



An
Bord
Pleanála

Inspector's Report ABP-302745-18

Development	Construction of 6 No. Semi-Detached Bungalow Type Dwelling Houses
Location	Saintjohnstown T.d, Ballinalee, Co. Longford.
Planning Authority	Longford County Council
Planning Authority Reg. Ref.	18/5
Applicant(s)	Braddingford Construction Limited
Type of Application	Permission
Planning Authority Decision	Permission
Type of Appeal	Third Party
Appellant(s)	Philomena McEvoy
Observer(s)	None
Date of Site Inspection	12 th of December 2018
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1. The proposed development is located to the front/south of the existing Cois na hAbhainn housing estate. The site (area c. 0.214ha) is located within the designated development envelope of Ballinalee. It is an undeveloped corner site and access is via the R194 Regional Road in the village of Ballinalee. There is a field gate and a footpath along the site frontage with the R194.
- 1.2. The semi-detached two storey houses to the rear (north) of the site in Cois na hAbhainn are located at a lower level than the subject site and rear elevations of these houses face the site. There is a wall along the rear boundary but as a result of the undulating topography the proposed development will be sited at a higher level than these houses. As seen from the access road in Cois na hAbhainn the site appears on the side of a hill rising above these houses. There is a green area for the said estate to the north of the subject site. Proposed access is via Cois na hAbhainn to the east of the site. There is also a footpath along the eastern site frontage and a 'Stop' sign at the junction with the R194.
- 1.3. There is a large set back two storey house to the west of the site (the appellant's house). This is on a higher level than the houses at the rear. There is a hedgerow along the boundary with the subject site. There are no first floor windows in the side elevation of this property facing the site. Access to this house is via the R194.
- 1.4. There is a variety of house types on this eastern side of Ballinalee, the majority of which are relatively new build and are two storey on larger site areas. The land to the east of the site is greenfield. There is a stream along the eastern boundary of Cois na hAbhainn.

2.0 Proposed Development

- 2.1. This is for the construction of 6no. semi-detached bungalow type dwelling houses of similar design as were previously granted planning permission by the Board (Ref. PL14.224300 relates) & Longford County Council Extension granted an of Duration of permission under planning reference no. PL12/286.

2.2. Permission is also being sought for the proposed construction of an entrance and access road together with the proposed connection to the existing foul sewer, surface water & watermain networks and all ancillary site works.

3.0 Planning Authority Decision

3.1. Decision

On the 20th of September 2018, Longford County Council granted permission for the proposed development subject to 15no. conditions.

Condition no.2 is of note relative to revisions to the layout of the scheme and included the following:

1. *House number one shall be omitted from the site layout plan submitted on 29th August 21018.*
2. *The access road shall be set back further to the north of the site.*
3. *The rear gardens to the rear of the dwellings Nos's 2-5 shall be extended to incorporate car parking spaces.*

3.2. Planning Authority Reports

Planner's Report

The Planner had regard to the locational context of the site, planning history and policy and to the interdepartmental reports and submissions made. Their considerations included the following:

- The site while greenfield, is within the residential land use zoning of Ballinalee as identified in the Longford CDP.
- There is an existing connection to the public mains on site and the applicant proposes to connect to the public sewer.
- They note the concerns raised by the Roads Design Department in relation to the proposed access. Also to those raised by Irish Water.
- They also had some concerns relative to the design and layout.

Further Information request:

- They referred to the Report from the Road Design Section and requested that the issues raised be addressed.
- They requested that Irish Water concerns regarding drainage including foul sewerage design be addressed.
- Details regarding boundary treatment and landscaping be submitted.
- To address concerns relative to overall design and layout including private open space.
- To confirm that there are no invasive species on the site.

Further Information response:

Cunningham Design & Planning have submitted a response on behalf of the applicants, which includes revised plans to show the following:

- An acceptable gradient across the proposed access road in compliance with current standards.
- Parking areas in accordance with standards and a retaining wall have also been shown.
- Drainage layout including that they have now eliminated all back-drop manholes from the proposed development.
- Boundary treatment and landscaping linkages to the open space to the north 'Cois na hAbhainn'.
- Revisions to the proposed layout to show 5no. rather than 6no. houses, so as to ensure provision of public open space and minimum open space rear garden areas.
- They provide that there are no invasive species present on the proposed site.

Planner's response:

They noted that a number of issues required clarification of F.I in particular issues relating to the access, the wastewater proposal and the proposed raising of the site and boundary treatment.

Clarification of F.I was submitted including further revisions to plans and particulars, relative to access, boundary/ownership issues and design and layout.

Planner's response:

The Planner subsequently requested a further Clarification of F.I. requesting a revised site layout omitting dwelling no.1 and retaining wall as described in the C.F.I. and providing further details of boundary treatments and landscaping of open space. They also requested the following amendments:

- The access road to be set back further to the north of the site;
- The rear gardens to the rear of the dwellings nos. 2-5 to be extended to incorporate car parking spaces;
- The rear facades of dwellings nos. 2-5 shall be redesigned to ensure access to parking areas.

In response the applicants provide details of reduced floor levels, car parking spaces, the proposed internal access road and the depth of fill in the rear garden servicing dwelling house no.1. They note that it is now not proposed to remove dwelling house no.1 but to reduce the floor levels in the proposed redesign. The redesign shows 5no. dwellings and they do not wish to reduce the scheme to 4no. houses.

The Planner had regard to the Further Clarification of Information submitted and had some concerns about the workability of the reduced floor levels. They considered that the revised plans to be not fully acceptable. They recommended permission be granted subject to conditions. This includes Condition no.2 relative to revisions to the overall design and layout.

3.3. Other Technical Reports

Roads Design

They requested that the access road be designed to current standards, parking areas be sized correctly, and an appropriate retaining wall be provided. They requested Clarification of the F.I relative to the proposed raising of the site, retaining walls, letters of consent from adjoining property owners.

Fire Department

The Chief Fire Officer requests that the development be designed and constructed in accordance with current standards.

3.4. **Prescribed Bodies**

Irish Water

They do not object subject to recommended conditions.

3.5. **Third Party Observations**

The contents of the Submission are noted and as this is from the subsequent Third Party appellant and as similar issues are raised, this is considered further in the context of the grounds of appeal below.

4.0 **Planning History**

- Reg.Ref.07/37 – Permission granted by the Council and subsequently by the Board Ref. PL14.224300 refers – for the Construction of 7no. dwellinghouses and connection to services at Saintjohnstown Townland, Ballinalee. It is noted that as per Condition no.1 – 6no. houses were permitted in the layout as per the drawings submitted on the 2nd of May 2007.

5.0 **Policy Context**

5.1. **Longford County Development Plan 2015-2021**

Section 2.1.6 provides the Settlement Strategy and this includes Ballinalee in Tier 5 – Serviced Settlements. Fig.2.1.3 includes Tier 5 as: *Local growth settlements with infrastructural capabilities to accommodate residential development at appropriate scales and provide important local services to rural communities.*

Section 3.2.1.2 refers to Designated Settlements Requirements & Standards for Development. This is read in conjunction with the Rural Design Guide (Annex 3) and Section 5 of the plan which contains Infrastructure objectives and policy.

Policy HOU DS 5 provides the Design Standards relative to design and layout and promotes a variety of house types. This also refers to the 'Social Housing- Design Guidelines' (DoELG, 1999 – or subsequent update). Sub-section (f) provides minimum private open space requirements and (g) refers to height and finishes to boundary walls.

HOU DS 6 refers to Layout and Density and has note of the 'Sustainable Residential Development in Urban Area: Guidelines for Planning Authorities (DoEHLG 2008). Sub-section (c) includes regard to road frontage and access and provides: *Layouts should reflect the existing town or village character.* This also refers to compatibility with various Guidelines including the DoECLG 'Spatial Planning and National Road Guidelines' (2012).

HOU DS7 – refers to the provision of Public Open Space, HOU DS8 to Landscaping and HOU DS9 to Phasing and Completion. HOU DS10 seeks to encourage appropriately designed Infill Development having regard to the impact on the character and amenities of the area, including residential amenity.

Section 5 provides the Policies and Objectives relative to Infrastructure including regard to roads and services. Table 5.1 includes regard to Non-National Road Improvement Schemes, including: *R194 Road Improvement – Longford to Ballywillan via Ballinalee.* The town is listed under Section 5.2.2 which has regard to Existing Sewerage Schemes Fig. 5.2 refers. Section 5.2.3 notes the Village Sewerage Scheme.

Section 6.2.1 has regard to Archaeological Heritage and policies ARC 1-12 apply. Table 6.5 *Monuments of Archaeological, Historical and Cultural Interest – (41) Ballinalee – Bully's Acre – Burial Ground.*

Section 6.4.2.2 refers to Schools and Educational Facilities and the Table includes the National School in Ballinalee.

6.0 The Appeal

6.1. Grounds of Appeal

Liam Madden of Vitruvius Hibernicus has submitted a Third Party Appeal on behalf of Philomena McEvoy, who resides in the adjacent detached property to the west.

They have regard to the planning history and to the current application. They note the following in their grounds of appeal:

- The density of development approved in the previous permission Reg.Ref 07/37 (extension of duration 12/286) would not be approved under current Development Plan standards.
- The proposal was modified by the applicant removing one of the houses and later by the removal of another house by virtue of a condition of the Council's permission.
- The appellant has lodged three submissions/observations to this application.
- They do not seek a refusal and accept the principle that a modest housing development will very likely be approved by the Board.
- All that is between the parties is the form that the development will take. They request that the scheme be remodelled. Removing one house does not address the appellant's concerns.
- They note discrepancies in the plans submitted with the original application.
- They are concerned about the construction of a tall retaining wall or any works to the boundary wall owned by the appellant and note that this has been removed.
- Originally the computation of the application site area and the location of the site edge by the red line was incorrect, however, this has since been corrected.
- They consider that car parking being located within the individual house rear gardens is not desirable.
- Revisions to the site layout would address the appellant's concerns about over shadowing and overlooking and accommodate housing on this site.
- They attach an amended site layout showing the re-location of the remaining four houses together with access road, open areas, rear gardens and parking. This also provides for screen planting and for a modest masonry boundary wall which follows the existing contour lines on the application site.

- They suggest that the applicant gives his approval to this modified layout and that the Board grants permission for such revised plans.

6.2. Applicant Response

Cunningham Design & Planning Consulting Engineers response on behalf of the applicants notes the residential zoning of the site and the planning history. They note that the Board previously granted permission in Ref. PL14.224300 for 6no. dwelling houses on this site. They note that revisions were made in the Further Information and Clarification of F.I and Further Clarification were submitted and are attached in Appendix D of their response.

The drawing in Appendix A which forms the basis for the decision to grant permission shows that the depth of fill reduces to zero at the boundary separating Site No.1 and the two storey type dwelling houses to the north and therefore there is no requirement for a retaining wall along this boundary.

Drawing No.01A also shows that dwelling houses No's 2 to 5 inclusive can be accessed via a stepped access routes as per Section 3.1.2.5 TGD Part M 2010 (Appendix E refers) and whereby the proposed internal estate road is also designed in full compliance with this document.

They consider that there is no reason to justify the removal of the proposed dwelling on Site No.1 of the site layout attached in Appendix as the internal access road together with the pedestrian entry to each dwelling house is designed in accordance with 'Site Development Works for Housing Areas' together with Section 3.1 of the TGD Part 2010' respectively.

They contend that the applicant has already been reasonable and accommodating during the planning process by agreeing to reduce the development from the 6no. dwelling houses that were previously granted permission in PL14.224300 to 5no. without reducing the development further to a total of 4no. dwelling houses on this zoned and serviced site. They include photomontages (Appendix G) of how the development will look in the event of a grant of permission.

6.3. Further Responses

Liam Madden of Vitruvius Hibernicus response on behalf of the Appellant includes the following:

- They note the applicant is desirous to build 5no. houses. They have included a re-jigged sketch of a layout which with some imagination could be made to work and accommodate 5 houses on the application site.
- The Appellant wishes to have as much a clearance between her dwelling and the rear walls of the proposed houses. Also, to have a boundary wall erected and screen planting by way of a condition to an order of the Board to grant permission.

7.0 Assessment

7.1. Principle of Development and Planning Policy

- 7.1.1. The Longford County Development Plan 2015-2021 is the pertinent plan. Table 2.1.4. – Core Strategy and Policy IMP-CS 2 has regard to Land use zoning and includes reference to Ballinalee. The town is described as a Tier 5 serviced settlement. As shown on the land use zoning map the site is within the development envelope of Ballinalee and is within the residential land use zoning. Section 3.1.2.1 refers to Residential Zoning and Settlement Strategy. The Residential Objective seeks: *To primarily provide for residential development; to preserve and improve residential amenity, dwellings and compatible uses including social and community facilities, open spaces and local shopping facilities. In certain instances low density and medium density residential zonings have been applied relative to the settlements position in the Settlement Hierarchy.*
- 7.1.2. The First Party have regard to the planning history including the previous Board decision permitting residential development on this site. They provide that this development is specifically designed to cater for people who wish to live in smaller two bedroom single storey type dwelling houses within the curtilage of the village of Ballinalee so as to avail of services such as the local church, shops, bus routes etc. Therefore, it is considered that having regard to the planning history and the land use zoning, the principle of development has been accepted on this site.

7.1.3. The Third Party concerns are noted relative to the impact of the proposed development on the residential amenities of neighbouring properties. They consider that this application is similar to the previous one, with 6no. houses crammed into the site and would not be accepted under current development plan standards. Regard is had to the planning history, issues of design and layout, access and the impact on the character and amenities of the area in the context of this Assessment below.

7.2. Regard to Planning History and Differences to current application

- 7.2.1. As noted in the Planning History Section above, it was originally proposed to construct 7no. single storey semi-detached houses including connection to services on this site Reg.Ref. 07/37 refers. As shown on the permitted drawings four of the dwellings were to front onto the existing public road with three houses to the rear fronting onto a service road/courtyard accessed from a new road to the east of the development. It was then stated that these were to be dwellings for older people.
- 7.2.2. Subsequent, to a third party appeal the Board granted permission for the proposed development subject to conditions – Ref. PL14.224300 refers. It is noted that as per Condition no.1 – 6no. houses were permitted in the revised layout as per the drawings submitted on the 2nd of May 2007 ie. 4no. houses to the front and 2no. to the rear. An extension of duration of permission was subsequently granted under Reg.Ref.PL12/286. The scheme was not constructed and to date the site remains undeveloped. The applicant's response to the grounds of appeal includes in Appendix D a copy of the relevant grant of permission.
- 7.2.3. It is of note that the layout then permitted the houses to the rear were to be sited closer to the side boundary with the Third Party property. The proposed access was then shown further to the north of the site i.e it would impact on the open space area for the adjoining estate of two storey houses to the rear in 'Cois na hAbhainn'. The revised layout currently proposed shows part of this open space, incorporated within the proposed site area and the access to the estate road moved further south, closer to the junction with the Regional Road R194. The revisions to the current proposal also include a reduction to 5no. dwelling units, with a revised siting of House no.1 and regard to continuation of the open space.

7.3. Design and Layout

- 7.3.1. The current application as originally submitted was to construct a scheme of 6no. semi-detached bungalow type dwelling houses generally of similar design as were granted full permission by the Board under Ref. PL14.224300 i.e 4no. single storey houses to the front and 2no. houses to the rear. In response to the Council and to concerns of their Roads Design Section a number of revised options have been presented in the current application. These are noted in the revised layouts and drawings submitted in response to the Council's Further Information, Clarification of F.I and Further Clarification of F.I. The issue under consideration includes, which option if any is best suited to the site.
- 7.3.2. This site presents some challenges and it has to be taken into account, that the ground levels on site are variable and are higher than in Cois na hAbhainn estate to the north. An element of cut and fill is proposed. Sections have been submitted showing the existing and proposed levels for the various options. While the design of the proposed two bedroom single storey houses is considered to be acceptable provided quality external finishes are used, there is concern about the element of cut and fill required and the F.F.Ls. It is also noted that as shown on the floor plans these houses, maybe used for older people or wheelchair users and that a stepped configuration is not considered to be desirable for accessibility.
- 7.3.3. The First Party note that as per the F.I submitted the proposed development has already been redesigned from a scheme of 6no. two bedroom single storey type dwellings as originally applied for, to 5no. dwellings so as to ensure a minimum of 5m rear gardens to service each and every dwelling house. They note that the Council has recently granted permission for similar type developments of 5no. single storey type dwellings houses with rear gardens of this size under planning reference nos. PL17/249 and PL18/27 (copies of the decisions are included in the Appendix to this Report). In response to this it is noted that these are in different locations and each application is considered on its merits.
- 7.3.4. On-site parking to the rear of and outside the curtilage of the proposed dwellings has been proposed. It is noted that Condition no.2 of the Council's permission includes that: *The rear gardens of Nos. 2 – 5 shall be extended to incorporate car parking spaces.* However, I would consider it preferable, that having regard to the nature of

the scheme and noting that previously permitted, that parking be external and if the Board decides to permit, this part of such a condition not be included.

7.4. **Boundary issues**

- 7.4.1. Concerns about boundary issues have been noted in the Council's assessment of this application. This is relative to ownership and to proposed landscaping and boundary treatment. In response to the Council's C.F.I request the applicants confirmed that the existing boundary servicing the dwelling houses to the rear of the site which are located in 'Cois Na hAbhainn' is not being removed and they confirm that the proposed retaining wall will be set back from these existing boundaries a sufficient distance so as not to interfere with same either during the construction stage or during the lifetime of the development. They note that the applicant is willing to accept a condition to this effect in the event that permission is granted. Therefore, they consider that there is no requirement to obtain letters of consent from the adjoining property owners since the proposed retaining wall is set back from the existing boundaries. They include revised ordnance survey maps in Appendix A together with revised site layout drawings showing revised site boundaries so as to show the extent of the applicant's land ownership. They confirm that the site boundaries shown on the submitted documents are as shown in the appropriate Folio Maps. Appendix B of their C.F.I submission provides details from the land registry website of this Folio Map.
- 7.4.2. Regard is also had to their response in the F.C.F.I and to the grounds of appeal which provides that in view of the lowering of FFLS on Site no.1 that there is now no requirement for a retaining wall along the boundary with the houses to the rear.
- 7.4.3. It is of note that the issue of ownership is a civil matter and I do not propose to adjudicate on this issue. I note here the provisions of s.34(13) of the Planning and Development Act: "*A person shall not be entitled solely by reason of a permission under this section to carry out any development*". Under Chapter 5.13 'Issues relating to title of land' of the 'Development Management - Guidelines for Planning Authorities' (DoECLG June 2007) it states, inter alia, the following: "*The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts...*"

7.4.4. Open Space

- 7.4.5. Section 3.2.1.2 of the Longford County Development Plan provides for Designated Settlements Requirements & Standards for Development and Policy HOU DS 5 provides for Design Standards. This has been noted in the Policy Section above and provides for 11m rear gardens for dwelling units. The units shown have 5m rear gardens. It is noted that this Policy allows that rear gardens maybe reduced in exceptional circumstances in town and village centres and areas of higher residential densities where a satisfactory public open space/recreational congregational area is provided.
- 7.4.6. Taking this into account the area of open space has been extended. As part of the C.F.I the applicants have redesigned the layout so that the green area servicing the proposed development will blend in with the green area servicing 'Cois Na hAbhainn' and this would create one large green open space for the benefit of both developments. I would consider that in view of the planning history of residential development being permitted on this site and the type of dwellings proposed that this continuation of the open space would be desirable and acceptable in this case.

7.5. Impact on Character and Amenities of adjoining properties and the area

- 7.5.1. The Third Party property is to west of the site. This comprises a two storey detached house, set back in excess of 10m from the site boundary. There are no first floor windows in the side elevation facing and there is a dense well maintained hedge c.1.8m along the boundary with the subject site. It is recommended that this be retained. This property is set back well into the site, c.25m from the R194. As shown on the submitted plans it is envisaged that the access road and parking area for the proposed single storey dwellings will be to the east of the site boundary. Regard is also had to the Third Party submissions which put forward a revised layout to provide 4no. and subsequently 5no. smaller dwellings sited further from the appellant's property and in a circular arrangement facing the estate road. The workability of this layout has not been assessed by the Councils Planning or Road Design Section. It does not address the site frontage with the R194 and I am not convinced that it would provide a desirable design and layout solution for the development of this site, which is at the eastern approach to the town of Ballinalee. Having viewed the site I

would not consider that the proposed development will cause overlooking or adversely impact on this the residential amenities of this property.

- 7.5.2. It is noted that the site boundary configuration has changed since the layout previously permitted by the Board in Ref. PL14.224300. This provides for a more restrictive site development, also relative to the siting of the proposed access further to the north. As shown on the revised plans the configuration of the proposed extension to the existing open space from Cois na hAbhainn to the north, also restricts the number of units within the proposed scheme to 5no.dwellings.
- 7.5.3. Regard must also be had to the impact of the proposed design and layout on the two storey houses on a lower level to the rear of the site. In particular, the semi-detached pair adjacent to the open space in Cois na hAbhainn, which have first floor rear windows facing the site. It is noted that as shown on the revised plans submitted on the 29th of August 2018, the FFL of the single storey house on Plot no.1 will be c.2m higher than the FFL of these properties. The First Party stated in their response to the grounds of appeal that *the proposed finish floor level of dwelling house on site No.1 by 1m from 57.5m AOD to 56.5m AOD from what was originally applied for so that a retaining wall would not be required between the dwelling house on Site No.1 and the neighbouring dwelling houses to the north.* They have included in Appendix G of their submission, 3D photomontages of how the development will look in the event of a grant of permission.
- 7.5.4. The Council's Condition no.2 provides that house no.1 shall be omitted from the site layout plans submitted on the 29th of August 2018. This would further reduce the number of houses on site to 4no. whereas 6no. houses have previously been permitted by the Board, although the reconfiguration of the site boundary has been noted. The First Party have requested that this further reduction not take place and that 5no. houses be permitted in the overall scheme.
- 7.5.5. I have concerns about the siting/orientation of the proposed dwelling on Plot no.1. The Board may decide as per condition no. 2 of the Council's permission that the most straight forward solution is to increase the rear garden areas of the houses proposed plots nos.2 -5 and to omit this dwelling. I would recommend as a modification that if the Board decides to retain this house within the scheme that it be conditioned that this house be re-orientated so that the frontage be parallel with the

access road i.e face south. This would revise the orientation and reduce overlooking potential (in view of higher FFLs) to the houses at the rear. While there would be some impact on the area of open space it would still allow for the footpath along the frontage and for a significant area of public open space to be retained to the west of the dwelling house.

7.6. Drainage issues

- 7.6.1. The application form submitted as part of the planning application indicates that there is an existing connection to the public mains on site. This also provides that the applicant proposes to connect to the public sewer. A number of issues outlined by Irish Water are addressed in the documentation submitted in response to the Council's consideration of the application, and it is noted that a review of the foul sewer design was requested. It is recommended that if the Board decide to permit that a condition relative to drainage be included.

7.7. Screening for Appropriate Assessment

- 7.7.1. It is noted that a Screening for AA has not been submitted for the subject site. However, having regard to the NPWS data, there are no designated sites proximate to the site. Ardagullion Bog SAC (002341) is c.10kms from the site. Brown Bog SAC is c.14kms away. Ballykenny-Fisherstown Bog SPA (004010) is c.13kms from the site. There is a stream to the west of the estate road to the site. However, it is noted that it is proposed to connect to public services and this is a fully serviced site on residentially zoned land.
- 7.7.2. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above European Sites, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

7.8. Screening for Environmental Impact Assessment

7.9. Having regard to the scale and nature the proposed development for residential development on residentially zoned lands, the capacity of the soils on site to accommodate wastewater and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

8.1.1. I recommend that permission be granted subject to the conditions below.

9.0 Reasons and Considerations

9.1. Having regard to the residential zoning of the site, 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, would be in accordance with the policies of the planning authority as set out in the current development plan for the area 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 as amended by the further plans and particulars submitted on the 11th day of May 2018, 15th of June 2018 and the 29th of August 2018 and by the further plans and particulars received by An Bord Pleanála on the 12th day of October, 2018, and the 22nd of October 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) The proposed dwelling house on Plot no.1 shall be retained and the siting/orientation shall be revised so that the front elevation is parallel to the footpath and faces south and is sited a minimum of 20m from the rear of the houses proposed on plots nos.02 and 03.
 - (b) The resultant area of open space proposed to the east shall not be reduced by more than 2 metres in width.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only.

Reason: In the interest of visual amenity.

4. The area of public open space shown on the revised plans shall be reserved for such use and shall be levelled and contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

5. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

(a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;

(b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

(c) details of proposed street furniture, including bollards, lighting fixtures and seating;

(d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes of boundary walls and fences;

(e) the existing hedgerow along the western site boundary shall be retained.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

6. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

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. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

10. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

11. Site development and building works shall be carried out only between the hours of 0800 to 1800 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.

12. 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.

13. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities within each house plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

15. 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.

Angela Brereton

Planning Inspector

18th of January 2019