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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 215478.**

**Appeal** by Stephen Matthews of Viper Farm, Viper Kells, County Kilkenny and by TFT Construction Limited care of McCutcheon Halley Chartered Planning Consultants of 6 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 26<sup>th</sup> day of May, 2022 by Cork County Council to grant, subject to conditions, permission in accordance with the plans and particulars lodged with the said council.

**Proposed Development:** The demolition of an existing shed and the construction of 24 number dwelling houses and all associated ancillary development works including access roads, parking footpaths, drainage, landscaping and amenity areas, at Cill Mhuire, Marmullane, Pembroke (Townland), Passage West, 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.**

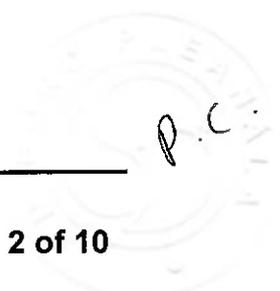
## **Reasons and Considerations**

Having regard to the zoning objectives for the site as set out within the Cork County Development Plan 2022-2028 and the wider provisions of the development plan, the pattern of development in the area and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an acceptable development supported by policy, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of the safety and convenience of pedestrians and road users and would not constitute a traffic hazard. 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 plans and particulars submitted on the 9<sup>th</sup> day of March 2022 and the 28<sup>th</sup> day of April 2022 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. Prior to the commencement of any development on site, the developer shall submit revised plans, illustrating the following revisions to the proposed development, for the written agreement of the planning authority:

- (a) Proposed Units 13-16 and the proposed pathway to the west of Unit 16 shall be omitted.
- (b) Units 29-34 shall be omitted.

The areas released by the omission of (a) and (b) above be subject to separation planning application. Revised proposals for the design of Unit 27 to negate against overlooking from the proposed first-floor terrace. All en-suite bathroom units shall be fitted and permanently maintained with obscure glass; use of film is not acceptable.

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

3. This permission is for 12 residential units only.

**Reason:** To clarify the extent of the permitted development.

4. Details (including samples) of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. The proposed path running from the northern side of the proposed site through to Cemetery Road shall be fully constructed and operational prior to occupation of any residential unit.

**Reason:** In the interest of orderly development.

6. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping which accompanied the application submitted, unless otherwise agreed in writing with the planning authority, prior to commencement of development.

**Reason:** To ensure a satisfactory completion and maintenance of the development in the interest of residential amenity.

7. All trees and hedgerows within and on the boundaries of the site, except those specified for removal to facilitate the development, shall be protected during building operations and maintained thereafter.

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

8. Prior to the commencement of any development on site, the developer shall submit details of boundary treatments for the development for the written agreement of the planning authority.

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

9. The existing shed on site shall be demolished no later than eight weeks after the completion of the development.

**Reason:** In the interest of orderly development.

10. Public lighting shall be provided in accordance with the planning authority's requirements, 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 house.

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

11. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the requirements of the planning authority and in all respects with the standards set out in the Design Manual for Urban Roads and Streets (DMURS), 2019.

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

12. A minimum of 10% of all communal car parking spaces shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage 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 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

13. Proposals for a house naming/numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed names 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.

14. All service cables associated with the proposed development shall be located underground.

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

15. 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 and surface water management

16. The developer shall enter into water and/or wastewater connection agreement with Uisce Éireann, prior to commencement of development.

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

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. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency'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.

19. 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 traffic management measures, noise management measures and off-site disposal of construction/demolition waste.

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

20. Prior to the commencement of 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 housing unit, pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all residential units permitted to first occupation by individual purchasers, that is, 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 interest of the common good.

21. Prior to commencement of development, the developer 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.

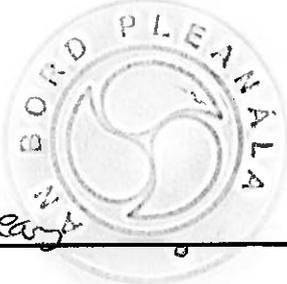
22. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains,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

23. 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.



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**Patricia Calleary**

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

Dated this *23* day of *April* 2024.