



Planning and Development Acts 2000 to 2020

Planning Authority: Cork City Council

Planning Register Reference Number: 20/39412

Appeal by the Callanan Family care of Aidan O'Brien, Consulting Civil Engineer of 'Cill Na Manach', Castlejane, Glanmire, County Cork against the decision made on the 10th day of September, 2020 by Cork City Council to grant subject to conditions a permission to Jungwoon and Ciaran Ryle care of Feeney McMahon Architects of Old School, Bishop Street, Kings Island, Limerick in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of an existing dwelling, construction of a new two-storey dwelling house, new boundary walls, new site entrance, new connection to existing public sewer and all ancillary site works at Hillside, Flynn's Cross, Ballincollig, 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 Cork County Development Plan 2014 and the Ballincollig Carrigaline Municipal District Local Area Plan 2017, the Board considers that the proposed redevelopment of the site would accord with its inclusion in an existing built-up area. It is considered that, subject to compliance with the conditions set out below, the proposed replacement dwelling house would be compatible with the amenities of the area and access arrangements to it would be satisfactory. This dwelling house would be capable of being satisfactorily served by the public sewerage system. 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 received by An Bord Pleanála on the 6th day of November, 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. The proposed development shall be amended as follows:
 - (a) The proposed surface water drainage system shall be augmented by the installation of a grating to the foot of the access ramp to the site, along with a discharge pipe to a soakaway, and
 - (b) The proposed landscaping scheme shall be revised to remove trees and all but low-level shrubs from the proposed southerly visibility splay.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of road safety.

3. Prior to commencement of development, the developer shall enter into a water and/or wastewater connection(s) agreement with Irish Water.

Reason: In the interest of public health.

4. 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.

5. 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 interests of public safety and residential amenity.

6. Subject to Condition 2(b), the landscaping scheme shown on drawing number LP-01, as submitted to the planning authority on the 20th day of July 2020, shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

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.

Michelle Fagan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this day of 2021