



Planning and Development Acts 2000 to 2018

Planning Authority: Cork County Council

Planning Register Reference Number: 17/06673

Appeal by Siobhan Hayden care of Michael G. Cummins of 63 Saint Mary's Road, Midleton, County Cork against the decision made on the 11th day of April, 2018 by Cork County Council to grant subject to conditions a permission to Southgate Developments Limited care of Corbel Developments Limited of Lindville Lodge, Blackrock Road, Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Residential development of four number dormer dwellings (comprised in two semi-detached blocks) and all ancillary site works, including new entrance from the existing Charleston Court Development at Charleston Court Development, Bailick Road, Castleredmond, 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 land-use zoning of the site, its location and established pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not give rise to a traffic hazard, would not be prejudicial to public health and would not injure the residential amenity of property in the vicinity. 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 13th day of October, 2017 and the 26th day of January, 2018, 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. (a) Opaque glazing shall be used for first floor rear windows serving the bedrooms of dwelling unit numbers 1 and 2.
- (b) The windows serving all bathrooms, en-suites and walk-in wardrobes shall be permanently fitted and maintained with obscure or stained glass.

Reason: To prevent overlooking of adjoining residential property.

3. This permission authorises four residential units only. Each proposed residential unit shall be used as a single dwelling unit.

Reason: In the interests of clarity and orderly development.

4. Details of the materials, colours and textures of all external finishes to the proposed residential units shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. 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.

6. (a) The construction of the development shall be managed in accordance with a Construction Environmental 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.
- (b) Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0900 and 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.

7. The development shall comply with the requirements of the Engineering and Transportation Division of Cork County Council:
 - (a) 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.

- (b) The layout and services for the estate shall comply with the standards set out in 'Recommendations for Site Development Works for Housing Areas' (Department of the Environment and Local Government, 1998) and with the standard requirements of the planning authority. Where conflicts arise between different standards, or between standards and planning permission, or between different planning permission requirements, clarification shall be sought from the planning authority. Any conflict shall be resolved to the satisfaction of the planning authority.
- (c) The developer shall retain wayleaves to the planning authority's satisfaction, over areas where services traverse private property. In the event of the planning authority deciding at its discretion to take the roads and services in charge, the developer shall provide rights of way and wayleaves over these areas to the planning authority. A minimum of a six-metre wayleave width shall be provided on all water service pipelines and surface and foul water sewers through private property. No development shall be undertaken within the wayleaves unless otherwise agreed with the planning authority. Works shall not commence until any necessary wayleave agreements have been established.
- (d) The developer shall prepare and submit an internal traffic management plan prior to commencement of development identifying the locations of stop lines, pedestrian crossings, speed table ramp traffic calming measures, finalising the kerb lines/radii. The plan shall be finalised to satisfaction of the planning authority and finalised plan re-submitted prior to commencement of construction.

- (e) The developer shall adhere to the construction traffic management plan submitted. Failure to do so may result in the works being suspended for a period of time until such plans are implemented.
- (f) Silt fencing shall be installed down gradient of the silt storage area and to the west of the construction compound prior to commencement of any works on site. The silt fencing shall be inspected and maintained throughout the construction phase.

Reason: In the interest of traffic safety.

- 8. All trees and planting along the southern boundary of the site shall be protected during building operations and retained thereafter.

Reason: In the interests of residential and visual amenity.

- 9. 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.

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

10. The development shall be managed in accordance with a management scheme which shall be submitted to, and agreed in writing with, the planning authority, prior to the occupation of the development. This scheme shall provide adequate measures relating to the future maintenance of the development, including landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services together with management responsibilities and maintenance schedules.

Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

11. 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.

12. All necessary measures shall be taken by the contractor, including the provision of wheel wash facilities, to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

13. 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 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

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 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 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.

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.

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.

Terry Ó Niadh

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

Dated this day of 2018.