



An  
Bord  
Pleanála

Board Order  
ABP-320012-24

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## Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 24/04616

**Appeal** by E.F.D. Developments Limited care of Camilla Botto Poala - DL Group Consulting Engineers of 1 Hodders Villas, Ballincollig, Cork against the decision made on the 31<sup>st</sup> day of May, 2024 by Cork County Council to refuse a permission for the proposed development.

**Proposed Development:** Permission for the construction of one number detached dwelling house and all associated site works, to be serviced by site entrance, access road and site services currently under construction as permitted under Cork County Council reference number 18/6293 (An Bord Pleanála reference number 304806-19) on a site at Summerhill/Cnoc an tSamhraidh, Watergate Street, Knockbrogan, Bandon, 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 nature and scale of the proposed development, located on lands zoned ZU 18-9: Existing Residential/Mixed Residential and Other Uses in the Cork County Development Plan 2022-2028 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 seriously injure the character of the area or the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. 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 An Bord Pleanála on the 26<sup>th</sup> day of June 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 development shall comply with all of the conditions attached to the permission granted under An Bord Pleanála reference number ABP-304806-19 (planning reference number 18/6293), except as amended in order to comply with the attached conditions.

**Reason:** In the interest of clarity.

3. (a) The site shall be landscaped in accordance with a comprehensive scheme of landscaping including boundary treatment and the protection of all existing trees and hedgerows, save those for which removal is agreed in writing with the planning authority, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All planting shall be adequately protected from damage until established. Any plants 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.
- (b) Boundary treatment to be provided along the western and southern site boundaries of the site to comply with (a) above shall be shown on plan and elevation drawings.

**Reason:** In the interest of residential amenities and in the interest of clarity.

4. Details of the retaining structures shall be agreed in writing with the planning authority. A letter of certification shall be provided by the Design Engineer responsible for the retaining structures, confirming that the structures have been constructed as per the design. Alternatively, this certification shall be provided by a suitably qualified structural design engineer to the written agreement of the planning authority.

**Reason:** In the interests of orderly development and residential amenity.

5. Water supply and 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 interest of public health.

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. 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.

8. Site development and building works shall be carried out only between the hours of 0700 to 1900 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.

9. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

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.



**Patricia Calleary**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board**

Dated this 04 day of February 2025