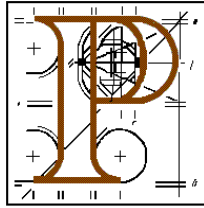


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Cork County

Planning Register Reference Number: 16/05810

An Bord Pleanála Reference Number: PL 04. 247720

APPEAL by Kevin Patrick O'Driscoll and Anne Marie O'Driscoll of Oldcastletown, Kildorrery, County Cork against the decision made on the 23rd day of November, 2016 by Cork County Council to grant subject to conditions a permission to Austin and Donna Walsh care of Corroon Architectural Consultants of 7 Chapel Lane, Mallow, County Cork in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: The construction of a dwellinghouse with domestic garage, entrance, connection to the public sewer and all site and ancillary works at Oldcastletown, Kildorrery, 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 location of the greater part of the site within a settlement boundary detailed in the Fermoy Electoral Area Local Area Plan Second Edition 2015 and the scale of the access driveway located within a High Value Landscape designated in the Cork County Development Plan, 2014, the pattern of development in the area and the nature and limited extent of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of the property in the vicinity, would be acceptable in terms of traffic safety and convenience of road users 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 submitted on the 27th day of October, 2016, 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. (a) The entrance gates to the proposed house and agricultural field entrance shall be set back nine metres from the edge of the public road. Wing walls forming the entrance shall not exceed one metre in height.
- (b) The proposed front boundary wall shall consist of natural local stone, the exact height and location of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety.

3. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

5. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
- (b) 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: In the interest of traffic safety and to prevent pollution.

6. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
- (a) Contoured drawings to scale of not less than 1:500 showing –
 - (i) a survey of all existing trees and hedging plants on the site, their variety, size, age and condition, together with proposals for their conservation or removal,
 - (ii) a continuous hedge of indigenous species (for example, holly, hawthorn, beech or field maple) planted for the full length and both sides of the proposed driveway boundary,
 - (iii) the establishment of predominantly native and naturalised woodland groupings on areas an appropriate distance from recorded monument reference number CO018-016, incorporating species, variety, size, type, number and location of all trees and shrubs,
 - (iv) at least 24 number trees planted to the south eastern side of the dwelling in informal clusters and groups, and
 - (v) any hard landscaping works, including driveway, car parking, enclosed areas, specifying surfacing materials, which shall not include tarmacadam or concrete.
 - (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.

- (c) Proposals for the protection of all existing and new planting for the duration of construction works on site, together with proposals for adequate protection of new planting from damage until established.
- (d) A timescale for implementation including details of phasing, which shall provide for the planting of the driveway to be completed before the dwelling is first made available for occupation.

Deciduous trees shall be planted at not less than two metres in height and evergreen species at not more than 750 millimetres in height. Species to be used shall not include either cupressocyparis x leylandii or grisellinia. 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 order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

- 7. A buffer zone of 30 metres shall be established within the development site from the outer extent of Ringfort CO018-016 in advance of the development by a suitably qualified archaeologist. The buffer zone shall be delimited using appropriate temporary boundary fencing and signage. Prior to commencement of development, the archaeologist shall submit a site layout showing the location of the buffer zone supported by photographic evidence. No construction works, stockpiling of topsoil or other material, or any development, or landscaping and/or planting shall take place within the designated buffer zone. No trees, plants or other material shall be removed from this buffer zone. Subsequent to completion of the development, the buffer zone shall remain around the Archaeological Monument. Planting within this buffer zone shall be limited to shallow-rooted plants and/or grass and a landscaping plan shall be prepared in consultation with the appointed archaeologist and submitted to the planning authority for written agreement in advance of the development.

Reason: To preserve items of archaeological importance.

8. 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.

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

Dated this day of 2017.