



Board Direction

Ref: PL28.246275

The submissions on this file and the Inspector's report were considered at a Board meeting held on 5th July 2016.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, subject to the amendments shown below.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the current Cork City Development Plan, 2015-2021, the existing established residential use, the pattern of existing and permitted development in the vicinity and having regard to the information submitted as part of the planning application together with the information submitted in the appeal, the Board considers that, subject to compliance with the following conditions, the proposed development generally accords with the policy requirements of the Cork City Development Plan as it relates to residential developments, would be acceptable in terms of traffic safety and convenience and would not injure the existing visual and residential amenities of properties in the vicinity of the site. It is further considered that the development would be acceptable in terms of the designated Area of High Value Landscape and would not impact upon the adjacent Architectural Conservation Area of Blackrock Road. It is concluded that the development, would be acceptable in terms of 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, submitted the 25th day of August 2015, as amended by further information submitted to the Planning Authority on the 17th day of September,

2015, 7th day of December, 2015 and 18th January, 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The rear gardens of House No.s 28-32 shall be terminated at or about the red line representing a low timber retaining wall on drawing number 15355-2-101 REV A, submitted to the PA on 7 Dec 2015, and the lands south of this line containing mature trees are to be incorporated into the public open space area.

(b) The open spaces shall be developed for, and devoted to public use. They shall be kept free of any development and shall not be incorporated into house plots. The areas of public open space shown on the lodged plans, as amended by the foregoing condition, shall be reserved for such use and shall be levelled, soiled, seeded, and landscaped in accordance with the detailed requirements of 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.

Reason: In order to protect the visual and ecological amenities of the area, to ensure the development of the public open space areas and their continued use for this purpose.

3. RearGarden 2

4. CMP1

5. (a) The proposed access to the development, internal roads and footpaths from Blackrock Road and along the southern site boundary, shall be designed in accordance with the Design Manual for Urban Roads and Streets (DMURS).

(b) The public lighting proposals shall be carried out in accordance with the plans and details provided in support of the proposed development.

Full details shall be agreed with the Planning Authority prior to commencement of development and all works shall be completed by the applicant to the satisfaction of the Planning Authority prior to the occupation of any house within the proposed development.

Reason: In the interests of compliance with DMURS and in the interests of traffic and pedestrian safety.

6. All aspects of the proposed drainage layout, design and details shall be carried out in accordance with the plans and details submitted in support of the proposed development. Full details shall be submitted for the written agreement of the Planning Authority prior to the commencement of any development on the site and all works shall be completed by the applicant, to the satisfaction of the Planning Authority prior to the occupation of any house within the proposed development.

Reason: In the interest of public health, the protection of adjoining properties and the proper planning and sustainable development of the area.

7. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only.

Reason: In the interest of visual amenity.

8. A detailed implementation plan addressing all the mitigation measures in relation to the protection of bats contained in the Mammal and Alien Species Assessment prepared by Aardwolf Wildlife Surveys and submitted to the Planning Authority on 7th day of December, 2015 shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. All such measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

Reason: In the interest of wildlife protection.

9. 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 (Part V) of the Planning and Development Act 2000, as amended by the Urban Regeneration and Housing Act, 2015, 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.

10. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of roads, sewers, watermains, drains, car parks, open spaces 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 of any part of the development. The security to be lodged shall be as follows -

- (a) an approved insurance company bond in an amount to be agreed with the Planning Authority prior to the commencement of any development on site
- (b) a cash sum, amount to be agreed with the Planning Authority prior to the commencement of any development on site, to be applied by the planning authority at its absolute discretion if such services are not provided to its satisfaction, or
- (c) such other security as may be accepted in writing by the planning authority.

Reason: To ensure the satisfactory completion of the development.

11. 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 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.

12. The developer shall pay to the planning authority a financial contribution in respect of the Cork Suburban Rail project in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Note: The Board decided not to follow the recommendation of the Inspector and omit houses 28-31 incl. and to instead remove the area of mature trees from the rear gardens of these houses into the area of public open space.

Board Member: _____ Date: 6th July 2016

G.J. Dennison

