



An
Bord
Pleanála

Inspector's Report ABP-305337-19.

Development	Construction of 2-storey detached dwelling house, entrance together with all associated site works & services.
Location	No. 7 Elm Park, Blackrock, Dundalk, Co. Louth.
Planning Authority	Louth County Council.
Planning Authority Reg. Ref.	18/979.
Applicants	Paul & Emma Crowley.
Type of Application	Planning Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party.
Appellants	Pat Hoey & Others.
Observers	None.
Date of Site Inspection	11 th day of December, 2019.
Inspector	Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. The appeal site has a stated 0.054ha area. It consists of part of the side garden area of No. 7 Elm Park, a 2-storey detached dwelling house with a detached garage property with front, side and rear garden areas served by an individual entrance onto an estate road in Elm Park residential development, that is located on an elevated corner plot within this residential development.
- 1.2. The Elm Park residential scheme is located in the western suburban fringes of the coastal village of Blackrock, c0.3km from Sea Road, as the bird would fly and c60m to the south of Elm Parks junction with the Rock Road, in County Louth.
- 1.3. The site and its wider setting are characterised by low to medium density residential developments which in the case of the Elm Park residential development scheme includes set pieces of matching in architectural style, built form and palette of materials mainly single storey and two storey detached dwelling houses on generous garden plots.
- 1.4. Photographs taken during my inspection of the site and its setting are attached.

2.0 Proposed Development

- 2.1. Planning Permission is sought for a development consisting of the construction of a two-storey detached dwelling house, a new entrance, boundary treatments and all associated works.
- 2.2. Further information was submitted to the Planning Authority on the 23rd day of July, 2019, by the applicant. This revises the proposed two-storey four-bedroom detached dwelling house whilst still maintaining its previously indicated contemporary architectural style, finish and contemporary palette of materials to a dwelling with a stated gross floor area of 210m² (Note: a reduction of 41m²), it indicates a shared entrance serving the proposed dwelling and the existing dwelling (No. 7 Elm Park) with car parking provided for both dwellings in separate front garden areas together with all associated site works and services.
- 2.3. This submission is also accompanied by a letter indicating that a legal right of way over the existing access serving No. 7 Elm Park to the site that would be created by this proposed plot subdivision; a Design Statement; Soakaway Design Report; Part

V Exemption Certificate; and, it is indicated that this application does not seek to demolish the existing detached garage.

3.0 **Planning Authority Decision**

3.1. **Decision**

3.1.1. The Planning Authority decided to **grant** permission subject to 8 no. conditions including but not limited to the following:

Condition No. 2(a): Revisions to the western elevation sought.

Condition No. 4: Requires the window to bedroom labelled No. 4 on the side elevation to be permanently glazed with obscure glass.

Condition No. 5(a): Deals with the matter of car parking provision.

Condition No. 6: Deals with the matter of finished floor levels.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

3.2.2. The **final Planning Officer's** report is the basis of the Planning Authority's decision.

3.2.3. The **initial Planning Officer's report** concluded with a request for further information in relation to the size, scale and massing of the proposed dwelling relative to No. 7 Elm Park; clarification on private open space provision; details of the proposed demolition of the existing detached garage; clarification on infrastructure details; access to serve the proposed dwelling onto the adjoining road network; through to clarification on Part V.

3.2.4. **Other Technical Reports**

Infrastructure: No objections.

3.3. **Prescribed Bodies**

3.3.1. **Irish Water:** No objections.

3.4. Third Party Observations

3.4.1. The Planning Authority's received several 3rd Party submissions objecting to the proposed development. These can be summarised as follows:

- Concerns are raised in relation to the design of the proposed dwelling including its built form, failure to respect established building lines, its perceived lack of harmony with the existing dwellings in its setting.
- The proposed dwelling is overbearing and of an excessive scale.
- The open aspect of Elm Park is one of its charms. The proposed development would detract from this.
- The proposed development would give rise to adverse residential impacts on properties in its vicinity.
- A number of road safety as well as traffic hazard concerns are raised.
- A number of public health and infrastructure concerns are raised with particular concern raised to the contended lack of capacity in the existing foul drainage serving Elm Park to accommodate the proposed dwelling, its poor condition and standard through to this infrastructure has not been taken in charge.
- Construction nuisance concerns are raised.

4.0 Planning History

4.1. Site and Immediate Setting

4.1.1. None relevant.

5.0 Policy & Context

5.1. National Policy

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, (DEHLG 2009) and the accompanying Urban Design Manual: A Best Practice Guide, (DEHLG 2009).

- Design Manual for Urban Roads and Streets (DMURS) (DECLG and DTTS 2013).
- Project Ireland 2040 National Planning Framework (2018).

5.2. Local Planning Policy Provisions

5.2.1. Louth County Development Plan, 2015 to 2021.

The Louth County Development Plan is the overarching Development Plan for County Louth and it includes the administrative area of the former Dundalk Town Council including Blackrock Village.

This appeal site is located within the settlement of Blackrock which is located within the environs of the town of Dundalk.

The said Development Plan states that the Dundalk and Environs Development Plan, 2009 to 2015, will be replaced by a Local Area Plan. This is supported by Policy SS 3 of the said Development Plan which states that the Planning Authority will seek *“to review the Dundalk and Environs Development Plan 2009 – 2015 and to prepare a Local Area Plan for Dundalk and Environs which will be consistent with the provisions of the County Plan”*; however, such a plan has yet to be adopted.

As such the Dundalk Town & Environs Development Plan, 2009 to 2015, as varied and amended, is the most recent zoning framework for the area and under this Plan the site and its setting is situated on land that is zoned *‘Residential 1’*.

The zoning objective for *‘Residential 1’* is *“to protect and improve existing residential amenities and to provide for infill and new residential development”* and of note the Town & Environs Development Plan stated that infill sites are excluded from the phasing requirements set out in the Core Strategy of the Plan.

In relation to housing development Section 4.4 sets out the Development Plans’ guidelines which indicate that new developments need to recognise the existing character, streetscape, building lines of an area and that this is imperative in the case of infill sites.

In addition, the Development Plan requires under Table 4.9 private amenity space provision at a rate of 80 square metres for 3 bed houses and above; Table 7.6 two car parking spaces per dwelling house; Section 4.10.3 requires a separation distance of at

least 22 metres between the windows of habitable rooms above ground floor level which face those of another dwelling; through to Policy RES 30 requires all such proposals to demonstrate that a minimum of 25% of the energy requirements of the building is from renewable sources.

5.3. Natural Heritage Designations

5.3.1. The appeal site is located c0.4km to the west of Special Area of Protection: Dundalk Bay SPA (Site Code: 004026) and Special Area of Conservation: Dundalk Bay SAC (Site Code: 000455). In addition, the appeal site is located c8.2km to the south of Special Area of Conservation: Carlingford Mountain SAC (Site Code: 000453) and c9.8km to the north east of Special Area of Conservation: Stabannan Braganstown SPA (Site Code: 004091).

5.4. EIA Screening

5.4.1. Having regard to the nature, scale and extent of the proposed development, sites location on serviced lands with capacity to accommodate surface water runoff and wastewater as well as the distance of the site from nearby sensitive receptors, I consider that 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

6.1.1. The grounds of appeal can be summarised as follows:

- The proposed dwelling would have an appropriate level of private open space and a provision of open space that would be in keeping with its setting.
- The boundary treatments proposed would not be effective in maintaining the established level of privacy of the appellants adjoining property.
- The private open space provision includes land that is a sloping embankment and as such its usability as qualitative private open space is questioned.

- Any proposal on a corner site has the responsibility to adhere to the building line of both frontages it addresses. The placement of the proposed dwelling severely infringes upon the established pattern of development within this estate.
- This estate has not been taken in charge and there are existing problems with the foul drainage. The proposed development will increase demands and there is no spare capacity for this infrastructure to absorb it.
- Concern is raised that the existing storm water network runs under the proposed location of the dwelling house.
- The proposed dwelling should match the existing surrounding development.
- The proposed dwelling would be shoehorned onto a prominent and elevated site.
- The proposed dwelling would be overbearing in relation to dwellings within its vicinity that are located on lower ground levels.
- The proposed development would establish an undesirable precedent and would be contrary to the local planning policy provisions for infill development.

6.2. Applicant's Response

6.2.1. The applicant's response can be summarised as follows:

- The proposed development accords with relevant planning policy provisions.
- The design creates a distinctive modern design that has had regard to its context and that provides adequate separation distance from adjoining properties.
- The applicant is amenable to reducing the bulk and scale of the dwelling.
- An infill/brownfield site requires a garden area of 50m²; however, this proposal provides a main garden area to the west and south of the single storey element that measures 132m².
- It is proposed to create privacy by continuing the boundary wall of No. 6 Elm Park for c12m before stepping it down as it approaches the junction of the site. In addition, a pedestrian gateway is proposed into this boundary.

- The road along the western boundary is a cul-de-sac and the proposed design does not turn its back on this aspect as it provides animation by the provision of a pedestrian access.
- No objection has been made by the Planning Authority's Infrastructure Section or Irish Water to the proposed development.
- The proposed dwelling takes its building line from No. 7 Elm Park.
- Only first floor windows with habitable rooms are located on the northern and western facades. There is an angled window serving the en-suite which would be fitted with obscure glazing in order to prevent any overlooking. As such the first-floor level of the proposed dwelling would not result in any overlooking.
- The Board is requested to uphold the Planning Authority's decision.

6.3. Planning Authority Response

6.3.1. The Planning Authority's response can be summarised as follows:

- The design options put forward by the applicant in relation to Condition No. 2 of their grant of permission are deemed to be acceptable; however, their preference is Option A.
- The Board is requested to have regard to their Planning Officer's report provided.
- The Board is requested to uphold its decision.

6.4. Further Responses

6.4.1. The appellants further response can be summarised as follows:

- The proposed development would be situated in between a group of uniform design houses and would consequently look entirely out of place in this context.
- Concern is raised that public notices were not provided on foot of the significant changes to the design.
- Concerns are raised in relation to the adequacy and accuracy of the drawings.
- There will be a loss of visual amenity due to the loss of mature trees and there is a lack of detail in relation to the proposed landscaping.

- The applicant's response to the grounds of appeal has not had adequate regard to the appellants privacy concerns.
- It is incorrect to consider the foul drainage public infrastructure.

7.0 **Assessment**

7.1. **Overview**

7.1.1. I consider that the main issues that arise in this appeal are:

- Principle of Development.
- Impact on Residential Amenity.
- Infrastructure.

7.1.2. I also consider that the matter of 'Appropriate Assessment' requires examination.

7.1.3. During the course of the Planning Authorities determination of this application they sought further information. This sought to deal with a number of their substantive concerns relating to the proposed development. I consider that the applicant's response to this further information request as received by the Planning Authority on the 23rd day of July, 2019, puts forward a number of qualitative revisions to the original proposed development.

7.1.4. In particular, in terms of addressing some of the residential and visual amenity impacts of the proposed development on its site setting which I am cognisant is a well-established suburban residential setting and by eliminating the provision of an additional entrance to serve the proposed development at a location within close proximity to an estate junction.

7.1.5. The latter omission reduces the potential road safety hazard that would arise from the provision of a new entrance at such a location for other road users using the adjoining estate road junction and it also eliminates the potential level of conflict between vehicle manoeuvres that would arise due to its proximity to the existing entrance serving No. 7 Elm Park and its closer proximity to the adjoining estate junction.

7.1.6. For these reasons the assessment below is based on the revised scheme only.

7.2. **Principle of Development**

- 7.2.1. The Dundalk and Environs Development Plan, 2009 to 2015, is still the applicable Development Plan for this site and its setting. Under this Development Plan the appeal site and its setting are zoned '*Residential 1*'. The stated land use zoning objective for such lands is: "*to protect and improve existing residential amenities and to provide for infill and new residential development*". Residential development is deemed to be permissible development on such zoned lands. I therefore consider that the proposed development which essentially seeks planning permission for a detached dwelling house accords with the principle of development on '*Residential 1*' zoned land, subject to safeguards.
- 7.2.2. In addition to this I am cognisant that the efficient and compact use of serviced lands within existing settlements is a type of development supported under the National Planning Framework.
- 7.2.3. For example, National Policy Objective 3a of the said Framework seeks to deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements.
- 7.2.4. This proposal seeks the subdivision of an existing residential plot of land in order to accommodate an increased density of residential development within its context which could be described as the suburban mainly residential setting of Blackrock village is in my view consistent with the said National Policy Objective, subject to safeguards. As it is a type of development that generally aligns with the efficient use of serviced land and general planning policy visions set out in local through to national planning provisions which seek to facilitate more compact settlements.
- 7.2.5. I consider that the revised design takes elements from the variety of architectural styles, built forms and palettes of materials that characterise the single through to two storey detached dwellings within its streetscape scene in order to ensure that the proposed development respects and harmonises with its setting. I raise no objection to this approach nor to this approach consisting of a contemporary architectural design response subject to it being a qualitative and informed response to its setting alongside is a good example of architecture reflective of its time. Moreover, the streetscape scene is not afforded any specific protection nor does the site form part of the curtilage of a Protected Structure or other man-made or natural feature designated for specific protection.

- 7.2.6. I further consider that as part of the applicants response to the grounds of this appeal indicate that they are amenable to further improvements of the built form of the proposed dwelling so that it fits more harmoniously within its streetscape setting by way of being open to modifying the single storey element. I note that this in response to the requirements set out by the Planning Authority under Condition No. 2 of their grant of permission. This condition expressly seeks further amendments to the single storey element on the western elevation in order to safeguard the visual amenities of the area and having regard to this elevations excessive height and bulk for a 2-storey element alongside having regard to its proximity to the western site boundary such a revision is appropriate in order to ensure that the proposed dwelling does not result in any undue diminishment of the pattern of development that characterises this area or its streetscape setting.
- 7.2.7. As part of the applicants response received by the Board they have put forward three separate options for revisions of the western elevation, i.e. the single storey component of the dwelling, with Option A in my view putting forward a design solution that is particularly sensitive to its streetscape scene.
- 7.2.8. This option I note is also the preferred option of the Planning Authority as set out in their response received by the Board.
- 7.2.9. I consider that this option which significantly reduces the overall height and built form of the western elevation as observed from the public realm of Elm Park, the wider setting which would include glimpses from the Rock Rock and importantly as observed from the semi-private and private domain of properties in its vicinity, in particular the adjoining property to the south, lessens the overall visual presence and dominance of the proposed dwelling house in its setting.
- 7.2.10. It would also result in its built form being more characteristic of other single storey built elements and structures within its streetscape scene including but not limited to the link wall and detached garage to the immediate east (No. 7 Elm Park) and No. 8 Elm Park the neighbouring property also to the east which arguably the revised design with the western elevation having a maximum ridge height of a stated 6.125m does not display.
- 7.2.11. I also consider that the subject dwelling complies with the relevant qualitative and quantitative standards for residential development as set out in the County

Development Plan subject to standards safeguards, including but not limited to that the existing dwelling house and the proposed dwelling house are each served by two car parking spaces and that there is sufficient turning area on site to accommodate vehicles manouvring out from the existing entrance onto the estate road in a forward motion. Such matters can be dealt with by way of condition should the Board be minded to grant permission for the proposed development.

7.2.12. In conclusion, having regard to the location of the site, local through to national planning policy provisions I consider that the general principle of the proposed development is acceptable.

7.3. Residential Amenities

7.3.1. In my view the potential impacts to consider from the proposed development are overlooking; overshadowing and, visual intrusion. These impacts are discussed separately below.

7.3.2. Overlooking:

The appellants raise particular concerns in relation to the potential for their established residential amenities to be adversely impacted by way of overlooking. In terms of overlooking, this is an issue that can arise where there are opposing windows that are less than 22m apart. In this case the revised design has in my view made substantive qualitative improvements to ensure that no adverse overlooking would arise from windows at the first-floor level and in turn the established levels of privacy enjoyed by properties in the vicinity of the site.

This includes the only window on the eastern elevation is a frosted glass angled window serving a diminutive in floor area en-suite bathroom; there are no windows on the first floor level southern elevation; there is in excess of 22m between the two first floor level windows on the western elevation and I further note that the property to the immediate south contains windows at first floor level that are not fitted with opaque glazing as like the western elevation of the proposed dwelling address an internal estate road; and, there is a single window at first-floor level on the northern elevation. The latter I note is in excess of 22m between it and any neighbouring dwellings on the opposite side of the estate road and like the western elevation No. 7 Elm Park as well as the other properties to the east of it contain similar openings at

first floor level that are not fitted with opaque glass and this elevation addresses an estate road.

Should the Board be minded to grant planning permission for the proposed development I recommend that a similar condition to Condition No. 4 of the of the Planning Authority's notification to grant planning permission would be appropriate in this context to ensure that the 1st floor window serving the en-suite window of Bedroom 4 would be glazed permanently in opaque glazing. This would in my view be appropriate to safeguard the privacy of the rear garden area of the existing dwelling at No. 7 Elm Park and neighbouring properties to the east.

Subject to this assurance by way of condition I am of the view that the design concept has had regard to ensuring that the first-floor level of the proposed dwelling would not give rise to any significant or undue overlooking of properties in its vicinity.

7.3.3. *Overshadowing:*

I consider that the main overshadowing impact would occur to the existing dwelling No. 7 Elm Park with this dwelling would still benefit from a sizeable plot with a southerly aspect to its rear garden area. The level of overshadowing that would arise is not out of context for such a suburban setting and the revisions required to meet the concerns of the Planning Authority as set out under Condition No. 2 of its grant of permission if also deemed to be appropriate by the Board would further reduce the level of overshadowing that would arise from the proposed development.

7.3.4. *Visual Intrusion*

Whilst I acknowledge the elevated nature of this corner site, I am not of the view that the proposed dwelling, if permitted, would give rise to significant or adverse visual intrusion that would be out of context with development in this suburban context when viewed from the semi-private and private domain of properties in its vicinity.

7.3.5. In conclusion, subject to a similar condition to Condition No. 2 and Condition No. 4 of the Planning Authority's notification to grant of permission I consider that there are no substantive grounds to refuse permission of the proposed development based on residential amenity impact concerns.

7.4. **Infrastructure – Services**

- 7.4.1. It is proposed to connect the proposed dwelling existing foul drainage and water supply infrastructure in the area. I note that both the Planning Authority and Irish Water have raised no concerns in relation to this. Notwithstanding, the appellant indicates that the Elm Park to date has not been taken in charge, that there are capacity issues and that there are serious issues with the existing foul drainage infrastructure serving this estate. These I acknowledge are substantive concerns but are concerns that have not been substantiated by the appellant or otherwise.
- 7.4.2. Should the Board be minded to grant permission for the proposed development it may wish to include conditions requiring that the infrastructure services and capacity be demonstrated to the Planning Authority prior to any commencement of development alongside that the developer has the relevant consents to make the additional connections to water and foul drainage services within Elm Park or to make any required re-routing to the same to facilitate the proposed development.
- 7.4.3. I also note that any decision on the planning application does not purport to determine the legal interests held by the applicants or indeed any other interested party. I also refer to Section 34(13) of the Planning and Development Act, 2000 as amended. It indicates that *“a person shall not be entitled solely by reason of a permission or approval under this section to carry out a development”*.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development within an existing built up area, it is not considered that the proposed development would be likely to have a significant effect, directly or indirectly, individually or in combination with other plans or projects on any European site. I consider no Appropriate Assessment issues arise.

7.6. **Other Matters Arising**

- 7.6.1. **Drawings Submitted:** A number of concerns are raised in relation to the accuracy of the drawings submitted with this application; notwithstanding, the drawings submitted together with the inspection of the site and its context in my view are sufficient for the Board to make a determination on this appeal.
- 7.6.2. **Construction Nuisance:** Concerns are raised that the construction of the proposed dwelling, if permitted, would give rise to undue nuisance for residents of Elm Park. Notwithstanding, I consider the construction phase would be of a limited duration and

that subject to it complying with standard safeguards ordinarily imposed as part of grant of permission that this nuisance would be managed and controlled. As such I do not consider that this issue is of sufficient merit for permission to be refused for the proposed development sought under this application.

7.6.3. **Undesirable Precedent:** I do not consider that the proposed development, if permitted, would establish a precedent for other similar developments in the area as each site is unique and requires consideration on its individual merits. Moreover, the streetscape context of Elm Park and the pattern of development that characterises the site setting though having a large degree of coherence is also varied in its nature.

7.6.4. **Public Notices:** The appellant in their further response to the Board raises concerns that the significant amendments that would be required under Condition No. 2 and as put forward in the 3 separate options would require revised public notices. On this point I consider as Condition No. 2(a) requires a reduced in height and built form western elevation of the single storey projection such notices in my view are not necessary. Further these amendments do not put forward an increased floor area, a revised positioning or footprint for the proposed building.

8.0 Recommendation

8.1. I recommend that planning permission be granted.

9.0 Reasons and Considerations

Having regard to the location of the site on residentially zoned lands in the Dundalk Town and Environs Development Plan, 2009 to 2015, and to the policies and objectives of the Louth County Development Plan, 2015 to 2021, to the nature, scale and design of the proposed development, and to the pattern of development in this suburban serviced area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the character of the area, and would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not endanger public safety by reason of a traffic hazard nor would it be prejudicial to public health. The

proposed development 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 23rd day of July, 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. The proposed development shall be amended as follows:
 - (a) The hipped roof over the single storey element on the western elevation shall be lowered in favour of a flat roof with parapet wall. Access to the first-floor plant/store shall be omitted from the development hereby permitted.
 - (b) The new garden wall shall to the south of the proposed pedestrian entrance shall not exceed 2m with the height of this wall to the north of the pedestrian entrance to be of a staggered height from the junction to where it meets the proposed pedestrian entrance as well as back planted. The external treatment of this wall shall match that of the existing brick boundary wall of No. 7 Elm Park.
 - (c) The layout and orientation of all parking spaces shall conform to Section 7.3.9 of the Louth County Development Plan, 2015 to 2021. In addition, adequate turning space shall be provided on site so that car egressing from the entrance onto the adjoining road can do so in a forward gear.

Revised drawings including revised site plans 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 amenity and in the interest of traffic safety.

3. The first floor en-suite window serving Bedroom No. 4 on the side elevation shall be permanently glazed with obscure glass.

Reason: In the interests of residential amenity.

4. Prior to the commencement of development all water supply and drainage arrangements, including the attenuation and disposal of surface water, evidence of capacity of foul drainage serving the Elm Park residential development to accommodate the proposed dwelling, all necessary consents for making, amending or re-routing of any connections and including rainwater and guttering details shall be agreed with the planning authority for such works and services.

Reason: In the interest of public health.

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

Reason: In the interest of visual amenity.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, protection of the public roads and public footpaths, and off-site disposal of construction/demolition waste.

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

7. The finished floor level of the proposed dwelling shall be no higher than that identified on the Site Layout Plan drawing received by the Planning Authority on the 23rd day of July, 2019.

Reason: In the interests of orderly development and in the interests of visual amenity.

8. A 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 proposed paving slabs/materials for footpaths, kerbing and 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 boundary back planting treatments at the western and southern perimeter of the site.

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

Reason: In the interest of visual amenity.

9. 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.

Advisory Note: Section 34(13) of the Planning and Development Act, 2000 as amended, indicates that “*a person shall not be entitled solely by reason of a permission or approval under this section to carry out a development*”.

Patricia-Marie Young

Planning Inspector

15th day of January, 2020.