



An
Bord
Pleanála

Inspector's Report ABP 306652-20

Development	Construct two semi-detached houses and all associated site works
Location	Oakfield, Park Road, Killarney, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	19/680
Applicant	Ted McCarthy
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellants	Stephen O'Callaghan & John Payne
Observers	None
Date of Site Inspection	8 th May 2020
Inspector	Mary Kennelly

1.0 Site Location and Description

- 1.1.1. The site is located within a small cul-de-sac housing development on Park Road which is largely a residential road providing access to a number of housing estates. Park Road comprises an established residential area located between the Killarney Bypass to the east and the junction of Countess Road and Park Road to the west. Oakfield is a residential development which is approx. 20 years old and is situated between the Church of Resurrection and a mixed-use development which includes the Killarney Hotel, some shops and apartment blocks.
- 1.1.2. Oakfield was developed on a long narrow plot and is arranged around a central internal road with an area of public open space at the southern end. It comprises mainly semi-detached houses with some detached ones. There are c.30 houses, with a number of units still under construction. Nos. 25-28 consist of two pairs of semi-detached houses which are sited to the east of the POS. The appeal site, which is roughly wedge-shaped, has a stated area of 0.054 hectares. It is located immediately to the north of these units. The front of the site (western end) abuts the rear and part of the side boundary of No. 6 Oakfield and projects forward of the front site boundary of the pairs of semi-detached houses (25-28 Oakfield). The adjoining site (Park Court) to the east of Oakfield, contains a mix of houses and blocks of apartments adjacent to Hotel Killarney. A block of 8 terraced houses at this site is located immediately to the north of the appeal site, which back onto Oakfield. The rear of the appeal site backs onto the car park and circulation area within the grounds of Park Court.

2.0 Proposed Development

- 2.1.1. The proposed development, as originally submitted to the P.A. (28/06/19), sought permission to construct a pair of semi-detached houses on the site. The proposed dwellings face west with the private amenity space for Unit 1 (northernmost) to the front/side (NW of the unit) and the garden for Unit 2 to the rear (east). The proposed units were three bedroomed, two-storey dwellings of a similar type to those in Oakfield estate.
- 2.1.2. The Further information submitted on 20/11/19 included a set of revised plans, including a revised red line boundary which reduced the site area to 0.045ha and the

number of houses on the site to one detached unit. The revised red line boundary terminates at the rear boundary of No. 6 Oakfield. The footprint of the proposed single house development is similar to that of the two semi-detached units. It includes a large bedroom at ground floor level with ensuite on the north-western corner, which is sited to the rear of no. 6 Oakfield. This is designed as a single-storey lean-to structure which extends along the northern side boundary. The first floor would have three bedrooms, two of which would have an ensuite bathroom. The FF bedroom at the rear has floor to ceiling glazed sliding doors, and it is proposed to erect timber poles to prevent overlooking to the east from these openings. It is noted that the rear building line of the proposed dwelling projects c. 4.8m beyond the corresponding rear building line of No. 28, which compares with c.1.8m in the original submission.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The P.A. decided to grant planning permission for a single detached house subject to 14 conditions including:

Condition 2: Development contribution of €6,264.00.

Condition 5: Required traditional design and material finishes. It also required revisions as follows: - omit bedroom 4 at rear; provide more standard type windows at FF at rear; provide flat roof to kitchen/living room.

Condition 7: Requirements to enter connection agreement with IW and no development to commence until connection agreement signed.

Condition 8: No overnight commercial guest accommodation.

Condition 14: Social and affordable housing.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's initial report noted that the site is zoned residential and is fully serviced. It was stated that the original permission for the estate was for 29 houses,

but that the final four units had not been built. In the interim, a further five units have been permitted by means of three planning permissions (17/1220, 17/1229 and 18/15), and these additional houses are currently under construction. This will bring the total number of units to 30 and the proposed development would result in 32 units (based on 2 proposed units). This density of development was considered to be acceptable. However, it was considered that the proposed development would result in overdevelopment having regard to the constraints of the subject site and to the proximity of the development to existing dwelling units on either side.

It was requested that **further information** (15th August 2019) be provided in respect of the following

- Revised plans showing omission of one of the units.
- Site sections with FFLs for the proposed development relative to the existing buildings to the east and west of the site.
- Clarification on details of existing water and foul sewerage services.
- Measures to protect mature tree on the site.
- Details of front boundary treatment.

The **Further Information Response (20th November 2019)** was considered to constitute significant additional information and republication was required. The re-advertisement took place on 11th December 2019. Further submissions were received from three third parties on the 6th and 7th January 2020. Submissions included separate letters from the third-party appellants.

The FI was considered to be satisfactory by the Area Planner. However, it was considered that the rear bedroom at first floor level should be omitted so that it is in line with the rear building line of No. 28. It was further noted that the height of the building had been reduced from 9.2m to 8.65m.

A **grant of permission** subject to conditions was recommended.

3.3. Other Technical Reports

- 3.3.1. **Estates Engineer's Report (9/07/19)** – It was pointed out that Oakfield has not been taken in charge. The western boundary of the site is with a communal open area and needs a childproof, permanent and durable fence. Revisions to the

proposed parking area were proposed in terms of surfacing and the provision of a buffer strip. The need for a footpath linking the existing two footpaths was also raised. The proposal should avail of existing water, sewerage and road infrastructure. A condition requiring the applicant to repair any damage to the estate road should be attached.

3.4. **Prescribed Bodies**

- 3.4.1. **Irish Water** (29/07/19) stated that further information would be required in respect of the existing connections. No objection was raised in respect of the further information received (20/01/20). It was stated that the developer would need to enter into a connection agreement with IW. It was further stated that IW infrastructure capacity requirements and proposed connections to same will be subject to the constraints of the IW Capital Investment Programme.

3.5. **Third Party Observations**

Objections received by the planning authority are on file for the Board's information. The issues raised are comparable to those set out in the 3rd Party appeal received and summarised in section 6 below. The concerns raised related to the following issues

- Visual amenity and overdevelopment of site. Excessive height of dwelling and inappropriate design and materials.
- Concern regarding overlooking and overshadowing.
- Excessive development in Oakfield and increased demand for parking within the estate.
- Noise during construction.
- Damage to foundations and difference in levels between the site and adjoining sites.
- Hinder future development potential.

4.0 Planning History

- 4.1.1. **99/203415** – planning permission granted for construction of 29 no. dwellings and four of these not constructed.
- 4.1.2. **06/204621** – planning permission granted for 3 detached dwellings – not commenced.
- 4.1.3. **17/1219** – permission granted for one semi-detached dwelling.
- 4.1.4. **17/1220** - permission granted to retain and complete three dwellings.
- 4.1.5. **18/15** – permission granted to construct one semi-detached dwelling.

5.0 Policy Context

5.1. National Planning Framework 2018

The NPF seeks to focus growth in cities, towns and villages with an overall aim of achieving higher densities than have been achieved to date.

NP Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

NP Objective 35 seeks to increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of old buildings, infill development schemes, area or site-based regeneration and increased heights.

5.2. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)

In order for small towns and villages to thrive and succeed, it is stated that their development must strike a balance in meeting the needs and demands of modern life but in a way that is sensitive and responsive to the past. New development should contribute to compact towns and villages and offer alternatives to urban generated housing in unserviced rural areas. The scale should be in proportion to the pattern and grain of existing development. In terms of densities, centrally located development in small towns and villages could achieve densities of up to 30-40 dw/ha., whereas edge of centre sites should achieve 20-35 dw/ha.

5.3. Kerry County Development Plan 2014

Chapter 3 – Housing – sets out the housing policies and objectives including the following:

HS-2 - Facilitate the housing needs of people in their local communities through actively providing/assisting the provision of housing in settlements.

HS-4 - Have regard to and promote increased residential densities in the towns and other appropriate locations in accordance with the ‘Sustainable Residential Development in Urban Areas’ Guidelines 2009 (DoEHLG).

US-1 – Ensure that future housing in urban areas in the County is located on lands zoned for residential use. In towns and villages residential development shall be located in town/village centres or immediately adjacent to town/village centres, on serviced lands, and in accordance with the Development Guidance of this document.

US-3 – Ensure that all new development within the County supports the achievement of sustainable residential communities. The Council will have regard to the provisions of the Guidelines on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual.

US-4 – Promote development which prioritises walking, cycling and public transport use in a sustainable manner, both within individual developments and in the wider context of linking developments together and providing connections to the wider area, existing facilities and public transport nodes.

US-7 – Ensure that all new urban development is of a high design quality and supports the achievement of successful urban spaces and sustainable communities.

Chapter 13 – Development Management Standards includes the following:-

Infill Sites – Infill development must have regard to the main adjoining existing uses, design features, building lines and heights, as well as the existence of any features such as trees, built and natural heritage and open spaces on the site or on adjoining sites. Proposals for infill development must demonstrate how they will integrate satisfactorily with the adjoining developments, without any loss of amenity.

Building lines and private open space – A minimum of 22 metres shall generally be provided between directly opposing first floor habitable rooms. This may be

reduced subject to good design and the individual design requirements of the site where it can be demonstrated that residential amenity and adequate light is not compromised.

5.4. Killarney Town Development Plan 2009 – 2015 (as extended)

Killarney Town Development Plan was extended by Variation 4, which was adopted in December 2018. This Variation replaces the zoning maps and many of the other maps of the original Development Plan. It also includes the population allocation and housing land requirement as contained in the Core Strategy of the Kerry County Development Plan 2014. It also addresses the Killarney Municipal District LAP 2018-2024, which was adopted at the same time, and several other planning issues.

In respect of residentially zoned lands, Variation 4 redesignates lands in Killarney from Residential Phase 1 & 2 to 'Residential' and is based on the sequential approach and lands with extant permissions. Revision 1 of this Variation designated lands as 'Residential' which relates to all lands which are centrally located within walking distance of the town centre.

The site is shown on the New Killarney Zoning Map B (Variation 4) as being located in an area zoned as 'Existing Residential' (R2). Revision 6 replaced HSG-03-D with a revised HSG-03-C, which states –

Ensure that residential densities reflect the density of appropriate adjoining development. Higher densities will be considered in the town centre or within close proximity to the town centre.

The objective for Existing/Developed/Residential Areas is to protect and improve these areas and to provide facilities and amenities incidental to those areas.

5.5. Natural Heritage Designations

The site is located within c.450m of Killarney National Park, Macgillycuddy Reeks and Caragh River Catchment SAC (site code 000365) and Killarney National Park SPA (Site code 004038).

6.0 The Appeal

6.1. Grounds of Appeal

A Third-Party Appeal has been received from the owners of the properties to the immediate north and the immediate south of the site. The submission can be summarised as follows:

- **Zoning** – the site is not zoned as Area R1 on the Killarney Municipal District LAP. This Plan also states that the inclusion of undeveloped lands within the built-up area of the town does not imply any presumption in favour of development unless it would enhance the character and amenity of the area as a whole. The oversized and eccentric nature of the proposed development would not achieve this objective.
- **Overlooking** – The scale and siting of the development will result in overlooking of the front gardens and rear gardens of No 28 Oakfield and No. 1608 Park Court. Nos. 5 and 6 Oakfield would similarly be affected. The privacy of the bedrooms, kitchens and living rooms of these properties would also be affected.
- **Overshadowing** – Natural light to the appellants' properties will be reduced due to the scale and height of the proposed dwelling. This would be contrary to the BRE Guidelines on Daylight and Sunlight – a Good Practice Guide.
- **Overdevelopment** – the Oakfield estate is already overdeveloped and results in an excessive demand on infrastructure.
- **Height and scale** – the proposed development would result in a structure which is excessive in terms of height and scale relative to the established pattern of development. Furthermore, the siting is such that it projects beyond the established front and rear building lines. The revised plans have not addressed the concerns of the P.A. regarding the constraints of the site. In fact, the ground floor area has increased from 130.2m² to 162.2m².
- **Design** – the design is completely out of character with the surrounding development which is contemporary. The existing houses have a red slate roof and the proposed house has grey slates.

- **Parking** – There is a shortage of parking within the estate and the proposed development will exacerbate this.
- **Risk to foundations** – the appellants are concerned that the proposed development will pose risks to the foundations of their dwellings.
- **Water sewerage services** – the original design capacity of these services will be exceeded by the additional development of the estate. This could result in health and safety problems for the existing residents.
- **Property value** – the proposal will have a negative impact on the value of the adjoining properties by infringing on privacy of residents' amenity space.

6.2. Response from first party

No response to the grounds of appeal have been received from the first party.

6.3. Planning Authority Response

The P.A. responded to the grounds of appeal on the 4th March 2020. The points made may be summarised as follows :

1. **No. of dwellings reduced** – the issue of the overdevelopment of the site having regard to the constraints has been addressed by the omission of one of the dwellings.
2. **Size and scale** – notwithstanding the omission of one dwelling, the P.A. remained concerned regarding the scale of the development on this constrained site. This was addressed by means of conditions which required the omission of the first-floor rear bedroom. The height of the dwelling had already been reduced.
3. **Density of estate** – the original estate was permitted as 29 dwellings. The proposed development would increase this to 31 units, which is an appropriate density of development in an urban area which would make more sustainable use of zoned and serviced lands.
4. **Visual amenity** – the design is more contemporary than the original houses which are of their time, c. 20 years ago. The red slates do not accord with the

planning permission. The design of the proposed development does not detract from the character of the estate.

5. **Services** – the application was forwarded to Irish Water and no objection is raised to the proposed development.

7.0 **Assessment**

I consider that the issues arising can be assessed under the following headings:

- Appropriateness of density and scale of development
- Adequacy of design and layout
- Residential amenity of adjoining properties
- Environmental Impact Assessment
- Appropriate Assessment

7.1. **Appropriateness of density and scale**

- 7.1.1. The site is located in an established residential area and is within an existing housing estate. Although the estate was established approx. 20 years ago, it was never completed, and five houses are currently under construction following recent grants of planning permission. It is situated within walking distance of the town centre (2km) and the wide range of facilities on offer there. National policy, as expressed in the National Planning Framework (2018) and Sustainable Residential Development in Urban Areas Guidelines (2009) emphasises the need to make the most efficient use of zoned and serviced lands, which are close to towns and villages, with a good range of services and facilities. Kerry County Development Plan is also supportive of infill development provided that it respects the character and amenities of neighbouring development. In such circumstances, there is strong support for increased densities in such locations. It is considered that the appeal site is one which could support increased densities in principle, in accordance with national policy and local policy.
- 7.1.2. It is noted that Variation 4 of the Killarney Town Development Plan (adopted Dec. 2018) has zoned the site as 'Established Residential' in the Zoning Map B, which relates to residential lands within walking distance of the town centre. The prevailing

density and character of the lands in the vicinity is mixed. The lands to the west of Oakfield are in use as a church and to the east is in use as a hotel with holiday apartments, which have recently been converted to permanent housing units. The total number of houses on the Oakfield estate would be increased from 29 as originally granted to 31 as a result of the proposed development. It is a well laid out cul-de-sac estate with a large, centrally located area of open space and an additional area of open space with several mature trees. It is considered that an additional dwelling would not result in overdevelopment of the estate.

7.1.3. The appeal site straddles two housing developments. The western part of the site seems to have formed part of an area of public open space associated with Oakfield. However, I have not been able to determine what the original purpose of these lands was in the parent permission for the estate, as the approved plans (99/203415) are not on the P.A. website. The Park Court residential estate was originally designed as holiday homes associated with the Killarney Hotel Resort, which was developed c.15 years ago. During the past five years, several planning permissions have been granted to convert individual terraced units and apartment blocks from holiday homes to permanent homes.

7.1.4. The appeal site is wedged between the southernmost unit in such a terrace (1608 Park Court) and Unit 28 of Oakfield. It is also sited to the rear of a further housing unit in Oakfield (No.6) and abuts a small narrow area of public open space which contains several large mature trees. The site appears to have been used as a building compound in the recent past, but it is likely that it was intended as a buffer zone between the residential estate and the commercial hotel and holiday home development. As the latter development has gradually been converted to permanent homes, the need for any such buffer zone is of less significance. Its usefulness as an area of public open space is also questionable as it is very narrow and very close to the side gables and rear elevation of three dwellings. It is considered, therefore, that the development of the site for a single residential dwelling unit is appropriate and would generally be in accordance with the planning policy framework for the area.

7.2. **Adequacy of design and layout**

7.2.1. The site is a restricted infill site which has an irregular shape. It is accessed from Oakfield via a small gap between the POS and the entrance to No. 28. Originally, the

site had extended westwards and had incorporated part of the POS strip with the mature trees. However, the revised submission (20/11/19) omitted that part of the site and the western boundary now aligns with the rear boundary of No. 6 Oakfield, and the site area is reduced from 0.054ha to 0.045ha. The western boundary is c.20m in length but the length of the eastern boundary is less than 5m. The adjoining development comprises the side gable walls of two 2-storey houses (to the north and south) and the rear elevation/garden of another together with part of the POS.

7.2.2. Thus, the site is particularly constrained in terms of the nature, design and layout of the surrounding established development, and the shape/size of the site. As such, it is considered that the proposed design and layout, as revised, optimises the development potential of this restricted site. This is achieved by siting the building footprint approx. 6.5-8 metres from the front boundary, providing the car parking spaces at the front, providing two areas of private amenity space (to the front and the rear), and by providing the bulk of the proposed accommodation at ground floor level. The revised drawings also provide for a lowering of the proposed height of the dwelling from 9.245 to 8.65m, and the retention of the mature trees at the eastern end of this landscaped strip. The P.A. decision required the omission of the first-floor rear bedroom, which extends the building beyond the established eastern building lines on either side of the site. I would agree that the projection beyond the building line at first floor level is not desirable and this will be discussed further in the following section (residential amenity).

7.2.3. The design of the dwelling is largely similar to the design of the dwellings on the estate. The terraced houses to the north (fronting Park Court) have pitched roofs of slate with rendered and white-painted walls. The houses to the west and south (Oakfield) are semi-detached with pitched roofs of red tiles and the elevations are faced with brick at the front and nap plaster on the sides and rear. It is noted, however, that the recently permitted houses on the far side of the POS green space in Oakfield are slightly more contemporary and have dark grey tiles with a mixture of render and brick on the elevations. The proposed dwelling is similar in design and use of materials to these recently constructed houses. It should be noted that the proposed dwelling will be substantially screened from a large part of the Oakfield Estate by the existing mature trees immediately to the west, which it is proposed to retain.

7.2.4. The scale, mass and bulk of the dwelling has been kept to a minimum by the location of most of the accommodation at ground floor level. The omission of the first-floor rear bedroom would further reduce the bulk and mass of the dwelling and the height has been reduced. The proposed FFL (45.831m) is also shown as being below that of No. 28 (46.075m). It is considered, therefore, that the proposed dwelling, in terms of its scale, bulk, mass, height, design and siting, would be readily absorbed into the existing built form within the overall site and on adjoining lands. It is further considered that the proposal would not result in overdevelopment of the site or in a visually obtrusive element in the streetscape and would not injure the visual amenities of the area.

7.3. Residential amenity

7.3.1. The appellants (on either side of the site) have expressed concern regarding loss of privacy and loss of light. However, it is considered that the siting and design of the proposed dwelling, with the exception of the first-floor bedroom at the rear, would not result in any significant degree of overlooking. This is due to the fact that the windows on the western elevation (front) either overlook the POS or are of frosted glass, the windows on the northern elevation are of frosted glass and there are no windows on the southern elevation at first floor level. The rear elevation faces the car park of the hotel complex, but as it projects deep into the site, it would result in some degree of overlooking of the rear garden of No. 28. This would be exacerbated by the proposed sliding patio doors, notwithstanding the placement of the proposed dark timber poles adjacent to the rear elevation, the stated purpose of which is to prevent overlooking.

7.3.2. The siting of the proposed dwelling would not give rise to any overshadowing of the property to the south (No. 28) due to the relative orientation. It is considered that the rear garden of No. 6 Oakfield is overshadowed to a considerable degree by the existing tall mature trees within the POS strip and by the high garden walls on the southern and eastern boundaries. The proposed dwelling is unlikely to result in any significant reduction in daylight or sunlight due to these existing features and to the relative distance and siting of the proposed dwelling (which is single storey at its closest point). Similarly, the likely impact on the residential property to the north would be substantially mitigated by the siting of the 2-storey element of the proposed

dwelling well back from the northern boundary. This would be further improved by the omission of the first-floor projecting element at the rear (bedroom), which would increase the rear set back at FF level by c.6.6m.

- 7.3.3. Given the separation distances and relative heights, together with the location and height of the boundary walls, and the provision of much of the accommodation at ground floor level, it is considered that the proposed dwelling would not give rise to any significant level of overshadowing of the adjoining properties, provided that the first floor bedroom at the rear is omitted and that standard sized windows are provided to the rear elevation. It is considered, therefore, that the residential amenities of adjoining properties would not be unduly affected by the proposed development.

7.4. **Other matters**

- 7.4.1. **Sightlines at exit** – It is considered that the entrance to the site is quite restricted with an estimated width of 3.8m (maximum) between pillars. As the proposed eastern pillar would be immediately adjacent to the existing pillar at the entrance to No.28, and the western pillar would be sited immediately next to the tall mature trees on the POS strip, it is considered that the visibility at the entrance/exit could be restricted. This would be exacerbated by the provision of a gate at the entrance. It is considered, therefore, that should the Board be minded to grant permission, a condition should be attached requiring the entrance pillars to be set back and that no gate be provided. In this regard, it is noted that none of the other properties in the vicinity have gates at the site entrances. A dished footpath should also be provided to provide continuity for pedestrians.
- 7.4.2. **Construction phase** – It is considered that noise emissions during construction, together with dust and hours of operation, can be adequately addressed by means of conditions requiring best practices to be adhered to. There is no reason to expect that, with the use of best practice methodologies and appropriate safety measures in place, that the foundations of adjoining properties would be affected by the construction of the proposed development.

7.5. Environmental Impact Assessment

Having regard to the nature and scale of the proposed development within the development boundary of Killarney town on serviced lands, 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.

7.6. Appropriate Assessment

- 7.6.1. The site is located within 600m of two European sites, Killarney National Park, Macgillycuddy Reeks and Caragh River Catchment SAC (site code 000365) and Killarney National Park SPA (Site code 004038), which are situated to the south, to the west and to the northwest. There are no known hydrological links to the protected sites. Given the scale and nature of the development, the distances involved, that the site is located in an established urban area, on serviced lands, it is considered that no appropriate assessment issues are likely to arise.

8.0 Recommendation

Having regard to the foregoing I recommend that permission for the above described development be **granted** for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to the planning history of the site, to the location of the site within an established housing area in close proximity to Killarney Town Centre, which is zoned 'Established Residential' in the Killarney Town Development Plan (2009-2015, as extended and varied), and to the national and local policy objectives to encourage increased densities in such locations, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area and would be acceptable in terms of traffic safety and convenience. 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 to the planning authority on the 20th day of November 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 rear bedroom on the first floor shall be omitted and eastern elevation shall be set back accordingly. The windows on the retained eastern elevation shall be of a standard opening size.
 - (b) The pillars denoting the entrance to the site shall be set back by 1.0 metre and no gates shall be provided between the pillars unless permitted by a further grant of planning permission.
 - (c) The footpath shall be continued in front of the site and shall be dished at the entrance.

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 interest of the residential and visual amenity of the area and of traffic safety and convenience.

3. Prior to the commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water. No dwelling shall be occupied until water and sewerage services serving the development have been installed and functioning in accordance with the connection agreements made with Irish Water.

Reason: To ensure that satisfactory water and wastewater arrangements are in place to serve the development.

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

Reason: In the interest of public health.

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

Reason: In the interest of visual amenity.

6. Notwithstanding the provisions of Article 10(4) of the Planning and Development Regulations 2001, or any statutory provision modifying or replacing them, no room in the proposed dwelling unit shall be used for the purpose of providing overnight paying guest accommodation without a prior grant of planning permission

Reason: In the interest of residential amenity.

7.
 - (a) All screen walls and boundary walls within the proposed development shall be constructed and finished in accordance with the details submitted to the planning authority on 20th day of November 2019.
 - (b) Details of the location, design and construction method of any retaining walls, including those between plots, shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of visual amenity and public safety.

8. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interest of amenity and public safety.

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

Reason: In the interest of visual and residential amenity.

10. The landscaping scheme on the drawing entitled Landscaping Proposals as submitted to the Planning Authority on the 20th day of November 2019, shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established.

Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

11. 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.

12. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to

commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

13. 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 local 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 An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

14. 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.

Mary Kennelly
Senior Planning Inspector

18th May, 2020