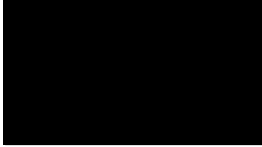




Comhairle Cathrach Chorcaí Cork City Council

Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997

Utz Roedig



11/02/2025

**RE: Section 5 Declaration R910/24 77 Rossbrook, Model Farm
Road, Cork, T12DH0K**

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 06th January 2025, I wish to advise as follows:

The Planning Authority, in view of the above and having regard to —

- Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended), and
- Articles 6, 9, and Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

The Planning Authority considers that the proposed rear kitchen extension with approximate floor area of 12.96sqm to rear of house at 70 Rossbrook, Model Farm Road, Cork is **Development** and is **Exempted Development** subject to the flat roof being solely used for maintenance purposes.

It is considered that the *the specific question for which a declaration is sought* IS **DEVELOPMENT** and IS **EXEMPTED DEVELOPMENT** at 77 Rossbrook, Model Farm Road, Cork, T12DH0K.



We are Cork.

Under Section 5(3)(a) of the Planning and Development Act, 2000, you may, on payment of the appropriate fee, refer this declaration for review by An Bord Pleanála within 4 weeks of the date it is issued, 11TH February, 2025.

Is mise le meas,

A handwritten signature in blue ink that reads "David Foley". The signature is written in a cursive style and is positioned above a horizontal line.

David Foley
Development Management Section
Planning & Integrated Development
Cork City Council

Planner's Report Ref. R910/24	Cork City Council, Planning and Integrated Development
Application type	Section 5 Declaration
Description	Is the development of a kitchen extension at 77 Rossbrook, Cork development, and if so, is it exempted development?
Location	77 Rossbrook, Model Farm Road, Cork
Applicant	Utz Roedig
Date	29 January 2025
Recommendation	Is Development and Is Exempted Development

In this report 'the Act' means the Planning and Development Act 2000 (as amended) and 'the Regulations' means the Planning and Development Regulations 2001 (as amended), unless otherwise indicated.

1. Requirements for a Section 5 Declaration

Section 5(1) of the Planning and Development Act 2000 as amended states;

"If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter."

The requirements for making a Section 5 declaration are set out in the Act.

2. The question before the Planning Authority

In framing the question to the planning authority, the applicant states in Q3 of the application form:

'Is the development of a kitchen extension at 77 Rossbrook, Cork development, and if so, is it exempted development?'

Additional details regarding question/ works / development

The kitchen extension is shown in the attached figures. The extension is to the back of the house on the ground floor. Windows are facing the garden. The floor size is 4700 x 2700 (12.7 sqm). Previous changes to the house (garage, garage conversion) covers 24.49 sqm (See file 2241359). Including the kitchen extension all changes are below 40sqm. A garden space larger than 25sqm will be available. Most houses in the estate have similar kitchen extensions.

3. Site Description

The subject corner site is located on 77 Rossbrook, Model Farm Road, Cork. The site comprises of a 4-bed two-storey detached dwelling with former garage converted to

playroom, erection of single storey flat roof side extension ('garage' 13.14sqm) and rear garden. Planning permission was granted under Ref. 2441359 for

- (i) single storey garage constructed to northern side of house (13.14sqm); and
- (ii) change of use of existing garage to habitable use (Playroom of 11.35sqm).

Section 4(2)

Section 4(2) provides that the Minister may, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations 2001-2013.

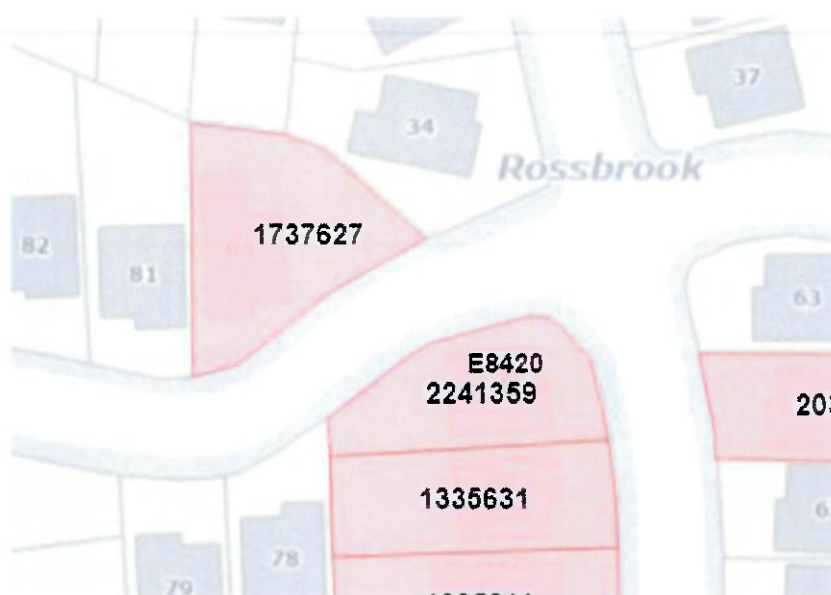
Section 5(1)

(See Section 1 above)

Section 177U (9) (screening for appropriate assessment)

In deciding upon a declaration or a referral under section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.

3.1 Planning History



On site planning history

E8420 Unauthorised side extension @ No. 77 Rossbrook, Model Farm Road, Cork. **Enforcement case resolved**

2241359 Permission for retention of the construction of a single storey garage constructed to the northern side of the dwellinghouse, permission for retention of a previous change of use of existing attached garage to habitable use all to an existing dwellinghouse. @ 77 Rossbrook, Model Farm Road, Cork. **Grant**

Rossbrook Estate

14,678/88 Residential development at Rossbrook, Model Farm Road, Cork in accordance with plans and particulars. **Grant**

13,908/87 Erection of 91 dwelling units on a 19 acre site at Cloverfield, Model Farm Road, Cork in accordance with plans and particulars. **Grant**

Adjacent planning history

2039233 Permission to construct (I) A first floor extension to the front and south side of the existing dwelling with new window fitted to same (II) A single storey front porch extension and (III) A single and two storey extension to the rear of the existing dwelling and (IV) Widen existing vehicular entrance and driveway. @ 64 Rossbrook, Model Farm Road, Bishopstown. **Grant**

1737627 Permission for first floor extension and alterations to two storey dwellinghouse @ 80, Rossbrook, Model Farm Road. **Grant**

1335763 Permission is sought for a first floor extension to the side of an existing dwelling house, alterations to the front elevation, internal alterations and all associated site works @ 76 Rossbrook, Model Farm Road, Cork. **Grant**

1335631 demolition of an existing single storey extension and development of a two storey extension to the rear of an existing two storey dwelling together with alterations to existing dwelling and associated site works @ 76 Rossbrook, Model Farm Road, Cork. **Grant**

4. The Regulations

Article 6(1)

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 9

Article 9 sets out restrictions on exemptions specified under article 6.

(Article 6) Schedule 2, Part 1, Class 1

Classes 1-8 relate to development within the curtilage of a house and Class 1 relates to: "The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house."

Schedule 2, Part 1, Class 1
Exempted Development — General

Column 1 Description of Development	Column 2 Conditions and Limitations
CLASS 1 The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.	1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres. (b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres. (c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres. 2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres. (b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres. (c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres. 3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary. 4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

Column 1 Description of Development	Column 2 Conditions and Limitations
	(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house. (c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling. 5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres. 6.(a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces. (b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces. (c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces. 7. The roof of any extension shall not be used as a balcony or roof garden.

5. Assessment

The purpose of this report is to assess whether or not the matter in question constitutes development and whether it falls within the scope of exempted development.

Matters pertaining to the acceptability of the proposal in respect of the proper planning and sustainable development of the area is not a consideration under Section 5.

6.1 Development

The first issue for consideration is whether or not the matter at hand is 'development'?

'Development' as defined in the Act (3)(1) comprises two possible chief components: 'the carrying out of any works on, in, over or under land', or 'the making of any material change in the use of any structures or other land'. In order to ascertain whether or not the subject use is considered to be development as so defined, consideration must first be given to whether any works on, in, over or under land have or will be carried out, and secondly to whether any material change in the use of any structures or other land have or will take place.

'Works' is defined in section 2(1) of the Act as 'the carrying out of any works on, in, over, or under land' including 'any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal, and in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.'

The construction of a rear kitchen extension falls within the definition of 'works'. Therefore, the proposal constitutes development within the meaning of the Act.

Conclusion: The works are considered development.

6.2 Exempted Development

The next issue for consideration is whether or not the matter at hand is Exempted Development?

Section 2(1) of the Act defines 'exempted development' as having 'the meaning specified in Section 4' of the Act (which relates to exempted development).

Section 4(3) of the Act states that exempted development either means development specified in Section 4(1) or development which is exempted development having regard to any regulations under section 4(2).

I consider that the proposal comes within subsection (2) of Section 4.

Section 4(2)

It is therefore necessary to consider whether the rear kitchen extension of approximately 12.96sqm (4.8m x 2.7m) comes under the scope of section 4(2) (i.e. exemptions specified in the Regulations), having regard to the use of the word 'or' in section 4(3).

I consider that **Article 6 and Class 1** applies, as the proposal relates to the construction of a kitchen extension to rear of house of approximately 12.96sqm. I am satisfied that the extension can therefore be assessed against the exemption criteria of Article 6 of Schedule 2, Part 1, Class 1.

Having assessed the proposed development against Class 1 'Development within the curtilage of a house' and its conditions and limitations I find as follows:

Condition / Limitation 1

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.

(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.

(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

Assessment

The house has been extended previously and so; this limitation doesn't apply.

Condition / Limitation 2

(a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

Assessment

The house has been extended previously, and so, this limitation does apply. The two previous extensions cover an area of 13.14 sqm and 11.35sqm totalling 24.49sqm. The proposed rear kitchen extension is approximately 12.96sqm. The previous two extensions and the proposed extension equate to approximately 37.45sqm. The three extensions do not exceed the 40sqm. The proposed development complies with this limitation.

Condition / Limitation 3

Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.

Assessment

The proposed side extension is single storey only. This proposal does not conflict with this limitation.

Condition / Limitation 4

(a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

Assessment

The proposed flat roof rear extension is single storey only and the main house is two storeys. This proposal does not conflict with this limitation.

Condition / Limitation 5

The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25m².

Assessment

The proposed rear extension will reduce the rear garden space, however the private amenity space shall continue to have 25+sqm of private open space. This limitation does not apply.

Condition / Limitation 6

(a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

Assessment

This proposal does not conflict with this limitation as there are no windows proposed on the gable / boundary elevation.

Condition / Limitation 7

The roof of any extension shall not be used as a balcony or roof garden.

Assessment

This proposal should not conflict with this limitation and will be made clear in the decision that the flat roof shall solely be used for maintenance purposes.

Conclusion: The works are exempted development as the two previous extensions and the proposed rear kitchen extension remain below the 40sqm limitation.

5. Environmental Assessment

5.1 Screening for Environmental Impact Assessment

Having regard to the contents of Article 103 (as amended by Article 14 of the Planning and Development (Amendment) (No 3) Regulations 2011) and Schedule 7 of the Planning and Development Regulations 2001 (as amended) it is considered that the proposed development by reason of its nature, scale and location would not be likely to have significant effects on the environment. Accordingly, it is considered that an environmental impact statement is not required to be submitted.

5.2 Screening for Appropriate Assessment

Section 177U (9) of the Act requires planning authorities to screen applications for a section 5 declaration for appropriate assessment. The provisions of the Habitats Directive, the Appropriate Assessment Guidelines for Planning Authorities 2009 (revised 2010) and the Act are noted. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058). Having regard to the location of the proposed development site relative to these European sites and related watercourses and to the nature and scale of the proposed development it is considered that the proposed development would not affect the integrity of the European sites referred to above. Accordingly, it is considered that appropriate assessment is not required.

6. Recommendation

In view of the above and having regard to –

- Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended), and
- Articles 6, 9, and Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

The Planning Authority considers that the proposed rear kitchen extension with approximate floor area of 12.96sqm to rear of house at 70 Rossbrook, Model Farm Road, Cork is **Development** and is **Exempted Development** subject to the flat roof being solely used for maintenance purposes.

Hugh Killen
Executive Planner
4 February 2025

Evelyn Mitchell
Senior Executive Planner
10 February 2025

COMHAIRLE CATHRACH CHORCAÍ
CORK CITY COUNCIL

Community, Culture & Placemaking Directorate,
Cork City Council, City Hall, Anglesea Street, Cork.

R-Phost/E-Mail planning@corkcity.ie

Fón/Tel: 021-4924029

Líonra/Web: www.corkcity.ie

SECTION 5 DECLARATION APPLICATION FORM
under Section 5 of the Planning & Development Acts 2000 (as amended)

1. NAME OF PERSON MAKING THE REQUEST

Utz Roedig

2. POSTAL ADDRESS OF LAND OR STRUCTURE FOR WHICH DECLARATION IS SOUGHT

77 Rossbrook, Model Farm Road, Cork, T12 DH0K

3. QUESTION/ DECLARATION DETAILS

PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT:

Sample Question: *Is the construction of a shed at No 1 Wall St, Cork development and if so, is it exempted development?*

Note: only works listed and described under this section will be assessed under the section 5 declaration.

Is the construction of a kitchen extension at 77 Rossbrook, Cork development and if so, is it exempted development?

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

The kitchen extension is shown in the attached figures. The extension is to the back of the house on the ground floor. Windows are facing the garden. The floor size is 4700x2700 (12.7sqm). Previous changes to the house (garage, garage conversion) cover 24.49sqm (See File 2241359). Including the kitchen extension all changes are below 40sqm. A garden space larger than 25sqm will be available. Most houses in the estate have similar kitchen extensions.

CORK CITY COUNCIL
PLANNING & DEVELOPMENT

06 JAN 2025

DEVELOPMENT MANAGEMENT

4. Are you aware of any enforcement proceedings connected to this site?

If so please supply details: Yes, under Enforcement ID E8420, resolved via Retention Application (File Number 2241359)

5. Is this a Protected Structure or within the curtilage of a Protected Structure? ☐

If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority? ☐

6. Was there previous relevant planning application/s on this site? ☐

If so please supply details:

Yes, a retention application under File Number 2241359 (Granted)

7. APPLICATION DETAILS

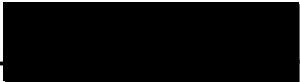
Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square meters (sq. M)

(a) Floor area of existing/proposed structure/s	12,7sqm
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 st October, 1964, (including those for which planning permission has been obtained)?	Yes ☒ No ☐ If yes, please provide floor areas. (sq m) 24,49sqm
(c) If concerning a change of use of land and / or building(s), please state the following:	
Existing/ previous use (please circle)	Proposed/existing use (please circle)

7. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner X	B. Other
Where legal interest is 'Other', please state your interest in the land/structure in question		
If you are not the legal owner, please state the name of the owner if available		

8. I / We confirm that the information contained in the application is true and accurate:

Signature: 

Date: 27.12.2024

1. Plan, drawings and maps accompanying an application for a Section 5 Declaration on exempted development shall all be in metric scale and comply with the following requirements:-

* NOTE 2 COPIES OF PLANS AND PARTICULARS ARE REQUIRED

- (a) site or layout plans shall be drawn to a scale of not less than 1:500 (which shall be indicated thereon), the site boundary shall be clearly delineated in red, and buildings, roads, boundaries, septic tanks and percolation areas, bored wells, significant tree stands and other features on, adjoining or in the vicinity of the land or structure to which the application relates shall be shown, land which adjoins, abuts or is adjacent to the land to be developed and which is under the control of the applicant or the person who owns the land, which is subject of the application, shall be outlined in blue and wayleaves shall be shown in yellow,
 - (b) other plans, elevations and sections shall be drawn to a scale of not less than 1:200 (which shall be indicated thereon), or such scale as may be agreed with the Planning Authority prior to the submission of the application in any particular case,
 - (c) the site layout plan and other plans shall show the level or contours, where applicable, of any land and the proposed structures relative to Ordnance survey datum or a temporary local benchmark,
 - (d) drawings of elevations of any proposed structure shall show the main features of any buildings which would be contiguous to the proposed structure if it were erected, whether on the application site or in the vicinity at a scale of not less than 1:200, as may be appropriate,
 - (e) plans relating to works comprising reconstruction, alteration or extension of a structure shall be so marked or coloured as to distinguish between the existing structure and the works proposed,
 - (f) plans and drawings of floor plans, elevations and sections shall indicate in figures the principal dimensions (including overall height) of any proposed structure and the site, and site layout plans shall indicate the distances of any such structure from the boundaries of the site,
 - (g) any map or plan which is based on an Ordnance Survey map shall indicate the relevant Ordnance survey sheet number,
 - (h) the north point shall be indicated on all maps and plans other than drawings of elevations and sections,
 - (i) plans and drawings shall indicate the name and address of the person by whom they were prepared.
2. An application for development consisting of or comprising the carrying out of works to a protected structure, or proposed protected structure or to the exterior of a structure which is located within an architectural conservation area in a draft of a proposed development plan or a proposed variation of a development plan, shall, in addition to meeting the requirements above, be accompanied by such photographs, plans and other particulars as are necessary to show how the development would affect the character of the structure.
 3. A planning authority may, by notice in writing, require an applicant to provide additional copies of any plan, drawing, map, photograph or other particular, which accompanies the application.

(7)

BARDAS CHORCAÍ – CORK CORPORATION
LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS 1963 to 1983

NOTIFICATION OF DECISION TO GRANT

OUTLINE PERMISSION / PERMISSION / APPROVAL

SUBJECT TO / WITHOUT CONDITIONS UNDER SECTION 26 OF THE ACT OF 1963

To: O'Flynn Construction Co., Ltd.,
c/o Tony Denny,
7, Woodlands,
Clonroche, Co. Cork

Reference No. in
Planning Register T.P. 13.9.8/87

Application
Received:

1/9/87. P.I. Reg. on 27.10.8
Pthr. info. rec. on 4.1.88,
18.1.88, 5.2.88 and 17.2.88

In pursuance of the powers conferred upon them by the above-mentioned Act, the Cork Corporation have
by order dated 4/5/88 decided to grant

OUTLINE PERMISSION / PERMISSION / APPROVAL

for the development of land, namely:-

*Erection of 91 dwelling units on a 19 acre site at Clowfield, Model Park Road,
Cork.
In accordance with plans and particulars submitted on 1/9/87. P.I. Reg. on 27.10.8
Pthr. info. rec. on 4.1.88, 18.1.88, 5.2.88 and 17.2.88*

Subject to the conditions set out in Column 1 of attached Schedule, the reasons for the imposition of such conditions are set out in Column 2 of said Schedule.

If there is no appeal against the said decision, a grant of

OUTLINE PERMISSION / PERMISSION / APPROVAL

in accordance with the decision will be issued after the expiration of the period within which an appeal may be made to An Bórd Pleanála (see footnote).

It should be noted that until a grant of

OUTLINE PERMISSION / PERMISSION / APPROVAL

has been issued the development in question is NOT AUTHORISED.

N.B. This permission is subject to

.....No. condition(s)

Signed on behalf of the Corporation of Cork

Date: 4/5/88

Staff Officer, Planning Department

NOTE 1: An appeal against a decision of a planning authority under Section 26 of the Act of 1963 may be made to An Bórd Pleanála. An appeal shall be made in writing and shall state the subject matter of the appeal and the grounds of the appeal. An appeal by the applicant for permission **should be accompanied by this form**. In the case of an appeal by any other person, the name of the applicant, particulars of the proposed development and the date of the decision of the planning authority should be stated.

A fee of must accompany each appeal to An Bórd Pleanála.

Submission Fee £

The applicant for permission may appeal within **one month** beginning on the day of receipt by him of the decision. Any other person may appeal **within three weeks** beginning on the date of the decision.

Appeals should be addressed to: **An Bórd Pleanála, Floor 3, Block VI and VII, Irish Life Centre, 1r. Abbey Street, Dublin 1.**

NOTE 2: Grant of permission under the Local Government (Planning & Development) Act, 1963, is not to be taken as a waiver of the provisions of any Building Bye-Law, Local Act, Order, Regulation or any other Statutory Provision in force in the Cork County Borough. Approval under the Corporation's Bye-Laws should also be obtained in addition to the Planning Permission.

NOTE 3: Please ensure that the requirements of the Chief Fire Officer are complied with.

Bardas Chorcaí Cork Corporation



CITY HALL
CORK

Tel.021-966222/966017

Ref

Schedule of Conditions attached to
Planning Permission issued by the Cork
Corporation - Ref. T.P. 13,908/87

Column 1. CONDITIONS

1. Development shall be in accordance with revised layout MFR 08 received by the Planning Authority on 5/2/1988 subject to planning conditions contained in this permission.
2. One unit shall be omitted from each of the following rows of dwellings indicated on revised layout MFR 08 received by the Planning Authority on 5/2/1988 :-
Row 68 - 77, Row 33-43, and Row 56-63.
3. The following screening details shall apply:-
 - (a) - a 2 metre high wall, capped and dashed, shall be erected along the rear boundaries of all rear gardens of area less than 80 sq. metres.
 - (b) - a 2 metre high wall, capped and dashed, shall be erected along the back boundary of all rear gardens 12-15, 44-49, and to the side of gardens 37/38 as per revised layout map MFR 08.
 - (c) - a 1 metre high wall, capped and dashed shall be erected to the front of all dwellings.
 - (d) - boundary walls, capped and dashed, shall be erected where any dwelling curtilage adjoins a public road.
4. During construction, no excavation or land-fill shall take place in close proximity to the existing hedgerows to the west and south of the housing so as to endanger their retention. These hedgerows shall be fenced off and protected during construction.
5. A phasing arrangement for the proposed development shall be agreed with the Planning Authority.

Column 2. REASONS FOR CONDITIONS

1. In the interests of the proper planning and development of the area.
2. In order to achieve minimum rear garden sizes in accordance with Appendix 1.2 of the 1985 City Plan Review.
3. In the interests of the residential and visual amenities of the area.
4. In the interests of the visual amenities of the area.
5. In the interests of orderly development.

Bardas Chorcaí Cork Corporation



CITY HALL
CORK

Tel. 021-966222/966017

Ref

T.P. 13,908/87

Column 1. CONDITIONS

6. Open space to serve the development shall be in accordance with layout MFR 15 received by the Planning Authority on 1.9.87. In connection with same, the following particulars shall be agreed with the Planning Authority:-

(a) a landscaping scheme, including provision for planting of the upper slopes so as to provide additional screening of the proposed housing from the Curraheen riverside.

(b) a scheme for screening of proposed pumphouse and making good excavated areas which facilitate laying of sewers.

(c) the extension northwards of the Curraheen riverside walk

(d) a footpath linking the housing with the existing riverside walk

(e) proposals regarding use of open space for amenity purposes.

7. All E.S.B., P & T, and Cable T.V. services shall be laid underground.

8. All cul-de-sacs and house units shall be named and numbered upon completion of development.

9. Roads layout to service the development shall be in accordance with revised drawings 2319/101/A received by the Planning Authority on 17/2/88 subject to the following modifications:-

(a) Main access roadway fronting house Nos 11-50 shall be 7.3 metres wide throughout.

(b) Layout shall be revised in the area of house No. 63 to provide uniform road width on the bend opposite house No. 68

Column 2. REASONS FOR CONDITIONS

6. The fields bordering the Curraheen River are zoned as 'An area of restricted development' (for amenity reasons) in the 1985 Cork City Plan. (A connecting footpath is required to provide access for children to the Primary School at Bishopstown Park.)

7. In the interests of the amenities of the area.

8. In the interests of orderly development.

9. In the interests of the proper planning and development of the area.

Bardas Chorcaí Cork Corporation



CITY HALL
CORK

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Ref

T.P. 13,908/87

Column 1. CONDITIONS

Column 2. REASONS FOR CONDITIONS

No. 9. Contd/

(c) Turning heads fronting house No. 27 shall be amended to comply with Foras Forbartha standards, i.e. 13 m x 9 m minimum.

(d) Footpaths shall be provided to front all dwellings in the development.

(e) 6 metre driveways shall be provided to all units. Driveway gradient shall not exceed 1 in 10.

(f) A gulley layout shall be submitted and be acceptable to the Planning Authority before development commences - all low points shall have 2 gullies side by side with independent connections.

(g) A public lighting layout conforming to E.S.B. specification shall be submitted and be acceptable to Cork Corporation before development commences.

(h) All works shall comply with the City Engineer's minimum requirements.

(i) Maximum road gradient shall be 2% for the first 7 metres back from edge of Model Farm Road.

10. On completion of development, 4 sets of 'As Built Drawings' shall be submitted to Cork Corporation.

11. Drainage of site shall be in accordance with the drawings received by the Planning Authority on 1.9.87 and 20.1.88 subject to the following:-

(a) Proposed foul drainage to public sewer in Melbourne Road via Liebert property adjacent shall be a temporary arrangement only unless it can be subsequently shown that the section of the sewer in the Liebert

10. In the interests of the proper planning and development of the area.

11. To ensure the proper drainage of the site.

Bardas Chorcaí Cork Corporation



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Ref

13,908/87

Column 1. CONDITIONS

Column 2. REASONS FOR CONDITIONS

No. 11 Contd/....

(a) Contd/...

property can be taken in charge by Cork Corporation. In the absence of the latter arrangement, foul sewage shall be discharged to proposed Corporation sewer at Inchigaggin when available.

(b) The following drainage details shall be submitted to and agreed with Cork Corporation.

- calculations and design of storm sewers based on the Cork 5 year rainfall curves.
- calculations and design of foul sewers (self-cleansing velocities shall be attained)
- specifications and design calculations of the proposed foul sewer pipes and rising main. An overflow pipe shall be provided from the pumphouse which could be connected to the storm water pipe discharging to Curraheen River.
- drawings showing how it is proposed to construct the discharge points of both storm water pipes to Curraheen River
- layout of house drains.

12. (i) A 150 mm cement mortar lined ductile iron watermain shall be taken from existing 200 mm main on Model Farm Road and laid along access road to house No. 50 as per Layout Map MFR 08 where it shall terminate in a fire hydrant, sluice valve and blank cap

12. To ensure the adequate supply of water to the site.

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T.P. 13,908/87

Column 1. CONDITIONS

Column 2. REASONS FOR CONDITIONS

Cond. 12. Contd/....

(i) Contd/...

Fire hydrants and sluice valves shall be fitted to the 150 mm main to the agreement of the Planning Authority. (The 150 mm main may be required to be increased to 200 mm diameter to facilitate further development to the south of this site - Cork Corporation will pay the difference in cost between laying the 150 mm and 200 mm diameter pipe).

(ii) Each cul-de-sac shall be served by a 100 mm spur main taken from the proposed 150 mm main. Details of same, fire hydrants and sluice valves shall be agreed with the Planning Authority.

(iii) Each dwelling shall have an individual 12 mm water supply consisting of a 12 mm stub and a 12 mm service shall be taken from the proposed watermain on-site. Each dwelling shall have cold water storage of not less than one days demand subject to a minimum of 230 litres per dwelling. All fittings for each dwelling, except drinking points, shall be fed from storage.

(iv) All work shall conform to Cork Corporation's 'General Specifications for Watermains and Services on new Housing Sites'.

13. Prior to commencement of development the developer shall pay a contribution to Cork Corporation towards the cost of drainage works which facilitate the proposed development. The present value of the contribution is £24,666. The amount payable will be determined by the Consumer Price Index prevailing at the date of payment subject to:-

13. The Cork Drainage Works will facilitate the proposed development.

Bardas Chorcai Cork Corporation



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Ref

T.P. 13,908/87

Column 1. CONDITIONS

Column 2. REASONS FOR CONDITIONS

Cond. 13 Contd/...

(a) Where the proposed works are not commenced within seven years of completion of the development, the Planning Authority shall return the contribution.

(b) Where the proposed works are within the said period, carried out in part only or in such manner as to facilitate the development to a lesser extent, the Planning Authority shall return a proportionate part of the contribution.

(c) The Planning Authority shall pay interest on the contribution as long as and in so far as it is retained unexpended by the Local Authority.

(The figure referred to above shall be reduced by £1,500 if the developer lays foul sewer to future Interceptor Sewer No. 5 to agreement of Cork Corporation).

14. Prior to commencement of development, the developer shall pay a contribution to Cork Corporation towards the construction of a new footpath from Rossa Avenue to the site boundary. The present value of the contribution is £4,250. The amount payable will be determined by the Consumer Price Index prevailing at the date of payment subject to:

(a) Where the proposed works are not commenced within seven years of completion of the development, the Planning Authority shall return the contribution.

14. The proposed footpath from Rossa Avenue will facilitate the development.

Bardas Chorcaí Cork Corporation



CITY HALL
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Ref

T.P. 13,908/87

Column 1. CONDITIONS

Column 2. REASONS FOR CONDITIONS

Cond. 14. Contd/....

(b) Where the proposed works are within the said period, carried out in part only or in such manner as to facilitate the development to a lesser extent, the Planning Authority shall return a proportionate part of the contribution.

(c) The Planning Authority shall pay interest on the contribution as long as and in so far as it is retained unexpended by the Local Authority.

15. Prior to commencement of development, the developers shall pay a contribution to Cork Corporation towards the provision of a new roundabout on Model Farm Road adjacent to the site. The present value of the contribution is £10,000. The amount payable will be determined by the Consumer Price Index prevailing at the date of payment subject to:

15. The proposed roundabout will facilitate the proposed development.

(a) Where the proposed works are not commenced within seven years of completion of the development, the Planning Authority shall return the contribution.

(b) Where the proposed works are within the said period, carried out in part only or in such manner as to facilitate the development to a lesser extent, the Planning Authority shall return a proportionate part of the contribution.

(c) The Planning Authority shall pay interest on the contribution as long as and in so far as it is retained unexpended by the Local Authority.

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Ref

T.P. 13,908/87

Column 1. CONDITIONS

16. Prior to commencement of development the developer shall pay a contribution to Cork Corporation towards the cost of water works which facilitate the proposed development. The present value of the contribution is £13,640. The amount payable will be determined by the Consumer Price Index prevailing at the date of payment.

17. Before the development is commenced, the developer shall lodge with the Planning Authority a bond or such other security as may be accepted by the Planning Authority, in a sum to be determined by Cork Corporation to secure the provision and satisfactory completion and maintenance until taken in charge by the Corporation of sewers, watermains, roads, footpaths, open spaces, public lighting, required in connection with the proposed development. The bond or security shall provide for the adjustment on a 3 monthly basis, in accordance with the Consumer Price Index of the amount of bond as approved by the Corporation.

18. Details so as to comply with Conditions 2, 3, 5, 6, 9, 11, 12, 13, 14, 15, 16, 17 of this permission shall be submitted to and agreed with the Planning Authority prior to commencement of development on-site.

Column 2. REASONS FOR CONDITIONS

16. Cork Corporation has laid a new 200 mm main on Model Farm Road which facilitates the proposed development.,

17. To ensure the satisfactory completion of the development.

18. In the interests of the proper planning and development of the area.

BARDAS CHORCAÍ - CORK CORPORATION
LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS 1963 to 1983

NOTIFICATION OF DECISION TO GRANT

OUTLINE PERMISSION / PERMISSION / APPROVAL

SUBJECT TO / ~~WITHOUT~~ CONDITIONS UNDER SECTION 26 OF THE ACT OF 1963

To: **O'Flynn Construction Ltd.,**

Reference No. in
Planning Register T.P. **14,688/88**

..... **a/o Tony Denny**

..... **7 Woodlands, Cloghree,**

..... **CO. DUB.**

25th November, 1988
Further drawings recd. 4.1.89
Application
Received: **Time Ext. of one week**

In pursuance of the powers conferred upon them by the above-mentioned Act, the Cork Corporation have

by order dated *26/1/89* decided to grant

OUTLINE PERMISSION / PERMISSION / APPROVAL

for the development of land, namely:-

**Residential development at Rosabrook Model Farm Road,
In accordance with plans and particulars submitted on 25th November, 1988
Further drawings recd. 4.1.1989, time ext. of one week**

Subject to the conditions set out in Column 1 of attached Schedule, the reasons for the imposition of such conditions are set out in Column 2 of said Schedule.

If there is no appeal against the said decision, a grant of

OUTLINE PERMISSION / PERMISSION / APPROVAL

in accordance with the decision will be issued after the expiration of the period within which an appeal may be made to An Bórd Pleanála (see footnote).

It should be noted that until a grant of

OUTLINE PERMISSION / PERMISSION / APPROVAL

has been issued the development in question is NOT AUTHORISED.

N.B.-This permission is subject to

..... **13** No. condition(s)

Signed on behalf of the Corporation of Cork

Date: *26/1/89*

Staff Officer, Planning Department

NOTE 1: An appeal against a decision of a planning authority under Section 26 of the Act of 1963 may be made to An Bórd Pleanála. An appeal shall be made in writing and shall state the subject matter of the appeal and the grounds of the appeal. An appeal by the applicant for permission should be accompanied by this form. In the case of an appeal by any other person, the name of the applicant, particulars of the proposed development and the date of the decision of the planning authority should be stated.

A fee of must accompany each appeal to An Bórd Pleanála.

Submission Fee £

The applicant for permission may appeal within **one month** beginning on the day of receipt by him of the decision. Any other person may appeal within **three weeks** beginning on the date of the decision.

Appeals should be addressed to: An Bórd Pleanála, Floor 3, Block VI and VII, Irish Life Centre, I.R. Abbey Street, Dublin 1.

NOTE 2: Grant of permission under the Local Government (Planning & Development) Act, 1963, is not to be taken as a waiver of the provisions of any Building Bye-Law, Local Act, Order, Regulation or any other Statutory Provision in force in the Cork County Borough. Approval under the Corporation's Bye-Laws should also be obtained in addition to the Planning Permission.

NOTE 3: Please ensure that the requirements of the Chief Fire Officer are complied with.

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Schedule of conditions attached
to Planning Permission issued by
Cork Corporation - T.P. 14, 678/88

Column 1. CONDITIONS

1. Prior to commencement of development on this site a detailed phasing arrangement (and which makes provision for the proper finishing of all services to Units 1 -32 as shown on layout map submitted) shall be agreed with the Planning Authority.
2. (a) The treatment of the main open space area to the west of the site shall conform with the requirements of the Planning Authority as stipulated in Condition 6 of permission T.P. 13,908/88

(b) A landscaping schedule for the residual open space areas referred to on the layout map submitted shall be agreed with the Planning Authority within 2 months of date of commencement of development.
3. During construction, no excavation or land-fill shall take place in close proximity to the existing site boundary hedgerows to the west and south of the proposed housing so as to endanger their retention. These hedgerows shall be fenced off and protected during construction.
4. (a) A 2 metre high screen wall, capped and dashed to the agreement of the Planning Authority, shall be erected along the rear boundaries of the following units:- Units 38 to 56 inclusive and to the side of Unit 71.

(b) Details of front boundary walls for each dwelling unit shall be agreed with the Planning Authority prior to commencement.
5. All ESB, P and T, and Cable T.V. Services shall be laid underground.

Column 2. REASONS FOR CONDITIONS

1. In the interests of orderly development.
2. In the interests of the visual amenities of the area.
3. In the interests of the visual amenities of the area.
4. *In the interests of the visual amenities of the area*
5. In the interests of the amenities of the area.

Bardas Chorcaí Cork Corporation



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Column 1. CONDITIONS

6. No commercial flat or guesthouse usage shall take place in any dwelling permitted unless a subsequent grant of permission.

7. (a) Details of nameplates to be erected in both English and Irish for the overall estate (including each cul-de-sac) shall be agreed with the Planning Authority.

(b) Each dwelling shall be numbered prior to occupation in accordance with the sequence outlined on the layout submitted.

8. The following modifications shall apply to the road layout map 2319.101 received by the Planning Authority on 4.1.89:—

(a) local widening of roadways fronting units 45 and 57 shall be eliminated.

(b) all kerb radii shall be 6 metres minimum

(c) no driveway gradient shall exceed 1 in 10

(d) longitudinal sections and vertical curves of all roads shall be agreed with the Planning Authority.

(e) all works shall be carried out so as to conform with the City Engineers Schedule of Minimum Requirements.

Revised details complying with Condition 8(a), 8(b) 8(d) shall be agreed with the Planning Authority prior to commencement of development.

9. A public lighting schedule for the entire development shall be agreed with the Planning Authority prior to commencement.

Column 2. REASONS FOR CONDITIONS

6. In the interests of the future residential amenities of the area.

7. In the interests of orderly development.

8. In the interests of road traffic and pedestrian safety.

9. In the interests of road traffic and pedestrian safety.

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10. The following water details shall be complied with:

(A) Watermain in layout shall be as per Drawing No. 88-196/04 attached.

All pipework of 100 mm or greater to be ductile iron cement mortar lined.

All pipework of 50 mm or less to be M.D.P.E. potable water pipe and shall be laid with stainless steel marker tape to facilitate future detection. Sluice valves and hydrants shall be installed as shown on the attached drawing 88-1996/04.

(B) Each house shall have:

(a) an individual 12 mm service

(b) Cold water storage of 230 litres

(c) All fittings except drinking points shall be fed from storage.

(C) All work to comply to the Cork Corporation General Specifications for Watermains and Services on New Housing Estates.

11. Drainage of the site shall be subject to the drawings submitted on 4.1.89 and the following modifications:—

(a) The line of the foul sewer from M.H. F11 to manhole F26 could be improved to minimise the length of sewer in private property. The same applies to the storm sewer from S11 to S23.

(b) The line of the rising main at the outfall manhole should be kept outside the property boundary of No. 51.

(c) A design of the pumphouse sump should be submitted, giving the retention time, proposed cut in and out levels for the pumps.

(d) Details of the proposed level control system for the pumps, i.e. probes or floats.

10. To ensure an adequate supply of water to the development.

11. To ensure the adequate drainage of the site in the interests of public health.

Bardas Chorcai Cork Corporation



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Ref

Column 1. CONDITIONS

Column 2. REASONS FOR CONDITIONS

11. (e) Manufacturers performance curves should be submitted for the pumps, showing clearly which model is being purchased, and showing the output V's head curve.

(f) Automatic change over from duty to standby pump will be required in the event of a malfunction of the duty pump.

(g) The control unit should be housed underground in a special manhole

(h) The pumps should sit on a stool to give clearance underneath them.

(i) The overflow pipe from the pump-house is not sized. It should be 9".

(j) All works shall conform with the City Engineers Schedule of Minimum Requirements. Revised drawings satisfying the modifications of this condition shall be agreed with the Planning Authority prior to commencement.

12. Prior to commencement of development the developer shall pay a contribution to Cork Corporation towards the cost of drainage works which facilitate the proposed development. The present value of the contribution is £18240.00. The amount payable will be determined by the Consumer Price Index prevailing at the date of payment subject to:-

(a) Where the proposed works are not commenced within seven years of completion of the development, the Planning Authority shall return the contribution.

(b) Where the proposed works are within the said period, carried out in part only or in such manner as to facilitate the development to a lesser extent, the Planning Authority shall return a proportionate part of the contribution.

12. The Cork Drainage Works will facilitate the proposed development

Bardas Chorcaí Cork Corporation



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Ref

Column 1. CONDITIONS

12, (c) The Planning Authority shall pay interest on the contribution as long as and in so far as it is retained unexpended by the Local Authority.

13. Before development is commenced, the developer shall lodge with the Planning Authority a bond or such other security as may be accepted by the Planning Authority, in a sum to be determined by Cork Corporation to secure the provision and satisfactory completion and maintenance until taken in charge by the Corporation of sewers, watermains, roads, footpath, open spaces, public lighting, required in connection with the proposed development. The bond or security shall provide for the adjustment on a 3 monthly basis, in accordance with the Consumer Price Index of the amount of bond as approved by the Corporation.

Column 2 . REASONS FOR CONDITIONS

13. To ensure the satisfactory completion of the development.

Description:

Digital Landscape Model (DLM)

Publisher / Source:

Ordnance Survey Ireland (OSI)

Data Source / Reference:

PRIME2

File Format:

Autodesk AutoCAD (DWG_R2013)

File Name:

v_50286794_1.dwg

Clip Extent / Area of Interest (AOI):

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LRX,LRY= 563071.39,570894.92
ULX,ULY= 562838.39,570868.92
URX,URY= 563071.39,570868.92

Projection / Spatial Reference:

Projection= IRENET95 Irish Transverse_Mercator

Centre Point Coordinates:

X,Y= 562854.89,570780.92

Reference Index:

Map Series | Map Sheets
1:2,500 | 6381-D

Data Extraction Date:

Date= 22-Aug-2022

Source Data Release:

DCMLS Release V1.155.113

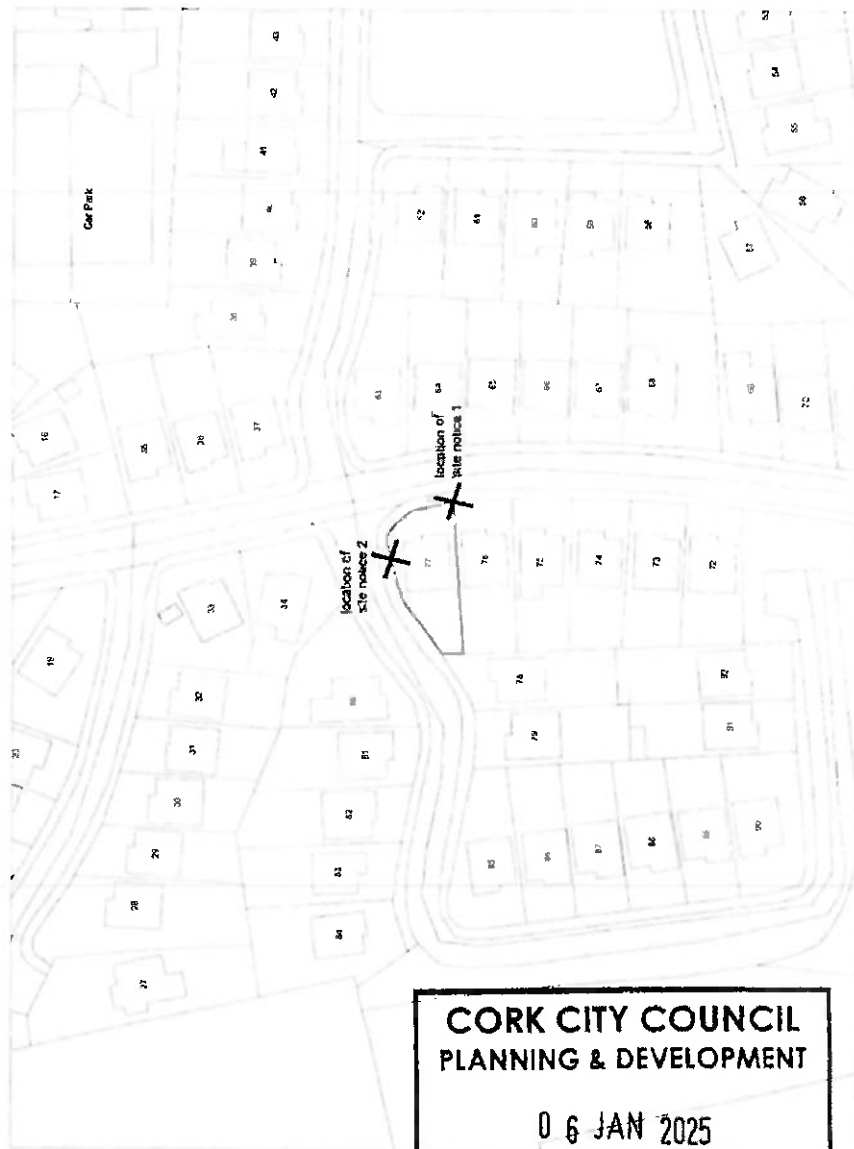
Product Version:

Version= 1.4

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CORK CITY COUNCIL
PLANNING & DEVELOPMENT
06 JAN 2025
DEVELOPMENT MANAGEMENT

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client:
utz roedig

project:
retention planning application

77 rossbrook, model farm road, cork

drawing by: utz roedig

checked by: utz roedig

date: 22.136

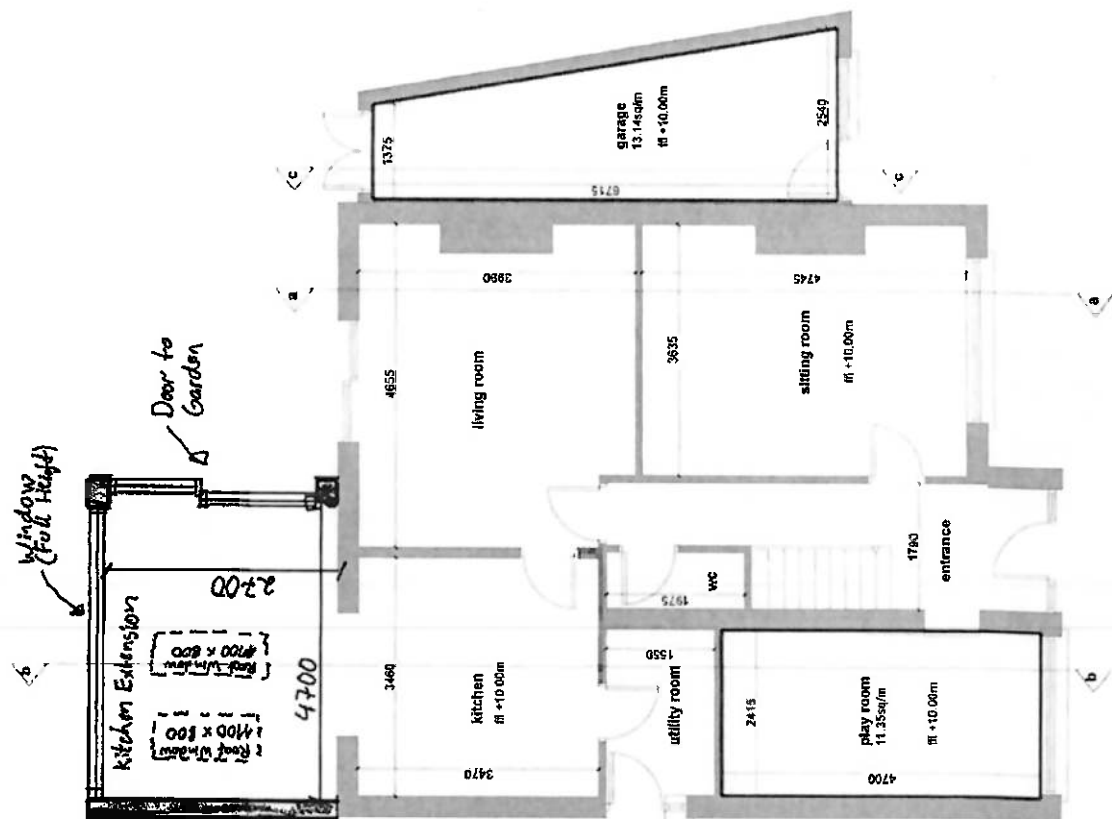
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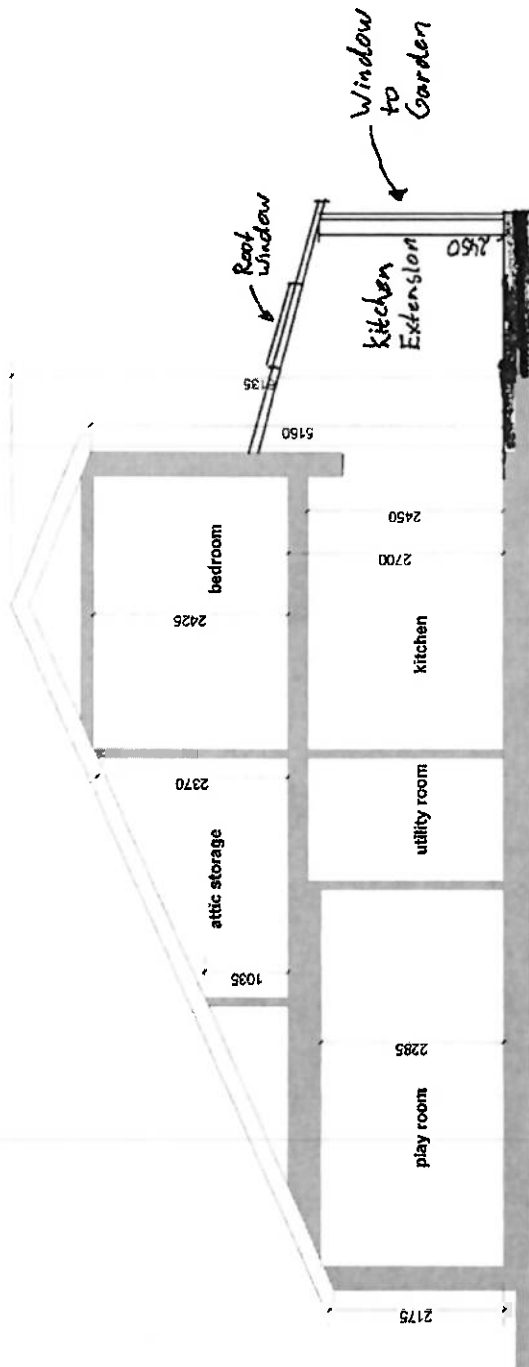
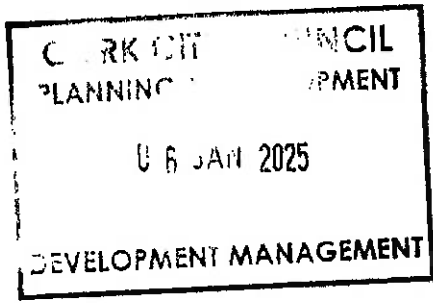
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drawing number: 01

CORK CITY COUNCIL
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06 JAN 2025
DEVELOPMENT MANAGEMENT

Utz Roedig
77 Rossbrook
Model Farm Road
Cork





section bb
scale 1:100

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