

An  
Bord  
Pleanála

**Board Order**  
**ABP-316080-23**

---

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 22/427**

**Appeal** by Mortimer O’Sullivan of Newtown, Bantry, County Cork against the decision made on the 20th day of February, 2023 by Cork County Council to grant permission subject to conditions to Paul Twomey care of OLS Consulting Engineers and Project Management Limited of Number 3 Saint Patrick’s Place, County Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of (a) existing dwelling and garage as constructed and (b) all associated siteworks at Hillsdale, Newtown, Bantry, 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 policy and objectives as set out in the Cork County Development Plan 2022 – 2028, to the nature, scale and design of the proposed development to be retained, and to the pattern of existing and permitted development in the area 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 of property in the vicinity, would respect the existing visual character of the area and would be acceptable in terms of public health and traffic safety. The retention of the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 24<sup>th</sup> day of November 2022, 19<sup>th</sup> day of December 2022 and 30<sup>th</sup> day of January 2023, 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 and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. (a) The proposed septic tank drainage system shall be installed within six months of the date of this order.
- (b) The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice – Domestic Wastewater Treatment Systems (p.e. ≤ 10)" – Environmental Protection Agency, 2021.
- (c) Treated effluent from the septic tank system shall be discharged to a raised percolation area which shall be provided in accordance with the standards set out in the document entitled "Code of Practice – Domestic Wastewater Treatment Systems (p.e. ≤ 10)" – Environmental Protection Agency, 2021.
- (d) Within three months of the installation of the septic tank drainage system , the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the raised percolation area is constructed in accordance with the standards set out in the Environmental Protection Agency document.

**Reason:** In the interest of public health.

3. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and traffic safety.

4. (a) The garage area shall be used solely as a garage, a non-habitable use, associated with the main residential accommodation.
- (b) No extension to the dwelling shall be permitted without a further permission from the planning authority, notwithstanding the Exempted Development provision of the Planning and Development Regulations 2001-2022 (as amended).

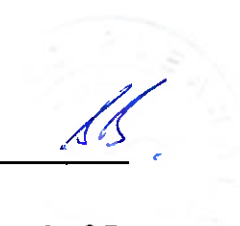
**Reason:** In the interest of clarity and residential amenities.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

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



6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 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.



7. 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 within three months of the date of this order 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.



---

**Stephen Bohan**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this *30<sup>th</sup>* day of *April* 2024.