

An
Bord
Pleanála

Board Order
ABP-320518-24

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 24/04339

Appeal by Sheila McCarthy of 1 House of Stanley, The Park, Kinsale, County Cork against the decision made on the 17th day of July, 2024 by Cork County Council to grant subject to conditions a permission to Vincent Madden care of CEA Architects of 15 Mill Road, Midleton, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of dwelling (alteration of house design from that previously granted planning permission reference: 13/06437) including all associated site works at Scilly, 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 policies and objectives of the Cork County Development Plan 2022-2028 in particular those relating to vernacular heritage (HE16-19) and urban design in the Scilly environs on residential zoned lands, the nature of the proposed development which includes demolition of the remains of a building of interest and the potential for the reuse of the stone in the development in this case, it is considered that, subject to compliance with the conditions set out below, the proposed development can be positively assimilated in this site and its setting in a manner that would not detract from the character of the area which includes the Scilly trail. Furthermore, it is considered that the proposed development would not seriously injure the visual or residential amenities of the area or unduly detract from the enjoyment of users of the Scilly walking trail 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 received by the planning authority on the 28th day of June, 2024 and on the 16th day of July, 2024, 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. Stone retrieved from the demolition of the remains of the ruinous structure should be set aside in a safe manner on site and reused as part of the construction and/or finishes of the proposed development in accordance with condition number 3.

Reason: To protect items of archaeological heritage.

3. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, revised drawings which provide for the incorporation of the salvaged stone into the boundary walls, particularly where visible from the public realm.

Reason: To respect the vernacular heritage in accordance with the vernacular heritage policies of the development plan and in the interests of streetscape.

4. Details of the materials, colours, and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

5. Prior to the commencement of any development on site, the developer shall submit to, and agree in writing with the planning authority, longitudinal and cross sections of the foundations and location of services together with construction method demonstrating the safe management of the underlying rock and in a manner that accords with best practice. The survey and detailed specification and supervision of these works shall be carried out by a competent structural engineer.

Reason: In the interest of public safety.

6. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

7. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Demolition and Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and amenity.

8. Site development and building works shall be carried out only between the hours of 0700 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 amenities of property in the vicinity.

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 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.

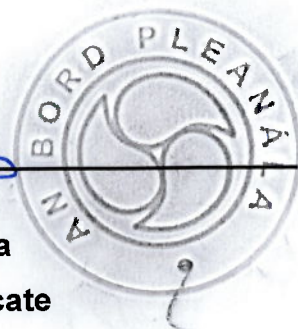
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.



Dated this 5th day of March, 2025.