



An  
Bord  
Pleanála

**Board Direction**  
**BD-018021-24**  
**ABP-318919-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 29/10/2024.

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**

Having regard to the Town Centre/Neighbourhood Centre (TC) land use zoning in which mixed residential use is considered an acceptable use, and Objectives ZU 18-17 and PL 3-2 of the Cork County Development Plan 2022-2028 which seek to promote the development of town centres, deliver compact growth and to encourage the use of upper floors of retail and commercial premises in town centres for residential use, it is considered that, subject to compliance with the conditions set out below the proposed development would provide an appropriate level of residential amenity for future residents, positively contribute to the mix of uses within the building, and would not seriously injure 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.

**Conditions**

1. 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.

**Reason:** In the interest of clarity.

2. Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility including access ways and communal refuse/bin storage, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

3. Prior to the commencement of the development the developer shall enter into Connection Agreements with Uisce Éireann to provide for service connections to the public water supply and/or wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

4. 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.

**Notes:**

- (i) The Board noted the inspector's recommendation to include a condition requiring the redesign of the storage areas however having regard to the fact that the proposed development is a change of use of an existing building and the associated constraints with layout, and the quantum of storage areas proposed by the developer, the Board did not include the recommended condition.
- (ii) In relation to the concerns raised in the grounds of appeal in relation to the wayleaves associated with the stairway, the Board noted the provisions of Section 34(13) of the Planning and Development Act, as amended which provides that 'A person shall not be entitled solely by reason of a permission under this section to carry out any development'.

**Board Member**

Mary Gurrie  
Mary Gurrie

**Date:** 01/11/2024