



An
Bord
Pleanála

Board Order
PL 04.248235

Planning and Development Acts 2000 to 2016

Planning Authority: Cork County Council

Planning Register Reference Number: 16/06807

Appeal by Noreen Murphy O'Mahony care of John Morrisson Consulting Engineers Limited of Kilclare Upper, Conna, County Cork against the decision made on the 28th day of February, 2017 by Cork County Council to grant subject to conditions a permission to Charles Kenneally care of Gerald McCarthy Architects Limited of Ballyverane, Macroom, County Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of new dwellinghouse, domestic garage and new entrance together with all other ancillary site works, all at Farnanes Townland, Farnanes, 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 – 2020, the location of the site within the rural area and the pattern of existing and permitted development in the vicinity it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the policy requirements of the Cork County Development Plan as it relates to rural housing in an area under Strong Urban Influence. It is further considered that the proposed development would be acceptable in terms of design and scale and would not seriously injure the residential amenities of existing adjacent properties, or the visual amenities of the area 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 plans and particulars submitted on the 8th day of February, 2017 and by the further plans and particulars received by An Bord Pleanála on the 31st day of August, 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 dwellinghouse, 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. 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, as amended, to this effect.
- (b) Within two months of the occupation of the proposed dwellinghouse, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwellinghouse in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwellinghouse by a mortgagee in possession or the occupation of the dwellinghouse by any person deriving title from such a sale.

Reason: To ensure that the proposed dwellinghouse 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. (a) The site shall be landscaped in accordance with a scheme of landscaping (including timescale), details of which shall be submitted to the planning authority for agreement before development commences.
- (b) Details of measures for the protection of trees to be retained shall be agreed in writing with the planning authority and shall be implemented prior to commencement of development.
- (c) Details of boundary treatment and screen walling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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

Reason: In the interest of visual amenity.

5. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of orderly development and the visual amenities of the area.

6. 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.

7. 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.

8. The water supply to serve the proposed dwelling shall have sufficient yield to serve the proposed development, and the water quality shall be suitable for human consumption. Details demonstrating compliance with these requirements, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate water is provided to serve the proposed dwellinghouse, in the interest of public health.

