



An
Bord
Pleanála

Inspector's Report 302568-18.

Development	Construction of a house, installation of wastewater proprietary treatment system and associated works.
Location	Derrymihin East, Castletownbere, County Cork.
Planning Authority	Cork County Council.
Planning Authority Reg. Ref.	18/246.
Applicant	Claire Power
Type of Application	Permission.
Planning Authority Decision	Permission with conditions.
Type of Appeal	Third Party.
Appellants	Mary B and Noreen O'Neill.
Observer	None.
Date of Site Inspection	8 th January 2019.
Inspector	Derek Daly.

1.0 Site Location and Description

- 1.1. The appeal site is in the townland of Derrymihin East approximately 2 kilometres to the east of the town of Castletownbere on the Beara peninsula of west County Cork.
- 1.2. The site is in a rural area located off a local road which to the south has a junction with the R572 Castletownbere Glengarriff Regional route the main traffic artery on the southern side of the peninsula. The site itself does not have direct frontage onto the local road but is accessed from a track which meets the local road to the west at a right angled bend. There are a number of dwellings on the vicinity which front onto the local road network.
- 1.3. There is a steady and discernible fall in level from north to south on the site itself, reflecting a general fall in level from north to south in the wider area. Development in the area is characterised by individual dwellings fronting onto the local road network with a reasonably heavy concentration in the local area in what is a rural area.
- 1.4. The site has a stated area of 0.38 hectares.

2.0 Proposed Development

- 2.1. The proposed development as submitted to the planning authority on the 27th of April 2018 was for the construction of a house, installation of wastewater proprietary treatment system and associated works.
- 2.2. The dwelling is a one and half storied dwelling of modern design and construction incorporating traditional external proportions and finishes and is on the northern side of the proposed site. The footprint of the dwelling is L shaped with a maximum height to the roof ridge of 6884mm.
- 2.3. It is proposed to service the site with a septic tank and percolation area located to the east of the proposed dwelling. The means of water supply is indicated as a bored well located in the west of the site.
- 2.4. The gross floor area of the proposed development is stated as 186.50m².
- 2.5. The applicant indicated that she is a niece of the landowner and indicated connection to the local area.

- 2.6. Site suitability assessment was submitted indicating that the site is suitable for a septic tank and percolation area.
- 2.7. Unsolicited further information was submitted on the 28th of May 2018 indicating that the owner of the landholding was willing to enter into a land sterilisation agreement and a response to matter raised in the third party objection.
- 2.8. Further information was submitted on the 20th of July 2018 which included;
- Details relating to permissions on the landholding.
 - An assessment of alternative sites on the landholding.
 - A revision to the house design including a reduction to the height of the rear annexe and alterations to the external elevations.
 - The proposed development will connect to the public mains.
 - Revised details to provide for roadside works to improve road safety.
 - Landscaping details

3.0 Planning Authority Decision

3.1. Decision

The decision of the planning authority was to grant planning permission subject to twenty five conditions.

Conditions of note;

Condition no. 2 relates to an occupancy condition.

Condition no. 3 limits the granting of permission of dwelling houses on other lands.

Condition no. 9 limits the source of water supply to mains water and not by the provision of a private well.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 18th of September 2018 refers to

- The planning history of development in the area.
- The proposed development.
- Main issues arising in relation to the development which include development plan designations and road issues
- Policy context with reference to objectives, GI 7-1, GI 7-2, GI 10-2, GI 10-3, HE 2-1, HE 2-2, RCI6-1, RCI 6-2, RCI 4-2, RCI 5-8, RCI 5-4, RCI 6-4, WS 4-1.
- Submissions received including internal reports.
- An assessment of the issues including principle of the development, policy, residential and visual amenity, conservation and flooding.

Further information was recommended.

The planning report dated the 20th of August 2018 considered the further information submitted, considers a local need is established, the proposal complies with the provisions of the development plan and permission is recommended.

3.2.2. Other Technical Reports:

Area Engineer Report dated 12th of June 2018 indicates no objections in principle but that works are required in relation to road safety works prior to the commencement of development works on the site.

A subsequent report dated the 1st of August 2018 considers the further information as submitted acceptable.

3.3. Other submissions

A third party submission refers to impact of the proposed development on their home from visual prominence, overlooking from windows, traffic impact and there are alternative sites available on the holding.

4.0 Planning History

There is no history of applications relating to the site but the site forms part of a holding which was the subject of recent planning applications P.A. Ref. Nos. 18/139

applicant Kevin Power and 18/246 (the current appeal) and form part of the holding of Patrick Power.

I would also refer to a recent ABP decision which is referred to in the planning report of the planning authority to refuse planning permission ABP ref. no.

PL88.247317/P.A. Ref. No. 16/300 in relation to the construction of a house, detached garage, waste water treatment system and ancillary works on lands to the north of the appeal site which do not form part of the holding on which the current appeal site is located.

One reason was stated indicating that *“the site of the proposed development is located within ‘A Rural Area under Strong Urban Influence and Town Greenbelt’ as set out in the current Development Plan for the area, and within a very high value landscape with very high sensitivity of national importance, where emphasis is placed on the protection of such landscapes and the importance of designing with the landscape and of siting of development to minimise visual intrusion as set out in the current Cork Rural House Design Guidelines, which Guidelines are considered to be reasonable. Having regard to the topography of the site, the open, elevated and prominent positioning of the proposed development, together with its overall design, bulk and scale, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the high value landscape, would militate against the preservation of the rural environment and would set an undesirable precedent for other such prominently located development in the vicinity, and within this nationally important very high value landscape. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area”*.

The direction with the refusal did however indicate that;

“The Board concurred with the Planning Inspector’s conclusion that the applicant had not demonstrated that a more suitable site at a less visually obtrusive location was not available within the applicant’s family farm holding in the vicinity of the site”.

5.0 Policy Context

5.1. National Policy.

5.2. Guidelines on Sustainable Rural Housing 2005.

- 5.2.1. The guidelines refer to the need for a development plan approach and to having similar defined the rural area types as set out in the NSS within the development plan. The guidelines also indicate that planning authorities must then tailor policies that respond to the different housing requirements of both urban and rural communities and the varying characteristics of rural areas.
- 5.2.2. The Guidelines differentiate between rural and urban-generated housing. The guidelines refer to rural generated housing; to sustaining and renewing rural communities; to accommodating people of a rural area in their area of origin and in section 2.4 to tailoring policies to local circumstances.
- 5.2.3. Section 3.2.3 refers to rural generated housing and there is reference to “persons who are an intrinsic part of the rural community” and also reference in this regard to “members of an established rural community, and persons who wish to return to reside near other family members or to care for elderly family members”. There is in addition reference to working in rural areas including full and part time farming.
- 5.2.4. The guidelines indicate, however, that having defined rural generated housing needs, the development plan should make very clear that subject to satisfying normal considerations the planning authority will look favourably upon an applicant’s proposal for an individual house in a rural area where that applicant comes within the development plan definition of need. Chapter 4 outlines the criteria to be assessed in determining applications in rural areas.
- 5.2.5. In summary, the Guidelines provide that people who are part of the rural community should be facilitated by the planning system in all rural areas and to take a positive approach to applications from such persons in the areas referred to, in circumstances where permission might otherwise be refused.

5.3. **Environment Protection Agency.**

- 5.3.1. The EPA publications Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10) 2009 and its subsequent clarifications.
- 5.3.2. The Code of Practice outlines the importance of proper site assessment methodology, the identification of the minimum environmental protection requirements, the need for design of on-site wastewater disposal systems specific to the local conditions and the need for installation, commissioning and maintenance as per design and attendant recommendations/conditions.

5.4. Development Plan

The relevant statutory development plans are Cork County Development Plan 2014 and the West Cork Municipal District Local Area Plan. In overall statement of policy, the county plan outlines county wide policies and objectives which are further stated in the local area plan. Castletownbere is identified as a main town in the overall settlement strategy of the county. The site is defined as a Rural Area Under Strong Urban Influence and located within Greenbelt of Castletownbere in the current Cork County Development Plan 2014 and in relation to development in this area objective RCI 4-2 and Town Greenbelts (GB 1-1).

5.4.1. Chapter 4 of the plan relates to Rural, Coastal and Islands.

Chapter 4 of the plan relates to Rural, Coastal and Islands and outlines policy in relation to these areas and policies for considering development distinguishing between rural generated development and urban generated rural development mirroring national guidance.

Objective RCI 2-2 refers to Rural Generated Housing with the objective *Sustain and renew established rural communities, by facilitating those with a rural generated housing need to live within their rural community.*

RCI 4-2 and Town Greenbelts (GB 1-1) refers specifically to areas under strong urban influence and sets out requirements in relation to considering residential development in rural areas. Five categories are outlined where applicants must satisfy the Planning Authority that their proposal constitutes a genuine rural generated housing need based on their social and / or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of the following categories of housing need:

- *a) Farmers, their sons and daughters who wish to build a first home for their permanent occupation on the family farm.*
- *b) Persons taking over the ownership and running of a farm on a full-time basis, who wish to build a first home on the farm for their permanent occupation, where no existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.*

- *c) Other persons working full-time in farming, forestry, inland waterway or marine related occupations, for a period of over seven years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.*
- *d) Persons who have spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation.*
- *e) Returning emigrants who spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation, who now wish to return to reside near other immediate family members (mother, father, brother, sister, son, daughter or guardian), to care for elderly immediate family members, to work locally, or to retire.*

Section 4.5.9 to 4.5.13 outlines considerations in relation to greenbelts around towns and objective RCI 5-8 in relation to Greenbelts around Settlements indicates the objective to

a) Retain the identity of towns, to prevent sprawl, and to ensure a distinction in character between built up areas and the open countryside by maintaining a Greenbelt around all individual towns.

b) Reserve generally for use as agriculture, open space or recreation uses those lands that lie in the immediate surroundings of towns. Where Natura 2000 sites occur within Greenbelts, these shall be reserved for uses compatible with their nature conservation designation.

c) Prevent linear roadside frontage development on the roads leading out of towns and villages.

d) The local area plans will define the extent of individual Greenbelts around the ring and county towns and any of the larger villages where this approach is considered appropriate. They will also establish appropriate objectives for the Greenbelts generally reserving land for agriculture, open space or recreation uses.

Section 4.6 outlines general planning considerations and guidance on the general planning and sustainable development criteria, considered by the planning authority

in the assessment of a planning application in rural areas. Relevant objectives include;

- RCI 6-1 which relates to design of dwellings in rural area and also refers to landscaping and screen planting.
- RCI 6-2 refers to adherence to best practice in relation to proprietary treatment systems and to ensure that proposals for development incorporating septic tanks or proprietary treatment systems comply with the EPA Code of Practice: Wastewater Treatment and Disposal Systems serving Single Houses (p.e. < 10) or any requirements as may be amended by future national legislation, guidance, or Codes of Practice.

Specifically, in relation to development in coastal areas objective RCI 9-1 a) encourages that development generally to be located in accordance with the settlement policies of this plan and in particular to recognise the limited capacity of many coastal areas for accommodating development on a large scale.

5.4.2. Chapter 13 refers to Green Infrastructure and Environment and section 13.5 specifically refers to landscape. The site is within a high value landscape as identified in figure 13.2.

Objective GI 6-1 refers to matters of design and to respecting the character, pattern and tradition of existing places, materials and built forms and accommodation into the receiving landscape and that

- *b) Landscape issues will be an important factor in all land use proposals, ensuring that a pro-active view of development is undertaken while maintaining respect for the environment and heritage generally in line with the principle of sustainability.*
- *c) Ensure that new development meets high standards of siting and design.*
- *d) Protect skylines and ridgelines from development.*

The site forms part of a high value landscape as outlined in figure 13.2 of the plan.

Objective GI 7-1 refers to General Views and Prospects and to preserving the character of all important views and prospects, particularly sea views, river or lake views, views of unspoilt mountains, upland or coastal landscapes, views of historical

or cultural significance (including buildings and townscapes) and views of natural beauty as recognized in the Draft Landscape Strategy. Objective GI 7-2: Scenic Routes refers to the protection of the character of those views and prospects obtainable from scenic routes listed in Volume 2 Chapter 5 Scenic Routes of the plan. The R572 is a listed route.

5.4.3. West Cork Municipal District Local Area Plan 2017.

The local area plan largely restated policy and objectives stated in the county plan.

The site lies within an area designated as CR GB1-2 in the map relating to Castletownbere.

In relation to town greenbelts objective GB 1-1 refers to;

“Discourage strongly new individual housing from being located within the greenbelts around the main towns in each Municipal District (except within established villages and village nuclei). This restriction is relaxed in principle for individuals who can demonstrate a genuine rural generated housing need based on their social and/or economic links to a particular local rural area in accordance with Cork County Development Plan (2014) objective RCI 4-2, or in the circumstances referred to in objectives RCI 5-6 and RCI 5-7, which also apply to Greenbelts around the Main Towns”.

6.0 The Appeal

6.1. Grounds of Appeal

The appellants in a submission dated the 12th of September 2018 refers to;

- The submission refers to the bulk mass and excessive glazing of the proposed dwelling.
- The planning authority requested amendments to the original proposal but minimal amendments were made.
- The design is not in accordance with the Cork Rural Housing Design Guide and house designs in the area which are more traditional in design and single storied.

- There are gable windows proposed on elevation facing the appellants and these windows together with the difference in levels of the adjoining sites will reduce the privacy and enjoyment of the appellants' property.
- There are issues in relation to traffic hazard posed by the proposed access and in relation to sightline visibility which creates a traffic hazard and a danger to road users.
- Issues also arise in relation to surface water on the road.
- No strengthening of the western boundary is proposed in relation to landscaping where overlooking occurs.
- Additional landscaping is required on all boundaries to screen the site and integrate into the landscape.
- Reference is made to the greenbelt designation and that there are now 6 houses built on the holding.
- A copy of the original objection to the planning authority in addition to maps and photographs which further demonstrate matters raised in the grounds of appeal.

6.2. **Planning Authority Response.**

The planning authority in a response dated the 20th of September 2018 maintain the views expressed in reports in relation to the proposed development. It is not accepted that the amenities are compromised given the distance of 70 metres between properties and the screening along the common boundary. Traffic matters can be addressed by condition. The development is consistent with the county development plan.

6.3. **Applicant Response**

The applicant c/o DMCA Consultants in a submission dated the 14th of August 2018 refers to;

- The dwelling is modest and complies with the Cork Rural Design Guidelines. The design was amended at the request of the planning authority and further

amended by condition and the applicant will comply with the requirements of the condition.

- There are many houses of similar design to the proposed dwelling in the area and photographs are submitted in relation to this.
- There is no issue of overlooking and the dwelling has been designed to incorporate no windows in habitable rooms facing towards the appellants' property which is 70 metres distant.
- The proposed development by the measures proposed will improve road safety in the area.
- Drainage measures are proposed ensure no disruption of drainage along the road.
- There is currently mature vegetation on the northern and western boundaries, and it is not considered that supplementary planting on the western boundary is necessary for integration of the development or in relation to loss of privacy to adjoining properties.
- The site is screened from the south.
- The applicant has an undeniable and urgent housing need and meets the requirements of the plan.

7.0 **Assessment**

7.1. The proposed development is for the construction of a house, installation of wastewater proprietary treatment system and associated works.

7.2. Principle of development.

In section 5 of the report I have outlined the main policy provisions as they relate to the site and area.

Although the site is located within the Greenbelt of the town the development plan and local area sets out criteria for considering development within this designation in particular objective RCI 4-2 and Town Greenbelts (GB 1-1).

The issue of genuine rural generated housing need was considered by the planning authority in the context of the provisions as set out in this objective and the five categories outlined in the objective and after requesting documentary information determined that such a need was established.

It is not disputed that the applicant is from the immediate area, that her parents reside in proximity to the appeal site and that the site is being acquired from a close relative. A strong association with the local area has been established and that the applicant has spent a substantial period of her life in the area and has returned to the area.

The appellants also do not dispute the local association with the area but have raised questions in relation to the history of permissions on this particular family holding.

I note that permissions have been granted on the holding but the provisions of RCI 4-2 and Town Greenbelts (GB 1-1) does not limit the number of permissions on any holding but refers to the issue of genuine rural housing need and the criteria which any prospective applicant must meet.

In relation to the issue of need I consider that the criteria as set out in RCI 4-2 and Town Greenbelts (GB 1-1) are complied with and consideration can be given to consideration of a dwelling based on these criteria.

The proposal does however require to be considered in the context of visual impact and other design related matters given that the site is within a greenbelt and area of visual sensitivity.

7.3. Siting and design.

- 7.3.1. The dwelling is a one and half storied dwelling of modern design and construction incorporating traditional external proportions and finishes and is on the northern side of the proposed site. The footprint of the dwelling is L shaped with a maximum height to the roof ridge of 6884mm. I would also note that further information was submitted on the 20th of July 2018 which included a revision to the house design including a reduction to the height of the rear annexe and alterations to the external elevations to address matters raised by the planning authority a third party submissions.

- 7.3.2. In addition, as part of the submissions received there was an assessment of alternative locations on the holding submitted to indicate that the site as submitted was located in the least obtrusive location on the holding.
- 7.3.3. This process of site selection it would appear was largely determined by pre-planning consultations and a possibly a recent Board decision ABP ref. no. PL88.247317/P.A. Ref. No. 16/300 in the area where visual obstruction in the landscape was the stated reason for refusal and where there is reference in the direction to the applicant had not demonstrated that a more suitable site at a less visually obtrusive location was not available within the applicant's family farm holding in the vicinity of the site and that the issue of housing need was not a stated reason for refusal.
- 7.3.4. In a general context the site is located at a lower elevation than other potential sites on the overall holding which is part of a landscape which fall in level southwards towards the coastline.
- 7.3.5. The appeal site has views over Berehaven and Bere Island, but it is not visible the R572 which is a designated scenic route and is not readily visible other than in the immediate surroundings of the site. Any visual impact would be part of a wider and distant impact on the landscape and in the regard, it is noted that there is good screening to the north and west and south.
- 7.3.6. The dwelling itself is of modest scale and height. The design is modern but incorporates aspects of traditional scale and proportion. The amended design submitted does provide for changes to the western and eastern elevation with the removal of and or amendment of windows on the upper floor of these elevations the principle change being the removal of a window cutting through the wall plate and the introduction of a window at upper floor on the northern elevation. The other significant alternation is the reduction in the glazing area of the patio door on the southern elevation from 3 to 2 panels.

I would have no objection to the overall scale and mass of the proposed development in relation to either the original or amended proposal. In relation to the issue of the patio door on the southern elevation I note that a condition of the planning authority requires its removal and amendment based a doorway of this nature is discouraged on the front main entrance in the Cork Rural Design Guide

2003. I would however note that the main entrance is on the northern elevation and the southern elevation is the rear of the dwelling and I do not consider that removal of the double patio is of significance in relation to impact on visual amenity.

7.4. Impact on adjoining properties.

- 7.4.1. The issue of impact on the appellants' property is raised in the grounds of appeal. The submission refers to the bulk mass and excessive glazing of the proposed dwelling and that the amended proposal submitted to the planning authority are minimal. Reference is made to the gable windows proposed on elevation facing the appellants and these windows together with the difference in levels of the adjoining sites which will reduce the privacy and enjoyment of the appellants' property reference is made to an absence of strengthening of the western where overlooking occurs and that additional landscaping is required on all boundaries to screen the site and integrate into the landscape.

In response the applicants contend that there is no issue of overlooking and the dwelling has been designed to incorporate no windows in habitable rooms facing towards the appellants' property which is 70 metres distant. There is currently mature vegetation on the northern and western boundaries, and it is not considered that supplementary planting on the western boundary is necessary for integration of the development or in relation to loss of privacy to adjoining properties and the site is screened from the south.

The planning authority do not accept that the amenities are compromised given the distance of 70 metres between properties and the screening along the common boundary.

In relation to the relationship between the appellants' dwelling and the proposed dwelling there is over 70 metres separation distance between them and there is also a boundary with mature screening which in the winter months afford a good level of screening.

I do not consider that issues of overlooking arise given the distance or that the amenities will be adversely impacted upon to a significant level.

In relation to landscaping and screening there is good screening currently in place and additional landscaping is proposed to which I have no objections.

7.5. Traffic

The proposed development will be accessed from an unsurfaced laneway which meets the public roadway at a bend.

Revised details to provide for sightline visibility at the access road were submitted by way of further information on the 20th of July 2018. The local roads engineer indicated no objections to the proposals as submitted and I consider the details as submitted satisfactory.

7.6. Services.

In relation to services it is proposed initially it was indicated that the means of water supply would be a bored well, but this was amended to confirm connection to the public water supply. I would have no objections to this.

In relation to foul drainage a site suitability test was submitted in accordance with the EPA guidance indicating the suitability of the site for a septic tank system with associated percolation area. I have no objections to the details as submitted.

7.7. Other matters

Unsolicited further information was submitted on the 28th of May 2018 indicating that the owner of the landholding was willing to enter into a land sterilisation agreement. It was also submitted by way of further information on the 20th of July 2018 and the lands in question on the holding are identified on drawing 009 Rev A and condition no 3 of the planning authority's decision refers to making of an agreement in relation to the holding.

As already indicated, there is reference in the third party submissions to the level of permissions on this holding and the issue was the subject of assessment and discussion with the planning authority. Given the greenbelt designation of the lands of the holding I consider the inclusion of this condition to be reasonable.

7.8. Appropriate Assessment

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity to the nearest European site, 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.

7.9. EIAR Screening Determination

Based on a preliminary examination of the nature, size or location of the development there is no real likelihood of significant effects on the environment and EIAR is not required.

8.0 Recommendation

- 8.1. Arising from my assessment above I recommend that the Board uphold the decision of the planning authority and grant planning permission for the proposed development based on the reasons and consideration set out below.

9.0 Reasons and Considerations

Having regard to the existing pattern of development and the nature and scale of the development as proposed, its location within an rural area, and the provisions of the current Cork County Development Plan 2014, the West Cork Municipal District Local Area Plan 2017 and the Guidelines on Sustainable Rural Housing 2005, it is considered that subject to it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity, would be acceptable in terms of traffic safety and convenience and 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 on the 27th of April 2018 and as amended by the details received on the 20th of July 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. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted [to meeting essential local need] in the interest of the proper planning and sustainable development of the area.

3. Prior to commencement of development, the applicants shall enter into an agreement with the planning authority, pursuant to section 47 of the Planning and Development Act, 2000, agreeing to sterilise, for a period of seven years, free from any future residential development other than the land associated with P.A Ref. No. 18/139 and any non-agricultural development, the lands as edged in blue on drawing number 009 Rev A as lodged with the planning authority on the 20th of July 2018. Precise details of this agreement shall be submitted to and finalised prior to the commencement of any development works on the site.

Reason: To ensure the preservation of the rural character and amenities of the area where it is considered necessary to restrict the number of new

houses in the area.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The roof finish shall be blue black in colour.

Reason: In the interest of visual amenity y

5. 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 1:500 showing –

(i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species

(ii) Details of boundary treatments

(b) A timescale for implementation

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 [or until the development is taken in charge by the local authority, whichever is the sooner], 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.

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. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works. The means of water supply shall be from the public mains and not by means of a bored well.

Reason: To ensure adequate servicing of the development, and to prevent

pollution

8. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water arising from the formation of the access onto the public road shall discharge onto the public road or adjoining properties or lands.

Reason: In the interest of orderly development and to prevent pollution

9. The access on the public road shall be in accordance with the details submitted on the 20th of July 2018 and in accordance with the road authority for such works

Reason: In the interest of traffic safety

10. 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

11. 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

12. The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.

Reason: In the interest of public health.

13. 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.

. Derek Daly
Planning Inspector

24th January 2019