



Planning and Development Acts 2000 to 2018

Planning Authority: Cork City Council

Planning Register Reference Number: 18/37850

Appeal by Tony O'Donovan care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 26th day of September, 2018 by Cork City Council to grant subject to conditions a permission to Lillian Nagle Walsh 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: Demolition of an existing two-storey dwelling and the construction of three number new two-storey detached dwellings including six number parking spaces and all associated site works, all at Greenwells Glory, Laurel Bank, Model Farm Road, Cork.

Decision

GRANT outline 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 nature, location and context of the site and surrounding area, the policies of the current Cork City Development Plan and relevant national policies and guidelines, and taking account of the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be out of character with the pattern of existing development in the vicinity, and would not seriously injure the residential or visual amenities of the area and 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 considered that the proposal for outline permission would not be inconsistent with the pattern of development in the area, would not adversely impact on residential amenities and would generally support the principles of higher densities on appropriate sites in built-up areas, in line with the statutory "Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages)" issued by the Department of the Environment, Heritage and Local Government in May, 2009.

Conditions

1. Outline permission is granted in accordance with the plans and particulars lodged with the application and received by the planning authority on the 9th day of April, 2018 and the 28th 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. Full details of the design of the houses and associated works shall be submitted by way of a separate application for permission, consequent on the grant of outline permission, which will have regard to the design and character of the built environment in the vicinity. The plans and particulars to be submitted in any consequent applications for permission shall also include site layout plan to a scale not less than 1:500, showing the layout of the houses, vehicular entrances, driveways, and boundary walls, as well as detailed proposals for the full landscaping and boundary treatments of the site, including elevations, materials and finishes to protect the privacy and amenity of existing adjacent properties.

Reason: In the interest of clarity and to define the subject matter for consideration at permission consequent stage to enable the application for permission to be fully assessed.

3. When submitting the consequential planning application, the applicant shall submit details and particulars to the planning authority, ensuring the following:
 - (a) The access road shall be designed as a shared private driveway with appropriate design measures taken to ensure that there are no reversing movements onto the public road;
 - (b) The turning shall be designed so that turning movements can be facilitated within the driveway or within the overall landscaping of the development;
 - (c) The entrance shall be designed in accordance with the Design Manual for Urban Roads and Streets (DMURS) to minimise the potential for conflict with two existing entrances to the north.

Reason: In the interests of traffic and public safety.

4. Full drainage details shall be submitted with the application, including the setting out of the separate storm and foul drainage works proposed. All storm water run-off shall be retained individually within each site, with full details and supporting calculations to be submitted to, and agreed in writing with, the planning authority.

Reason: in the interest of public health.

5. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable waste management.

6. Noise during site clearance and construction shall not exceed 65 dB(A), L_{eq} 30 minutes and the peak noise shall not exceed 75 dB(A), when measured at any point off site.

Reason: in the interest of residential amenity.

7. Site development and building works shall be carried out only between the hours of 0800 and 1800 from Mondays to Fridays inclusive, between 0800 hours and 1300 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 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.

Reason: In the interests of amenities, public health and safety.

9. 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

Dave Walsh

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

Dated this day of 2019.