

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Cork County

Planning Register Reference Number: 15/00597

An Bord Pleanála Reference Number: PL 88.246977

APPEAL by Greg Cunningham and Joseph Fahy of Winsley House, Woodberry, Killumney Road, County Cork against the decision made on the 9th day of December, 2015 by Cork County Council to grant subject to conditions a permission to Martin and Mary Deasy care of Daly Barry and Associates of Glengarriff Road, Bantry, County Cork in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of a dwellinghouse, domestic garage and construction of a new access road and all associated site works, all at Ardagh, Union Hall, 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.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the location of the site within the settlement boundary of Union Hall, to the planning history of the subject site and to the nature and scale of the proposed development, it is considered that the proposed dwelling, subject to compliance with the conditions set out below, would not seriously injure the residential and visual amenities of the area, would not be prejudicial to the environment or public health 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 particulars submitted on the 1st day of December, 2015, 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. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority in the sum of €1,500, to secure the satisfactory completion of tree and shrub planting and all other landscaping proposals for the site as required in accordance with condition number 3 below.

Reason: To ensure the satisfactory completion of the development.

3. The site shall be landscaped in accordance with the details shown on the Site Layout Plan Drawing Number 3840-P-10 received by the planning authority on the 22nd day of October, 2015. The said scheme shall be implemented within the first twelve months following the first occupation of the proposed dwelling, unless otherwise agreed in writing by the planning authority.

Reason: In the interest of visual amenity.

4. All planting shall comply with the specifications of the landscaping scheme agreed and shall be maintained by the developer and if any plant shall die it shall be replaced within the next planting season with another of similar size or species.

Reason: In the interest of visual amenity.

5. The finished floor level(s) of the proposed dwellinghouse and garage shall be in accordance with the plans and particulars lodged with the planning authority on the 22nd day of October 2015.

Reason: In the interest of visual amenity.

6. The external finishes to the proposed dwelling shall be as follows:-
 - (a) roof coverings shall be natural slate or flat tile coloured dark grey/blue black,
 - (b) all rainwater goods and fascia shall be black in colour, and
 - (c) all external walls shall be faced in neutral painted plaster and random local stone of a type subject to the written agreement of the planning authority.

Reason: In the interest of visual amenity.

7. The windows of the proposed dwelling shall be a natural hardwood finish or a dark coloured PVC or coated aluminium. The use of white uPVC is not permitted.

Reason: In the interest of visual amenity.

8. The rear retaining wall, as indicated in drawing number 3840-P-11 received by the planning authority on the 22nd day of October, 2015 shall not exceed 1.50 metres in height, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of amenity.

9. The external finish and roofing materials of the proposed garage shall be the same as those of the proposed dwellinghouse in respect of colour and texture.

Reason: In the interest of visual amenity.

10. 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 and management measures and off-site disposal of construction/demolition waste.

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

11. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

12. 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.

13. (a) A proprietary effluent treatment and disposal system shall be provided. This shall be designed, constructed and maintained in accordance with the requirements of the planning authority. Details of the system to be used, and arrangements in relation to the ongoing maintenance of the system, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner.

Reason: In the interest of public health.

14. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwellinghouses without a prior grant of planning permission.

Reason: In the interest of residential amenity.

15. Notwithstanding the provisions of Article 10(4) of the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, no room in the proposed house(s) shall be used for the purpose of providing overnight paying guest accommodation without a prior grant of planning permission.

Reason: In order to prevent overdevelopment of the site in the interest of residential amenity.

16. 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.

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

Dated this day of 2016.