



Planning and Development Acts 2000 to 2018

Planning Authority: Cork County Council

Planning Register Reference Number: 18/06142

Appeal by Catherine Shine care of Dominic Creedon and Company of 15-16 Washington Street, Cork against the decision made on the 5th day of March, 2019 by Cork County Council to grant subject to conditions a permission to DCN Developments Limited 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: (1) Demolition of one number single storey building and associated structures, (2) the decommissioning and removal of three number underground fuel storage tanks on site, (3) construction of four number dwellinghouses and (4) all associated ancillary development works including vehicular and pedestrian access, parking, footpaths, drainage and landscaping at Knocknahorgan (townland), Sallybrook, 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 subject site within the 'existing built up area' of Glanmire, the provisions of the Cork County Development Plan, 2014, the existing pattern of development in the area, the brownfield nature of the subject site and the nature and scale of the proposed development, as revised, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity or the visual amenities of the area, 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 on the 6th day of February, 2019, 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 developer shall provide a footpath along the full extent of the site, running parallel to the R639, which shall be a minimum of two metres in width. This footpath shall continue across the proposed vehicular entrances and shall be dished at these locations.
 - (b) All rear gardens shall be bounded with concrete block walls, which shall be a minimum of 1.8 metres high, and shall be suitably capped and rendered on both sides, or by concrete post and concrete panel fences, 1.8 metres in height. The proposed concrete post and timber infill fences shall not be used for any rear garden boundaries.

- (c) The five car parking spaces shall be provided with electric vehicle charging points, at the developer's expense.

Revised drawings showing compliance with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of pedestrian safety, in order to ensure the provision of durable boundary treatment in the interest of residential amenity, and in the interest of sustainable transportation.

- 3. (a) Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority details of a construction management plan indicating the measures/methods for removing the rock to facilitate the proposed development (as identified as part of the details submitted to the planning authority on the 6th day of February, 2019.
- (b) Save for the specific rock removal measures to be agreed as set out at (a) above, the developer shall apply the general construction mitigation measures identified in the details submitted to the planning authority on the 6th day of February, 2019.

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

4. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes of the proposed houses shall be submitted to, and agreed in writing with, the planning authority. Roof colours shall be blue-black or slate grey in colour only, including ridge tiles.

Reason: In the interest of visual amenity.

5. 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, off-road parking for all construction related vehicles and off-site disposal of construction/demolition waste.

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

6. Prior to commencement of development a Method Statement for the decommissioning and removal of the existing underground tanks, including proposals to manage and remove any contaminated groundwater and soil, shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of orderly development.

7. All demolition, rock breaking/removal and tree felling work shall only be carried out in the period from September to February inclusive. Any disturbance to bats on site shall be mitigated in a manner to be agreed in writing with the planning authority on the advice of a qualified ecologist, prior to any demolition, rock removal or tree felling.

Reason: In the interest of nature conservation.

8. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

9. Proposals for a naming and house numbering scheme for the proposed development and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the name signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name 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 of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential developments.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. The existing overhead cables crossing/bounding the site shall be undergrounded, as part of the site development works, at the developer's expense, in accordance with the requirements of the relevant utilities.

Reason: In the interests of visual and residential amenity.

11. 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 houses without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings, and to allow the planning authority to assess the implications of any such development on residential amenity through the statutory planning process.

12. Water supply and drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

13. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays, apart from rock breaking/rock removal, which shall only take place between 0800 hours to 1700 hours on Mondays to Fridays inclusive. 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.

14. The development hereby permitted, including the footpath along the frontage of the site, public lighting and all services, shall be carried out in accordance with the standards and requirements of the planning authority for taking in charge. The development shall be maintained by the developer until taken in charge by the authority and shall not be operated or maintained by a private management company.

Reason: In order to comply with national policy in relation to the maintenance and management of house-only residential developments, and to ensure that the public areas of the development, when completed, can be taken in charge by the planning authority.

15. 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.

16. 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 the 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.

Philip Jones

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

Dated this day of 2019.