



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307161-20

#### Development

(1) Retention of a metal clad storage shed (2) construction of a story and a half style dwelling (3) Permission for a separate single-story modular dwelling to be used as temporary accommodation during the construction of the main dwelling

#### Location

Leggettsrath West, Co Kilkenny

#### Planning Authority

Kilkenny County Council

#### Planning Authority Reg. Ref.

20/75

#### Applicants

Joan & Amit Levy

#### Type of Application

Permission for Retention and Permission

#### Planning Authority Decision

Grant Permission for Retention and Permission

#### Type of Appeal

Third Parties v Grant of Permission for Retention and Permission

#### Appellants

(1) James & Thomas Hughes  
(2) John Bergin

**Observer(s)**

None

**Date of Site Inspection**

21.07.2020

**Inspector**

Anthony Kelly

## 1.0 Site Location and Description

- 1.1. The site is in the eastern area of Kilkenny city, outside the N10 ring-road.
- 1.2. The site is accessed by way of a narrow cul-de-sac (Leggetsrath Cottages/L6610) off the Dublin Road/R712 which currently serves as a vehicular access for one house. There are also six houses which front onto the cul-de-sac but have their vehicular accesses to the rear. The flat site is very long (approx. 270 metres) and very narrow (approx. 15 metres). The site was originally a railway track. The site has a stone/gravel surface the length of the site and weeds throughout with some trees and hedging along the site boundaries. There is a metal shed on site approx. 50 metres from the site entrance. The site is accessed off the cul-de-sac on its western boundary. There is a vacant site on the opposite side of the cul-de-sac and a detached two-storey house, of relatively recent construction, adjacent to the north of that site at the top of the cul-de-sac. There is a field adjacent to the north with the main Kilkenny-Dublin/Waterford railway line running roughly parallel to the site and which bounds the site at its eastern end. Ground levels on site are significantly higher than those on the adjacent field. The south western area of the site is bounded by rear gardens of houses addressing both the cul-de-sac and Dublin Road/R712 and the south eastern area of the site is primarily bounded by a large car parking area associated with car showrooms which are accessed off Dublin Road/R712.
- 1.3. The site has a stated area of 0.49 hectares.

## 2.0 Proposed Development

- 2.1. The planning application is for:
  - Retention of the metal storage shed.
  - Permission for a 1 ½ storey house.
  - Permission for a modular house as temporary accommodation during construction of the main house.
- 2.2. The metal storage shed has a stated floor area of 38.3sqm with an indicated height of 2.9 metres. The proposed house has a stated floor area of 185sqm and an indicated

height of 7 metres. External finishes are cited as white lime render and stone with dark coloured recycled rubber tiles to the roof. The proposed modular house has a stated floor area of 49.5sqm and an indicated height of 6.5 metres.

- 2.3. In addition to standard planning application plans and particulars the application was accompanied by a cover letter setting out the background to the application.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

The planning authority decided to grant permission for the development subject to 14 no. conditions including development contributions, Irish Water connection, construction practices, surface water disposal, external finishes, use of the storage shed and temporary accommodation unit, landscaping and a compliance condition relating to the proposed vehicular entrance.

#### 3.2. **Planning Authority Reports**

- 3.2.1. The Planning Report forms the basis of the planning authority decision. The report considers that, having regard to the provisions of the Kilkenny City and Environs Development Plan 2014-2020, the documentation on the application and the design of the proposed development that it would not detract from the amenity of the area and would be in accordance with the proper planning and sustainable development of the area.

#### 3.2.2. **Other Technical Reports**

**Area Engineer** – No objection subject to conditions relating to surface water.

**Environment Section** – No objection subject to a condition relating to the construction phase.

**Road Design Section** – Further information recommended in relation to the proposed vehicular entrance layout and sightlines.

### 3.3. Prescribed Bodies

**Irish Water** – No objection. Observations made.

### 3.4. Third Party Observations

Two submissions were received from John Bergin and from James and Thomas Hughes. The issues raised are largely covered by the grounds of appeal with the exception of the following:

- The house design will not conform to the character of adjoining houses.
- Dirt and dust associated with pottery making.
- The site notice was not erected on the date cited on the notice.
- Overlooking of adjoining property.
- The higher ground level affects sunlight reaching adjoining property.
- Concern that ground and surface water would end up on adjoining property.

## 4.0 Planning History

4.1. There has been one previous valid planning application on site:

P.A. Reg. Ref. 19/368 – Permission was refused in 2019 for permission for retention of a metal clad storage shed, permission for a 1 ½ storey house and permission for a single storey modular house as temporary accommodation for two reasons:

1. The proposed dwelling on this site, along with a temporary accommodation unit and the retention of the storage shed represents a disorderly piecemeal approach to planning on residential zoned lands, which would in turn set an unwanted precedent for haphazard, disorderly development in this urban area. The proposed development is therefore considered prejudicial to the residential amenity and orderly development of this residentially zoned urban site.
2. The proposed development would endanger public safety by reason of a traffic hazard on this extremely narrow laneway with no scope to turn a vehicle, where sightlines would be restricted from the proposed entrance.

- 4.2. ENF 18074 relates to a warning letter issued for the alleged unauthorised shed on site.
- 4.3. The planning authority Planning Report states a Certificate of Exemption from Part V was granted under C20/23.

## **5.0 Policy Context**

### **5.1. Kilkenny City and Environs Development Plan 2014-2020**

- 5.1.1. The site is in an area zoned 'Existing Residential' under the Plan which has an objective to protect, provide and improve residential amenities. Dwellings are a permitted use in this area.

### **5.2. Natural Heritage Designations**

- 5.2.1. The closest heritage area is the Natura 2000 site River Barrow and River Nore SAC which is approx. 200 metres further east of the eastern boundary of the site.

### **5.3. EIA Screening**

- 5.3.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment, which is a fully serviced urban 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 stage, and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

Two separate grounds of appeal were received from John Bergin, Leggettsrath West (whose house is at the top of the cul-de-sac to the north west of the site) and James

and Thomas Hughes, Wallslough, Co. Kilkenny (owners of an area of land to the north). The main points made can be summarised as follows:

John Bergin

- P.A. Reg. Ref. 19/368 was substantially the same as the current proposal but there are some key differences e.g. the applicants accept the cul-de-sac is not of sufficient width for construction vehicles and propose to provide construction access along the existing vehicular access to Leggettsrath Cottages off Dublin Road, a 'potential' set back is proposed at the vehicular entrance, the 'modular home' is a timber framed house and certain traffic management measures are suggested.
- P.A. Reg. Ref. 09/761, for a single storey house to the rear of No. 7 Leggettsrath, was refused because the Area Engineer stated the access laneway would be substandard and of insufficient width to cater for multiple residential developments.
- In the Planning Report, the planning authority appears to be satisfied that the willingness to set back the entrance gates overcomes the second reason for refusal under P.A. Reg. Ref. 19/368. The applicants' justification for retaining the existing structure and constructing the temporary house and main house is set out in the report but it does not explain how this overcomes the first reason for refusal. In the absence of any meaningful and comprehensive explanation of how the previous reasons for refusal have been overcome it can only be concluded that the granting of permission is unjustifiable and the proposal remains a disorderly, piecemeal approach to planning on residentially zoned land.
- The halving in the number of objections between the previous and current applications could be accounted for by others previously opposed seeing no apparent change and assuming permission would be refused. Residents of Leggettsrath Cottages might not have been aware all construction traffic would be using their estate road.
- If the existing access serving Leggettsrath Cottages is substandard in width (3.5 metres) to serve further housing as per P.A. Reg. Ref. 09/761, the cul-de-sac must be deemed substandard for further housing as it less than 2 metres

wide in part. Any intensification of this cul-de-sac would affect the appellant's amenity. The appellant's previous house is located in the centre of land now zoned 'Business Park'. The current house is on land severed from the main landholding when the rail line was realigned and was the only area zoned residential in his ownership and this was understood by the planning authority when allowing the access. The current application does not change the previous second reason for refusal.

- Developing the site as proposed removes any potential for the residential zoned land to the north being developed and would be haphazard, disorderly development. The site should only be developed in conjunction with the adjoining land and involve alternative access arrangements.
- There will be two workshops to the front of the house. The appellant is concerned that these will be used for commercial purposes generating additional traffic notwithstanding the conditions attached by the planning authority. An advert is submitted with the grounds of appeal which promotes a commercial enterprise operated by the applicant Amit Levy and is consistent with the proposed woodwork use.
- Condition 14 of the planning authority decision may never be complied with and may not be enforceable. There is a concern in relation to its wording. In addition, the planning authority applied development contributions for two houses which could pose difficulties in enforcement. A number of potential enforcement difficulties are outlined.
- From the planning report for P.A. 19/368 it is apparent that reference to haphazard and disorderly development applied to the site itself as well as the wider area. An access road snaking its way around workshops before arriving at the house and ancillary buildings to the front of the house makes for a haphazard and disorderly site layout and will detract from the appellant's residential amenity and devalue his property.
- Should the Board be minded to grant permission suggestions are made. These suggestions are: access only from Dublin Road via the existing access serving the rear of Leggettsrath Cottages, the existing western access should be permanently closed, the existing storage shed should be located behind the



proposed house with restricted uses, refusal of the temporary house, the area of the site west of the revised access road should be maintained as open space and the revised access road should extend to the northern boundary of the site to allow for possible future access to the land to the north.

### James and Thomas Hughes

- No objection to the residential development of the site but rather to the piecemeal approach to residential land in an urban setting.
- In the decision under P.A. Reg. Ref. 19/368 the planning authority clearly state that a single house on this site would be haphazard and disorderly development and that the narrow laneway would endanger public safety. The appellants would like the Board to note these items could have been addressed in a joint review and masterplan of this block of residential zoned land.
- The reasons for refusal are still valid and the same development plan applies. The current application is identical to that previously refused and there is no explanation as to why proper planning principles have been abandoned. The previous refusal decision was valid and cannot simply be overridden.
- This block of residential zoned land should be masterplanned for an appropriate density and an appropriate highways strategy to alleviate any traffic hazard.
- If the development is permitted it will sterilise the balance of the block of residential zoned land (approx. 0.7 hectares) and result in one house on an area of approx. 1.2 hectares which cannot be deemed compatible with the requirement to maximise the use of zoned land.
- There is an opportunity to access these lands from another development to the east which can address access issues identified in P.A. Reg. Ref. 19/368 and allow all lands to be appropriately developed.

## **6.2. Applicants' Response**

The main points made can be summarised as follows:

- The intensive development of the Hughes land with the applicants' site using the back lane (the existing access road serving the rear of Nos. 1-22

Leggettsrath Cottages) or any potential access route is not viable in the short to medium term if at all.

- There are 140 no. new housing units in two developments within 600 metres of the site. There is no need for intensive development of the land to the north or in combination with the applicants' site and there is no potential to intensively develop these lands in the short to medium term.
- Current access infrastructure is inadequate to support this development. It cannot be enhanced without direct intervention by the County Council who have repeatedly stated to the applicants that intensive development of these lands is not intended and would be inappropriate. An alternative access may be possible at the eastern end of the site which would require a minimum of five landowners to reach agreement. Discussions between these landowners have been going on for years without success. If a future agreement is reached the only area of the site critical for development is 8.9 metres at the eastern end which would enable connection of these lands to the Harrowville Development infrastructure. The site would likely not be included in this development due to ground level differences and work required to blend the sites. If the application is permitted it would not remove the possibility of the Harrowvale Development connection to occur.
- In theory, access to the land could come from the Harrowville Development road infrastructure to the south east. It could potentially cross the existing commercial premises and a 10-15 metres section at the east end of the site to enter the land to the north and has the benefit of an existing appropriate exit onto the N10 road network. The potential extension of the Harrowville Development into this land is referenced in P.A. Reg. Ref. 19/462 where it states that layout makes provision for future access to the north and west. Any consideration of this access route must take into account that it is dependant on agreement being reached with private landowners, including the applicants, and numerous failed attempts have been made over the past number of years, there has been no planning application for development of the land to the north, the current application would not limit the ability to facilitate this route, the significant difference in levels between the site and land to the north would likely

pose a prohibitive cost if they were to be developed together and the applicants would not be inclined to use a new eastern access route.

- With regard to the two reasons for refusal under P.A. Reg. Ref. 19/368, two pre-planning meetings took place after the decision was made. The reasons for refusal were discussed and detailed synopses of the meetings are set out in the applicants' response. The current application contains a sufficient level of supporting information to explain the purpose of each building, why separate buildings were needed, the unique challenges of the site and the design rationale for house and site to the exclusion of other layouts and site access.
- Both grounds of appeal suggest the residentially zoned land should be intensively developed. The Road Section in P.A. Reg. Ref. 09/761 stated a grant of permission would set an undesirable precedent for similar development at the rear of other houses and that the access laneway would be substandard and of insufficient width to cater for multiple residential development. In addition, this intensive development is not viable for reasons including:
  - significant residential development permitted and proposed elsewhere in the vicinity,
  - the existing access route is not appropriate for expansion and use as an estate road given proximity to the ring road roundabout,
  - using the back lane would also lead to the development of the rear gardens of Leggettsrath Cottages,
  - the existing access and back lane are currently inadequate in standard and width for a new housing development and development of back gardens and would also require footpaths, lighting etc. Demolition of a house would be required for a proper junction with Dublin Road and other land would have to be subject of a compulsory purchase order.
  - Existing junctions with Dublin Road are near the ring road roundabout and entrances to other commercial premises and would pose a significant impact on traffic, pedestrians and residents.
  - There would almost certainly be significant opposition from Leggettsrath Cottages residents.

- The Roads Section has not opposed the use of the existing cul-de-sac for the construction and occupation of the proposed house. The applicants' intention as regarding construction traffic access has been misinterpreted by the appellant. It is not proposed to use the back lane for all construction traffic. The cul-de-sac is a minimum 2.9 metres wide, not less than 2 metres as stated.
- The access road is a public road for use by all members of the public and Mr. Bergin has no more rights than any other property owner on the road. With regard to impact on the amenity of Mr. Bergin's property; the site is not opposite the property, there is evergreen hedging around Mr. Bergin's property, there is additional screening by mature trees between both properties and once the site is landscaped the proposed internal road and buildings will not be easily visible.
- The two sheds are for hobbies. The applicants do not consider this an appropriate location to conduct a commercial enterprise and do not intend to do so.

### **6.3. Planning Authority Response**

The planning authority has no further comment to make.

### **6.4. Observations**

None.

### **6.5. Further Responses**

None.

## **7.0 Assessment**

The main issues are those raised in the grounds of appeal and the Planning Report and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Zoning
- Site Access
- Piecemeal Development/Residential Zoned Land to the North
- Site Layout and Design
- Appropriate Assessment

## 7.1. Zoning

7.1.1. The proposed development is located in an area zoned for residential use where housing is permitted in principle in the Kilkenny City and Environs Development Plan 2014-2020. The principle of development is therefore acceptable, subject to the detailed considerations below.

## 7.2. Site Access

7.2.1. The site access was a reason for refusal under P.A. Reg. Ref. 19/368 and an alternative access was suggested in the grounds of appeal.

7.2.2. The site is currently accessed by way of a narrow cul-de-sac which serves as a vehicular access for only one existing house as well as pedestrian access to the front of Nos. 17-22 Leggettsrath Cottages. It can only cater for one car at a time along much of its length of approx. 130 metres and there is limited turning potential along it. The gates of the site are constructed relatively close to the edge of the carriageway as are the gates of the undeveloped site opposite. The application is very similar to that refused under P.A. Reg. Ref. 19/368. The second reason for refusal of that application stated that the proposed development would endanger public safety by reason of a traffic hazard on this extremely narrow laneway, with no scope to turn a vehicle, and where sightlines would be restricted. The application was refused without further information being sought.

7.2.3. An alternative site access is suggested from the existing laneway serving the rear of Nos. 1-22 Leggettsrath Cottages (the back lane) from Dublin Road. The back lane was not put forward as the proposed access to the site in the application though the applicants do suggest it as an infrequent construction site access for deliveries that would otherwise not be feasible.

- 7.2.4. I do not consider that there is any undue concern with the use of the existing cul-de-sac as the proposed vehicular entrance. While the laneway cannot cater for two-way traffic over a section, it is only over a relatively limited distance. In addition, as there is only one other house, at the end of the cul-de-sac, existing traffic movement is low. I do not consider that a second house would have any undue traffic impact. The Road Design Section report recommended further information for an entrance designed to facilitate turning movements. I consider that this can be included as a compliance condition to any grant of permission. Given the low-speed traffic environment at this location, and the revised entrance to be agreed with the planning authority, I consider adequate sightlines can be achieved. The applicants suggest provision of 'yield' signs and the implementation of a one-way system at the junction with the Dublin Road. I consider that these traffic management suggestions are a matter for the planning authority.
- 7.2.5. In conclusion, I am satisfied that the existing cul-de-sac road can accommodate the intensification of use from an additional house and no traffic hazard will result.

### **7.3. Piecemeal Development/Residential Zoned Land to the North**

- 7.3.1. The first reason for refusal under P.A. Reg. Ref. 19/368 stated the house and other structures represented a disorderly piecemeal approach to planning on residential zoned lands. The current application layout is effectively the same as that previously refused. The grounds of appeal contend that the development would impact the ability to develop the residential land to the north of the site.
- 7.3.2. The site is very long and narrow and there is limited scope in terms of site layout to accommodate a house. The applicants' response to the grounds of appeal state the planning authority's first reason for refusal of P.A. Reg. Ref. 19/368 was because insufficient supporting information had been submitted with the previous application explaining the number of buildings and the site layout. The applicants state that this site layout, with the house centrally on site, was progressed because the site is widest (17 metres) at this location, shading from trees to the south is minimal which maximises solar gain for the house and where proximity and visual impact on existing residents is significantly less. The width at this location allows a vehicle to pass the

house and access the rear/east which would not be possible if the house was located elsewhere on site and the garden areas are balanced.

- 7.3.3. The density proposed is significantly less than what would normally be expected to be provided on an urban residentially zoned area of approx. 0.49 hectares. However, the site access issues and the shape of the site result in substantial constraints. In addition, I note that residential development in the immediate vicinity comprises houses on large, relatively narrow sites (Leggettsrath Cottages) and the only existing house accessed by way of the cul-de-sac is also a detached house on a relatively large site. Therefore, I do not consider that the proposed development would be out of character with the existing pattern of development in the area.
- 7.3.4. Even if all the residential zoned land between Leggettsrath Cottages and the railway line was in single ownership there would still be difficulty in providing suitable access as it would have to be provided off the cul-de-sac or the back lane serving the rears of Leggettsrath Cottages. A third option is set out in the grounds of appeal via land to the south east. P.A. Reg. Ref. 19/462 (granted to Raggett Construction Ltd.) refers to a grant of permission for two houses with six other houses within the scheme under construction as per P.A. Reg. Ref. 18/174 (granted to Paddy Raggett Homes Ltd.). The internal road network of this scheme allows for an extension towards the residential zoned land between Leggettsrath Cottages and the railway line but there are other landowners involved, including the applicants. Nonetheless, permitting the current application does not preclude any development of the land to the north though there are significant issues to be addressed before that could happen.
- 7.3.5. Assessing the site on its own merits, I consider that the specific constraints of the site militate against the provision of multiple housing units and it would be unreasonable to refuse permission on the basis that the site must be developed in conjunction with the adjoining land to the north. Substantial access issues would remain as well as other issues such as the differences in ground levels between both sites. Granting the current application would not preclude any further development to the north as it is possible this could be accessed from the south east. Having regard to the foregoing, I do not consider that the application would represent a disorderly piecemeal approach to planning on residential zoned land.

#### **7.4. Site Layout and Design**

- 7.4.1. The applicants' rationale for the site layout is set out in Section 7.3.2. The proposal for three separate structures was cited in the first reason for refusal under P.A. Reg. Ref. 19/368 and the current application also sets out a justification for their provision.
- 7.4.2. The proposed main house is a 1 ½ storey house of timber frame straw bale and cob construction. The external wall finish is a white lime finish with stone. The roof is to be dark coloured recycled rubber tiles. The applicants anticipate that a significant portion of foundations and wall construction materials will come from site-won stone, sand and gravel. Excellent thermal properties are expected once the house is occupied. I note the Development Plan 2014-2020 encourages improved energy performance of residential buildings. The house footprint is relatively long and narrow reflecting the shape of the site and it has a bespoke design. There is a substantial double height area within the house and first floor windows are limited to the front/south and east side. I do not consider undue overlooking will occur from these windows. Though the two first floor front elevation windows are within 4 metres of the site boundary they overlook the very long gardens of Leggettsrath Cottages and the rear car parking area associated with the car showrooms. The distance from the proposed house to the rear elevations of the Leggettsrath Cottages is approx. 80 metres. Having regard to this separation distance I do not consider undue overlooking would occur. A first floor balcony and external stair is proposed to the east side of the house. As this would overlook the commercial area, I consider it to be acceptable. The house will not result in any shadowing or overbearing impact given its relatively limited scale and location away from existing development.
- 7.4.3. The existing metal clad shed on site to be retained is currently used for storage. It is set back 52.8 metres from the front boundary. It is currently used for storage and will have the same use during the construction period. Post-construction it is intended for use primarily as a hobby studio for ceramics and painting. A third structure is also proposed; a modular house for temporary accommodation during the construction period for the main house. This has a floor area of 49.5sqm with rendered external walls and black slate/tile roof. The applicants intend to live on site during the construction phase for security and accessibility purposes and it is considered important to have a presence on the site. The house construction is a labour-intensive



build rather than a plant-intensive build and it could take up to five years to complete. The temporary accommodation structure is located towards the front of the site to maximise the construction area near the centre and ensure access to the temporary house did not require passing through a building site. After construction of the main house it is intended the structure will be used as a woodworking hobby studio and storage shed.

- 7.4.4. The first reason for refusal under P.A. Reg. Ref. 19/368 referenced the proposed house, temporary unit and storage shed and considered it would represent piecemeal, haphazard development. The applicants state the planning authority said that there was insufficient detail on that application explaining the purpose of each building. The applicants state that the separate hobby buildings are necessary and cannot be amalgamated, or consolidated within the main house, because of toxic fumes and dust associated with the hobbies and ceramics and painting are incompatible with dirt and dust associated with woodworking. I do not consider that the provision of three separate structures on a relatively large site, despite its restricted width, would comprise overdevelopment of the site and I do not consider it would result in visual clutter or incongruity once the site is developed. A concern has been raised about the possibility of the use of the structures for commercial uses. I consider a suitable condition that restricts the use of the structures to be appropriate.
- 7.4.5. Having regard to the foregoing, I consider that the site layout and design of the structures is acceptable and would not have any undue impact on the residential amenity of property in the vicinity.

## 7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location with no hydrological pathway to any European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

- 8.1. I recommend that planning permission should be granted subject to conditions, for the reasons and considerations as set out below.

## 9.0 Reasons and Considerations

Having regard to the provisions of the Kilkenny City and Environs Development Plan 2014-2020, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of vehicular access, would be consistent with the zoning objective of the site and would not seriously injure the amenities of the area or property in the vicinity. 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, 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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. A detailed entrance layout, which shall be suitably designed to facilitate vehicle turning movements on the cul-de-sac, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of traffic safety.

4. The metal clad storage shed shall be used solely for uses incidental to the residential enjoyment of the house on site and shall not be used for habitable purposes, the housing of animals or any commercial purpose. It shall not be sold, let or otherwise transferred or conveyed, save as part of the house.

**Reason:** In the interests of clarity, the amenity of property in the vicinity and the proper planning and sustainable development of the area.

5. (a) The modular house shall be used as temporary accommodation during construction of the main house until such time as the main house is occupied. This permission for the use of the modular house as temporary accommodation is a temporary permission only and will expire five years after the date of grant of this permission, or on first occupation of the main house, whichever is the sooner.

(b) Following occupation of the main house the structure shall be used solely for uses incidental to the residential enjoyment of the house on site and shall not be used for habitable purposes, the housing of animals or any commercial purpose. It shall not be sold, let or otherwise transferred or conveyed, save as part of the house.

**Reason:** In the interests of clarity, the amenity of property in the vicinity and the proper planning and sustainable development of the area.

6. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

7. Prior to commencement of development, the applicant or developer shall enter into a water and/or waste water connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

8. (a) Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1500 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.

(b) 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 traffic management, noise management measures and off-site disposal of construction waste.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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.

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Anthony Kelly

Planning Inspector

20.08.2020