



An
Bord
Pleanála

Board Order ABP-317689-23

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 23/04496

Appeal by Mildred Coughlan of Monaloo Bungalow, Tallow, County Waterford against the decision made on the 10th day of July, 2023 by Cork County Council to grant subject to conditions a permission to Marie Coughlan care of FC Design and Planning Limited of Grange West, Fermoy, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a single storey dwellinghouse and a domestic garage with secondary wastewater treatment unit and tertiary filter, site entrance and all associated site works, all at Monaloo, Killeagh, 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 objectives of the Cork County Development Plan 2022-2028 and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would integrate with the existing landscape, would not seriously injure the amenities of the area or of property in the vicinity, would not give rise to a traffic hazard, and would not be prejudicial to public health. 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 shared the view of the planning authority that, subject to compliance with conditions, the developer would be in a position to provide proper sight distances for emerging traffic in the interest of road safety.

Conditions

1. The proposed 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 received by the planning authority on the 13th day of June, 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 prior to commencement of development and the proposed 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, as amended, 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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Water supply and 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 surface water management.

5. 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.

6. The proposed garage shall be used solely for use incidental to the main dwellinghouse and shall not be used for the carrying out of any commercial activity or business or for human habitation.

Reason: In the interest of residential amenity.

7. The entrance to serve the proposed dwellinghouse 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: In the interest of road safety.

8. Sight distances of 70 metres to the east and west shall be provided. No vegetation or structure shall exceed one metre in height within the sight distance triangle. Sightlines shall be in accordance with drawing number PL04 received by the planning authority on the 13th day of June, 2023.

Reason: In the interest of road safety.

9. 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.

10. The construction of the proposed 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 all intended construction practice for the proposed development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interest of visual and residential amenity.

12. 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 the 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.

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.



Joe Boland

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

Dated this 14TH day of March 2024.