



Planning and Development Acts 2000 to 2018

Planning Authority: Cork County Council

Planning Register Reference Number: 17/06380

Appeal by Eoghan Lynch of The Hermitage, Summercove, Kinsale, County Cork and by Muireann and Michael Foran care of Hawthorn Cottage, Hermitage Lane, Summercove, Kinsale, County Cork against the decision made on the 15th day of February, 2018 by Cork County Council to grant subject to conditions a permission to Bill O'Brien care of Arch Works Architects and Urban Designers of Ballywilliam, Kinsale, County Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Development of a family dwelling house and site works, all at Hermitage Lane, Ardbrack, Summercove, 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 provisions of the Cork County Development Plan 2014 and the Bandon Kinsale Municipal District Local Area Plan 2017 and the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would be appropriate in land use terms and its design would comply with Heritage Objective HE 4-6, as set out in the Development Plan. The proposed development would not seriously injure the residential amenities of the area, would not be prejudicial to public health 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 to the planning authority on the 22nd day of January 2018, 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) a scheme comprising a detailed, site-specific design of the proposed green roofs, green wall, bio-trench and associated tree planting and the attenuation tank and its flow control device shall be provided,
 - (b) the aforementioned scheme shall be accompanied by a detailed justification of the type and specifications proposed for each item, based on a survey of site conditions. Tree planting proposals shall be fully integrated with the landscaping plan for the site required under condition number 4, and
 - (c) the aforementioned scheme shall be accompanied by a detailed maintenance plan.

Revised drawings at a scale of 1:100 and documentation 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 interests of sustainable surface water drainage and public health.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling house 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 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 1:100 showing –

- (i) the species, variety, number, size and locations of all proposed trees and shrubs,
- (ii) hard landscaping works, specifying surfacing materials, and the design of any entrance gate(s), and
- (iii) a screen timber fence with a minimum height of two metres erected along the western and southern boundaries of the site, and

(b) A timetable for the implementation of items (ii) and (iii) of (a) above which shall be no later than the first occupation of the dwelling house.

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.

5. (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) Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of public health and road safety.

6. 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 noise management measures and off-site disposal of construction/demolition waste.

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

7. The construction of the development shall be managed in accordance with a Construction Traffic 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 the type and dimensions of vehicles and plant and machinery to be used and demonstrate that this information is reconcilable with the layout and width of Hermitage Lane.

Reason: In the interest of traffic and public safety.

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 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 order to safeguard the residential amenities of property in the vicinity.

9. 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 dwelling house without a prior grant of planning permission.

Reason: In the interest of residential amenity.

10. 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.

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

Dated this day of 2018.