

Planning and Development Acts 2000 to 2020

Planning Authority: Cork County Council

Planning Register Reference Number: 20/06881

Appeal by the Residents of Rathcallan Wood care of 5 Rathcallan Wood, Ladysbridge, County Cork against the decision made on the 25th day of May, 2021 by Cork County Council to grant subject to conditions a permission to Chriselle Holdings Limited care of O'Shea Leader Consulting Engineers of Phoenix House, Monahan Road, Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: The construction of 32 number houses, a stormwater attenuation tank, a vehicular entrance and associated site works at Rathcallan, Ladysbridge, County Cork. A further public notice was received by the planning authority on the 28th day of April, 2021.

Decision

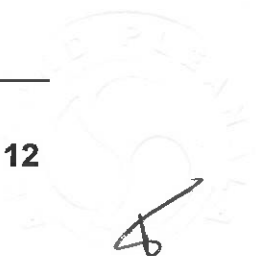
GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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 the development boundary for Ladysbridge and to the specific objective as set out in the East Cork Municipal District Local Area Plan 2017 to encourage the development of up to 40 additional houses within the development boundary during the plan period, 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, would not adversely impact on the rural character of the village and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



Appropriate Assessment Screening

The Board completed the screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development, the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Planning Inspector and concluded that that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European Site and in particular Ballycotton Bay Special Protection Area (site code 004022), the Ballymacoda (Clonpriest and Pillmore) Special Area of Conservation (site code 000077), the Ballymacoda Bay Special Protection Area (site code 004023), the Great Island Channel Special Area of Conservation (site code 001058) and the Cork Harbour Special Protection Area (site code 004030), in view of the conservation objectives and the Board considered that a Stage 2 Appropriate Assessment (and submission of a Natura Impact Statement) is not, therefore, required.

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 to the planning authority on the 26th day of March, 2021 and the 29th day of March, 2021, 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 developer shall comply with the following requirements: -
 - (a) All bathroom/en-suite windows shall be fitted and permanently maintained in obscure glass. The use of film is not permitted.
 - (b) No dwelling within a particular phase of the development shall be occupied until all services for that phase have been connected and operational.

Reason: In the interest of the residential amenity.

3. The development shall be carried out on a phased basis, in accordance with the details submitted to the planning authority on the 26th day of March, 2021. A detailed phasing scheme which shall include the provision of the main green/amenity areas serving the proposed development as part of the first phase, unless otherwise agreed with the planning authority, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of any development.

Reason: To ensure the timely provision of services, for the benefit of occupants of the proposed dwellings.

4. Prior to the commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water. No dwelling shall be occupied until water and sewerage services serving the development have been installed and functioning in accordance with the connection agreements made with Irish Water.

Reason: To ensure that satisfactory water and wastewater arrangements are in place to serve the development.

5. Water supply and 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.

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

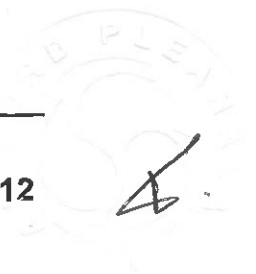
Reason: In the interest of visual amenity.

7. The internal road and vehicular circulation network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and the design standards outlined in the Design Manual for Urban Roads and Streets. Details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of amenity and of traffic and pedestrian safety.

8. Sight distances of 80 metres to the west and to the east of the entrance to the development shall be provided from the centre point of the entrance, three metres back from the road edge. Sightlines and the road markings shall be carried out in accordance with the detailed standards of the planning authority for such works prior to the occupation of any dwelling. No vegetation or structure shall exceed one metre in height within the sight distance triangle.

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



9. 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 house.

Reason: In the interests of amenity and public safety.

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.

Reason: In the interests of visual and residential amenity.

11. (a) All screen walls and boundary walls within the proposed development shall be constructed and finished in accordance with the details submitted to the planning authority on the 26th day of March, 2021.
- (b) Details of the location, design and construction method of any retaining walls, including those between plots, shall be submitted to the planning authority for written agreement prior to commencement of development.

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

12. Proposals for an estate/street name, housing 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. 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 and to ensure the use of locally appropriate place names for new residential areas.

13. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 21st day of December, 2020, as amended by the layout plan submitted on the 26th day of March, 2021. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

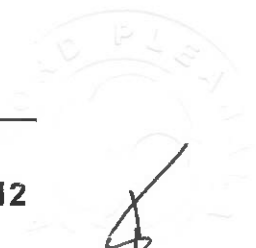
Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

14. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Recommendations for Site Development Works in Housing Areas issued by the Department of Environment and Local Government in November, 1998. Following completion, the development shall be maintained by the developer in compliance with these standards until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

15. 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 social and affordable housing in accordance with the requirements of section 96 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 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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 for the area.

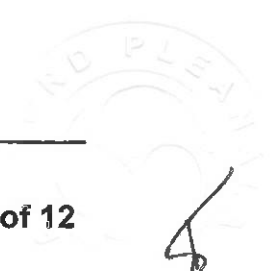


16. A plan containing details for the management of waste (and in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials within each house plot shall be submitted 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: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

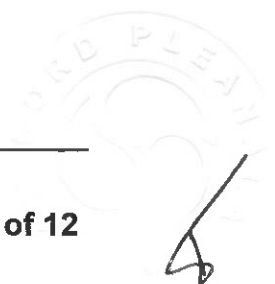
17. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.



18. The construction of the development shall be managed in accordance with a Construction and Environmental 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
- (a) location of site/materials compounds including areas for the storage of construction refuse,
 - (b) location of areas for construction site offices/staff facilities,
 - (c) details of site security fencing and hoardings,
 - (d) details of on-site car parking facilities for site workers during the course of construction,
 - (e) measures to obviate the need for queuing of construction traffic on the local road network,
 - (f) details of appropriate mitigation measures for noise, dust and vibration and for monitoring of such levels,
 - (g) containment of all construction related fuel and oil within specially constructed bunds to ensure that fuel spills are fully contained. Such bunds shall be roofed and exclude rainwater,
 - (h) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil, and
 - (i) means to ensure that surface water is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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

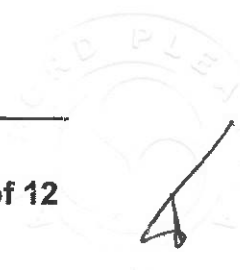


19. Prior to the commencement of any dwelling house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted to first occupation by individual purchasers i.e., those not being a corporate entity, and/or by those eligible for the occupation and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

20. 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.



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.

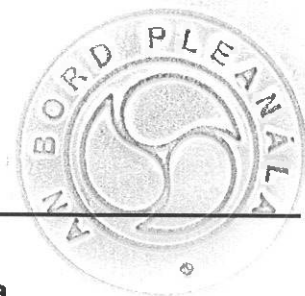
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Terry Ó Niadh

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.



Dated this 20th day of October, 2021.