



An
Bord
Pleanála

**Board Order
ABP-315006-22**

Planning and Development Acts 2000 to 2022

Planning Authority: Cork City Council

Planning Register Reference Number: T.P. 22/40861

Appeal by Ann Desmond of Sunview, Carriganarra, Ballincollig, County Cork against the decision made on the 18th day of October, 2022 by Cork City Council to grant subject to conditions a permission to Leonard and Geraldine Connolly care of DL Group Consulting Engineers of 1 Hodders Villas, Ballincollig, Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Subdivision of existing site and construction of new two-storey dwellinghouse. Proposed works to include; (1) demolition of existing garage/sheds, (2) removal of existing front boundary wall to facilitate construction of new site entrance to serve new dwellinghouse, and (3) all associated site works including new boundary treatments and landscaping at Carrigdán, Carriganarra Road, Ballincollig, 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.

Reasons and Considerations

Having regard to the residential zoning for the site of the proposed development, the pattern of development in the area, the design and layout of the proposed development, 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 pedestrian and 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 in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received on the 21st day of September, 2022, and by the further plans and particulars received by An Bord Pleanála on the 30th day of November, 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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, Class 3, Class 5 or Class 9 of Schedule 2, Part 1 of those Regulations shall take place without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the proposed dwelling and traffic safety.

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3. Prior to the commencement of development, the developer shall require the written approval of the relevant utility provider for the relocation of the single utility pole on the footpath forming the southern boundary of the subject site.

Reason: To protect existing infrastructure.

4. 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 and to ensure a proper standard of development.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

6. 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 the commencement of development. This plan shall provide details of intended access arrangements and of construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of amenities and public safety.

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 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.



Peter Mullan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board



Dated this *12th* day of *July*, 2023