



An
Bord
Pleanála

Board Direction
BD-015229-24
ABP-315462-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 25/01/2024.

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

- 1.1. Having regard to the zoning objective of the area, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the character of the area or the amenities of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

2.0 Conditions

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| 1. | The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 15 th of March 2022, as amended by revised plans and particulars submitted on 4 th of November, 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 |
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| | <p>and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity</p> |
| 2. | <p>The proposed residential element shall be occupied ancillary to the main dwelling 'Cleve House', by a member of the family of the occupier of the principal dwelling on the site or by guests, and in the event of the residential element no longer being required for this purpose, the structure shall be used for a purpose incidental to the enjoyment of the principal dwelling. The structure shall not be left, sold, leased or otherwise used as a separate dwelling unit, without a separate grant of planning permission.</p> <p>Reason: in the interest of clarity and residential amenity</p> |
| 3. | <p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p> |
| 4. | <p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.</p> <p>Reason: In the interest of visual and residential amenity.</p> |
| 5. | <p>Drainage arrangements, including the termination and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p> |
| 6. | <p>The site shall be landscaped in accordance a landscaping scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall</p> |

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| | <p>retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be included details of all trees and hedging to be protected during construction, details of the means of protection of trees and hedging and any new trees or hedging to be planted will be planted in the first planting season following completion of the development and any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.</p> <p>Reason: In the interest of visual and residential amenity.</p> |
| 7. | <p>A 6m wide wayleave shall be provided for all private drainage laid through third party lands. Wayleave agreement shall be entered into with Cork City Council for the sections of private storm and foul drainage laid through the Elderwood Drive estate. No drainage shall be constructed within five M of any existing structure</p> <p>Reason: In the interest of public health.</p> |
| 8. | <p>Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Eireann.</p> <p>Reason: In the interest of public health.</p> |
| 9. | <p>The construction of the proposed 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 proposed development, including noise management measures, traffic management and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interest of public safety and residential amenity</p> |
| 10. | <p>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</p> |

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.

Board Member


Stephen Brophy

Date: 26/01/2024