



An
Bord
Pleanála

Inspector's Report ABP-300580-18

Development	Alterations to previously granted permission, PA ref. no. 15/79, to construct 2 no. houses and all associated site works.
Location	Corkish, Bailieborough, Co. Cavan.
Planning Authority	Cavan County Council
Planning Authority Reg. Ref.	17/88
Applicant(s)	Daniel Drysdale.
Type of Application	Permission.
Planning Authority Decision	To grant.
Type of Appeal	Third Party
Appellant(s)	Adrian and Grace Smith.
Observer(s)	None.
Date of Site Inspection	15 th May 2018
Inspector	Deirdre MacGabhann

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	6
3.3. Prescribed Bodies	7
3.4. Third Party Observations	7
4.0 Planning History.....	9
5.0 Policy Context.....	9
5.1. Cavan County Development Plan 2014 to 2020	9
6.0 The Appeal	10
6.1. Grounds of Appeal	10
6.2. Applicant Response	10
6.3. Planning Authority Response	11
6.5. Observations/Further Responses.....	12
7.0 Assessment	12
7.3. Public notices/description of development	13
7.4. Principle	14
7.5. Site development works	14
7.6. Scale of Development	14
7.7. Impact on Residential Amenity	15
7.8. Traffic	16
7.9. Boundary Treatment/Impact on trees.....	17

8.0 Appropriate Assessment..... 18

9.0 Recommendation..... 18

10.0 Reasons and Considerations 18

11.0 Conditions 19

1.0 Site Location and Description

- 1.1. The 0.2ha appeal site is situated c.600m to the east of Bailieborough town centre in the townland of Corkish. It lies on a minor public road, Corkish Lane, and comprises a greenfield/infill site between existing residential development. The narrow public road initially climbs steeply from the R165. It has residential development along much of its length, with a mix of property types. Informal passing places are provided alongside entrances to individual properties and occasionally where the road has been widened. To the south of the appeal site, the public road turns sharply west to re-join the R165 in Bailieborough.
- 1.2. Access to the appeal site is direct from the minor road. The appeal site slopes away from the public road and an entrance and access road has been created into it. Two sites have been formed within the site, by cut and fill, such that the two sites are c. 1.5m lower than the existing residential development to the south.
- 1.3. To the south of the site are two residential properties, a two storey detached property and a dormer style property (the appellants dwelling). To the south east of the site are two semi-detached single storey dwellings. To the north of the site is another pair of semi-detached single storey dwellings.

2.0 Proposed Development

- 2.1. The proposed development as amended by way of further information (re-advertised on 15th June 2017) and clarification of further information (re-advertised 2nd November 2017), comprises:
 - Alterations to two previously permitted detached dwellings to provide two no. three bedroom dormer properties (floor area 192m² and a ridge height of 7.850m), with separate domestic garages (33m²). The front elevation of dwelling no. 1 is orientated to face north and the front elevation of dwelling no. 2 faces east. Finished floor level of house no. 1 is 98.22 and, of house no. 2, 96.34.

- The dwellings will be cut into the site by c.1.4m (southern boundary of cut) and a 1.5m retaining wall will be constructed to 'face off' the cut. A 1.85m high temporary fence is proposed in the upper embankment, south of the retaining wall, to ensure the privacy of proposed and existing dwellings, to the south, in the short term.
- Additional planting along the southern boundary of the site, to improve screening and enhance privacy.
- New entrance onto public roadway and new access road,
- Connections to existing public sewer, and
- All associated site works.

2.1.1. The dwellings are set back by 7.46m, house no. 1, and 5.93m, house no. 2, from the southern boundary of the site.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 29th November 2017 the planning authority decided to grant permission for the development subject to 14 conditions. Most of these are standard and the remainder refer to the following:

- No. 4 – Requires the applicant to submit, prior to commencement of development, for written approval, a method statement for the proposed retaining wall.
- No. 5 – Requires erection of the temporary fence prior to commencement of development.
- No. 6 – Deals with surface water drainage.
- No. 13 – Requires the site to be landscaped in accordance with a scheme to be submitted to the planning authority for written agreement in advance of commencement of development.

3.2. Planning Authority Reports

Planning Reports

- Planning Report (26th April 2017) – Summarises the site location, nature of the development, development plan policy, planning history of the site, technical reports and submissions. Compares the proposed development to that already permitted (Under PA ref. 15/79) and concludes that the substantial increase in size of the properties, in conjunction with their proximity to existing development, raises concerns regarding overdevelopment of the site and impact on residential amenities. It recommends further information requiring downsizing of the development, comparison with the approved layout (under PA ref. 15/79), treatment of southern boundary, impact of development on residential amenity of adjoining property and revised cross-sections (with adjoining development).
- Subsequent to the receipt of further information, the planning authority sought clarification of further information, namely method statement for construction of retaining walls and fences (to avoid impact on extensive tree roots), submission of sections, treatment of western boundary, consideration of dwelling facing east, feasibility of connecting to Irish Water infrastructure.
- Planning Report (27th November 2017) – This report considers the further information submitted and clarification of further information and submissions made on these. It considers that the matters raised have been adequately addressed, including the following:
 - The site layout adjudicated on in the report is that submitted on the 25th October 2017, drawing no. PP(OO)OR1, under PA ref. 15/79. It comprises the approved layout for the development previously granted permission on the site.
 - Proposed dwellings are 192m² and, having regard to the existing permission on site, do not constitute overdevelopment.
 - Potential impacts on trees along the southern boundary of the site can be dealt with by condition.

- The development does not give rise to overlooking, or detract from natural light to adjoining properties, having regard to layout, levels and direction of sun path.
- Works have commenced on site, however as there is an approved permission on the site (PA ref. 15/79), from a planning perspective these works are not unauthorised. Commencement notice is a matter for Building Control.

3.2.1. The report, therefore, recommends that planning permission be granted for the development subject to 14 conditions.

Other Technical Reports

- Engineering (28th March 2017) – Applicant to comply with condition no. 11 of previous permission (PA ref. 15/97) regarding new 300mm surface water system through the site.
- Irish Water (27th March 2017) – Recommend further information (feasibility for proposed connection).
- Irish Water (28th November 2017) – No objections.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

3.4.1. On file are 7 no. observations on the planning application, further information submitted and clarification of further information¹. Issues raised are summarised below:

- Inappropriate scale of development - Substantial increase in size of properties compared to the single storey dwellings for the elderly previously granted permission under PA ref. 15/79. Size of dwellings indicated in application

¹ Planning application - James and Eileen Cooney; Paul and Olivia Cooney; Adrian and Grace Smith. Further information – James and Eileen Cooney, Adrian and Grace Smith. Clarification of further information – James and Eileen Cooney, Adrian and Grace Smith.

documents is incorrect and dwellings will be disproportionate to site and to scale of other housing in the area.

- Plans - The plans submitted misrepresent the area of the proposed development and that previously granted planning permission. Section DD does not match the revised site layout, granted under PA ref. 15/79.
- Impact on residential amenity – Arising from the proximity and scale of the proposed houses (and 1.8m fence), to existing property. Overlooking and impact on light to rear of properties. Overbearing nature of development. Sections, showing impact development on adjoining properties, not provided in full e.g. section A-A.
- Traffic - Increase in traffic on busy, narrow lane which is already in a poor condition.
- Water supply - Increase in demand for water supply in an area where pressure is already low.
- Impact on trees – Most trees have been removed from site during illegal site development works. Appellant did not give applicant permission to remove a tree on the shared site boundary. Construction of wall and erection of fence will have a further impact on remaining trees. Laurel hedging has not been planted at this location to date. Inaccuracies and bias in landscape report.
- Screening fence – Will be inadequate to withstand wind. Who will be responsible for replacement in the event of failure. Tree roots will prevent installation.
- Planning History - The development under PA 15/79 is wrongly described in this application e.g. in site and newspaper notice and in planning authority reports. Single storey dwellings were granted permission, not dormer dwellings. Layout of proposed development was based on that approved under PA ref. 15/79. No knowledge of revised layout submitted under this reference number i.e. of drawing no. 4014-602-B which replaced 4014-602-. The revised layout was not re-advertised and there was a delay in uploading it to online platform. The appellant, and all parties involved in the application, was not afforded the opportunity to make a submission on it. The permission

granted under PA ref. 15/79 had serious breaches in process and warrants further investigation.

- Other - Risk of conversion of houses to apartments (would also increase traffic on local roads). Site levels are impossible to determine as site development works have already taken place.

4.0 Planning History

- 4.1. Attached to the file is a copy of the application previously made for two detached properties on the appeal site, under PA ref. 15/79, and the permission granted for these. Condition no. 1 of the permission refers to revised details submitted on the 3rd September 2015. These indicate, in drawing no. 4014-606-B two dwellings, nos. 1 and 2, situated on the southern side of the site, with both facing north (see history pouch).
- 4.2. Plans for the development also indicate that the two-no. single storey properties have ground floor accommodation only, extending to 87m², and detached garages (22m²). Ridge height for both properties is 5.770m and finished floor level for house no. 1 (to the east of the site) is 99.70 and for house no. 2, to the west of the site, is 97.96. FFL of the two houses to the south of the site are shown as 99.50, house to east, and 97.55, house to west.

5.0 Policy Context

5.1. Cavan County Development Plan 2014 to 2020

- 5.1.1. Bailieborough is identified within the current Cavan County Development Plan as a Tier Two town in an area that is zoned 'Existing Residential'. The Objective of the zoning is to promote the development of balanced communities and ensuring that any new development in existing residential areas would have minimal impact on existing residential amenity, including that new development is in keeping with the character of the area and design is of high quality.
- 5.1.2. Natural Heritage Designations – The appeal site is over 10km from any European site (see attachments).

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The appeal is made by Adrian and Grace Smith, who live to the south of the appeal site. The grounds of appeal repeat matters raised in submissions on the planning application. These are summarised above and not repeated here. Additional matters raised are as follows:

- Illegal site development works – Commenced after the application for the proposed development was submitted.
- Development under other codes - Breaches of building control regulations, health and safety regulations and fire regulations.
- Related developments - The original plans submitted for the appeal site under PA ref. 17/88 were identical to house plans granted on applications previously made by the applicant under PA ref. 07/340 and 02/1034. Unauthorised change of use of dwellings to apartments was granted retention under PA ref. 17/538.
- Pre-application meeting - No information on the pre-application meeting which did take place in respect of the development.

6.2. Applicant Response

6.2.1. The applicant makes the following response to the appeal:

- Status of site and proposal – Appeal site is on the periphery of Bailieborough town in a suburban area. Planning permission was granted for houses that were rather small. Applicant therefore decided to apply for permission for two larger houses. Plot/building ratio is in accordance with adjoining sites (see attached map). Other matters were also considered before the design was finalised, including screening, position of site relative to other dwellings, orientation in relation to the sun and aspect.
- Existing dwellings – The applicant has sought to ensure that the development would not be injurious to neighbouring properties. Additional planting was carried out along weaker site boundaries. A large tree on the southern boundary was felled at the request of the owner of the adjoining property who

considered that it posed a risk to his property. Some ground clearance works have been carried out for building the two houses 'as granted'. This has allowed the applicant to determine the capability of the site to accommodate the houses to minimise impacts on neighbouring properties. Considerable measures have been included to provide appropriate screening to the southern boundary, in the interest of creating privacy for all houses. The proposed fence screening panels have a short life span and will not be necessary once the hedge (already planted) becomes established.

- Overshadowing – The proposed site is north of the existing dwellings and will not have any shading or shadow impact. The house to the east of the site will be c.11.5m from the nearest proposed property, so sunlight from a westerly direction will not be impaired.
- Planning process – The planning authority have considered the submissions made during the application. The applicant has responded fully to all the issues raised, including all site sections.

6.3. Planning Authority Response

6.4. The planning authority respond as follows to the appeal:

- Groundworks – Have acknowledged that these have commenced, following decision to grant under PA ref. 15/79 (enforcement file ENF 17/025 opened in response to concerns raised). Owner advised that no commencement order had been lodged to commence works under PA ref. 15/79 and no grant of permission under PA ref. 17/88. All site works subsequently ceased.
- Commencement of works – Provided both planning applications have not expired, the applicant could commence either application.
- Other planning applications (PA ref. 07/340; 02/1034 and 17/538) – Relate to a different site that was subject to a warning letter (ENF 17/057). Application made under PA ref. 17/538 seeks to address the unauthorised development.
- Planning history – PA ref. 15/79 has a smaller floor area and was to be for an elderly couple. Further information was requested on the application and not scanned or advertised as significant. In the assessment of the current

application it was considered that any alteration in orientation should be advertised if this was different from the further information drawings received under PA ref. 15/97.

- Sections – Section A-A was received by the planning authority on the 25th October 2017 (drawing no. PP(00)OR4). It was dealt with in the planning assessment of the Planning report.
- Type and size of development – The planning assessment is clear in relation to the type and size of the previous development approved on site. The development description used in the report comes from the public advertisement. There was no presumption that a dormer type dwelling was granted before and a full and clear planning assessment on the new application is contained in the Planning report.
- Pre-planning meeting – No pre-planning meeting was held in respect of the development.
- Traffic – This matter was assessed for the proposed development.
- For other points raised, the planning authority refer the Board to the Planning Reports on file.

6.5. Observations/Further Responses

6.5.1. None.

7.0 Assessment

7.1. Having regard to my inspection of the appeal site, the details of the proposed development, the submissions made by third parties during the course of the application and by the appellant, I consider that key issues arising in respect of the proposed development are as follows:

- Public notices/description of development.
- Principle.
- Site development works.
- Scale of development.

- Impact on residential amenity.
- Traffic.
- Boundary treatment/impact on trees.

7.2. A number of other matters were also raised which I comment on briefly below:

- Determination of PA ref. 15/79 – Matters raised by the appellant in respect of the administration of this application lie outside the scope of this appeal. Such matters are properly addressed by the Office of the Ombudsman.
- Pre-application meeting – I note that the planning report states that no pre-application meeting was held in respect of the proposed development.
- Breaches of other codes – These are matters which lie outside the scope of this appeal and are matters which are dealt with by other statutory bodies.
- Water supply – The appeal site lies in an established urban area which has the benefit of public water and sewerage infrastructure. The development is modest in scale and Irish Water have not raised any objections to the proposed development.
- Developments carried out on other lands – These fall outside of the scope of this appeal.
- Future conversion of proposed development to apartments – This would be a matter for the planning authority, either by way of adjudication on an application for permission, or for enforcement, if carried out without permission.

7.3. **Public notices/description of development**

7.3.1. The public notices in respect of the proposed development describe it as '*Alterations to previously approved Planning Ref. No. 15/79, to construct 2 No. detached dormer type dwellings with semi-detached garages*'. The purpose of the public notices is to inform the public of the proposed development and to alert them to its nature and extent (Development Management Guidelines, DEHLG, 2007). As written, it could be inferred that the previously approved development comprised 2 no. detached dormer type dwellings. However, it could equally be inferred that alterations are proposed, which comprise the construction of 2 no. detached dormer dwellings.

However, either way, the public notices clearly convey that the proposed development comprises the alteration of the previous permission and the construction of two no. detached dwellings. I consider therefore that it is sufficient to alert the public to its nature and extent.

7.4. Principle

- 7.4.1. The proposed development lies within the statutory development boundary of Bailieborough and on land which is zoned 'Existing Residential Development'. This zoning provides for new housing and infill developments, subject to development being in keeping with the character of the area and not having an impact on the amenity of existing or future residents. The proposed residential development of two housing units on an infill site is therefore, in principle, consistent with this zoning.

7.5. Site development works

- 7.5.1. The appellant refers to the site development works which have taken place on the site. In principle, the applicant is entitled to carry out such works under the live permission previously granted, PA ref. 15/79, subject to two provisos, (i) that these works are in compliance with the terms of the permission, and (ii) other statutory codes are adhered to. Any deviance from the terms of the previous permission (e.g. site levels) is a matter for the planning authority under their enforcement powers. Compliance with other statutory codes, is a matter for the relevant regulatory body.

7.6. Scale of Development

- 7.6.1. Permission has been granted on the appeal site, under PA ref. 15/79, for two single storey dwellings. These have a ridge height of c.5.7m and a stated area of 87sqm. FFL is 99.7 (house no. 1) and 97.96 (house no. 2). They are positioned with both house no. 1 and house no. 2 facing north, as set out in drawing no. 4014-601-B. FFL of properties to the south are 99.59 (house to east) and 97.55 (house to west). They therefore share similar FFLs with opposing properties.
- 7.6.2. The development proposed here, comprises two dormer style dwellings with a ridge height of c.7.8m and a stated area of 192sqm (I would accept that the stated area of the proposed dwellings is slightly less than the area calculated from dimensions

shown). FFLs are 98.22 (house no. 1) and 96.34 (house no. 2) i.e. the site has been lowered and FFLs are c.1m less than that of the opposing properties. In this instance, the proposed dwellings are orientated such that dwelling no. 1 faces north and dwelling no. 2 faces east.

- 7.6.3. Proposed house no. 1 is in the same location and shares a similar, but marginally larger footprint, as permitted house no. 1, under PA ref. 15/79. Proposed house no. 2 whilst orientated to face east, again shares a similar, but marginally larger footprint, as permitted house no. 2.
- 7.6.4. I would accept therefore that the proposed dwellings are substantially larger than the two single storey properties previously granted permission on the site. However, height difference is not substantial given the lower FFLs of the proposed dwellings (ridge heights are also lower than the adjoining property to the south of the site) and footprint and site coverage are similar to the existing permitted development (as extra accommodation is principally provided at first floor). In addition, the proposed development comes forward in an area that is characterised by a range of house types and plot ratios. Having regard to these factors, I do not consider that the proposed development, in principle, is inappropriate in scale or comprises overdevelopment of the site.

7.7. Impact on Residential Amenity

- 7.7.1. The Government's guidelines Sustainable Residential Development in Urban Areas (DEHLG, 2009), recommend an adequate separation distance to the rear of dwellings between opposing first floor windows, traditionally c.22m between two storey dwellings, or careful positioning /detailed design to prevent overlooking.
- 7.7.2. In this instance, house no. 1 is c.16m from the existing residential property to the south. However, windows at first floor, in the rear elevation of this property, comprise roof lights and serve a bedroom, bathrooms and storage areas. Whilst separation distances are below the traditional 22m, the arrangement of accommodation and window types are unlikely to give rise to significant overlooking of the property. At ground floor rear gardens can in principle be adequately screened by existing and proposed vegetation and, in the short term, by the 1.8m fence to the rear of house no.1.

- 7.7.3. Proposed house no. 2 lies c.11.5m north an existing dormer style property, with single storey conservatory to the side. One window is proposed in the southern elevation of the dwelling, at first floor. This window will serve a bedroom and is c.16m from the rear elevation of the existing property. This is quite below the government's recommended standard and is not accompanied by creative design to prevent direct overlooking. I would recommend, therefore that this window be modified to allow light into the room but to prevent direct views out of it i.e. provision of a raised opening/opaque glazing or other treatment. If this is achieved, no issues over overlooking would arise. Again, at ground floor rear gardens can, in principle, be adequately screened by existing and proposed vegetation, and in the short term by the proposed 1.8m boundary fence.
- 7.7.4. The proposed development is situated north of the existing residential properties, no significant impacts on sunlight or daylight, from the proposed properties, fence or additional landscaping, are likely to arise, or, therefore issues of overshadowing of existing properties. Further, having regard to the relative height of the proposed dwellings and their distance from the adjoining properties to the south (as shown in sections AA and CC on file), I do not consider that the proposed development will have an overbearing impact on the existing dwellings to the south of the site (or other dwellings nearby).

7.8. Traffic

- 7.8.1. Access to the appeal site is from a narrow public road to the east of the site. Sight lines at the junction of the road with the R165, to the north of the site, are very poor. However, the road continues to the south west of the appeal site, with traffic able to use an alternative route to the town.
- 7.8.2. Notwithstanding the limitations of the road, it provides access to numerous of one-off houses/small residential developments along the length of the road, with passing facilitated at entrances to individual properties and in locations where the road has been widened alongside frontages.
- 7.8.3. There is an existing permission on the site for two residential dwellings. It would appear from the information on file that it was stated that these were intended for occupation by the elderly. However, there is no requirement for such occupation and

in effect, there is simply permission for two single storey dwellings on the site and, therefore, for the associated vehicle movements.

- 7.8.4. The proposed development, also comprises two residential properties, albeit larger than those permitted. As such, vehicle movements are unlikely to be substantial and I do not consider that the development will add significantly to vehicle movements or to give rise to traffic hazard.

7.9. **Boundary Treatment/Impact on trees.**

- 7.9.1. Site clearance works that have taken place on site have impacted on roots of trees along the southern boundary of the site (see photographs). Notwithstanding this, the applicant's landscape report states that the damage to the roots has not caused any serious damage to the trees and I would concur that I saw no visible impacts above ground on my inspection of the site.
- 7.9.2. The application for the proposed development states that trees which remain along the boundary will be retained and augmented with new planting, to provide a dense hedge of c.1.8m in height, providing an attractive site boundary and enhanced screening. In the short term (3-4 years) a temporary fence will be erected at the southern side of the proposed retaining wall to provide screening. I draw the Board's attention to the site photographs which indicate that Laurel has been planted along this boundary.
- 7.9.3. The Landscape Report considers the impact of the proposed wall and fence on the existing boundary trees and additional planting. It considers that the boundary wall may limit the growth of trees, which may be beneficial given their proximity to existing and the proposed housing. Otherwise it considers that the retaining wall will have no other substantial impact on existing trees and the impact of the screening fence will be very low as it consists of prefabricated metal posts. The conclusions drawn in the report seem reasonable, given the distance of the cut line from the crown of the existing trees (i.e. it has affected the outer root zone) and the detailed design of the fence posts which include a pointed tip and temporary insertion into the ground to a limited depth (500mm).
- 7.9.4. Condition no. 4 of the planning authority's grant of permission requires the applicant to submit a detailed method statement for the construction of the proposed retaining

wall, to be devised that the southern extremity of the foundation is located north of the existing cut line. This approach seems reasonable and would prevent any further damage to the tree line. Condition no. 5 requires the applicant to erect the temporary fence for a period of 3 years and to replace the proposed fence, in the event that it becomes damaged. This arrangement is satisfactory and will ensure that in advance of the vegetation on site maturing, privacy between the rear gardens of the existing and proposed properties is maintained.

8.0 Appropriate Assessment

8.1. Having regard to the modest nature of the proposed development, its location within an urban area, the proposed connection to the existing sewerage system and distance from nearest European sites, 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.

9.0 Recommendation

9.1. Having regard to the above, I recommend that planning permission for the proposed development be granted, subject to conditions.

10.0 Reasons and Considerations

Having regard to the planning history of the site, the pattern of development in the vicinity, the detailed design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not comprise overdevelopment of the site, adversely impact on the amenity of nearby residential property and would not give rise to traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 19th day of June 2017 and the 25th day of June 2017, 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. Prior to the commencement of development, revised plans shall be submitted to the planning authority for written agreement, to replace the first-floor window in the southern gable end of house no. 2 with a high-level window/window with opaque glazing or alternative treatment to prevent overlooking to the south.

Reason: In the interest of residential amenity.

3. Prior to the commencement of development:
 - i. A detailed method statement for the construction of the proposed retaining wall for the development shall be submitted to the planning authority for written agreement.
 - ii. The temporary fence shall be erected on the southern boundary of the site and maintained on site for a period of 3 years, following completion of the landscaping of the site.

Reason: In the interest of visual amenity and to protect trees.

4. Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services. In this regard, prior to the commencement of development, arrangements for the disposal of surface water shall be submitted to the planning authority for written agreement. 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 adjoining properties.

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

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

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

6. The site shall be landscaped in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include details of the species, variety, number, size and locations of all proposed trees and shrubs. Planting shall comprise predominantly native species. Cupressocyparis x leylandii shall not be used on any part of the site. 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 screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

7. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes shall be submitted to the planning authority for written agreement. The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.

Reason: In the interest of visual amenity.

8. Public lighting shall be provided in accordance with a scheme, details of

which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

9. 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 amenities of property in the vicinity.

10. Prior to the occupation of the residential units, all roads, open spaces, overhead lighting and other services (including road drainage) shall be completed in accordance with the plans, particulars and conditions of the permission.

Reason: In the interest of public health and safety, traffic safety and visual and residential amenity.

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.

Deirdre MacGabhann
Senior Planning Inspector

2nd July 2018