

An  
Bord  
Pleanála

**Board Order**

**ABP-317168-23**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: 22/41195**

**Appeal** by John McSweeney of Arbutus, Hartland's Road, The Lough, Cork against the decision made on the 27<sup>th</sup> day of April, 2023 by Cork City Council to grant permission subject to conditions to Waterfront Developments The Lough Limited care of James Bourke Architects of Attiquin, Castlemartyr, County Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Permission is sought for modifications to previously granted planning application (An Bord Pleanala reference number ABP-310020-21) for the construction of a residential development of three number detached two-storey dwellings. Proposed modifications include increasing the overall area of each of the houses from 218 square metres to 263.57 square metres, minor alterations to site entrances at numbers 18 and 19 Saint Finbarr's Park, minor alterations to the locations of the houses on site, alterations to the elevations and house layouts, and alterations to site boundaries, landscaping and all ancillary site works at site to rear of number 18 Saint Finbarr's Park, The Lough, 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 objective relating to the site, the planning history of the site and the nature and extent of the proposed development, 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 property in the vicinity, would not be prejudicial to public health or the environment and would be acceptable in terms of design, heritage, traffic safety and amenity. 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, as amended by the further plans and particulars received by the planning authority on the 9<sup>th</sup> day of December 2022, and on the 31<sup>st</sup> day of March 2023, and shall otherwise comply with the terms and conditions of the parent permission (Cork City Council register reference number 20/39241 and An Bord Pleanala reference number ABP-310020-21), 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. Windows serving the mezzanine level of house number 3 shall be fitted with opaque glazing and timber screening as specified on drawing number 190202-RFI-002-2022 received by the planning authority on the 9<sup>th</sup> day of December, 2022 and shall be fixed shut to a height of 1.8 metres.

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

3. The dwellings shall be occupied as single residential units only.

**Reason:** In the interest of the orderly development of the site.

4. The development shall comply with the transport and access requirements of the planning authority, including surface materials, signage and raised table design. The details shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** To facilitate safe pedestrian and vehicular access within the proposed development.

5. The development shall comply with the drainage requirements of the planning authority, including surface water drainage, run-off rates, attenuation, surface materials/paving, and details of sustainable urban drainage. Details in this regard shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of public health.



6. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority full details, including relevant areas, for the proposed Taking in Charge of the development, which shall be carried out and completed at least to the construction standards set out in the Cork City Council 'Taking in Charge Policy for Residential Development' (September 2010). Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

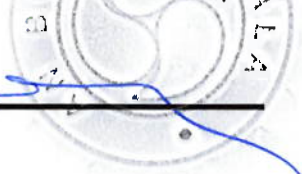
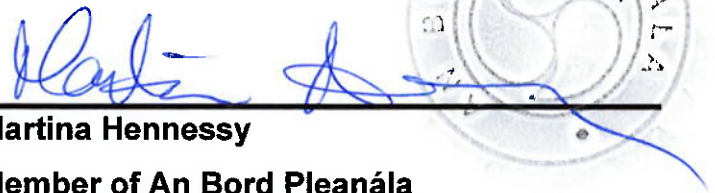
7. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

8. 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. The application of any indexation required by

this condition 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.

**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.



**Martina Hennessy**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this 15<sup>th</sup> day of April 2024