

An
Coimisiún
Pleanála

**Commission Order
ACP-319714-24**

Planning and Development Act 2000, as amended

Planning Authority: Cork City Council

Planning Register Reference Number: 2342211

Appeal by Nora Fitzgerald of 10 Berkeley Court, South Douglas Road, Cork and by others against the decision made on the 17th day of April, 2024 by Cork City Council to grant permission subject to conditions to WRB Investments care of Neffdesign Limited of Liberty Bridge, Kilmurriheen, Spur Hill, Cork for the proposed development.

Proposed Development: A residential development as phase 2 of The Stables development granted under permission planning reference numbers 15/36625 and 16/37008 and following application number 20/39469. The development will consist of the construction of two number detached two storey, two bedroom dwelling units, two number private parking spaces and one number visitor carpark space, E.V charging points, bicycle shelter, public lighting and associated site works. The proposed development will be accessed via the existing entrance to The Stables, all at The Stables, South Douglas Road, 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 Cork City Development Plan 2022-2028, in particular Strategic Objective 1 (Compact Liveable Growth) and Strategic Objective 9 (Placemaking and Managing Development) which seeks to develop a compact liveable city based on attractive, diverse and accessible urban spaces and places, and having regard to the nature and context of the site, and the scale and design of the proposed development, the Commission considered that the proposed development would be an acceptable addition to the surrounding area, would offer an appropriate density and design in an established residential locality, would not seriously injure the residential or visual amenities of the area and 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 on the basis of the potential for bat roosting and foraging on the site, the Commission noted the results of the Bat Emergence Survey Report undertaken by an experienced licenced bat surveyor, at the time of the proposed development at the Stables, on a site adjacent to the subject site. Having regard to the removal of trees from the subject site in 2020 arising from concern in relation to their scale, condition and proximity to boundaries, and the modest nature and scale of the proposed development, which is not a project for which an Environmental Impact Assessment is required as concluded in Section 5.4.1 of the Inspector's Report, the Commission

concluded that normal mitigation measures in the form of a pre-construction survey, and a derogation licence if required, would be appropriate in this instance and a refusal of permission was not warranted. The Commission attached condition number 3 requiring a bat survey to be undertaken prior to the commencement of development and prohibiting development until the necessary permission/derogation licence if required, has been obtained from the appropriate statutory body.

The Commission agreed with the Inspector that the existing gate used by residents of 1-6 Berkeley Court to gain secure access to their back gardens and to facilitate bin collection, represents a long-standing amenity, and that a condition removing that existing gate, was not warranted.

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 21st day of March 2024, 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. The site layout and boundary details shall be carried out in accordance with the plans and particulars submitted to the planning authority on 21st day of March, 2024. The previously proposed "maintenance gate" opposite proposed unit number 10 and the previously proposed gate to the rear of proposed unit number 9 shall be omitted, and both gaps filled in with matching wall of their respective boundaries. The proposed boundary wall opposite the two number proposed units separating the site from the existing walkway to the rear of 1-6 Berkeley Court shall be to a height of 1.8 metres. Revised drawings to meet these criteria shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity.

3. Prior to the commencement of any development works on the site, including the removal of any structure, landscape feature or vegetation, a survey to ascertain the presence of any bat activity on the site for roosting or foraging purposes and an assessment of any potential impact on the species arising from the proposed development, shall be undertaken by a suitably qualified ecologist and the findings submitted for written approval of the planning authority. Should the significant presence of bats be established on the site, no development shall occur until the necessary permission/derogation licence has been obtained from the appropriate statutory body.

Reason: In the interest of bat protection and to provide for the preservation and conservation of this species.

4. 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 and to ensure an appropriate high standard of development.

5. 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 interests of public health and surface water management.

6. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann to provide for service connections to the public water supply and wastewater collection network.

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

7. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

8. Landscaping, as outlined in drawing number WRB-23-02, shall use only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any plants, trees or hedging 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 interests of visual amenity and biodiversity.

9. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be landscaped in accordance with a landscaping scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This work shall be completed before either of the proposed residential units are made available for occupation, unless otherwise agreed in writing with the planning authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

10. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

11. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

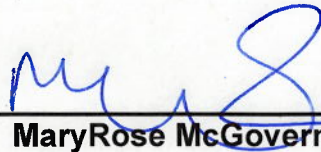
Reason: To safeguard the amenity of property in the vicinity.

12. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including traffic management, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

13. 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 Coimisiún 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.


MaryRose McGovern

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 10th day of November 2025.