

An
Bord
Pleanála

Board Direction
BD-019864-25
ABP-321887-25

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/06/2025.

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 Cork City Development Plan 2022-2028, the location of the subject site within an urban neighbourhood of Cork City zoned as ZO1 – Sustainable Residential Neighbourhoods, it is considered that the proposed development would not negatively impact the residential amenity of the adjacent properties or negatively impact the traffic safety in the area. The proposed development is considered to be in character with the existing dwellings and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In relation to the dispute over the ownership of the landscaped strip along the eastern side of the site, having regard to section 34(13) of the Planning and Development Act 2000, as amended and the guidance at section 5.13 of the “Development Management Guidelines for Planning Authorities”, issued by the Department of Environment, Heritage and Local Government in June 2007, the Board determined that the dispute was not a ground for the refusal of permission as the planning consent process is not designed as a mechanism for resolving disputes about title to land, which are ultimately matters for resolution in the Courts.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application received by the planning authority on the 2nd day of August 2024, 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.

Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwellinghouses, without a prior grant of planning permission.

Reason: In the interest of residential amenity and in order to ensure that a reasonable amount of private open space continues to be provided for the benefit of the occupants of the proposed dwellings.

3. (a) Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Roof colour shall be blue-black, black, dark brown or dark grey in colour only.

(c) The windows to the first-floor eastern elevation of house No. 1 shall be obscure glazed and shall be top opening only.

Reason: In the interest of visual amenity and the protection of residential amenity.

4. (a) The disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details of the disposal of surface water from the site, including any suitably sized pipes or ducts to be provided to the access driveways of the proposed dwellings, for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

5. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, and between the hours of 0800 to 1400 on a Saturday 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

7. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures, off-site disposal of construction/demolition waste, and the provision of adequate off carriageway parking facilities for all traffic associated with the proposed development, including delivery and service vehicles/trucks. There shall be no parking along the public road or footpath.

Reason: In the interest of road safety, public safety and to protect the amenities of the area.

8. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

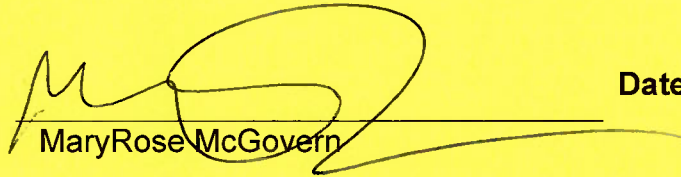
9. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.

10. 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.

Board Member



MaryRose McGovern

Date: 05/06/2025