



An
Bord
Pleanála

Board Order ABP-317176-23

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 22/447

Appeal by Gordon Elliott of 10 Rockview, Goleen, County Cork and by Robert Allen of 6 Rockview, Goleen, County Cork against the decision made on the 28th day of April, 2023 by Cork County Council to grant subject to conditions a permission to Christine Forde care of PMC Architectural Designs of West Green, Dunmanway, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of four number dwellinghouses and associated site works, all at Boulysallagh, Goleen, County Cork, as revised by the further public notices received by the planning authority on the 6th day of April, 2023.

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 development objectives in respect of the Goleen development boundary, as set out in the Cork County Development Plan 2022-2028, particularly Section 2.42.1 and Development Objectives DB-01, DB-08 and DB-09, as well as 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 adjoining residential amenity, would not be prejudicial to public health, 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 refuse permission, the Board agreed with the planning authority that matters raised in relation to the development of adjoining lands and associated issues relating to rights of way, as well as land ownership, are considered to be civil matters. In this regard, the Board noted Section 34(13) of the Planning and Development Act 2000, as amended, which states that 'a person shall not be entitled solely by reason of a permission under this section to carry out any development'.

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 26th day of August, 2022, the 27th day of February, 2023 and the 13th day of March, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The developer shall not be permitted to use the alternative access road for construction traffic to the site.

Reason: In the interest of traffic and road safety and visual amenity.

3. Prior to commencement of development, the developer shall submit a revised site plan to the planning authority for written agreement showing a 22-metre separation distance from the adjoining house (10 Rockview) to the proposed development.

Reason: In the interest of the residential amenity of the existing property.

4. All existing trees and hedgerows along the perimeter of the site shall be retained, unless their removal has been authorised in writing by the planning authority.

Reason: In the interest of visual amenity.

5. The finished floor levels of the proposed dwellinghouses shall be in accordance with the plans and particulars received by the planning authority on the 27th day of February, 2023.

Reason: In the interest of visual amenity.

6. The front boundary wall, side walls and piers of each plot entrance shall be constructed of natural stone of a type indigenous to the local area.

Reason: In the interest of visual amenity.

7. Any utility poles currently within the roadside boundary set-back required by other conditions of this Order shall be repositioned behind the new boundary, and any surface chambers or manholes within it shall be repositioned in a location or at a level to be agreed in writing with the planning authority. The developer shall be responsible for the costs of relocating these facilities, for notifying the relevant statutory undertakers, for obtaining any necessary licences, and for notifying the planning authority of the revised locations of such utilities prior to commencement of development.

Reason: In order to protect existing utility infrastructure.

8. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interest of sustainable drainage.

9. 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.

10. The construction of the proposed development shall be managed in accordance with a Construction and Environmental 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 hours of working, noise management measures and off-site disposal of construction/demolition waste. The CEMP shall also indicate the location of the proposed hoarding and shall ensure that the existing pedestrian access to 6 Rockview is not obstructed.

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

11. 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 within each house plot 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 waste shall be 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.

12. 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.

13. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting in this regard shall be provided to facilitate broadband infrastructure.

Reason: In the interest of visual and residential amenity.

14. A methodology for rock-breaking and excavation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of environmental protection and the residential amenities of the area.

15. The developer shall ensure that no dust, mud or debris from the site shall be carried onto or deposited on the public road/footpath. Public roads and footpaths in the vicinity of the site shall be maintained in a tidy condition by the developer during construction works.

Reason: In order to protect the amenities of the area and in the interest of traffic safety.

16. No works, materials and/or vehicles associated with the proposed development shall block or partially block the existing public footpaths and/or roads.

Reason: In the interest of public safety and accessibility.

17. The developer shall provide adequate off-carriageway parking facilities within the curtilage of the site for all traffic associated with the proposed development, including delivery and service vehicles/trucks. No parking shall be permitted along the public road or footpath.

Reason: In the interest of road safety and in order to protect the amenities of the area.

18. 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.



Joe Boland

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this 22nd day of October 2024.