



An
Bord
Pleanála

Board Order

ABP-315953-23

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 22/6015

Appeal by James Murphy care of John MacCarthy and Partners of 16 Mary Street, Cork against the decision made on the 9th day of February, 2023 by Cork County Council to grant subject to conditions a permission to Peter Appelbe care of Crowley Fearn Architects of 81 Mellows Quay, Usher Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Change of use of first floor commercial units facing Weir Street and Factory Lane to four number residential units. Provision of ground floor access to new residential units on Weir Street. Additional access and refuse storage on Factory Lane. Alteration to elevations with addition of two new first floor windows facing Weir Street, four new east-facing sky lights and two new first floor windows to Factory Lane and all associated site and ancillary works, all at Weir Street and Factory Lane, Gully, Bandon, 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.

Reasons and Considerations

Having regard to the nature and scale of the proposed development, the town centre location of the subject site, and the policies and objectives of the Cork County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of adjoining property or of the area and would be acceptable in terms of construction and waste management impacts. 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 16th day of January, 2023, 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 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 development shall be amended as follows:
- (a) The terrace, single bedroom and adjoining store in apartment 4 shall be omitted from the proposed development, and these areas shall be incorporated into the unit such that apartment 4 shall be a one-bedroom unit. Revised plans may include an alternative location for a separate store to apartment 4.
 - (b) The use/function of the rectangular-shaped area adjacent to the communal seating area and northern stair core at first floor level shall be indicated on a revised proposed first floor plan.

Prior to commencement of development, revised drawings showing compliance with this condition, to include plans, sections and elevations and roof plan, shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of clarity and residential amenities and to protect the future development potential of adjoining property.

3. (a) Prior to commencement of development, details of the materials, colours and textures of all of the external finishes, including of the proposed windows on the west (Weir Street) elevation, of the proposed development shall be submitted to, and agreed in writing with, the planning authority.
- (b) No satellite dishes shall be installed on the west (Weir Street) elevation of the building.

Reason: In the interest of visual amenity.

4. 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 include details of intended construction practice for the proposed development, including:
- (a) Location of the site and materials compound(s), including area(s) identified for the storage of construction refuse.
 - (b) Details of site security fencing and hoardings.
 - (c) Details of the timing and routing of construction traffic to and from the site and associated directional signage.
 - (d) Measures to obviate queuing of construction traffic on the adjoining road network.
 - (e) Measures to prevent the spillage or deposit of clay, rubble, or other debris on the public road network.
 - (f) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of works.
 - (g) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
 - (h) Details of any proposed scaffolding.
 - (i) Off-site disposal of construction/demolition waste.

- (j) Means to ensure that surface water run-off is controlled such that no silt or other pollutant enters local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

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

6. 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.

7. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements(s) with Uisce Éireann.

Reason: In the interest of public health.

8. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operations of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and residential amenity.

9. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.



Mary Cregg

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

Dated this 25th day of March 2024.