



An
Bord
Pleanála

Board Direction
PL04.248235

The submissions on this file and the Inspector's report were considered at a Board meeting held on 4th August 2017 and on 1st December 2017.

In considering the further submissions received on 31st August 2017 and on 23rd October 2017 the Board noted that there was no further response from the Planning Authority and was satisfied that further circulation or a further Inspector's Report was not necessary.

The Board recognised that there is an ongoing dispute over the title of a small part of the proposed development site but noted that it was not the Board's function to resolve disputes about title. The Board was satisfied that no development works were proposed in the disputed part of the site and did not feel constrained by Section 34 (13) in considering the application on its merits and in accordance with the Development Management Guidelines for Planning Authorities, 2007.

The Board considered the revised submission from the developer and considered that the adjustments to the entrance the resulting sightlines achievable would be satisfactory on this local cul-de-sac road and would not constitute a traffic hazard. The Board considered that subject to compliance with the conditions set out below, the proposed development would therefore, be in accordance with the proper planning and sustainable development of the area.

The Board decided to grant permission generally in accordance with the Inspector's recommendations for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the provisions of the Cork County Development Plan, 2014 – 2020, the location of the site within the rural area and the pattern of existing and permitted development in the vicinity it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the policy requirements of the Cork County Development Plan as it relates to rural housing in an area under Strong Urban Influence. It is further considered that the proposed development would be acceptable in terms of design and scale and would not seriously injure the residential amenities of existing adjacent properties, or the visual amenities of the area and would be acceptable in terms of traffic safety and convenience. 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 8th February 2017 and by the further plans and particulars received by An Bord Pleanála on the 31st August 2017, 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. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. (a) The site shall be landscaped in accordance with a scheme of landscaping (including timescale), details of which shall be submitted to the planning authority for agreement before development commences.
- (b) Details of measures for the protection of trees to be retained shall be agreed in writing with the planning authority and shall be implemented prior to commencement of development.

- (c) Details of boundary treatment and screen walling shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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

Reason: In the interest of visual amenity.

5. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

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

Reason: To ensure adequate servicing of the development, and to prevent pollution.

7. The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.

Reason: In the interest of public health.

8. The water supply to serve the proposed dwelling shall have sufficient yield to serve the proposed development, and the water quality shall be suitable for human consumption. Details, demonstrating compliance with these requirements, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate water is provided to serve the proposed dwelling, in the interest of public health.

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 the Board 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.

Note: Direction to issue with the Board Order.

Board Member

Date: 8th December 2017

Maria FitzGerald