

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Cork County**

**Planning Register Reference Number: 15/00435**

An Bord Pleanála Reference Number: PL 04.245858

**APPEAL** by Jim Doyle and Marian Mullins of 1 Ferrypoint, Passage West, County Cork and by John Collins of Castletownshend, Skibbereen, County Cork against the decision made on the 25<sup>th</sup> day of November, 2015 by Cork County Council to grant subject to conditions a permission to Peter and Kerrie Cullen care of O'Mahony Pike Architects of 26 South Mall, Cork in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Demolition of existing derelict structure and front boundary wall, construction of a single three bedroom two-storey dwelling, single storey shed to rear, new stone front boundary wall and sliding gate and associated site works at Main Street, Castletownshend, 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.**

## MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## REASONS AND CONSIDERATIONS

Having regard to the nature, scale and design of the proposed development, the pattern of development in the vicinity, the character of the streetscape, and the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would not detract from the Castletownshend Architectural Conservation Area, 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 submitted on the 8<sup>th</sup> day of September, 2015 and the 12<sup>th</sup> day of October, 2015, 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 north east-facing kitchen window on the first floor shall be omitted. Prior to commencement of development, a complete set of amended drawings, indicating compliance with this requirement, shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** To protect the residential amenity of the house to the east.

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. Prior to commencement of development, details, including specifications, of the proposed windows shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** To protect the character of the Castletownshend Architectural Conservation Area.

5. Prior to commencement of development, a detailed method statement shall be submitted to, and agreed in writing with, the planning authority in relation to the proposed works to the stone wall at the front of the site, incorporating the following:

- (a) a detailed photographic record of the existing stone wall,
- (b) details of the proposed demolition of the front wall,
- (c) a detailed schedule of works and material specifications for repair, and
- (d) a sample panel of stonework for the proposed street front boundary.

**Reason:** To protect the architectural heritage of the area.

6. Prior to commencement of development, details of the proposed rear (northern) boundary treatment shall be submitted to, and agreed in writing with, the planning authority.

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

7. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

**Reason:** To allow potential impacts on neighbouring residential amenity to be assessed, having regard to the topography of the site and to the pattern of development in the vicinity.

8.
  - (1) The footpath at the entrance shall be dished in accordance with the requirements of the planning authority.
  - (2) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

**Reason:** To ensure satisfactory access to the development.

9. (1) 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.
- (2) Prior to commencement of development, plans and particulars shall be submitted to, and agreed in writing with, the planning authority in relation to the management within this site of surface water flowing from a spring, which is indicated on historical mapping to be located in the vicinity of the western boundary towards the rear of the site.

**Reason:** In the interests of public health and of orderly development, and to prevent flooding.

10. (1) The wastewater treatment system shall be designed, constructed and maintained in accordance with the requirements of the “Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses” issued by the Environmental Protection Agency (2009).
- (2) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the house, and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (3) Within three months of the first occupation of the house, the developer shall submit a report from a suitably qualified and experienced person, with appropriate professional indemnity insurance, certifying that the waste water treatment system has been properly installed and commissioned and is working in a satisfactory manner.

**Reason:** In the interest of public health.

11. The noise level from the waste water pump shall not exceed 55 dB(A) (corrected by a penalty for any tonal or impulsive component) at any point along the boundary of the site between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the residential amenities of property in the vicinity.

12. All service cables associated with the proposed development (such as electrical, telecommunications and television services) shall be located underground.

**Reason:** In the interests of visual and residential amenity.

13. 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.

14. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

15. 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 the 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.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2016.**