



An
Bord
Pleanála

Board Order
ABP-304439-19

Planning and Development Acts 2000 to 2019

Planning Authority: Cork County Council

Planning Register Reference Number: 18/06375

Appeal by Diana Good care of Hogan Architecture Urban Design of The Lodge, Proby's Quay, Cork against the decision made on the 25th day of April 2019 by Cork County Council to grant subject to conditions a permission to Catherine Wilson care of JCA Architects of 21 Sunday's Well Road, Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of existing detached domestic garage, construction of split level style dwellinghouse, revised communal entrance and ancillary site works at "Casino", Ardbrack, Kinsale, County Cork as amended by the revised public notices received by the planning authority on the 1st day of April, 2019.

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 location of the site within the 'existing built-up area' of Kinsale, the existing pattern of development in the area, and the nature, design and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area and would be acceptable in terms of traffic safety and convenience. 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 26th day of February 2019, 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 site shall be landscaped in accordance with a comprehensive scheme of hard and soft landscaping, full details of which shall be submitted to and agreed in writing with the planning authority prior to commencement of development, or, at the discretion of the planning authority, within such further period or periods of time as it may nominate in writing. The scheme shall include, inter alia, a programme for the implementation and maintenance of the scheme.
- (b) Details of the proposed boundary treatment between the existing house and the proposed house shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of privacy and residential amenity.

3. Water supply and drainage arrangements, including the disposal and attenuation 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 applicant or developer shall enter into water and/or waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

5. 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.

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

Dated this day of 2019