

An  
Bord  
Pleanála

## Board Order ABP-318324-23

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### Planning and Development Acts 2000 to 2022

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 23/5362**

**Appeal** by Albert Ryan of 5 Dermot Hurley Terrace, Cork Road, Midleton, County Cork against the decision made on the 5<sup>th</sup> day of October, 2023 by Cork County Council to grant subject to conditions a permission to Bernard and Mary Rohan care of Damien Behan of The Old Orchard, Jamesbrook, Saleen, Midleton, County Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a new detached storey-and-a-half-type dwelling in the rear garden with a new vehicular entrance and pedestrian access to be provided off the existing R626 roadway and all associated site development works, all at 2 Willowbank Crescent, Midleton, County Cork.

### 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 information submitted with the planning application and the appeal, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning objective for the site and the policies with respect to residential development, as set out in the Cork County Development Plan 2022-2028 and would not seriously injure the visual or residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 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 further plans and particulars received by the planning authority on the 8<sup>th</sup> day of September, 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. Details with respect to the relocation of utility poles and/or signage that currently exist on the roadside boundary shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall be responsible for the costs associated with the relocation of the same.

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

3. The footpath shall be dished at the vehicular site entrance to the site to the satisfaction of the planning authority.

**Reason:** In the interest of proper planning and orderly development.

4. Water supply and 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.

5. The developer shall ensure that the site is appropriately maintained and that the public road remains free of any dirt and debris during the construction phase of the proposed development.

**Reason:** In the interest of proper planning and orderly development.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0800 and 1400 hours on Saturday and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** To safeguard the residential amenities of adjoining property in the vicinity.

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

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

8. All public service cables for the proposed development, including electrical and telecommunications cables, shall be located underground throughout the site.


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

9. 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.

10. The developer shall pay to the planning authority a financial contribution in respect of the Cobh/Midleton-Blarney Suburban Rail Project 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 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.



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**Liam Bergin**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this 10<sup>th</sup> day of September 2024**