



Planning and Development Acts 2000 to 2017

Planning Authority: Cork City Council

Planning Register Reference Number: 17/37543

Appeal by Eileen McCarthy care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 24th day of January, 2018 by Cork City Council to grant subject to conditions a permission to Veronica and Tony Canty care of Bertie Pope and Associates of 2 Hodders Villas, West Village, Ballincollig, County Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: The construction of two number two-storey detached dwellinghouses with access from the Model Farm Road via the existing entrance at 'The Beeches' Model Farm Road and all associated site works

'The Beeches', Model Farm 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 Cork City Development Plan 2015 – 2021 and, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the Z04 zoning objective for the site would be consistent with the conservation interest of the existing dwellinghouse, “The Beeches”. Furthermore, having regard to the access and servicing arrangements and provided the proposed dwellinghouses are reduced in size and their driveways set back from the eastern boundary of the site, it is considered that the proposed development would not seriously injure the visual and residential amenities of the area, while affording a satisfactory standard of amenity to future residents and would not pose a risk of flooding. 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 14th day of December 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) the proposed dwellinghouses shall be reduced in depth by setting back their front elevations by 2 metres in a westerly direction,
 - (b) all consequential changes of (a) for the dwellinghouses shall be made explicit.
 - (c) the extended driveways forward of the two dwellinghouses shall be set back by two metres from their proposed alignments in a westerly direction. The associated proposed foul sewer layout shall likewise be set back by two metres from its proposed route in a westerly direction.

- (d) details of how the driveway to the second dwellinghouse would negotiate the change in levels between the two proposed house plots shall be made explicit, and
- (e) the proposed crown raising of the beech trees opposite the proposed dwelling houses shall not proceed. Any crown raising that may be justified on arboricultural grounds shall be made explicit in an amended landscape scheme for the site. This scheme shall be accompanied by a timetable for implementation and a landscape management plan for all new planting.

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.

- 3. 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.

- 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. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
- (b) Only clean, uncontaminated storm water shall be discharged to the soak pits.

Reason: In the interest of public health.

6. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwellinghouses without a prior grant of planning permission.

Reason: In the interest of residential amenity.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 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 order to safeguard the residential amenities of property in the vicinity.

8. 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.

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

9. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.
- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

10. The management and maintenance of the proposed shared driveway and associated services following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of this driveway shall be submitted to, and agreed in writing with, the planning authority prior to commencement of occupation of the dwellinghouses.

Reason: To provide for the satisfactory future maintenance of this driveway in the interest of residential amenity.

11. The stairwell window in each dwellinghouse shall be obscure glazed and, thereafter, such glazing shall be retained for the duration of the use of each dwellinghouse as such.

Reason: In order to safeguard residential amenity.

12. 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.

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

Dated this day of 2018.