



An
Bord
Pleanála

Inspector's Report ABP-303432-19

Development	Part-demolition of a bungalow and construction of 8 no. semi-detached houses.
Location	The Grove, Louisa Valley, Leixlip, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	18/905
Applicant(s)	Mulberry Properties Ltd.
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Louisa Valley Residents Association
Observer(s)	Ray & Ann Maher
Date of Site Inspection	20 th March 2019
Inspector	Michael Dillon

1.0 Site Location and Description

- 1.1. The site, with a stated area of 0.2798ha, is located within suburban Leixlip, Co. Kildare. It forms part of the garden curtilage of a small bungalow – with access off a short cul de sac, off a now redundant section of Station Road. [For ease of reference, I will refer to the entire cul de sac as Old Station Road]. The road gets narrower towards the head of the cul de sac – it not being possible to pass two cars for the final 80-100m. It serves some 9 houses – many of which have alternative vehicular access points. The site is rectangular in shape, is relatively flat (sloping almost imperceptibly downhill towards the southeast), and is in the process of being cleared of vegetation. There are some mature Leyland cypress trees in the vicinity of the bungalow; and some ivy-clad, mature, deciduous trees on the southwestern boundary. There is a flat-roofed garage to the rear of the bungalow. The roadside boundary of the bungalow with Station Road, is an old stone wall – 1.4m high. There are overhead electricity cables – supported on timber poles traversing a portion of the site – northwest/southeast.
- 1.2. To the northeast, the site abuts a suburban street – The Grove – the boundary with which is a 3.0m high concrete block wall, which is capped with brick, and is plastered/dashed on the outward-facing side. A portion of this wall has been recently buttressed, to prevent collapse. There are semi-mature trees within the narrow grass margin between the wall and the edge of the carriageway. There is no footpath on this side of The Grove. To the southeast, the site abuts the remainder of the bungalow site (half of which is to be demolished to facilitate this application) – the boundary with which is undefined. To the southwest, the site abuts the head of Old Station Road and the rear gardens of houses in Rockingham Green – the boundary with which is a concrete block wall 2.5m - 3.0m in height. To the northwest, the site abuts the curtilage of a two-storey, detached house (no. 4 The Grove) – the boundary with which is a 2.5m high concrete block wall.

2.0 Proposed Development

- 2.1. Permission sought on 26th July for residential development as follows-
- Part demolition of an existing bungalow (42.5m²) on the site.

- Construction of 8 no. two-storey, semi-detached houses of 150m² each – with new individual vehicular access for each house from The Grove.
- Two curtilage parking spaces for each house.
- New foul sewer to be constructed to connect to existing public foul sewer in The Grove – linear run of approximately 100m.
- Surface water to be discharged to soakways within the rear gardens of houses.
- Water connection to public main in The Grove.

2.1.1. The application is accompanied by a Report on Infrastructure Provision – dated July 2018.

2.2. Following a request for additional information, a response was received on 17th October 2018, containing the following points of note-

- The applicant on the adjoining site, ref. 18/1056, has no legal interest in Mulberry Properties Ltd.
- The applicant company has a right-of-way wayleave for access to the site from The Grove (Folio map KE27902F included).
- Landscape drawings submitted.
- Letter of consent from Berenice Flattery for demolition of part of bungalow – indicating that she owns the remainder of the site.

2.3. Following a request for clarification of additional information, a response was received on 22nd November 2018, containing the following points of note-

- The directors of Mulberry Properties Ltd. are Martin Flattery and Fergal Flattery. The site was purchased from L & S Structures Ltd, which has owned the site since 2010. The directors of L & S Structures Ltd. were Shane Slevin and Lisa Slevin. Mulberry Properties Ltd. had no interest in L & S Structures Ltd.
- The applicant for the adjoining property (18/1056), Berenice Flattery, has no relationship or interest in Mulberry Properties Ltd.

- Although Berenice & Fergal Flattery obtained permission on a further site to the southeast (ref. 17/1118) – this property was purchased by Berenice Flattery only.
- Details of site ownership by L & S Structures Ltd. (from The Property Registration Authority) are submitted.

3.0 Planning Authority Decision

By Order dated 12th December 2019, Kildare County Council issued a Notification of decision to grant planning permission subject to 19 no. conditions – the principal ones of which may be summarised as follows-

1. Development to be carried out in accordance with plans and particulars received on 26th July and 17th October 2018.
- 3.a Relates to protection of trees on site during the construction phase.
10. Relates to compliance with Part V.
13. Relates to CBR strength tests to be carried out on local roads.
18. Bond condition for €16,000.
19. Development contribution of €57,795.

4.0 Planning History

Ref. 17/1118: Retention permission granted to Fergal & Bernice Flattery on 15th March 2018, for a detached house on a site to the southeast of the overall bungalow site – with access from Old Station Road. This development was not the subject of an appeal to An Bord Pleanála; and is completed.

Ref. 18/1056: Refers to an application by Berenice Flattery, to build 2 no. two-storey, detached houses, and to demolish part of a bungalow, on the remainder of the bungalow plot (0.094ha) – to the southeast of the current appeal site. Access to the proposed houses is from The Grove. Permission was granted by KCC on 4th February 2019. This decision was subject to a 3rd Party appeal to An Bord Pleanála (Ref. **ABP-303849-19**) – with no decision to date.

5.0 Policy and Context

5.1. Development Plan

The relevant document is the Kildare County Development Plan 2017-2023. Chapter 16 contains development control standards. Within this document, the Leixlip Local Area Plan 2017-2023 is also of relevance. The site is zoned 'B' – existing residential and infill, with an objective – “To protect and enhance the amenity of established residential communities and promote sustainable intensification”.

5.2. Natural Heritage Designations

The site is neither within nor immediately abutting any natural heritage designation.

5.3. EIA Screening

Having regard to the nature and scale of the proposed development and the nature of the receiving environment, 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 stage, and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal from Marston Planning Consultancy, agent on behalf of Louisa Valley Residents, received by An Bord Pleanála on 14th January 2019, can be summarised in bullet point format as follows-

- The development has been split, in order to avoid the requirements of Part V of the Planning and Development Act, 2000. The appellant considers that it may not be possible to implement condition no. 10 of the Notification of decision to grant planning permission.
- The development will impact negatively on amenity of existing residents.

- No. 6 The Grove, is used by Stewarts Hospital to house people with intellectual and physical disabilities. On-street parking is needed to serve this development.
- Public open space provision is inadequate. Existing public open space is maintained by local residents. The Development Plan requires 10% open space for new housing developments. The existing open space within The Grove is just below 10% of the area of the 26 houses it serves. The subject site has been split in two/three. The united area of the two sites which form the current bungalow site is 3,900m² – requiring public open space of 390m². An appropriate financial contribution condition should be attached to any grant of permission, in lieu of the provision of on-site public open space.
- On-street parking will have a negative impact on residential amenity. Old Station Road currently serves just four houses – and has significant spare capacity. Access to the site should be from this road.
- All construction traffic should use Old Station Road – as this gives more direct access to the wider public road network.
- There is no good reason to step six of the proposed houses forward of the other two. Rear gardens would be adequate without this stepping forward.
- The first floor of houses should be finished in painted render, to match the façades of existing houses within The Grove.
- This infill development, due to poor design, does not meet the requirements of the Urban Design Manual – A Best Practice Guide (2009) or the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009).
- The proposed development would result in devaluation of property in the vicinity.
- The proposal to create a foul sewer connection through existing public open space is ill-considered. Whilst this area has been taken-in-charge by KCC, this does not entitle the applicant to use the land – and the developer, Saltan Properties retains a legal interest. There is no legal consent to lay this sewer, and the application is, therefore, premature. There is no condition requiring

the developer to reinstate the public open space once the sewer has been laid. The sewer could be rerouted into the road.

- Six semi-mature trees will be lost – adjacent to the boundary with The Grove. Just one single tree is to be added.
- Construction and operational traffic will diminish road safety – particularly for children.
- The site currently has access only from Old Station Road to the southwest.
- There is a concurrent application for two detached houses on the remainder of this bungalow site – the applicant being the spouse of one of the directors of Mulberry Properties Ltd.

6.2. Applicant Response to 3rd Party Appeal

None received.

6.3. Planning Authority Response to 3rd Party Appeal

The response of Kildare County Council, received by An Bord Pleanála on the 30th January 2019, can be summarised in bullet point format as follows-

- The site is zoned for residential use: the scheme is an appropriate one.
- The Council considered that the applicant was acting in concert with the applicant in permission ref. 18/1056, and so attached the Part V condition to the Notification of decision to grant permission.
- Conditions 3 & 4 will ensure that any trench works within the public open space area in The Grove will be made good.

6.4. Observations

There is one observation from Ray & Ann Maher, The Cottage, Old Station Road, Leixlip; received by An Bord Pleanála on 8th February 2019. The issues raised, where not already raised in the 3rd Party appeal, can be summarised in bullet point format as follows-

- Old Station Road is not suitable for construction access – parts of it are only 4m wide. There are two acute bends on the road. This is a quiet lane – used by children.
- Old Station Road is being used to clear this site – in advance of construction. There is no permission granted yet for this development.
- It is noted that applications 18/1056 and 17/1118 may be connected.

6.5. Further Responses

The observation from Ray & Ann Maher, was circulated to the other parties to the appeal for comment – on or before 26th March 2019.

- 6.5.1. The response of Eamonn Daly Architects, agent on behalf of the applicant, Mulberry Properties Ltd; received by An Bord Pleanála on 5th March 2019, indicates that there is no development work taking place on the site. The lands are currently being cleared of rubbish and weeds. The Station Road laneway is the long-established access to these lands, and is being used to facilitate the clean-up.
- 6.5.2. The response of Kildare County Council, received by An Bord Pleanála on 14th March 2019, indicated that there was no further comment.
- 6.5.3. The response of Marston Planning Consultancy, agent on behalf of Louisa Valley Residents Association, received by An Bord Pleanála on 22nd March 2019, can be summarised in bullet point format as follows-
- Preparatory work commenced at this site on 12th February 2019, which has led to a number of issues relating to traffic management and damage to the boundary wall on The Grove. An Enforcement File has been opened by KCC – ref. UD7247. Works were initially undertaken from The Grove – using a shovel machine to load trucks over the boundary wall – photographs supplied. This resulted in blocking access in and out of The Grove for periods of time. Machinery used in clearing the site, was brought in via Old Station Road.
 - If the Board is minded to grant permission – a condition should be attached requiring that Old Station Road be used for construction access.
 - Old Station Road has significant capacity to serve this development – serving only four houses at present. The access road was narrowed during

construction of a house ref. 17/1118. This laneway could be widened from 4.0m – as the applicant is in control of the necessary part of the laneway, relating to ref. 17/1118. The remainder of the laneway could allow two cars to pass – part of it with grass margins. There are no acute bends on the laneway. Several permissions have been granted for houses with access to this same laneway.

- This development represents project-splitting, to avoid the need to comply with the requirements of Part V. There are no grounds to split the site into two/three separate applications.
- The appellant supports the observers' grounds – apart from the issue of access to the site.
- The development will result in devaluation of property within The Grove.

7.0 Assessment

The principal issues of this appeal relate to residential amenity, vehicular access (both during construction and operational phases), public open space, and Part V.

7.1. Development Plan & Other Guidance

- 7.1.1. The site is zoned for residential development in the Leixlip LAP 2017-2023. This is an infill site, and the proposed development is in accordance with the zoning. The development is in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) – issued by the Department of Environment, Heritage and Local Government in May 2009. The density of development, at 28.6 units per ha, reflects the density of development within The Grove and Rockingham Green adjacent developments.

7.2. Design & Layout

- 7.2.1. The shape of the site, to some extent, dictates the layout of development – with houses addressing The Grove. The Grove is a small development of 26 no. detached, two-storey houses. The proposed semi-detached houses are of equivalent size (at 150m² each). The ridge-line height of the proposed houses is

roughly similar to houses within The Grove. The appellant urges that the façades of the houses should reflect the brick and plaster finishes of the existing houses within The Grove. I would be satisfied that the red-brick façades proposed are acceptable. I note that nearby houses in Rockingham Green have red-brick façades. I would see no difficulty with the stepped building line – the difference will have no perceptible impact on the residential amenity of houses within The Grove. A new footpath is to be provided along the length of the site, to link the footpaths in front of nos 4 & 6 The Grove. Rear gardens are large, and will provide for good-quality private open space for residents. The separation distance from the rear elevations of houses in Rockingham Green is more than adequate to ensure that there will be no unacceptable degree of overlooking – where rear gardens of proposed houses abut rear gardens of existing houses in Rockingham Green. Six of the eight houses will abut an area to the rear which would once have formed part of Old Station Road. There is no indication given of any proposed rear access – (pedestrian or vehicular) to any of these six sites. I note that one house on Rockingham Green appears to have rear access to Old Station Road at present.

7.2.2. The proposal involves the demolition of part of an habitable house. I note that an application on the adjoining site seeks to demolish the remainder of this habitable house. Whilst planning permission has been granted by KCC for the two adjoining residential developments – which encompasses the demolition of the entire house; I note that both decisions of the Council are the subject of appeals to An Bord Pleanála. In the event that only one of the grants of permission was confirmed by the Board, the remaining portion of the bungalow on site would have to be shored-up and made good, to retain the standing part of an habitable house. Similarly, even if permission were confirmed by the Board for both residential schemes; and where only one scheme was to proceed; the remaining portion of the bungalow on site would have to be shored-up and made good, in order to retain the standing part of an habitable house. This is a less than desirable situation in relation to an habitable house. A condition would need to be attached to any grant of planning permission to issue from the Board, to cover the above-referenced eventualities.

7.2.3. The 3rd Party appellant argues that the proposed development makes no provision for public open space: and this is undeniably true. The planning authority would not appear to have applied a financial contribution in lieu of such provision. It would

seem that the existing open space within The Grove, will end up being used by future residents of this proposed development. To apply the 10% requirement to this site would result in requirement for a piece of ground of 278m². Such a piece of ground would be of limited open space use – and could, at best, perform a visual amenity function. There is no logical place to locate such an area of open space. Perhaps if the site abutted an existing area of open space, it could be extended; but in this instance, it does not. The 3rd Party appellant is concerned that foul sewer pipe-laying will result in damage to the open space within The Grove. I note that where the pipeline traverses the existing open space area – the ground is sloping gently down towards the road – and so is not suitable for active amenity use. The alternative to using the open space area, is to run the pipeline within the road – as suggested by the 3rd Party. This would involve more expense and disruption, than excavation within a grassed area. The pipe-laying would be of limited duration. It would be possible to attach a condition to any grant of permission to issue from the Board, requiring that the open space area be made good, following pipe-laying.

- 7.2.4. Recent site clearance has resulted in the removal of most of the vegetation from this site. A number of ivy-clad, deciduous trees have been retained along the southwestern boundary – but the root spread of the trees has not been fenced-off – where heavy machinery has been involved in site clearance. These trees are indicated as being retained on drawings submitted. I would see no difficulty with the removal of mature Leyland cypress trees immediately to the northwest of the bungalow on the site. I would similarly see no difficulty with the removal of semi-mature deciduous trees within the grass margin along The Grove site boundary. Such removal is necessary to create vehicular accesses for the eight houses. One new replacement tree is to be planted in the grass verge. Front gardens of the new houses will be landscaped – and will represent a more attractive feature than the existing 3m high concrete wall which forms the boundary at present. I note that part of this wall recently required buttressing on both sides, to prevent collapse.

7.3. Access & Parking

- 7.3.1. The current vehicular access to the site is from Old Station Road – an older cul de sac road. This access serves the bungalow on the wider site. I do not see that access need necessarily be replicated on this side of the site. The estate road

serving The Grove is more than adequate to serve an additional 8 houses. The proposed development will not constitute a traffic hazard – sight distance is adequate on this residential cul de sac. The applicant has indicated that there is right-of-way access from the site to The Grove.

- 7.3.2. Provision is made for two parking spaces within the curtilage of each house site. This is in accordance with development plan standards. I would be satisfied that the proposed development will not result in indiscriminate parking on The Grove. Houses on the opposite side of the street have their own curtilage parking. Reference is made to parking requirements of Stewarts Hospital, which runs sheltered accommodation at no. 6 The Grove: this is not a relevant consideration. No. 6 has its own curtilage parking – like other houses within the estate. There are no parking restrictions in place on this residential street. If no. 6 requires on-street parking (cars/minibuses) from time to time, then this would be no different to on-street parking requirements for the remainder of houses within The Grove.
- 7.3.3. The Notification of decision to grant planning permission did not make any reference to construction traffic. There is vehicular access to the site from Old Station Road. There will be vehicular access to the site from The Grove (the applicant company indicating that it has right-of-way access to this road). I would be satisfied, having regard to the limited duration of the construction phase, for a development limited in area such as this one, would not result in the creation of traffic hazard; and the decision on which road(s) access to use, is a matter for the developer. The observer correctly points out that Old Station Road is a narrow carriageway. It is not possible to pass two vehicles along a considerable portion of its length. Notwithstanding this, it was recently used to import site-clearance machinery of considerable size. It currently serves as access to 9 houses – a number of which have alternative road access. Certainly, The Grove would be a more appropriate access for construction traffic. However, such was not required by way of condition attached to the Notification of decision to grant planning permission, and it would be unreasonable to require such by way of condition attached to any grant of permission to issue from the Board – in the absence of the parties to the appeal being given the opportunity to comment – notwithstanding that the issue is raised by the Observer to the appeal.
- 7.3.4. The Roads and Transportation Section of KCC had no objection to the proposed development. CBR tests of the proposed distributor roads was required – prior to

commencement of development. This requirement was reflected in condition no. 13 of the Notification of decision to grant planning permission. There are no distributor roads proposed with this development.

7.4. Water

7.4.1. Water Supply

Water supply is to be from an existing IW main, located within The Grove. The Water Services Section of KCC and IW, raised no objection to the proposed development.

7.4.2. Foul Waste

It is proposed to discharge foul waste to the IW network in the area. This will involve the construction of a 100m length of sewer to connect to an existing sewer to the northeast – in the corner of The Grove housing development. The Water Services Section of KCC and IW, raised no objection to the proposed development. I have elsewhere within this report addressed the issue of the laying of this pipeline within an existing public open space area.

7.4.3. Surface Water

Surface water is to be discharged to individual soakways within the rear garden of each house. Soakway tests were carried out by excavating two trial holes. Groundwater was encountered at 2.0m below ground level in one of the holes. The percolation was deemed suitable. The Environment Section of KCC had no objection to the proposal.

7.4.4. Flooding

The site is not subject to any flooding. OPW Floodmaps do not indicate any incidence of fluvial flooding in the area.

7.5. Other Issues

7.5.1. Financial Contribution

Condition 19 of the Notification of decision to grant permission required payment of a development contribution of €57,795. The applicant has not appealed this condition.

A similarly-worded condition should be attached to any grant of permission to issue from the Board.

7.5.2. Bond Condition

Condition 18 of the Notification of decision to grant planning permission required the developer to pay a bond of €16,000 for the completion of the development. A similarly-worded condition should be attached to any grant of permission to issue from the Board.

7.5.3. Part V

Section 16 of the planning application form submitted to KCC, indicates that the application is one to which Part V of the Planning and Development Act, 2000, as amended, applies. There is a Certificate on the file from Kildare County Council, to state that Section 96 of the Act does not apply. There is a report from the Housing Section of KCC (dated 24th August 2018), to state that Part V does apply to this development. There is an Order from the Director of Services of KCC (dated 31st July 2018) stating – **“I hereby order the following** that the Certificate under Section 97 of the Planning and Development Act 2000 as amended, to be issued to Mulberry Properties Ltd, as outlined above, is hereby approved”. The response of KCC to the grounds of appeal submitted, which response was received on 30th January 2019, indicated that the Council considered that the applicant was acting in concert with the applicants in permission ref. 18/1056 [the adjoining site to the southeast], and the Part V condition was accordingly attached. This condition, no. 10 states-

Prior to the lodgement of a Commencement Notice within the meaning of Part II of the Building Control Regulations, 1997 the Applicant and any other person with an interest in the land to which this Permission relates shall enter into an Agreement with the Planning Authority providing for the matters referred to in Section 96(3)(a) or (b) of the Planning & Development Acts, 2000, (as amended).

This agreement shall provide for the reservation of 10% (or such lesser percentage, if any, as may be provided for in the Planning Authority’s Housing Strategy/Development Plan at the time of such Agreement) of the lands to which this Permission relates for the provision of housing of the type referred to in Section 94(4)(a) of the Planning & Development Acts, 2000, (as

amended), **UNLESS** an alternative arrangement as permitted by Section 96(3)(b) of the said Acts is agreed with the Planning Authority. Where any such alternative arrangement provides for the transfer of dwelling units to the Authority such units shall conform with the Department of the Environment, Community & Local Governments [sic] minimum design standards as set out in “Quality Housing for Sustainable Communities” and any subsequent amendments applicable at the date of the Grant of Planning Permission and must have registered title at the time of transfer to Kildare County Council.

Reason: To comply with the requirements of Part V of the Planning & Development Acts, as amended, and the policies and objectives of the Kildare County Housing Strategy as contained within the Kildare County Development Plan 2017-2023.

There appears to be some confusion as to whether Part V applies to this site. It would be prudent of the Board to attach a condition to any grant of permission – requiring compliance with Part V.

7.5.4. Appropriate Assessment

Screening for appropriate assessment was carried out by KCC. The closest European site is the Rye Water Valley/Carton SAC (Site code 001398) – located some 260m to the northwest (as the crow flies), on lower ground. Having regard to limited nature of the proposed development, and to the fact that it will be connected to the public sewer network, 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 an European site.

7.5.5. Devaluation of Property

The appellant claims that the proposed houses will devalue property in the vicinity. No evidence has been submitted to substantiate this claim. I would be satisfied that the proposed houses, which are similar in size and scale to existing houses within The Grove, will not have any significant impact on property values in the area.

7.5.6. Numbering

Condition 17 of the Notification of decision to grant planning permission required submission of a numbering scheme for the written agreement of the Council. This

would appear to be reasonable; and a similarly-worded condition should be attached to any grant of permission to issue from the Board. I note that numbering may prove difficult; where no's 4 & 6 already exist on either side of a site for 8 houses (with permission granted by KCC for a further two houses – subject to an appeal to An Bord Pleanála).

7.5.7. Site Clearance

Reference made to clearance of waste and scrub vegetation from the site (made by the Observers) is not a relevant consideration to this appeal. It is open to any property owner to clear vegetation and rubbish from a site, without the requirement for planning permission (except in certain limited circumstances relating to ecological protection or Protected Structures) – circumstances which would not appear to apply in this instance. The site was undergoing extensive clearance of vegetation on the date of site inspection by this Planning Inspector. No demolition work has taken place on the bungalow – and no construction work has commenced on houses.

7.5.8. Overhead Electricity Cables

There are overhead electricity cables within the site – supported on timber poles. The site has recently been cleared around the support poles. The cables will have to be removed to facilitate the development. A condition should be attached to any grant of permission to issue from the Board, requiring the removal/rerouting of these cables, at the applicant's expense.

7.5.9. Archaeology

There was no archaeological monitoring condition attached to the Notification of decision to grant planning permission which issued from KCC. There is no indication of any archaeological sites in the immediate vicinity. Extensive site clearance and disturbance of topsoil may have damaged any archaeological deposits which might have existed within the site – which is largely green-field.

7.5.10. Site-Splitting

The 3rd Party appellant contends that the bungalow site has been deliberately split. This argument relates to the potential impact on Part V. However, I note that the proposed development is in no way dependent on planning application ref. 18/1056 for the remainder of the bungalow curtilage; and could proceed without it. I have

elsewhere in this report commented on the implications of demolishing part of the bungalow on the overall site. I would be satisfied that the splitting of the bungalow site in two, would not have any planning implications for this current appeal.

8.0 Recommendation

I recommend that permission be granted for the Reasons and Considerations set out below, and subject to the attached Conditions

9.0 Reasons and Considerations

Having regard to the residential zoning of the site in the current development plan for the area, the pattern of development in the vicinity, and the design and layout of the proposed scheme; it is considered that, subject to compliance with the attached conditions, the proposed development would not be detrimental to the residential amenities of the area, would not be prejudicial to public health, would not result in a devaluation 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 in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 17th day of October and the 22nd day of November 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. 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. In particular, no surface water from roof areas or driveways shall be discharged to the road drainage network within The Grove or within the Old Station Road cul de sac to the rear.

Reason: In the interest of public health.

3. The applicant or developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of this development.

Reason: In the interest of public health and orderly development.

4. The vehicular entrances from the public road, including footpaths, verges and kerbs, shall be in accordance with the detailed requirements of the planning authority for such works.

Reason: In the interest of amenities and public safety.

5. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed 8 no. houses, shall be submitted to the planning authority for written agreement.

Reason: In the interest of orderly development and the visual amenities of the area.

6. The trench, excavated to facilitate laying of the foul sewer in public open space within The Grove, shall be made good immediately thereafter, and the open space returned to its pre-excavation condition.

Reason: In the interest of the residential amenities of the area.

7. Prior to commencement of development, proposals for a numbering scheme shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of orderly development.

8. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed

development.

Reason: In the interest of orderly development and the visual amenities of the area.

9. The existing over-ground electricity cables which traverse the site, shall be undergrounded or rerouted, at the expense of the developer.

Reason: In the interest of orderly development.

10. Following demolition of part of the bungalow on this site, the remainder of the house shall be made good, and returned to residential use within one month of demolition; unless permission exists to demolish the remaining portion – and redevelopment of the adjoining site proceeds.

Reason: To safeguard the remaining portion of an habitable house; in the interest of residential and visual amenity.

11. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates, shall enter into an agreement in writing with the planning authority, in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

12. 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 of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement

empowering the planning authority to apply such security or part thereof to the satisfactory completion 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 the Board for determination.

Reason: To ensure the satisfactory completion of the development.

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 the 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 the Board 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.

**Michael Dillon,
Planning Inspectorate.**

3rd April 2019.