

Planning and Development Acts 2000 to 2021

Planning Authority: Cork City Council

Planning Register Reference Number: 21/40038

Appeal by Paul Deasy of 12 Coppenger Fields, White's Cross, Dublin Pike, Cork and by Diarmuid Curtin of 5 Ferncarrig, White's Cross, Cork against the decision made on the 30th day of September, 2021 by Cork City Council to grant subject to conditions a permission to O'Leary and O'Sullivan Developments Limited care of Coakley O'Neill Town Planning Limited of NSC Campus, Mahon, Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Phase 1 of the Ballincroig Masterplan which will involve the construction of 96 number residential units (14 number four-bed semi-detached dwellings, 52 number three-bed semi-detached dwellings, six number three-bed townhouses, six number two-bed townhouses, seven number two-bed apartments, seven number two-bed duplex apartments, two number one-bed apartments and two number one-bed duplex apartments), one number crèche, associated car parking, landscaping and amenity areas, foul and storm water drainage, including attenuation, and all associated site development works which include a temporary construction access from the Ballyhooly Road. Permanent access to the site is to be from the L2980 (Dublin Pike) Road through the Coppenger Fields development immediately

adjacent to the west (and currently under construction), all at Dublin Pike and Ballyhooly Road, Ballincroilig, 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.

Reasons and Considerations

Having regard to the nature, scale and design of the proposed development, the pattern of existing and permitted development in the area, and the residential zoning objective (ZO 01: Sustainable Residential Neighbourhoods – Outer Suburbs (35-60 units per hectare)) pertaining to the site in the Cork City Development Plan 2022-2028, and the policies and provisions contained in the National Planning Framework (2018), the Southern Regional Assembly Regional Spatial and Economic Strategy (RSES) 2020, the Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes Sustaining Communities published by the Department of the Environment, Heritage and Local Government (2007), the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage (2020), the Design Manual for Urban Roads and Streets, and the Cork County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum and density of development in this accessible outer suburban/greenfield location, would be acceptable in terms of pedestrian and vehicular safety, would not seriously injure the residential or visual amenities of the area, and would be acceptable in terms of urban design, height and quantum of development. The proposed development would, therefore, be in

accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 3rd 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 the 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. 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. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

3. (a) The landscaping scheme, as submitted with the planning application and as amended by the further plans and particulars received by the planning authority on the 3rd day of September, 2021, shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, with 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.
- (b) The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the residential units are made available for occupation.
- (c) Prior to commencement of development, the developer shall retain the professional services of a qualified Landscape Architect as Landscape Consultant throughout the life of the site development works and shall notify the planning authority of that appointment in writing.
- (d) When all landscape works are inspected and completed to the satisfaction of the Landscape Consultant, a Practical Completion Certificate shall be submitted for the written agreement of the planning authority as verification that the approved landscape plans and specifications have been fully implemented.

Reason: In the interest of residential and visual amenity.

4. The mitigation measures outlined in the Ecological Impact Assessment Screening (March 2021) submitted with the planning application shall be carried out in full, except where otherwise required by the conditions of this permission.

Reason: In the interest of nature conservation.

5. Hedgerows to be removed on site shall be felled outside of the bird breeding season. Any disturbance to bats on site shall be in a manner to be agreed in writing with the planning authority on the advice of a qualified ecologist.

Reason: In the interest of nature conservation.

6. 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.

7. 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 orderly development.

8. The following requirements in terms of traffic, transportation and mobility shall be incorporated and, where required, revised drawings/reports showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:
- (a) 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 and the design standards outlined in the Design Manual for Urban Roads and Streets. Drawings and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
 - (b) The developer shall carry out a Road Safety Audit (Stages 1-3) (which shall include an Access Audit, Cycle Audit and Walking Audit), and shall submit it to the planning authority for written agreement. The developer shall carry out all agreed recommendations contained in the audits at the developer's own expense.
 - (c) Prior to commencement of the upgrade of the Ballyhooly Road, the developer shall agree in writing with the planning authority details of the proposed pedestrian/cyclist connection to the Ballyhooly Road. The works associated with this condition shall be completed at the developer's own expense.

Reason: In the interest of traffic and pedestrian safety.

9. A minimum of 10% of the communal car parking spaces shall be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the planning application, in accordance with the above noted requirements, the developer shall submit such proposals to be agreed in writing with the planning authority prior to the occupation of the development.

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

10. The mitigation measures outlined in the Archaeological Testing submitted with the planning application shall be carried out in full, except where otherwise required by the conditions of this permission. In addition, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operations (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably qualified archaeologist prior to commencement of development who shall monitor all site investigations and other excavation works. The archaeologist shall submit a report to the planning authority outlining the results of the investigation and report any archaeological finds,

- (c) provide a fence to accommodate a buffer zone of 20 to 25 metres to be erected around the ringfort (C0063-114), and a separate fence to accommodate a buffer zone of 10 metres shall be erected around the burnt mound (Feature 7). In addition, a fence to accommodate a buffer zone of 10 metres shall be erected around the burnt mound located at the southern end of the landholding, and
- (d) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological materials which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

- 11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. The cables shall avoid roots of trees and hedgerows to be retained on the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing overground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

12. Comprehensive details of the proposed public lighting system to serve the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed lighting system shall be fully implemented and operational before the proposed development is made available for occupation.

Reason: In the interest of amenity and public safety.

13. 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 residential amenities of property in the vicinity.

14. Proposals for an estate/street name, house and apartment numbering scheme and associated signage, including signage at the entrance to the development, 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 and apartment 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 place names for new residential areas.

15. 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. This plan shall provide details of intended construction practice for the proposed development, including noise management measures and off-site disposal of construction/demolition waste.

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

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, and for the ongoing operation of these facilities for each house and 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.

17. (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 planning 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.

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 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.

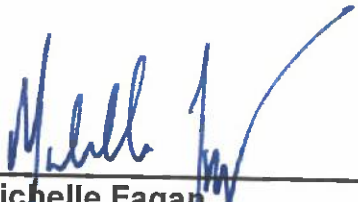
Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

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 of roads, footpaths, watermains, drains, 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 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.

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. The application of any 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 for determination.

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.



Michelle Fagan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this 9th day of February 2023.