

COMHAIRLE CATHRACH CHORCAÍ - CORK CITY COUNCIL

PLANNING AND DEVELOPMENT ACT 2000

NOTIFICATION OF DECISION TO GRANT

Permission

SUBJECT TO CONDITIONS UNDER SECTION 34 OF THE ACT OF 2000

To: Patricia Hegarty Marie Reidy Anna O Toole Ref No.: 21/40405 Application Received:
and Felicity Ryan, c/o Cora Savage 05/08/2021
McCutcheon Halley Planning Consultants
6 Joyce House Barracks Square
Ballincollig Co.Cork P31YX97

In pursuance of the powers conferred upon them by the above mentioned Acts, Cork City Council have by order dated **10/02/2022** decided to GRANT **Permission** for the development of land, namely: Permission for the construction of 29 no. dwelling houses 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

In accordance with plans and particulars submitted on 05/08/2021.

Subject to the (34 No.) conditions and reasons set out in the attached Schedule.

If there is no appeal against said decision, a grant of **Permission** in accordance with the decision, will be issued after the expiration of the period within which an appeal may be made to An Bord Pleanála (see footnote).

It should be noted that until a grant of **Permission** has been issued, the development in question is **NOT AUTHORISED**.

Signed on behalf of Cork City Council



Valerie Kavanagh
Senior Staff Officer
Date: 10/02/2022

NB: See Notes Overleaf

Planning Ref. No.: 21/40405

First Schedule

Having regard to the nature, location and context of the site and surrounding area, the policies and objectives of the Cork County Development Plan 2014, relevant Local Area Plan and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out in the Second Schedule, the proposed development would not seriously injure the residential or visual amenities of the area, and is in accordance with the proper planning and sustainable development of the area.

**Schedule of Conditions attached to
Planning Permission issued by Cork
City Council – Ref.: 21/40405**

Second Schedule

No.	Condition	Reason
1	The development shall be carried out in accordance with the plans and particulars submitted to the Planning Authority on 05.08.2021 as amended by the Further Information plans and particulars submitted to the Planning Authority on 14.12.2021 except where otherwise required by the conditions in this schedule.	In the interest of clarity.
2	<p>a) 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, that restricts all residential 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.</p> <p>b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified</p>	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.

	residential units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.	
3	The Applicant, or any other person with an interest in the land to which this application relates, shall prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997, enter into an agreement with the planning authority under Section 96 of the Planning and Development Act, 2000 as amended, in respect of the matters referred to paragraphs (a) or (b) of Sub-section (3) of Section 96.	To comply with the provisions of Section 96 of the Planning and Development Act, 2000 as amended.
4	Before the development is commenced, the developer shall lodge with the Planning Authority a bond or such other security as may be accepted by the Planning Authority, in a sum to be determined by Cork City Council to secure the provision and satisfactory completion and maintenance of roads, footpaths, open spaces and amenities, car parks, pub lighting, surface water drainage systems and communal waste storage required in connection with the proposed development. The bond or security shall provide for the adjustment on a monthly basis, in accordance with the Consumer Price Index of the Central Statistics Office, of the amount of bond as approved by the City Council.	To ensure the satisfactory completion of the development.
5	All findings of the Road Safety Audit shall be closed out, signed off and incorporated into the development. A Stage 3/4 Road Safety Audit shall also be undertaken, closed out, signed off and acted upon. All costs associated with this condition shall be borne by the developer.	In the interest of traffic safety.
6	All proposed vehicular and pedestrian access points shall be designed in accordance with the Design Manual for Urban Roads and Streets (DMURS). Exact details shall be agreed with the Planning Authority prior to commencement of development. All costs associated with this condition to be borne by the developer.	In the interest of traffic safety.

7	All road modifications and improvements shall be carried out by the developer at the developer's expense, to the detail agreed with Cork City Council.	In the interests of traffic safety.
8	Prior to commencement of development, the developer shall agree the details and the extent of all road markings and signage requirements on R851 Road with the Planning Authority. All costs associated with this condition to be borne by the developer.	In the interest of traffic safety.
9	Design details of development access junction, internal estate roads and pedestrian provision on Donnybrook Hill shall be carried out as per the RFI drawings Access Junction Layout (1 and 2) submitted on the 17/12/2021. These works shall be carried out by the applicant at the developer's expense.	To facilitate safe pedestrian and vehicular access to the proposed development.
10	Entrance shall be so designed, and roadside boundaries so altered, as to provide sight distances of 49 metres, in both directions, at a point 2.4 metres back from the edge of the public road.	In the interests of road safety.
11	No vegetation or structure shall exceed 1metre in height within the sight distance triangle. Any utility poles or other objects/structures within the sight triangle, which as a result of compliance with this condition will be in front of the new road boundary, shall be repositioned behind it, and any surface chambers or manholes in front of it shall be repositioned in a location or at a level to be agreed with the Council's Area Engineer. The developer shall be responsible for the costs of relocating these facilities, for notifying the relevant statutory undertakers, for obtaining any necessary licenses, and for notifying the Planning Authority of the revised locations of such utilities, prior to commencement of development.	To provide proper sight distance for emerging traffic in the interest of road safety.
12	The developer is responsible for the design and construction (at their expense) of the setback area, including proposed drainage in lieu of open drain, kerbing alongside existing roadside edge, grass verge and 2m wide footpath outside the proposed boundary. The design and construction of all works must be carried out in accordance with relevant guidelines to the satisfaction of the Planning Authority. All road/footpath design	In the interests of orderly development and traffic safety.

	and construction details must be agreed in writing with the Planning Authority prior to commencing construction work on site. All works shall be constructed in their entirety at the developer's expense prior to any residential units being occupied on the site.	
13	A Construction Traffic Management Plan for the proposed development including dedicated haulage routes, a protocol to be followed by HGV drivers and allowable operational times for the HGV's on the city's road network shall be agreed with Cork City Council in consultation with An Garda Síochána before works commences on site.	In the interest of traffic safety.
14	The total parking supply on the site shall not exceed the parking standards as set out in the County Development Plan 2014. The following shall apply: the provision of a maximum of 2 car parking spaces per dwelling.	In the interest of traffic safety.
15	Public Lighting designs shall be designed in line with the following documents: a) Cork City Council Exterior Lighting Design Requirements Revision 10, b) Code of practice BS 5489-1:2020. Design of road lighting - Lighting of roads and public amenity areas, and c) BS EN 13201 - Road lighting.	In the interest of the public.
16	All public lighting requirements associated with the proposed development shall be agreed with the Planning Authority prior to commencement of development. These works are to be undertaken and paid for by the developer.	In the interest of traffic safety.
17	All external lighting requirements associated with the proposed development including lighting associated with the construction stage shall be designed collectively with any existing lighting (including public lighting) requirements. The external lighting requirements shall also optimise energy efficiency, incorporate glare control and be agreed with the Planning Authority prior to commencement of development. The works are to be undertaken and paid for by the developer.	In the interests of traffic safety.
18	Drainage layouts and details shall be in accordance with drainage layouts, drawings, details and calculations submitted as part of the plans and particulars submitted, subject to drainage conditions.	In the interest of public health.

19	The applicant shall submit an application for a storm water connection to the Drainage Section of Cork City Council, and obtain written approval for same, prior to the making of any connection to the public stormwater sewer.	In the interest of public health.
20	Surface water shall not be permitted to flow onto the public road.	To prevent flooding of the public road.
21	All drainage shall be separated throughout. All paved and roofed areas shall discharge to the storm drainage system. All toilets, urinals, wash hand basins, sinks, showers and baths shall discharge to the foul drainage system.	In the interest of public health.
22	Existing road drainage shall not be obstructed and the new entrance shall be designed and constructed to ensure the uninterrupted flow of road surface run-off.	To maintain proper roadside drainage and to prevent the flooding of the public road.
23	(a) Construction waste such as wood, metal, and concrete, shall be segregated and submitted for recycling. Waste Gypsum shall be segregated and delivered to an appropriate facility. Hazardous construction waste such as paint, lubricants, oil, lighting, wood preservative shall be segregated and disposed of at an authorised facility. (b) The developer shall ensure that any waste moved off site during site clearance operations or construction works is removed by authorised waste contractors only. The material shall be taken only to sites authorised by a local authority or the Environmental Protection Agency. (c) The information provided in the Construction Management Plan and Waste Management Plan is sufficient. Prior to the commencement of the development, an updated Construction Management Plan and Waste Management Plan needs to be resubmitted to the Local Authority for agreement when the main contractor has been appointed or when changes have occurred to the previously submitted plans.	In the interest of orderly management and disposal of waste.
24	(a) Noise during site clearance and construction shall not exceed 65 dB (A), Leq 30minutes and the peak noise shall not exceed 75 dB (A), when measured at any point off site. (b) Working hours during site clearance and construction shall be restricted to 0800-1800 hours on Mondays to Fridays and to 0800-1400 hours on Saturdays and not at all on Sundays and public holidays.	In the interests of residential amenity.

	Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.	
25	(a) The Developer shall ensure that no appreciable negative environmental impacts occur because of the construction works associated with this development. The developer shall give particular attention to dust, noise, odour, litter, dirt on public roads, surface water runoff and spillage of fuel oils. Operations liable to produce dust shall be screened and dust suppression devices used where appropriate. Fuel oils and other chemicals shall be adequately banded, with bunds having volumes of at least 110% of the volumes of fuel stored.	In the interests of orderly management and disposal of waste.
26	(a) The developer shall ensure that any excavated material stockpiled on site during construction shall be held in a manner such as to ensure that no silt or run-off from these stockpiles enters any watercourse. (b) The Developer shall ensure that surface water from the development is free from herbicides, pesticides, fertilisers and other substances which could have a harmful affect on the environment.	in the interest of preservation of wildlife
27	(a) Prior to commencement of the development the developer shall submit to the planning authority for agreement, full details of the waste management proposed for the development. Details shall include proposals on waste reduction, reuse, and segregation, recycling, and vented storage as well as who will manage the waste, dispose of it and present it for collection. The developer shall clearly identify vented bin storage area of appropriate capacity, clearly identifying on the drawing designated location for same with dimensions clearly visible. The developer should refer to the British standards BS 5906: 2005 in relation to waste management in buildings to ascertain capacity required for development.	In the interest of orderly management and disposal of waste.
28	Where the applicant proposes to connect to the a public water/wastewater network operated by Irish Water, the applicant must sign a connection agreement with	In the interests of public health and orderly development.

	Irish Water prior to the commencement of development and adhere to the standards and conditions set out in that agreement.	
29	Proposals for naming and numbering of the proposed 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(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).	In the interest of urban legibility.
30	All services and cables associated with the proposed development (such as electrical, telephone, television and public lighting cables) shall be run underground within the site.	In the interests of visual amenity.
31	Details of the materials, colours and textures of all the external finishes to the proposed dwellings or buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.	In the interest of visual amenity.
32	<p>Prior to commencement of development, a revised Landscape Plan shall be submitted for the written agreement of the Planning Authority (following consultation with the Planning Department and the Parks Department if required).</p> <p>The revised Landscape plan shall include the following:</p> <p>(a) alternative landscaping proposals for the northern buffer which shall include a reduction in the number of new trees in this area, and the landscaping proposals for this area shall not result in loss of light and overshadowing of adjoining properties</p> <p>(b) specific planting details to include submission of a tree planting scheme including details of the type, quantity and location, using only indigenous deciduous trees and hedging</p>	In the interest of residential and visual amenity.

	<p>(c) details of play proposals and hard surface materials (d) details of boundary treatments (e) screen walls shall be provided to screen rear gardens from public view. Such walls shall be two metres in height above ground. All screen walls shall be constructed in concrete block and shall be capped and rendered on both sides in a finish that matches the external finishes of the dwellings. (f) details of existing trees and hedgerows on the site specifying those for retention and measures for their protection during the period in which the development is carried out. (g) Any clearance of vegetation from the development site shall only be carried out in the period between the 1st of September and the end of February i.e. outside the main bird breeding season.</p> <p>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.</p>	
33	<p>a) The areas of open space shown on the lodged plans shall be reserved for such use. These areas shall be soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 05.08.2021 save where amended herein. This work shall be completed before any of the dwelling units are made available for occupation. These open space areas shall be maintained as public open space by the developer until taken in charge by the local authority.</p> <p>b) A pedestrian link/pathway shall be provided between the subject site and the amenity walkway to the east of the site and as per the plans and particulars received on the 17.12.2021.</p>	<p>In order to ensure the satisfactory development of the public open space areas, their continued use for this purpose and pedestrian walkways.</p>
34	<p>Prior to the commencement of the</p>	<p>To comply with the General</p>

<p>proposed development, the Developer shall pay or enter into an agreement with the Planning Authority to pay a contribution to Cork City Council in respect of the following classes of public infrastructure and facilities benefiting development in the City of Cork and that is provided or that is intended to be provided by or on behalf of Cork City Council, in accordance with the General Development Contributions Scheme ("the GDCS scheme"):</p> <p>Class 1 - Roads, Transportation Infrastructure and Facilities Class 2 - Water and Drainage Infrastructure and Facilities excluding Water and Wastewater Class 3 - Parks, Recreation, Amenity and Community Facilities</p> <p>The present value of the contribution as determined under the GDCS made by Cork City Council on the 14th September, 2020 is €92498.70, which sum is subject to indexation in accordance with the Consumer Price Index prevailing at the date of payment and subject further to such exemptions or reductions as apply to the proposed development having regard to the provisions of Tables 5 and 6 of the GDC Scheme.</p>	<p>Development Contribution Scheme 2020-2022, which was adopted by Cork City Council on 14th September, 2020, and in the interests of the proper planning and sustainable development of the area.</p>
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