



An
Bord
Pleanála

Board Order
PL 04.249008

Planning and Development Acts 2000 to 2017

Planning Authority: Cork County Council

Planning Register Reference Number: 16/06818

Appeal by Ian and Trish O'Flynn and others care of 66 Meadowlands Estate, Broomfield, Midleton, County Cork and by Castle Rock Homes Limited care of HW Planning of 5 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 11th day of July, 2017 by Cork County Council to grant subject to conditions a permission to the said Castle Rock Homes Limited in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of 100 number dwellings, a crèche and all ancillary site development works consisting of 31 number detached dwellings, 46 number semi-detached dwellings, two number three-storey blocks consisting of eight number apartments and 15 number terraced dwellings with a total of seven number ancillary bin stores. A single storey crèche is also proposed. The ancillary site development works will include the relocation of the existing ESB pylon to the north of the site and associated cabling. Access to the proposed development will be via the existing estate road network, all at Broomfield Village, Broomfield East and Broomfield West, Midleton, County Cork, as revised by the further public notice received by the planning authority on the 23rd day of June, 2017.

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 and its location within the settlement boundary of Midleton, as set out in the East Cork Municipal District Local Area Plan, 2017, to the current Development Plan for the area and the policies contained therein, to the site location and context, to the design and scale of the proposed development, to the nature and pattern of development in the vicinity, and to the planning history of the site, and having regard to national policy guidance for residential areas, 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 acceptable in terms of traffic and pedestrian safety and 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 23rd day of December, 2016, the 12th day of June, 2017 and the 23rd day of June, 2017, 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 proposed development shall be amended as follows:
 - (a) House Number 96 and the crèche facility (as shown on Drawing Number 15084/P/003B Rev. P2: 'Proposed Site Plan' received by the planning authority on the 12th day of June, 2017) shall be omitted and the space thereby released shall be incorporated into the public open space of the development and shall be landscaped and used as public open space.
 - (b) The pedestrian pathway/cycleway between House Numbers 75 and 76 (as shown on Drawing Number 15084/P/003B Rev. P2: 'Proposed Site Plan' received by the planning authority on the 12th day of June, 2017) shall be omitted and alternative proposals made for the reservation of a wayleave to serve the underground cabin/power line.
 - (c) No development shall be undertaken within those lands identified as Parcel 'C' on foot of this grant of permission.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity and traffic safety, to provide for increased usable public open space within the development, and to ensure adequate passive supervision of the proposed pedestrian link between the proposed estate and the adjoining housing development to the south-east.

3. Not more than 75 residential units shall be made available for occupation before completion of a childcare facility within the application site. The location and scale of the childcare facility shall be the subject of a separate planning application.

Reason: To ensure that childcare facilities are provided in association with residential units and in the interest of residential amenity.

4. 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.

5. 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. All existing overhead cables crossing or bounding the site shall be undergrounded at the developer's expense.

Reason: In the interests of visual and residential amenity.

6. 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.

Reason: In the interest of visual amenity.

7. Prior to commencement of development, the developer shall submit to the planning authority, for written agreement, complete details of all boundary treatment within and bounding the proposed development site.

Reason: In the interests of visual and residential amenity.

8. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

9. 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. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. 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 interest of urban legibility, and to ensure the use of locally appropriate place names for new residential areas.

10. (a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense and shall be agreed to the satisfaction of the planning authority prior to commencement of development.
- (b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of traffic, cyclist and pedestrian safety.

11. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, 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. Lighting shall be provided along the full length of the proposed pedestrian links to adjoining housing developments.

Reason: In the interests of amenity and public safety.

12. 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 waste.

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

13. 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 social and affordable housing in accordance with the requirements of section 96 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 97(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 for the area.

14. 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 planning authority of roads, footpaths, watermains, drains, public open space 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 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.

15. 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.

