



An
Bord
Pleanála

**Board Order
PL 04.247875**

Planning and Development Acts 2000 to 2016

Planning Authority: Cork County Council

Planning Register Reference Number: 15/06969

Appeal by David O’Gorman of Ballinabointra, Midleton, County Cork against the decision made on the 15th day of December, 2016 by Cork County Council to grant subject to conditions a permission to Jim Luby and Tim Rogers (joint receivers of certain assets of John and Elaine Barry) care of McCutcheon Halley Walsh of 6 Joyce House, Barracks Square, Ballincollig, County Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: A residential development comprising the construction of 70 number dwellinghouses and all associated ancillary development works including access, parking, footpaths, drainage (including the provision of a pumping station), landscaping and amenity areas (the proposed residential development will replace 74 number residential units previously permitted under planning register reference number 06/8157 and extended under planning register reference number 12/4853), all at 'Abbey Wood', Baneshane townland, Midleton, 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, to the existing pattern of development in the vicinity of the site, to the planning history of the subject site and surrounding lands, and to the residential zoning of the site, 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, would not adversely affect the character of the area, would be acceptable in terms of flood risk, and would be acceptable in terms of pedestrian and traffic safety. 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 on the 6th day of May 2016 and the 18th day of November 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. The development shall be carried out as a single phase, or on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

3. Details of the materials, colours and textures of all the external finishes to the proposed houses shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colours shall be blue-black or slate-grey in colour only, including ridge tiles.

Reason: In the interest of visual amenity.

4. The windows serving all bathrooms, en-suites, landings and walk-in wardrobes shall be permanently fitted and maintained with obscure glass.

Reason: In the interest of the proper planning and sustainable development of the area

5. The development shall be carried out and completed in accordance with the “taking-in-charge” standards of the planning authority. The entire development shall be maintained by the developer until such time as it is taken in charge by the planning authority. No private management company shall be established to maintain the estate.

Reason: In the interest of ensuring that the development is carried out to appropriate standards, and to comply with national policy in relation to the taking in charge of housing estates.

6. The areas of open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 18th day of November 2016. All of 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 until taken in charge by the local authority. When the estate is taken in charge, the open spaces shall be vested in the planning authority, at no cost to the authority, as public open space.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

7. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority, full details of the proposed boundary treatment. The boundary to the west of the site shall consist of a paladin fence, which shall be colour coated in a dark green colour (including uprights). Soft planting strips shall be provided in front gardens, generally as indicated on the 3D representations, as submitted to the planning authority on the 23rd day of December 2015. All rear gardens shall be bounded with concrete block walls, 1.8 metres in height, which shall be rendered and capped, and the proposed concrete post and timber panel fences shall not be provided.

Reason: in the interest of visual amenity, and in order to ensure the provision of durable boundary treatment in the interest of residential amenity.

8. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed standards of the planning authority for such works, and shall comply with the provisions of the Design Manual for Urban Roads and Streets. Footpaths shall be provided to serve the proposed play areas, not less than 1.8 metres in width.

Reason: In the interests of amenity and of pedestrian and traffic safety.

9. Water supply and drainage arrangements, including the attenuation and 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.

10. 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 place names for new residential areas.

11. 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. Such lighting shall be provided prior to the making available for occupation of any house, or, in the event that the development is phased, prior to the making available for occupation of the first house in each phase.

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

12. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each house shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

13. The development shall comply with the following requirements of the planning authority:
- (a) The exact alignment, depth and crossing points of the additional 1200 millimetre diameter storm water pipe, under the existing road to the south of the site, as indicated on drawing numbers Y15 312/PL/101B and Y15 312/PL/110, submitted to the planning authority on the 18th day of November 2016, shall be agreed in writing with the planning authority prior to commencement of development.
 - (b) Both the open channel/stream running through the site and the entrance of the 1200 millimetres diameter storm water pipes shall be adequately secured to ensure no unauthorised access. This may be in the form of palisade fencing or gates. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
 - (c) The finished floor levels of the dwellings shall be constructed in accordance with the levels shown on the layout drawing number Y15 312/PL/100B submitted to the planning authority on the 18th day of November 2016.
 - (d) The developer shall provide a live surface water storage attenuation volume as per the submission. Proposals to protect the proposed sewers, pumping station and surface water attenuation system from high ground water table and groundwater infiltration shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The final details of the attenuation tank/system shall be to the satisfaction of the planning authority

- (e) Due diligence on the existing 1200 millimetre diameter surface water system to which it is proposed to connect, including as-built drawings and CCTV survey, shall be submitted to the planning authority. The CCTV survey shall be witnessed by local authority staff unless otherwise agreed.
- (f) The developer shall construct the gravity foul sewer connection to the new pumping station from Castlerock housing estate/pumping station and decommission the existing pumping station at Castlerock, unless otherwise agreed in writing with the planning authority. The programme for this work shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (g) The extent of the new pipe culverts constructed under this development shall be to the satisfaction of the planning authority. The proposed 1200 millimetres diameter stream culverts pipework shall be constructed using precast concrete class m (medium strength) spigot and socket pipe unless otherwise agreed with the planning authority. To deal with the risk of blockage and security, an inlet screen shall be provided at the inlet end of the proposed new 1200 millimetres diameter culvert's pipework. The inlet screens shall be hydraulically designed based on 2/3 blockage. The detail design of the inlet screens shall be submitted to, and agreed in writing with, the planning authority.
- (h) The developer shall, prior to commencement of construction:-
 - (i) submit to the planning authority drawings, including cross section details, that show clearly the extent of the estate roadway that would be supported by the proposed attenuation structure. The site investigation details and geotechnical assumptions on which the design has been based shall also be submitted.

- (ii) submit to the planning authority a certificate from a suitably qualified structural engineer confirming the specific design circumstances, to the satisfaction of the planning authority, that the design of the attenuation structure includes consideration of the long term impacts on the estate roadway and has been carried out in accordance with the relevant and most current design standards, that the structure has a 120 year design life and that the designs have been correctly transferred to the contract/construction drawings.

- (i) The developer shall upgrade the size of discharge pipe from the attenuation storage to the satisfaction of the planning authority. The discharge pipe shall be connected directly into the new 1200 millimetres diameter surface water discharge pipe unless otherwise agreed with the planning authority. Details in this regard shall be submitted to and agreed in writing with, the planning authority prior to commencement of development.

- (j) The developer shall agree with the planning authority the details of the flow control chamber with planning authority prior to commencement of the construction. The flow from this development shall be limited to the Qbar allowable discharge rate 19.98 l/s as per design calculations submitted.

Reason: To prevent pollution of surface waters, to prevent flooding or overloading of the foul sewer in the interest of public health, and to ensure a proper standard of development.

14. The existing cycle-path along the full length (both sides) of the local road (L3619) leading west from the Baneshane Roundabout shall be reconstructed to the appropriate standard, to the satisfaction of the planning authority. Public lighting along this stretch shall also be provided to current standards, in addition to road markings and signage.

Reason: In the interest of pedestrian and traffic safety.

15. The boundary structure around the site of the pumping station shall be two metres in height, and shall consist of a concrete block wall, which shall be rendered and capped, unless otherwise agreed in writing with the planning authority. This boundary shall be completed and finished before houses numbers 58 to 61 are made available for occupation.

Reason: In the interest of orderly development and visual amenity.

16. The proposed new pumping station shall have a separate access from the main external road unless otherwise agreed in writing with the planning authority. The layout of this access shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of orderly development.

17. The developer shall secure/anchor the existing adjacent rock outcrop to details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The method of securing/anchoring the rock outcrop shall have a design life of 120 years and shall be certified by a consulting engineer or other qualified person with professional indemnity insurance.

Reason: In the interest of orderly development.

18. (a) 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 noise management measures, measures for the removal of rock from the rock outcrop, construction compounds (which shall not be at the locations of proposed open space areas) and off-site disposal of construction/demolition waste.
- (b) Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 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 the interests of public safety and residential amenity.

19. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

20. 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 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.

21. 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.

