

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Cork City

Planning Register Reference Number: T.P. 15/36526

An Bord Pleanála Reference Number: PL 28.246275

APPEAL by Des Murphy of 3 Cleve Business Park, Monahan Road, Cork and by David Mullane and others care of 13 Cleve Hill, Blackrock Road, Cork against the decision made on the 12th day of February, 2016 by Cork City Council to grant subject to conditions a permission to Targeted Investment Opportunities Plc care of Cunnane Stratton Reynolds of Copley Hall, Cotters Street, Cork in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of 31 dwellings comprising 15 number detached dwellings and 16 number semi-detached dwellings, landscaping works, access, internal roads, adjacent infrastructure works and all ancillary site development works on lands at Cleve Hill, Blackrock Road, 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 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, it is considered that, subject to compliance with the conditions set out below, the proposed development generally accords with the policy requirements of the development plan as it relates to residential developments, would be acceptable in terms of traffic safety and convenience and would not seriously 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 considered, therefore, that the proposed 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, as amended by the further plans and particulars submitted on the 17th day of September, 2015, the 7th day of December, 2015 and the 18th January, 2016, 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. (a) The rear gardens of house numbers 28 to 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 planning authority on the 7th day of December, 2015, and the lands south of this line containing mature trees shall 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 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 ensure the development of the public open space areas, and their continued use for this purpose.

3. All rear gardens shall be bounded by timber panel fences, 1.8 metres in height, constructed with concrete uprights.

Reason: In the interests of residential and visual amenity.

4. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

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 submitted to and agreed in writing with the planning authority prior to commencement of development and all works shall be completed by the developer, 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 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 to and agreed in writing with the planning authority prior to commencement of any development on the site and all works shall be completed by the developer, 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 the 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(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.

10. 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 of roads, 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 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.

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.

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

Dated this day of 2016.