

An  
Bord  
Pleanála

**Board Order**  
**ABP-315995-23**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: T.P. 22/41349**

**Appeal** by Liam McElhinney care of JHK Consultants Limited of Clyde House, Brian Boru Street, Cork against the decision made on the 9<sup>th</sup> day of February, 2023 by Cork City Council to grant subject to conditions a permission to Andrew O'Sullivan care of Damien McCann of Briar Hill, Waterfall, Near Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of domestic garage at Kilnap, Cork.

## **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 provisions of the Cork City Development Plan 2022-2028, the stated residential use on site, the nature of the use, and the pattern of development in the surrounding area, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would constitute an acceptable form of development at this location. The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained 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 10<sup>th</sup> day of November, 2022, and the 13<sup>th</sup> 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 with the planning authority and the development shall be retained in accordance with the agreed particulars.

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

2. 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.

3. The garage to be retained shall be ancillary to the main dwelling. It shall not be used for commercial purposes or as a separate dwelling unit.

**Reason:** In the interest of residential amenity.

4. 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 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.

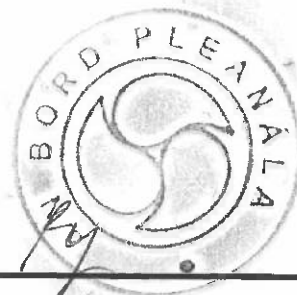
**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



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5. The developer shall pay to the planning authority a financial contribution in respect of the extension of the Cork Suburban Rail in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.



*Oonagh Buckley*

**Oonagh Buckley**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this *2<sup>nd</sup>* day of *June* 2023.