



An
Bord
Pleanála

Inspector's Report ABP-301146-18

Development	Development of a new family dwelling house and site works.
Location	Hermitage Lane, Summercove, Ardbrack, Kinsale, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	17/6380
Applicant(s)	Bill O'Brien
Type of Application	Permission
Planning Authority Decision	Grant, subject to 6 conditions
Type of Appeal	Third parties -v- Decision
Appellant(s)	Muireann & Michael Foran Eoghan Lynch
Observer(s)	None
Date of Site Inspection	29 th June 2018
Inspector	Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located close to the centre of Summer Cove, a historic village on the north-eastern shoreline of Kinsale Harbour. This site lies on the eastern side of Hermitage Lane, a narrow lane that runs on a north/south axis from Summercove Road, the main street through the village. It occupies a back-land position between an embankment to dwelling houses on Haven Hill to the east and the dwelling house known as Revatto Lodge to the west. Access to the site is via a gateway that separates this dwelling house and the one to the north known as Hawthorn Cottage.
- 1.2. Hermitage Lane meets the Summercove Road at a point in its alignment where it is passing through a double bend at the foot of a moderate slope. This bend wraps around a site that lies within the south-eastern corner of the “T” junction. This site has been cleared and is presently the subject of a redevelopment project, under which a replacement building is to be constructed. It projects into Summercove Road. The previous pinch point at the entrance to Hermitage Lane will thus be reinstated once the site is developed again.
- 1.3. Hermitage Lane connects with a short back lane to the rear of The Bullman public house before continuing on its aforementioned axis. This Lane serves several dwelling houses that abut its eastern side and one dwelling house that is immediately adjacent to its western side. At the northern end, the Lane serves the dwelling house known as The Hermitage and there are gateways off it to undeveloped land. The Lane is unsealed and it slopes upwards at a gentle gradient in a northerly direction.
- 1.4. The site extends over an area of 0.1 hectares. The main body of the site is roughly rectangular in shape. An additional strip of land connects with the aforementioned gateway to Hermitage Lane. Apart from an empty concrete shed on its eastern side, the site is undeveloped and vacant. Ground conditions are wet. The main body of the site is enclosed on all four sides by means of vegetation, i.e. trees, hedgerows, and shrubs. The access strip is enclosed by means of fencing.

2.0 Proposed Development

- 2.1. The proposal would entail the construction of a two-storey dwelling house (276.48 sqm) on the site. This dwelling house would be sited in the central and northern portions of the site and towards its eastern boundary. It would be of modern design.
- 2.2. The proposed dwelling house would be served by means of the public mains water supply and the public foul water sewerage system. Surface water would be handled by means of a bio-trench and an attenuation tank, which would discharge to an existing combined sewer in the south-western corner of the site. This bio-trench would be dug inside the perimeter of the main body of the site and it would be the subject of tree planting.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information, permission was granted, subject to 6 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Under further information, the Area Engineer's concerns were raised. The applicant raised these with Irish Water, who agreed to grant an exemption to allow the surface water from the site to enter the foul sewer. Details of the SuDS scheme to attenuate storm water flows to as near greenfield run-off rates as is practicable are to be agreed.

3.2.2. Other Technical Reports:

- Irish Water: No objection, standard notes added.
- Area Engineer: Advises that, due to the site's proximity to the sea, SuDS is unnecessary and storm water run-off to the sea would be appropriate, provided it is on a separate system from foul water. (Following receipt of further information, this latter requirement has been relaxed).

4.0 Planning History

16/5080: Dwelling house (274 sqm): Refused at appeal PL04.247940 for the following reasons:

1. Having regard to the lack of piped surface water facilities and evidence of flooding along Hermitage Lane from an existing stream/culvert, the Board was not satisfied that the proposed surface water attenuation and disposal arrangements would not exacerbate flooding.
2. Due to its bulk, scale, and proximity to adjacent dwelling houses, the proposed dwelling house would be overly large and so it would be dominant and overbearing in relation to these dwelling houses. Overlooking of them would also result.

5.0 Policy Context

5.1. Development Plan

Under the Bandon Municipal District Local Area Plan 2017 (LAP), the site lies within the development boundary around the Kinsale Environs and in an existing built-up area of residential uses. Under Objective ZU 3-1 of the Cork County Development Plan 2014 – 2020 (CDP), development that supports the primary land use in this area is normally encouraged.

5.2. Natural Heritage Designations

Sovereign Islands SPA (site code 004124)

Sovereign Islands NHA (site code 000105)

Old Head of Kinsale SPA (site code 004021)

Old Head of Kinsale pNHA (site code 000100)

6.0 The Appeal

6.1. Grounds of Appeal

(a) **Muireann & Michael Forn** of Hawthorn Cottage, Hermitage Lane, Summercove

- The proposal has not been reduced in size and so it would still dominate and be out of character with existing dwelling houses.
- The lane is too narrow and development off it is at capacity already. Additional traffic, especially construction traffic, would be detrimental to its surface and the residential amenities of the area.
- Poor visibility at the foot of the lane has been exacerbated by additional traffic on the public road on foot of the recent opening of Charles Fort.
- The suitability of the proposed bio-trench is questioned, as it would be subject to clogging. Likewise, proposed tree planting would adversely impact upon neighbours' residential amenity.
- The proposed use of a combined sewer running through the grounds of chalets and alongside the Bulman Public House is questioned with respect to its capacity and its history of flooding, with raw sewage entering buildings.

(b) **Eoghan Lynch** of The Hermitage, Summercove

- Access to the lane is restricted and the lane itself is very narrow with adverse implications for accessibility, especially that of emergency vehicles.
- The foregoing concern would be exacerbated in the case of construction traffic, which would pose a risk to pedestrian users of the lane, especially children.
- The surface of the lane needs to be repaired following flooding in 2015. Proper surface water drainage arrangements need to be made to avert flood damage in the future.
- The size and design of the proposal would be out of keeping with the character of existing dwelling houses.

- The proposed SuDS is presented only conceptually and so it needs to be worked out on a site-specific basis.
- The proposed outfall would be into the neighbour's drain: does the applicant have permission to do this and has he consulted with Irish Water?

The appellant elaborates on his concerns with respect to the lane as follows:

- The width of the lane at its entrance point from the public road is 2.3m at ground level and 2.25m at head height. No other vehicular access to the lane exists. The vision of exiting drivers is blocked to the east by a roadside building.

Previously permission was refused to development off the lane on access grounds (S/01/6714 and PL04.128949). Nothing has changed in the interim, only traffic movements on the public road have increased. Precedent thus exists for refusal on the grounds of accessibility.

The appellant's playschool was permitted on the basis that parents/guardians dropping off/collecting children would only do so by utilising the car park at the foot of the lane off the public road. Hence, further precedent exists.

- The flood risk faced by the lane is elucidated further.
- Uncertainty about how surface water drainage would be dealt with needs to be cleared up before any grant of permission is contemplated.

6.2. Applicant Response

- The current proposal seeks to resolve the issues identified in the Board's refusal of the preceding proposal for the site (cf. PL04.247940).
- The appellants road safety concerns overlook the absence of road safety as a reason for refusal under the aforementioned appeal. Instead they cite an earlier refusal (PL04.128949). However, in the intervening period, advice on road safety has developed and, so under the Design Manual for Urban Roads and Streets (DMURS), narrow widths and limited sightlines are not regarded as necessarily being an issue. Additionally, attention is drawn to a further information request for 17/07305, under which the redevelopment of a house

plot beside the junction between Hermitage Lane and Summercove Road is likely to lead to improvements to the same.

- With respect to construction traffic, attention is drawn to the recent permission that was granted for the demolition and redevelopment of “Pearl Cottage” on the opposite side of Hermitage Lane from the site (cf. 17/6308). The absence of objection to this proposal is inconsistent with objection to the current one.

The development of brownfield and infill sites is wholly in line with the hierarchy of planning policies. The proposal would entail such development and so it is compliant with these policies. In these circumstances, the applicant invites conditions that would enable the issue of construction traffic to be managed in a planned manner.

- The design of the surface water drainage system for the site differs from that previously proposed. Thus, critically, the attenuation tank would discharge to the Irish Water foul sewer rather than to a culvert with a history of flooding. Furthermore, surface water would pass through a bio-retention trench before it reaches the said tank, thereby increasing the capacity of the site to absorb such water.
- With respect to the design of the proposed dwelling house, reservations are expressed over the “strict approach” adopted by the Board, which led to the previous refusal for the site. Thus, if replicated elsewhere, it could inhibit the development of brownfield and infill sites. To date this has not happened in the case of the redevelopment proposals already cited by the applicant.

Nevertheless, the currently proposed dwelling house would be lower than its predecessor and its footprint would ensure a greater separation distance from the adjacent dwelling house to the west, “Revatto Lodge”. Revised fenestration and landscaping proposals would eliminate any potential overlooking.

6.3. Planning Authority Response

None

6.4. **Observations**

None

6.5. **Further Responses**

None

7.0 **Assessment**

7.1. I have reviewed the proposal in the light of the CDP and LAP, relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that the current application/appeal should be assessed under the following headings:

- (i) Land use,
- (ii) Design and residential amenity,
- (iii) Access,
- (iv) Water, and
- (v) AA.

(i) Land use

7.2. Under the LAP, the site is shown as lying within the development boundary and in an existing built up area. Under the CDP, development that supports the primary use in any existing built up area is normally encouraged.

7.3. The site is largely undeveloped and vacant at present. It occupies a back-land position off Hermitage Lane, which serves a number of dwelling houses. The proposal is for the construction of a dwelling house on this site. The envisaged residential use would thus coincide with the primary use of existing properties in the surrounding area and so it would attract no in principle land use objection.

7.4. I conclude that the proposal would be appropriate from a land use perspective.

(ii) Design and residential amenity

7.5. The CDP addresses the design and landscaping of new buildings under Heritage Objective HE 4-6. This Objective refers to both the need to (a) "Encourage new buildings that respect the character, pattern and tradition of existing places, materials

and built forms and that fit appropriately into the landscape” and the need to (c) “Foster an innovative approach to design that acknowledges the diversity of suitable design solutions in most cases, safeguards the potential for exceptional innovative design in appropriate locations and promotes the added economic, amenity and environmental value of good design.”

- 7.6. The current application was preceded by one for a similar proposal which was refused at appeal (PL04.247940). The second reason for refusal pertained to the bulk, scale, and proximity of the proposed dwelling house to adjacent dwelling houses and the attendant issues of dominance/overbearing and overlooking. The appellants state that these issues persist under the current proposal.
- 7.7. I note that a comparison of the plans previously submitted with those presently before the Board indicates that the design approach remains uncompromisingly contemporary. I note, too, that the aforementioned reason for refusal did not take issue with this approach *per se*. Appellant (b)’s concern that the dwelling house would be out of character with adjacent more traditional dwelling houses on Hermitage Lane is thus not one that was shared by the Board and, in the light of Heritage Objective HE 4-6’s embrace of innovative design, it is not one that I object to now.
- 7.8. The applicant’s design statement delineates the key revisions that are encapsulated in the current proposal in a bid to overcome the Board’s critique of its predecessor (cf. to the composite drawings submitted with his response to the grounds of appeal). Thus,
- The height of the proposed dwelling house would be 580mm lower than its predecessor and the point of reference provided by the ridgeline of the adjacent dwelling house, Revatto Lodge.
 - The proposed dwelling house would be sited between 16 and 20m away from Revatto Lodge compared to the previous 12 to 15.5m.
 - The bulk and mass of the proposed dwelling house would be relieved by the inclusion of setback blocks, pergolas, and loggias. A green wall would also be incorporated in the main plane of the western elevation

- As a consequence, any sense of overbearing and any overshadowing would be reduced. First floor openings on the principal (western) elevation, which corresponds with the rear elevation of Revatto Lodge would be high level windows to non-habitable rooms and so no overlooking would ensue.

7.9. During my site visit, I observed that the common boundaries between Revatto Lodge and the main body of the site and the access strip to the site are denoted by wire fencing behind which are a variety of broadleaf and evergreen trees, several of which are mature and a considerable height. These trees provide a significant screen between the Lodge and the site, although I am mindful that during the winter months this reduces. Under the proposal tree planting would be augmented on the site side of this boundary in conjunction with the proposed bio-trench. Until such planting becomes established additional screening measures would be necessary, e.g. fencing.

7.10. I note that the revisions cited above would reduce somewhat the perceived scale of the proposed dwelling house from Revatto Lodge and the adjacent dwelling house to the north, Hawthorn Lodge. They would also entail the specification of the main living spaces on the ground floor and in the south-western portion of the dwelling house, where they would be laid out in conjunction with the aforementioned pergola and loggia. These structures would extend the living spaces outwards while assisting in screening them, too. If their use is to be reconciled with the proximity of the aforementioned common boundaries, then the privacy fence cited above would be critical. Such a fence could be conditioned. (The undefined southern boundary to the site should likewise be fenced).

I conclude that the design of the proposal would accord with Heritage Objective HE 4-6 of the CDP and the proposal itself would be compatible with the residential amenities of the area, provided a privacy fence is erected along the western boundary of the site, where it abuts the rear garden to Revatto Lodge.

(iii) Access

7.11. Under the proposal, an additional dwelling house would be constructed off Hermitage Lane. This dwelling house would, therefore, generate an increase in traffic movements along this Lane.

- 7.12. Hermitage Lane is of single lane width. This Lane, beyond its junction with a short rear lane to the rear of The Bullman public house, is of relatively straight alignment. Between this lane and Summercove Road, it is of straight alignment, too, and it narrows to a pinch-point at the entrance. Along this latter short stretch, there is a construction site on the eastern side and a gabled side elevation with an extension and wall to a rear yard on the western side. While the applicant draws attention to the possibility that the replacement building under construction on the eastern side might entail an improvement in the usability of the said short stretch, this did not transpire under the final grant. Thus, the former pinch-point is due to be reinstated.
- 7.13. The junction between Hermitage Lane and Summercove Road occurs at a point where this Road passes through a tight double bend. To the north west, this Road rises at a moderate gradient between street fronted buildings. On-coming traffic in a south easterly direction, thus, descends towards the junction. A footpath on the nearside of the said junction facilitates a reasonable north westerly sightline to road users exiting from Hermitage Lane. To the south east, the projecting nature of the aforementioned construction site effectively negates a sightline in this direction.
- 7.14. Appellants consider that any additional traffic movements at the subject junction would be unsatisfactory from a road safety perspective. They cite a historic Board decision (PL04.128949) where this was the view taken. They also draw attention to an increase in traffic along Summercove Road, since Fort Charles was opened to the public. (Although, I note, that this Fort was opened prior to the Board's decision on PL04.247940).
- 7.15. The applicant has responded by stating that, since the cited Board decision, DMURS has been published and with it a recognition that narrow street widths and limited sightlines are not necessarily an issue.
- 7.16. During my site visit I observed that vehicle speeds are of necessity slow in negotiating the double bend in Summercove Road beside the junction between this Road and Hermitage Lane. I observed, too, that the tightness of the double bend allows a vehicle turning right onto Hermitage Lane to be visible to other road users approaching from the rear. Likewise, a vehicle exiting the Lane to the right is visible to approaching road users from the north west and rapidly becomes visible to road users approaching from the south east. A vehicle exiting to the left is the least visible

to road users approaching from the south east and so I consider that this movement is inherently the one with the greatest attendant risk of collision.

7.17. I note that the Board did not consider that the traffic generated by the previous proposal for the site would lead to a significant rise in the risk posed to road users by the attendant increased use of the subject junction. I note, too, that, under the LAP, Hermitage Lane serves at least one other comparable site with development potential, which could be the subject of a further proposal for a dwelling house in the future. Thus, the possibility exists that pressure will arise to accede to greater usage again of the subject junction.

7.18. I conclude that, in the light of the Board's most recent decision on the site, objection on road safety grounds to the current proposal is not warranted.

(iv) Water

7.19. The proposal would be served by the public water mains and the public foul water sewerage system, both of which are located in Hermitage Lane.

7.20. The first reason for the Board's refusal of the preceding proposal for the site related to the handling of surface water and a concern that the existing local flood risk would be exacerbated. Under the current proposal, the applicant seeks to overcome this reason by:

- The specification of a bio-trench, which would discharge to an attenuation tank. This trench would be formed inside the perimeter to the main body of the site. It would largely replicate the layout of the existing open and filter drains on the site (cf. drawing nos. 7/04 & 7/05).
- The avoidance of any dependence upon the culvert beside Hermitage Lane by the connection of the surface water outflow from the site not to this culvert, as proposed under the previous application, but to Irish Water's foul water sewer in the lane to the rear of The Bullman public house. At the further information stage, the applicant submitted confirmation from Irish Water of its willingness, in principle, to accept this proposal, which would rely on an existing manhole on the site and a private drain that passes through neighbouring land to the said sewer. Their only *provisio* was that the on-site

system would be required to achieve “as near to a greenfield storm run-off rate as practicably possible.

- 7.21. Appellants express concern that the proposed bio-trench is presented in a conceptual manner and that there is a lack of site-specific detail with respect to it. They also express concern over its future maintenance.
- 7.22. During my site visit, I observed the wet conditions that characterise the site, e.g. standing and running water and vegetation consistent with wet conditions. I, thus, consider that this site would pose challenges with respect to the satisfactory handling of surface water. In these circumstances, the applicant’s approach, which is set out in his submitted design statement, needs to be outworked more fully on a site-specific basis, e.g. calculations to demonstrate the adequacy of the size of attenuation tank proposed and the specification of the types and numbers of trees to be planted in the bio-trench. I consider that conditions precedent, with respect to its detailed design and subsequent maintenance regime, should thus be attached to any permission.
- 7.23. Appellants refer to flooding that has occurred in the past, which has affected Hermitage Lane and The Bullman public house. They question whether Irish Water’s foul water sewer would be capable of handling the surface water run-off from the site. CFRAMS shows indicatively a risk of pluvial flooding in Summercove, during extreme flood events, and the OPW’s flood maps website records a flood event, on 3rd February 2014, when the sea wall and the road in front of the Bullman public house collapsed as a result of high tides and strong winds.
- 7.24. With respect to the aforementioned instances of flooding, I would comment as follows:
- The pluvial flooding to the Lane occurs as a result of a stream beside this Lane overflowing the entrance to a culvert underneath this Lane. The proposal would not impinge directly upon this phenomenon. The applicant suggests that more regular maintenance of the entrance to the culvert would reduce the attendant flood risk.
 - Irish Water has accepted in principle the said connection on the basis that the discharge rate would mimic the greenfield site run-off rate. I note that the

proposal would, besides the proposed bio-trench, incorporate green roofs, which would assist in this quest.

- The flood event at the sea front was physically removed from the site.

7.25. Accordingly, I consider that, provided the said mimicking is achieved in practise, the proposal would not exacerbate local flood risk.

(v) AA

7.26. The site is not in a Natura 2000 site and the nearest such sites are at some considerable remove, i.e. Sovereign Islands SPA (site code 004124) and Old Head of Kinsale SPA (site code 004021). Under the former designation, the bird species of interest is the cormorant, and, under the latter designation the bird species of interest are the kittiwake and the guillemot.

7.27. The site is largely a greenfield site within an existing settlement. It thus does not represent a habitat that would be frequented by the aforementioned seabird species. Accordingly, its development, as proposed, would be unlikely to have any significant effect upon the conservation objectives for the said seabirds.

7.28. Having regard to the nature and scale of the proposal and the nature of the receiving environment, no Appropriate Assessment issues arise and it is not considered that the proposal 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. That the proposal be permitted.

9.0 Reasons and Considerations

Having regard to the Cork County Development Plan 2014 – 2020 and the Bandon Kinsale Municipal District Local Area Plan 2017 and the planning history of the site, it is considered that, subject to conditions, the proposal would be appropriate in land use terms and its design would comply with Heritage Objective HE 4-6 of the County Development Plan. The proposal would, subject to hard and soft landscaping for screening purposes, be compatible with the residential amenities of the area. It would be capable of being accessed and water supply and foul water drainage

arrangements would be satisfactory. Surface water drainage arrangements would, likewise, be satisfactory, subject to greater site-specific details. No Appropriate Assessment issues would arise. The proposal would, thus, accord 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 22nd day of January 2018, 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) A scheme comprising a detailed, site-specific, design of the proposed green roofs, green wall, bio-trench and associated tree planting and the attenuation tank and its flow control devise.
 - (b) The aforementioned scheme shall be accompanied by a detailed justification of the type and specifications proposed for each item, based on a survey of site conditions. Tree planting proposals shall be fully integrated with the landscaping plan for the site required under condition 4.
 - (c) The aforementioned scheme shall be accompanied by a detailed maintenance plan.

Revised drawings at a scale of 1: 100 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 sustainable surface water drainage and public health.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling house 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. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of 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) A plan to scale of not less than 1:100 showing –

(i) The species, variety, number, size and locations of all proposed trees and shrubs.

(ii) Hard landscaping works, specifying surfacing materials, and the design of any entrance gate(s).

(iii) A screen timber fence with a minimum height of 2 metres erected along the western and southern boundaries of the site.

(iv) A timetable for the implementation of items (ii) and (iii), which shall be no later than the first occupation of the dwelling house

All planting shall be adequately protected from damage until established.

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 the interest of residential and visual amenity.

5. (a) 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.

(b) Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of public health and road safety.

6. 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. It shall also

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

7. The construction of the development shall be managed in accordance with a Construction Traffic 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 the type and dimensions of vehicles and plant and machinery to be used and demonstrate that this information is reconcilable with the layout and width of Hermitage Lane.

Reason: In the interests of good traffic management.

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. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwelling house without a prior grant of planning permission.

Reason: In the interest of 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.

Hugh D. Morrison
Planning Inspector

17th July 2018