



Planning and Development Acts 2000 to 2020

Planning Authority: Cork City Council

Planning Register Reference Number: 19/38981

Appeal by Mary O'Neill, Lucia O'Neill and Donal Murphy of Station Cross, Ballincollig, County Cork against the decision made on the 30th day of June, 2020 by Cork City Council to grant subject to conditions a permission to Anita O'Gorman of Railway Cottage, Station Cross, Ballincollig, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Alterations and extension to existing single storey cottage, construction of new two-storey dwellinghouse and associated site works at Railway Cottage, Station Cross, Ballincollig, County Cork. Further public notices were received by the planning authority on the 3rd day of June, 2020.

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 Cork County Development Plan, 2014 and the Ballincollig Carrigaline Municipal District Local Area Plan, 2017, 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 afford a satisfactory standard of amenity for future occupiers 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 plans and particulars submitted on the 3rd day of June, 2020, 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 materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including the attenuation and 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.

4. Details of the proposed railing to the first floor rear elevation of the westernmost dwelling which shall be flush with the rear wall of the dwelling shall be subject to the written agreement of the planning authority. The flat roofed area shall not be used for the purposes of a terrace or private amenity space.

Reason: In the interest of residential amenity.

5. Where required for security reasons, boundary treatment to the western and southern boundary shall comprise a weld mesh fence which shall not exceed 1.6 metres in height and shall be constructed to ensure that it does not interfere with the growth or root system of the established hedge. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential and visual amenity.

6. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing:

(i) The species, variety, number, size and locations of all proposed trees and shrubs.

(ii) Details of screen planting which shall not include cupressocyparis x leylandii.

(iii) A timescale for implementation.

Reason: In the interests of residential and visual amenity.

7. The proposed shed shall be used solely for purposes ancillary to the residential use of the dwelling on the site.

Reason: To restrict the use of the building in the interest of residential amenity.

8. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the houses, without a prior grant of planning permission.

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

9. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

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 the 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.

Paul Hyde

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

Dated this day of 2020.