

An
Bord
Pleanála

Board Order
ABP-317903-23

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 23/00007

Appeal by Carmina Properties Limited care of Walsh Group of The Business Centre, Lapps Quay, Cork against the decision made on the 4th day of August, 2023 by Cork County Council to refuse permission for the proposed development.

Proposed Development: Demolition of existing dwelling house and construction of six number two storey, semi-detached dwellinghouses, and all associated site works at Copper Point, Skull, Schull, County Cork. Further public notices were received by the planning authority on the 12th day of July, 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.

An amendment to this
Board Order has been made

Dated 13/08/24

Signed: Secretary

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Reasons and Considerations

Having regard to the provisions 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 be in accordance with the zoning objective (Existing Residential/Mixed Residential and Other Uses') for the site, would not detract from the visual amenity of the area, would provide an acceptable standard of residential amenity for the prospective residents and would not seriously injure the residential amenity of surrounding properties. The proposed development 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 considered that, based on the nature and scale of the development, comprising two storey houses, and the positioning and orientation of the houses on site relative to adjoining properties and available separation distances, that unacceptable overbearing and overshadowing issues would not reasonably arise. In relation to the reason set out that the proposed development would result in inadequate provision of private amenity space and insufficient rear gardens, the Board took into account the provisions set out in the recently published Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities. In this regard, the Board noted that the minimum private open space requirement, 40 square metres for the proposed three bedroom houses as set out in SRRP 2 of the guidelines, has been met and exceeded in the design presented.

An amendment to this
Board Order has been made

Dated 12/08/24

Signed: Secretary 

P.C.

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 13th day of June 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. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

An amendment to this
Board Order has been made

Dated 13/08/24

Signed: Secretary 

P.C.

3. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

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

Reason: In the interest of public health.

5. Surface water attenuation and drainage arrangements shall comply with the requirements of the planning authority for such services and works.

Reason: In the interest of public health.

6. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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.

An amendment to this
Board Order has been made

Dated 13/09/24

Signed: Secretary 



7. Prior to commencement of development, the following shall be submitted to, and agreed in writing, with the planning authority:
- (a) A proposed landscape scheme, which shall include exact details of the number and type of tree species to be planted and associated planted/maturation heights. All planting and boundary treatments shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the commencement of construction works.
 - (b) Revised drawings showing proposed boundary treatment for all site boundaries, in plan, elevation and section, with principal dimensions to be stated thereon, and shall include materials.
 - (c) A scheme indicating boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All planting and boundary treatments shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the commencement of construction works.
 - (d) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

An amendment to this
Board Order has been made

Dated 13/05/24

Signed: Secretary



P.C.

8. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development.

All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

9. The construction of the 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 provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

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

An amendment to this
Board Order has been made

Dated 18/08/2025

Signed: Secretary *EW*

P.C.

10. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any unit.

Reason: In the interests of amenity and public safety.

11. Details, including samples, 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.

12. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

An amendment to this
Board Order has been made

P.C.

Dated

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Signed: Secretary 

13. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

14. 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.

An amendment to this
Board Order has been made

Dated 13/05/2024

Signed: Secretary 

P. C.

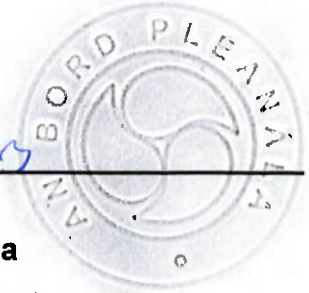
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Patricia Callear

Patricia Callear

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.



Dated this 19 day of June 2024.

An amendment to this
Board Order has been made

Dated 13/06/24

Signed: Secretary *im*