

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 235144

Appeal by Paul Barry care of Conor O'Sullivan Architect of 'Siracusa', Church Hill, Glanmire, County Cork against the decision made on the 31st day of July, 2023 by Cork County Council to grant, subject to conditions, a permission to Denis Hegarty and Sarah O'Halloran care of Coakley Engineering Consultants of Leopards Hill, Glenville, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a dwelling house and detached domestic garage along with all associated site development works including the installation of a wastewater treatment system at Trantstown, Watergrasshill, 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 pattern of development within the vicinity of the site, and to the submissions received with the planning application and appeal, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenity of the area and would be acceptable in terms of public health and traffic safety. The proposed development 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, 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 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 in the interest of the proper planning and sustainable development of the area.

3. (a) The dwellinghouse shall be used as a permanent place of residence only.
- (b) The domestic garage shall be used solely for non-habitable ancillary domestic and private purposes only.

- (c) The overall site shall not be used for any commercial, industrial, business or trade purposes.

Reason: In the interest of clarity, traffic safety and amenity.

4. Details of the external finishes and colour of the proposed dwellinghouse and garage (including roof tiles/slates) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. (a) The entrance design shall comply with the detailed requirements of the planning authority and such details shall be agreed in writing with the planning authority prior to commencement of development.
- (b) The entrance shall be completed in accordance with the agreed design under (a) above, prior to occupation of the dwelling.
- (c) The existing western boundary hedgerow shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.

Reason: In the interest of traffic safety and protection of biodiversity.

6. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or to adjoining properties.

Reason: In the interest of traffic safety and to prevent pollution.

7. (a) The location of the proposed soakaway serving the dwelling and garage shall be designed in accordance with BRE365 standards and relocated to the rear of the dwelling. This revised location shall be agreed in writing with the planning authority prior to commencement of development.
- (b) The driveway shall be comprised of permeable surfacing.

Reason: In the interest of sustainable drainage.

8. (a) 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 (EPA), 2021.
- (b) Treated effluent from the septic tank system shall be discharged to a percolation area which shall be provided 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 (EPA), 2021.
- (c) 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 septic tank and percolation area are constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

9. (a) The northern, eastern and southern boundaries of the site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with a landscaping plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall include a timescale for implementation and include proposals for the protection of all existing planting for the duration of construction works on site, together with proposals for adequate protection of new planting from damage until established.
- (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.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

10. Site development and building works shall be carried out only between the hours of 0700 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.

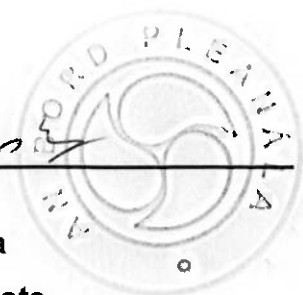
11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.



Stephen Brophy

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



Dated this 29th day of May 2024.