set out in the Blarney Local Area Plan (Interim Version, 2011), which is to accommodate the housing needs of people living and working in the locality, and to the planning history of the site, and the proposed improvement works in respect of sightlines within a 50 km/h zone, the Board considered that the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, and would be in accordance with the objectives of the Local Area Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board accepted the proposals made by the applicant in respect of improvements to sightlines in this 50 km/h zone, and considered that the development proposed had overcome the previous reason for refusal, and furthermore, the Board had regard to the local residential zoning objective for the site.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. Applicants for permission shall comply with the eligibility criteria for the Rural Housing Control Zone policy, as set out in the Cork County Development Plan 2009. Prior to commencement of development, the said applicants shall have entered into an agreement with the planning authority pursuant to Section 47 of the Planning and Development Act, 2000, to use the dwellings as their place of permanent residence for a period of seven years from the date of completion.

Reason: To ensure that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. Prior to commencement of any development works, the site shall be fully landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority. This scheme shall include the following:
- (a) the establishment of a hedgerow and trees along all boundaries of each site, and the provision of boundary treatment appropriate to this rural area
 - (b) planting of a landscape buffer in accordance with the landscaping scheme submitted to the planning authority on the 15th day of June 2011 and in accordance with the requirements of the planning authority

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 order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

4. (a) The existing site boundaries and hedgerows shall be retained except to the extent that removal is necessary to provide for the entrance to the site and sightlines at both the entrance on to the L6973 County Road, and at the junction of the L6973 with the R616 Regional Road.
- (b) Existing trees and hedgerows shall be protected during construction by the erection of a one metre high fence around the trees or tree groups to be retained at a radius equal to the canopy width of the tree, or at a minimum radius of three metres, and in accordance with the requirements of the planning authority.

Reason: In the interest of visual amenity.

5. (a) All site development works, with the exception of the laying of the final dressing to the road surface, shall be completed prior to the commencement of construction of any of the dwelling units.
- (b) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, and the footpath at the entrance to the site, shall comply with the detailed standards of the planning authority for such road works.

Reason: To ensure the timely provision of infrastructural works for the development, and in the interests of amenity and of traffic and pedestrian safety.

6. The plans and particulars to be submitted by way of separate applications for permission for a dwelling on each site shall include the following:
- (a) A comprehensive site survey, to a scale of not less than 1:500, including contours at intervals of 0.5 metres, showing all existing trees, boundaries and other features
 - (b) a site layout plan to a scale of not less than 1:500 showing the layout of the house, driveway and waste water treatment system
 - (c) cross and longitudinal sections showing the details of existing and proposed ground levels and proposed finished floor level relative to the finished floor level of adjoining houses by reference to the road level at the proposed entrance
 - (d) proposals for the landscaping of each individual site (including planting), and details of external finishes.

Reason: To enable the application for permission to be fully assessed.

7. (a) The dwelling constructed on each site shall reflect traditional principles of scale, proportion, detail and finish.
- (b) Roof materials shall comprise slate or tile coloured dark grey or black. The colour of the ridge tile shall be the same as the colour of the roof.
- (c) The external walls shall be finished in neutral colours such as grey or off-white.

Reason: In the interest of visual amenity.

8. Sightlines of 80 metres shall be provided in both directions, at a point three metres back from the edge of the public road in the centre of the main vehicular entrance to the site, to the satisfaction of the planning authority.

Similarly, sightlines of 80 metres shall be provided in both directions at the junction of the L6973 County road with the R616 Regional road, to the satisfaction of the planning authority

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 interest of traffic safety.

9. (a) The front boundary of the site shall be set back in accordance with the requirements of the planning authority to provide for sightlines, and shall consist of a sod and stone ditch, planted with indigenous deciduous species, the exact height and location of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) The boundary at the junction of the L6973 County road with the R616 Regional road shall be also set back in accordance with the requirements of the planning authority to provide for sightlines, and shall similarly consist of a sod and stone ditch, planted with indigenous deciduous species, the exact height and location of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

10. Water supply and surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

11. (a) Surface water from the site shall not be permitted to drain onto the adjoining public road.
- (b) All surface water generated within the site boundaries shall be collected and disposed of within the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
- (c) The entrance to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent pollution.

12. Waste water treatment systems shall be provided in accordance with the Code of Practice “Wastewater Treatment Systems for Single Houses” issued by the Environmental Protection Agency (2010), and in accordance with the requirements of the planning authority.

Reason: In the interest of public health.

13. 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 occupation of any house.

Reason: In the interests of amenity and public safety.

14. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground throughout the site.

Reason: In the interest of visual and residential amenity.

15. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the “Recommendations for Site Development Works for Housing Areas” issued by the Department of the Environment and Local Government (1998) and in accordance with the requirements of the planning authority. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

16. Proposals for a bilingual naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs and house numbers shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority’s written agreement to the proposed name(s).

Reason: In the interest of orderly development and to ensure the use of locally appropriate placenames for new residential areas.

17. On completion of the development, the developer shall submit to the planning authority as-constructed drawings of the entire development including all services in the estate.

Reason: In the interest of proper planning and development.

18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, water mains, drains, public open space and other public facilities or 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 or maintenance 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 and maintenance of the development until taken in charge.

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

Dated this day of 2012.