



An
Bord
Pleanála

Inspector's Report

ABP-304417-19

Development	Planning permission consequent on the grant of outline planning permission (Reg. Ref. F17A/0754) for construction a of dwelling
Location	Grange, Skerries, Co. Dublin.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F19A/0092
Applicant(s)	Marin & Aisling Gaffney
Type of Application	Permission consequent
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Andrew & Emma Russell
Observer(s)	None
Date of Site Inspection	8 th of August 2019
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1. The application site has an area of 0.406ha (1.0acre) and is located in the rural area to the south-west of Grange Lodge Avenue, Killalane, Skerries. The subject site is situated on the western side of a local access road to the west of Milverton Demense. Access to this local road is via the R127 to Skerries to the east.
- 1.2. It is to the north-west of a row of 3no. dwellings and is currently in agricultural use. The site is generally rectangular in shape and is bounded along the roadside by a ditch, and a dense bank of trees and hedgerows. It is to be taken off the larger field area. The area appears rural and there is an agricultural property and sheds that can be seen to the north of the property.
- 1.3. There are 3no. bungalow type houses to the south of the subject site. The house adjacent to the subject site is well set back off the boundary and has a garage to the west side. There are two vehicular accesses to this adjoining site. There is a beech hedge along the south eastern boundary with this property and a hedgerow along the southern field boundary of the site. Sightlines appear somewhat restricted in view of roadside trees and hedgerows.

2.0 Proposed Development

- 2.1. This proposal is for planning permission consequent to the grant of permission (Reg.Ref.F17A/0754) and is for the construction of a single storey to storey and a half four bedroom dwelling (7.49m in height) with a gross floor area of 251sq.m; new vehicular entrance; on-site wastewater treatment system; landscaping, boundary treatments and all associated site development works necessary to facilitate the development.
- 2.2. A Site Layout Plan, Floor Plans, Sections and Elevations have been submitted.
- 2.3. A Planning Report has been submitted by Hughes Planning & Development Consultants in support of the application. This report sets out the rationale and justification for the proposed development.
- 2.4. A Site Suitability Assessment has been prepared by Percolation Tests.ie – Planning Assessments & Land Surveys.

3.0 Planning Authority Decision

3.1. Decision

On the 17th of April 2019 Fingal County Council granted permission for the proposed development subject to 14no. conditions. These conditions include regard to design and layout, landscaping, external finishes, drainage, water connections, construction management and development contributions. Condition no. 2 is of note and is as follows:

- *The conditions of the grant of outline permission under Reg.Ref. F17A/0754 shall be complied with in the full course of the development permitted, save for the changes to plans submitted for this application.*

Reason: To ensure that the development shall be in accordance with the permission, and that effective control can be maintained.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner has regard to the locational context of the site, planning history and policy and to the departmental reports. Their Assessment included the following:

- This is an application for permission consequent on the grant of outline planning permission (Reg.Ref. F17A/0754). They have regard to the conditions of the outline permission and to the extensive planning history of the general area.
- They note that the position of the house has been slightly amended since the outline permission and have no objection to the principle of repositioning the dwelling.
- The applicant has satisfactorily demonstrated compliance with the Rural Settlement Strategy under Reg.Ref. F17A/0754 and as the current planning application is for permission consequent on this grant of outline permission it is not necessary to revisit this issue.

- In the event of a grant of permission consequent on a grant of outline permission, a condition stating that the conditions attached under Reg.Ref. F17A/0754 will continue to apply includes an occupancy condition.
- They note the Appropriate Assessment Screening Reports that have been submitted relative to the outline and the current application. They provide that given the nature of the proposed development and the distance to the closest Natura 2000 sites no negative impact on Natura 2000 sites are anticipated.
- An EIA is not required.
- They consider that the proposed development by virtue of its scale and design would not unduly impact on the amenity of neighbouring property and does not detract from the amenity of the surrounding area.
- The applicants comply with the Rural Settlement Strategy of the Fingal CDP2017-2023. The proposed development is considered to be in accordance with the proper planning and sustainable development of the area.

3.3. Other Technical Reports

Transportation Planning Section

They note that the proposed development is located in an 80km/hr speed limit. They have no objections subject to conditions.

Water Services Department

They have no objections subject to conditions.

Parks Division

They recommend a condition relative to boundary treatment.

3.4. Prescribed Bodies

Irish Water

They have no objections subject to conditions.

3.5. **Third Party Observations**

A Submission has been received from the adjoining local resident who is the subsequent Third Party Appellant and their concerns are noted and considered further in the context of their appeal.

4.0 **Planning History**

- Reg.Ref.F17A/0754 – Outline permission granted subject to conditions on the 3rd of July 2018 by the Council for the construction of a dwelling; new vehicular entrance; on-site waste water treatment system; landscaping, boundary treatments and all associated with development works necessary to facilitate the development. Additional Information was requested by the Council and received on the 4th of May 2018.

A Copy of this Permission is included in the History Appendix to this Report.

5.0 **Policy Context**

5.1. **Fingal County Development Plan 2017-2023**

Land use zoning

As shown on Sheet 5 the site is within the 'RU-Rural' land use zoning where the objective seeks to: *Protect and promote in a balanced way, the development of agricultural and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage.*

Recorded Monuments

There are a number of Recorded Monuments in the vicinity of the subject site the closest of which are DU005-164 'Ring Ditch' and DU005 -165 'Flat Cemetery' to the south-east.

5.2. Code of Practice Wastewater Treatment Disposal Systems serving Single Houses

This document (2009) by the EPA relevant to single houses (p.e <10) and replaces SR6:1991 and the EPA Manual 2000 for 'Treatment Systems for Single Houses'. The objective is to protect the environment and water quality from pollution and it is concerned with site suitability assessment. It is concerned with making a recommendation for selecting an appropriate on-site domestic wastewater treatment and disposal system if the site is deemed appropriate subject to the site assessment and characterisation report. The implementation of the Code is a key element to ensure that the planning system is positioned to address the issue of protecting water quality in assessing development proposals for new housing in rural areas and meeting its obligations under Council Directive (75/442/EEC).

5.3. EU Water Framework Directive

The purpose of the EU Water Framework Directive (WFD) 'is to establish a framework for the protection of inland surface waters, transitional waters, coastal waters and groundwater'.

5.4. Natural Heritage Designations

- 5.4.1. The site is not proximate to designated sites. The closest is Skerries Islands SPA which is c. 3.6kms from the site.

5.5. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, the absence of any connectivity to any sensitive location, 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.

6.0 The Appeal

6.1. Grounds of Appeal

A Third Party appeal has been submitted by Andrew & Emma Russell, the adjoining landowners who reside in the bungalow to the southeast of the proposed development. Their grounds of appeal include the following:

- The planning application documents submitted and the Council's Planning Assessment are not within the terms of the Outline Permission Reg.Ref. F17A/0754, in particular Conditions that were specifically to protect their residential amenity and prevent overlooking to their house and private garden.
- They support an application for a well designed house in this location.
- They are concerned about the orientation and alignment of the house and that it may result in overlooking issues.
- Their concerns are mainly about lack of compliance with Conditions 4 (b) and (c) of Reg.Ref. F17A/0754.
- They request that the layout/orientation of the proposed house be re-aligned from the north facing orientation to face east in accordance with Conditions 4(b) of the Outline Permission.
- They are concerned about overlooking of their private garden area. If the development was orientated to face east, overlooking from the upper floors would no longer be an issue for them.
- The conditions attached requiring installation of obscure glass in both the Outline Permission i.e Condition 4(c) would then be effective to prevent an overlooking issue.
- Figure 6.0 of their Appeal Submission shows the orientation offset relative to the building line of the properties to the south east. They request that the dwelling match this building line.

- By overlaying the Outline Permission with that of the current proposal, it appears to them that the proposed house has moved further south and east towards their site boundary.
- They consider the Planner's assessment of the orientation and relative to no undue overlooking erroneous and that it fails to acknowledge their property, the distance to their boundary, or overlooking that will occur over their garden from the rear upper storey windows.
- This proposal results in a dwelling that faces north, is not aligned with the adjoining road or neighbouring properties and includes an upper floor that will directly overlook their rear garden.
- They request that the terms of the Outline Permission be complied with and the apparent confusion regarding orientation rectified. Also, that the dwelling be re-orientated to be in line with the properties to the south east.

6.2. Applicant Response

Hughes Planning & Development Consultants response on behalf of the Applicants response includes the following:

- The development complies with the policies and objectives of the Fingal DP and represents a layout and design which optimises the use of a zoned site, while maintaining the existing residential amenity of adjoining dwellings.
- The proposed development responds appropriately to the grant of outline permission.
- As shown on Figure 3.0 the dwelling has been orientated to follow the existing building line set by neighbouring properties to the south east of the site.
- The floor plans of the proposed dwelling are conducive to family living and have been orientated to follow the existing building line set by neighbouring properties to the south east of the site.
- They note that the Planning Authority has no objection to the principle of repositioning the dwelling and does not consider that the proposal will have undue implications on the amenity of neighbouring dwellings.

- They provide a discussion of the orientation of the proposed dwelling relative to that granted in the outline permission and include a number of Figures to illustrate distances to site boundaries and the adjoining property.
- The current proposal is consequent on the outline permission and the proposed development is in accordance with the scale and type of development permitted under this outline permission.
- They provide that the only issue before the Board in the determination of this appeal is the positioning and siting of the dwelling.
- The proposal complies with Fingal DP policies and objectives regarding separation distances. Taking these issues into account they ask the Board to reject these issues regarding overlooking.
- They include Figure 12 to show first floor obscure glazed windows to the southern elevation.
- The proposal is located a sufficient distance away from the adjacent property to dispel any impacts of overlooking.
- The proposed dwelling is modest in design and scale and is not thought to have any negative impacts on the area or of the neighbouring properties.
- They ask the Board to uphold the Council's decision and grant permission.

6.3. Planning Authority Response

They provide that having assessed and had regard to the appeal submission and the original application that it remains the opinion of the Planning Authority that the overall development is considered acceptable subject to the conditions attached.

They do not consider that the proposed dwelling will give rise to any undue overlooking having regard to the separation distances between the proposed windows and adjacent site boundaries and to condition no. 3 relative to obscure glazing. They consider that there is no ambiguity in the orientation as cited by the appellants. They note that there is reference in relation to the issue of orientation made in the context of describing the proposal and the reports of the Planning Officer for both the outline application and the permission consequent

application. Both reports are consistent in relation to their reference to orientation. Also, in the event that the Planning Authority's decision is upheld, the PA requests that Condition no. 14 (development contributions) is included in the Board's determination.

6.4. Further Responses

The Third Party Andrew & Emma Russell have submitted a response to the First Party response which includes the following:

- They wish to reiterate the points they have made in their appeal which remain fully relevant and applicable.
- They note their concerns regarding the re-orientation from that shown in the outline permission and consider that the proposal will cause direct overlooking from the rear upper windows of this property.
- As it stands both the side and rear elevations overlook their property.
- This overlooking would not occur if the proposed siting was corrected as both the terms of the Outline Permission and their Submission on the current proposal.
- They ask the Board to re-orient the proposed dwelling to face eastward or parallel with the public road to align with the adjoining single storey properties and thereby remove overlooking that will result in their garden.

7.0 Assessment

7.1. Principle of Development and Regard to Outline Permission

- 7.1.1. The Board will note that a valid outline planning permission exists for the proposed development. Therefore, the principle of the construction of a rural house on this site has been established. Section 36(4) of the Planning and Development Act, 2000 (as amended) states that: *Where an application for permission is made to a planning authority consequent on the outline permission, the planning authority shall not refuse to grant permission on the basis of any matter which had been decided in the*

grant of outline permission, provided that the planning authority is satisfied that the proposed development is within the terms of the outline permission.

- 7.1.2. Outline Permission Reg.Ref. F17A/0754 was granted in July 2018 and was subject to conditions that specified certain requirements for any subsequent planning application. The Third Party note that these conditions have mostly been complied with and their concern is mainly about what they consider non-compliance with Condition nos. 4(b) and (c) relative to the orientation and siting of the dwelling and the issue of overlooking and obscure glazed windows.
- 7.1.3. Also of note is Article 24 of the Planning and Development Regulations 2001 (as amended) i.e. *Notwithstanding article 22(2)(d), an outline application shall, in addition to the requirements of article 22(2), be accompanied only by such plans and particulars as are necessary to enable the planning authority to make a decision in relation to the siting, layout or other proposals for development in respect of which a decision is sought.*
- 7.1.4. Therefore, an Outline Permission can include conditions relative to siting and layout. It is considered that Condition 4 (b) of this outline permission provides for such.

7.2. Regard to Compliance with Condition no. 4 of Outline Permission

- 7.2.1. Condition no. 4 of Reg.Ref. F17A/0754 is as follows:

The plans and particulars to be submitted by way of a separate application for permission consequent to a grant of outline permission shall include the following requirements:

- (a) Details indicating the layout of the house, driveway and drainage system;*
- (b) The dwelling shall be detached, shall be single storey or storey and a half in design, have a maximum ridge height of 7.5 metres, a maximum floor area of 280sq.m and shall be positioned so that the front walls of the dwelling are orientated eastward;*
- (c) Any first floor windows on the side/north and south elevations shall comprise obscure glazing. The use of film is not acceptable;*

(d) The roof of the house shall be finished with natural slate of blue/black colour. External walls shall comprise neutral coloured render, should stone be proposed it shall comprise natural stone.

Reason: *To protect the amenity of the area and to enable the application for permission consequent to be fully assessed.*

- 7.2.2. With regard to Condition no. 4(b) it is noted that the floor area of the proposed dwelling is 251sqm and the ridge height of the storey and a half element as 7.49m therefore the current proposal complies with this. However, the concern is that the proposed dwelling is not positioned so that the front walls of the dwelling are orientated eastward as per this condition.
- 7.2.3. As shown on the Site Layout Plan submitted the dwelling is to be situated within the north-eastern portion of the site. However, having regard to the orientation of adjoining properties this is shown at an angle facing in a more northly direction. The Third Party request the Board to consider their appeal and re-orient the proposed dwelling to face eastward or parallel with the public road to align with adjoining single storey properties and thereby remove the overlooking that will result on their garden.
- 7.2.4. It is noted that the proposal complies with Fingal DP Objectives DMS28 relative to being substantially, in excess of 22m separation distances and DMS29 relative to the minimum 2.3m separation distance between properties. As shown on the Site Layout Plan it is c. 27m from the side of the single storey dwelling to the south east and set back, in excess of 9m from the southern site boundary with this property. In view of separation distances, it also complies with Objective DMS30 relative to Daylight and Sunlight.
- 7.2.5. The First Party asks the Board to consider these separation distances and provides that no overlooking impacts arise. They also contend that the proposed orientation aligns with the building line set by properties to the south east. It is noted that the subject dwelling has been repositioned approx. 3m further north-west from the south eastern boundary. Regard is had to Figures 10 and 11 of the First Party response submission. While they note that location of the proposed dwelling on site has been altered slightly between that as permitted under the outline permission, they consider that these amendments will have no undue impact on adjacent residential properties. In this respect regard is had to the most southernly house which as shown on the

Site Location Map is off set at an angle from the adjoining two properties. They provide that great care has been taken to maximise the dwellings orientation for optimal solar gain, contributing to a high quality internal environment within the development.

7.2.6. The Third Party response reiterates their concerns about the orientation of the dwelling and considers that the proposed siting will cause direct overlooking from the rear upper windows of the property over their rear garden area. They consider that proposed dwelling should be orientated to face eastward in compliance with condition no. 4(b) of the Outline Permission or in parallel with the public road to align with the adjoining single storey properties and thereby remove the overlooking that will result in their rear garden.

7.2.7. In this case regard is had to the differences in the orientation as shown in the application submitted and in the outline permission. As noted in Figures 10 and 11 of the First Party response submission there is a notable difference in the orientation relative to the building line and I would not consider it to be marginal. In this case this application is for permission consequent. Outline permission has been granted and the principle of the development confirmed. This includes more specifically Condition 4(b). I would consider that the current application must comply with the terms of the outline permission including this condition and that if the Applicants wish to pursue this change in orientation that it would be necessary to do so in the form of a new application. I would therefore recommend that if the Board decides to permit that revised plans be submitted to show the orientation of the dwelling in accordance with Condition 4(b) of the Outline Permission.

7.3. **Design and Layout**

7.3.1. The proposed development is to consist of the construction of a detached, part single storey, part storey and a half rural dwelling on the application site, consequent to the previous approval for outline permission Reg.Ref.F17A/0754 refers. The application includes the provision of a new vehicular entrance off the public road to serve the dwelling. It is also proposed to install a wastewater treatment system to cater for the new dwelling.

- 7.3.2. The ground floor plans comprise an 'L' shape with the one and a half storey element front facing and the single storey element to the rear. Living accommodation at ground floor level includes kitchen/dining and lounge in the rear single storey element and living room, utility and en-suite bedroom at ground floor level with 3no. bedrooms and bathroom shown at first floor level. The first floor level also includes dressing room facilities and a void area for landing and stairwell. The total floor area is given as 251sq.m. As shown on the plans the single storey element at the rear comprises c.60sq.m and extends c. 12.7m in length. The one and a half storey element is c. 7.5m in height and the single storey element is c.4.5m in height.
- 7.3.3. The elevations show that two no. first floor windows are proposed in the side elevation. Condition no.3 of the Council's permission consequent includes: *The first floor ope on the side/southern elevation of the serving the 'Master Suite' shall be fitted and permanently maintained with obscure glass....* Condition no. 11 of their permission also refers. If the Board decides to permit I would recommend that this type of condition be included with modifications to ensure that both first floor en-suite windows on this side elevation be obscure glazed. Figure 12 of the First Party response shows obscure glazing to these windows on the southern elevation of the subject property. This was would comply with Condition no.4(c) of the outline permission.
- 7.3.4. Proposed external finishes include smooth render plastered finish and natural slate roof. If the Board decide to permit it is recommended that a condition relative to external finishes be included. Having regard to the site location and area of the site, I would consider the design and layout of the proposed dwelling to be acceptable in this rural area, subject to revisions to the orientation as per Condition no.4(b) of the Outline Permission as referred to above.
- 7.3.5. I note that Council have included condition no.4 in their permission consequent relative to the omission of the 4no. rooflights on the front/eastern roof slope of the proposed dwelling. While I would not see the need for such a condition I would have no objection should the Board decide to include it.

7.4. Access and Boundary Treatment

- 7.4.1. The Outline Permission included permission in principle for a new vehicular entrance Condition nos. 2 and 6 refer. However, the details of the access were left for consideration in this application for Permission Consequent. The current Site Layout Plan shows the access is to be located in the south eastern corner of the road frontage to the north of the access to the adjoining property. It is noted that Parking in accordance with Development Plan Standards (Table 12.8 refers) can be accommodated on the site, 2-3 spaces.
- 7.4.2. The proposed development is located in the 80km/hr speed limit. The Council's Transportation Planning Section notes that a site plan has been submitted detailing sightlines of 120m from the proposed entrance. As part of the outline permission, the applicant conducted a speed survey which shows that the 85th% speed as 73km/h northbound and 70km/h southbound. Consequently, they provide that the sightlines achievable from the proposed new entrance are acceptable. They conclude that they have no objection subject to conditions.
- 7.4.3. Condition no. 5 of the Outline Permission refers to Boundary Treatment and Landscaping and compliance with this condition is reiterated by the Council's Parks Division Report in the current application. If the Board decides to permit I would also recommend that a Landscaping Scheme be submitted to include boundary planting.

7.5. Drainage issues

- 7.5.1. Condition no. 2 of the Outline Permission permitted an on-site waste water treatment system in principle. The Site Layout Plan relative to the current application for Permission Consequent shows the proposed location of the Septic Tank and Percolation Area. It is of note that there may need to be some changes to this if the orientation of the house is to be changed relative to Condition 4(b) of the Outline Permission as noted above.
- 7.5.2. The Planning Report submitted with this application notes that it is proposed to install an EPA compliant wastewater treatment system and percolation area to the rear of the proposed dwelling. Specifically, it is recommended to install a BAF WWTS with the effluent pumped to a soil polishing filter and details are given. They refer to the

Site Suitability Assessment and Site Characterisation Report submitted as part of the application. It is also noted that water supply is to be from the public mains.

- 7.5.3. It is proposed that a septic tank and percolation system be installed to maintain minimum separations laid out in the EPA 2009 Code of Practice. The Site Characterisation Report notes that the vulnerability of the Aquifer is high and the local importance is LI with a groundwater response of R2. Table B.2 of the Code of Practice provides the Response Matrix for on-site Treatment Systems. In this case a wwts is acceptable subject to good practice.
- 7.5.4. Regard is had to the Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.< 10). Table 6.2 of this EPA Code of Practice provides the minimum depth requirements for on-site systems discharging to ground i.e.1.2m and at the base of polishing filter 0.9m.i.e minimum depth of unsaturated subsoil to bedrock and the water table. Table 6.3 provides an interpretation of percolation test results and “in cases where $3 < P < 75$ the site may be suitable for a secondary treatment system and polishing filter at ground surface or overground if the soil is classified as Clay...” The ‘T’ and ‘P’ test values given are within this range.
- 7.5.5. The Water Services Engineer and Irish Water have no objection subject to conditions. It is considered that subject to compliance with the EPA Code of Practice, the site is suitable for the disposal of effluent and if the Board decide to permit it is recommended that an appropriate drainage condition be included.

7.6. Screening for Appropriate Assessment

- 7.6.1. The Planner’s Report relative to the outline permission notes that the applicants have submitted an AA Screening which concludes that the proposed development would not result in any direct or measurable impacts on any Natura 2000 site. Section 9.0 of the Planning Report submitted with the current application notes that the closest Designated Area is Skerries Islands SPA which is c. 3.6kms distant (Table 1.0 refers). This provides that there are no direct or measurable direct impacts on the habitats of Natura 2000 sites relative to the proposed development. The screening assessment found that significant impacts of the proposed development on the qualifying interests of SPA’s and SAC’s are not likely.

Accordingly, they provide that progression to Stage 2 NIS process is not considered necessary.

- 7.6.2. Taking into consideration the nature and scope of the proposed development, the wastewater treatment system proposed to serve the dwelling, the details provided on the site characterisation form and the existing residential and farm development in the intervening distance, I am of the opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

- 8.1. It is recommended that planning permission consequent on the grant of outline planning permission be granted for the proposed development, subject to compliance with the conditions below.

9.0 Reasons and Considerations

- 9.1. Having regard to planning register reference number F17A/0754, wherein outline permission was granted for a house on this site within the rural area at Grange, Skerries, it is considered that the present proposal for permission consequent on the grant of outline permission, subject to compliance with the conditions set out below, is in accordance with this decision and therefore 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 and by the further plans and particulars received by An Bord Pleanála on the 7th day of June, 2019, 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. All relevant conditions attached to the grant of outline planning permission associated with the subject site (planning register reference number F17A/0754 refers), shall be strictly adhered to.

Reason: In the interests of residential amenity.

3. The proposed development shall be amended as follows:

(a) The siting of the proposed dwelling shall be positioned so that the front walls of the dwelling are orientated eastward and the building line shall be in compliance with that shown on the Site Layout Plan in the Outline Permission Register Reference: F17A/0754.

(b) The ensuite and master suite bedroom on the south side elevation shall be obscure glazed. The use of film is not acceptable.

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.

4. Details of the materials, colours and textures of all the external finishes to the proposed house shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. (a) The vehicular access serving the proposed development, shall comply with the requirements of the planning authority for such works.

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

Reason: In the interest of amenity and road safety.

6. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with a Landscaping Scheme 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) the establishment of a hedgerow along all side and rear boundaries of the site, and
- (b) details of front boundary treatment including set back boundary planting.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

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

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

- 8. a) 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.

(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.

(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.

(d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.

(e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

9. 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.

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 site development works and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material and, if the need arises for cleaning works to be carried out on the adjoining public roads, the cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

12. 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

20th of July 2019