

An
Bord
Pleanála

Board Order
ABP-316170-23

Planning and Development Acts 2000 to 2022

Planning Authority: Cork City Council

Planning Register Reference Number: 22/41577

Appeal by Silvercourt Residents care of Stephen Courane of 7 Silvercourt, Tivoli, Cork against the decision made on the 8th day of March, 2023 by Cork City Council to grant subject to conditions a permission to Rosaleen Cotter care of DMA Consulting Engineers of 14 South Bank, Crosse's Green, Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Increase the numbers from 18 to 25 at an existing pre-school and to removal of condition number 2 of planning permission T.P 04/28002 which specified 'The applicant shall reside on the premises at all times. In the event of the applicant ceasing to reside on the premises, the use of the premises shall cease and shall revert to use as part of the original dwelling' and all associated site works at 4 Marrick, Halcon Drive, Silversprings, Cork City.

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 zoning for the site of the proposed development, the planning history of the site and existing development, the pattern of development in the area, 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 traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the inspector's recommendation to remove condition number 2 of the previous planning permission T.P. 04/28002 which required the applicant to live on the premises at all times, the Board noted that the applicant did not consider it feasible to provide a separate access for the apartment, and could not be satisfied that the access arrangements associated with the residential accommodation on site were sufficiently independent of the childcare facility to enable free access for a resident while protecting the safety of children on site. The Board therefore considered that a modified condition (3 below) would be appropriate.

Conditions

1. The 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 9th day of February 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 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. The number of children to be accommodated within the premises shall not exceed 25 at any time on any day.

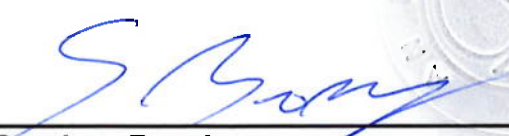

Reason: To limit the development in the interest of residential amenity.

3. The proposed development shall comply with the terms and conditions of Planning Permission Register Reference Numbers 00/24289 and 04/28002 which govern the overall development of the site, save where amended by the terms and conditions herein.

Reason: In the interest of clarity.

4. The residential accommodation on site shall not be occupied save by the operator or a member of staff of the childcare facility and shall not be sold, conveyed or let – other than to a member of staff – separately from the main property.

Reason: In the interest of residential amenity.

Stephen Brophy
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this *8th* day of *April* 2024