

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Cork County

Planning Register Reference Number: 15/05331

An Bord Pleanála Reference Number: PL 04.245992

APPEAL by The Residents of The Old Lane of Killeens Cross, Rathpeacon, County Cork against the decision made on the 3rd day of December, 2015 by Cork County Council to grant subject to conditions a permission to Michael Leahy care of D.A. Kearney of Gleann na Geall Lodge, Ballady, Belgooly, County Cork in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Demolition of existing outbuildings and construction of a residential development consisting of three detached dormer bungalows and one detached single storey bungalow and all associated site works at Rathpeacon, Killeens, 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 nature and scale of the proposed development, the location of the site with a settlement boundary as set out in the Blarney Electoral Area Local Area Plan 2011 and the character and pattern of development in the vicinity of the site, it is considered that, subject to compliance with conditions set out below, the proposed development would not seriously injure the amenities of neighbouring dwellings or the amenities the area, would be acceptable in terms of traffic safety and convenience and 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 further plans and particulars submitted on the 15th day of October, 2015 and the 12th day of November 2015, 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. This permission is for three houses only. The proposed development shall be modified such that the proposed House Type A, in the revised site layout drawing submitted to the planning authority on the 15th day October 2015, shall be replaced with House Type B.

Revised drawings showing compliance with the above requirements shall be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: In the interest of clarity and in the interest of protecting established residential amenities to the immediate east and north of the proposed development.

3. Cross and longitudinal sections showing details of existing and proposed ground levels and proposed finished floor levels relative to finished floor levels of adjoining houses and spot level on road 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.

Reason: In the interest of visual and residential amenities.

4. The site shall be landscaped in accordance with a scheme of landscaping, details of which, including details of trees to be retained, shall be submitted to the planning authority for agreement before development commences.

Reason: In the interest of visual amenity.

5. Prior to the commencement of development, the developer shall submit details of all boundary treatment and implementation of timeframes for the agreement of the planning authority. This shall include boundaries between rear gardens and boundaries to the exterior of the site.

Reasons: In the interest of residential privacy.

6. Public lighting shall be in accordance with a scheme, which shall be designed to minimize glare and light pollution, and which shall be submitted for the written agreement of the planning authority prior to commencement of development.

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

7. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to the planning authority for agreement.

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

8. 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.

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

9. That all necessary measures be taken by the contractor to prevent spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

10. Full details of the vehicular access to serve the proposed development shall be submitted for the written agreement of the planning authority prior to the commencement of development.

Reason: In the interest of traffic safety.

11. Water supply and all 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.

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 the 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 waste.

Reason: In the interest of amenities and public safety.

13. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street 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 interests of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

14. Prior to the commencement of development the developer shall submit, and obtain written agreement of the planning authority a plan containing details of the management of waste (and, in particular, recyclable materials) within the development including the provision of facilities for the separation and the collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

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

15. 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 of roads, including laneway, 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 and 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 of the development.

16. 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.

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

Dated this day of 2016.