

An
Bord
Pleanála

Board Order
ABP-311883-21

Planning and Development Acts 2000 to 2021

Planning Authority: Cork County Council

Planning Register Reference Number: 21/05301

Appeal by David and Angela Doyle of The Half Wall, The Ramparts, Kinsale, County Cork against the decision made on the 15th day of October, 2021 by Cork County Council to grant subject to conditions a permission to JOAL Developments Limited care of JCA Architects Limited of 27/29 Courthouse Chambers, Washington Street, Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: (a) Alterations and two storey extension to existing dwellinghouse and (b) construction of two number three-storey dwellinghouses with ground floor courtyards, first and second floor terraces and all associated site works at 4/5 Lower O'Connell Street, 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.

Reasons and Considerations

Having regard to the pattern of development in the area, to the relevant provisions of the Cork County Development Plan 2022, to the planning history of the site, and to the layout and design 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 or visual amenities of adjoining properties, would enhance the character of the Architectural Conservation Area within which the site is located, would achieve a high standard of design, would contribute positively to the historic environment, and would be acceptable in terms of pedestrian and traffic safety. 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 20th day of September 2021, 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.

A handwritten signature, possibly 'MS6', is written over a faint circular stamp that contains the text 'CORK COUNTY DEVELOPMENT PLAN 2022'.

2. Works to the existing house shall be carried out in accordance with the 'Schedule of Proposed Works and Material Specification for the Retained Structure' received by the planning authority on the 20th day of September, 2021 or as otherwise agreed in writing with the planning authority, and no house shall be made available for occupation by the developer until such time as the said works are completed to the written satisfaction of the planning authority.

Reason: In the interest of clarity and the protection of the character of the Architectural Conservation Area.

3. External finishes, including all materials, colours and textures, shall be in accordance with the details submitted to the planning authority unless otherwise agreed in writing prior to commencement of development.

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. 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.



6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.



8. Site development and building works shall be carried out only between the hours of 0800 and 1800 from Mondays to Fridays inclusive, between the hours of 0800 and 1400 hours on Saturdays, and not at all on Sundays or 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 the interest of protecting the residential amenities.

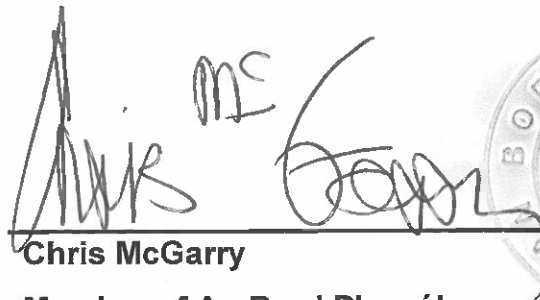
9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures, construction traffic management and access arrangements, and off-site disposal of construction/demolition waste.

Reason: In the interests of clarity, orderly development and amenity

10. 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.


Chris McGarry

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

Dated this 2nd day of September 2022.