

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

**Cork County**

**Planning Register Reference Number: 17/05747**

An Bord Pleanála Reference Number: ABP-300290-17

**APPEAL** by Tim and Mary Guest and others care of 4 Ringcurran Rise, Kinsale, County Cork against the decision made on the 31<sup>st</sup> day of October, 2017 by Cork County Council to grant subject to conditions a permission to in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Construction of a detached two-storey dwelling with construction of a detached garage with store area for boats, construction of a car port, connection to existing foul and storm drainage system, a new site entrance with boundary walls and piers, bin and bike store and all associated site works, all at Ringcurran Rise, Ardbrack, Kinsale, 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 land-use zoning of the site and the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not injure the visual amenity of the area or of residential amenity of property in the vicinity and would not give rise to a public health hazard. 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 3<sup>rd</sup> day of October 2017, 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 windows serving the bathrooms, en-suites and walk-in wardrobe on the western and southern elevations, shall be permanently fitted and maintained with obscure or stained glass.
- (b) The hall/landing first floor window on the western elevation shall be permanently fitted and maintained with obscure or stained glass.

- (c) The south facing window serving the master bedroom shall be high level, that is, at least 1.6 meters above internal floor level.

**Reason:** To protect the residential amenity of the area.

3. 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.

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

4. All necessary measures shall be taken by the developer, including the provision of wheel wash facilities, to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

**Reason:** To protect the amenities of the area.

5. (a) The construction of the development shall be managed in accordance with a Construction Environmental 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 precise proposals for decommissioning of existing redundant sewerage treatment facilities on the site, removal and disposal of residual waste, removal and disposal of redundant infrastructure associated with the sewerage treatment facility, noise management measures and off-site disposal of construction/demolition waste.
- (b) Site development and building works shall be carried out only between the hours of 0800 and 1900 Mondays to Fridays inclusive, between 0900 and 1400 hours on Saturdays 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 the interests of public safety and residential amenity.

6. 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 the Board 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            2018.**