

An
Bord
Pleanála

Board Direction
BD-016407-24
ABP-316276-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 21/05/2024.

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

The proposed development located within the development boundary of Tower on lands zoned for residential development accords with the provisions of the Cork City Development Plan 2022-2028. It is considered that, subject to compliance with the conditions set out below, the development would not constitute overdevelopment of a sensitive site, would not seriously injure the residential and visual amenities of the area, and would not have a negative impact on the historic landscape, setting and special interest of the former St. Ann's Hydropathic Establishment, a Protected structure. The proposed development accords with the character of the area and would not impact on the scenic route HVP3. The proposal accords with Strategic Objective 7, Objectives 6.15, 8.19 and 8.20 and Zoning Objective ZO 1.2 of the Cork City Development Plan 2022-2028 and with the Architectural Heritage Protection, Guidelines for Planning Authorities (2011). The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.


12.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall comply with the conditions of planning appeal reference number ABP-305373-19, except as may otherwise be required in order to comply with the following conditions.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>Prior to commencement of development, the developer shall submit revised drawings and plans for the written agreement of the Planning Authority, which demonstrate that no undue overlooking impacts arise from the rear first floor bedroom windows of House No. 2 onto the private open space associated with House No. 1.</p> <p>Reason: In the interest of residential amenity.</p>
4.	<p>Details of the height and construction of all new boundaries associated with the proposed development shall be submitted for the agreement of the planning authority prior to commencement of development.</p> <p>Reasons: In the interests of residential and visual amenity and clarity.</p>

5.	<p>Drainage arrangements, including the 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.</p>
6.	<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 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.</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>
7.	<p>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</p>

	<p>be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>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.</p>
8.	<p>Prior to the 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.</p> <p>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.</p>

Board Member


 Stephen Brophy

Date: 23/05/2024