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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 22/04279**

**Appeal** by Patrick Byrne of Bandon House, Ballywilliam, Kinsale, County Cork against the decision made on the 6<sup>th</sup> day of April, 2022 by Cork County Council to grant subject to conditions a permission to Kinsale Kids Academy Limited care of DCMA Consultants of Marino Street, Bantry, County Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of changes to and completion of a childcare facility (previously approved as two number childcare facilities under planning reference number 14/6533 and extended under planning reference 20/5483), including the following: (i) retention of elevational and fenestration changes, (ii) retention of internal layout changes, (iii) permission for change of site layout to provide additional parking spaces, pedestrian access ramps and bicycle parking and (iv) permission for amalgamation of the approved two number childcare facilities to a single childcare facility at Kinsale Manor, Rathmore, 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 provisions of the Cork County Development Plan 2022-2028, to the planning history of the site and area, to the nature and scale of the development and to the existing pattern of development in the vicinity of 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 the area or of property in the vicinity and 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 25<sup>th</sup> day of March, 2022 and the 28<sup>th</sup> day of March 2022, 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. The developer shall comply with the following requirements: -
- (a) Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, the use of the building proposed to be retained and completed shall be restricted to a single childcare facility as specified in the lodged documentation, unless otherwise authorised by a prior grant of permission.
  - (b) A secure outdoor play area shall be provided for the use of children attending the childcare facility, details of which shall be submitted to, and agreed in writing with, the planning authority prior to first occupation or use of the development.

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

3. The Traffic Management Plan submitted with the application shall incorporate the following measures: -
- (a) Drop off and collection times for children shall be staggered by classroom, by a minimum of 10 minutes in order to reduce sudden influxes of traffic. The drop off and collection times shall be reviewed with the planning authority at regular intervals and modified, if required.
  - (b) A traffic warden shall be employed by the operator of the childcare facility to manage peak hour traffic.
  - (c) A mobility management plan to encourage carpooling and alternative sustainable modes of travel to and from the childcare facility shall be submitted to, and agreed in writing with, the planning authority
  - (d) The number of children to be accommodated within the premises shall not exceed 69 at any time in any session.



Details of these measures shall be submitted to, and agreed in writing with, the planning authority and shall be implemented in full prior to first occupation or use of the development.

**Reason:** In the interests of the residential amenity and traffic safety.

4. (a) Car parking, set-down areas and bicycle parking for the development shall be provided in accordance with the Site Layout Plan drawing number 324463.003 (Rev. P01) submitted to the planning authority on the 11<sup>th</sup> day of February, 2022 prior to the commencement of the use.
- (b) No parking shall take place on the public road or footpath outside the site.
- (c) A plinth wall shall be erected along the front boundary on either side of the proposed entrance and exit to the site.

**Reason:** To ensure adequate off-street parking and set-down space is available to serve the development in the interests of pedestrian and traffic safety.

5. Details of the materials, colours and textures of the external finishes to the proposed childcare facility and the boundary walls shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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



6. Water supply and drainage arrangement, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The developer shall enter into a connection agreement with Uisce Éireann (formerly Irish Water) prior to commencement of development.

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

7. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities within the site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

8. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority and shall be implemented prior to commencement of the use.

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



9. 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.



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



Dated this *27<sup>TH</sup>* day of *June* 2023.