

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2011

**Cork County**

**Planning Register Reference Number: 10/08627**

An Bord Pleanála Reference Number: PL 04.239455

**APPEAL** by Residents of Siddon's Court care of Ursula Browne of 6 Siddon's Court, Lower Aghada, County Cork against the decision made on the 28<sup>th</sup> day of July, 2011 by Cork County Council to grant subject to conditions a permission to Paul Creedon care of JK Design of Ardrack Heights, Ardrack, Kinsale, County Cork.

**PROPOSED DEVELOPMENT:** Site development works for three number serviced sites for detached dwellinghouses with garages at Lower Aghada, County Cork.

## **DECISION**

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

## **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 location of the site within the Whitegate/Aghada development boundary, the residential zoning of the site, the provisions of the Midleton Electoral Area Local Plan, 2011, the planning history of the site, and the layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 6<sup>th</sup> day of July, 2011 and by the further plans and particulars received by An Bord Pleanála on the 20<sup>th</sup> day of September, 2011, 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. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

3. 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 future dwelling units.

**Reason:** To ensure the timely provision of infrastructural works for the development.

4. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be contoured, soiled seeded and landscaped in accordance with a scheme to be agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

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

5. Splayed entrances from the public road, footpath and the internal road network serving the development including turning bay, parking areas, footpaths, verges and kerbs shall be in accordance with the detailed requirements of the planning authority for such works.

**Reason:** In the interest of amenities and public safety.

6. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard ducting shall be provided to facilitate the provision of broadband infrastructure within the development.

**Reason:** In the interest of orderly development and the visual amenities of the area.

7. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to the planning authority for agreement prior to the commencement of development.

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

8. Prior to the commencement of development, a Construction Management Plan shall be submitted to the planning authority for its written agreement. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, location of construction workers car parking, storage compounds and site office, off-site disposal of construction waste, a scheme for dust and dirt control including vehicle wheel washing facilities.

**Reason:** In the interest of the amenities of the area, public health, traffic safety and public safety.

9. Prior to the 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 planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development coupled with an agreement empowering the planning 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 such security shall be agreed between the planning authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála.

**Reason:** To ensure the satisfactory completion of the development.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting the 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. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the scheme at the time of payment. Details of the application of the terms of the scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contributions Scheme made under section 48 if the Act be applied to the permission.

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

**Dated this            day of            2012.**