



An  
Bord  
Pleanála

## Inspector's Report ABP-307183-20

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<b>Development</b>	The demolition of existing dwelling house and domestic garage.  The construction of 1 no. detached, two-storey, dwelling house and 2 no. semi-detached, two-storey, dwelling houses and all associated works.
<b>Location</b>	Main St., Carrigrohane, Ballincollig, Cork
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	19/39009
<b>Applicant(s)</b>	Jim O'Regan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party -v- Decision
<b>Appellant(s)</b>	Jim O'Regan
<b>Observer(s)</b>	Margaret Murphy & Others

**Date of Site Inspection**

15<sup>th</sup> July 2020

**Inspector**

Hugh D. Morrison

## Contents

2.0 Site Location and Description .....	4
3.0 Proposed Development .....	4
4.0 Planning Authority Decision .....	5
4.1. Decision .....	5
4.2. Planning Authority Reports .....	5
5.0 Planning History.....	6
6.0 Policy and Context.....	6
6.1. Development Plan.....	6
6.2. Natural Heritage Designations .....	7
6.3. EIA Screening .....	7
7.0 The Appeal .....	7
7.1. Grounds of Appeal .....	7
7.2. Planning Authority Response .....	10
7.3. Observations .....	10
7.4. Further Responses.....	10
8.0 Assessment.....	10
9.0 Recommendation.....	17
10.0 Reasons and Considerations .....	17
11.0 Conditions .....	18

## 2.0 Site Location and Description

- 2.1. The site is located 0.7 km to the E of Ballincollig town centre in a predominantly residential area on the northside of Main Street (R608), which runs on an E/W axis from its junction with the N22 further to the E of the site. Detached dwelling houses accompany either side of the site: Thus, to the E lie two bungalows, while to the W lies a two-storey dwelling house and a gable fronted one-and-a-half-storey dwelling house. (The two-storey dwelling house is included in the NIAH, under reg. no. 20842023, as a traditional dwelling house from the 1940s). To the N lies a row of bungalows on the Manor Hill Estate, which lie at a lower level than the site itself and which have southerly rear elevations and accompanying rear gardens.
- 2.2. The site is of regular shape and it extends over an area of 0.098 hectares. This site presently accommodates a bungalow, which is sited in the NW quadrant of the site, with a freestanding garage to the rear. It is accessed off the Main Street by means of a recessed, gated, entranceway and a driveway on either side of which are garden areas. The site is bound by walls with, in addition a short stretch of fence along its E boundary and a hedgerow along its W boundary, which abuts a strip of land between it and the curtilage to the aforementioned two-storey dwelling house.

## 3.0 Proposed Development

- 3.1. The proposal would entail the demolition of the existing bungalow and domestic garage (109 sqm) on the site and the construction of 1 no. detached, two-storey, dwelling house (156.5 sqm) and 2 no. semi-detached, two-storey, dwelling houses (130.1 sqm x 2). Each of these dwelling houses would be of rectangular form under a double pitched roof with a single storey lean-to return. They would afford four-bed accommodation.
- 3.2. The detached dwelling house would be sited in the W portion of the site in a position forward of the pair of semi-detached dwelling houses, which would be sited in the central and E portions. The former dwelling house would be served by a dedicated access from Main Street and 2 car parking spaces and an accompanying turning area. The latter dwelling houses would be served by a shared access and turning area and 2 car parking spaces each.

## 4.0 Planning Authority Decision

### 4.1. Decision

Following receipt of further information, permission was refused for the following reason:

*Having regard to the pattern of development in the area, it is considered that the proposed design by reason of its house design, scale and height would seriously injure the residential amenities, and depreciate the value of adjoining property to the north and east by reason of overlooking, loss of privacy and overbearing. Further, the Planning Authority is not satisfied that the proposed development would not appear unduly overbearing on adjoining properties on the streetscape and would not detract from the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

### 4.2. Planning Authority Reports

#### 4.2.1. Planning Reports

Further information was requested concerning the following matters:

- Attention is drawn to the dwelling house to the W and the dwelling houses to the N and E. The former is traditional two-storey building identified in the NIAH and the latter are single storey. Concern is expressed that the proposal would not integrate satisfactorily with these dwelling houses. The applicant should, therefore, re-specify dormer bungalows for the site with reduced gable widths and front only dormers.
- Revised proposal to be depicted by contextual and site sections.
- Concerns are expressed over the suitability of soak pits to the site and so surface water should discharge to the public sewer.

#### 4.2.2. Other Technical Reports

- Irish Water: No objection + Standard notes.
- Cork City Council
  - Environment: No objection, subject to conditions.

- Roads Design: No objection, subject to condition.
- Drainage: No objection.
- Area Engineer: Following receipt of further information, no objection, subject to conditions.

## 5.0 Planning History

### Site

- Part V Social and Affordable Housing Exemption Certificate to shadow the current proposal granted 24<sup>th</sup> February 2020.

Larger version of current subject site:

- 19/4639: 4 no. two-storey, semi-detached dwelling houses: Withdrawn.

Elsewhere in the vicinity applications have been made for new dwelling houses:

- 03/3654: Further to the W: 4 no. two-storey dwelling houses: Permitted.
- 05/1264: To the W: Two-storey dwelling house: Permitted.
- 10/8011: To the N: Additional single storey dwelling house to the side at No. 12A Manor Hill: Permitted.
- 15/5223: To the E: Replacement two-storey dwelling house: Permitted.
- 15/6095: To the SW: 12 no. two-storey dwelling houses (6 no. pairs of semis): Permitted: (Appeal PL04.245825 re. special contribution condition).

## 6.0 Policy and Context

### 6.1. Development Plan

Under the Ballincollig Carrigaline Municipal District Local Area Plan 2017 (LAP), the site is shown as lying within the settlement boundary and in an existing built-up area.

Under Objective ZU 3-1 of the Cork County Development Plan 2014 – 2020 (CDP), the PA will “Normally encourage through the LAPs development that supports in general the primary land use of the surrounding existing built-up area. Development

that does not support, or threatens the vitality or integrity of, the primary use of these existing built-up areas will be resisted.”

## 6.2. Natural Heritage Designations

- Cork Harbour SPA (004030)
- Great Island Channel SAC (001058)

## 6.3. EIA Screening

Under Items 10(b)(i) & (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2020, where more than 500 dwelling units would be constructed and where 10 hectare-urban sites would be developed, the need for a mandatory EIA arises. The proposal is for the development of a 0.098-hectare site to provide 3 new build dwelling units. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall below the relevant thresholds, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

- The applicant summarises the planning history of the site to date. Thus, application 19/4369 was made to Cork County Council for 4 no. dwelling houses on a larger site, i.e. the current site and a former laneway to the west. This application was the subject of a RFI. However, due to separate legal difficulties over the said laneway, it was withdrawn without a response to the RFI.
- Prior to making the current application, the applicant sought a pre-application discussion with Cork City Council. This request was denied, although he was directed to the aforementioned RFI. In making this application, he sought to address the matters raised by this RFI and in particular the relationship that

would emerge between the proposed dwelling houses and the bungalows to the rear (cf. to drawing no. 103, which shows a 0.5m difference in finished floor levels and before and after sightlines). The applicant draws attention to the site survey that underlies this drawing and he states that minimal landscaping to rear gardens would prevent any overlooking. A contextual street elevation on the same drawing illustrates the compatibility of the proposal with the existing dwelling houses on either side of the site.

- The applicant critiques the case planner's report on the basis that it takes exception to the specification of the conventional separation distances between the rear elevations of two-storey dwelling houses, as in this case the existing dwelling houses are single storey. In practice these distances would be exceeded, i.e. they would be greater than 22m, and the rear gardens would contribute disproportionately, i.e. they would have a depth of 13m or more. She also asserts that replacement dwelling houses in the vicinity have tended to be single storey, whereas the applicant's research indicates that there was only one such development, i.e. under 15/6095, and yet 18 no. two-storey dwelling houses have been permitted. In these circumstances, the PA's insistence on the re-specification of dormer bungalows for the site is unjustifiable and its subsequent RFI went beyond the advice of the Development Management Guidelines, i.e. the PA did not regard the proposal as being "broadly acceptable".
- Attention is drawn to the advice of the Area Engineer concerning the handling of surface water. Thus, rather than reiterate his predecessor's advice under the RFI on 19/4369, he reverted to the applicant's original approach, i.e. a connection to the public sewer rather than reliance upon soakaways. The Roads Design Engineer was similarly independently minded.
- The applicant refers to Objective HOU 4-1 of the CDP, which seeks in towns such as Ballincollig densities of 20 – 50 dwellings per hectare. The proposal is for 3 dwelling houses on a 0.1-hectare site, i.e. a density of 30 dwellings per hectare. He also refers to the LAP's zoning of the subject site as "existing built-up area", in which "a more positive and flexible response" to underutilised sites, such as the subject site, is to be allowed.



- The applicant refers to Paragraph 16.59 of the Cork City Development Plan 2015 – 2021, which addresses infill housing, and which countenances the relaxation of normal planning standards. The current proposal would provide such housing without a relaxation in standards and yet it was refused.
- The applicant cites Paragraph 3.3.9 of the CDP, which refers applicants to “Making Places: A Design Guide for Residential Estate Development 2011”. This Guide states that a minimum of 22m between the rear elevations of dwelling houses “will be acceptable”, without distinction between single storey and two-storey dwelling houses. It also cites 11m as minimum rear garden depth. The current proposal would exceed both these parameters.
- The applicant cites Paragraphs 6.10 and 7.4 of the Sustainable Residential Development in Urban Areas Guidelines: the former Paragraph cites the aforementioned 22m separation distance and the latter Paragraph counsels the flexible application of this distance, where design solutions would justify such application.
- The applicant also cites exempted development provisions of the Planning and Development Regulations 2001 – 2020, which work to the standard rear garden depth of 11m. If the Board deems it necessary, then a condition removing exempted development for rear extensions could be attached to any permission.
- The applicant presents a series of precedents for his proposal. These are summarised below:
  - 15/6095: 12 no. two-storey dwelling houses (6 pairs of semis) to the SW of the subject site: Permitted and implemented: Shared parking areas and shorter rear gardens than the current proposal.
  - 03/3654: 4 no. two-storey dwelling houses 130m to the W of the subject site: Permitted and implemented: Separation distance with pre-existing dwelling houses to the rear 21.48m.
  - 15/1264: Two-storey dwelling house “two doors” to the W of the subject site: Permitted and implemented: Separation distance with pre-existing single storey dwelling house to the rear 22.55m. Dwelling house set back

from the front building line of the heritage house between it and the subject site in like manner to that which would arise under the current proposal.

- 12/6056: 2 no. two-storey dwelling houses 300m to the E of the subject site: Permitted and implemented: Bungalow and dormer bungalow and cottage to the rear only 8.5m away.
- 19/3825: 1<sup>st</sup> & 3<sup>rd</sup> party appeal PL28.305782: 3 no. two-storey dwelling houses elsewhere in Cork City: Permitted: Separation distance of 22.5m from pre-existing dwelling houses to the rear, which have a FFL 1.65m lower than the proposed dwelling houses.
- 19/38494: Housing scheme 500m to the W of the subject site: Permitted: Proposed two-storey dwelling houses would be 8.55m away from the side boundary to the pre-existing residential property at No. 8 Leo Murphy Terrace and a proposed first floor balcony would be 5.45m away from this boundary. This scheme would also entail a transition to three-storey apartments from a pre-existing two-storey dwelling house over a distance of 10.1m.

## 7.2. Planning Authority Response

No further comments.

## 7.3. Observations

None

## 7.4. Further Responses

None

## 8.0 Assessment

- 8.1. I have reviewed the proposal in the light of national planning guidelines, the CDP and the LAP, relevant planning history, the submissions of the parties, and my own

site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use and density,
- (ii) Streetscape,
- (iii) Residential amenity,
- (iv) Traffic, access, and parking,
- (v) Water, and
- (vi) Screening for Stage 1 AA.

**(i) Land use and density**

- 8.2. The site accommodates a detached single storey dwelling house, which is presently vacant. Thus, the established use of this site is residential. Surrounding sites are, likewise, in residential use.
- 8.3. Under the LAP, the site is shown as lying within the settlement boundary of Ballincollig and in an existing built-up area. Under Objective ZU 3-1 of the CDP, new development that supports the primary land use of such areas is to be encouraged. Residential is the primary land use within the vicinity of the site and so the redevelopment of this site for continued residential use would be acceptable, in principle, from a land use perspective.
- 8.4. The site is 0.098 hectares in area. As it presently accommodates one dwelling house, the density of development thereby exhibited is approximately 10 dwelling houses to the hectare. Under the proposal, this dwelling house would be demolished and replaced by three dwelling houses, which would thereby exhibit a density of approximately 30 dwelling houses to the hectare, i.e. a three-fold increase.
- 8.5. The applicant cites Objective HOU 4-1 of the CDP, which seeks densities of 20 – 50 dwellings per hectare on sites within Ballincollig. The Sustainable Residential Development in Urban Areas (SRDUA) Guidelines advise on density, too. Given the size of the site and its location within a suburban area in a row of existing dwelling houses, I consider that its should be regarded as an infill one. The Guidelines are not prescriptive as to density on such sites: Instead they advise that “a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining

dwellings, the protection of established character and the need to provide residential infill.” I, therefore, consider that, while there is no in principle objection to the density exhibited by the proposal, its acceptability in practice is linked to my discussion below of streetscape and residential amenity.

- 8.6. I conclude that there is no in principle objection to the redevelopment of the site for continuing residential use at a higher density than heretofore.

### **(ii) Streetscape**

- 8.7. The site lies on the northern side of Main Street. It presently accommodates a detached single storey dwelling house, which is sited in the NW quadrant of the site. The principal elevation of this dwelling house is of symmetrical design with a bay window on either side of its front door under a double pitched roof with hipped gable ends punctuated by chimneys.
- 8.8. To the east of the site lie two modern bungalows, both of which formerly accommodated dwelling houses similar to that on the subject site. Beyond these bungalows lie further bungalows on either side of the entrance to the Manor Hill housing estate.
- 8.9. To the west of the site lies a strip of land, which is gated on its frontage with Main Street. On the far side of this land lies a detached two storey dwelling house known as Ard na Laoi, which is identified in the NIAH under reg. no. 20842023. The accompanying appraisal estimates that this dwelling house was built in 1940 and provides the following commentary:

*This simple, attractive dwelling occupies a prominent position at the edge of the town and contributes positively to the streetscape. The building retains notable features such as timber tripartite windows. It is unusual in the town, as many traditional buildings have been lost or their historic fabric has been removed.*

Beyond this dwelling house lies a modern effectively two storey dwelling house with front gabled features, a single storey commercial building, and a row of new dwelling houses of varying size and design, i.e. a two storey dwelling house with front gabled features, a dormer bungalow, and 4 no. detached two storey dwelling houses.

- 8.10. Under the proposal the existing single storey dwelling house on the site would be replaced by 3 no. two storey dwelling houses. The more westerly of these three dwelling houses would be detached and stepped back in its siting from the front

building line exhibited by Ard na Laoi. The remaining two dwelling houses would be a pair of semi-detached ones, which would be stepped further back again from the said front building line.

- 8.11. In the light of this description, the streetscape context of the site is characterised by a mixture of dwelling house sizes and designs. Most of these dwelling houses are of modern origin and they tend not to exhibit a common front building line. Given this context, I consider that there is scope for the proposal, which would comprise two storey dwelling houses of modern and conventional appearance, to be accommodated satisfactorily within the streetscape.
- 8.12. The PA's reason for refusal refers to its concern that the proposal would appear unduly overbearing on adjoining properties on the streetscape and would detract from the visual amenities of the area.
- 8.13. I note that the bungalow to the east of the site is sited largely within the NE quadrant of its plot and so it would appear stepped back from the proposed pair of semi-detached dwelling houses. Its FFL is 25.6m OD, while that of the semis would be 26.2m OD. Nevertheless, the separation distance between the nearest corresponding corners would be 13m, i.e. the SW corner of the bungalow and the NE corner of the semis. Consequently, I do not consider that the semis would appear unduly overbearing from this bungalow.
- 8.14. I note, too, the strip of land described above would separate the proposed detached dwelling house from Ard na Laoi. Thus, a separation distance of 9.7m would pertain across this strip, which is overgrown with substantial shrubs. Ard na Laoi has first floor windows in the top LHS and RHS corners of its eastern gabled side elevation. The former window appears to be a secondary window to the space concerned and its direct outlook to the east would be uninterrupted by the detached dwelling house. The latter window would correspond to this elevation. However, both the said separation distance and the screening afforded by the intervening substantial shrubs would alleviate any overbearing effect.
- 8.15. Given the aforementioned separation distance and siting of the proposed detached dwelling house and given, too, the siting of the proposed pair of semi-detached dwelling houses, I consider that the proposal would be sufficiently respectful of the setting of Ard na Laoi, as a dwelling house of conservation interest within the

streetscape. Thus, I consider that this dwelling house would continue to be capable of being “read” as such.

- 8.16. During my site visit, I observed that the front boundary walls to the subject site, Ardana Laoi, and the dormer bungalow to the west are all castellated and so at present they form a continuous attractive roadside feature, which contrasts with the rendered finishes of the dwelling houses that they enclose. The submitted design statement and accompanying photomontage of the proposal depicts the front boundary wall as being rendered to match the proposed dwelling houses. I consider that the distinctiveness of this wall would be lessened as a result and so it should either remain un-rendered or be rendered in a different darker colour from that of the dwelling houses.
- 8.17. I conclude that the proposal would be capable of being accommodated satisfactorily within the existing streetscape from aesthetic, visual amenity, and conservation perspectives.

**(iii) Residential amenity**

- 8.18. The main thrust of the PA’s reason for refusal relates to the concern that the proposal would by reason of its design adversely affect the amenities of residential properties to the north and east. Specifically, the type of houses proposed, and their scale and height would lead to overlooking and a consequent loss of privacy and they would be overbearing.
- 8.19. During my site visit, I observed that to the north of the site there is a row of bungalows and to the east there is a single bungalow. Each of these bungalows lie at a lower level than that of the site. The applicant has submitted a site plan, which depicts the FFLs of the former bungalows as being 25.7m OD and the latter bungalow as being 25.6m OD. The proposed dwelling houses have FFLs of 26.2m OD, i.e. variously 0.5m and 0.6m higher. This plan also states the lengths of the separation distances that would pertain between these bungalows and the proposed dwelling houses. Thus,
- Between the bungalow to the north of proposed detached dwelling house denoted as No. 1 and this dwelling house there would be a distance of 26.3m,

- Between the bungalows to the north of the proposed pair of semi-detached dwelling houses denoted as Nos. 2 & 3 and these dwelling houses, there would be distances of 23.4m, and
- Between the bungalow to the east of the eastern side elevation of dwelling house No.3 and this dwelling house, there would be a distance of 13m.

8.20. The applicant has submitted cross sections that depict the existing and proposed relationships between the bungalows to the north and the existing dwelling house on the site and the proposed ones. Cross section BB shows that the outlook from the bungalow to the north of proposed dwelling house No. 1 would be similar to that which pertains at present. Cross section CC is more notional insofar as the bungalows to the north of proposed dwelling houses Nos. 2 & 3 largely overlook what is presently a garden area on the site.

8.21. The applicant has submitted a shadow study of the proposal, which compares the degree of overshadowing that occurs at present from the dwelling house on the site and that which would transpire under the proposal. The western undeveloped portion of the adjoining site to the east would be most noticeably affected in this respect.

8.22. The PA has not raised concerns over shadowing. Instead it is concerned about overlooking and overbearing. The applicant has responded strongly to this concern by drawing attention to the conventional separation distance of c. 22m, i.e. 70 feet which converts to 21.336m. He draws attention to the fact that his proposal would comfortably exceed this distance, which is intended to safeguard the residential amenities of corresponding two storey dwelling houses, in terms of overshadowing, overlooking, and overbearing. He cites national and local planning documents, both statutory and non-statutory, which cite this dimension, and he contends that by deduction its application to the present case involving existing single storey and proposed two storey dwelling houses is appropriate.

8.23. I recognise that the proposal would lead to a greater spread of development across the site and that the outlooks presently enjoyed by neighbours to the north and to the east would be affected. I recognise, too, the applicability of the above discussed dimension and I consider that, as the layout of the proposal would exceed this dimension, this would offset the difference in FFLs discussed above. In this respect, too, the applicant's landscaping of the proposed rear gardens and his invitation to

the Board to remove by condition exempted development rights would be of assistance.

- 8.24. The eastern side elevation of dwelling house No. 3 would not contain any habitable first floor windows. The rear elevation would contain such windows, but the line of sight towards the bungalow to the east would be so acute as to pose no risk of overlooking. While there is a sunroom at the western end of this bungalow, the separation distance of 13m would again be adequate to safeguard the amenity of this space.
- 8.25. I conclude that the proposal would be compatible with the residential amenities of the area.

**(iv) Traffic, access, and parking**

- 8.26. Under the proposal, the redeveloped site would generate a greater number of traffic movements than have pertained heretofore. However, this traffic would be capable of being accommodated on the adjoining regional road.
- 8.27. The site is presently accessed directly off the Main Street (R608) by means of a single recessed gated entrance. Under the proposal, this entrance would be reformed as an ungated one, which would serve the pair of semi-detached dwelling houses and a second ungated entrance would be formed to the west, which would serve the detached dwelling house.
- 8.28. The regional road is of relatively straight alignment as it passes the site and it is the subject of a 50 kmph speed limit. The two-lane carriageway is accompanied on either side by a cycle lanes and public footpaths. To the east, the nearside cycle lane “swells” to form a bus stop. The reformed entrance to the site would not encroach any nearer to this bus stop than it does at present. Sightlines from this entrance and the additional one would be satisfactory.
- 8.29. Each of the dwelling houses would be served by two off-street car parking spaces, which would be accompanied by manoeuvring space that would facilitate consistent front gear access from and egress to the R608. Both entrances should be conditioned to ensure that they remain ungated, as the need for vehicles to stand on the busy regional road should be avoided.



8.30. I conclude that the traffic generated by the proposal would be capable of being accommodated on the R608. Proposed access/egress, parking, and manoeuvring area proposals for the site would be satisfactory.

#### **(v) Water**

8.31. The site would be served by the public water and foul and surface water public sewerage system. Irish Water has raised no objection to the proposal and under further information the applicant altered the surface water drainage arrangements from on-site soak pits to reliance upon the public sewerage system, as requested by the Area Engineer.

8.32. Under the OPW's flood maps, the site is not shown as being the subject of any identified flood risk.

#### **(vi) Screening for Stage 1 AA**

8.33. The site is neither in nor near to any European site. Instead, it is a serviced urban one and so no Appropriate Assessment issues arise.

8.34. Having regard to the nature and scale of the proposal, the nature of the receiving environment, and the proximity to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### **9.0 Recommendation**

9.1. That permission be granted.

### **10.0 Reasons and Considerations**

Having regard to the Cork County Development Plan 2014 – 2020, the Ballincollig Carrigaline Municipal District Local Area Plan 2017, and the pattern of development in the area, the Board considers that the proposed redevelopment of the site to replace the existing dwelling house with three dwelling houses would, subject to conditions, be appropriate from a land use perspective. The proposal would be capable of being accommodated within the existing streetscape and it would be compatible with the residential amenities of the area. Its density would thus be

appropriate, too. Traffic generated by the proposal would be capable of being accommodated on the adjoining regional road and the proposed access/egress, parking and manoeuvring area would be satisfactory. Water supply and drainage arrangements would, likewise, be satisfactory and no Appropriate Assessment issues would arise. The proposal would thus accord with the proper planning and sustainable development of the area.

## 11.0 Conditions

1.	<p>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 12<sup>th</sup> day of March 2020, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The front boundary wall shall be either retained un-rendered or rendered in a different darker colour than that of the proposed dwelling houses.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of visual amenity.</p>
3.	<p>The entrances to the site shall remain ungated for as long as the dwelling houses are in-situ.</p> <p><b>Reason:</b> In order to avoid the need for vehicles to stand upon the adjoining regional road.</p>

4.	<p>The existing dished public footpath adjoining the existing entrance shall be reduced in width from the west and the public footpath adjoining the new proposed entrance shall be dished. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In order to facilitate ease of access/egress.</p>
5.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than 1:500 showing –</p> <p>(i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species.</p> <p>(ii) Hard landscaping works, including internal and external boundary treatments, specifying materials and finished levels.</p> <p>(b) A timescale for implementation.</p> <p>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 five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
6.	<p>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.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>

7.	<p>The applicant or developer shall enter into a water and/or waste water connection agreement(s) with Irish Water, prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
8.	<p>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, control of surface water, and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
9.	<p>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.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
10.	<p>Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwelling houses without a prior grant of planning permission.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
11.	<p>The developer shall pay to the planning authority a financial contribution of €22,645 (twenty-two thousand, six hundred and forty-five euro) 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</p>

	<p>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. The application of any indexation required by this condition 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.</p> <p><b>Reason:</b> 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.</p>
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Hugh D. Morrison  
Planning Inspector

13<sup>th</sup> August 2020