



An
Bord
Pleanála

Board Order ABP-319012-24

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 23/5427

Appeal by Sean Feehan of 7 Barrack Street, Ballyhooly, County Cork against the decision made on the 25th day of January, 2024 by Cork County Council to grant subject to conditions a permission to Brennan and O'Connor Estates Limited care of 2020 Architects of 49 Main Street, Ballymoney, County Antrim in accordance with plans and particulars lodged with the said Council.

Proposed Development: Change of use from public house to five number apartments and one number retail unit, consisting of four number one-bed apartments and one number two-bed apartment with material alterations to the existing building and all associated site works, all at Former O'Sullivan's Bar, Ballyhooly South, Ballyhooly, 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 location of the site within the development boundary of Ballyhooly Village, it is considered that the proposal to refurbish these buildings, including the restoration of the fenestration to its original proportions and a new shopfront, would significantly improve the visual appearance of the structures within the Architectural Conservation Area. Furthermore, it is considered that the proposed development would be in accordance with Objective DB-01 of the Cork County Development Plan 2022-2028 for moderate growth, given that the development plan seeks to firstly develop sites which are close to the core of the village, including infill and brownfield sites, and would provide an alternative housing type within the village core close to the existing services in compliance with Objective HOU 4-6 (Housing Mix) of the development plan. It is also considered that the benefit of the refurbishment and use of the structures which would accrue to the vitality of the village core would outweigh any potential increase in parking demand from the proposed development. Given the existing height of the boundary wall between the site and the adjacent property, the limited changes to the existing windows proposed at first floor level, and there being no directly opposing windows, the proposed development would not result in significant increase in overlooking of adjoining properties. It is considered that, subject to compliance with the conditions set out below, the proposed development would comprise the efficient use of existing building stock, would not seriously injure the residential amenities of property in the vicinity, and 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 the further plans and particulars received by the planning authority on the 21st day of December, 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 30-square-metre commercial unit located on the ground floor, as detailed in the plans and particulars received by the planning authority on the 21st day of December, 2023 shall be restricted in use to Class 1 'Use as a shop' as specified in Part 4 of Schedule 2 and as defined in Article 5 of the Planning and Development Regulations 2001, as amended. The proposed retail unit shall not be used as a takeaway without a prior grant of planning permission. Operating hours shall be from 0800 to 1900 unless otherwise agreed in writing with the planning authority.

Reason: In the interest of clarity, to safeguard the amenities of the area and in the interest of road safety.

3. Prior to commencement of development, the developer shall submit a camera condition survey of the receiving truck sewer ratifying its condition and proposed service connection locations, following consultation with Uisce Éireann, for the written agreement of the planning authority.

Reason: In the interest of orderly development and public health.

4. Prior to commencement of development, the developer shall enter into a connection agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network.

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

5. Prior to commencement of development, the developer shall submit specific details regarding the proposed shopfront design, material finishes and proposed lighting for the written agreement of the planning authority, following consultation with the planning authority's Conservation Officer.

Reason: To protect the visual amenity and established character of the designated Architectural Conservation Area (ACA).

6. Prior to commencement of development, the developer shall submit specific details regarding the new public footpath, kerb and cast-iron bollards for the written agreement of the planning authority, following consultation with the planning authority's Conservation Officer, architect's department and local area roads office.

Reason: In the interest of road safety and to protect the visual amenity and established character of the designated Architectural Conservation Area (ACA).

7. Prior to 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 a 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 shall be submitted to the planning authority for written agreement prior to 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 proper planning and sustainable development.

8. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays, inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

9. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

10. 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 10TH day of December 2024.