

An
Coimisiún
Pleanála

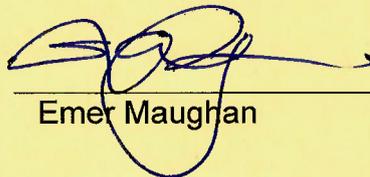
Direction
CD-021489-25
ACP-322799-25

The submissions on this file and the Inspector's report were considered at a meeting held on 04/12/2025.

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

Planning

Commissioner:


Emer Maughan

Date: 08/12/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the objectives of the Cork County Development Plan 2022-2028, the nature, scale and design of the development which is consistent with Objectives 5-22, HE 16-21(d) and GI 14-9(e), the rural generated housing need illustrated by the applicant, which is consistent with Objective 5-3(d) of the Development Plan, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact the character of the area or seriously injure the visual or residential amenities of the area, and would be acceptable in terms of traffic safety and convenience. It is considered that 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 30th day of April 2025, 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 the place of residence of the applicant, members of the applicant's immediate family or their heirs and shall remain so occupied for a period of seven years thereafter, unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant.

(b) Before development commences, the applicant shall enter into an Agreement with the planning authority, pursuant to Section 47 of the 2000 Planning and Development Act providing for the terms of this occupancy requirement.

(c) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority, a written statement of the confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

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

Reason: To ensure that the proposed dwelling 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. No further housing development shall be carried out on lands outlined on map lodged with the Planning Authority on 20/11/2024 and 30/04/2025 for a period of 7 years from the date of Grant of this Permission. Before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing provision to this effect shall be embodied in an Agreement between the landowner and the Planning Authority pursuant to Section 47 of the Planning and Development act 2000.

Reason: To maintain the density of development at a level consistent with the amenity of the area.

4. Details in relation to the design and construction of the proposed entrance to the site shall comply with the detailed requirements of the planning authority for such works and services. Prior to commencement of development, drawings and details in accordance with this condition shall be submitted for the written agreement of the planning authority.

Reason: In the interests of traffic safety and visual amenity.

5. The proposed garage/shed building shall not be sold, let or otherwise transferred or conveyed as an independent building, save as part of the dwelling. The garage shall be for domestic use only and shall not be used for human habitation or for any commercial purpose. No wc shall be within the

building and the proposed wc shall be omitted and this floor area shall be used as part of the garage.

Reason: In the interests of clarity and orderly development.

6. 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 scheme shall include the following:
 - (a) A plan to scale of not less than 1:500 showing –
 - (i) existing trees and hedgerows, specifying which are proposed for retention as features of the site landscaping and which are being replaced,
 - (ii) the measures to be put in place for the protection of relevant landscape features during the construction period,
 - (iii) 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,
 - (iv) details of screen planting which shall not include cupressocyparis x leylandii, and
 - (v) details of roadside/street planting which shall not include prunus species,
 - (b) 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, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

7. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" Environmental Protection Agency, 2021.

(b) Treated effluent from the wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.

(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution.

8. Prior to commencement of development, details of the proposed surface water drainage measures shall be submitted to, and agreed in writing with, the

planning authority and shall comply with the requirements of the planning authority for such works.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

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 Coimisiún 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.