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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 22/5878**

**Appeal** by An Lucht Inbhuanaithe care of Micheál Ó Ceallacháin of Murrevagh, Mulranny, Westport, County Mayo against the decision made on the 30<sup>th</sup> day of November, 2022 by Cork County Council to grant subject to conditions a permission to Vincentia Investments Limited care of Butler O'Neill Total Planning Solutions of Old Thompson's Bakery, Thompson House, MacCurtain Street, Cork in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** The construction of 74 number residential units consisting of detached, semi-detached, terraced and apartment units comprising one number seven bedroom house, 15 number four bedroom houses [with the capacity to become five bedrooms], 30 number three bedroom houses [with capacity to become four bedrooms], 20 number two bedroom houses [with capacity to become three bedrooms] and eight number one bedroom apartments. The development also includes the provision of a crèche and 150 number car parking spaces, drainage works, landscaping, boundary treatments, surface treatments and all ancillary site development works. Vehicular access is to be provided onto the R639 to the south of the site via 'The Orchard' Estate permitted by 18/4162 and 19/4921 all at Bishop's Island, Watergrasshill, 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 location of the site within the Watergrasshill development boundary, Objective WT-GO-02 of the Cork County Development Plan 2022-2028 which is to plan for development to enable Watergrasshill to achieve its target population of 1,736 persons, and its envisioned growth by up to 149 units during the plan period, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, and would be acceptable in terms of traffic safety. The Board was satisfied having regard to the specific site context that the density, while marginally below the target density for the Specific Development Objective WT-R-03 site, was acceptable having regard to Settlement Density Location Guide (Table 4.1), the location of the subject site and the prevailing pattern of development in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board also had regard to the Uisce Éireann, Annual Environmental Report 2022, Watergrasshill, D0201-01 when considering the development.

The Board noted that both house types proposed accorded with the Development Plan requirements, and that either house type was acceptable, noting that the difference between option one and option two are minor providing for alterations such as additional bedrooms, and rear extensions but

maintaining a similar design albeit with additional windows. The Board considered that the application was clear. The Board concurred with the Planning Authority that the scheme as proposed was acceptable, the Board considered that prior to the completion of the development the developer should be required to submit to the planning authority a layout drawing indicating which housing type option was constructed on each plot.

The Board was satisfied having regard to the specific site context that the density, while marginally below the target density for the Specific Development Objective WT-R-03 site, was acceptable having regard to Settlement Density Location Guide (Table 4.1), the location of the subject site, and the prevailing pattern of development in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment Screening**

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of identification of the European Sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans and projects, on these European Sites in view of the site's conservation objectives and that a Stage 2 Appropriate Assessment is not, therefore, required.

## 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 3<sup>rd</sup> day of November 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 completion of the development or the withering of this permission whichever is sooner, the developer shall submit to the planning authority a layout drawing indicating which housing type option was constructed on each plot.

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

3. (a) Within 24 months of the date of this Order, a planning application for development on the lands located between House Numbers 21 and 52 shall be submitted to the planning authority for consideration.
- (b) Prior to commencement of development, boundary treatment to this part of the subject site, including proposals for roadside frontage boundary treatment, as appropriate, shall be submitted to and agreed in writing with the planning authority.

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

4. Prior to 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.

5. 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. The construction of the crèche shall be included in the first phase.

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

6. Details 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.

7. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwellinghouses without a prior grant of planning permission.

**Reason:** In order to ensure that no matter which house type is constructed a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings.

8. Prior to the commencement of development, a drawing identifying the areas to be taken in charge by the planning authority shall be submitted to Cork County Council for written agreement.

The development shall be carried out and completed in accordance with the "taking-in-charge" standards of the planning authority. The development shall be maintained by the developer until such time as it is taken in charge by the planning authority.

**Reason:** In the interest of ensuring that the development is carried out to appropriate standards.

9. The proposed childcare facility shall not operate outside the period of 0700 to 1800 hours Monday to Friday inclusive and shall not operate on Saturdays, Sundays or public holidays.

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

10. Prior to commencement of development, a landscape scheme for the proposed development shall be submitted for the written agreement of the planning authority, and shall include the following:
- (a) Details of plant species and children's play facilities.
  - (b) The areas of public open space shown on the lodged plans, save for the area shown as Public Open Space 4 on the drawings lodged with the application on the 12<sup>th</sup> day of August 2022, shall be reserved for use as public open space. These areas shall be levelled, soiled, seeded and landscaped in accordance with a landscaping scheme to be submitted.

The landscape plan to be agreed 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 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.

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. All existing over ground cables shall be re-located underground as part of the site development works.

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

12. Public lighting 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 by the developer for occupation of any house.

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

13. 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 materials compound(s) including area(s) identified for the storage of construction refuse;
  - (b) Location of areas for construction site offices and staff facilities;
  - (c) Details of site security fencing and hoardings;
  - (d) Details of on-site car parking facilities for site workers during the course of construction;
  - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
  - (f) Measures to obviate queuing of construction traffic on the adjoining road network;



- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil and the spoil currently stored on site; and
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutant 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 interests of amenities, public health and safety.

14. 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 the interests of public safety and amenity.

15. (a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed standards of the planning authority for such works, and shall comply with the provisions of the Design Manual for Urban Roads and Streets issued by the Department of the Environment, Community and Local Government and the Department of Transport, Tourism and Sport in March (2013, updated 2019).
- (b) The road junction at the vehicular entrance to the proposed development, at the point approximately south west of Number 47 The Orchard where it connects to the existing internal estate road, shall be in accordance with the detailed standards of the planning authority for such works, and shall comply with the provisions of the Design Manual for Urban Roads and Streets.
- (c) Details of proposed paving and internal road surfacing shall be submitted to, and agreed in writing, with the planning authority prior to commencement of development.
- (d) Footpaths at entrances shall be designed to the satisfaction of the planning authority.

- (e) Prior to the commencement of development works on site, proposals/details for road layouts, road finishes and speed control measures shall be submitted to, and agreed in writing with, the planning authority.

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

16. 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.

Stormwater attenuation and treatment utilizing nature based drainage solutions and SUDS best management practices shall be incorporated into the proposed storm water system as per the details submitted to the planning authority on the 3<sup>rd</sup> day of November 2022.

A development completion stage stormwater audit shall be carried out within three months of the substantial completion of the development to ensure the SUDS/ NBS measures were installed and working as designed, no misconnections have taken place, and that damage has not occurred to any of the stormwater or foul drainage infrastructure during construction. A CCTV survey shall be carried out of all stormwater pipes and foul pipes and the survey and report forwarded to the planning authority.

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

17. The applicant or developer shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development.

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

18. 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. The proposed name 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 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 and to ensure the use of locally appropriate place names for new residential areas.

19. All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

20. 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.

21. 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 embankment reinstatement and landscaping, roads, footpaths, watermains, drains, 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, and maintenance until taken in charge, 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, and its maintenance until taken in charge by the local authority.

22. 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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Mary Henchy

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

Dated this 8<sup>th</sup> day of January 2024