



An
Bord
Pleanála

Board Order
ABP-321694-25

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 244900

Appeal by Kevin and Noreen O'Brien of Cois Laoi, Ballywilliam Estate, Carrignafof, Cobh, County Cork against the decision made on the 7th day of January, 2025 by Cork County Council to grant permission/outline permission, subject to conditions, to Billy Callaghan care of Edmund Mansworth Design, Planning and Project Management of Berry Hill, Cobh, County Cork for the proposed development.

Proposed Development: Construction of a storey and a half dwelling house and new vehicular entrance at Ballywilliam Estate, Ballywilliam, Carrignafof, Cobh, 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 subject site within Cobh town and zoned as "Existing Residential/Mixed Residential and Other Uses" as set out 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 pose a traffic hazard, or seriously injure the amenities of the area. 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 received by the planning authority on the 17th day of May 2024, as amended by the further plans and particulars received by the planning authority on the 30th day of August 2024 and the 3rd day of December 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 the development, details of the materials, colours and textures of all the external finishes shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

3. (a) Prior to commencement of development, the developer shall submit for written approval from the planning authority, a comprehensive scheme of landscaping, the scheme shall include:
- (i) any existing tree/hedgerow it is proposed to remove as part of the development works (which should be minimised),
 - (ii) all proposed replanting and new planting proposals,
 - (iii) proposals for retention of all existing trees and hedgerow on the lateral and rear site boundaries. This should include details of the drip line of existing mature trees on the rear site boundary together with confirmation that the proposed development would not interfere with the root structure and integrity of the existing trees,
 - (iv) species, variety, number and location of all trees/hedgerow and shrubs,
 - (v) a programme for implementation of the plan.
- (b) 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.

Reason: In the interest of residential and visual amenity.

4. The entrance gates to the proposed house shall be set back not less than four metres from the front boundary fence and side walls shall be splayed at an angle of 45 degrees and shall not exceed one metre in height.

Reason: In the interest of traffic safety.

5. 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.

Reason: In the interest of visual and residential amenity.

6. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

7. Prior to commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection 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. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, and between the hours of 0800 to 1400 on a Saturday and not at all on Sundays and public holidays. Deviation from these times will 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 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 proposals for traffic management at the site entrance, to include delivery and service vehicles/trucks, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of traffic safety, public safety and amenity.

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.


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

Dated this 9th day of April 2025.