

An
Bord
Pleanála

Board Order ABP-315462-23

Planning and Development Acts 2000 to 2022

Planning Authority: Cork City Council

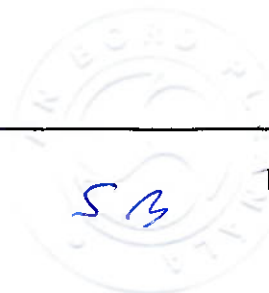
Planning Register Reference Number: 22/40938

Appeal by John and Yvonne Cuddigan care of McCutcheon Halley of Kreston House, Arran Court, Arran Quay, Dublin against the decision made on the 1st day of December, 2022 by Cork City Council to grant subject to conditions a permission to David Cronin care of Paul Hudson of The Vergers Cottage, Monkstown, Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a new two-storey detached domestic building consisting of a ground floor home office and gym and a first floor two-bedroom guest apartment, located to the rear of and accessed from Cleve House, Blackrock Road together with all associated site works, including mains water service and drainage connections to the adjoining Elderwood Drive, all at Cleve House, Blackrock Road, Cork.

Decision

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



Reasons and Considerations

Having regard to the zoning objective of the area, the design, layout and scale of the proposed development, and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the character of the area or the amenities of property in the vicinity, and 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 4th 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed residential element shall be occupied ancillary to the main dwelling 'Cleve House' by a member of the family of the occupier of the principal dwelling on the site or by guests and, in the event of the residential element no longer being required for this purpose, the structure shall be used for a purpose incidental to the enjoyment of the principal dwelling. The structure shall not be let, sold, leased or otherwise used as a separate dwelling unit without a separate grant of planning permission.

Reason: In the interest of clarity and residential amenity.

3. 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.

4. 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 and surface water management.

5. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

Reason: In the interest of public health.

6. A six-metre-wide wayleave shall be provided for all private drainage laid through third-party lands. Wayleave agreement shall be entered into with the planning authority for the sections of private storm and foul drainage laid through the Elderwood Drive Estate. No drainage shall be constructed within five metres of any existing structure.

Reason: In the interest of public health.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interest of visual and residential amenity.

8. 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 all intended construction practice for the proposed development, including noise management measures, traffic management and off-site disposal of construction/demolition waste.

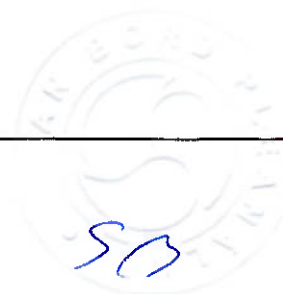
Reason: In the interest of public safety and residential amenity.

9. Site development and building works shall be carried out only between the hours of 0800 and 1900 Mondays to Fridays, inclusive, between 0800 and 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.


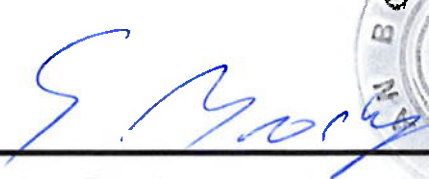
10. The site shall be landscaped in accordance with a landscaping scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall include details of all trees and hedging to be protected during construction, details of the means of protection of trees and hedging, and any new trees or hedging to be planted will be planted in the first planting season following completion of the development. Any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of visual and residential amenity.



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.



Stephen Brophy

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this 7th day of February 2024.