



Planning and Development Acts 2000 to 2018

Planning Authority: Cork County Council

Planning Register Reference Number: 18/04658

Appeal by Colette Quinn, Sharron Austin and Liam Collins care of Hegarty and Horgan of Law Chambers, Kinsale, County Cork against the decision made on the 13th day of August, 2018 by Cork County Council to grant subject to conditions a permission to Sylvia and Dane Curtis care of Steve McClew of Douglas Business Centre, Carrigaline Road, Douglas, County Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Refurbishment, alterations and single and two storey extension of an existing two-storey dwellinghouse and two number existing garages and associated site works at 8 Friars Gate, Town Plots, 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 nature, scale, design and orientation of the proposed development, the established residential character in the vicinity and the separation distance to adjacent residential property on Mandeville Terrace, the existence of two garages on the site and the provisions of the current development plan for Kinsale including the designation of this area as an Architectural Conservation Area, it is considered that the proposed development, subject to compliance with the conditions set out below, would enhance the overall character of the area, would not have undue impact on residential property in the vicinity, would be acceptable in terms of traffic safety and would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out in accordance with the plans and particulars submitted to the planning authority on the 16th day of March, 2018, as amended by the submission of further information on the 16th day of July 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 developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features that may exist on 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, and
 - (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works

In the event that archaeological material is found during the course of monitoring, the archaeologist shall stop work on the site immediately and notify the Local Authority and the National Monuments Service. Work shall not recommence until such time as advised by the Local Authority

in regard to any necessary mitigation measures and the timescale for their implementation.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to the commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains found.

3. The entire premises shall be used as a single dwelling unit.

Reason: In the interest of clarity.

Paul Hyde

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

Dated this day of 2019.