



Planning and Development Acts 2000 to 2019

Planning Authority: Cork County Council

Planning Register Reference Number: 19/06151

Appeal by Richard Laws of 17b Ardbrack Heights, Kinsale, County Cork and by others against the decision made on the 24th day of March, 2020 by Cork County Council to grant subject to conditions a permission to Siobhan Coen care of Richard Rainey Architects of 71 Lower O'Connell Street, Kinsale, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: The construction of a four bedroom family home over two levels (ground and lower ground floor level), car port, new driveway and hardstanding from existing vehicular entrance, connection to public services and on site surface water attenuation and all associated site works at site adjacent to The Manse, Ardbrack, 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 planning history of the site, to the location of the proposed development within the settlement boundary of Kinsale, to the provisions of the Bandon Kinsale Municipal District Local Area Plan 2017, to the location of the site within a High Value Landscape and to the relevant landscape provisions of the Local Area Plan in relation to the protection of the landscape and the scenic routes of Cork, it is considered that the proposed development, subject to compliance with the conditions set out below, would be in accordance with the zoning provisions of the site, would not seriously injure the visual and residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board noted that the Inspector considered that the proposed development would conflict with objective KS-GO-02 in the Bandon Kinsale Municipal Local Area Plan 2017 which seeks to “retain the ‘green fingers’ of land separating the villages of Scilly and Summercove free from development as these are integral to the landscape setting of the town”. The Board noted that the precise location of these green fingers is not defined in the development plan and that the planning authority’s planner’s report confirmed that the site was in the Kinsale Environs development boundary within an existing built up area and that the general objective KS-GO-02 in the Local Area Plan which seeks to retain ‘green fingers’ of land separating Scilly and Summercove by keeping them free from development means land outside the development boundary. Furthermore, the Board considered the photomontages submitted with the application and as further information and concluded that the proposed development would not have an unacceptable impact on the visual amenities of this scenic coastal landscape and from designated scenic routes in the area in the context of noting existing development in the area and the fact that the proposed development is set into the slope of the site. The Board, therefore, considered that the proposed development was 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 2nd day of March 2020, 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 dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof covering shall be a green living sedum roof and there shall be no change in the roofing material without the prior written consent of the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

3. 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 the methodology for the installation and maintenance of a permanent rock fall attenuation fence, access and on-site parking arrangements to be used by construction traffic, hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

4. Prior to commencement of development, details of the proposed site entrance including the design of the splay, gate positioning and gradients shall be submitted to, and agreed in writing with, the planning authority. The site entrance shall be constructed in accordance with the geometrical requirements of the Transport Infrastructure Ireland Publications Geometric Design of Junctions (priority junctions, direct access, roundabouts, grade-separated and compact grade-separated junctions) DN-GEO-03060 June 2017.

Reason: In the interest of 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 within the development,

- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings, and
- (c) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

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

Reason: In the interest of visual amenity.

- 6. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

- 7. 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.

Maria FitzGerald

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2020.