

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Cork County Council

Planning Register Reference Number: 17/04999

An Bord Pleanála Reference Number: ABP-300192-17

Appeal by Brendan and Margaret Buckley of “Miramare”, Low Road, Scilly, Kinsale, County Cork against the decision made on the 17th day of October, 2017 by Cork County Council to grant subject to conditions a permission to Dylan Brady care of Hiras Finegan Architecture of Lane Business Park, Monahan Road, Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a detached two storey dwelling with connection to public sewer and all associated site works at Scilly, Ardbrack, Kinsale, 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 land-use zoning of the site, the existing pattern of development on the site and in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenity of the area, would be acceptable in terms of surface water and storm water disposal and would not seriously injure the residential amenity of property in the vicinity. 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 19th day of September, 2017 and further plans and particulars submitted to An Bord Pleanála on the 19th day of December 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. The new dwelling hereby permitted shall be used solely as a single residential dwelling unit.

Reason: In the interest of residential amenity.

3. The windows serving all bathrooms, en-suites and walk-in wardrobes shall be permanently fitted and maintained with obscured glass.

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

4. (a) 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.
- (b) Full details and supporting calculations for surface water/storm water shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. All soakaways shall be designed in accordance with BRE Digest 365 or similar as approved by the planning authority.
- (c) The septic tank shall be decommissioned and removed, or cleaned out and backfilled with selected granular fill and the new connection to the public sewer shall be carried out in tandem with the permitted development, and completed to the written satisfaction of the planning authority prior to the first occupation of the new dwelling.

- (d) The on-site effluent disposal system shall operate two number pumps. The system shall generate an audible alarm when either of the pumps fail or the effluent in the sump exceeds a preset level (high level alarm). The pumps shall be configured to operate in rotation or to automatically cut in should the other pump fail. The amount of effluent pumped forward shall be metered to the satisfaction of the planning authority. The owners/occupiers of the site shall maintain in perpetuity, a maintenance agreement with the suppliers of the plant or other competent persons. A log book recording all mechanical failures, maintenance and other manual interventions shall be maintained and kept at the property for inspection by the planning authority.

Reason: In the interest of public health.

5. (a) The construction of the development shall be managed in accordance with a Construction Environmental 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 noise management measures and off-site disposal of construction/demolition waste.
- (b) Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 09.00 to 14.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

6. 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 the 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 2018