

---

**Planning and Development Acts 2000 to 2021**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: 20/39743**

**Appeal** by CLBK Construction Services Limited care of Collins Maher Martin Architects of Dodder Park Road, Rathfarnham, Dublin against the decision made on the 19<sup>th</sup> day of August, 2020 by Cork City Council to refuse a permission to CLBK Construction Services Limited for the proposed development.

**Proposed Development:** Construction of 62 number new dwelling houses including two number House Type A – four-bed, two-storey detached houses, one number House Type A1 – four-bed, two-storey detached house, one number House Type A2 - four-bed, two-storey detached house, 33 number House Type B – three-bed, two-storey semi-detached dwellings, four number House Type B1 – three-bed, two-storey, semi-detached house, three number House Type B2 – three-bed, two-storey, semi-detached houses, eight number House Type C - three-bed, two-storey, end of terrace houses, one number House Type C1 - three-bed, two-storey end of terrace house, one number House Type C2 – three-bed, two-storey end of terrace house, three number House Type D – three-bed, two-storey, mid-terrace dwelling and five number House Type E – two-bed, two-storey mid-terrace dwellings. Proposed

development will also consist of a provision of new access roads and all ancillary landscaping and site services works, all in the townlands of Coolroe and Classes, Ballincollig, 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:-

- (a) the location of the site within the existing built-up area of Ballincollig in the Ballincollig Carrigaline Municipal District Local Area Plan, 2017;
- (b) "Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Houses Sustaining Communities" issued by the Department of the Environment, Heritage and Local Government in 2007;

- (c) the Design Manual for Urban Roads and Streets 2012 (DMURS); and
- (d) the configuration of the site and the pattern and character of the existing development in the surrounding area,

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate form and scale of development at this location, would not seriously injure the visual amenities and character of the surrounding built environment or the residential amenities of adjoining properties and would be acceptable in terms of vehicular and public safety and convenience. 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 23<sup>rd</sup> day of July, 2021 and by the further plans and particulars received by An Bord Pleanála on the 15<sup>th</sup> day of September, 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. This permission shall not be construed as any form of consent or agreement to works outside the site boundary as delineated on the map titled Land Registry Compliant Map submitted to the planning authority on the 23<sup>rd</sup> day of July, 2021.

**Reason:** In the interest of clarity.

3. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

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

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

**Reason:** In the interest of public health.

5. Drainage arrangements shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

6. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such works.

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

7. 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. Roof colour (including ridge tiles) shall be blue-black, black, dark brown or slate grey in colour only.

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

8. (a) Screen walls shall be provided to screen rear gardens from public view. Such walls shall be two metres in height above ground.
- (b) All screen walls shall be constructed in concrete block and shall be capped and rendered on both sides in a finish that matches the external finishes of the dwellings.

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

9. The areas of 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 23<sup>rd</sup> day of July, 2021. This work shall be completed before any of the dwelling units are made available for occupation. These open space areas 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.

10. Public lighting and lighting along the full extent of the proposed pedestrian links and pedestrian routes through open space 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 dwelling unit.

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

11. 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.

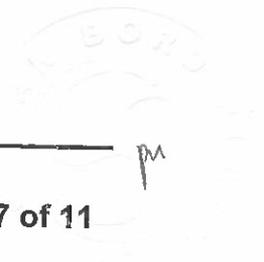
12. Proposals for an estate name, street names, and house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance 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 interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

13. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0900 and 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 the interests of public safety and residential amenity.

14. 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:
- (a) location of the site and material compound(s) including area(s) identified for the storage of construction refuse;
  - (b) details of site security fencing and hoardings;
  - (c) details of on-site car parking facilities for site workers during the course of construction;
  - (d) details of timing and routing of construction traffic to and from the site;
  - (e) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
  - (f) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels; and



- (g) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

15. 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. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

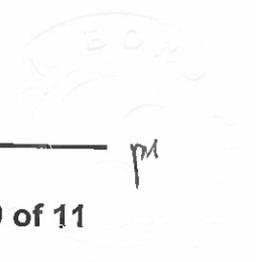
**Reason:** In the interest of sustainable waste management.

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 for each dwelling 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:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

17. Prior to the commencement of any 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 permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social 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.



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 96(4) and 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 97(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 for the area.

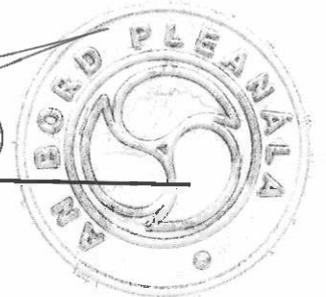
19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, 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.

20. 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.

  
\_\_\_\_\_  
**Paul Hyde**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**



Dated this *4<sup>th</sup>* day of *FEBRUARY* 2022.