



Planning and Development Acts 2000 to 2018

Planning Authority: Cork County Council

Planning Register Reference Number: 17/06867

Appeal by David Galvin of 76 Springmount, Kinsale, County Cork and by Springmount Residents Association care of Adrian Mclaughlin of 32 Springmount, Kinsale, County Cork against the decision made on the 8th day of May, 2018 by Cork County Council to grant subject to conditions permission to Patricia Fogarty care of M. Byrne Architecture of Phoenix House, Monahan Road, Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of an existing detached dwellinghouse and detached garage and for the construction of 32 number dwellinghouses split between two separate schemes. Scheme 1 to the north of the site will consist of 10 number detached dwellinghouses of which 5 number dwellinghouses (Houses 28 to 32 inclusive) will be accessed directly from, and front onto, the “Saile Road” to the north; and 5 number dwellinghouses (Houses 23 to 27 inclusive) will be accessed via the existing access off the “Saile Road” to the existing detached dwellinghouse to be demolished. This existing access is to be amended as part of the proposed development. This application also includes for the widening of the “Saile Road” within the site

boundary to include a new footpath and cycle lane. Scheme 2 to the south of the site will consist of 22 number semi-detached dwellinghouses (Houses 1-22 inclusive) accessed via the existing Springmount Estate to the south. The application will include all associated site development, drainage and landscaping works all at Ballynacubby, 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 residential zoning provisions for the site as set out in the Bandon Kinsale Municipal District Local Area Plan 2017 and to the design, character and layout of the development proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of adjoining properties, would be acceptable in terms of visual impact, would not endanger public safety, and would be in accordance with the provisions of the current Local Area Plan. 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 drawings and details submitted to the planning authority on the 10th April, 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. Details of the materials, colours and textures of all the external finishes to the proposed houses shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue black or slate grey only (including ridge tiles).

Reason: In the interest of visual amenity

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. The roads in the scheme shall be modified to comply with the standards set out in DMURS with particular reference to reductions in road widths and curve radii. Details of these revisions shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of pedestrian and traffic safety.

5. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following: -

- (a) Details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;

- (b) Proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) Details of the form, content and finishes of the play areas.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

- 5 All rear gardens shall be bounded by concrete block walls or by concrete post and concrete panel fences. The proposed timber panel fences shall be omitted.

Reason: In the interest of durable boundary treatment and residential amenity.

- 6 The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

- (d) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

- 7. 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 and vibration management measures, maintenance of boundary walls to be retained, and off-site disposal of construction/demolition waste.

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

- 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. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

- 10 Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available by the developer for occupation of any houses.

Reason: In the interests of amenity and public safety.

11. The development shall be carried out in accordance with the "taking in charge" standards of the planning authority. At the time of taking in charge, the areas of open space shall be vested in the planning authority as public open space at no cost to the planning authority.

Reason: In accordance with National Policy.

12. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

14. 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.

Paul Hyde

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

Dated this day of 2018.