

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

**Cork County**

**Planning Register Reference Number: 17/04293**

An Bord Pleanála Reference Number: ABP-300311-17

**APPEAL** by Cora and Denis Mattimoe of “Sonoma”, Moneygurney, County Cork against the decision made on the 31<sup>st</sup> day of October, 2017 by Cork County Council to grant subject to conditions a permission to David Horgan care of McCutcheon Halley Planning of 6 Joyce House, Barrack Square, Ballincollig, County Cork in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Demolition of a former farmhouse and existing agricultural structures and construction of six number residential dwellinghouses and all associated ancillary development works including vehicular access, parking, footpaths, drainage (including pumping station), landscaping and amenity areas at Moneygurney, Douglas, 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 zoning provisions of Cork County Development Plan 2014-2020, to the pattern of development in the area and to the nature, scale and layout of the proposed residential units it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or adjoining properties and would not give rise to traffic hazard or endanger public safety. The proposed development 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 concurred with the decision of the planning authority and considered that the proposed development was acceptable in terms of the local development plan policy and having regard to the very limited size of the site would not conflict with the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas issued by the Department of the Environment, Heritage and Local Government in May, 2009 and would not be out of character with the pattern of development in the wider 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 to the planning authority on the 11<sup>th</sup> day of September, 2017 and the 5<sup>th</sup> day of October, 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. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. The proposed upper floor window on the rear elevations of the dwellings shall be permanently glazed with obscure glass.

**Reason:** In the interest of protecting the residential amenities of adjacent properties.

4. The landscaping scheme, as submitted to the planning authority on the 11<sup>th</sup> day of September, 2017, shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

5. As per the landscaping scheme submitted to the planning authority on the 11<sup>th</sup> day of September, 2017, existing trees/hedgerows along the boundaries of the site shall be retained and their roots protected from damage during construction works so as to form a feature of the proposed development, unless otherwise agreed in writing with the planning authority. Boundary walls shall be constructed in accordance with the details submitted to the planning authority on the 11<sup>th</sup> day of September, 2017, unless otherwise agreed in writing with the planning authority.

**Reason:** To protect the trees on site from damage during development of the site and in the interests of orderly development and residential amenity.

6. 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.

7. Before first use of the proposed development, or, at the discretion of the planning authority, within such further period or periods of time as it may nominate in writing, a footpath shall be provided to the satisfaction of the planning authority for the entire length of the front road boundary.

**Reason:** In the interest of road safety.

8. A minimum of two number parking spaces (2.4 metres by 4.8 metres) shall be provided and maintained within the curtilage of each dwelling.

**Reason:** In the interest of road safety.

9. Storm attenuation measures shall be incorporated into the proposed storm water system. Fully detailed storm water attenuation proposals shall be submitted to and agreed in writing 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. as well as detailed proposals for the operation, maintenance and silt management of the system.

**Reason:** To prevent flooding.

10. Connection shall be made to the public foul sewer to the satisfaction of the planning authority once a functioning public sewer is available in the area.

**Reason:** In the interests of orderly development and to ensure satisfactory permanent foul drainage arrangements to serve the development.

11. No dwelling shall be occupied until the water and sewage services serving such dwellings are installed and functioning to the satisfaction of the planning authority in accordance with the connection agreement made with Irish Water.

**Reason:** To ensure that satisfactory water and waste water arrangements are in place to serve the development.

12. 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 any house.

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

13. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works.

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

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

15. 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.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2018.**