

An
Bord
Pleanála

Board Order
ABP-311652-21

Planning and Development Acts 2000 to 2021

Planning Authority: Cork City Council

Planning Register Reference Number: 21/39825

Appeal by Philomena and Leonard Cullen of Picardy, Hettyfield, Douglas, County Cork and by Thomas Cregan care of Waterman Consulting Engineers of 4 Union Quay, Cork against the decision made on the 4th day of October, 2021 by Cork City Council to grant subject to conditions a permission to KMR Developments Limited care of McCutcheon Halley Planning of 6 Joyce House, Barrick Square, Ballincollig, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of a former cottage and the construction of 12 number dwellings and all associated ancillary development works at Hettyfield, Douglas, Cork, as revised by the further information response received by the planning authority on the 14th day of July, 2021 which revised the number of proposed dwellings to nine number dwellings.

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.

Reasons and Considerations

Having regard to the zoning objective of the site in the Cork City Development Plan 2022-2028, the design and scale of the proposed development, the infill nature of the site, and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity by reason of overbearance or overlooking, would not endanger public health, would represent an appropriate residential density, would be acceptable in terms of traffic safety and convenience, and would comply with the relevant provisions of the Cork City Development Plan 2022-2028, the National Planning Framework (2018) and the Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in May 2009 (updated 2020). 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 received by the planning authority on the 14th day of July, 2021 (which revised the number of proposed dwellings to nine number dwellings) and on the 9th 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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/street signs and house numbers shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be as submitted with the planning application, unless otherwise agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

5. The construction of the proposed 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. The plan shall include, inter alia, details and location of site offices, staff facilities, site compounds, on-site parking facilities, storage locations (for plant, machinery, materials), intended construction practice for the proposed development, including noise and dust management measures, a construction traffic management plan with details of access arrangements, haulage routes, timing and routing details for deliveries and disposal trips, staff parking, measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network, and directional signage.

Reason: In the interest of amenity and public safety.

6. 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 or public holidays. Deviation from these times shall 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 properties in the vicinity.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual amenity.

8. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any dwelling.

Reason: In the interest of amenity and public safety.

9. (a) A site layout plan indicating the areas and/or infrastructure to be taken in charge by the planning authority shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) The management and maintenance of areas and/or infrastructure not being taken in charge by the planning authority shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of same shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of the development in the interest of residential amenity and public health.

10. Water supply and drainage arrangements, including 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 and surface water management.

11. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to commencement of development.

Reason: In the interest of public health.

12. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs, shall be in accordance with all relevant provisions as outlined in the Design Manual for Urban Roads and Streets.

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

13. The proposed development shall not be a gated development.
Reason: In the interest of the proper development of the area.
14. All car parking spaces serving the residential units shall be provided with appropriate electric vehicle recharging infrastructure to enable the subsequent installation of recharging points for electric vehicles. 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.
Reason: To provide for and/or future proof the proposed development such as would facilitate the use of electric vehicles.
15. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
- (a) details of all proposed hard surface finishes, including materials for footpaths, kerbing and road surfaces within the development,
 - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings,
 - (c) details of proposed street furniture, including bollards, lighting fixtures and seating, and
 - (d) details of proposed boundary treatments at the perimeter of the site, including wall/fence heights, materials, and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity and to safeguard the amenities of properties in the vicinity.

16. The area of public open space shown on the lodged plans shall be reserved for such use and shall be levelled and/or contoured, as applicable, soiled, seeded, and landscaped in accordance with the landscape plans and report submitted to the planning authority with the planning application, unless otherwise agreed in writing with the planning authority. 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/in the event that it is taken in charge by the planning authority.

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

17. (a) A plan containing details for the management of waste within the proposed development, including the provision of facilities for the storage, separation, and collection of the waste and, in particular, recyclable materials 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.
- (b) The plan shall provide for screened bin stores, which shall accommodate not less than three standard-sized wheeled bins within the curtilage of each residential plot.

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

18. 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.

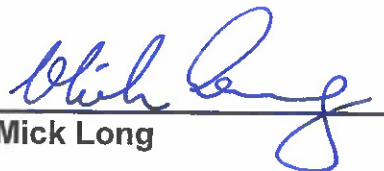
19. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 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.

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 planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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.

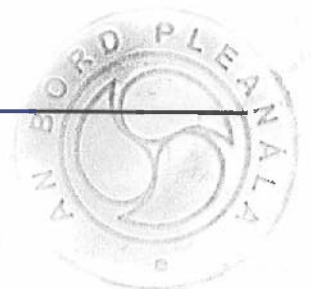


Mick Long

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this 17 day of



2023.