



Planning and Development Acts 2000 to 2019

Planning Authority: Cork County Council

Planning Register Reference Number: 18/07269

Appeal by Mary and Jeremy Martin of Kilmahon House, Kilmahon, Shanagarry, County Cork against the decision made on the 30th day of August, 2019 by Cork County Council to grant subject to conditions a permission to Lucy Pearce care of JK Design and Architectural Services of Currahoo, Ballinspittle, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of two detached dwellings with garages and wastewater treatment units. Construction of new dual entrance and all associated site works at Shanagarry South, Midleton, 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 location of the site within a settlement centre, the established pattern of development in the area and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of adjoining property or of property in the area. 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 took into consideration the site-specific proposals for Wastewater Treatment Systems for houses numbers 1 and 2 submitted with the application and noted and concurred with the planning authority's conclusion that the T Value results were satisfactory.

Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 6th day of August, 2019, 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 and the development shall be carried out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The development shall be carried out in accordance with the final proposal outlined as part of the Architectural Conservation Report submitted to the planning authority on the 6th day of August, 2019.
- (b) Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, no additional development shall be carried out on the site without a prior grant of planning permission.
- (c) Fenestration in houses numbers 1 and 2 shall be as proposed in drawings submitted to the planning authority on the 11th day of December, 2019.

Reason: In the interest of protecting the setting of the neighbouring protected structure.

3. The entrance shall be recessed a minimum of 4.5 metres from the front boundary fence and the side walls shall be splayed at an angle of 45 degrees. The walls and piers shall not exceed a height of one metre over the level of the adjoining public road.

Reason: To provide proper sight distance for emerging traffic in the interest of road safety.

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

Reason: To prevent flooding of the public road.

5. Foul drainage shall be by means of a property wastewater treatment system. The treatment unit and percolation area shall meet all the requirements of the Code of Practice, Wastewater Treatment Systems Serving Single Houses (p.e.<10) EPA 2009 and shall be installed and maintained in accordance with the manufacturer's instructions.

Reason: In the interest of public health.

6. Prior to the commencement of development, the developer shall enter into water and/or wastewater connections agreement(s) with Irish Water.

Reason: In the interest of public health.

7. All existing boundary trees shall be retained on the site unless otherwise agreed in writing with the planning authority. An additional planting screen shall be added as per the Architectural Conservation Report submitted to the planning authority on the 6th day of August, 2019. Planting shall commence on the first planting season following commencement of development.

Reason: In the interest of visual amenity.

8. 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.

Terry Ó Niadh

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2020.