



---

**Planning and Development Acts 2000 to 2019**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 19/05455**

**Appeal** by Rachele Kelly of 1 Orchardville, Blindgate, Kinsale, County Cork and by others against the decision made on the 15<sup>th</sup> day of July, 2019 by Cork County Council to grant subject to conditions a permission to Gerard McEvoy and Maria Fox care of Anthony Hayes of 7 Pearse Street, Kinsale, County Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** (a) Demolition of Riverview House, detached domestic garage and existing domestic swimming pool, (b) construction of three detached houses, (c) modifications to boundary treatment including new boundary walls to roadside and new entrances to the three proposed dwellinghouses and (d) all association site works. All at Riverview House, Mansfield's Land, Blindgate, 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 Kinsale Town Development Plan, 2009, the Bandon – Kinsale Municipal District Local Area Plan, 2017, the planning history and zoning objective for the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of residential property in the vicinity or the visual amenities of the area and would be acceptable in terms of pedestrian and 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 5<sup>th</sup> day of July, 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. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. The applicant or developer shall enter into water and wastewater connection agreements with Irish Water prior to commencement of development.

**Reason:** In the interest of public health.

4. Storm water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

**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 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. Prior to the making available by the developer for occupation of the dwellinghouses, the improvements to the access road shown on drawing number PLA-01, submitted to the planning authority on the 31<sup>st</sup> day of May, 2019, shall be fully undertaken.

**Reason:** In order to ensure that an improved means of access to the site is available from the outset of the operational phase of the proposal.

8. 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 the 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.**