



An
Bord
Pleanála

Inspector's Report ABP-307808-20

Development	Subdivision of existing site and outline permission for a storey and a half dwelling with access through public green space from Western Road and associated site development works.
Location	Haywood Road, Clonmel, Co. Tipperary.
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	20488
Applicant(s)	Elaine O'Brien
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Andrew Burke
Observer(s)	None
Date of Site Inspection	16 th October, 2020. .
Inspector	Stephen Kay

1.0 Site Location and Description

- 1.1. The appeal site comprises an area to the rear of an existing part single and part two storey house that fronts onto the Haywood Road. The site has a stated area of 0.1ha. and currently forms part of the rear garden of the existing house.
- 1.2. To the north east the site bounds the residential site from which the site is taken, and beyond that the Haywood Road. To the south west, the site adjoins a residential site (Western Road Residential Estate) which comprises a development of two storey semi detached houses. This south west boundary is characterised by a block wall of c.2 metres in height on the Western Road Estate side. This wall has a recess at the far northern end. Beyond the wall is a strip of open space that is approximately 40 metres in length and an average of c.10 metres in width and which contain two mature trees located at the southern end.
- 1.3. To the south east, the site bounds a single storey detached house situated on a large site and accessed from Haywood Road. Immediately south of the site is a single storey dwelling that is accessed from the Western Road estate. To the north, the site is bounded by lands that are in use as a car park within the site of Tipperary general Hospital and which are at a higher level than the appeal site and the Western Road Estate.
- 1.4. The site slopes down from south west to north east and the level of the existing house on the adjoining site to the north east is significantly lower than the appeal site. The site plan indicates a level of c.35.25 to the front of the proposed new house on the site to the north east and c.38.9 at the north west corner of the appeal site. The site plan also indicates a tree line located along the south west boundary of the site and inside the boundary wall between the site and the area of open space located to the south west. These trees are visible on the Google streetview images of the site however at the time of inspection of the site these trees had been felled. There is also existing vegetation along the south west boundary of the appeal site.
- 1.5. It is noted that the part of the site at the north west corner that provides for a connection across the existing area of open space between the site and the road network in the residential estate to the south west is not in the ownership of the first party.

2.0 Proposed Development

- 2.1. The proposed development comprises the sub division of an existing residential site and the provision of a new storey and a half style dwelling on the south western part of the site. The application is outline in nature and therefore no detailed plans of the proposed dwelling type are submitted. The building footprint indicated shows an L shaped building and an extensive hard surfaced / parking area is indicated on the northern side of the site. The two main parts of the building footprint are indicated as having different finished floor levels (FFLs) with the northern side indicated at a metre higher at 38.5 mOD and the southern 37.5 mOD. It would appear from the Site Section shown on Drg. 1982(PD)01 that the southern part of the hose is proposed to have a second floor with the northern part on a single level however the exact layout is not clear given the outline nature of the application. The maximum height of the ridge line is indicated as 7.0 metres above the lowest FFL (37.5 mOD).
- 2.2. Access to the site is proposed to be via a new vehicular entrance to be from the existing residential estate road located to the south west. This access route is proposed to cross a strip of open space located between the appeal site and the residential development located to the south west.
- 2.3. The development is proposed to be connected to the public water supply and drainage networks. The connection points to the water supply and drainage networks are not clearly indicated on the submitted plans.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Grant Permission for the proposed development subject to 6 no. conditions, the most notable in the context of the subject appeal are considered to be as follows:

Condition No. 2 specifies that any subsequent permission on foot of this outline shall be subject to a number of requirements including:

- That it does not overlook or overbear on existing neighbouring properties,
- That the existing vegetation on the southern boundary of the site shall be retained.
- That the finished ground level and finished floor levels shall be indicated on the drawings submitted for approval and
- That the outline permission is for a storey and a half dwelling that shall have a maximum height of 7 metres.

Condition No.2 requires that at permission stage the applicant shall comply with the requirements of the Planning Authority with regard to detailed design, orientation, surface water collection and disposal and entrance and boundary design.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer notes the internal report received from the district engineer and the third party objections. The principle of the sub division of the site to provide an additional unit is considered to be acceptable and the principle issue is considered to relate to the proposed access. Noted that c.60 sq. metres of the existing c.392 sq. metres of open space would be lost. Considered that the benefits of a house that would overlook the open space area and the use of zoned lands would outweigh the loss of open space. A grant of permission consistent with the Notification of Decision which issued is recommended.

3.2.2. Other Technical Reports

District Engineer – No objection subject to conditions. Report notes that the development will require a right of way over the green area that is in the ownership of Tipperary Co. Co. Notes that manholes and drains incorrectly shown and that number of trees would be impacted.

4.0 Planning History

There are a number of planning applications relating to the appeal site and adjoining lands to the north east in the same ownership referenced in the report of the Planning Officer. The following are specifically noted:

Tipperary Co. Co. Ref. 20/487 – Permission granted by the Planning Authority for the demolition of the existing house on the site (adjoining house to the north east of the current appeal site) and for the construction of a part single storey and part one and a half storey dwelling and associated site development works. This permission was granted in May, 2020 and was not the subject of appeal.

Tipperary Co. Co. Ref. 12066 – Permission granted for a bungalow. (Details of this application are not available on the online planning search facility on the Tipperary Co Co. website).

5.0 Policy and Context

5.1. Development Plan

The appeal site is zoned Residential under the provisions of the ***Clonmel and Environs Development Plan, 2013*** with a stated objective (section 9.2 of Plan) ‘to preserve and enhance existing residential amenity, including avoiding excessive overlooking, reduction in general safety and reduction in the general usability and security of existing public and private open space.’

The site is not located within an identified flood risk zone.

Neither the existing dwelling on the site nor adjoining properties are included on the record of protected structures.

Section 6.4 of the Plan relates to Layout, Density and Design in New Residential Development and states, inter alia, that

‘Residential development must have regard to the character of an area including adjoining development, landscape features, views, contours, archaeological features and local bio-diversity.’

Section 6.4 goes on to state that

'Residential development needs to have regard to the layout of the adjoining developments.'

Policy HSG 3: Urban Densities states that

'It is the policy of the Council to encourage a range of densities and housing types and styles having regard to neighbouring developments, the urban form of the town and the objectives of proper planning and sustainable development in order to provide a balanced pattern of house types throughout the town and within developments.'

Section 7.3 relates to Amenity and Recreation.

Policy AH 6: Amenity and Recreation states that *'It is the policy of the Council to actively encourage, promote and develop facilities and opportunities for the retention, improvement and development of amenity and recreational spaces and facilities.'*

7.6 relates to Tree Preservation.

Policy AH 9: Tree Preservation states that *'It is the policy of the Council to seek the protection of healthy mature trees that are significant features in the landscape. Development that requires the felling of such trees will be discouraged.'*

Under the South **Tipperary County Development Plan, 2009**, Clonmel is identified as a Regional Town and the highest level in the core strategy for the county.

Clonmel is targeted for expansion with an important role in realising balanced regional development and providing regional level retailing. (paragraph 3.3.1).

Paragraph 10.11.3 relates to multi unit residential development and specifies a requirement for a minimum of 60 sq. metres of private amenity space for a 3-5 bedroom house.

This plan has been extended (under s.11A Planning and Development Act 2000, (as amended)), and will remain in effect until a new Regional Spatial and Economic Strategy is made by the Southern Regional Assembly, thereafter a new Tipperary County Development Plan will be made. The process of plan review and preparation of a new *Tipperary County Development Plan 2022-2028* has commenced.

5.2. Natural Heritage Designations

The site is not located in or close to any European site.

5.3. EIA Screening

Having regard to the nature and scale of the proposed development and its separation from environmentally sensitive receptors there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the main issues raised in the third party grounds of appeal:

- Adverse impact on the character of the Western Road Residential Estate.
- That the proposed development would be contrary to the residential zoning objective of the site as there would be excessive overlooking of adjoining houses in the Western Road development (Nos. 17 and 23) and the bungalow to the south.
- The only open space area available to all residents of the Western Road Estate is proposed to be reduced in area by 20 percent.
- That the proposed access onto the Western Road estate is not necessary and access could be provided via the existing house site. The report of the Borough Engineer notes that there is adequate space to construct a new access at the southern end of the site that would provide access to the rear of the site.
- That the site area where the access across the green area is proposed is not in the ownership of the applicant.

- That the entrance will result in noise and light disturbance for residents of the adjacent houses.
- That the district engineer report notes an issue with regard to levels of the proposed drainage connection from the site to the manhole indicated in the Western Road estate. The sewer line is proposed to run through the green area bisecting two mature trees and will have a negative impact on the long term viability of these trees. A way leave will be required.
- That the address on the site notice was incorrect. It stated Haywood Road and not Western Road Estate.
- That any modification to the basic layout of Western Road estate should only be undertaken with the consent of the residents.
- That the existing green area that will be impacted is used as an amenity area and as an area that is rich in wildlife. The removal of this area would be contrary to Policy 9.2 of the land use zoning objective of the site.
- The proposed access will make the green area unsafe for use by elderly and young children.
- That the additional traffic will add to issues of congestion at the junction of the Western Road Estate and the Western Road (N24). Traffic safety issues will arise.
- That the proposal is contrary to current best practice as set out in Quality Housing for Sustainable Communities, specifically with regard to public open space and landscape design, safety, being socially and environmentally appropriate and the provision of adequate amenities.
- The granting of permission involving the loss of open space goes against EPA report 195, section 2/7/2.
- The development is contrary to Policy 6.4 (layout, density and design), Policy 7.3, 7.6 and 9.2 (land use zoning) of the Clonmel and Environs development plan.
- That there was no public consultation regarding the proposal.

6.2. Applicant Response

The following is a summary of the main issues raised in the first response to the appeal:

- That the planning authority considered that the proposed development is consistent with the provisions of the development plan.
- That the loss of the existing open space comprises 57 sq. metres out of the total of 392 sq. metres existing. This is c.14 percent reduction and not the 20 percent cited.
- That contrary to the statement of the appellants there would not be overlooking of the existing houses within Western Road Estate. The separation to No. 17 would be 46.9 metres, to No. 23 the separation would be 31.5 metres and to the bungalow to the south west, the separation would be 23.6 metres. In addition the floor level of the proposed house would be significantly lower than the existing houses.
- For the above reasons, it is not considered that issues of noise and light disturbance would occur.
- That the proposed dwelling would overlook the area of open space that currently has very limited passive surveillance.
- That the proposal by the appellants for an alternative access via the Haywood Road would involve use of an access onto a much busier location and where there is a significant fall from the site to the road.
- That the council have given their agreement to the making of the application and issue of ownership of the strip of land where the access is proposed can be addressed at application stage. The statement of the appellants that the development requires the formal consent of the residents of Western Road Estate is not accepted.
- That the statements made with regard to adverse impact on amenity and visual impact were not accepted by the Planning Authority.
- Regarding drainage, it is not clear what the reference of the third party to the EPA relates to.

- The report of the district engineer states that a connection to the drainage network should be to the manhole at the south west corner. Alternatively a connection could be provided to the Haywood Road. These are issues of detail that can be addressed with Irish Water.
- That the issues regarding the address and validity of the application – the application was accepted as valid by the Planning Authority.
- That the addition of a driveway will not made the remaining area of open space unsafe as stated by the appellants. The access is proposed at a location where the extent of space taken is minimised while providing for a dwelling that would provide passive surveillance of the remaining open space.
- That contrary to the statement of the appellants, the addition of one house would not adversely impact on traffic safety at the junction between the Western Road Estate and the N24.
- The reference to Quality Housing for Sustainable Communities is noted however they are not relevant guidance for infill and backland development.

6.3. Planning Authority Response

The following is a summary of the main issues raised in the response received from the Planning Authority:

- That the Planning Authority do not consider that an additional house as proposed would impact on the established residential amenity of the area or lead to noise or light nuisance.
- That, inter alia, Condition No.2 attached to the decision requires that the development would not overlook or overbear adjacent houses. It is considered that the potential for overlooking of houses within Western Road estate is 'negligible'.
- That the Planning Authority considers the proposal to access the site via the Western Road Estate as acceptable when considered in the context of the benefit of surveillance of the remaining area of open space.

- The development would use of the maximum and most efficient use of serviced land within Clonmel.
- That connection to the sewer is subject to the agreement of Irish Water and the connection agreement process will ensure that this is done in the most technically appropriate manner.
- That the Planning Authority is satisfied that the application was valid.
- That the open space area that would be lost is considered to have limited ecological value and that the amenity / recreational value of the rest of the open space area will remain.
- That the proposed development is not considered likely to lead to traffic congestion or safety issues.

7.0 Assessment

7.1. The following issues are considered to be relevant to the assessment of this appeal:

- Location, Principle of Development and Procedural Issues,
- Design, Layout and Impact on Residential Amenity,
- Site Access and Servicing
- Other Issues,
- Appropriate Assessment

7.2. Location, Principle of Development and Procedural Issues,

7.2.1. The appeal site is located on lands that are zoned Residential under the provisions of the *Clonmel and Environs Development Plan, 2013 -2019* with a stated objective '*to preserve and enhance existing residential amenity, including avoiding excessive overlooking, reduction in general safety and reduction in the general usability and security of existing public and private open space.*' The principle of a new residential development is therefore permitted in principle and is in my opinion acceptable subject to other relevant issues including design, impact on open space, servicing

and access being acceptable. These issues are considered in more detail in the sections below.

- 7.2.2. I note the comments of the third party appellants with regard to the **validity of the application** and specifically the contention that the address cited in the public notices is incorrect. The issue of validation of the application in the first instance is a matter for the Planning Authority, and it accepted the application as valid. I note that this position has been restated by the Planning Authority in its response to the grounds of appeal that are on file. I therefore consider that there is no basis on which the Board should not determine the appeal on the basis that it is invalid.
- 7.2.3. With regard to **ownership** of the section of land at the north west corner of the site that is required to connect with the public road within the Western Road Estate, the local authority have indicated that they are the owners of this piece of land, and that there is no objection to the first party making an application for permission. I note the concerns expressed by the third party appellants regarding consent for the inclusion of this element, however completion of any development would have to be on the basis that there was agreement reached between the parties to enable access via this route.
- 7.2.4. The location of the appeal site, in what is an existing rear garden of a house fronting the Haywood Road, is an infill form of development that would in my opinion result in the efficient use of urban land and consolidation of the existing built for in the area. The scale of the existing site from which the appeal site is taken is in my opinion such that the principle of its sub division and development of a second house is acceptable in principle subject to detailed design considerations and siting. These issues are considered further in the sections below.
- 7.2.5. There are no specific policies or objectives relating to urban consolidation or densification contained in the Clonmel and Environs Development Plan that are applicable to the form of development proposed. I note however the provisions of Paragraph 5.9 of the *Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, 2009* which promotes the provision of additional dwellings within the inner and established suburbs of larger towns, either by infill or site sub division and notes how such development can utilise existing public infrastructure to its optimum capacity. The form of development proposed in this

subject application is, in my opinion consistent with this provision of the Guidelines. It is noted that the Guidelines indicate that such infill development should be assessed having regard to the need for a balance 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. These issues are considered further below.

7.3. Design, Layout and Impact on Residential Amenity,

- 7.3.1. The appellants contend that the location of the proposed house would be such that it would result in a loss of residential amenity for existing houses within the Western Road Residential Estate. The proposed dwelling would however be located at a very significant separation from surrounding houses. Specifically, the separation to No. 17 Western Road Estate would be in excess of 45 metres, that to No. 23 would be in excess of 30 metres and the separation to the bungalow to the south west, would be c.23 metres. While details of the house design are not yet available given the outline nature of the application, it would appear that only the southern part of the floorplan would have a second level and the separation distances are in my opinion such that no significant issues of overlooking, overbearing or noise and light pollution impacts on third party properties are likely to arise. In addition, as noted by the first party, the floor level of the proposed house would be significantly lower than that of the existing houses at Nos. 17 and 23, further reducing the potential for negative impacts on residential amenity.
- 7.3.2. The proposed dwelling does have the potential to impact on the amenity of the existing house located on lands to the north east that are in the ownership of the first party. On this issue, it is noted that under Tipperary County Council Ref. 20/487 permission has been granted by the Planning Authority for the demolition of the existing house on the site (adjoining house to the north east of the current appeal site) and for the construction of a part single storey and part one and a half storey dwelling and associated site development works. The impact of the proposed development in terms of amenity therefore also has to have regard to the impact on this permitted dwelling, and it is this permitted layout that is indicated on the Site Plan and Site Section drawing submitted (Drg. No. 1982(PD)01). The separation

between the proposed development and the permitted layout on the site to the north east is c.18 metres at the closest point, but would be in excess of 20 metres between potential first floor elements and is therefore considered to be acceptable. I note that the site contours are such that there would be a c.2 metre difference in levels between the FFL of the house proposed in the subject application (c.37.5 mOD) and that permitted to the north east (c.35.5 mOD). Details of the fenestration to the rear of the proposed dwelling that minimise the potential for overlooking between these two sites would need to be submitted at approval stage.

7.3.3. The layout of the site as indicated would provide for an adequate level of private amenity space to serve the proposed dwelling. From the site section drawing (Drg. No. 1982(PD)01), it is not clear exactly how the site levels in the vicinity of the boundary between the two sites would work. A 1.8 metre high boundary fence is indicated, however it appears that it is intended that the ground level on the appeal site would be raised and that there may be a need for some form of retaining wall / structure at the boundary that would be c.1.8 metres high when viewed from the site to the north east. The separation between the permitted house to the north east and the boundary is c.15 metres and therefore such that a significant boundary height could be accommodated without impacting significantly on residential amenity, however the construction of any retaining structure would likely result in the loss of the existing trees either side of the boundary on the eastern side of the site. In the event of a grant of outliner permission, details of the boundary between the two sites including levels and any retaining structures should be required to be submitted at approval stage.

7.3.4. The design of the proposed house as a storey and a half style dwelling with an indicated maximum height above FFL of 7 metres is noted and is considered to be appropriate for this site. Details of design, fenestration and detailed FFLs and ground levels, particularly in the vicinity of the boundary with the site to the north east will be required at approval stage to facilitate detailed assessment. Overall, on the basis of the information presented, I would not agree with the contention of the third party appellant that the form of development proposed would be contrary to Section 6.4 of the Plan as it relates to layout, density and design in new residential developments.

7.3.5. The appellants highlight the existing amenity value of the area of open space in terms of recreation and ecology and also the fact that this is the only area of open space available to the residents of the Western Road Estate. These concerns are noted, however the location of the proposed access is at the edge of the open space area and located such that it would not sever it. The extent of space required to facilitate the access is relatively minor at c.60 sq. metres and, while it would result in a loss of c.15 percent of the existing amenity space, a total of c.330 sq. metres would be retained. The retained area would include the two existing trees at the southern end of the site frontage. The Planning Authority and the first party both highlight the potential advantages of the proposed dwelling in terms of passive surveillance of the open space area and in general I accept and agree with this view. The existing level of passive surveillance is limited given that it faces the side gables of adjoining houses (Nos. 17 and 23). The degree of passive surveillance would however be dependent on the front boundary treatment which would need to be detailed and assessed at approval stage.

7.3.6. Having regard to the above, I consider that the form of development proposed would not be inconsistent with the residential zoning objective for the site as contended by the third party appellants. I also would not agree with the third party that the development would be contrary to Policy (section) 7.6 of the plan which relates to tree preservation or Policy (section) 7.3 relating to amenity and recreation. The proposed development would not in my opinion lead to the loss of any trees of significant amenity value and while the proposal will lead to a loss of public amenity space, on balance it is my opinion that this loss is justified when set against the potential benefits of the proposed development in terms of urban densification and consolidation, passive surveillance of the remaining open space area, the retention of existing trees in the open space area and the apparent restrictions on alternative access points to facilitate the development, notably from the Haywood Road, due to the significant changes in levels. For these reasons I consider that the form of development proposed is acceptable and is consistent with the principles set out in Quality Housing for Sustainable Communities. I note the reference by the third party appellant to EPA report 195 and specifically section 2/7/2. The title of this report is Health Benefits from Biodiversity and Green Infrastructure and 2.7.2 is headed Planning Policy and the Role of Planning Authorities. I have read this section of this

EPA report (copy attached with this report) and I do not consider that there is a clear basis as to how the subject proposal would be contrary to this document.

7.4. **Site Access and Servicing**

- 7.4.1. The proposed development is proposed to be connected to the **public water supply and drainage** networks. Details of the application were referred by the Planning Authority to Irish Water however no response is on file. I note the reference by the third party appellant to potential issues regarding levels for a connection to the drainage network within the Western Road Estate, and this was also noted as a potential issue by the council's district engineer. It is not clear from the information available whether a connection to the foul drainage infrastructure in Western Road Estate would be feasible. If not, an alternative connection route via the property to the north east that is also in the ownership of the first party would be available and this alternative option is referenced in the first party response to the grounds of appeal on file. In the event of a grant of permission, it is recommended that a condition specifying that no development would be undertaken pending a connection agreement being obtained from Irish Water would be attached. Details of the proposed connection method would need to be submitted with the application for approval.
- 7.4.2. The submitted plans do not detail the means of disposal of **surface water** on the site. In the event of a grant of permission it is recommended that a condition would be attached specifying that any application for approval consequent on this outline permission would include proposals for the collection and disposal of surface water on the site.
- 7.4.3. With regard to **traffic and access** to the site, I note the suggestion of the third party appellant that an alternative access to the site could be provided via the first party lands to the north east and then onto the Haywood Road. Such an access would however be onto a very busy section of the Haywood Road where there is a significant gradient and in a location where the site levels at the entrance are significantly sloping. As referenced above, there is also a very significant change in levels required between the access to the Haywood Road and the appeal site which it would appear difficult to engineer. The alternative, as proposed in the subject

application, results in an access onto an existing estate road where there is a very low level of traffic and where adequate sight lines are available.

- 7.4.4. The concerns of the appellant with regard to the impact of the proposed development on the junction of the Western Road Estate and the Western Road (N24) are noted. This is an established junction however, and I do not consider that the addition of traffic generated by a single house would have any material negative impact in terms of either traffic safety or congestion at this location. Similarly, given the location of the proposed access at the far northern end of the open space area, the nature of the development comprising a single house and the very limited existing traffic in the vicinity, I do not agree with the third party appellant that the proposed access would make the green area unsafe for use by elderly and young children.

7.5. Other Issues,

- 7.5.1. The site is not located within a flood risk zone and no issues of flooding arise.
- 7.5.2. I note the fact that the site and the adjoining site to the north east are in the same ownership. The size of site and number of units proposed for the two sites are such that the requirements under part V of the Planning and Development Act, 2000 (as amended) do not arise in this case.
- 7.5.3. In the event of a grant of outline permission, any permission consequent on this outline permission would be subject to a financial contribution in accordance with the Tipperary County Council s.48 development contribution scheme. In the event of a grant of permission therefore it is recommended that a condition would be attached specifying that a financial contribution would be payable in the event of an approval consequent on the outline permission.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. Having regard to the above, it is recommended that outline permission be granted based on the following reasons and considerations and subject to the attached conditions:

9.0 Reasons and Considerations

Having regard to the Residential zoning objective for the site and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health 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. This grant of outline permission is in respect of development as indicated in the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. No development is authorised on foot of this grant of outline permission and no development shall be undertaken until a grant of approval consequent on this outline permission is received.

Reason: In the interest of clarity.

2. This outline permission relates solely to the principle of the development on this site and plans and particulars to be lodged for permission consequent on this grant of outline permission shall include the following information and comply with the following requirements:

(i) Existing and finished ground levels and finished floor levels of the proposed and permitted units on the appeal site and adjoining site to the north east shall be clearly indicated on the Site Plan and in section drawings running north east – south west through the site.

(ii) Details of the design scale and height of the proposed dwelling including proposals to protect the privacy and amenity of existing adjacent properties.

(iii) The permitted dwelling on the site shall be a storey and a half design with a maximum height of 7.5 metres above finished ground level in that part of the site.

(iii) A detailed landscaping and boundary treatment plan for the entire site.

(iv) Details of the treatment of the boundary between the appeal site and the site to the north west in the ownership of the first party) and that to the south east, including details of any retaining structures shall be submitted.

Reason: In the interest of clarity and to define the subject matter for consideration at permission consequent stage.

3. All surface water runoff from roofs, driveways and paved areas shall be collected and disposed of within the site. No surface water runoff shall be discharged to the public sewer, to the public road or to adjoining properties.

Reason: In the interest of public health.

4. No development shall take place until the developer has entered into water and waste water connection agreements with Irish Water.

Reason: In the interest of public health.

5. No development on foot of any permission granted consequent on this outline permission shall be undertaken until such time as the developer has paid 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.

Stephen Kay
Planning Inspector

5th November, 2020