

An
Bord
Pleanála

Board Direction
BD-014500-23
ABP-315175-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/11/2023.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations


Having regard to the scale, design and location of the proposed development, and the zoning objective of the site as set out in the Cork County Development Plan 2022-2028, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of adjoining property or the area, or have an adverse impact on the special character of the Protected Structure at No. 5 South Abbey, or the Youghal Architectural Conservation Area or the archaeological site of South Abbey, or give rise to a traffic hazard. The proposed development and development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1.	<p>The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further particulars submitted on 5th October 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 within six months of permission being granted, and the development shall be retained and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The development hereby approved shall be modified as follows:</p> <p>(a) The proposed first floor metal safety balcony shall be omitted.</p> <p>(b) The proposed vehicular and pedestrian gates on Paxes Lane shall be painted a neutral colour.</p> <p>Reason: In order to protect the character of the protected structure and the visual amenity of the area.</p>
3.	<p>Drainage arrangements for the disposal of surface water shall comply with the requirements of the planning authority for such works.</p> <p>Reason: To ensure adequate servicing of the development and in the interest of public health.</p>
4.	<p>The developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional</p>

	<p>circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
6.	<p>The developer shall pay to the planning authority a financial contribution of 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 to determine.</p> <p>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.</p>

Board Member



Patricia Calleary

Date: 08/11/2023

