



An  
Bord  
Pleanála

## Inspector's Report ABP 310021-21

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<b>Development</b>	Construct a detached two-storey detached house and all associated site works
<b>Location</b>	92 Lackabane Village, Fossa, Killarney, Co. Kerry
<b>Planning Authority</b>	Kerry County Council
<b>Planning Authority Reg. Ref.</b>	21/102
<b>Applicant</b>	Patrick & Rosarie O'Reilly
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	3 <sup>rd</sup> Party v. Grant
<b>Appellants</b>	Nuala McDonnell & Tim Coffey
<b>Observers</b>	None
<b>Date of Site Inspection</b>	8 <sup>th</sup> June 2021
<b>Inspector</b>	Mary Kennelly

## 1.0 Site Location and Description

- 1.1.1. The site is located within an existing housing development on the outskirts of Killarney Town just off the N72, (Ring of Kerry route to Killorglin) on the western approach to the town. The estate is situated to the west of the Liebherr complex and to the east of Fossa Village. Lackabane village is a relatively modern housing estate on the northern side of the N72 and the lands on the southern side of the road comprise the Killarney Golf and Fishing Club grounds. The southern part of the housing estate is on fairly level ground, but the northern part is quite elevated. The estate road curves around to the east and terminates in a E-W oriented cul-de-sac at the northern extent of the development. The appeal site is situated close to the end of the cul-de-sac on the southern side of the road.
- 1.1.2. Lackabane Village is arranged around a central internal road with several areas of public open space at the southern end and in the central section. It comprises mainly semi-detached houses with some detached ones with a common design theme. However, the northern section along the cul-de-sac comprises detached houses with designs which differ from the remainder of the estate, with c.15 houses of this type. These houses have a stone finish and are generally one and a half storey and/or split level. The design of the houses on the northern side of the cul-de-sac differs from that of the houses on the southern side but have a common theme. The house to the immediate east of the appeal sit (appellants) is designed with most of its fenestration facing the western side boundary or south towards the rear garden. It has a pitched roof with rooflights over the central section dropping down to a monopitched roof and a flat roof closer to the side and rear boundaries. This design is consistent with the design of the houses on this side of the cul-de-sac, apart from the site immediately to the west of the appeal site, which has a detached house with a contemporary bespoke design. This is a flat-roofed brick and render house with vertical and horizontal windows.
- 1.1.3. The appeal site is a vacant, infill site located between these two houses with a site area of 0.22ha. It is a long rectangular site with a depth of c.47m. The ground levels fall away from the public road by approx. 4 metres and also from the northwest to the southeast. The gradient is steepest at the southern end. The eastern boundary is defined by a concrete block wall and the western boundary by a hedge.

## 2.0 Proposed Development

- 2.1.1. The proposed development seeks permission to construct a detached 2-storey house on the site. The stated floor area is 274m<sup>2</sup>. The proposed dwelling has a long narrow footprint on a N-S axis, with a pitched roof and an annexe on the western side with a smaller pitched roof. It would be split level to take advantage of the natural gradient within the site, forming a basement and ground floor, whereby the basement floor level would be 2.1m below the existing ground level. It would be set back 4 metres from the eastern boundary and a minimum of 4.8m from the western boundary. The rear of the proposed dwelling has a single-storey element with a grassed flat roof facing south, with the main elevation set back a minimum of 17 metres from the southern boundary. The front of the dwelling would be set back a minimum of 7.5m and a maximum of 12.7m from the roadside boundary.
- 2.1.2. The submissions state that site investigations had established that the site substrate is primarily imported/built-up soil, which influenced the split level design proposal. It incorporates dry moats on either side of the proposed dwelling with a set of external steps leading down to the garden on the eastern side. The proposed boundary treatments include the retention of the existing screening and the provision of a supplementary retaining wall of 1.5m height capped with indigenous hedging and/or the planting of new indigenous hedging to a height of 1.8m. The proposed dwelling has been designed with a combination of vertical louvres and projecting wedge windows with clear and obscure glazing with a view to avoiding overlooking.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The P.A. decided to grant planning permission for a detached 2-storey house subject to 14 conditions including:

**Condition 2:** Development contribution of €7,768.00.

**Condition 4:** development to be connected to the public water mains and the public foul sewerage system and a connection agreement to be signed with Irish Water prior to commencement of development.

**Condition 7:** Required revisions to dining room window on western elevation, which shall be changed to a high-level window without louvres on the exterior.

**Condition 8:** No overnight commercial guest accommodation.

**Condition 14:** Landscaping to be carried out in accordance with submitted plan prior to the end of the first planting season.

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

#### 3.2.1. **Planning Reports**

The Planner's report noted that the site is zoned residential and is fully serviced. It was stated that the previous permission for a house on this site (10/915) had a larger floor area and footprint but that the ridge heights were similar. It was noted that the trial hole excavations for the previous permission had revealed that the site comprised made ground which was unsuitable for the substantial foundations that would have been required for that design. The current design uses the levels on site to create a basement and ground floor with a narrower profile which consumes less of the site. The positioning of the rear elevation c.1.6m to the north of the previous design was considered to reduce the potential for obstruction of sunlight to the property on the eastern boundary and the potential for overlooking of properties to the south. It was further considered that the proposed windows provide a design solution which helps to avoid overlooking and that the simple palette of materials would enable the dwelling to integrate into the estate. Issues regarding historic landslides in the estate were considered to have been satisfactorily addressed.

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

#### 3.3. **Other Technical Reports**

None

#### 3.4. **Prescribed Bodies**

3.4.1. **Irish Water** No objection was raised. It was stated that the developer would need to enter into a connection agreement with IW. It was further stated that IW infrastructure capacity requirements and proposed connections to same will be subject to the constraints of the IW Capital Investment Programme.

### 3.4.2. **Transport Infrastructure Ireland**

No observations to make.

### 3.5. **Third Party Observations**

Objections received by the planning authority from the owner/occupiers of Nos. 68, 93 and 95 Lackabane are on file for the Board's information. The issues raised are comparable to those set out in the 3<sup>rd</sup> Party appeal received and summarised in section 6 below. The concerns raised related to the following issues

- House breaks building line and due to its height, form and size is completely overbearing.
- Concerns regarding overlooking and overshadowing due to the size and positioning of the dwelling on the site.
- Concern regarding destabilisation and amount of excavation needed which could seriously damage adjoining properties. There is considerable history of landslides in the estate which resulted in flooding and the proposed development could exacerbate this due to size, layout and proposed levels.

## 4.0 **Planning History**

**94/884** – planning permission granted for construction of 161 no. dwellings, service roads, footpaths, ancillary site works and recreation area to serve same.

**99/877** – planning permission granted for alteration of previously granted house design and also to alter site layout, internal layout and minor amendments to external elevations.

**10/915** – permission granted to construct two detached 2-storey dwellings with hard and soft landscaping on site Numbers 93 and 94 (now known as Sites 92 and 93 respectively). The application had been for 4 houses, including one on each of two sites opposite. However, these were refused on the grounds of material contravention of a condition of a previous permission and of visual amenity.

**10/9915** - permission granted for extension of duration of 10/9915 to November 2020.

## 5.0 Policy Context

### 5.1. National Planning Framework 2018

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

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

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

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

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

### 5.3. Kerry County Development Plan 2014

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

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

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

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

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

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

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

**Chapter 13 – Development Management Standards** includes the following: -

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

**Building lines and private open space** – A minimum of 22 metres shall generally be provided between directly opposing first floor habitable rooms. This may be reduced subject to good design and the individual design requirements of the site where it can be demonstrated that residential amenity and adequate light is not compromised.

#### 5.4. **Killarney Municipal District Local Area Plan 2018 – 2024**

Killarney Municipal District LAP does not identify Fossa village as a growth centre under the core strategy. The vision for the village is to protect its lakeside character and setting and to continue to enhance its tourist potential. It is described as an attractive and popular residential location within easy commuting distance of

Killarney and Killorglin, which creates pressure for new dormitory development. The village is served by public water and wastewater and is connected to Killarney Main Drainage Scheme. **Objective FA-GO-01:** -

Ensure that new development shall contribute towards a compact settlement structure through making effective use of infill, brownfield and backland sites and preventing unnecessary ribbon development or development along the lakeshore.

The site is outside the development boundary for the village but is zoned 'Existing Residential' (R2). The objective for Existing/Developed/Residential Areas is to protect and improve these areas and to provide facilities and amenities incidental to those areas.

## 5.5. Natural Heritage Designations

The site is located within c.900m of Killarney National Park, Macgillycuddy Reeks and Caragh River Catchment SAC (site code 000365) and Killarney National Park SPA (Site code 004038).

## 6.0 The Appeal

### 6.1. Grounds of Appeal

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

- **Design and layout** – the design and layout are completely out of character with the surrounding development. The layout breaks the established building line and due to its form, size and design would be completely overbearing on the adjoining dwellings. The existing form and layout are consistent throughout the estate, whereby no dwelling protrudes further than any existing dwelling which avoids adverse impact on the amenities of the adjoining properties.
- **Height and scale** – the proposed development would result in a structure which is excessive in terms of height and scale relative to the established



pattern of development. Furthermore, the siting is such that it projects c.9m beyond the established rear building line which will result in overshadowing and overlooking and would be visually obtrusive. This is contrary to the original grant of planning permission for the estate.

- **Overlooking** – The scale and siting of the development will result in overlooking of the property to the east.
- **Overshadowing** – Projection beyond the rear building line will result in sunlight to the properties to the east being reduced due to the scale and height of the proposed dwelling.
- **Contrary to guidelines** - This would be contrary to the Sustainable Residential Development in Urban Areas Guidelines which refer to issues of daylight, sunlight, energy efficiency, privacy and security and private and communal open space.
- **Destabilization of substrata** – the proposal to reduce ground levels in close proximity to the adjoining dwellings could result in permanent alteration to the water table which would destabilize the existing substrata in an area which has already experienced significant flood events and landslides in the recent past. No reference is made in the documentation to the proposed methodology for reducing the ground levels and no information is provided regarding how the vertical face that will be excavated close to the boundary will be retained. A method statement should be provided in this instance due to the history of the area. It is a legal requirement to assess and minimise the risks within the proposal.

## 6.2. Response from first party

A response to the grounds of appeal was received from the first party on the 20<sup>th</sup> of May 2021. The response addresses each point made in the grounds of appeal in detail. The response is mainly in the form of a rebuttal of the grounds of appeal and the relevant points made will be referred to in the assessment below.

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

The P.A. has not responded to the grounds of appeal.

## 7.0 **Assessment**

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

- Appropriateness of design and layout
- Residential amenity of adjoining properties
- Structural stability issues
- Environmental Impact Assessment
- Appropriate Assessment

### 7.1. **Appropriateness of design and layout**

- 7.1.1. The site is an infill site within an established housing estate which is sited towards the end of a cul-de-sac, where a number of such infill sites have been incrementally developed in the recent past. It is accessed directly from the cul-de-sac and is bounded by a wall with a gateway and dished footpath. The site is one of four sites that had been included in the original planning permission for the phase of development relating to the northern end of the estate but had been omitted from the permission. Subsequently, an application (Reg. Ref. 10/915) for the construction of four houses (on the appeal site, the site to the west and two sites opposite) was determined by the P.A. This resulted in a split decision with the two houses on the northern side of the road being refused and the two houses on the appeal site and to the west being granted. This permission was subsequently extended until November 2020 and in the interim, the site immediately to the west has recently been developed with a very contemporary detached house.
- 7.1.2. The sites to the east and those on the opposite side of the road seem to have been developed earlier as two groups of detached houses with common design themes, and the setbacks of the dwellings to the east are stepped in line with the bend in the road. It is noted from the site layout plans for 10/915 that the proposed dwellings on the appeal site and that to the west were proposed to be stepped back from the front building line of No.93 (appellants) in a staggered manner. In this context, it is

considered that a reasonable degree of flexibility in the design and layout of the proposed dwelling would be appropriate.

7.1.3. Notwithstanding this, the design and layout of the adjoining houses, together with the gradient of the site and the information provided regarding the composition of the ground, have all influenced the design and layout. The layout and design of the sites on either side of the appeal site differ considerably, which presents a design challenge. The house to the east is quite close to the roadside boundary with a set back of c.4.5 metres, whereas the front setback to the west is almost 14 metres. The design of the appellants' house includes a significant level of fenestration on the side elevation facing the appeal site. The developer's agent has also pointed out that there is no consistent building line due to the 'soft bend in the road'. This also means that the front boundary at the eastern end of the site is several metres forward of the western end which is mirrored at the rear boundary. In addition, the developer's agent has advised that the site investigations revealed that the substrate is composed mainly of imported soil and made ground, which would be problematic in terms of supporting the foundations for a 2-storey house, as had previously been permitted on the site (10/915). Thus, there are several challenges and restrictions associated with the site which need to be factored into the design and layout of the proposed dwelling.

7.1.4. As such, it is considered that the proposed design and layout optimises the development potential of this restricted site. This is achieved firstly, by siting the building footprint approx. 7-12.7 metres from the front boundary, approx. 4-4.8m from the side boundaries, and c.17.13 - 20m from the rear boundary (i.e. 1.6m further than the previously approved house). Furthermore, by providing the bulk of the proposed accommodation at lower ground floor level, the proposed house is set into the sloping ground, which reduces the impact on adjoining properties. This compares very favourably to the dwelling that was permitted on the site under 10/915, the outline of which is shown in pink on the submitted site layout drawing 20634-HCD-ZZ-ZZ-DR-A-002/A1/C01. The permitted layout shows the dwelling set back less than 2m from the eastern boundary and approx. 15m from the rear boundary. Thus, the impact of the previously permitted dwelling would have been much greater than the layout currently proposed. The grounds of appeal include

further drawings which show the profile of the permitted house superimposed on the proposed section drawings.

- 7.1.5. The scale, mass and bulk of the dwelling has been kept to a minimum by the location of most of the accommodation at lower ground floor level and within the footprint of the previously permitted development. The proposed FFL (42m) is also shown as being below that of the appellants' (44.69m at front and 43.88m at rear). It is noted that the grounds of appeal address the request to match the rear building line of the appellants' house and show that it would give rise to greater levels of overlooking and loss of amenity than that proposed and that it would consume the front garden area, thereby eliminating the opportunity to provide on-site parking. The materials which consist of painted rendered walls, are considered appropriate given the siting of the dwelling in between the stone clad houses to the north and east and the brick and render house to the west.
- 7.1.6. It is considered, therefore, that the proposed dwelling, in terms of its scale, bulk, mass, height, design and siting, would be readily absorbed into the existing built form within the overall site and on adjoining lands. It is further considered that the proposal would not result in overdevelopment of the site or in a visually obtrusive element in the streetscape and would not injure the visual amenities of the area.

## **7.2. Residential amenity**

- 7.2.1. The appellants on the eastern side have expressed concern regarding loss of privacy and loss of light. However, it is considered that the siting and design of the proposed dwelling would not result in any significant degree of overlooking. This is due to the fact that the windows on the eastern elevation are either at a lower level or are designed as projecting wedge windows to prevent overlooking. The projecting wedge windows would have obscure glazing on the east-facing sections. There is a proposed covered balcony at upper ground floor level at the rear which would have aluminium louvres to prevent overlooking to the east or west. On the western elevation, the only two windows proposed are a frosted glass window to an ensuite bathroom and the living/dining room window which would also be fitted with aluminium louvres. The P.A. has required the replacement of the latter with a high-level window without louvres (Condition 7), and the applicant has not appealed this

condition. I would agree that a high-level window would provide for a better outlook and level of daylight to the room.

7.2.2. The rear elevation faces south, as did the previously permitted house that matched the design of the appellants' house. The southern boundary is screened by a mature and dense line of trees. I would agree with the planning authority that the proposed development reduces the potential of overlooking of neighbouring sites and that the design solution is acceptable in this regard.

7.2.3. The siting of the proposed dwelling would not give rise to any increased overshadowing of the property to the east due to the revisions to the design compared with that granted under 10/915 and to the relative orientation. It is considered that the rear garden of No. 93 faces south and maximises access to direct sunlight as a result. The proposed house projects southwards by 1.6m less than the layout permitted under 10/915. The proposed dwelling is unlikely, therefore, to result in any significant increased reduction in daylight or sunlight and would be likely to result in a reduced impact than if the permitted house had been constructed as approved. The appellants' house, which is of a similar design to the other Type G houses constructed to the east, have a significant degree of fenestration facing the site immediately to the west. However, this element would be forward of the proposed building line and would not therefore be affected by the proposed development. In fact, the increased setback from the northern and eastern boundaries in the current scheme would improve the level of daylight and sunlight to the west-facing windows of the appellants' property.

7.2.4. Given the separation distances and relative heights, together with the location and height of the boundary walls, and the provision of much of the accommodation at lower ground floor level, it is considered that the proposed dwelling would not give rise to any significant level of overshadowing of the adjoining properties. It is considered, therefore, that the residential amenities of adjoining properties would not be unduly affected by the proposed development.

### 7.3. **Structural stability matters**

7.3.1. The first party has responded to the concerns of the third party by stating firstly that the ground conditions on the site are such that it would be necessary to provide very

substantial foundations and hardcore build-up to support a dwelling of the design previously permitted. Thus, it was decided to remove the imported soil and to return it to its natural topography. It was stated that by constructing the proposed dwelling at this level, it would alleviate any potential for subsidence. The applicants have employed a local engineering firm with local knowledge to undertake the site assessment. The assessment findings are enclosed with the grounds of appeal.

- 7.3.2. It was confirmed that the water table was not encountered following excavation of 2 trial holes. The depth of fill was found to be c.2 metres and the most appropriate solution was considered to be removal of sub-strata material and either replacement with suitable fill or a basement design. It was considered that interference with natural groundwater routes would not be compromised by a single level basement within the site. It was further stated that the existing boundary walls to the front and the east are of concrete block with piers to foundations which are constructed approx. 1.5-2.0m below current ground level. It is submitted that a more detailed design response at this stage is unwarranted and would be prohibitively expensive as the project is conditional until planning permission is granted.
- 7.3.3. In response to the issues raised regarding historic landslides, it is stated that these matters were addressed in the construction phase of the overall estate and that engineering measures were carried out at the time on sites to the north of the estate road. This involved the construction of a retaining wall and drainage system designed by ARUP Engineers for the slope which addressed the problem. Details of this, including an engineer's certificate (constructed in October 2006) are included.
- 7.3.4. It is proposed to construct a retaining wall against the existing boundary wall with an appropriate design to meet the site conditions. The applicant proposes that a programmed sequence of works by a competent and experienced contractor in excavating and constructing the retaining wall to the east will mitigate against the risk of subsidence occurring. There is no reason to expect that, with the use of best practice methodologies and appropriate safety measures in place, that the foundations of adjoining properties would be affected by the construction of the proposed development.

#### 7.4. **Environmental Impact Assessment**

Having regard to the nature and scale of the proposed development within an established housing estate on serviced lands, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

#### 7.5. **Appropriate Assessment**

- 7.5.1. The site is located within 900m of two European sites, Killarney National Park, Macgillycuddy Reeks and Caragh River Catchment SAC (site code 000365) and Killarney National Park SPA (Site code 004038), which are situated to the south. There are no known hydrological links to the protected sites. Given the scale and nature of the development, the distances involved, that the site is located in an established urban area, on serviced lands, it is considered that no appropriate assessment issues are likely to arise.

#### 8.0 **Recommendation**

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

#### 9.0 **Reasons and Considerations**

Having regard to the planning history of the site, to the location of the site within an established housing area in close proximity to Killarney Town, and to the national and local policy objectives to encourage increased densities in such locations, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 16<sup>th</sup> day of March 2021 and by the further plans and particulars received by An Bord Pleanála on the 20<sup>th</sup> day of May 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows: -

- (a) The living/dining room window on the western elevation shall be replaced with a high-level window without louvres.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the residential and visual amenity of the area and of traffic safety and convenience.

3. Prior to the commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water. The dwelling shall not be occupied until water and sewerage services serving the development have been installed and functioning in accordance with the connection agreements made with Irish Water.

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

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



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

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

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

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

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

7. (a) All screen walls and boundary walls within the proposed development shall be constructed and finished in accordance with the details submitted to the planning authority on 9<sup>th</sup> February 2021, 16<sup>th</sup> March 2021 and the 20<sup>th</sup> day of May 2021.

- (b) Details of the location, design and construction method of any retaining walls, including those between plots, shall be submitted to the planning authority for written agreement prior to commencement of development.

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

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

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

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

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

10. The landscaping scheme on the drawing entitled Proposed Site Layout Plan as submitted to the Planning Authority on the 9<sup>th</sup> day of February 2021, shall be carried out within the first planting season following substantial completion of external construction works.
- All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interests of residential and visual amenity.

11. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

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

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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**Mary Kennelly**  
**Senior Planning Inspector**

**4<sup>th</sup> July, 2021**