

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Cork County

Planning Register Reference Number: 15/5893

An Bord Pleanála Reference Number: PL 04.246489

APPEAL by Rory and Louise O’Sullivan care of Aidan O’Brien of “Cill Na Manach”, Castlejane, Glanmire, County Cork against the decision made on the 29th day of March, 2016 by Cork County Council to grant subject to conditions a permission to Caitriona Forde and Tom Triggs care of Gordon Warner of Inchydoney, Clonakilty, County Cork in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Dwelling including new entrance to public road (forming a common entrance with adjoining dwelling) and to be serviced by a secondary wastewater treatment system and associated polishing filter, all at Ballincrossig, Glanmire, 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 development boundary of Glanmire, to the pattern of development in the vicinity and to the scale, nature and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or the residential amenities of property in the vicinity, would not give rise to a traffic hazard and would 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 on the 12th day of January, 2016, the 14th day of January 2016 and the 1st day of March, 2016 and by the plans and particulars received by An Bord Pleanála on the 23rd day of May, 2016, 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. Retaining walls shall be constructed along the proposed driveway in accordance with the details received by An Bord Pleanála on the 23rd day of May, 2016. Full details of these walls shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity.

3. A drainage pipe of a suitable size shall be installed along the western boundary of the site to convey water from the well located to the south-west of the site to the stream bounding the site to the north in accordance with the details received by An Bord Pleanála on the 23rd day of May, 2016. Details of the size of the pipe shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This pipe shall be installed prior to first occupation of the proposed dwelling.

Reason: In the interest of clarity and the protection of the amenities of adjoining property.

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

Reason: In the interest of public health.

5. No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees and shrubs which are to be retained have been protected in accordance with the Tree Survey and Root Protection Plan submitted to the planning authority on the 12th day of January, 2016.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

6. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 24th day of August, 2015, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
- (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.
- (e) 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 and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

7. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour, including ridge tiles, shall be blue-black or dark grey only.

Reason: In the interest of visual amenity.

8. 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:
 - (a) Protection measures for the southern boundary and embankment;
 - (b) Hours of working;
 - (c) Details of appropriate mitigation measures for noise, dust and vibration;
 - (d) Off-site disposal of construction and demolition waste, and
 - (e) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.

Reason: In the interest of amenities, public health and safety.

9. The proposed revised entrance to the public road, including gradients, wing walls and surface water arrangements, shall comply with the detailed standards of the planning authority for such works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

10. 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.