



An
Bord
Pleanála

**Board Order
PL 04.248185**

Planning and Development Acts 2000 to 2016

Planning Authority: Cork County Council.

Planning Register Reference Number: 16/05557.

Appeal by Nora O'Driscoll care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 23rd day of February, 2017 by Cork County Council to refuse permission to the said Nora O'Driscoll in accordance with plans and particulars lodged with the said Council:

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Proposed Development Construction of a single storey dwelling with internal garage space and all associated ancillary site works at Meenane, Watergrasshill, 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 provisions of the Cork County Development Plan, 2014, the applicant's compliance with the eligibility criteria for a rural-generated housing need, the infill nature of the site, the scale and design of the proposed development and the existing and the more recently permitted residential and commercial development in the area, it is considered that the proposed development, subject to compliance with the conditions set out below, would be in accordance with the settlement pattern of the area, would not seriously injure the residential or visual 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 the site was somewhat brownfield in nature and would represent an infill site. Taking into account the overall pattern of development in the area this additional dwelling, to a locally qualifying applicant, would not seriously injure the residential or visual amenities of the rural area. Furthermore, having regard to 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, it is considered, on the basis of the submissions made in connection with the application and the appeal, that the site is suitable for the safe treatment and disposal of foul effluent emanating from the proposed development. Subject to the conditions set out below, the proposed development would, therefore, be in accordance with proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the planning authority as amended by the further plans and particulars submitted on the 27th day of January 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 [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].
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. 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.

4. The development shall be carried out and completed in accordance with the Japanese Knotweed management plan submitted by the applicant to the planning authority on the 27th day of January, 2017. A report on the implementation of the management plan shall be submitted to, and agreed in writing with the planning authority, on completion of the required post-construction monitoring programme.

Reason: To prevent pollution.

5. 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.

6. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety.

7. Details of the boundaries, entrance and level of the site 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 traffic safety.

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

Reason: In the interest of visual amenity.

9. 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.

