



An
Bord
Pleanála

Inspector's Report PL04.247940.

Development	Two storey house.
Location	Hermitage Lane, Summercove, Kinsale, Co, Cork.
Planning Authority	Cork County Council.
Planning Authority Reg. Ref.	16/5080.
Applicant	Bill O'Brien.
Type of Application	Planning Permission.
Planning Authority Decision	Grant permission.
Type of Appeal	Third Party versus decision.
Appellant(s)	1. Eoghan Lynch. 2. Muireann and Michael Foran.
Observer(s)	None.
Date of Site Inspection	19 April 2017.
Inspector	Stephen Rhys Thomas.

1.0 Site Location and Description

- 1.1. The appeal site is located in the village of Summercove to the south east of Kinsale in County Cork. Summercove is a village centred around a small quay and looks out across the wider expanse of Kinsale Harbour. The central portion of the village has a very tight urban form with narrow winding roads, inclines and buildings close to the road.
- 1.2. The appeal site is off the main road through Summercove, along a short cul-de-sac, Hermitage Lane. The lane is accessed from the main road through a very narrow gap between buildings. The laneway is narrow and in poor condition with a loose gravel surface. Buildings and walls front directly onto the laneway. The Carrigeenapluboge stream is located at the northern end of the lane and runs into a covered culvert to an outfall at the quay. The laneway ends at The Hermitage, a period residence, and a pedestrian path continues uphill to the Haven Hill Estate.
- 1.3. The site is positioned to the rear of existing dwellings and comprises a southwards sloping site with an open ditch along the western boundary and very damp ground to the south of the site. The overall area has been cleared and there is a small concrete block built shed to the east of the site. The eastern boundary of the site comprises a steep wooded bank to the rear of the Haven Hill residential estate and the northern boundary comprises a timber fence and hedgerow. Revatto Lodge, a two storey period dwelling is located to the west and faces the appeal site, a number of mature trees and a mixed hedgerow makes up this boundary.

2.0 Proposed Development

- 2.1. The permitted development comprises:
 - A two storey flat roof dwelling of 274 sq.m. arranged around a number of square blocks, with an overall height of 6.5 metres and incorporating sections of green roof planting.
 - The construction of a surface water attenuation tank.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission, the relevant conditions are as follows:

- Conditions 1 and 2, refer to further information submitted in terms of house design/building finishes and surface water management.
- Condition 6 refers to the finished floor levels of the dwelling detailed on the 26 June 2016.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial Planner's Report can be summarised as follows:

- Given the characteristics of the area, a three storey house may not be acceptable.
- The proposed building finishes will be important to ensure that the proposed dwelling fits in with its surroundings.
- The lack of a connection between the site and any European Site, screens out the development from the need for Appropriate Assessment.

Further Information was requested to address issues to do with house design and finishes, together with surface water management.

The second Planner's Report notes the acceptability of a reduction to two storeys, however, clarification of further information was requested in relation to surface water issues.

The final Planner's Report notes the concerns of the Area Engineer in relation to access to the site and the acceptability of the surface water solution, however recommends a grant permission.

3.2.2. Other Technical Reports

Area Engineer's Report. The initial report highlights concern in relation to the vehicular access to the site, the provision of a wind turbine and the management of surface water generated by the site. Further information is requested in relation to surface water.

The Area Engineer's second report again raises concerns at the access to the site and issues to do with surface water outflow arrangements.

The Area Engineer's final report notes the site as viable but still raises concern at the access arrangements.

3.3. **Prescribed Bodies**

Irish Water. The report raises no objections.

3.4. **Third Party Observations**

Two submissions were received by the planning authority and refer to a number of issues which are repeated in the grounds of appeal. In addition, there was some concern with regard to the proposed wind turbine. The turbine was omitted by the applicant in a submission to the planning authority dated 22 June 2016.

4.0 **Planning History**

Appeal Site

None.

Nearby Sites

Planning register reference 15/4178. Permission for alterations and extension to existing two-storey dwelling house. August 2015. This property is at the narrow southern entrance to Hermitage Lane.

5.0 **Policy Context**

5.1. **Development Plan**

Bandon Electoral Area LAP Second Edition 2015.

The site is located within the Kinsale Environs Development Boundary in an area zoned as 'existing built-up area', which should be read in tandem with County Development Plan objective ZU 3-1.

The only relevant Development Boundary Objective includes:

DB-04 - All new development shall be connected to the public water supply, the public waste water treatment system and shall make adequate provision for storm water disposal.

The Draft Bandon Kinsale Municipal District LAP (November 2016), has been published and the proposed amendments are on display until 30th May 2017.

Cork County Development Plan 2014

The appeal site is located in an area of Co. Cork classified as a High Value Landscape characterised as an Indented Estuarine Coast with a very high landscape value, very high sensitivity and of national importance.

Scenic Route S61, a local road between Kinsale and Clonleigh via Summercove, runs to the south west of the site and affords views of the Harbour, Kinsale and wooded areas.

ZU 3-1: Existing Built Up Areas - Normally encourage through the Local Area Plans, development that supports in general the primary land use of the surrounding existing built up area. Development that does not support, or threatens the vitality or integrity of, the primary use of these existing built up areas will be resisted.

And, **Section 14.3.33** - Within predominantly built up areas, development proposals normally involve infill development, redevelopment or refurbishment or changes of use. It is important to recognise that this is part of the cycle of development or redevelopment in settlements that contributes to the character of towns. In many ways, this is more sustainable than continually encouraging growth to concentrate only towards undeveloped areas.

Making places: a design guide for residential estate development, Cork County Council 2011

Part 3 Physical Design Considerations, the house curtilage and rear privacy.

(a) Remoteness

With rear-facing habitable rooms, the rear faces of opposite houses approximately parallel, and an intervening wall, fence or other visual barrier which is above eye-level from the potential vantage point, a minimum of 22m between the backs of houses will be acceptable. Where the backs of houses are at more than 30 degrees to one another, this separation may be reduced to 15m from the nearest corner. Where houses are at right angles to one another, see (b) below. These dimensions should also be applied when considering future extensions which have rear-facing windows.

Where new development backs on to the rear of existing housing and the rear faces of the new houses are approximately parallel to the existing, the rear of the new houses may not encroach any closer than 11m to an existing rear boundary. Where the new houses are at an angle of greater than 30 degrees to the existing, proximity may increase proportionately down to 1m from the boundary where the new houses are at right angles to the existing. Upper storey apartments can cause problems of overlooking from living rooms, and therefore any rear-facing upper-storey living room or balcony should be a comfortable distance to the rear of any other dwelling. It should, however, be borne in mind that oblique views over side boundaries from upper storey living rooms can also be a problem, and this should be safeguarded against.

5.2. **Natural Heritage Designations**

The appeal site is located 4.1 kilometres from the Sovereign Islands SPA (site code 004124) and 9.5 kilometres from the Old Head of Kinsale SPA (site code 004021).

6.0 **The Appeal**

6.1. **Grounds of Appeal**

There are two third party appeals.

The grounds of appeal of **Eoghan Lynch**, can be summarised as follows:

- The laneway to the site is very narrow (7 feet) and there are serious concerns that an additional dwelling would impact upon access particularly ambulance

and fire vehicles. The point with the laneway and the main road presents a blind junction and is dangerous for the present volume of traffic. There has been a previous refusal of planning permission for a dwelling along the laneway and conditions attached to another permission, all with regard to traffic considerations.

- Construction traffic would be horrendous for existing inhabitants and there would be difficulties in such vehicles entering the narrow access point to the laneway. The laneway is used by pedestrians and their safety is of concern.
- The road surface of the laneway is in poor condition, particularly after heavy rains.
- Queries are raised as to the rights of the applicant to cross the laneway and connect into a surface water culvert.
- The conditions attached to the planning permission refer to dates upon which drawings were not received by the planning authority and so, therefore, the permission is null and void.

The grounds of appeal of **Muireann and Michael Foran** can be summarised as follows:

- The position of the attenuation tank will require deep trenching without any assessment of impact to older dwellings in the vicinity.
- The narrowness of the laneway has resulted in refusals of permission before and the Area Engineer had concerns about the access too.
- The size of the proposed house and the building finishes are out of character with the area.
- The application makes a mention of an open drain, there may be implications for the garden of Hawthorn Cottage if there are works on the drain.
- The area of the site is marshy and damp, there are concerns with regard to the design and possible failure of the proposed surface water attenuation tank. The laneway is in poor condition and the existing surface water drainage system often cannot cope with large amounts of rain and consequently fails.

- The revised house design will still present a significant overbearing impact to the amenities of Revatto Lodge, due to proximity and running the entire length of the boundary.

6.2. Applicant Response

The applicant's response to the grounds of appeal can be summarised as follows:

- The laneway is in public ownership and Irish Water have responsibility for foul and surface water systems in the vicinity. The applicant states that they have addressed technical issues with regard to surface water.
- The proposed development is infill and accords with County Development Plan and LAP objectives for urban development.
- A Fire Hydrant is provided for buildings along the laneway and ambulances have accessed the laneway in the past without incident.
- Though the laneway is narrow and precludes larger vehicles entering, smaller construction vehicles will be able to access the laneway during the construction phase of the development. Construction activity on the site will comprise 3-4 builders on the site with deliveries three to four times a day, public parking is available across from the laneway.
- The applicant contends issues concerning the traffic volumes and traffic movements associated with the now closed playschool at The Hermitage.
- The applicant disputes the condition of the laneway and the causes of its deterioration, assigning damage to normal vehicle wear and tear.
- The surface water outflow was altered to discharge to a culvert on the western side of the laneway, to a design and technical standards of the Irish Water and Cork County Council. The out-fall trench from the attenuation tank is not considered as a deep trench and will be constructed with regard to appropriate standards.
- The applicant provides the dates of when further information was submitted and requests the Board to assign dates to a grant of permission as appropriate.

- The proposed dwelling is of a contemporary design with building finishes which match those found in the vicinity.
- With reference to open drains, the applicant notes conditions with regard to surface water attached to a permission for development at The Hermitage. In addition, the applicant states that the attenuation tank is appropriately designed, in combination with a hydro-brake will ensure that the local watercourse is not inundated, the appeal site receives surface water from The Hermitage and other adjacent sites, the appeal site has been designed with sustainable urban drainage principles.
- No first floor windows will directly overlook Revatto Lodge except for a landing window which is approximately 15 metres away. Landscaping proposed will also assist in reinforcing the site boundary.

The response is supported by colour photographs, diagrams, elevations showing planting and a letter from the applicant requesting a favourable outcome.

6.3. **Planning Authority Response**

None.

6.4. **Observations**

None.

6.5. **Further Responses**

Further responses have been received from both appellants and can be summarised as follows:

Muireann and Michael Foran

The proposed plans will exacerbate flooding. The renovation of Hawthorn Lodge entailed the use of small vehicles and large deliveries were broken down in the public car park opposite the Bulman Pub. There can be no comparisons with piecemeal renovation and the construction of a new dwelling. Flooding of the laneway has happened on a number of occasions, this is evidenced by video and photographic evidence. The resultant flood damage to the laneway is an ongoing

issue, which will be made worse by the proposed development. Works were carried out to Hawthorn Lodge with respect to soakaways, to the satisfaction of the planning authority.

Eoghan Lynch

Access to the laneway is very narrow, 2.3 metres at ground level and 2.25 metres at head height. Only small vehicles can pass and these were used in the renovation works associated with The Hermitage. Concerns are reiterated with respect to construction traffic on the narrow laneway and the dangers that will be posed to children and other pedestrians. The laneway has flooded and there is concern about the route and connection of the proposed surface water out-flow to the culvert.

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development and Design
- Traffic
- Residential Amenity
- Surface Water Attenuation
- Procedural Issues
- Appropriate Assessment

7.2. Principle of Development and Design

7.2.1. Appellants have expressed concern at the principle of developing the site for a such a large dwelling which would be out of character with the area. There are concerns that the scale of the building and the proposed finishes would be at odds with the existing traditional development in the vicinity.

7.2.2. In terms of the potential of the site to accommodate a dwelling, I have had regard to the Bandon Electoral Area LAP and the section which concerns the Kinsale Environs Development Boundary. I note that the site is in an area zoned as existing built-up area and that development that does not support or which threatens the vitality or integrity of such areas will be resisted by the Council. In this case the primary land use is residential, the proposed development would align with the primary land use of the area. Therefore, the principle of residential development at this location is acceptable.

7.2.3. The dwelling will be located to the rear of surrounding development in what I consider to be a backland setting. There are no policies in the Cork County Development Plan or the LAP that provide guidance in relation to backland development. However, I have assessed the appropriateness or otherwise of the proposed development in the context of the residential amenities of the surrounding area, section 7.4 refers.

7.2.4. The proposed dwelling is a flat roofed structure with a number of single and two storey blocks arranged around setbacks and projections, it is described by the applicant as being of contemporary design. It has been designed with green roofs and a landscape plan to assist its integration within the site. There will be intermittent glimpses of the dwelling from a designated scenic route to the south, S61 refers. However, I do not anticipate that either the design or the bulk of the dwelling will present any adverse impact on the visual amenities of the scenic route as it passes through the built-up area of Summercove. I have no objection in principle to the design or building finishes of the proposed dwelling.

7.3. **Traffic**

7.3.1. Appellants are concerned at the capacity of the existing laneway to accommodate additional development. Specifically, concerns are raised about the surface condition of the road, the constricted access point to the Summercove Road, dangers posed to pedestrians and the construction phase of the development.

7.3.2. Hermitage Lane is a narrow laneway with a loose gravel surface and provides front and rear access to in excess of 15 properties. The access point to Hermitage Lane is very narrow and situated between two storey buildings. The existing sightlines from the laneway onto the narrow main road are obstructed by existing buildings. The proposed dwelling will inevitably lead to an increase in vehicular traffic along the laneway. The increase in traffic would however, be slight and not to a degree that would significantly impact traffic safety. The laneway is narrow with multiple entrances along its length, traffic speeds are very low and a cautious driving style is adopted by visitors. For the duration of my site visit, a single car traversed the laneway. An additional dwelling, in my mind, would not create an excessive increase in the number of vehicles likely to pass along the laneway and not present a traffic hazard.

7.3.3. The condition of the laneway is poor, comprising loose gravel and a grass verge. The surface condition of the laneway results from a number of factors, lack of regular maintenance, ongoing damage caused by the passage of vehicles and the management of surface water. The addition of a dwelling and the resultant traffic will lead to an increase in the wear and tear of the laneway. The increase in traffic will be low, and would not be to such a degree that would lead to a perceptible impact to the

already degraded road surface. The applicant should be required to ensure that the entrance to the dwelling ties in appropriately with the existing laneway surface and that such works would be in accordance with the technical requirements of the planning authority.

- 7.3.4. The construction phase of the development will lead to an increased level of traffic and consequently an impact to the existing quality of the laneway. The increase in traffic volume resulting from construction activity could lead to traffic safety issues. However, as I have already noted, given the configuration of the laneway traffic speeds are very low and the size of vehicles able to enter the lane is determined by the extremely narrow entrance. I consider that if the construction phase of the development is satisfactorily managed, no adverse issues to do with amenity, traffic safety or laneway condition will result. In this context the applicant should be required to submit a construction management plan to ensure traffic safety is maintained and that the condition of the laneway is not excessively degraded.

7.4. **Residential amenity**

- 7.4.1. Appellants raise concerns that the proposed dwelling will result in overlooking of adjacent property, specifically Revatto Lodge to the west of the site. There will be overbearing impacts too, given the proximity and scale of the proposed dwelling.
- 7.4.2. The appeal site is to the rear of dwellings and the vehicular access is taken between the gable ends of Hawthorn Cottage to the north and Revatto Lodge to the south. The site also lies to the rear of Chalets 1 and 2, Hermitage Lane, these are single storey timber dwellings. There is no specific guidance in either the County Development plan or LAP with regard to individual house development. However, I have had regard to guidance provided by the design guide for residential estate development, prepared by Cork County Council and which has relevance concerning separation distances and overlooking.
- 7.4.3. The southern elevation of the proposed dwelling is more than 22 metres from the rear elevations of the existing chalets to the south. I note that first floor roof terraces are proposed and these would be in excess of 25 metres from the chalets. There would be no loss of residential amenity through overlooking or overbearing appearance to the chalets located to the south, by virtue of the separation distances involved.

- 7.4.4. The principle residential amenity issues will be experienced by the occupants of Revatto Lodge to the west. Revatto Lodge is a single aspect period dwelling, all windows are located on its eastern elevation, facing the appeal site. Thirteen metres separates the single storey elevation of the proposed dwelling from Revatto Lodge. The two storey bulk of the proposed dwelling will be almost 17 metres from Revatto Lodge. There will be no habitable rooms at first floor that will face directly westwards towards Revatto Lodge. The proposed dwelling has been located to the easternmost portion of the site, directly adjacent to the steeply sloping boundary with Haven Hill Estate to the east.
- 7.4.5. A landing window, not considered to be a habitable room, lights a void over the ground floor inner hallway and is located approximately 19 metres from the first floor windows of Revatto Lodge. This window also lights a landing gallery which is recessed 2.5 metres from the window and consequently approximately 21 metres from Revatto Lodge. Given the separation distances involved, I see no reason to either remove the landing window or insist on the installation of obscured glazing. I note, however, that a first floor terrace off the first floor living room will allow overlooking views westwards. The applicant should be required to install a suitable screen along the western parapet wall of the terrace to ensure no opportunities of overlooking will arise.
- 7.4.6. With regards to the perception of overbearing appearance. Firstly, I note the proposed dwelling comprises a number of regular blocks and setbacks; this in my mind assists with breaking up the overall bulk of the structure. The dwelling is positioned away from the shared boundary with Revatto Lodge; a single storey element of the proposal is situated approximately 3.5 metres from the boundary. Finally, the overall height of the proposed dwelling matches that of the ridgeline of Revatto Lodge. All of these factors combine to reduce both the potential for overbearing appearance and also to reduce the risk of overshadowing. I consider that the design and position of the dwelling on the site is satisfactory and would not injure residential amenity.

7.5. **Surface Water Attenuation**

- 7.5.1. Serious concerns are raised by the appellants with regard to the periodic flooding of the stream along Hermitage Lane. These concerns are compounded by the

proposed development which they fear will exacerbate the problem by directing additional surface water from the site to the stream or culvert. There are also concerns with regard to the road surface which has been eroded by flooding.

- 7.5.2. Firstly, I note the concerns raised by third parties with regard to the existing stream and culvert which runs alongside Hermitage Lane. I also note the photographs and video footage which shows flooding of the laneway as a result of overspill from the culvert during very heavy rainfall events. In my mind such flood events result in damage to the laneway. It should be noted that the site is not located within or close to a designated flood risk zone. It would appear to me that the problems associated with the stream running alongside the lane and the surface condition of the road are linked. But it also appears to me that there may be an issue with the maintenance regime of the laneway. This combined with vehicular travel over the lane leads to a degraded surface condition.
- 7.5.3. I note that the applicant submitted details of the proposed on-site soakage and storm water disposal, dated 26 October 2016 and subsequently revised 6 December 2016. An assessment of the soil infiltration characteristics of the site were not carried out because of the poor drainage encountered on the site. The location of the site at the base of a steep slope to the east and the existence of ditches to the north, west and southern boundaries results in a site resistant to effective onsite surface water soakaways. Surface water attenuation sizing calculations were carried out by Thomas J O'Brien and Associates Consulting Engineers. Given the poor drainage characteristics of the site, an attenuation tank volume of 24m³ was proposed with a gravity outflow and a flow control valve to the existing culvert west of the site. Whilst on site I noticed the location of various trial holes and observed that they contained water. In addition, though the site was dry underfoot, wetland plant species were present along with boggy conditions along the western boundary and at the southern end of the site.
- 7.5.4. I agree with the conclusions of the surface water site assessment and the necessity to install an attenuation tank and a controlled outflow to the culvert. I note that the majority of hard surfaces are positioned at the northern end of the site and the wetter southern downslope portion of the site is to be landscaped. The applicant should be required to ensure the installation of the attenuation tank and ongoing maintenance of the outflow control valve are in accordance with the requirements of the planning

authority. In addition, the applicant should include suitable hard landscaping materials in the design of landscaping works to ensure surface water generated by the site is appropriately managed.

- 7.5.5. Should the site remain undeveloped, problems associated with the existing open culvert arrangement and the likelihood of flooding would remain the same. The development of the site for a dwelling will change the current surface water drainage of Hermitage Lane. However, the controlled release of surface water generated by the site to the culvert during periods of low flow should ensure the current problems are not exacerbated. I am satisfied that the applicant has designed a suitable mechanism to ensure the suitable integration of the proposed development in terms of surface water attenuation and management.

7.6. Procedural issues

- 7.6.1. Appellants note that dates given in the notification to grant permission do not match up with the dates of when drawings were submitted. Clarity in relation to drawings and the date when they were submitted to either the planning authority or the Board can be addressed by condition if appropriate. In addition, queries were raised as to the rights of the applicant to cross the laneway and connect into a surface water culvert. This is a matter of legal agreement between parties and not a planning matter.

7.7. Appropriate Assessment

- 7.8. Having regard to the nature and scale of the proposed development within an established urban environment, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted, subject to conditions as set out below.

9.0 Reasons and Considerations

Having regard to the land-use zoning of the site, its location within the Bandon Electoral Area LAP Second Edition 2015, development boundary and the existing pattern of development in the vicinity it is considered that subject to compliance with the conditions set out below, the proposed development would not be injurious to visual amenity of the area or injure residential amenity of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 on the 26 day of October 2016 and 6 day of December 2016, 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. The proposed development shall be amended as follows:

(a) The first floor roof terrace on the southern elevation shall be fitted with an obscured glazed panel or solid blockwork screen along the western elevation, to prevent overlooking of property to the west.

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 amenity.

3. The site shall be landscaped, using only indigenous trees and hedging species, in accordance with details of a landscaping scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) Contoured drawings to scale of not less than 1:500 showing

(i) a survey of all existing trees and hedging plants on the site, their variety, size, age and condition, together with proposals for their conservation or removal;

(ii) the establishment of a continuous hedgerow along the western boundary of the site, and

(iii) any hard landscaping works, including car parking layout, enclosed areas, lighting and outdoor seating, specifying surfacing materials.

Species to be used shall not include either cupressocyparis x leylandii or grisellinia. 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 adequately screen the development and in the interest of residential amenity.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water and including the ongoing maintenance of the outflow control valve, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. The carriageway of the public road shall not be raised, lowered or otherwise altered at its junction with the access driveway to the proposed dwelling.

Reason: In the interest of traffic safety.

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

Reason: In the interest of visual amenity.

7. The external walls shall be finished in neutral colours such as grey or off-white.

Reason: In the interest of visual amenity.

8. 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.

9. The construction of the development shall be managed in accordance with a Construction Management Plan including construction traffic management, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures, details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery, the location for storage of deliveries to the site and off-site disposal of construction/demolition waste.

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

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 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 Rhys Thomas
Planning Inspector

9 May 2017