

An  
Bord  
Pleanála

**Board Order**  
**ABP-312951-22**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: T.P. 21/40405**

**Appeal** by Barry and Sharon O'Reilly care of O'Leary Architecture and Design of Ouvane, Rathmore Lawn, South Douglas Road, Cork against the decision made on the 10<sup>th</sup> day of February, 2022 by Cork City Council to grant subject to conditions a permission to Patricia Hegarty, Marie Reidy, Anna O'Toole and Felicity Ryan care of McCutcheon Halley Planning Consultants of 6 Joyce House, Barrack Square, Ballincollig, County Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of 29 number dwellinghouses and all associated ancillary development works including a new access (onto Donnybrook Hill), parking, footpaths, drainage, landscaping and amenity areas at Ballybrack, Donnybrook Hill, Donnybrook, Douglas, Cork. The proposed development was revised by further public notices received by the planning authority on the 14<sup>th</sup> day of January, 2022.



## **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 location of the site on serviced urban land, to the provisions of the Cork City Development Plan 2022-2028, including land use zoning ZO 01 – “Sustainable Residential Neighbourhoods” applicable to the site, under which the provision and protection of residential uses and residential amenity is a central objective, and to the nature and scale of the proposed development and that of the adjoining residential developments, 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. The Board was satisfied having regard to the specific site context that the density, while below the density target identified for the area, was acceptable having regard to the relatively small site and the prevailing pattern of the development in the area and the opportunity for higher densities to be delivered on the remaining lands that are within the control of the applicant. 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 17<sup>th</sup> day of December, 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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development.

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

3. 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 and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

**Reason:** In the interest of urban legibility.

4. The landscaping scheme shown on the Landscape Masterplan (drawing number 20361-2-101) submitted to the planning authority on the 5<sup>th</sup> day of August 2021, shall be carried out within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted scheme, the following details shall be submitted to, and agreed in writing with the planning authority, prior to commencement of development:
- (a) Specific planting details using only indigenous trees and hedging, including details of the planting proposals for the northern buffer, which shall not result in loss of light and overshadowing of adjoining properties.
  - (b) Details of all hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development.
  - (c) Details of proposed play equipment.

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, or until the development is taken in charge by the local authority, whichever is the sooner, 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.



5. The rear gardens of house numbers 1 to 13 adjoining the southern site boundary shall be bounded with 1.8 metres high concrete block walls, capped and rendered on both sides, to the written satisfaction of the planning authority.

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

6. Public lighting shall be provided in accordance with a scheme, which shall include lighting requirements for regional road R851 and along pedestrian routes through open spaces within the site. Details in this regard, 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 unit.

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

7. (a) All road modifications and improvements shall be carried out at the expense of the developer, and details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) The details and extent of all road markings and signage requirements on regional road R851 shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. All costs shall be borne by the developer.
- (c) The proposed vehicular access, the internal road network and footpaths and the pedestrian access serving the proposed development shall comply with the detailed standards of the planning authority for such road works.

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

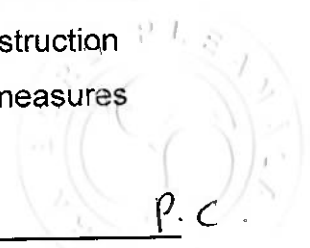
8. The internal road network serving the proposed development, including the turning area, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works, and shall comply, in all respects, with the standards set out in the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended.

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

9. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations or points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points or stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations or points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and 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 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 noise management measures and off-site disposal of construction/demolition waste.



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

11. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, 0800 to 1400 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.

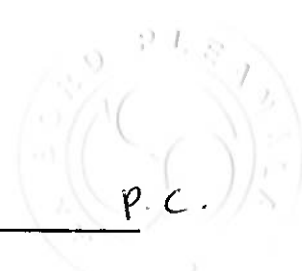
**Reason:** In order to safeguard the residential amenities of property in the vicinity.

12. 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, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste in the interest of protecting the environment.

13. 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.



14. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Eireann.

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

15. 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.

16. Prior to the commencement of any house or duplex unit 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 or duplex unit), 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 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.



17. 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.

18. 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.

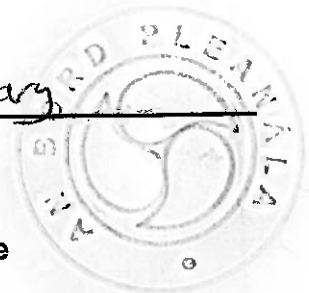
19. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.

*Patricia Calleary*

**Patricia Calleary**

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



Dated this 15 day of November 2023.