

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Cork County

Planning Register Reference Number: 16/04389

An Bord Pleanála Reference Number: PL 04.246996

APPEAL by Liam Nolan of Coislaoi, 18 Ard Chuain, Passage West, County Cork against the decision made on the 5th day of July, 2016 by Cork County Council to grant subject to conditions a permission to TFT Construction care of Liam Clifford of Lios Lodge, West End, Newmarket, County Cork in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of a dwellinghouse and all associated site works at Site Number 1, Marmullane, Pembroke (townland), Passage West, 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 planning history of the site and to the overall development of which it forms part, the Board considered that, subject to compliance with the conditions set out below, the proposal would not seriously injure the residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that as this was a new application rather than an application consequent on an outline permission, that the house design was not bound by the condition number 2 of An Bord Pleanála appeal reference PL 04.242980.

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 day of June, 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. 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.

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

3. Storm attenuation measures shall be incorporated into the proposed storm water system. Fully detailed storm water attenuation proposals shall be submitted to and agreed with the planning authority 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. These proposals shall include detailed, site specific design, layout and section drawings and construction details, and detailed proposals for the operation, maintenance and silt management of the system.

Reason: To prevent flooding.

4. All road and footpath works specified on drawing numbers 0907-2-A01 and 0907-02-A13 of planning permission planning register reference number 13/5607 shall be completed by the developer of the overall site at their expense, prior to commencement of any construction of this dwelling.

Reason: In the interest of the proper planning and sustainable development of the area.

5. 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.

Reason: In the interest of public health.

6. Front boundary wall shall be designed to ensure sightlines at the entrance are maintained. Walls on the front of the site, including side walls extending back to the front line of the proposed dwelling, shall not exceed one metre in height. The form and finish of front boundary walls shall be consistent throughout the overall estate development.

Reason: In the interests of road safety.

7. Prior to the commencement of development, the developer shall enter into a connection agreement with Irish Water in relation to the development.

Reason: In the interest of orderly development.

8. Public lighting shall be provided in accordance with a scheme, 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 the house.

Reason: In the interests of amenity and public safety.

9. 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.

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.

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.