

An  
Bord  
Pleanála

**Board Direction**  
**BD-009129-21**  
**ABP-310212-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22/09/2021.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

## 1.0 Reasons and Considerations

Having regard to the siting of the proposed development within the development boundary of the designated 'Key Village' of Courtmacsherry, to the established residential development in the immediate vicinity, and to the density, design, character, layout and servicing of the proposed development, it is considered that the proposed development would not adversely impact on the residential amenities of adjoining properties or the visual amenities of the area, would not endanger public safety by reason of traffic hazard, and would otherwise be in accordance with the provisions of Cork County Development Plan 2014 and West Cork Municipal District Local Area Plan 2017. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



## 2.0 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 drawings and details submitted to the planning authority on the 19<sup>th</sup> February, 2021, 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. The 3-no. residential serviced sites shall be omitted from the overall scheme.

**Reason:** In the interest of protecting the visual amenity of the area.

3. The proposed dwellings shall be occupied as places of permanent residence and shall not be used as holiday home development without the prior grant of planning permission.

**Reason:** To ensure compliance with the provisions of the West Cork Municipal District Local Area Plan as they relate to Courtmacsherry and in the interest of providing for local permanent housing need within the village.

4. Details of the materials, colours and textures of all the external finishes to the proposed residential units shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

**Reason:** In the interest of visual amenity

5. The site shall be landscaped, and all site boundary treatment shall be in accordance with the drawings submitted to the planning authority on 19<sup>th</sup>



February 2021, with the exception of the proposed boundary wall along the northern boundary which shall be provided at a height of 1.8 metres over ground level. The existing eastern and western flank hedgerows and the southern hedgerows between the housing site and the proposed serviced sites shall be retained and supplemented in accordance with the site layout plan submitted.

**Reason:** In the interest of residential and visual amenity.

6. 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.

7. The applicant or developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

8. 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 commencement of development. This plan shall provide details of intended construction practice for the development, including the demolition of the existing structures on the site, the retention of boundary walls, and the provision of the retaining wall along the southern site boundary.

**Reason:** In the interests of public safety and residential amenity.

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation



from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

10. 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.

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

11. 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(4) and section 96(2) and (3) (Part V) 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. 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, and of the housing strategy in the development plan of the area.

12. 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, watermains, drains, public open space, landscaping 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 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.

13. 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.

**Plus**

Electric charging facilities shall be provided for cycle parking and proposals shall be submitted to and agreed in writing with the Planning Authority prior to the occupation of the development

**Reason:** In the interest of orderly development and to provide for and future proof the development as would facilitate the use of electric cycles

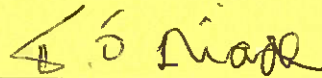
The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works and shall comply with DMURS

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

And

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**Board Member**



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Terry Ó Niadh

**Date:** 22/09/2021