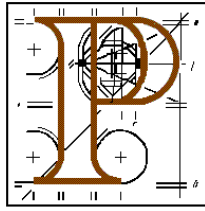


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Cork County

Planning Register Reference Number: 14/05983

An Bord Pleanála Reference Number: PL 04.245596

APPEAL by Michael Byrne of 24 Westbury Heights, Kennel Hill, Mallow, County Cork and by Tricia O'Sullivan and others care of 20 Westbury Heights, Kennel Hill, Mallow, County Cork against the decision made on the 17th day of September, 2015 by Cork County Council to grant subject to conditions a permission to John and Barbara Lehane care of EMC of Navigation Road, Mallow, County Cork in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Erection of two number two-storey dwellings, entrance, roadway and all associated site works, all at Annabella, Mallow, County Cork as amended by the revised public notice received by the planning authority on the 21st day of August, 2015.

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 zoning of the site as set out in the Mallow Town Development Plan, 2010 - 2016, to the pattern of development in the vicinity and to the desirability of providing for infill housing generally, and having regard to the location and limited scale 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 be capable of being adequately serviced and would not lead to a traffic hazard. 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 to the planning authority on the 27th day of April 2015 and on the 11th day of August 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. Prior to commencement of any development, the developer shall enter into a formal agreement, pursuant to Section 47 of the Planning and Development Act, 2000, as amended, providing for the vesting in the local authority, at no cost to the authority, of the area of land outlined in green and entitled "green area which can be handed over to Cork County Council" in the drawings submitted with the application on the 17th day of September 2014, that is, the land to the north-east of the proposed access road.

Reason: In the interest of ensuring that this area of land, which was intended as part of the open space area serving the Westbury Heights estate, is made available as part of such open space and in the light of the submission made by the applicant as part of the application documentation.

3. Prior to the first occupation of either of the two dwellings that are the subject of this permission, all existing fences, ditches or other obstructions within the area of land specified in condition number 2 shall be removed and the land in question shall be levelled, grassed and landscaped in accordance with details to be agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

4. Details of all boundary treatments to the two house sites, and for the north-eastern boundary of the access road, separating the road from the area of land specified in condition number 2 shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The agreed boundaries shall be fully provided prior to the first occupation of either of the two dwellings that are the subject of this permission.

Reasons: In the interest of residential and visual amenity.

5. 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, and agreed in writing with, the planning authority prior to commencement of development. The landscaping, as agreed with the planning authority, shall be provided within one year of substantial completion of the proposed dwellings.

Reason: In the interest of visual amenity.

6. Prior to commencement of development, 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.

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

7. All service cables associated with the proposed development (such as electrical, communal television, telephone and broadband cables) shall be run underground within the site.

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

8. Full details of the vehicular access to serve the proposed dwellings, including surfacing and roadside drainage, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of traffic safety.

9. 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.

10. 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. This Management Plan shall provide for the parking of all construction plant and of all construction workers' cars within the site boundaries, and not on the estate roads within Westbury Heights estate.

Reason: In the interest of amenities and public safety.

11. 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, of all landscaping works and boundary treatment as may be agreed with the planning authority under the terms of conditions numbers 4 and 5 of this permission. The form and amount of 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 development.

12. 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.

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

Dated this day of 2016.