

An
Bord
Pleanála

Board Order
ABP-320113-24

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 23/06364

Appeal by Daniel Kenneally of 14 The Close, Luas an Ime, County Cork against the decision made on the 12th day of June, 2024 by Cork County Council to grant subject to conditions a permission to Kenneally Developments Limited care of Engenuiti Consulting Engineers Limited of Workbase Business Centre, Main Street, Macroom, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Phase 3 of development works for (1) change of house type and increase in unit numbers from four number detached residential dwellings (as permitted under planning register reference number 16/5726) to six number residential dwellings consisting of four number detached dwellings (House Type E2) and two number semi-detached dwellings (House Type D3) on previously permitted site numbers 10, 11, 12, 13 The Close and for demolition of existing wall; (2) completion of detached residential dwelling (House Type N) on site number 26 The Court (as permitted under planning register reference number 16/5726) and all associated site works at Lus An Ime, Spital, Cloyne, 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 national planning policy, including the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January 2024, the planning history and the pattern of development within an existing housing development within the development area of Cloyne, a designated Key Village in the Cork County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health, would contribute to the orderly development of the immediate environs and 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 16th 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. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permissions granted under planning register reference numbers 03/5233, 16/5726 and 18/5534.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).

3. Prior to the commencement of development, the developer shall submit drawings including all finishes, for the new 1.8 metres high boundary wall shown on drawing number 10186-PL-003 received by the planning authority on the 16th day of May 2024, as proposed along the northern boundary of The Court, for the written approval of the planning authority. The new boundary wall shall be completed, prior to the construction of the houses.

Reason: In the interests of clarity and orderly development.

4. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network. No development shall commence until details of this agreement including connection and plot specific details, are submitted to the satisfaction of the planning authority for its prior written agreement. No houses shall be constructed where connections of such will breach the capacity of the Wastewater Treatment Plant for Cloyne.

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

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. No development shall commence prior to the developer completing the attenuation measures permitted under permission 03/5233, and updated details of the provision, siting, design and capacity of the attenuation measures, shall be submitted for the prior written agreement of the planning authority together with details for the disposal of surface water from the site which shall incorporate the proposed SuDs measures such as tree pits, landscaping and rainwater harvesting in addition to other suitable measures and as outlined in the accompanying Engineering and Infrastructure Report.

Reason: In the interests of public health and sustainable drainage.

6. (a) The site including the road corridor shall be landscaped in accordance with the submitted site layout and SuDs measures which may include pinch points in the road network in accordance with the Design Manual for Urban Roads and Streets (DMURS 2019) shall be provided, all details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) The developer shall include details of a planting scheme along the strip of ground along the northern boundary of The Court together with measures to protect the mature trees and hedges during the site development works.

- (c) The agreed landscaping scheme shall be implemented fully in the first planting season following completion of the development and any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.
- (d) Details of hard landscaping materials and all boundary treatment shall be submitted to, and agreed in writing with, the planning authority

Reason: To ensure a satisfactory completion and maintenance of the development in the interests of residential and visual amenity and sustainable drainage.

- 7. All of the in-curtilage car parking spaces serving the residential units shall not exceed two spaces per unit and shall be provided with electric connections to the exterior of the houses to allow for the provision of a future electric vehicle charging point. The front gardens shall otherwise be maintained with permeable surfaces.

Reason: In the interests of sustainable transportation and sustainable drainage.

- 8. The rear gardens shall be fully segregated and screened from neighbouring dwellings and all details of height, material and finish of boundary walls/screens shall be submitted for prior written agreement of the planning authority.

Reason: In the interest of residential amenity.

9. The internal road network serving the proposed development including turning bays, entrances, parking areas, footpaths and kerbs shall comply with the detailed construction standards of the planning authority for such works having due regard to design standards outlined in the Design Manual for Urban Roads and Streets (DMURS). The footpaths shall be constructed and dished in accordance with the requirements of the planning authority.

Reason: In the interest of pedestrian safety.

10. The development hereby permitted, shall be carried out and completed to at least the construction standards as set out in the planning authority's Taking In Charge standards, and in the absence of specific road standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas,' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer in compliance with these standards until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

11. Proposals for street names and numbering and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter all estate and street signage shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

12. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

13. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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 amenities of property in the vicinity.

14. A Construction and Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing, with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.


Reason: In the interests of public safety and residential amenity.

15. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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.

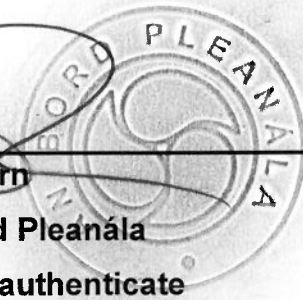
Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

16. 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.



Mary Rose McGovern
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this 27th day of May 2025.