



Planning and Development Acts 2000 to 2019

Planning Authority: Cork County Council

Planning Register Reference Number: 19/04810

Appeal by Neil and Mary Nash of 20 Hillcrest Court, Curra, Riverstick, County Cork and by Dara Corcoran care of Thomas J. O'Brien and Associates of 19 Willow Court, Cross Douglas Road, Cork against the decision made on the 22nd day of October, 2019 by Cork County Council to grant subject to conditions a permission to M V Kelleher Developments care of DJCO Consulting Engineers of 36 The Hermitage, Macroom, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of nine number detached dwellings and two number detached garages. The houses are to be accessed directly from the public road. The public road is to be amended as part of the proposed development. The application includes the widening of the public road and a new public footpath within the site boundary. The application also includes a new foul sewer outfall to connect to the existing foul sewer on the R600 (Kinsale Road). The application also includes a new surface water outfall to connect to the existing sewer on the R600 (Kinsale Road). The application includes all associated site development works, drainage and landscaping at Curra, Riverstock, 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 pattern of development in the vicinity, the provisions of the Bandon-Kinsale Municipal District Local area Plan, 2017, which designates Riverstick as a “Key Village” within which residential development is to be encouraged, and to the inclusion of the subject site within the village boundaries, it is considered that, subject to compliance with the conditions set out below, the proposed development would not prejudice the overall development of the adjoining lands to the rear, would generally conform to the provisions of the Local Area Plan, would not seriously injure the residential amenities of nearby properties, and would be generally 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.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that, having regard to the site contours and layout of the subject lands, and in particular the steeply sloping nature of the land and the need to provide appropriate frontage development to the local road, the proposed density was acceptable and generally in accordance with the provisions of the statutory Local Area Plan, agreed with the planning authority's assessment in this regard, and in particular did not consider that a blanket application of national density standards would be appropriate in such a setting. Furthermore, having regard to the pattern of development within the village of Riverstick, the Board considered that the proposed design and layout of the subject development would be in character with the village and surrounding 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 particular lodged on the 27th day of September, 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. This permission relates to the construction of seven number houses only, with one detached garage on site number 1, and all associated site works, as shown on plans and particulars submitted to the planning authority on the 27th day of September, 2019. The area to the south-east of house number 7 (the formerly proposed site of houses numbers 8 and 9) shall be kept free of all development, other than the proposed surface water attenuation tank and services, and shall be grassed and landscaped. This area shall be retained as open space, to serve the proposed development, until such time as it is used to provide vehicular and pedestrian access the lands to the rear, at which time a compensating area of public open space shall be included in the residential development then permitted on those lands.

Reason: In the interest of clarity, to allow for future access to lands to the rear, and to provide an area of open space for the development hereby permitted in the interim.

3. The external finishes of the proposed houses, and garage on site number 1, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All roofs shall be blue-black or dark grey in colour only, including ridge tiles.

Reason: In the interest of visual amenity.

4. The finished floor levels of the proposed structures shall be in accordance with the details submitted to the planning authority on the 27th day of September, 2019.

Reason: In the interest of visual amenity.

5. The location, design and construction details of any retaining walls, including between plots, 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: In the interest of public safety.

6. The detailed design of the proposed works to the public road (L-7340), including all modification and widening works, provision of footpath and public lighting, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed works shall be carried out under the supervision of a qualified engineer with professional indemnity insurance, and shall be completed in full, to the written satisfaction of the planning authority, prior to the making available by the developer for occupation of any of the houses hereby permitted.

Reason: In the interests of pedestrian and traffic safety.

7. 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 and to ensure a satisfactory standard of development.

8. All of the proposed car parking spaces shall be provided by the developer with electrical ducting to facilitate the installation of electrical vehicle charging points/stations at a later date. Details of how it is proposed to comply with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, and the agreed provisions shall be carried out and completed prior to the making available by the developer for occupation of any of the houses hereby permitted.

Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles.

9. A detailed landscaping scheme, to include landscaping for the area of open space referred to in condition number 2 of this Order, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed scheme shall be carried out and completed prior to the making available by the developer for occupation of any of the houses hereby permitted.

Reason: In the interests of visual and residential amenity.

10. 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 placenames for new residential areas.

11. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

12. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

13. 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 of roads, footpaths, watermains, drains, 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.

14. 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 2020.