



An
Bord
Pleanála

Inspector's Report

ABP-318994-24

Development

The demolition and removal of the former St. Joseph's National School and associated structures and construction of 18 no. residential units and all associated ancillary development works. Vehicular and pedestrian access serving the development will be via Blind Gate Street. Pedestrian access is also facilitated via Rampart Lane.

Location

Blind Gate Street & Rampart Lane,
Town-Plots, Kinsale, Co. Cork

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

234946

Applicant(s)

Rafden Limited

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Eoghan Cudmore

Observer(s)

None

Date of Site Inspection

July 3rd, 2024

Inspector

Lorraine Dockery

1.0 Site Location and Description

- 1.1 The site, which has a stated area of 0.53 hectares, is located within the settlement boundary of the Kinsale, Co. Cork. The site is bounded by Rampart Lane to the north and by Hogan's Row and Blindgate Street to the west. To the east is a new residential development at the former convent and an associated historic graveyard while another residential development is located to the south.
- 1.2 The site currently contains the former St. Joseph's National School and associated structures, with the existing structures on site having a stated area of approximately 1273m². It is stated in the documentation that the school closed circa 2013 and has not been in use since. For many years it formed part of the adjoining convent complex, itself having recently changed to residential use (Convent Gardens).
- 1.3 There are no Protected Structures or NIAH structures within the subject site.
- 1.4 It is currently overgrown and the buildings appear to be in a poor state of repair. The wall of the NE corner of the site is stated to be the remaining wall of the former convent building and retains four original window openings with stone cills, which have been infilled with blockwork. The southern boundary wall at the site entrance consists of a historic vertical wedged stone-faced bank.
- 1.5 This is a predominantly residential area, to the west of the town centre which is served by a network of narrow streets and laneways.

2.0 Proposed Development

- 2.1 The proposal comprises the demolition and removal of the former St. Joseph's National School and associated structures and construction of 18 no. residential units consisting of
 - 2 x no. 5 bed dwelling houses
 - 10 x no. 4 bed dwelling houses,
 - 3 x no. 3 bed duplex apartments and
 - 3 x no. 2 bed simplex apartmentstogether with all associated ancillary development works.

The works included the re-opening of the historic openings on Rampart Lane-omitted at FI stage.

2.2 Vehicular and pedestrian access serving the development will be via Blind Gate Street. Pedestrian access was also facilitated via Rampart Lane (omitted at FI stage).

2.3 Proposed density is 34 units/hectare.

3.0 Planning Authority Decision

3.1 Decision

Permission GRANTED, subject to 53 no. conditions

Further Information was requested by the planning authority in relation to (i) Site Layout (ii) Residential Amenity (iii) Ecology (iv) Public Road Safety and Accessibility (v) Heritage (vi) Traffic and Construction Management Plan

3.2 Planning Authority Reports

3.2.1 Planning Reports

- Senior Planner- Reflects decision of planning authority; recommends grant of permission
- Case Planner- Reflects decision of planning authority; recommends grant of permission with conditions

3.2.2 Other Technical Reports

Environment Section- No objection, subject to conditions (10/01/2024)

Engineering Section- No objection, subject to conditions (10/01/2024)

Archaeology Section- No objections, subject to conditions (14/12/2023)

Estates Section- No objection, subject to conditions (22/12/2023)

Ecology Section- No objection, subject to conditions (11/01/2024)

Public Lighting- No objection, subject to conditions (06/06/2023)

Housing Officer- No objection, subject to conditions (31/05/2023)

3.3 Prescribed Bodies

Uisce Eireann: No objections, subject to conditions. Confirmation of Feasibility has issued which states that capacity exists in the UE network to accommodate the proposed development, subject to upgrades being carried out (dated 13/06/2023)

Inland Fisheries Ireland: requests that Uisce Eireann signify that there is sufficient capacity in the system so as not to overload either hydraulically or organically existing treatment facilities or result in polluting matters entering waters

3.4 Third Party Observations

The planning authority received two observations which raised issues similar to those contained in the third-party appeals.

4.0 Planning History

None

5.0 Policy Context

5.1 National Planning Policy

Section 28 Ministerial Guidelines

The following list of section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management (including the associated Technical Appendices)

- Childcare Facilities – Guidelines for Planning Authorities
- Architectural Heritage Protection, Guidelines for Planning Authorities
- Appropriate Assessment Guidelines for Planning Authorities
- Climate Action Plan

Other policy documents of note:

- National Planning Framework
- Regional Spatial & Economic Strategy for the Southern Region

Local Planning Policy

Development Plan

The Cork County Development Plan 2022-2028 applies.

- Zoning: Established Residential/Mixed Residential and Other Uses
- There are numerous policies and objectives in the operative Plan that support residential development within existing settlement boundaries on brownfield/infill site; which seek the protection of built heritage and ACAs
- Section 1.5.9
The development strategy for Kinsale is to focus new housing development and population growth close to the existing urban footprint of the town to maximize opportunities for walking and cycling within the town and to reinforce its compact urban form. There is therefore a strong focus on the better utilisation of the existing building stock, prioritisation of brownfield and under-utilised land and identification of regeneration and infill opportunities. The findings of the Urban Capacity Study can contribute to the core strategy target within the existing building stock and built envelope of the town.
- Objective ZU 18-9- New residential development should normally respect the pattern and grain of existing urban development in the surrounding area
- Located within Kinsale Town ACA

5.3 Natural Heritage Designation

The nearest designated site- Sovereign Islands SPA (Site Code:004124)- is located approximately 5.8 km from subject site.

5.4 EIA Screening

Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

The proposed development is for 18 dwellings on a site c. 0.5 ha. The proposed development is considered to be sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 (as amended). Accordingly, it does not attract the need for a mandatory EIA. The site is located within a designated development area of Kinsale, on lands zoned for residential purposes. Furthermore, as this proposal would fall below the relevant threshold, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

5.5 Appropriate Assessment Screening

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approximately 5.8 km from the Sovereign Islands SPA (Site Code:004124), the nearest designated site. The proposed development comprises the demolition of existing structures on site and the construction of 18 no. residential units, together with ancillary site development works

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- Nature and scale of works
- Distance from nearest European site and lack of connections
- Taking into account screening determination by the planning authority

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

6.0 The Appeal

6.1 Grounds of Appeal

One third-party appeal submission was received, which may be broadly summarised as follows:

- Impact on Light and Residential Amenity: findings of Daylight and Sunlight Assessment submitted as part of FI request noted and considers it reasonable to conclude that the proposal will have a major adverse impact on his home; reduction of 57% in sunlight compared to current situation; proposal falls short of BRE guidelines; significant decrease of sunlight on the amenity space of his property- should have been a conclusion in Assessment
- Notes perceived errors in assessment
- Appreciates minor improvement in situation by relocating of dwellings 800mm (by way of FI request/response), proposal still falls significantly short of BRE guidelines (at 29.2% as opposed to 50%).
- Suggests relocating bicycle stand/bin enclosure to allow for greater separation and reduction on impacts on light on appellant's garden
- Notes height difference between existing and proposed development

- Notes Condition No. 1 of PA decision which dealt with impacts on 5 Rampart Lane, which are similar to appellant's property
- Not opposed to construction of proposed development in principle; appreciates the need to build new houses; multiple solutions exist that would enable the proposal to proceed with minor tweaks
- Copy of applicants Daylight and Sunlight Assessment submitted with appeal documentation

6.2 Applicant Response

A response was received on behalf of the applicant, which may be broadly summarised as follows:

- Refutes grounds of appeal
- Notes PA were satisfied with proposal
- Proposal will not give rise to any adverse daylight/sunlight impacts; proposal will not seriously injure the residential amenity of 17 Spanish Walk and will enhance Kinsale by providing 18 no additional units
- Assessment states that there will be minimal to no reduction to available daylight and internal sunlight levels to No. 17 Spanish Walk; all windows retain a VSC in excess of 27% and any reductions in available daylight will be imperceptible
- Not acknowledged in appeal that due to existing high boundary conditions and location of their external space to the north results in the site itself creating a 'self-shadowing' issue within their rear garden.
- Several design iterations were undertaken by the applicant to lessen the reduction of potential impact; increased setback from side boundary from 2.2m to 3m
- Shadow impact will be minimal with minimal impacts on adjoining property
- Acknowledges typographical error

- Report prepared in accordance with recommended methodology and notes Urban Development and Building Height Guidelines (2018) in relation to 'appropriate and reasonable regard'
- Proposal is fully in accordance with national and local planning policy and with the specific objective pertaining to the site
- Material prepared to very high standard and contains all information required/sought by PA.

6.3 Planning Authority Response

The following response was received:

- PA thoroughly explored potential for impacts to the amenity of occupiers of No. 17 Spanish Walk. This resulted in modifications to the Site Plan to preserve residential amenity. Development as permitted does not compromise the neighbour's amenity.
- Rather than ABP refusing permission for an otherwise acceptable scheme, PA strongly advise a design change planning condition be attached which includes for further specified setback, together with relocation of communal stands and bin enclosure to another alternative location. Drawback of this is that is essentially puts such facilities into a quiet hidden corner
- For sustainability reasons, it is critical that this derelict brownfield site is swiftly brought back into beneficial use in accordance with the operative CDP and national guidelines, as proposed

6.4 Observations

None

6.5 Further Responses

None

7.0 Assessment

- 7.1 The proposed development comprises the demolition and removal of the former St. Joseph's National School and associated structures and construction of 18 no.

residential units. A mix of dwellings and apartments are proposed of maximum three-storey in height.

7.2 Having examined the application details and all other documentation on file, including the reports of the planning authority and prescribed bodies, all appeal documentation received, together with having inspected the site, I consider that the main issues in this appeal are as follows:

- Principle of proposed development/policy context
- Residential amenity issues
- Other matters

Principle of proposed development/policy context

7.3 The subject site is located within the settlement boundary of Kinsale. It is currently an underutilised, brownfield site, that would benefit from appropriate regeneration. I note that there are numerous policies and objectives in the operative Plan that support residential development within existing settlement boundaries on brownfield/infill sites. I note Section 1.5.9 of the Plan states that ‘the development strategy for Kinsale is to focus new housing development and population growth close to the existing urban footprint of the town to maximize opportunities for walking and cycling within the town and to reinforce its compact urban form. There is therefore a strong focus on the better utilisation of the existing building stock, prioritisation of brownfield and under-utilised land and identification of regeneration and infill opportunities. The findings of the Urban Capacity Study can contribute to the core strategy target within the existing building stock and built envelope of the town’.

7.4 The subject site is zoned for ‘Established Residential/Mixed Residential and Other Uses’. The first party appellant states that they are not opposed to construction of proposed development in principle and appreciates the need to build new houses. Their concern relates to the impacts of an element of the proposal on their amenity. The planning authority have not raised concern in this regard and support the development of this brownfield site. I am satisfied that the principle of residential development is acceptable on this site and that the proposal would aid in achieving targets for residential development within the settlement, while also improving the visual amenity of this underutilised, brownfield site within the built-up, urban area. I

also consider the proposal to be in compliance with Section 1.5.9 of the operative County Development Plan.

Residential Amenity

- 7.5 I highlight to the Board that the main issue raised in this third-party appeal relates to impacts of the proposal on the residential amenity of the adjoining property, No. 17 Spanish Walk, in particular concerns regarding impacts of the proposal on the quality of light received to their amenity space.
- 7.6 In terms of impacts on residential amenity, I am cognisant of the relationship of the proposed development to neighbouring properties. Having examined the proposal, I am of the opinion that separation distances typical of what would normally be anticipated within such an established, urban area are proposed with existing properties. This will ensure that any impacts are in line with what might be expected in an area such as this. The proposed development is considered not to be excessively overbearing given this context.
- 7.7 In designing a new development, I acknowledge that it is important to safeguard the daylight to nearby buildings. BRE guidance given is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. I note the layout of the proposal is such that a significant separation distance is proposed between the proposed development and nearby residential properties and the attention of the Board is drawn to this fact. The Further Information request of the planning authority address this matter of impacts on residential amenity and the applicants responded by amending the proposal- by increasing the separation distance from 2.2m to 3m to the eastern boundary.
- 7.8 The Building Height Guidelines refer to the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' and ask that 'appropriate and reasonable regard' is had to the BRE guidelines. However, it should be noted that the standards described in the BRE guidelines are discretionary and are not mandatory policy/criteria and this is reiterated in Paragraph 1.6 of the BRE Guidelines. Of particular note is that, while numerical guidelines are given with the guidance, these should be interpreted flexibility since natural lighting is only one of many factors in site layout design, with factors such as views, privacy, security, access, enclosure, microclimate and solar dazzle also playing a role in site layout

design (Section 5 of BRE 209 refers). The standards described in the guidelines are intended only to assist my assessment of the proposed development and its potential impacts. Therefore, while demonstration of compliance, or not, of a proposed development with the recommended BRE standards can assist my conclusion as to its appropriateness or quality, this does not dictate an assumption of acceptability or unacceptability.

7.9 I note that the criteria under section 3.2 of the Building Height Guidelines at the scale of site/building include the performance of the development in relation to minimising overshadowing and loss of light.

7.10 A 'Daylight and Sunlight Assessment of the Proposed Residential Development', prepared by Digital Dimensions, was submitted by the applicants as part of the Further Information request of the planning authority. The information contained therein generally appears reasonable and robust. I note that the submitted Report has been prepared in accordance BRE BR209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice', 3rd Edition 2022; BS EN 17037:2018 'Daylight in Buildings and IS EN 17037:2018+A1:2021 'Daylight in Buildings' with the Design Standards for New Apartments - Guidelines for Planning Authorities (2022) and Urban Development and Building Height Guidelines (2018) also referenced. I have considered the report submitted by the applicant and have had regard to BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) and BRE 209 – Site Layout Planning for Daylight and Sunlight: A guide to Good Practice (2011). The latter document is referenced in the section 28 Ministerial Guidelines on Urban Development and Building Heights (2018). While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in Buildings'), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/UK updated guidance does not have a material bearing on the outcome of the assessment and that the more relevant guidance documents remain those referenced in the Urban Development and Building Heights Guidelines. I have carried out an inspection of the site and its environs.

7.11 As stated above, the matter of daylight/sunlight/overshadowing has been raised in the third-party submission received. The planning authority, in their response to the appeal, stated that they thoroughly explored the potential for impacts on the amenity of the occupiers of No. 17 Spanish Walk. This resulted in modifications to the Site

Plan to preserve residential amenity. This alterations to Site Plan referenced is an increase in separation distance from 2.2m to 3m from the flank wall of the proposed units to the site boundary with No. 17 Spanish Walk. I would consider this to be a compensatory measure.

Daylight

7.12 In relation to daylight, paragraph 2.2.7 of the BRE Guidance (Site Layout Planning for Daylight and Sunlight - 2022) notes that, for existing windows, if the VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this would be kept to a minimum. BRE Guidelines recommend that neighbouring properties should retain a VSC (this assesses the level of skylight received) of at least 27%, or where it is less, to not be reduced by more than 0.8 times the former value (i.e. 20% of the baseline figure). This is to ensure that there is no perceptible reduction in daylight levels and that electric lighting will be needed more of the time. Figure 1 of the submitted Assessment is a view of a model of No. 17 Spanish Walk showing the location of windows assessed for VSC, with 6 windows assessed. I am satisfied that all relevant windows in this property have been considered. It can be seen from Table 6 of the Assessment that all windows meet the criteria of retention of VSC level in excess of 27% and that any reduction in available daylight will be imperceptible.

7.13 The applicants also used the illuminance method of measuring daylight provision and also reference guidance withing the UK National Annex (A1) and EN17037:2018. Similar results are achieved to those referenced above.

7.14 Based on the above, I am of the opinion that the results confirm that access to daylight for this existing surrounding property, when compared with their existing baseline experience, will not be unduly compromised as a result of the proposed development. I am of the opinion that any impacts on this nearby property are on balance acceptable, having regard to the limited nature of the impacts on the windows identified, to the existing open nature of the site and to the need to deliver wider planning aims, including the delivery of housing and the development of an underutilised urban site.

Sunlight

7.15 The impact on sunlight to neighbouring windows is generally assessed by way of assessing the effect of the development on Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH). A target of 25% of total APSH and of 5% of total WPSH has been applied and is applied only to windows that face within 90 degrees of due south. Figure 1 of the submitted Assessment is a view of a model of No. 17 Spanish Walk showing the location of windows assessed for APSH and the results are set out in Table 9 of the Assessment. The results show that all windows assessed exceed the target values set out for sunlight and the proposed development meets the recommendations of the BRE guidance in this regard. I am satisfied that impacts of the development on sunlight levels to surrounding property will be minor, and are on balance, acceptable.

Overshadowing

7.16 In relation to overshadowing, BRE guidelines state that an acceptable condition is where external amenity areas retain a minimum of 2 hours of sunlight over 50% of the area on the 21st March. The relevant amenity spaces of No. 17 Spanish Walk adjoining the proposed development site boundary that could potentially be impacted were assessed in relation to potential overshadowing. It is noted that currently 67% of the area receives 2 hours of sunlight on March 21st- this figure is due to the site orientation and presence high garden boundary wall. As such, this situation will be reduced to a figure of 29.2% receiving 2 hours of sunlight post development. This is quite a significant reduction on the existing situation and the proposal will therefore have impacts on the amenity of No. 17 Spanish Walk. This reduction in light is exacerbated by the northern orientation of the private amenity space and the high boundary wall, which itself casts a shadow. As there would be quite a significant change in light, over and above the current situation, I recommend that the proposed terrace of units (No. 13-18) be relocated west by a further 1m than was proposed at FI stage and ultimately permitted by the planning authority. This would increase the separation distance of this block to 4m from the boundary wall, thereby reducing impacts on the light received on No. 17 Spanish Walk, whilst also not resulting in a major change to the layout of the proposal or having any greater impacts on other residential development in the vicinity. I consider such a separation distance to be sufficient to address any concerns I may have in this regard. It may be possible to retain the bin storage/cycle parking at its permitted location, by way of a change in

configuration, or it may be result in its relocation within the proposed development. Exact details should be agreed with the planning authority, prior to the commencement of any works on site. This recommended amendment could be adequately dealt with by means of condition, if the Board was disposed towards a grant of permission.

Conclusion

7.17 Overall, I acknowledge that the proposed development would not meet BRE targets in all instances, namely with regards to overshadowing of the private amenity space of No. 17 Spanish Walk. However, in my opinion, and based upon the analysis presented, the proposed development does not significantly alter daylight or sunlight from those properties existing, such as to warrant a refusal of permission. The level of impact is considered to be acceptable, provided the recommended relocation of Units 13-18 is provided for. The proposed development is located on a site identified for residential development. Having regard to the scale of development permitted or constructed in the wider area and to planning policy for densification of the urban area, I am of the opinion that resulting impacts are consistent with emerging trends for development in the area and that the impact of the proposed development on existing buildings in proximity to the application site, subject to recommend increased separation distances, may be considered to be consistent with an emerging pattern of density in the wider area. This is considered reasonable. While there will remain be some impacts on the private amenity space of No. 17 Spanish Walk, on balance, the associated impacts, both individually and cumulatively are considered to be acceptable.

7.18 Given the height and design of the proposed residential units, I am of the opinion that the proposed houses would not unduly overbear or overlook adjoining properties, and would not seriously injure the amenities of property in the vicinity of the site. I am satisfied that impacts on privacy would not be so great as to warrant a refusal of permission. There is an acknowledged housing crisis and this is a serviceable site, in an established urban area, where there are adequate services, facilities and employment in close proximity.

Other Matters

7.19 I am satisfied that there is adequate information on file for me to undertake a comprehensive assessment of the proposed development.

7.20 I am generally satisfied with the remainder of the proposal, subject to compliance with conditions. The proposal will represent a high-quality and attractive addition to the urban fabric at this location, while protecting and enhancing the heritage of the site. It will also contribute to the residential mix in the area, in accordance with its zoning objective, and will integrate well with existing and permitted development in the vicinity. Materiality is good and the proposal will provide attractive spaces, with a quality landscaping scheme put forward. The proposal will not detract from the character of the ACA. The proposal is considered to be generally in compliance with relevant policies and objectives of the operative Development Plan and the proper planning and sustainable development of the area.

Conclusion

7.21 Having regard to the layout, height and design solution put forward, I am satisfied that the proposed development is in accordance with the zoning objective of the Development Plan, is in keeping with the pattern of development in the area and is in accordance with the proper planning and sustainable development of the area.

8.0 Recommendation

8.1 I recommend that the decision of the planning authority be UPHELD and that permission be GRANTED, subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the pattern of development in the area and its residential zoning under the Cork County Development Plan 2022-2028, it is considered that, subject to compliance with conditions below, the proposed development would provide a high-quality residential development on an underutilised, brownfield site; would not seriously injure the character of the area or the amenities of property in the vicinity and would provide an adequate standard of residential amenity to future occupiers. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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 08th December 2023, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of any works on site, the applicant shall submit the following for the written agreement of the planning authority,</p> <ul style="list-style-type: none">(a) revised drawings, at an appropriate scale, showing the proposed terrace of Units No.s 13-18 relocated a further 1m east, so as to ensure that the terrace is located a minimum of 4m from the eastern boundary of the site. This change may result in the configuration/relocation of the permitted bicycle stands/sin storage to another accessible location within the site.(b) revised drawings, at an appropriate scale, showing proposed Units No.s 6 and 7 reduced in height to avoid impacts on existing residential amenities(c) Windows at first and second floor level in east elevation of proposed House Type G shall be permanently comprised of obscure glazing(d) detailed methodology and specification, with accompanying drawings, for the restoration of Rampart Lane historic wall and all other historic masonry along the site boundaries. This shall be prepared by a suitably qualified Conservation specialist.(e) further details in relation to proposed bio-retention planting area(f) proposed phasing plan

	<p>(g) details of proposed measures to ensure the protection of existing trees and heritage walls on site, during the course of the construction works</p> <p>Reason: In the interests of protecting existing residential amenity; providing clarification and in the interests of the proper planning and sustainable development</p>
3.	<p>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. Roof colour shall be blue-black, black, dark brown or dark grey in colour only.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>Each residential unit shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.</p> <p>Reason: In the interests of sustainable development and proper planning</p>
5.	<p>The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:</p> <p>(a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense.</p> <p>(b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii;</p>

	<p>(c)The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works,</p> <p>(d) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site</p> <p>Reason: In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900, Mondays to Fridays inclusive, between 0800 to 1600 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
7.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
8.	<p>The applicant shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
9.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This</p>

	<p>scheme shall include the following: (a) A plan to scale of not less than 1:500 showing – (i) The species, variety, number, size and locations of all proposed trees and shrubs [which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species] (ii) Details of screen planting [which shall not include cupressocyparis x leylandii] (iii) Details of roadside/street planting [which shall not include prunus species] (iv) Hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels. (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment (c) A timescale for implementation. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
10.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p>Reason: In the interests of amenity and public safety.</p>
11.	<p>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.</p> <p>Reason: In the interests of visual and residential amenity.</p>

12.	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
13.	<p>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 hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
14.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site</p>

	<p>clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
15.	<p>(a) 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 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.</p> <p>(b) This plan shall provide for screened bin stores, which shall accommodate not less than three standard-sized wheeled bins within the curtilage of each house plot.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
16.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and (b) employ a suitably-qualified archaeologist prior to commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:- (i) the nature and location of archaeological material on the site, and (ii) the impact of the proposed development on such archaeological material. A report containing the results of the assessment shall be submitted to the planning</p>

	<p>authority with any application for permission consequent on this grant of outline permission. Details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to the commencement of construction work, shall be determined at permission consequent stage.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
17.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
18.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the</p>

	<p>planning authority prior to commencement of development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
19.	<p>Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each housing unit), pursuant to section 47 of the Planning and Development Act, 2000, that restricts all houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
20.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
21.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the</p>

	<p>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.</p> <p>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.</p>
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Note: The applicants are advised to note section 34(13) of the Planning and Development Act, 2000 (as amended) which states that a person shall not be entitled solely by reason of a permission to carry out any development.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Lorraine Dockery
Senior Planning Inspector

03rd September 2024

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-318994-24			
Proposed Development Summary	Demolition and removal of the former St. Joseph's National School and associated structures and construction of 18 no. residential units and all associated ancillary development work.			
Development Address	Blind Gate Street & Rampart Lane, Town-Plots, Kinsale, Co. Cork			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	x	
		No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes		Class.....	EIA Mandatory EIAR required	
No	x		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No	x	N/A		No EIAR or Preliminary Examination required
Yes		Class/Threshold.....		Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: Lorraine Dockery Date: 03rd September 2024