

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 22/6230

Appeal by Alan Langston of Greenlawn, Ballyclamasy, Summerfield, Youghal, County Cork and by Daniel Noonan of Ringwood House, Ballyclamasy, Summerfield, Youghal, County Cork against the decision made on the 28th day of November, 2022 by Cork County Council to grant subject to conditions a permission to David Scanlon care of CEA Architects of 15 Mill Road, Middleton, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a dwelling, a site entrance and all associated site works at Ballyclamasy, Youghal, 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.

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Reasons and Considerations

Having regard to the core strategy and zoning objective of the site as set out in the Cork County Development Plan 2022-2028, and the pattern of development in the area, it is considered that the proposed development, subject to compliance with the conditions set out below, would be in accordance with national and local planning policy in respect of compact growth, and would not seriously injure the residential and visual amenity of the area or endanger public safety by reason of a traffic hazard. 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, 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.

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2. The site entrance shall be designed and constructed in accordance with the requirements of the planning authority for such works.

Reason: In the interests of traffic safety and orderly development.

3. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, detailed proposals for the management of surface water including the disposal and attenuation of surface water.

Reason: In the interest of public health.

4. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Eireann.

Reason: In the interest of public health.

5. 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. This 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.

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

(b) A timescale for implementation.

Reason: In the interest of residential and visual amenity.

6. Site development and building works shall be carried out only between the hours of 0800 to 1800 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 the 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.

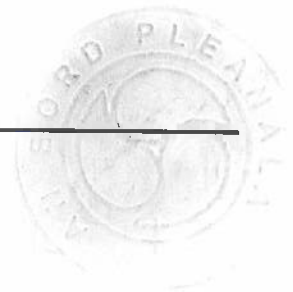
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Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Peter Mullan

Peter Mullan

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



Dated this *24th* day of *July*, 2023.