



An
Bord
Pleanála

Board Order
PL 04.249376

Planning and Development Acts 2000 to 2017

Planning Authority: Cork County Council

Planning Register Reference Number: 16/07292

Appeal by Ashford Heights and City View Mews Residents Association care of Paschal Luby of 18 Ashford Heights, Banduff, County Cork and by Cork City County care of HW Planning of 5 Joyce House, Barrack Square, Ballincollig, County Cork and by others against the decision made on the 18th day of September, 2017 by Cork County Council to grant subject to conditions a permission to the said Cork City Council in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a residential development of 153 number dwellings, a crèche and all ancillary site works. The proposed development will include 37 number apartments to be provided in six number three-storey apartment blocks and eight number two-storey apartment blocks. The proposed development also makes provision for 66 number two-storey terraced houses, nine number one-storey terraced houses, 31 number two-storey semi-detached houses, four number one-storey semi-detached houses, five number two-storey detached houses and one number one-storey detached house. The development will also include a one-storey crèche with ancillary outdoor play area. Ancillary site works and services will include surface parking, connection to storm sewer at Ashford Mews estate, proposed new foul sewer to Old Youghal Road via Ashford Mews Estate, associated landscaping

and internal roads. Access to the site will be via two number new vehicular entrances from Boherboy Road/Lotabeg Green. The proposed development provides for the upgrade of the junction between Lotabeg Green and Boherboy Road, all at Boherboy Road, Mayfield, Lota More, 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 zoning of the site for residential use, the pattern of development in the area, and the proposed layout and unit mix, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously impact on the amenities of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 22nd day of August, 2017, and by the further plans and particulars received by An Bord Pleanála on the 17th day of October, 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. House numbers 119, 120, 121, 152 and 153 shall be omitted and a revised planning permission sought for the housing layout submitted to An Bord Pleanála on the 17th day of October, 2017, to include the new vehicular access from Boherboy Road, parking area, drainage and lighting.

Reason: In the interest of orderly development.

3. House number 41 shall be omitted from the proposed development. A revised house type, more sympathetic to the adjoining house to the north in terms of overshadowing, shall be the subject of a separate planning application.

Reason: In the interest of residential amenity.

4. The proposed east-west footpath in front of House numbers 119 to 146 shall be relocated to the south of the proposed parking spaces.

Reason: In the interest of pedestrian safety.

5. For the purposes of clarification, this permission is for 147 housing units.

Reason: In the interest of clarity.

6. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to the planning authority for written agreement.

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

7. The proposed pedestrian link to Boherboy Road, in the south-western corner of the site, indicated on Drawing Number 1608-OMP-00-00-M2-A-XX-10006 submitted to An Bord Pleanála on the 17th day of October, 2017, shall be altered to permit a joint pedestrian/cycle way and shall be provided in advance of the occupation of any housing on the site.

Reason: To facilitate pedestrian and bicycle connectivity in the area in the interests of residential amenity and the proper planning and sustainable development of the area.

8. The proposed wall, on the boundaries of the site with the row of bungalows/dormer bungalows on Boherboy Road (as indicated on revised Drawing Number 1608-OMP-00-00-M2-A-XX-10006, as submitted to An Bord Pleanála on 17th day of October, 2017, shall be omitted.

Reason: In the interests of visual and residential amenity and to preclude overshadowing of gardens of proposed houses within the scheme, in the interest of residential amenity.

9. The turning and parking area located immediately to the south of the proposed crèche, shall be omitted from the proposed scheme, and the area incorporated into the larger public open space to the west. The nine lost car-parking spaces shall be replaced with an equivalent number of perpendicular parking spaces opposite housing unit numbers 3 to 5. A revised drawing to give effect to this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To incorporate an isolated area of public open space into a larger and more usable area of public open space in the interests of residential and visual amenity.

10. A single pedestrian/cycle linkage to the Ashford Heights housing estate to the north of the site shall be created at the cul-de-sac turning area between housing unit numbers 101 and 102, at the location of the proposed foul and surface water drainage connection. The linkage shall be provided in advance of the occupation of any housing on the site.

Reason: To facilitate pedestrian and bicycle connectivity in the area in the interests of residential amenity and the proper planning and sustainable development of the area.

11. Any fly-tipped waste deposited on the site shall be removed for disposal at a licensed waste facility, prior to commencement of any development.

Reason: In the interest of public health.

12. Stands of Himalayan knotweed, and any affected soil shall be either effectively treated on site or removed for safe disposal at an authorised waste facility.

Reason: To control the spread of invasive species in the interest of the ecology of the area.

13. 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 and to ensure a proper standard of development.

14. The vehicular entrances from the public road and the internal road network serving the development, including turning bays, parking areas, footpaths, verges and kerbs, shall be in accordance with the detailed requirements of the planning authority for such works.

Reason: In the interest of amenities and public safety.

15. Prior to commencement of development, proposals for a bilingual name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority. The name shall reflect the history or topography of the area.

Reason: In the interest of orderly development.

16. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

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

17. 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.

18. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing, at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations), relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of any archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

19. Prior to commencement of development, the developer shall submit, and obtain the written agreement of the planning authority to, 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.

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

20. Prior to commencement of development, a Construction Environmental Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, location of construction workers' car parking, storage compounds and site office, off-site disposal of construction waste, a scheme for dust and dirt control, including vehicle wheel washing facilities and temporary construction access proposals. In particular, construction hours shall be 0800-1900 hours Monday to Friday inclusive, 0800-1400 hours on Saturdays and not at all on Sundays or public holidays.

Reason: In the interest of the amenities of the area, public health, traffic safety and public safety.

21. Prior to commencement of development, a management scheme providing adequate measures relating to the future maintenance of private open spaces and communal areas within apartment blocks in a satisfactory manner shall be submitted to the planning authority for agreement.

Reason: To ensure the adequate future maintenance of the apartment blocks within the proposed development in the interest of residential amenity.

22. 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 (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 the Board 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.

23. 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, 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 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 the Board for determination.

Reason: To ensure the satisfactory completion of the development.

