



An
Bord
Pleanála

Board Order ABP-319948-24

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 24/04265

Appeal by Gerard and Evelyn Lehane of The Bungalow, 41 Saint Theresa's Place, Kanturk, County Cork and by Tadhg Browne on behalf of May and Nora Browne of Sunnyside, Greenane, Kanturk, County Cork against the decision made on the 6th day of June, 2024 by Cork County Council to grant subject to conditions a permission to J. D. Buckley Developments Limited care of T.G. Lenihan and Company of O'Brien Street, Kanturk, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of two number semi-detached two-storey dwelling houses and all associated site works at Saint Theresa's Place, Greenane, Kanturk, 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, the design, layout and scale of the proposed development and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not endanger public safety by reason of a traffic hazard and would not seriously injure the visual or residential 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, as amended by the further plans and particulars received by the planning authority on the 10th day of May 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. Prior to the commencement of any development on site, the applicant shall submit the following for the written agreement of the planning authority:
 - (a) revised site layout plan, at an appropriate scale, showing the walled courtyard area to the rear of dwelling number 1 solely forming part of the private open space associated with that dwelling in its entirety. The walls and gates to the north and east of this courtyard area shall be omitted,
 - (b) details of proposed boundary treatments. All walls shall be suitably capped and rendered,

- (c) details of trees/planting proposed for removal and where necessary, measures to ensure the protection of trees/planting to be retained,
- (d) revised plans and elevations, at an appropriate scale, showing a window, permanently comprised of obscure glazing to be provided to the bathroom at first floor level, and
- (e) a detailed construction traffic management plan which shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interests of residential amenity, traffic safety and convenience and ecology

- 3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- 4. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interests of visual and residential amenity.

- 5. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles.

Reason: In the interests of traffic safety and convenience.

6. Prior to the commencement of development, the developer shall enter into a connection agreement(s) with Uisce Éireann (Irish Water) 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.

7. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the planning authority for such works and services.

Reason: In the interests of public health and surface water management

8. 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



Liam Bergin

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

Dated this 18th day of November 2024