

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Cork County

Planning Register Reference Number: 16/04649

An Bord Pleanála Reference Number: PL 04.247119

APPEAL by Stephen and Irene Newman and others care of 3 Curragh Woods, Frankfield, Douglas, County Cork against the decision made on the 26th day of July, 2016 by Cork County Council to grant subject to conditions a permission to Tina Sherlock care of Joe O’Sullivan Architectural Design and Planning of 12 Clonmore, Ballyvinitier, Mallow, County Cork for development comprising retention of playground climbing frame to side of crèche and permission for construction of proposed roofing of playground climbing frame to side of crèche, new covered playground area to side of crèche and a new single storey extension to rear of crèche with related site works, all at Chancery, “Little Paradise Creche”, Ballycurren, Frankfield, Douglas, Cork in accordance with the plans and particulars lodged with the said Council.

DECISION

GRANT permission for new covered playground area to side of crèche and a new single storey extension to rear of crèche with related site works in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. **REFUSE** permission for retention of playground climbing frame to side of crèche and permission for construction of proposed roofing of playground climbing frame to side of crèche based on the reasons and considerations marked (2) under.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS (1)

Having regard to the pattern of development in the area and the established childcare use on the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and 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 as amended by the further plans and particulars submitted on the 11th day of July 2016, 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. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. Both the proposed extension and the existing crèche building shall operate as a single crèche use and the proposed extension shall not be sold or leased as a separate crèche or residence.

Reason: In the interest of the amenities of this residential area.

4. The construction of the 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 development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

5. 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. 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 amenities of property in the vicinity.

6. 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.

REASONS AND CONSIDERATIONS (2)

Having regard to the pattern of development in the area, it is considered that the playground climbing frame proposed to be retained, by reason of its design, height and proximity to the site boundary, would seriously injure the residential amenities of the area and depreciate the value of adjoining properties by reason of visual obtrusion and overlooking. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.