

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

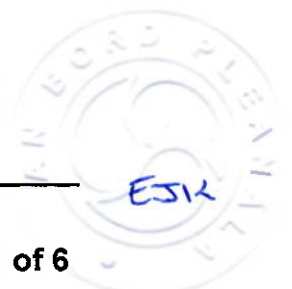
Planning Register Reference Number: 21/06539

Appeal by Tracy Kiely of Leighmoney More, Dunderrow, Kinsale, County Cork against the decision made on the 8th day of September, 2022 by Cork County Council to grant subject to conditions a permission to Rose O'Donovan care of Geraldine Coughlan Architects of Ard-na-Greine, Enniskeane, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: The construction of two number dwellinghouses with new vehicular entrance, and all associated site works at Leighmoney More, Dunderrow, 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.



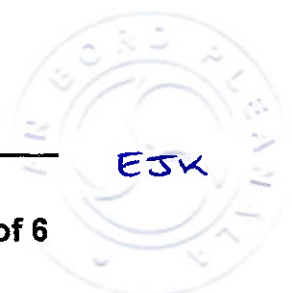
Reasons and Considerations

Having regard to the provisions of the Cork County Development Plan 2022-2028, to the location of the site within the development boundary for the village of Dunderrow, where the stated vision is to encourage development within the village and support the provision of local services within the core, and to objective DB-01 for Dunderrow which seeks to encourage the development of up to twenty additional dwelling units during the plan period, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenities of property in the vicinity or detrimental to public health, would not endanger public safety by reason of traffic hazard or obstruction of road users, and 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 submitted on the 16th day of August 2022, except as may otherwise be required in order to comply with the conditions set out below. 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.



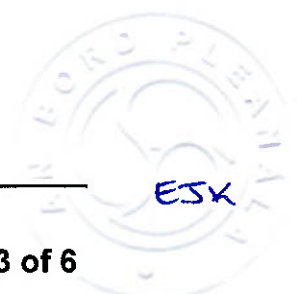
2. For the avoidance of doubt, the applicant shall submit copies of the site layout as indicated on the Site Layout plan drawing number PL01A received by the planning authority on the 16th day of August, 2022, together with associated cross-section, elevational and drainage drawings with corrected notation to the planning authority for placement on the planning file prior to the commencement of development.

Reason: In the interest of clarity.

3. The finished floor levels of the proposed dwellings shall be in accordance with the details submitted to the planning authority on the 16th day of September, 2021.

Reason: In the interests of visual and residential amenity.

- 4-. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.



- (b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the Environmental Protection Agency document.

Reason: In the interest of public health.

5. Details of the following shall be agreed in writing with the planning authority prior to the first occupation of the dwellings:
- (a) surface water drainage from the site access road,
 - (b) soakaways on the individual house sites,
 - (c) roadside drainage on the public road along the site frontage,
 - (d) finishes to the setback along the public road, and
 - (e) landscaping, including boundary treatment, of the house sites, and the development shall be carried out in accordance with the written agreement.

Reason: In the interests of orderly development and visual amenity.

6. The provision shown on submitted drawings to facilitate vehicular accesses onto the adjoining lands to the north (outlined in blue on submitted drawings) from the proposed site access road, shall be omitted. This is neither permitting nor limiting future access but would be subject to a future planning application.

Reason: In order to clarify the development hereby permitted.



7. 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.

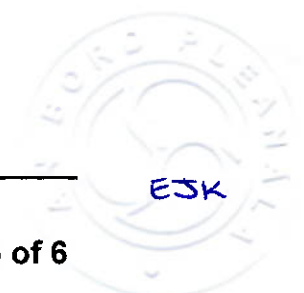
Reason: In the interest of visual amenity.

8. 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.

9. Site development and building works shall be carried out only between 0700 hours and 1900 hours Mondays to Fridays, between 0800 hours and 1400 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 order to safeguard the residential amenities of property in the vicinity.



10. 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.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *30th* day of *January*, 2024.

