



Planning and Development Acts 2000 to 2019

Planning Authority: Cork County Council

Planning Register Reference Number: 19/00554

Appeal by James A. Naylor of Sruthan, Cove Hill, Baltimore, County Cork against the decision made on the 17th day of January, 2020 by Cork County Council to grant subject to conditions a permission to Connolly Property Developments care of Concept Design of 16 North Main Street, Bandon, County Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a dwellinghouse along with all associated site works on serviced site, at site number 7, Cove View, Baltimore, County Cork.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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

Having regard to the nature and scale of the development proposed within the development boundary of Baltimore and to the planning history of 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 not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. 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, as amended by the further particulars submitted on the 23rd day of December, 2019, 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. The proposed development shall comply with the conditions of planning register reference number 11/713, and the extension of duration of permission granted under planning register reference number 17/56, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

3. The retaining wall to be constructed along the southern site boundary and the boundary treatment and block wall along the eastern site boundary as delineated on the site layout plan drawing number 7-02 received by the planning authority on the 26th day of August, 2019 shall be completed prior to commencement of construction works on the proposed dwelling.

Reason: In the interest of clarity and the protection of amenities of adjoining property

4. The roof shall be of slate or flat tile and shall be dark grey or black in colour, only.

Reason: In the interest of visual amenity

5. Prior to commencement of development, the developer shall enter into water and/or waste water connections agreements with Irish Water.

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 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 residential amenities of property in the vicinity.

7. 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.

Stephen Bohan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2020.