

An
Bord
Pleanála

Board Order ABP-319650-24

Planning and Development Acts 2000 to 2022

Planning Authority: Cork City Council

Planning Register Reference Number: 24/42665

Appeal by Pat and Cathleen Ferriter of Fairview, Carrigrohane, Cork against the decision made on the 9th day of April, 2024 by Cork City Council to grant subject to conditions a permission to John Ruane care of Kieran J. Barry and Associates Limited of Cilldarragh House, Ferney Road, Carrigaline, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a new split level dwellinghouse. Construction of new boundary walls, together with additional boundary treatment incorporating screen planting. New vehicular and pedestrian entrances. Demolition of two number timber sheds, and all associated site works and services, all on site to the rear of Number 1 Leevue, Saint Mary's Place, Carrigrohane, 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 provisions of the Cork City Development Plan 2022-2028, including the ZO 01 sustainable residential neighbourhood land use zoning of the site, the pattern of development in the area, the infill nature and size of the site and the separation distance from existing dwellings, the totality of information on file, and the design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in keeping with the established pattern of development at this location and would not seriously injure the residential or visual amenities of the area or 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 proposed 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

- (a) The window to the western elevation nearest to Number 1 Leevue (including the high-level window) shall be omitted and, if desired, relocated to the southern elevation.
- (b) The remaining two windows on the western elevation shall be fitted with manufactured opaque or frosted glass and shall be permanently maintained as such. The application of film to the surface of clear glass shall not be permitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the amenities of the adjoining dwelling.

3. Prior to commencement of development, full details of the proposed boundary treatments shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of residential and visual amenity.

4. Development described in Classes 1 or 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwelling or the rear garden of Number 1 Leevue without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed and existing dwellings.

5. 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.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, which shall also provide for appropriate Sustainable Urban Drainage Systems (SuDS), shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

7. 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.

8. Proposals for a naming/numbering scheme for the dwelling shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the dwelling.

Reason: In the interest of urban legibility.

9. 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.



10. Site development and building works shall be carried out only between 0700 to 1900 hours Mondays to Fridays, inclusive, between 0800 to 1400 hours 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 approval has been received from the planning authority.

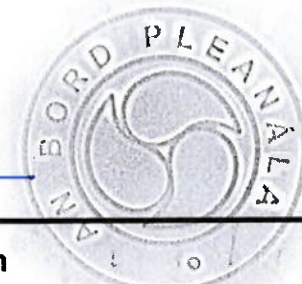

Reason: In order to safeguard the residential amenities of property in the vicinity.

11. 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 intended construction practice for the proposed development, including noise and dust management measures, waste management and recycling of materials, environmental protection measures, welfare facilities, site deliveries, complaints procedure, pest control and traffic management arrangements.

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

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12. 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 the 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.



Emer Maughan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this 13th day of February 2025.