

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Cork County Council

Planning Register Reference Number: 17/05699

An Bord Pleanála Reference Number: ABP-300128-17

APPEAL by Michelle and William Cashman of Meadowlands, Annmount, Glounthaune, County Cork and by others against the decision made on the 17th day of October, 2017 by Cork County Council to grant subject to conditions a permission to Bluescape Limited care of HW Planning of 5 Joyce House, Barrack Square, Ballincollig, County Cork in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of 40 number two-storey dwellinghouses and all ancillary site development works. The proposed development consists of 20 number four bedroom detached houses, 10 number three bedroom semi detached houses and 10 number four bedroom semi detached houses. The proposed development makes provision for the upgrade of the Knockraha Road and access to the proposed development will be via a proposed signalised junction with Cois Chuain, with a pedestrian access to the country road to the north of the site, all at Lackenroe, Glounthaune, 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 subject lands within the village boundary of Glounthaune, and the provisions of the Cobh Municipal District Local Area Plan 2017, and having regard to the nature, layout and scale of the proposed development, and the pattern of existing development in the vicinity, 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 not be prejudicial to public health or lead to a risk of flooding, would conform to the provisions of the Local Area Plan 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 to the planning authority on the 19th day of September 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. Proposed dwellings number 32 to 40 shall be omitted, and this portion of the site shall be used for the provision of single storey dwellings only, with no attic accommodation, and with maximum ridge heights of 5.5 metres and finished floor levels as indicated on the submitted plans (dwellings 32 – 35 have submitted finished floor levels 81.7 metres – 82.35 metres OD and dwellings 39 and 40 have finished floor levels of 79 metres and 78.35 metres OD, respectively). The single storey dwellings shall be the subject of a separate planning application conforming to these requirements.

Reason: In the interests of protecting the residential amenities of adjoining properties, having regard to the significant height differences involved.

3. The proposed development shall be amended as follows:-
 - (a) Proposed dwelling number 31 shall be redesigned to provide better passive supervision of the proposed pedestrian walkway from the estate road to the local road to the north of the site. This redesign shall take into account the boundary treatment between the dwelling and the pedestrian walkway (which boundary shall not exceed 1.2 metres in height forward of the rear building line of that dwelling).
 - (b) Proposed dwelling number one shall be revised in layout and location so that it addresses the main spine road through the scheme, and the extent of the proposed access road to serve this dwelling shall be omitted or significantly revised.
 - (c) The windows serving all bathrooms, en-suites and walk-in wardrobes shall be permanently fitted and maintained with obscure glass.

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 visual and residential amenity and pedestrian safety.

4. All rear gardens shall be bounded with concrete block walls, not less than 1.8 metres in height, which shall be rendered on both sides and capped, except where existing hedgerows or trees along the existing boundaries of the subject site are to be retained, where 2 metre high green coated paladin fencing or weld mesh fencing shall be used, generally as indicated on the Landscape Masterplan, as submitted to the planning authority on the 19th day of September 2017. Post and timber panel fences shall not be used for any rear garden boundaries.

Reason: In the interest of visual amenity, tree protection and to ensure the provision of durable boundary treatment.

5. The boundary on both sides of the proposed pedestrian walkway from the estate road to the local road to the north of the site shall consist of a 1.8m high solid block wall, capped and rendered on both sides,

Reason: In the interest of visual amenity and to protected the residential amenities of adjoining properties.

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. All roofs shall be blue black or slate grey in colour, including ridge tiles.

Reason: In the interest of visual amenity.

7. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be levelled, contoured, soiled, seeded, and landscaped to the written satisfaction 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 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.

8. (a) Prior to the commencement of any development on site, the developer shall agree on site and in writing with the planning authority the finished levels and gradients of the proposed open space.
- (b) The developer shall provide a grass margin 2 metres wide free of tree/shrub planting along the road side edge of the proposed open space to ensure forward visibility unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity, and of pedestrian safety.

9. 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 interests 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.

10. 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 interest of amenity and of traffic and pedestrian safety.

11. The development shall comply with the following requirements of the planning authority:
 - (a) Vehicular access to the site shall be by way of a traffic signal controlled junction, to the satisfaction of the planning authority.
 - (b) Entrance recess between public road edge and entrance gate shall be set level with public road surface edge to the Planning Authority's written satisfaction and shall not extend beyond road surface edge.

- (c) Proposed new footpath and other related works to section of public road shall be carried out in accordance with the requirements of the planning authority. The footpath along the western end shall be constructed, as per drawings attached to the planning application, and the minimum width of the footpath shall be 2 meters wide and shall extend from along the site boundary to the junction of the L-2969.
- (d) Sight distances of 80 metres, in both directions, at a point 3 metres back from the edge of the public road shall be provided in the centre of the vehicular entrance to the satisfaction of the planning authority prior to the commencement of any other development on site.
- (e) The developer shall prepare and submit an internal traffic management plan prior to commencement of development identifying the locations of stop lines, pedestrian crossings, traffic calming measures and finalising the kerb lines/radii. The plan shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of traffic safety and amenity.

12. Precise details of the following shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

- (a) Drawings that show clearly the extent of all proposed retaining structures. The structures that are to be included in, or that would impact on, any area to be taken in charge by the planning authority (at the authority's discretion) shall be separately identified on the drawings. Retaining structures that are classified as private boundaries by the planning authority shall not be taken in charge.
- (b) For each retaining structure, a construction layout plan/drawing showing the extent of the entire retaining structure proposed and any ancillary structures, along with a cross section detail, and the site investigation details and geotechnical assumptions on which the design has been based. The descriptions, lengths and retained dimensions of each structure shall also be clearly shown.

- (c) A certificate from a suitably qualified structural engineer with professional indemnity insurance confirming, to the satisfaction of the planning authority that:
- (i) the retaining structures have been designed in accordance with the relevant and most current design standards,
 - (ii) the structures have a 120 year design life,
 - (iii) the design surcharge and live loadings (kN/m²),
 - (iv) the designs have been correctly transferred to the contract/construction drawings.

Reason: In the interest of orderly development.

13. 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.

14. Storm attenuation measures shall be incorporated into the proposed storm water system. Fully detailed storm water attenuation proposals shall be submitted and agreed in writing with the Planning Authority before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing. These proposals shall include detailed, site specific design, layout and section drawings and construction details. as well as detailed proposals for the operation, maintenance and silt management of the system.

Reason: In the interest of public health.

15. 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.

16. 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.

17. (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 and off-site disposal of construction/demolition waste, area for construction-related parking (which shall not be along the public road), and construction traffic management arrangements for deliveries to and from the site.

- (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

18. All service cables associated with the proposed development (such as electrical, and telecommunications) 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.

19. 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. This lighting shall comply with the planning authority's standards, and shall include lighting along the proposed pedestrian walkway from the estate road to the local road to the north of the site. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

20. 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.

21. 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.

22. The developer shall pay to the planning authority a financial contribution in respect of the Cobh/Midleton - Blarney 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.

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 and maintenance until taken in charge 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 until taking in charge 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 until taken in charge by the planning authority.

24. The developer shall pay the sum of €80,000 (eighty thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of specific exceptional costs not covered in the Council's General Contributions Scheme, in respect of works proposed to be carried out, for the of provision of traffic calming north and south of the development access, including improved footpath connectivity. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

25. The developer shall pay the sum of €20,000 (twenty thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of works proposed to be carried out, for the provision of the upgrading of the Storm Sewer that crosses under the railway line. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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

Dated this day of 2018.