



Planning and Development Acts 2000 to 2018

Planning Authority: Cork County Council

Planning Register Reference Number: 18/04115

Appeal by Ken and Shirley O'Neill of Ceadaoin, 12 Cúil Chluthair, Sarsfieldscourt, Glanmire, County Cork and by Others against the decision made on the 30th day of August, 2018 by Cork County Council to grant subject to conditions a permission to Ted and Phil Murphy care of McCutcheon Halley Planning of 6 Joyce House, Barrack Square, Ballincollig, County Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of eight number residential serviced sites and all associated ancillary development works including vehicular access, parking, footpaths, drainage, landscaping and amenity areas., at Cúil Chluthair, Sarsfieldscourt townland, Glanmire, 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 location of the site within a residential area and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board agreed with the approach taken by the planning authority and considered that the site provides no effective amenity function, and that the proposed development in a residential area within the development boundary would be acceptable.

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 22nd day of June, 2018 and the 3rd day of August, 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. The siting, design, external finish and architectural standard of the proposed development shall be to the planning authority's satisfaction and in harmony with the environment of the locality. Any subsequent planning application for site numbers 1 through 8 (inclusive) shall include a split-level arrangement as indicated on the site section received by the planning authority on the 22nd day of June 2018 and the 3rd day of August 2018. Any subsequent planning application on site numbers 5 and 6 shall be designed so as to provide passive surveillance over the central area of open space.

Reason: In the interest of visual amenity.

3. Sight distance of 30 metres to the north-east and 30 metres to the south-west shall be provided from the centre point of the entrance into the proposed dwelling entrances off the existing estate road (L-9473), 2.4 metres back from public road edge. No vegetation or structure shall exceed one metre in height within the sight distance triangle.

Reason: To provide proper sight distance for emerging traffic in the interest of road safety.

4. No dust, mud or debris from the site shall be carried onto or deposited on the public road/footpath. Public roads and footpaths in the vicinity of the site shall be maintained in a tidy condition by the developer during the construction phase.

Reason: To protect the amenities of the area and in the interest of road safety.

5. During the construction phase, the wheels of all trucks shall be washed in a wheel wash facility prior to their exit from the site. Details of the construction, installation and operation of this facility shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: To protect the amenities of the area and in the interest of road safety.

6. During the construction phase, the developer shall provide adequate off carriageway parking facilities within the curtilage of the site for all traffic associated with the proposed development, including delivery and service vehicles/trucks. There shall be no parking along the public road or footpath.

Reason: In the interest of road safety and to protect the amenities of the area.

7. No polluting matter, soiled water, silt or gravel shall be allowed to drain from the site into any watercourse. Detailed proposals for the installation and maintenance of silt traps and other measures in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development, or at the discretion of the planning authority, within such further period or periods of time as it may nominate in writing.

Reason: To prevent water pollution.

8. An uncontrolled pedestrian crossing shall be constructed by the contractor on the L-2973 local primary road. The exact location of the pedestrian crossing shall be agreed on site with the planning authority's Area Engineer/Estate Engineer. Pedestrian crossing warning signs shall be erected by the developer on approaching roads to warn oncoming cars.

Reason: In the interest of pedestrian safety.

9. Traffic calming measures shall be provided throughout the estate to eliminate the potential for speeding. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of pedestrian safety.

10. Prior to commencement of development, a public lighting design and layout drawing for the proposed development, including the section of public road serving the site, shall be submitted to and agreed in writing with the planning authority.

Prior to the occupation of any houses/residences within the development, the public lights shall be switched on in that phase and on any access roads, and shall be kept active and maintained by the developer until taken in charge by the planning authority.

Reason: In the interest of public safety.

11. The layout and services for the estate shall comply with the standards set down 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.

Reason: To ensure satisfactory standards of development.

12. 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 six metres 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 in writing with the planning authority. Works shall not commence until any necessary wayleave agreements have been established.

Reason: To provide adequate access to services.

13. The developer shall be responsible for the maintenance of all roads, footpaths, open spaces, site boundaries and other services within the estate until taken in charge by the planning authority and/or Irish Water at its discretion.

Reason: To ensure adequate maintenance of the estate.

14. The developer shall indemnify the planning authority against all claims resulting from defective foul and surface water sewers, manholes and road gullies, until and unless the development is taken in charge by the planning authority at its discretion.

Reason: In the interest of orderly development.

15. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a drawing (hard copy and electronically) showing the areas that would be proposed for "Taking In Charge". This drawing shall also show the public facilities typically considered by the planning authority for "Taking In Charge" such as public lighting, roads, footpaths, open spaces, surface water/foul sewerage and water supply systems. The area on the drawing that would be considered for "Taking In Charge" shall be finalised to the satisfaction of the planning authority.

Reason: In the interest of orderly development.

16. The developer shall submit, as required by the planning authority, accurate record drawings, in hard copy and electronically, to scale of 1:500 showing:

- Roads including levels;
- footpaths including levels;
- foul and storm sewers including pipe sizes, pipe depths and locations of manholes and locations of house services;
- locations of road gullies;
- watermains, including locations of valves, hydrants and other fittings;
- public lighting, including locations of columns, pillars and ducting;
- open spaces; and
- landscaping and boundary treatments.

Reason: To provide an accurate record of the development for future maintenance.

17. Dwellings shall not be occupied until the watermain, foul sewer, storm sewer (including attenuation tank) and lighting serving the dwellings are installed and functioning to the satisfaction of the planning authority and until a bond has been provided by the developer to ensure the satisfactory completion of the estate.

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

18. The manhole covers and frames used on the foul and storm sewers shall be to the satisfaction of the planning authority. The developer shall use D400 ductile iron heavy duty covers and frames unless otherwise agreed in writing with the planning authority. The covers shall be solid, one piece, with no hinges or handles and I.S. EN 124:1994 compliant. The developer shall provide samples of the covers proposed for use on site for inspection/approval of the planning authority.

Reason: In the interest of orderly development.

19. The road construction of the housing estate access road shall consist of a capping layer to “Recommendations for Site Development Works for Housing Areas” standard with 150 millimetres Clause 804, 55 millimetres Dense Binder Course Asphalt Concrete (AC 20 Dense Bin 70/100 rec) to specification Clause 906 and 35 millimetres Dense Surface course Asphalt Concrete (SMA 10 Dense Surf PMB 65/105) to specification Clause 942 with tack coat between binder course and surface course, unless otherwise agreed in writing with the planning authority. The road surface wearing course road shall not be laid until all building works on the site are substantially completed unless otherwise agreed in writing with the planning authority.

Reason: To ensure satisfactory standard of road construction.

20. Prior to completion of wearing course, slit trenches shall be carried out by developer in housing estate roads at locations to be agreed with the planning authority (a minimum of one slit trench per 100 metres of housing estate roadway), unless otherwise agreed in writing with the planning authority. The planning authority's Estates Clerk of Works/Engineer, or other appointed to act for the planning authority, shall be allowed access to inspect and confirm that the works have been completed as per the specification. The location of the slit trench shall be to satisfaction of the planning authority and the cost of the slit trenches shall be borne by the developer.

Reason: To ensure an adequate standard of road construction.

21. Housing estate roads shall have a central crown with transverse straight line crossfalls of 1 in 35/50 from the crown to road edges unless otherwise agreed in writing with the planning authority.

Reason: In the interest of orderly development.

22. The finished levels and gradients of the proposed open space shall be to the planning authority's satisfaction. Open spaces shall have a maximum slope of 8.5%. The developer shall provide a grass margin two 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 interest of public safety.

23. The developer shall contact the Housing Estates Department of the planning authority prior to any works commencing on site to arrange a meeting to discuss general working arrangements with the Housing Estates Department, and any issues that may be specifically linked to the proposed development.

Reason: In the interest of orderly development.

24. Any damage to the existing estate road, footpath and services resulting from this development shall be repaired by the developer at his own expense, to the satisfaction of the planning authority.

Reason: In the interest of orderly development.

25. All external boundaries to public areas shall be solid blockwork walls, not timber fences.

Reason: In the interest of orderly development.

26. Pedestrian links shall be provided at suitable locations, linking open green space/play areas to the proposed footpath. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of orderly development.

27. 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.

28. An invasive species survey shall be carried out in respect of the proposed development, having particular regard to the presence of Japanese Knotweed within the area. The extent of this survey shall include the proposed development site, any site access route and areas adjacent to the proposed works area outside of the site. Should the works pose a threat to cause a spread of invasive species, an Invasive Species Management Plan shall be prepared by a competent person and shall be agreed in writing with the planning authority prior to commencement of development. Any Invasive Species Management Plan shall be prepared in accordance with the Guidelines on The Management of Noxious Weeds and Non-Native Invasive Plant Species on National Roads Revision 1, (December 2010). Any use of pesticides shall take place in accordance with the Sustainable Use of Pesticides Directive, the contractor undertaking any chemical treatment as part of the implementation of this Invasive Species Management Plan shall engage a Professional Advisor registered with the Department of Agriculture, Food and the Marine (DAFM) to advise on the most suitable methods of control/eradication of the infestations. A list of professional advisors is available at the following web address <http://www.pcs.agriculture.gov.ie/sud/pesticideadvisors/>.

Reason: In the interest of environmental protection.

29. A detailed landscaping plan in respect of the proposed development shall be submitted and agreed in writing with the planning authority prior to commencement of development. The landscaping plan shall include the following;
- (i) Planting schedule to include proposed species mix for treelines, groups of trees, native hedgerows, hedges, shrubs and open areas;

- (ii) For hedgerows and new treelines/groups of trees – details of numbers of trees as well as specimen, age and class, stem and type to be planted;
- (iii) Detailed proposals for any necessary silviculturalist management of trees to be retained on site (shall be informed by a tree survey);
- (iv) Detailed proposals for ongoing management and maintenance of new hedgerow and tree planting;
- (v) Details of measures to be put in place to protect existing mature trees, which are identified to be retained within the scheme, during the construction phase.

Reason: In the interest of visual amenity.

30. The proposed culverts shall be replaced with widespan bridges. Prior to commencement of development, details in in this regard shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of proper planning and sustainable development.

31. 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 local authority of roads, footpaths, watermains, drains, public 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 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.

32. Any subsequent permission for a building or buildings pursuant to this permission for site development works, shall be subject to a condition requiring the payment of a contribution to the planning authority in respect of public infrastructure and facilities benefiting development in the area of the planning authority. The value of this contribution shall be calculated in accordance with the planning authority's Development Contribution Scheme (or any provisions replacing it), prevailing at the time of such subsequent permission(s) and shall be subject to such provision as may be made in that scheme for the rate of increase or indexation to apply in the period between the date on which this value was calculated, and the date of payment.

Reason: It is considered appropriate that such development should contribute towards the cost of public infrastructure and facilities benefiting development in the area of the planning authority, as provided for the planning authority's Development Contribution Scheme.

Michelle Fagan

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

Dated this day of 2019.