

An
Bord
Pleanála

Board Order ABP-318919-24

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 23/6175

Appeal by Joseph Buckley care of Mulcahy Ralphs Architects Limited of Unit 206 Acorn Business Centre, Bessboro, Cork against the decision made on the 21st day of December, 2023 by Cork County Council to grant permission subject to conditions to Breamore Capital Partners LP care of Joe O'Sullivan Architects of 12 Clonmore, Ballyvinitier, Mallow, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission on the second floor of existing mixed use building for change of use of office space to residential to include two number apartments and for permission on the second floor for material alteration to existing internal stairway enclosure to accommodate same and all associated site works at Second Floor, Unit 1, Market Square, William O'Brien Street, Mallow, 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 Town Centre/Neighbourhood Centre (TC) land use zoning in which mixed residential use is considered an acceptable use, and Objectives ZU 18-17 and PL 3-2 of the Cork County Development Plan 2022-2028 which seek to promote the development of town centres, deliver compact growth and to encourage the use of upper floors of retail and commercial premises in town centres for residential use, it is considered that, subject to compliance with the conditions set out below the proposed development would provide an appropriate level of residential amenity for future residents, positively contribute to the mix of uses within the building, and would not seriously injure the amenities of property in the vicinity. 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, 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.

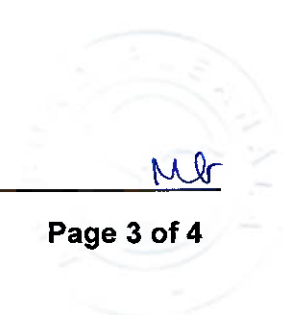
2. Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility including access ways and communal refuse/bin storage, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

3. Prior to the commencement of the development the developer shall enter into connection agreements with Uisce Éireann to provide for service connections to the public water supply and/or wastewater collection network.

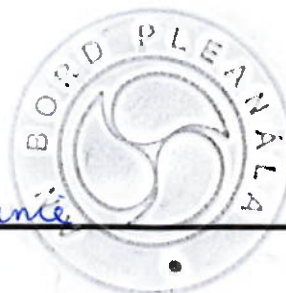
Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

4. 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.

Mary Gurrie



Mary Gurrie

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

Dated this *07* day of *November* 2024