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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 19/6562**

**Appeal** by Dara Fitzpatrick and Rodney Daunt care of 2 Woodview, Camden Road, Crosshaven, County Cork against the decision made on the 9<sup>th</sup> day of July, 2020 by Cork County Council to grant subject to conditions a permission to O'Flynn Construction (Cork) Unlimited care of Doyle McDonogh Nash Architects of 21 Patrick's Hill, Cork, County Cork in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of 40 number apartments in two separate, three and four-storey blocks, consisting of six number one bed apartments, 29 number two bed apartments and five number three bed apartments, bin storage and bike storage, ESB substation, access road and parking, connection to services and all associated site works, all at Drakes Point, Knocknagore, Crosshaven, 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 Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March, 2018, the current development plan for the area, the Bandon Kinsale Municipal District Local Area Plan 2017–2022, and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be of an appropriate type, design and density of residential development at this location, which is within the development boundary of Crosshaven. It is also considered that the proposed development would afford a satisfactory standard of amenity to future residents, would not seriously injure the visual or residential amenities of the area, and would not negatively impact on any Protected Structure or National Monument 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 and subsequent plans submitted on the 14<sup>th</sup> day of November 2019, as amended by the further plans and particulars submitted on the 19<sup>th</sup> day of March 2020, and by the clarification of these plans and particulars submitted on the 19<sup>th</sup> day of June 2020, 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 17 car parking spaces adjoining the open space on the eastern side of the on-site access road shall be omitted and the strip of land made available shall be incorporated into the adjoining open space.
  - (b) A total of 60 cycle spaces shall be provided in covered bicycle sheds.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In order to accord with relevant car parking standards and advice, and to facilitate and promote the use of sustainable modes of transportation.

3. Prior to commencement of development, a detailed and site-specific Construction and Environmental Management Plan for the proposed development shall be submitted to and agreed in writing with the planning authority. The plan shall incorporate the ecological mitigation measures as set out in the Ecological Mitigation and Management Plan, submitted to the planning authority on the 19<sup>th</sup> day of June, 2020.

**Reason:** In the interest of amenity and public health and safety.

4. 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. 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 residential amenities of property in the vicinity.

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

**Reason:** In the interest of visual amenity.

6. The landscaping scheme shown on drawing number 4000 (revision 2), as submitted to the planning authority on the 19<sup>th</sup> day of March 2020, shall be carried out within the first planting season following substantial completion of external construction works.

This landscaping scheme shall be amended to reflect the additional area of open space required under condition number 2(a) of this Order.

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 interest of residential and visual amenity.

7. (a) The mitigation measures set out in the Ecological Mitigation and Management Plan, submitted to the planning authority on the 19<sup>th</sup> day of June, 2020 shall be fully implemented.
- (b) The Invasive Species Management Plan submitted to the planning authority on the 19<sup>th</sup> day of June, 2020 shall be fully implemented.
- (c) The implementation of these plans and the construction works on-site shall be monitored by a suitably qualified and experienced ecologist.

**Reason:** To safeguard and promote the ecological interest of the site.

8. 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.

9. Drainage arrangements for 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.

10. (a) The internal road network serving the proposed development, including the turning head, site access point, parking areas, footpaths and kerbs, road markings, and signage shall comply with the detailed standards of the planning authority for such road works.  
  
(b) Traffic calming items and associated signage shown on drawing number 3868-Ap-101 submitted to the planning authority on the 19<sup>th</sup> day of March 2020 shall be installed in accordance with a timetable to be agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

11. A minimum of 10% of all communal car parking spaces shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, to facilitate the installation of EV charging points/stations at a later date. Such proposals shall be submitted to and agreed in writing with the planning authority before the making available by the developer for occupation of the residential units in the proposed development.

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

12. 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 apartment.

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

13. 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.

**Reason:** In the interests of visual and residential amenity.

14. Proposals for an estate/street name, apartment 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 apartment numbers, shall be provided in accordance with the agreed scheme. 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 interest of urban legibility.

15. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.  
  
(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

16. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.



**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

17. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

18. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

19. 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.

20. The developer shall pay the sum of €96,627 (ninety-six thousand, six hundred and twenty-seven euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of (a) the provision of works along the L2500 to provide pedestrian connectivity to the village centre, and (b) to repair/resurface the spine road, which serves the Brightwater and Drakes Point housing estates, due to damage caused to it by construction traffic. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

21. 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.

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

**Dated this            day of            2021.**