



An
Bord
Pleanála

**Board Order
ABP-300461-17**

Planning and Development Acts 2000 to 2017

Planning Authority: Cork County Council

Planning Register Reference Number: 17/04495

Appeal by Tadhg O'Mahony of Clonndereen, Timoleague, County Cork against the decision made on the 20th day of November, 2017 by Cork County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a dwellinghouse and associated site works at The Spires, Laherfineen, Innishannon, 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 current Development Plan for the area and to the Bandon Kinsale Municipal District Local Area Plan 2017, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the policies and objectives for the area; and subject to revisions to the size and design of the proposed dwelling house would be compatible with the visual and residential amenities of the area. In addition, the Board concluded on the basis of the information available that access and car parking arrangements and water supply and drainage arrangements would be satisfactory, and no flood risk issues would arise. 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 24th day of October 2017 and by the further plans and particulars received by An Bord Pleanála on the 14th day of December 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. The proposed development shall be amended as follows:
 - (a) The top storey (second floor) of the proposed dwellinghouse shall be set back by three metres along its entire eastern elevation. Any consequential changes to the exterior and interior of this storey shall be made explicit.
 - (b) The dining room and kitchen windows at first floor level in the eastern elevation of the proposed dwellinghouse shall be re-specified to be the same size as the utility room window in this elevation.
 - (c) Final details, including cross sections, of the proposed access and car parking spaces shall be made explicit.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual and residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellinghouse 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. 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.

5. 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:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;

- (d) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (e) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (f) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- (g) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

6. No development shall take place until details of an earthworks plan have been submitted to, and agreed in writing with, the planning authority. These details shall include the following:
 - (a) Soil and subsoil cross-sections.
 - (b) Plans and sections showing the proposed grading and mounding of land areas, including the levels and contours to be formed.
 - (c) The relationship of the proposed mounding to the existing vegetation and surrounding landform.

Development, including landscaping required by condition number 7 of this order, shall be carried out in accordance with the approved earthworks plan.

Reason: In the interest of residential and visual amenity.

7. 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) A plan to scale of not less than 1:500 showing –

- (i) Existing trees and shrubs specifying which are proposed for retention as features of the site landscaping.
- (ii) The measures to be put in place for the protection of these landscape features during the construction period.
- (iii) The species, variety, number, size and locations of all proposed trees and shrubs, which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species.
- (iv) Details of screen planting.
- (v) Hard landscaping works, specifying surfacing materials and finished levels.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.

(c) A timescale for implementation.

All planting shall be adequately protected from damage until established. 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 the interest of residential and visual amenity.

8. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwellinghouse without a prior grant of planning permission.

Reason: In the interest of residential amenity.

9. 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 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.

Terry Ó Niadh
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2018.