

An
Bord
Pleanála

Board Direction
BD-010664-22
ABP-312911-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/05/2022.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the established pattern of development within the vicinity of the site and to its location within a town centre, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of adjoining property or of the area, and would not endanger public safety by reason of traffic hazard and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board noted the totality of the documentation on file including the assessment of the architectural treatment as set out by the planning authority and the conservation officer and agreed that the proposed development would be consistent with the objectives of the Kinsale Town Development Plan 2009-2015. Furthermore, the Board considered that the provision of the off-street parking space integral with the proposed dwelling would not endanger public safety by reason of traffic hazard due to the characteristics of this residential street influencing cautious driver behaviour and low traffic speeds.

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 submitted on the 7th day of January 2022 and by the further plans and particulars received by An Bord Pleanála on the 2nd day of March, 2022, 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. Water supply and drainage arrangements, including the 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.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling 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. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

5. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

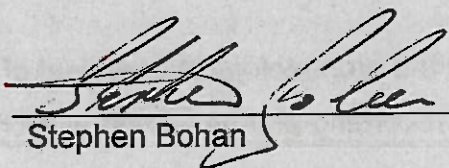
Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

6. Details of the proposed internal vehicle turntable, including capability for manual operation in the event of power failure, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of public safety.

7. S.48 Unspec.

Board Member


Stephen Bohan

Date: 10/05/2022

DECISION QUASHED