



An
Coimisiún
Pleanála

Commission Order
PL-500011-CK

Planning and Development Act 2000, as amended

Planning Authority: Cork County Council

Planning Register Reference Number: 254568

Appeal by Michael and Julia Phillips against the decision made on the 5th day of September 2025 by Cork County Council to grant, subject to conditions, a permission to Aideen Cremin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a new dwelling house, new vehicular entrance, install a new wastewater treatment unit and percolation area and all associated site works, and permission to install a new treatment unit and percolation area to serve the existing dwelling house at Shanagarry South, Midleton, 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 a designated settlement it is considered that subject to compliance with the conditions set out that the proposed development would not impact on the integrity or setting of the adjacent Protected Structure, would not impact on the residential amenities of the surrounding area, would be supported by the provisions of the Cork County Development Plan 2022-2028 and would, therefore, be in accordance with the proper planning and sustainable development of area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars received by the planning authority on the 12th day of August 2025, 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. Prior to the commencement of development, the developer shall enter into water and/or wastewater connections agreement(s) with Irish Water.

Reason: In the interest of public health.

3. The entrance shall be recessed a minimum of 4.5 metres from the boundary and walls shall be splayed at an angle of 45 degrees. 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.

4. Prior to the commencement of development, the developer shall submit, for the written agreement of the planning authority a detailed method statement compiled by a suitably qualified accredited conservation architect/consultant. This is to include a full detailed schedule of works in relation to the existing stone boundary wall.

Reason: In the interests of the protection of the architectural heritage.

5. All existing boundary trees and hedgerow with the neighbouring property (Kilmahon Houses) shall be retained on the site unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

6. 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.

7. Foul drainage for the proposed and existing dwellings shall be by means of proprietary wastewater treatment systems. This treatment units and percolation areas shall meet all the requirements of the Code of Practice, Wastewater Treatment Disposal Systems Serving Single Houses (p.e.< 10) (Environmental Protection Agency, 2021) and shall be installed and maintained in accordance with the manufacturer's instructions.

Reason: In the Interest of public health.

8. Site development and building works shall be carried out only between 0700 to 1900 hours Mondays to Fridays inclusive and 0800 to 1400 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.

9. Prior to commencement of development, the developer shall submit details of a Construction Management Plan for the written agreement of the planning authority. The plan shall provide details of intended construction practice for the proposed development, including traffic management, noise and dust management, and off-site disposal of construction/demolition waste. The proposed development shall be carried out in accordance with the written agreed details.

Reason: In order to ensure a satisfactory standard of development, in the interest of residential amenity and public safety.

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 Coimisiún 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.


Patricia Calleary

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 27th day of January 2026