

An  
Bord  
Pleanála

**Board Order**  
**ABP-313752-22**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: 21/40345**

**Appeal** by Katherine and Ber O'Sullivan of Lios Muire, Lehenaghmore, Togher Cross, Cork against the decision made on the 11<sup>th</sup> day of May, 2022 by Cork City Council to grant subject to conditions a permission to Qasim Mehmood care of David Sullivan Consulting Engineers of 'Faerie Fort', Barryscourt, Carrigtwohill, County Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a dwelling house including entrance and associated works at St. Anthony's Stores, Lehenaghbeg, Togher, Cork, as revised by the further public notices received by the planning authority on the 14<sup>th</sup> day of April, 2022.

## **Decision**

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

## Reasons and Considerations

Having regard to the residential land use zoning of the site, the nature and scale of the proposed development, and the provisions of the Cork City Development Plan 2022-2028, including Section 11.139 (Infill Development) and Section 11.145 (Residential Entrances/Parking in Front Gardens), it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity in terms of overlooking, overbearing or overshadowing impacts and would not represent a traffic safety hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed 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 the planning authority on the 4<sup>th</sup> day of February, 2022, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Prior to commencement of development, details of the materials, colours and textures of all external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interests of orderly development and the visual amenities of the area.

3. The proposed vehicular entrance shall not exceed three metres in width and shall not have outward opening gates. The footpath and kerb shall be dished at the road junction in accordance with the requirements of the planning authority. Details showing compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of clarity, and pedestrian and traffic safety.

4. Prior to commencement of development, details of the boundary treatments, including repairs to the stone wall along the eastern boundary of the site, shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interests of orderly development and the visual amenities of the area.

5.
  - (a) All trees and hedgerows within and on the boundaries of the site, except those specified for removal as part of this permission, shall be protected during building operations and retained thereafter.
  - (b) Tree felling and clearing of vegetation shall take place outside of the bird nesting season.

**Reason:** In the interests of visual amenity and biodiversity protection.

6. 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.

7. The developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann prior to commencement of development.

**Reason:** In the interest of orderly development.

8. The name and numbering of the proposed dwelling shall be in accordance with a naming and numbering scheme submitted to, and agreed in writing with, the planning authority prior to occupation of the dwelling.

**Reason:** In the interest of orderly street numbering.

9. The construction of the proposed 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.

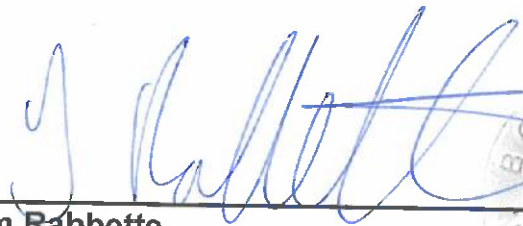
**Reason:** In the interests of public safety and residential amenity.

10. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays, inclusive, 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

11. 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.



**Tom Rabbette**

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



Dated this 13<sup>th</sup> day of July 2023.