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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 18/00596**

**Appeal** by Patrick O'Regan of Gallanes, Clonakilty, County Cork against the decision made on the 31<sup>st</sup> day of May, 2019 by Cork County Council to grant subject to conditions a permission to Gallanes Developments Limited care of Payne Planning and Associates of Gort Meirbh, Durrus, Bantry, County Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Alterations to permission as per granted under planning register number 17/448 for 13 number dwellings and 13 number domestic garages to consist of: (i) permission for retention of alterations to elevations of one number dwelling as constructed (House Number 2); (ii) permission for retention of constructed additional footpath and minor house front boundary re-alignment (of House Number 5); (iii) permission for retention of constructed 6,000 millimetres dropped kerb along western main entrance wall; (iv) permission for alterations to design of seven of the permitted dwellings (house types; A, A1, C and C1); (v) permission for the change of house design of one number dwelling (House Number 11) from a D type to a C1 type; (vi) permission for alterations to the associated site works including the minor realignment of the road and footpath and the inclusion of a 6000 millimetres gap in western main entrance wall, all at Gallanes, Clonakilty, 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, the planning history of the site, the existing pattern of development in the area, and the minor nature and scale of the proposed amendments and of the amendments to be retained, it is considered that, subject to compliance with the conditions set out below, the proposed development and development for which retention permission is sought, would not seriously injure the amenities of the area. The development to be retained and completed would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained, 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 16<sup>th</sup> day of November 2018, the 25<sup>th</sup> day of January 2019, the 7<sup>th</sup> day of May 2019 and the 23<sup>rd</sup> day of May 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. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on the 22<sup>nd</sup> day of March, 2018 under planning register reference number 17/488.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. Details of the retaining structures and the vehicle barrier shall be submitted to, and agreed in writing with, the planning authority. A letter of certification shall be provided by the Design Engineer responsible for the retaining structures and vehicle barrier, confirming that the structures have been constructed as per the design.

Alternatively, this certification shall be provided by a suitably qualified structural design engineer, to the written approval of the planning authority.

**Reason:** In the interests of orderly development and residential amenity.

4. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, 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.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

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 planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to 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 that may exist within the site.

5. The developer shall submit and agree in writing with the planning authority landscaping proposals for the embankment along the southern boundary of the site. All works shall be carried out within the first planting season following substantial completion of external construction works. 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 interests of residential and visual amenity.

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.

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

**Dated this            day of            2019**