



Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 22/4981

Appeal by Michael and Eleanor Foley of Toorgarriff, Glenville, County Cork against the decision made on the 19th day of September, 2022 by Cork County Council to grant subject to conditions a permission to Emer Dorgan care of Awbeg Designs of Farrancotter, Buttevant, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construct a dwelling house at Toorgarriff, Glenville, 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 location of the site within an area designated as Rural Area Under Strong Urban Influence in the Cork County Development Plan 2022-2028 and, in respect to the defined categories of rural generated housing need, the applicant's demonstrable social links to live in a rural area at this location, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity 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 and particulars submitted to the planning authority on the 22nd day of August 2022, 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 the 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 dwelling, 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 unless consent is granted by the planning authority for its occupation by

other persons who belong to the same category of housing need as the applicant. 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 to this effect.

- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

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

Reason: To ensure that the proposed house 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. The proposed development shall be amended as follows:
 - (a) The three number windows on the southwestern elevation, as shown on drawing number A101 Rev D, shall be redesigned to ensure the windows start a minimum of 1.8 metres above the internal floor level.
 - (b) The developer shall retain and supplement the existing front hedgerow boundary referenced as 'A-C' on drawing number SL101 Rev. A, except to the extent that its removal is necessary to provide

for the entrance to the site, to better integrate the new structure within the existing landscape.

- (c) Having regard to the guidance contained in the Cork County Council's Rural Housing Design Guide, 2003, the developer shall provide additional planting and soft landscaping close to the front of the house and reduce/minimise the hard landscape zone by removing vehicular access around the front of the house to avoid the 'platform effect'.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential and visual amenity.

4. (a) The site shall be landscaped in accordance with the landscaping scheme submitted to the planning authority on 22nd day of August 2022 and this landscaping scheme, as revised in accordance with condition 3 (b) and 3 (c) above, shall be completed prior to first occupation of the proposed development to the satisfaction of the planning authority.
- (b) Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development, 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 order to screen the development and assimilate it into the surrounding landscape, in the interest of visual amenity and orderly development.

5. 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.

6. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

Reason: In the interest of public health.

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, 2021.

Reason: In the interest of public health.

8. All public service cables for the development, including electrical and telecommunication cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

9. 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 *27th* day of *March*, 2024.